

1. PURPOSE AND SCOPE OF ASSESSMENT

After the annexation of land on the edges of the city in 1998, West Point was faced with the task of appropriately zoning and planning the newly incorporated territories. The most immediate step was incorporating the area into West Point's A zone which is designed to be applied to rural areas. In these areas services are not yet available or are not of a capacity to support urban scale development. After a time of administering the A zone in the newly annexed areas, it has become apparent that the zone did not fully address the assumed planning goals for the area such as preserving and promoting rural character.

From this concern for preserving and promoting rural character, the West Point Planning Commission was charged with studying the issue in detail and developing a means of addressing any weakness discovered. The Planning Commission has proceeded to address the task by developing the following assessment and recommendations report for consideration by the Mayor and Board of Selectmen.

First, the report reviews the nature of community character and elements of structural appearance and design that shape that character. Secondly, the report reviews the existing development character of the annexed land and its various components. From this review, conclusions are drawn and character goals are determined. Finally, recommendations are made as to how the planning goals for the area may be implemented.

2. AUTHORITY TO PURSUE ISSUES OF COMMUNITY CHARACTER

Aesthetics began to stand on its own, as a planning and development issue in the 1950's with a U.S. Supreme Court decision *Berman v. Parker*, 348 U.S. 26 (1954). Language in this case (which involved, ironically, the condemnation of old buildings for urban renewal purposes) gave strong support for government action based solely on aesthetic considerations.

The Supreme Court Stated in the case that "*The concept of the public welfare is broad and inclusive ...The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of legislature to determine that the community should be beautiful as well as healthy, spacious as well clean, well balanced as well as carefully patrolled.*"

Another case reinforced this early decision when the Court stated "...[W]e emphasize what is not in dispute...This court has recognized, in a number of settings, that states and cities may enact land-use regulations or controls to enhance the quality of life by preserving the character and

the desirable aesthetic features of a city...”(Penn Central Transportation CO. v. New York City, 438 U.S. 104 (1978) at 129)

Several court cases offer guidance as to the nature of the legitimate use of design review standards. One of the most recent is from the Appeals Court of the State of Washington Anderson et al. V. City of Issaquah (70 Wn. App. 64(1993)). The case declared that design review is a legitimate extension of zoning authority. As th Court stated here “*While local governments must proceed carefully in enacting aesthetics based laws, they generally have substantial leeway in acting to protect community aesthetics.*”

But to be defensible, a design review procedure must include standards that will give unambiguous direction to applicants, designers, and decision makers. Terms must be defined and explained through documents available to all parties in advance of review,. Decision making body must follow adopted criteria and not set them aside, substituting personal opinions.

3. THE ELEMENTS OF CHARACTER

A. DEFINING CHARACTER

The first and most difficult issue in the addressing the issue of character in the annexed area is defining the elements that make up that character. Certainly the goals of maximizing order and promoting complimentary structural styles, compatibility and harmony will be recognized as highly desirable. Conversely, minimizing structural inconsistency, conflicting designs, and the elimination of disorder will be seen as worthy public interest goals. In considering the elements that define character, two are fundamental and are the subject of any zoning ordinance. These two are property development parameters such as lot size and property use which involves the structures that are placed upon the lands.

B. LOT AND PARCEL SIZE

The rural areas annexed are characterized by land parcels of substantial size, being 20 to 200 acres or more in size. There are also several subdivisions with lot sizes of one acre or greater. And there are parcels that would not qualify as large parcels, nor do they fall inside subdivisions. The parcels might be classified as mini-farms, of 3 to 20 acres in size. The A-O Zone requires a minimum lot size of 20,000 square feet accommodating about 2 dwelling to the acre. These minimum lot sizes create a much higher density than is currently

present in the area. Compatibility in development patterns will require a raising of minimum lot sizes to promote development that more closely matched existing patterns.

C. PROPERTY USE AND STRUCTURE

A similar compatibility concern is raised when the second factor, property use, is examined. Property use implies the specific activity carried out upon the land and the structure that houses that activity. In this case, the activities permitted in the A Zone present no conflicts with surrounding development or with the agricultural and residential activities that predominate in the area. Agricultural structures are exempted from zoning regulation in State Law so they are not the subject of examination. Residential structures are the primary subject of analysis.

The character producing elements of residential structures can be identified by examining roof pitch, foundation types, siding and exterior finishes, eaves, structure size and bulk, porches and other appendages, and site placement. When residential structures are considered with these elements in mind, it becomes immediately apparent that there are wide variety of disparate forms present, negatively impacting the character of the area.

4. REVIEW OF PREDOMINANT DESIGN PATTERNS

When reviewing residential structure for the character building elements cited above, two major categories of design forms are seen, and these are the designs present in manufactured housing and traditional site built housing.

Manufactured Housing is exempted from local buildings codes under a preemption order of the Department of Housing and Urban Development. They are built under a construction code produced by the same agency in 1976 and are often referred to as HUD Code Housing. The local government may, however, regulate the manner in which Manufactured Housing is attached to the ground.

By contrast, traditional site built housing may be fully regulated under locally adopted building codes. While specific dwelling styles may vary by structure, there is a minimum threshold for the structural design elements for each of these types of housing, both manufactured and traditional site built. The examples below will serve to illustrate the various design differences between the two.

A. ROOF PITCH

Roof pitch refers to the proportion of the rise of roof angles over the width or total span of the roof. This rise over run ratio is expressed in units of feet over the base unit of twelve feet, so that a pitch of 6/12 denotes a vertical rise of six feet over a horizontal distance of twelve feet.

In the figures below, Figure 1 illustrates the steepness of the traditional site built home in contrast to the manufactured home in Figure 3. While roof pitches on site built homes vary, they seldom are less than 5/12, while manufactured homes seldom have roof pitches greater than 3.5/12. The difference creates a stark contrast in the appearance of the dwellings. Figure 2 illustrates the differences in roof pitches.



Figure 1



Figure 2



Figure 3

B. FOUNDATION TYPES

Site built homes are built permanently attached to the ground by means of one of three types of foundations, the block foundation, the slab, or a conventional foundation framed with wood and resting on piers. Homes are meant to be permanent fixtures on a site. Manufactured housing is built so that it may be transported at any time of axils and tow equipment are installed. The differences produced not only the sense of permanence of the community by its taxation, and safety as well. Appearance differences are illustrated below in Figures 4 and 5.



Figure 4



Figure 5

C. SIDING AND EXTERIOR FINISHES

Site built homes overwhelmingly employ the horizontal clap board type siding in their construction. The character produced is deeply rooted in the aesthetic of the region and throughout the nation, without regard to its obvious functionality, keeping water from penetrating walls. Because manufactured homes have generally employed siding materials other than wood or its substitutes, such as metal, running siding horizontally is not required. Siding may appear as a non-textured solid wall, or it may be run vertically, setting up the

conflicting appearance as is illustrated in Figures 6, 7 and 8. A close comparison of the differences in siding is shown in figure 7.



Figure 6



Figure 7



Figure 8

D. EAVES

The projection of the lower edge of the roof of a structure beyond the face of a wall is known as an eave. Aesthetically, eaves add depth and texture to a building. Functionally eaves serve to protect buildings from water run off. When eaves are absent in building construction, the effect is quite noticeable. In comparing Figures 9 and 10, Figure 9 offers the depth and texture provided by an eave around the structure, While the absence of the eave in Figure 10 is obvious.



Figure 9



Figure 10

E. STRUCTURE SIZE AND BULK

While neither the size of homes nor their basic shape is regulated by local codes or the HUD Code, two very different building forms are produced by these two methods of construction. Manufactured Housing is required to be long and narrow so that it can be transported over roadways. Site built homes can be constructed according to personal preferences for space arrangements, and usually follows a more rectangular form. The only way to achieve this form in manufactured housing is by placement of multiple sections. These differences in structure size and bulk are illustrated in Figures 11 and 12.



Figure 11



Figure 12

F. PORCHES AND OTHER APPENDAGES

Rural residential construction traditionally has included porches, demanded by hot summers of the south. Other appendages such as garages and carports have been added to

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mmodate the automobile. Where porches are present in a dwelling, the lcoming appearance created stands in stark ast to traditional forms, and in ict with the nature of rural life. This element is asted in Figures 13 and 14.



Figure 13



Figure 14

G. SITE PLACEMENT

The manner in which a building is placed on a building site provides definition to the street. Single family dwellings usually address the street when located within sight of it. Primary entrances are generally located parallel to streets and roads. When this pattern is broken by locating the rear or narrow side of a dwelling to the street, disorder is increased. Differences in site placement are shown in Figures 15 and 16 below.



Figure 15



Figure 16

5. PLANNING GOALS IN THE A-O ZONE

After examining the disparate character producing land development and structural

elements within the A-O zoned areas of West Point, the Planning Commission engaged in discussions to determine if the public interest and general welfare of the community would be served by seeking a more consistent rural character within the annexed area. The Planning Commission determined that the public interest would be served by preserving the beauty of the rural sections of the city by minimizing the sense of disorder brought about by inconsistent and conflicting structural design.

The planning commission noted particularly the language of the U.S. Supreme Court that *"The concept of the public welfare is broad and inclusive ... The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled."*

Having made the finding that the issue was within the public interest and welfare of the community, the Commission set forth, and spread upon its minutes, the following goal for the A-O zoned areas of the City.

The elements of rural character within the rural areas of the City of West Point, generally zoned A-O, should be preserved and promoted. That character is best preserved and promoted through the application of large lots, residential development of low density, and the design elements traditionally displayed in the site built home as articulated in The Development Character of 1998 Annexed Lands, Assessment and Recommendations, November, 2000.

The current provisions of the A-O zone do not adequately support the goals for lot size, low density development, and structural design elements mentioned. There are several options for specific action that may be taken by the City of West Point Planning Commission and the Mayor and Board of Selectmen that will assist in achieving the planning goal so stated.

6. OPTIONS FOR ACTION

The West Point Planning Commission considered several options for action including changing lot size requirements, rezoning property, and the adoption of design standards. After consideration of the alternatives, the following standards were judged by the Planning Commission to be the most appropriate solution.

A. ADD STRUCTURAL DESIGN STANDARDS

In Chapter 13 of the West Point Zoning Ordinance, Minimum Property Maintenance and Community Appearance Standards are established. A section numbered 13.5.6 and titled Standards for the Preservation of Rural Areas should be established as follows:

In the A-O Zone and any other zone hereinafter established for the purpose of preserving and promoting rural character, the following design standards shall be applied to new construction of dwelling units:

- (a) The minimum roof pitch shall be 6/12
- (b) Roofs shall be finished with composition asphalt shingles or standing seam metal and material - 6/12, shingled of standing seem
- (c) Siding material shall be masonry, clap board, or simulated clapboard in design. All siding shall run horizontally. In no case shall metal or metallic materials be used as primary siding. Aluminum siding may be used when covering primary siding but its design shall be as stated in this item.
- (d) Structures shall be permanently sited and attached to the ground with either a slab, block, or conventional foundation.
- (e) There shall a minimum overhang of 6 inches at all eaves.
- (f) Structures shall be not less than 24 feet wide and no longer than 65 feet in length.
- (g) Front porches shall be covered with the same roof design as stated above.
- (h) Structures shall be oriented on a building site so that the front of the structure is considered as addressing primarily facing a any adjacent public street.

B. OTHER CONSIDERATIONS

In conducting the review for this report, it became apparent that the City of West Point could benefit from applying the above stated design standards to Manufactured Home Subdivisions and Mobile Home Parks as provided for by the City of West Point Zoning Ordinance. To that end, the amendment stated above should conclude as follows:

The above stated design standards shall apply to manufactured home subdivisions. These standards, with the exception of items d-h shall apply to mobile home parks.

7. RECOMMENDED ACTION

The City of West Point Planning Commission has carefully review the above proposed amendments to the City of West Point Zoning Ordinance and Map. After review, the Planning should proceed to hold a public hearing on the proposed amendments and proceed to amend the Zoning Ordinance and Map accordingly.

Sources:

1. Aesthetics, Community Character, and the Law, PAS Report 489/490, Duerkson and Goebel, American Planning 2. Association, December 1999
3. Design Review, Hinshaw, PAS Report 454, American Planning Association, Chicago, February 1995
4. American House Styles, A Concise Guide, John Baker, A.I.A., W. W. Norton and Co, New York, London, 1994
5. Preserving Rural Character, PAS Report 429, Heyer, American Planning Association, Chicago, December 1990
6. Manufactured Housing. Regulation, Design Innovations, and Development Options, Sanders, PAS Report 478, American Planning Association, Chicago, July 1998
7. City of West Point Development Code, West Point Mississippi, Adopted January 1, 2000

CERTIFICATION STATEMENT:

I, Robert L. Barber, Sr., AICP, do certify that to the best of my knowledge and belief that:

1. The statements contained herein are true and correct;
2. All information is presented in a manner that is accurate and unbiased;
3. The work was prepared according to the AICP Code of Ethics and Professional Conduct as well as AICP Technical Standards of professional practice;
4. Compensation was not based on a specific finding, professional opinion, or approval by a regulatory body.

Robert L. Barber, Sr., AICP