



City of Senolia, Georgia

**Creation of a New Zoning District**

MEMORANDUM

TO: Dina Rimi, Community Development Director  
FROM: Bill Johnston, Zoning Consultant  
SUBJECT: Creation of a New Zoning District and Amendment to the Official Zoning Map  
DATE: Friday, 17 May 2019

**FINDINGS**

The City Council of Senolia has initiated an amendment to the text of the Zoning Ordinance that would create a new residential zoning district. This district, referred to as the "Inclusive Community District," responds to goals adopted in the 2016 – 2036 Comprehensive Plan. Among these Community Goals are "Efficient Land Use:"

"Senolia will maximize the use of existing infrastructure and minimize the costly conversion of undeveloped land at the periphery of the community. This may be achieved by encouraging development or redevelopment of sites closer to the traditional core of the community; designing new development to minimize the amount of land consumed; carefully planning expansion of public infrastructure; or maintaining open space in agricultural, forestry, or conservation uses."

Also among these Plan goals are "Housing Options:"

"Senolia will promote an adequate range of safe, affordable, inclusive, and resource efficient housing in the community. This may be achieved by encouraging development of a variety of housing types, sizes, costs, and densities in each neighborhood; instituting programs to provide housing for residents of all socio-economic backgrounds; or coordinating with local economic development programs to ensure availability of adequate workforce housing in the community."

The City Council has also initiated an amendment to the Official Zoning Map that would rezone a 2.2-acre site on Howard Road at S.R. 16 to the Inclusive Community District. The site is owned by the City of Senolia. The site proposed for rezoning to the ICD and surrounding properties in the city are zoned R-40 Single Family Residential and developed in residential use. A 5.02-acre property located across Howard Road in unincorporated Coweta County is zoned RC Rural Conservation District and is developed as a place of worship, an institutional use often established in a neighborhood. The Future Land Use Map designates the 2.2-acre site as "Commercial/Mixed Use."

## Creation of a New Zoning District

Friday, 17 May 2019

The authority to regulate the use and development of property is granted to the City by Sec. 74-38. *Initiation of amendments* of the Zoning Ordinance and by the Georgia Zoning Procedures Law. The ZPL defines zoning as follows and authorizes the City Council to pursue the following legislative measures:

"Zoning" means the power of local governments to provide within their respective boundaries for the zoning or districting of property for various uses and the prohibition of different uses within such districts and for the regulation of development and improvement of real estate within such districts in accordance with the uses of property for which such districts were established.

"Zoning decision" means final legislative action by a local government which results in:

(A) The adoption of a zoning ordinance;

(B) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;

(C) The adoption of an amendment to a zoning ordinance which rezones property from one zoning classification to another;

(D) The adoption of an amendment to a zoning ordinance by a local government which zones property to be annexed into the municipality; or

(E) The grant of a permit relating to a special use of property.

"Zoning ordinance" means an ordinance or resolution of a local government establishing procedures and districts within its territorial boundaries which regulate the use and development standards of property within such districts. The term also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zoning classifications of property therein.

In granting such authority to local governments, the State of Georgia also establishes procedures controlling the exercise of that authority:

"While recognizing and confirming the authority of local governments to exercise zoning power within their respective boundaries, it is the intention of this chapter to establish as state policy minimum procedures governing the exercise of that power. The purpose of these minimum procedures is to assure that due process is afforded the public when local governments regulate the uses of property through the exercise of the zoning power."

Sec. 74-38. *Initiation of amendments* of the Senoia Zoning Ordinance authorizes City Council to initiate an amendment, that is, a revision to the Zoning Ordinance, including the zoning map, as follows:

"Each application to amend this article, the official zoning map, the grant of a conditional use permit or to amend zoning conditions shall be filed with the city clerk. An application to amend the text of the zoning ordinance may be initiated by the planning commission or submitted to the planning commission by the City Council of Senoia, or by any person owning property in the city."

## Creation of a New Zoning District

Friday, 17 May 2019

Amendments to the text of the Zoning Ordinance, such as the proposed creation of the Inclusionary Community District require that public notice be given and a public hearing held. Sec. 74-41. *Public notification* of the Senoia Zoning Ordinance establishes the procedures for notifying the public of a public hearing involving a zoning matter. Sec. 74-42. *Planning commission action*, subsection (b) requires that the rules and regulations for the conduct of its public hearing be available to the public:

“The planning commission shall adopt rules and regulations for the conduct of its public hearings, which are consistent with state law and are appropriate to its responsibilities. Such rules and regulations shall be published and available to the public.” Sec. 74-43. *Rules and procedures for public hearing and meetings* establishes rules and procedures for conducting public hearings.

Sec. 74-44. *Action by the city council* also requires that a public hearing be held prior to mayor and council taking any action on a proposed zoning amendment: “Before taking action on a proposed amendment and after receipt of the planning commission recommendation, the city council shall hold a public hearing on the proposed zoning amendment.”

### CONCLUSIONS

Sec. 74-46. *Standards governing the exercise of the zoning power of the City of Senoia* establishes the following standards or criteria for consideration of a zoning application. The criteria appear in italics; a response to each criterion is given below.

(1) *The existing land uses and zoning classification of nearby property.* As concerns the proposed zoning of properties appearing in Exhibit A, below, the nearby properties located in the city are developed in residential use on lots zoned R-40, Single Family Residential. The proposed single family residential use of this publically owned lot is consistent with the existing land uses and zoning classification on the nearby properties. The 5.02-acre tract directly across Howard Road and located in unincorporated Coweta County is zoned RC Rural Conservation District. The place of worship established on that property is an example of institutional uses that serve as community-building assets much as schools contributed to the fabric of the community and were once established within the neighborhood. The proposed use is compatible with the use and zoning of nearby property.

(2) *The suitability of the subject property for the zoned purpose.* The property is suitable for the proposed Inclusive Community District, a single family residential district, as the lot is situated within a neighborhood of Senoia, therefore developed in residential use.

(3) *The extent to which the property values of the subject property are diminished by the particular zoning restrictions.* While the property can be developed as zoned, the present zoning classification that requires a minimum lot size of one-acre does not accommodate development of affordable or workforce housing consistent with a goal adopted in the Comprehensive Plan. Similarly, that minimum lot size does not enable the owner to “provide housing for residents of all socio-economic backgrounds” as land costs dictate that market rate housing be developed on lots subject to that minimum.

## Creation of a New Zoning District

Friday, 17 May 2019

(4) *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.* The hardship imposed on the owner is severe, as their development objectives cannot be met given the R-40 zoning of the property. Very little gain to the public is apparent as the proposed land use is residential, consistent with surrounding land uses.

(5) *Whether the subject property has a reasonable economic use as currently zoned.* As stated, the property can be developed as zoned. However, given the goals of the public agency that owns the property, that is, to increase diversity in the Senoia housing stock and to create workforce housing options, development is not reasonable due to the high value of the land involved and the relatively low lot yield allowed by the current R-40 zoning.

(6) *Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property.* The proposed zoning will allow residential development. This is consistent with the use and development of adjacent and nearby property.

(7) *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.* Arguably, households choose lifestyles when selecting a neighborhood. Real estate values are predicated on the value of surrounding dwellings and lots. The proposed zoning will allow smaller dwellings on smaller lots that could impact home values and lifestyles chosen by surrounding residents. However, substantial buffers are required of developments in the ICD District. In addition, architectural design and material standards are enforced in the ICD. Finally, the small scale of the development proposed for ICD zoning substantially diminishes the impact on surrounding properties.

(8) *Whether the zoning proposal is in conformity with the policies and intent of the land use element of the comprehensive plan.* The 2016 – 2036 Comprehensive Plan contains numerous references that support the zoning proposal. As concerns housing, the Plan states: “Senoia will promote an adequate range of safe, affordable, inclusive, and resource efficient housing in the community.” In economic terms, the Plan states: “Senoia will maximize the use of existing infrastructure and minimize the costly conversion of undeveloped land at the periphery of the community. This may be achieved by encouraging development or redevelopment of sites closer to the traditional core of the community; designing new development to minimize the amount of land consumed. . .”

Among Community Policies adopted in the Plan are “We support increases in residential density in areas where community design standards, environmental constraints and available infrastructure capacities can satisfactorily accommodate the increased density.” The proposed ICD will accommodate medium density development, some five dwellings per acre, consistent with this Goal. These Policies also include: “We support new land uses that enhance housing options in our community.” The R-40 Single Family Residential District now assigned to the properties proposed for rezoning to the ICD yields one housing option, that is, developments on relatively large lots. Not all households desire and not all households can afford that development pattern. The proposed ICD zoning and property rezoning are consistent with a policy to enhance housing options in the Senoia community.

## Creation of a New Zoning District

Friday, 17 May 2019

The Future Land Use Map indicates the property proposed for rezoning to the ICD as "Commercial/Mixed Use." While a traditional single use of the property as is proposed is not consistent with this mixed use designation, the proposed use may be more compatible with adjacent uses, particularly those uses located within the city limits of Senoia.

*(9) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing street, transportation facilities, utilities, or schools.*

The Comprehensive Plan and the City budget anticipate receiving a share of the tremendous growth coming to the Atlanta region. The zoning proposal will not cause burdensome use of public infrastructure as the City contemplates such public improvements as sanitary sewer, sidewalks and street improvements to support future development. The increased density allowed by the ICD will actually enhance the efficiency and cost-effectiveness of public services delivery.

*(10) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

Statistics concerning the housing being developed in Senoia indicate that the price points are well out of reach of many residents. The supporting grounds for the zoning proposal are that escalation in housing prices precludes homeownership for a significant segment of the population. This impacts local employers who experience difficulty in finding employees. As commercial development in Senoia expands, this becomes a critical issue.

*(11) Whether the subject property contains jurisdictional wetlands of the United States. If so, the applicant will be required to document permit approval for the proposed development from the U.S. Army Corps of Engineers before any formal action can be taken on the zoning proposal.*

Should preliminary site analysis indicate the presence of jurisdictional wetlands, such documentation will be secured.

*(12) Whether the subject property may be large enough to qualify as a development of regional impact. If so, then an application for review must be filed with the regional commission.*

The property proposed for rezoning to the ICD is not of a scale to qualify as a development of regional impact, nor is the proposed density sufficient to trigger a DRI review.

### **RECOMMENDATION**

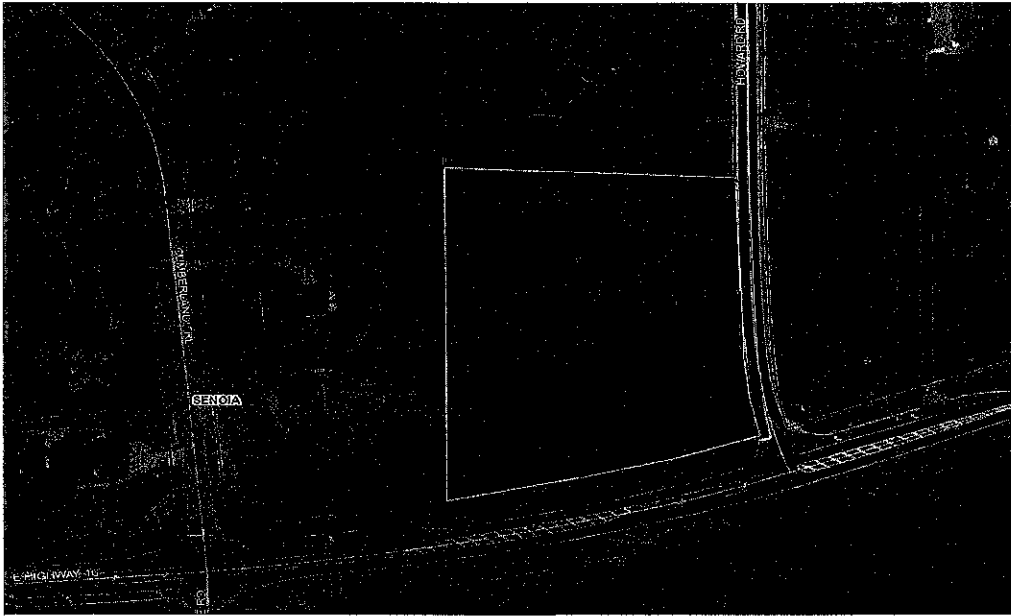
Based on the above findings and conclusions, approval of the text amendment that would add the ICD Inclusive Community District to the residential development options, primarily infill development on properties well served by public infrastructure, is appropriate. In addition, approval of the proposed amendment to the Official Zoning Map that would rezone the property at Howard Road and S.R. 16, the Parcel Identification Number being 163 1247 067, to the ICD is appropriate. Such zoning will advance important goals and policies of the Senoia Comprehensive Plan.

Creation of a New Zoning District  
Friday, 17 May 2019

- c. Mayor Jeff Fisher
- Councilman Chuck Eichorst, Mayor Pro-Tem
- Councilman Maurice Grover
- Councilman William "Dub" Pearman
- Councilman Dale Reeder
- Harold Simmons, City Manager
- Drew Whalen, City Attorney
- Debby Volk, City Clerk
- Dina Rimi, Community Development Director

- Attachments:
- Location Map
  - Snip of Senoia Zoning Map
  - Coweta County Zoning Map
  - City of Senoia Future Land Use Map

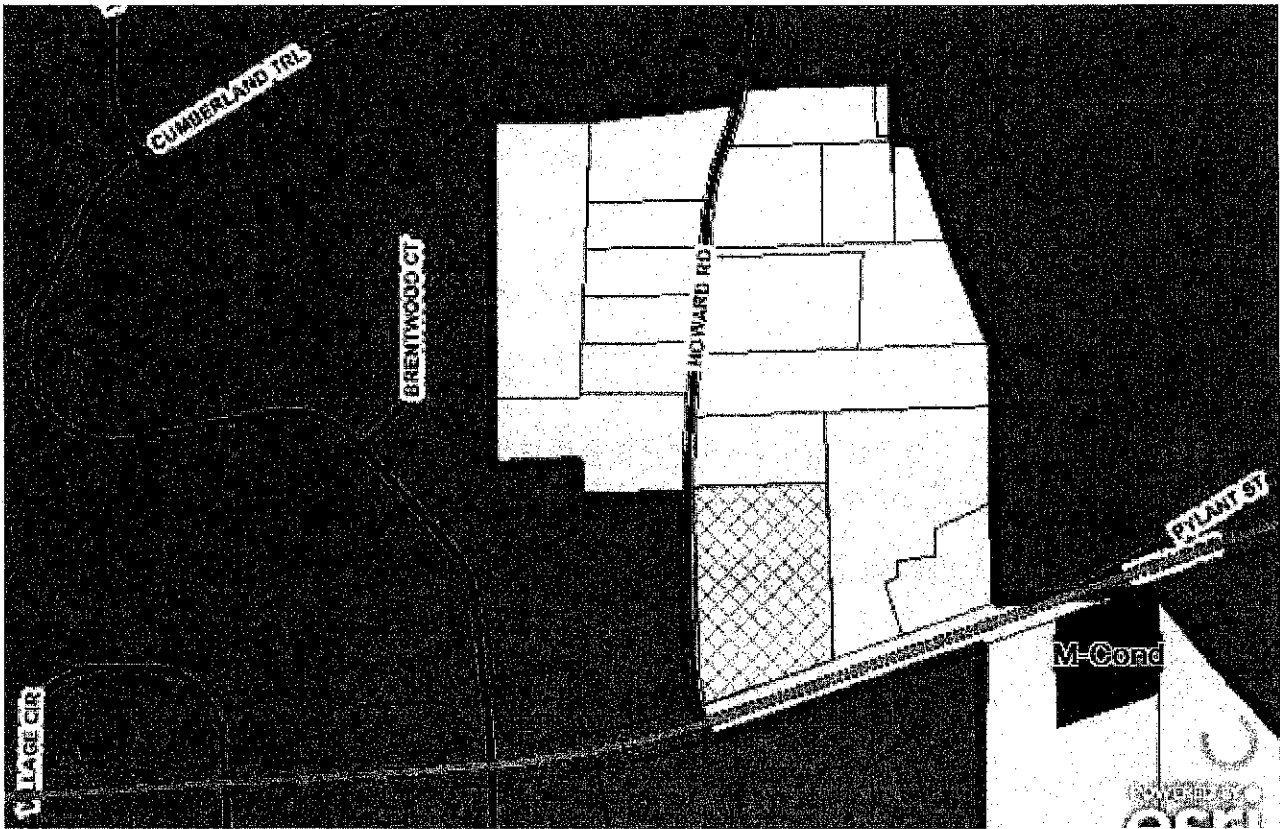
Location Map



Snip of Senoia Zoning Map



### Coweta County Zoning Map



### City of Senoia Future Land Use Map

