

**TABLE OF CONTENTS  
CITY OF SENOIA, GEORGIA  
ZONING ORDINANCE**

<b>ARTICLE 1-GENERAL</b>	<b>3</b>
1.2 Definitions	
1.3 Purpose of Districts	
1.4 Purpose of the Comprehensive Plan	
<b>ARTICLE 2-PLANNING COMMISSION</b>	<b>16</b>
2.3 Power and Duties of the Planning Commission	
<b>ARTICLE 3-AMENDMENTS</b>	<b>17</b>
3.1 Initiation of Amendments	
3.3 Application of Amendments	
3.6 Rules and Procedures for Public Hearings and Meetings	
3.9 Standards Governing the Exercise of the Zoning Power of Senoia	
3.10 Standards Governing Consideration of Application for Conditional Use	
<b>ARTICLE 4-NONCONFORMING USES</b>	<b>23</b>
<b>ARTICLE 5-ZONING DISTRICTS</b>	<b>24</b>
<b>ARTICLE 6-ZONING DISTRICT STANDARDS AND PERMITTED USES</b>	<b>26</b>
<b>ARTICLE 7-R-40 CONSERVATION SUBDIVISION DISTRICT</b>	<b>33</b>
7.2 General Regulations	
7.3 Area and Bulk Requirements	
7.4 Special Revisions for Historic Resources	
7.5 Greenspace Protection Standards	
7.6 Standards for Designation and Use of Greenspace	
7.7 Standards for Ownership of Restricted Greenspace	
7.8 Greenspace Management Provisions	
7.9 Greenspace Performance Bond	
7.10 Application and Approval Procedures	
<b>ARTICLE 7A- Intown Infill Redevelopment</b>	<b>46</b>
<b>ARTICLE 8-WATERSHED PROTECTION DISTRICT</b>	<b>49</b>
8.3 Purpose	
8.6 Site Plan Requirements	
8.7 Exemptions from Site Plan Requirements	
<b>ARTICLE 9-COMMERCIAL CORRIDOR OVERLAY</b>	<b>52</b>

<b>ARTICLE 10-CELL TOWER REGULATIONS</b>	<b>67</b>
10.4 General	
10.6 Requirements	
10.9 Standards for Review	
<b>ARTICLE 11-SUPPLEMENTAL REGULATIONS</b>	<b>72</b>
11.1 Exceptions to Development Standards	
11.6 Minimum Area for Lots Served by Septic Tank	
11.7 Fences and Walls	
11.8 Buffer Area	
11.18 Special Requirements	
<b>ARTICLE 12-STANDARDS FOR PERMITTED USES</b>	<b>78</b>
12.2 Accessory Uses and Structures-General	
<b>ARTICLE 13-TRAFFIC AND PARKING REQUIREMENTS</b>	<b>81</b>
13.5 Street Access Curb Cuts in other than R District	
13.10 Off-Street Automobile Parking	
13.11 Off-Street Loading Requirements	
<b>ARTICLE 14-ADDITIONAL POWERS AND DUTIES OF CITY COUNCIL</b>	<b>88</b>
14.2 Appeals and Hearings	
14.3 Notice of Hearings	
14.6 Conduct of Hearings	
<b>ARTICLE 15-LEGAL STATUS</b>	<b>91</b>
<b>APPENDIX "A" APPLICATION FORMS</b>	<b>93</b>

**CITY OF SENOIA-ZONING ORDINANCE  
ARTICLE 1-GENERAL**

**1.1 Purpose of Definitions**

For the purpose of interpreting this ordinance, certain words or terms used herein shall be defined as follows: Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural include the singular. The word “person” includes a firm, association, organization, partnership, corporation, trust, and company as well as individual. The word “lot” includes the word “plot”. The word “building” includes the word “structure”. The word “shall” is always mandatory. The words used or occupied as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied. The word maps, zoning map, or Senoia Zoning Map means the official zoning map of Senoia, Georgia.

**1.2 Definitions**

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 1. Accessory Structure or Use:** A use or structure customarily incidental and subordinate to the principal use or building located on the same lot with such principal use or building. A garage is not considered an accessory structure.
- 2. Amateur Radio Service Antenna Structure:** A tower and antenna for radio transmission and reception, which is maintained by a licensed amateur radio operator as an accessory structure.
- 3. Apartment Development:** A development of multifamily dwelling units developed in accordance with the provisions of this Ordinance.
- 4. Automotive:** All self-propelled vehicles, including automobiles, trucks, boats, motorcycles and motor homes; also accessory trailers.
- 5. Basement:** An area below the first floor, having more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground, used for storage, garages for use of occupants of the building, janitor or security guard quarters or other utilities common to the rest of the building. A basement used for any one (1) or more of the above purposes shall not be counted as a story.
- 6. Bed and Breakfast:** A private residence offering short-term lodging to paying guests. Service of meals shall be limited to breakfast and served only to guests or residents. The owner/operator shall be in permanent residence and when located within a residential area, operation shall be an accessory use and must not alter

the character of the premises with respect to the zoning district in which it is located. Thus, in an R-1 single-family residential district, a bed and breakfast establishment must maintain the appearance and character of a single-family dwelling. The operation of a bed and breakfast shall not adversely affect either the lifestyle of adjacent property owners, exterior architectural or environmental features of a property or landscape.

**7. Bedroom:** A room within a dwelling unit, which is normally used to provide sleeping accommodations for residents of the unit regardless of its daytime use.

**8. Boardinghouse and Lodging House:** A building other than a motel or hotel, where, for compensation, which may include cash, services or similar reimbursement, lodging for not more than twenty (20) persons is provided.

**9. Buffer:** A portion of a lot set aside for open space and visual screening purposes, pursuant to applicable provisions of this Ordinance, to separate different use districts, or to separate uses on one (1) property from uses on another property of the same use district or a different use district.

**10. Building:** Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of any individual, animal, process, equipment, good, or materials of any kind.

**11. Building Accessory:** A building which is clearly incidental to, and is customarily found in connection with and is located on the same lot as the principal use of the lot on which it is located.

**12. Building Setback Line:** The minimum horizontal distance allowed between the existing or future street right-of-way line and the principal building or structure on a lot or any projection thereof except the projections of unenclosed porches, steps, eaves, gutter and similar fixtures as permitted by this Ordinance.

**13. City:** The City of Senoia, Georgia.

**14. Child Care Facility:** A building or portion of a building where care and supervision is provided of persons away from their place of residence for less than twenty-four (24) hours per day on a regular basis for compensation. This facility serves nineteen (19) or more persons and is licensed by the State of Georgia; for children, the outdoor play area shall be enclosed by a fence of not less than four (4) feet in height in the rear yard only. For the purposes of this Ordinance the term "Child Care" shall include but is not limited to the terms "Day Care", "Nursery School", "Early Learning Center", "Pre-Kindergarten", "Private Kindergarten", "Play School" and "Pre-School".

**15. Child Care Home, Facility:** A customary home occupation which provides,

for six (6) or less persons who are not residents of the premises; care and supervision by a registered adult resident of Georgia for less than twenty-four (24) hours per day on a regular basis for compensation.

**16. Cluster Housing Subdivision:** A residential subdivision of at least ten (10) acres established pursuant to the provision of this Ordinance.

**17. Collector Street:** A street or highway shown as a collector street upon the transportation and thoroughfare plan of the City.

**18. Community Development Subdivision:** A development, which may encompass residential, neighborhood shopping and office-institution uses established in accordance with the provisions of this Ordinance.

**19. Comprehensive Plan:** A comprehensive, long-range plan intended to guide the growth and development of a community or region that generally includes inventory and analytic sections leading to recommendations for the community's future economic development, housing, community services, natural resources, population, historic resources, land use, and transportation, all related to the community's goals and objectives for these locations.

**20. Conditional Zoning:** The imposition of conditions in the grant of a rezoning application which are in addition to or different from the regulations set forth in this ordinance and which are related to the promotion of the public health, safety, morals or general welfare and designed to minimize the negative impact on surrounding lands. Such conditions may include, but are not limited to, restrictions on land use, height, setbacks and other non-use requirements, physical improvements to the property and infrastructure serving the property.

**21. Condominium:** Individual ownership units in a multi-family structure, combined with joint ownership of common areas of the building and grounds, in accordance with all applicable provisions of this ordinance and the Georgia Condominium Act, O.C.G.A. §44-3-70 et. Seq.

**22. Construction Vehicle:** Any vehicle (other than a passenger vehicle, a pickup or panel truck) whose primary purpose is use in land development and construction including, but not limited to, earth-moving equipment and dump trucks.

**23. County:** Coweta County, Georgia.

**24. Conventional Construction:** A dwelling unit constructed on the building site from basic materials delivered to the site; and which is constructed in accordance with the Standard Building Code of the Southern Building Code Congress International (SBCCI), and meeting the following development standards:

- (A) The home has a minimum width in excess of twenty-four (24) feet.
- (B) The pitch of the dwelling unit's roof has a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run, except that any such dwelling unit for which a building permit was applied prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the aforesaid building permit.

- 25. Density:** As used in residential categories of the comprehensive land use plan, means the number of dwelling units permitted per acre or other specified area of land.
- 26. Department:** The department charged with enforcement of the provision in which the term appears. When appropriate "department" includes the department head or the designated thereof.
- 27. Development Permit:** A permit that authorizes the use, construction thereon or alteration of any property within the incorporated limits of the City.
- 28. Dwelling, Multiple-Family or Multifamily:** A building designed for and containing four (4) or more dwelling units.
- 29. Dwelling, Single-Family:** A building designed for and containing one (1) dwelling unit.
- 30. Dwelling, Two-Family or Duplex:** A building designed for and containing two (2) dwelling units.
- 31. Dwelling, Three-Family or Triplex:** A building designed for and containing three (3) dwelling units.
- 32. Dwelling Unit:** A house or other structure or a portion of any building or structure designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.
- 33. Family:** One (1) or more person occupying a single housekeeping unit and using common cooking facilities. Families related by blood, marriage or law may have two (2) cooking facilities in a single-family dwelling unit when approved in accordance with provisions of this Ordinance.
- 34. Fast Food Restaurant:** An eating establishment in which food is prepared and served to the public over a counter or through a drive-in window. This use may also provide a patron area with tables and seating as a service to customers.

**35. Floodplain:** That area threatened by possible flood under normal to severe circumstances as shown on the most current Flood Insurance Rate Map, published by the Federal Emergency Management Agency.

**36. Floor Area:** The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

**37. Frontage:** The distance for which the boundary line of a lot and a street right-of-way line are coincident.

**38. Greenspace:** An area of undeveloped, open space that comprises that portion of a conservation subdivision reserved for permanent protection. Uses of greenspace are restricted in perpetuity through the recording of an approved legal instrument.

**39. Home Occupation:** Any business or occupational use customarily conducted within a principal dwelling or accessory building and carried on by the occupant thereof; provided that, such use shall not occupy more than thirty (30) percent of the heated floor space; provided, further, that such use is clearly incidental and secondary to the use of the dwelling as a residence and does not change the character thereof or reveal from the exterior that the dwelling is being used in part for other than a residence; provided, further, that there is no display, no stock and trade, and no mechanical equipment used except as such is commonly used for purely domestic household purposes. Such permissible occupations, include, in general, such personal services as furnished by a musician, artist, seamstress, cook or laundress, but shall not include such uses as barber shops, beauty parlors, tea rooms, tourist homes, animal hospitals, professional offices, wholesale, retail or manufacturing business.

**40. Hotel:** A building in which lodging or board and lodging are provided for at least twenty-one (21) transient guests 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 hours.

**41. Industrialized Home:** A home manufactured in accordance with the Georgia Industrialized Building Act and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of Approval issued by the Commissioner, and meeting the following standards:

- (A) The home has a minimum width in excess of twenty-four (24) feet.
- (B) The pitch of the home's roof has a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in conventional residential

construction, except that any such home for which a building permit was applied prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the aforesaid building permit.

**42. Junkyard:** Any use on private property involving the parking, storage or disassembly of junked vehicles, or wrecked or non-operable automobiles, trucks or other vehicles; storage, bailing or otherwise dealing in bones, animal hides, scrap iron and other metals, used paper, used cloth, used plumbing fixtures, old refrigerators and other household appliances, and used brick, wood or other building materials. These uses shall be considered junkyards whether or not all or part of these operations are conducted inside a building or in conjunction with, in addition to or accessory to other uses of the premises.

**43. Kennel:** Any location where boarding, caring for and keeping of more than a total of three (3) dogs or cats or other small animals or combination thereof (except litter of animals of not more than six (6) months of age) is carried on, and also raising, breeding, caring for or boarding dogs, cats or other small animals for commercial purposes; provided, however, nothing herein shall apply to structures designed and used for the containment of pigeons.

**44. Landfill:** A disposal site where solid wastes, other than putrescible wastes or hazardous wastes, are disposed of on land by placing an earth cover thereon.

**45. Lot Corner:** A lot fronting on two (2) streets at their intersection. When the frontage on one (1) street exceeds the frontage of the other, the one with the least frontage shall be deemed the front of the lot. However, the orientation of buildings and frontage to which street numbers are assigned shall be at the option of the developer.

**46. Lot Coverage:** The percentage of a lot, which may be covered with buildings or structures, excluding walks, drives and other similar uses, and recreational facilities, which are accessory to a permitted use.

**47. Lot of Record:** A lot which is part of an approved subdivision, a plat of which has been recorded in the office of the Clerk of the Superior Court of the County, or a parcel of land, the deed of which has been recorded in the office of the Clerk of the Superior Court of the County.

**48. Lot Parcel:** A developed or undeveloped tract of land in one (1) ownership, legally transferable as a single unit of land.

**49. Lot Width:** The distance from one (1) side lot line to the other side lot line measured at the minimum building setback line.

**50. Low Density Residential:** The Comprehensive Land Use Plan category which includes, but is not limited to, the following use: Single-family detached residential development.

**51. Major Thoroughfare:** A street or highway shown as a major thoroughfare upon the transportation and thoroughfare plan of the City.

**52. Manufactured Home, Class A:** A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act 42 U.S.C. 5401 et. Seq. (the HUD Code, which became effective on June 15, 1976), and meeting the following development standards:

- (A) Minimum width in excess of twenty-four (24) feet.
- (B) The pitch of the home's roof has a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in conventional residential construction, except that any such home for which a building permit was applied prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the aforesaid building permit.
- (C) The exterior siding consisting of wood, hardboard, vinyl, brick, or masonry. The exterior siding shall be comparable in composition, appearance, and durability to the exterior siding commonly used in conventional residential construction.
- (D) A curtain wall, solid except for required ventilation and access and constructed of masonry, is installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches.
- (E) The tongue, axles, transporting lights, and towing apparatus are removed after placement on the lot and before occupancy.
- (F) All manufactured homes must be installed in accordance with 8-2-160, et. Seq. of the Official Code of Georgia Annotated.
- (G) Landings of the requisite composition and size as per Section 1113 of the Standard Building Code of the Southern Building Code Congress International, with said provisions being expressly incorporated by reference herein as part of this requirement.

- (H) Manufactured homes are not permitted to be used as storage buildings.

**53. Manufactured Home, Class B:** A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with National Manufactured Housing Construction and Safety Standards Act 42 U.S.C. 5401 et. Seq. (the HUD Code, which became effective on June 15, 1976), but does not satisfy the criteria necessary to qualify the unit as a Class A manufactured home. All manufactured homes must be installed in accordance with 8-2-160, et. Seq. of the Official Code of Georgia Annotated. Manufactured homes are **not** permitted to be used as storage buildings.

**54. Motel:** A building in which lodging or board and lodging are provided for transient guests and offered to the motoring public for compensation in which ingress and egress to and from all rooms are made primarily direct from an exterior walkway rather than from an inside lobby.

**55. National Manufactured Housing Construction and Safety Standards Act:** The national building code for all manufactured homes built since June 15, 1976, written and administered by the U.S. Department of Housing and Urban Development; also know as the HUD Code.

**56. Nonconforming Building:** A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Zoning Ordinance, but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance.

**57. Nonconforming Use:** A use or activity that was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance, but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance.

**58. Nonresidential Development:** All commercial, office, institutional, industrial and similar lands and uses.

**59. Office Professional:** The land use category, which includes, but is not limited to, the following uses: Less intensive office and professional center land uses including low-rise office parks, single office buildings and houses converted to office uses, characterized by buildings that are three (3) stories in height or less.

**60. Open Space:** That portion of a lot, including yards, established pursuant to the requirements of this Ordinance as open space, which is open and unobstructed from its lower level to the sky, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not part of the roof of any portion of any building.

- 61. Parking Lot:** Any area designed for temporary accommodation of motor vehicles of the motoring public in normal operating condition, whether for a fee or as a service.
- 62. Parking Space:** An area of not less than nine (9) feet wide by eighteen (18) feet deep, the exclusive purpose of which is the parking of a vehicle.
- 63. Permitted Use:** A use by right, which is specifically authorized in a particular zoning district.
- 64. Personal Care Home:** Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two (2) or more adults who are not related to the owner or administrator by blood or marriage and is either licensed or otherwise approved by the Department of Human Resources pursuant to the provision of O.C.G.A. §31-7-12.
- 65. Planned Center, Shopping, Office, Institutional or Industrial:** Any planned concentration of at least three (3) business establishments which also provides planned and shared parking, access and service.
- 66. Planned Manufactured Home Community:** A lot used or intended for use as a residential area occupied by manufactured homes; and conforming to an approved Development Plan with appropriate and adequate community services, recreation facilities, utilities, streets, and sidewalks provided by the developer; where the resident owns or rents the manufactured home and rents the manufactured home space. All manufactured homes located within a manufactured home community must be installed in accordance with 8-2-160, et. Seq. of the Official Code of Georgia Annotated, and all manufactured home communities shall be designed in accordance with the applicable provision of Article 9 of this Ordinance.
- 67. Planned Shopping Development:** A commercial development of at least forty thousand (40,000) square feet on a site of not less than four (4) acres developed in accordance with the provision of this Ordinance.
- 68. Public and Institutional:** Refers to the comprehensive plan land use element category which includes, but is not limited to, the following uses: Government-owned facilities and institutions which are anticipated to remain in public use, including government offices and facilities, public hospitals and health care facilities, public schools, public colleges, public educational research lands, public park lands, and both public and private cemeteries.
- 69. Residential District:** Any district or use, the primary purpose of which is for residential dwelling units.

- 70. Restaurant:** A facility serving meals to the general public for a profit.
- 71. Restaurant, Drive-In:** Any restaurant where the primary activity is directed to the motoring public by providing curbside, carry-out, pickup and other related services.
- 72. SBCCI:** Southern Building Code Congress International
- 73. Self-Storage Facility:** A building or group of buildings in a controlled-access and secured compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' goods or wares.
- 74. Single-Family Attached Dwelling:** A dwelling unit on an individual lot attached to another dwelling unit on an adjoining lot by a common party wall.
- 75. Single-Family Attached Subdivision:** A subdivision development of single-family attached or other dwellings developed in accordance with the provision of this Ordinance.
- 76. Single-Family Detached Dwelling:** A dwelling unit on an individual lot unattached to another dwelling unit.
- 77. Site-Built Home:** See definition of Conventional Construction.
- 78. State:** The State of Georgia
- 79. Stick-Built Home:** See definition of Conventional Construction
- 80. 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 or, if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multistory building used for parking, excluding a basement, shall be classified as a story.
- 81. Street, Future Right-of-Way Line:** The right-of-way line, which has been projected and established as being required for any street, existing or future, under the transportation and thoroughfare plan of the City.
- 82. Street-Private:** Any right-of-way or area set aside to provide vehicular access within a development which is not dedicated or intended to be dedicated to the City, and which is not maintained by the City.
- 83. Street, Right-of-Way Line:** The dividing line between a lot, tract or parcel of land and a street right-of-way.

**84. Structure:** Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to, tennis courts, fences, swimming pools and buildings.

**85. Subdivision:** All divisions of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose (whether immediate or future) of sale, legacy or building development; it includes all divisions of land involving a new street to which the public has access (whether public or private) or a change in an existing street, and includes, where appropriate to context, the process of subdividing or the land subdivided; provided, however, that the following are not included in this definition:

- (A) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance.
- (B) The division of land into parcels of five (5) acres or more where no new street is involved.

**86. Transportation/Communications-Utilities:** Refers to the comprehensive land use plan category which includes, but is not limited to, the following uses: Public, semipublic and private land uses which provide transportation, communications or utility land uses.

**87. Yard:** That area of a lot between the principal building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. The minimum required width or depth of a yard shall be determined as the horizontal distance between lot or street lines and minimum setback lines as established by this Ordinance.

**88. Yard-Front:** A yard extending across the total width of a lot between side lot lines and being that area between the street lines and that line established by the front wall or walls of the principal structure projected to intersect the side lot lines.

**88. Yard-Rear:** A yard extending across the total width of a lot between side lot lines and being that area between the lot lines and being that area between the rear lot line and that line or lines established by the rear wall or walls of the principal structure projected to intersect the side lot lines.

**89. Yard-Side:** Extending the total depth of a lot between the front and rear yards and the area between the sideline and lines of the sidewall or walls of the principal structure.

### 1.3 Purpose of Districts

The various use districts, which are created by this ordinance, are adopted for the following purposes, among others:

1. To prevent flooding of improved property.
2. To prevent overcrowding of schools and other public facilities.
3. To achieve such timing, density and distribution of land development and use as will prevent overloading systems for providing water supply, sewage disposal, drainage, sanitation, police and fire protection and other public services.
4. To achieve such density, distribution and design of land development and use as will protect and preserve the design capacity of the streets and roads within the City and prevent traffic congestion and traffic hazards.
5. To encourage such distribution of population, land development and use as will facilitate the efficient and adequate provision of public services and facilities.
6. To achieve such density, design and distribution of housing as will protect and enhance residential property values, facilitate economic and adequate provision of housing and secure decent housing for every citizen.
7. To secure such accessibility, design and density of land development and use as will reduce fire hazards and fire losses.
8. To promote the continued and safe operation of general-purpose airports within the City.
9. To promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the City.
10. To encourage greater efficiency and economy of land development.
11. To preserve the City's natural beauty and encourage architecturally pleasing development.
12. To improve the quality of life through protection of the City's total environment including, but not limited to, the prevention of air, water and noise pollution.
13. To preserve the existing historical character of the City.

#### **1.4 Purpose of the Comprehensive Plan**

The Comprehensive Plan, which is adopted by resolution by the City Council of the City of Senoia, has the following purposes, among others:

1. To control, guide and direct growth and development in the City.
2. To protect, preserve and enhance the City's cultural, environmental, economic and social resources.
3. To identify current land uses in order to assist the City in making budgetary, utilities and other resource allocations.
4. To enable the City to predict future land uses for planning purposes.
5. To stabilize the land use and development expectations of the citizens of the City.
6. To assist the City in fulfilling its statutory and other legal obligations.
7. To provide a public document which will serve as a means of general information on land use and development for the citizens of the City and other interested parties.
8. To serve as official policy for the City of Senoia regarding land use decisions.

**1.5 Establishment, Adoption of Comprehensive Plan.**

By this section, the Comprehensive Plan adopted by resolution of the City Council is established as the official policy of the City concerning proposed land uses under which the incorporated areas of the City are divided into land use categories.

**1.6 The Comprehensive Plan Distinguished from Zoning**

The Comprehensive Plan does not alter or affect the existing zoning districts in the City, does not effectuate an amendment to the official zoning maps, and does not itself permit or prohibit any existing land uses.

**1.7 Land Use Element Update**

The Land Use element of the Comprehensive Plan shall be updated once (1) each year. This update will be used to identify current uses of land, emerging growth patterns and any significant change in land use policy as identified by the future Land Use Map of the Comprehensive Plan. This update shall also be used a policy in the City's consideration of proposed amendments to the zoning map or to the text of the Zoning Ordinance. All amendments to the City of Senoia Comprehensive Plan will be in accordance with the Minimum Planning Standards and Procedures of the Georgia Planning Act.

**1.8 Jurisdiction**

This Ordinance shall apply in all areas of the City.

**1.9 Compliance**

No land, building or structure shall be used, no building or structure shall be erected and no existing building or structure shall be moved, added to, enlarged or altered except in conformity with this Ordinance.

### **1.10 Remedies**

In case any building or structure is erected, constructed, reconstructed, altered converted or maintained in violation of any provision of this Ordinance, as amended, or any building, structure or land is used in violation of any provision of this Ordinance, as amended, or any person does anything prohibited by this Ordinance, as amended, shall, upon conviction of such violation, be guilty of a misdemeanor as provided by law. Each day that a violation exists shall be deemed a separate offense. Upon such violation, the City shall issue a citation for violation of this Ordinance requiring a presence of the violator in the City's municipal court. The City may also in such cases institute a complaint in a court of competent jurisdiction for an injunction or other appropriate relief to prevent an unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate such violation or to prevent the occupancy of such building, structure or land.

### **1.11 Penalties**

Any person who is convicted of a violation of this Ordinance shall be guilty of a misdemeanor, and shall be subject to a fine for each separate offense in an amount not to exceed one thousand dollars (\$1,000.00) and/or for confinement not to exceed twelve (12) months.

## **ARTICLE 2-PLANNING COMMISSION**

### **2.1 Establishment of Planning Commission**

The Senoia Planning Commission is hereby established. Said Commission shall consist of not less than three (3) and not more than five (5) members appointed by the City Council. The City Council shall appoint the members for two-year terms each. Any vacancy in the membership of the Commission for an un-expired term shall be filled by the City Council. Members shall be removable for cause by the City Council upon written charges and after public hearing.

### **2.2 Proceeding of the Planning Commission**

The Planning Commission shall elect a chairperson, a vice chairperson, and a secretary from its members who shall serve a one (1) year term beginning January 1 of each year. Officers may succeed themselves in office. The Commission shall adopt such rules and bylaws as deemed appropriate. Meetings shall be held regularly once a month and may be held at such other times as the Commission may determine. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating each such fact, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. All meetings of the Planning Commission shall be open to the public.

### **2.3 Power and Duties of the Planning Commission**

The Planning Commission shall review amendments to this Ordinance as provided in Article 3 herein. Additionally, the Planning Commission shall act as counselor to the City Council by planning and foreseeing future growth and changes in the City and shall perform any other duties and responsibilities as may be delegated by the City Council.

#### **2.4 Oath of Office**

A new commission member will take an oath of office at a City Council meeting prior to serving in the commission.

### **ARTICLE 3-AMENDMENTS**

#### **3.1 Initiation of Amendments**

Each application to amend this Ordinance, 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. An application for the grant of a conditional use permit may be initiated by an individual property owner or his authorized agent, the Planning Commission, or be submitted to the Planning Commission by the City Council. Unless initiated by the City Council, all applications to amend the Official Zoning Map or for grant of a conditional use permit must be submitted by the owner or his authorized agent and shall be accompanied by an appropriate fee set by the City Council. Such authorization of property ownership shall be notarized and attached to the application. An application for an amendment to the Zoning Map affecting the same property shall not be submitted more than once every twenty-four (24) months, said interval to begin with the date of final decision by the City Council. The twenty-four (24) month interval shall not apply to applications initiated by the City Council or the Planning Commission, except for amendments to the Zoning Map which were defeated by the City Council, in which case the interval required for the subsequent application shall be at least six (6) months. However, an application to alter conditions of rezoning may be submitted at any time.

#### **3.2 Amendment to Zoning Conditions**

An application to amend zoning conditions imposed by the City Council shall follow the same procedures required by Article 3 for amendment to the Zoning Map.

#### **3.3 Application for Amendments**

Each application to amend this Ordinance, the Official Zoning Map, the grant of a conditional use permit or to amend zoning conditions shall be filed with the City Clerk. (See Appendix A)

Applications shall be submitted in compliance with the following:

1. Text Amendment applications shall include:
  - A. Name and address of applicant.
  - B. Current provisions of text to be affected by amendment.
  - C. Proposed wording of text change.
  - D. Reason for amendment request.
  
2. Map amendment and Conditional Use Permit applications shall include the following:
  - A. A legal description of the tract(s) to be rezoned, including the street address and subdivision, if any, or area in which tract is located.
  - B. Seven copies of a plat, drawn to scale, showing north arrow, land lot and district; the dimensions, acreage and location of the tract(s); floodplain and flood hazard areas; unusual topographical features; current zoning of subject tract(s) and all adjacent properties; and existing structures. This plat shall be prepared by an architect, engineer, landscape architect or land surveyor, whose seal shall be affixed to the plat.
  - C. When any applicant or his attorney has made a campaign contribution aggregating \$250.00 or more to a local government official who will consider the application; and when said contribution was made within two (2) years immediately preceding the filing of the application for the rezoning action, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
    - a). The name and official position of the local government official to whom the campaign contribution was made; and;
    - b). The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for the rezoning action and the date of each contribution.

**The disclosure required by this section shall be filed within ten (10) days after an application for the rezoning action is first filed.**

- D. The names and addresses of the owners of the land and their agents, if any, together with a written notarized statement from the owner(s) authorizing the agent, if any, to seek rezoning on behalf of the owner(s).
- E. A letter of intent indicating specifically how the property is to be used.
- F. A completed application form for rezoning request.

3. Applications shall be submitted in accordance with a schedule adopted annually by the City Council, which shall provide that each application shall be submitted at least forty-five (45) days prior to the date on which it is to be considered by the City Council. The City shall set application fees for an application to amend the Official Zoning Map. A fee shall not be charged for applications initiated by the City Council.
4. An application shall not be withdrawn by the applicant after the legal advertising as required by this article shall have first appeared, except in accordance with section 3.3.
5. An applicant shall file site plans, renderings, construction specifications, written development restrictions and other conditions which the applicant proposes as binding conditions upon the development and use of the property involved in the application. If such conditions or alterations or changes thereto are proposed by an applicant and have not been filed as required by this paragraph, the City Council, at the time of the public hearing on the application, may defer any action on such application to a specific meeting date. At the hearing, during which the deferral is granted, the City Council shall specify the date of the hearing before the City Council and this action shall constitute public notice of such hearings and no additional notices shall be required prior to the hearings so scheduled by the City Council. The date designated for action of the application shall be set at a time, which will allow the applicant to comply with the filing requirements of this paragraph.

#### **3.4 Public Notification**

**Legal Notice:** Due notice of public hearings is required by the Planning Commission and City Council pursuant to this section's division (3.4). Due notice shall be published in the City's legal organ (newspaper) at least fifteen (15) days, but not more than forty-five (45) days prior to the scheduled public hearing. Notification shall include the time, place and purpose of the public hearing.

**Letters to Property Owners:** As to any application to amend the Official Zoning Map or the Comprehensive Land Use Plan or both, the City Clerk shall give notification of the requested application by certified mail to all abutting property owners as shown by County tax records. Said notice shall be sent to the address of said owner, which is on file with the County tax office. Such notification shall be mailed at least fifteen (15) days prior to the Planning Commission public meeting and shall include a description of the application and the date, time and place of the public meeting. Deposit of said notice in the U.S. mail shall satisfy the City's obligation to notify said landowners. If the application is initiated by the City or one of its agents or commissions the affected landowner shall be notified as set out above.

If the application is for rezoning of property, the notice described above is required with additional information, which is as follows: location of property, the present zoning classification and the proposed zoning classification. Also, a two-

sided legible sign shall be placed approximately perpendicular to the road(s) in a conspicuous location on the subject property containing the following information: date, time and place of public hearing, present zoning classification and proposed zoning classification. The sign(s) shall be posted at least fifteen (15) days prior to the scheduled public hearing.

### **3.5 Planning Commission Action:**

- A. The Planning Commission shall hold a public hearing on each application for an amendment. Notice of the Planning Commission public hearing shall be published in the legal organ of the County. The Planning Commission's recommendation shall be submitted to the City Council and shall be a public record. If the amendment is to change the Official Zoning Map, the Planning Commission may recommend approval or denial of the application or may recommend changes to applicant's request which would reduce the land area for which the application is made, change the district requested, or recommend conditions of rezoning which may be deemed advisable so that the purpose of this Ordinance be served and the health, public safety and general welfare of the City of Senoia secured.
- B. 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. The Planning Commission may also adopt conflict of interest rules to ensure that no member is entitled to rule on a matter in which such member has an interest either directly or indirectly.

### **3.6 Rules and Procedures for Public Hearing and Meetings**

- 1. Any member of the Planning Commission or citizen of Senoia shall talk to the Chairman when addressing any issues.
- 2. The Planning Commission members will not read citizen's letters or express individual citizen's opinion during a meeting. The only exception to this rule is when a citizen can prove hardship of being unable to attend. Citizens are welcome to attend and address the commission of their concerns or issues.
- 3. The applicant, applicant's designated representative or applicant's agent must be present at the public hearing. If none of the above is present, the application will not be discussed and will be continued to the next public hearing.
- 4. The Zoning Administrator will present the background of the application.
- 5. The applicant shall be heard for a limit of ten (10) minutes.

6. Commission members will question the applicant with any questions they may have at that time.
7. Owners of adjacent property shall be heard for a limit of five (5) minutes each.
8. Proponents and opponents shall be heard for a limit of ten (10) minutes for each side or equal time may be allowed at the discretion of the Chairman.
9. Applicant will be allowed to rebut any negative comments for a limit of five (5) minutes.
10. After all public comments having been heard, the public comment portion of the hearing will be closed.
11. The members will discuss the application. Members will be allowed to ask questions to anyone present at the hearing.
12. Upon a Motion and a Second by members, the Commission will recommend action to be taken upon the application.
13. The Planning Commission, within thirty (30) days from the date of the hearing, will make a recommendation to the City Council.

### **3.7 Action by the City Council:**

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. So that the purpose of this ordinance will be served, and the health, public safety and general welfare of the City is secured, the City Council may approve or deny the application, reduce the land for which the application is made, change the district or land use category from that requested by the applicant, impose zoning conditions as a part of the amendment, or allow an application to be withdrawn without prejudice with respect to the twenty-four (24) month limitation of this division. At a public hearing, action by the City Council to defer or continue the public hearing on a proposed amendment shall include a statement of the date, time and place of the deferred or continued public hearing at which the application will be considered, which statement shall constitute public notice of the deferred or continued hearing on the application, and no further public notice shall be required.

### **3.8 Zoning of Property to be Annexed into the City.**

When the application to zone property affects property to be annexed into the City, the City may begin procedures required by this division for an amendment to the Official Zoning Maps at any time on or after the date of the notice of the proposed annexation is provided to the governing authority of the County under H.B. 489. The public hearings required by this division shall be conducted prior

to the annexation of the subject property into the City. In addition to the other notice requirements in this division, the City shall cause to be published within a newspaper of general circulation within the territorial boundaries of Coweta County, a notice of the public hearings as required under provision of this division and shall place a sign on the property when required by this division, and shall otherwise comply with the procedures required under O.C.G.A. Chapter §36-66.

**3.9 Standards Governing the Exercise of the Zoning Power of the City of Senoia (Except for Consideration of an Application for a Conditional Use Permit):**

1. The existing land uses and zoning classification of nearby property.
2. The suitability of the subject property for the zoned purpose.
3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.
4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner
5. Whether the subject property has a reasonable economic use as currently zoned.
6. Whether the proposed zoning will be a use that is suitable in view of 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.
8. Whether the zoning proposal is in conformity with the policies and intent of the land use element of the Comprehensive Plan.
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.
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.
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.

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 Development Center.

**If, after a rezoning has been approved, development of the property has not been initiated within twelve (12) months of the rezoning-the property will automatically be reviewed by the Planning Commission for the purposes of initiating a new application to rezone it back to its original zoning district.**

### **3.10 Standards Governing Consideration of Application for Conditional Use Permits for the City of Senoia**

The existing land uses and zoning classification of nearby property;

The suitability of the subject property for the conditionally permitted use;

The extent, if any, to which the property values of adjacent and nearby property will be diminished by the grant of a conditional use;

The relative gain to the public, as compared to the hardship imposed upon the application for a conditional use permit;

Whether there are adequate buffers and access to or egress from the property so as not to unduly compound traffic congestion within the area;

Whether there are other conditions, such as lighting, location of structures, parking, or other considerations necessary for protection of surrounding and nearby property owners.

## **ARTICLE 4-NONCONFORMING USES**

### **4.1 Definition**

A lawful use of or vested right to use any building, structure, or land existing at the time of the adoption of this Ordinance or the adoption of any amendment thereto may be continued subject to the restrictions contained in this Ordinance, even though such use does not conform with the regulations of this ordinance except that:

1. A non-conforming use of structure shall not be changed to another non-conforming use.
2. A non-conforming use or structure shall not be extended or enlarged beyond the area of use or the size of the structure as it existed on the date of the adoption of this Ordinance or the adoption of any amendments thereto;

3. The non-conforming use or structure shall not be re-established after discontinuance of its use for six (6) consecutive months, regardless of intent or expectation to commence or abandon such non-conforming use.

#### **4.2 Intended Non-Conforming Use**

Any intended non-conforming use for which a vested right was acquired prior to the adoption of this Ordinance or the adoption of an amendment there to shall be prohibited unless such use is actually commenced within six (6) months of the adoption of this Ordinance or the adoption of an amendment thereto regardless of the intent or expectation to commence or abandon such on-conforming use.

#### **4.3 Alteration of Non-Conforming Use**

A non-conforming use or structure shall not be rebuilt or altered or repaired except as provided herein:

1. If the structure is altered or repaired, said alterations or repairs shall be in conformity with the building codes in force at the time of said alterations or repairs; provided, however, that said alteration or repair shall not extend or enlarge the structure being altered or repaired.
2. If the structure's floor area is damaged fifty percent (50%) or more, the structure cannot be rebuilt as to the non-conforming use. However, if the actual owner of the structure may rebuild regardless of the amount of destruction. The structure must conform to the zoning district.

### **ARTICLE 5-ZONING DISTRICTS**

#### **5.1 Establishment of Districts**

In order to implement the intent of this ordinance, the incorporated area of the City of Senoia is divided into the following districts:

<b>R-40</b>	<b>Single-Family Residential</b>
<b>R-40 C</b>	<b>Single-Family Residential</b>
<b>MR</b>	<b>Multi-Family Residential</b>
<b>OI</b>	<b>Office Institutional</b>
<b>GC</b>	<b>General Commercial</b>
<b>HT</b>	<b>Historic Town Center</b>
<b>I</b>	<b>Industrial</b>
<b>HN</b>	<b>Historic Neighborhood Overlay</b>
<b>WP</b>	<b>Watershed Protection Overlay</b>
<b>PR</b>	<b>Parks and Recreation</b>

##### **5.1-1 Single-Family Residential-R 40**

A single-family residential district allowing no more than one (1) principal dwelling unit per acre. The purpose of this district is to accommodate low-density single family residential development. Minimum lot size in this district is one (1) acre. This district may be served by individual

water and septic system provided, the regulations in Article 12.5 and 12.6 are followed by the owner.

**5.1-2 Single-Family Residential-R 40 C (See Article 7)**

A single-family residential district providing an opportunity for flexibility in lot design and building arrangement not afforded by the R-40 Subdivision District, allowing buildings and other improvements to be sited as a direct response to site conditions.

**5.1-3 Multi-Family Residential-MR**

Multi-Family residential district allowing two (2) units per acre for two family dwellings and no more than four (4) units per acre for all others. Multi-Family residential is allowed only where water and sewer are provided. The purpose of this district is to accommodate high-density development.

**5.1-4 Historic Neighborhood Overlay**

This overlay provides protection for the City of Senoia's historic neighborhoods from incompatible development and to advance long term plans for these areas. In the event regulations in the overlay and regulations for the underlying district are in conflict the more stringent shall apply.

**5.1-5 Office Institutional-OI**

This district is for offices, institutions and limited commercial activities not involving the sale, storage or processing of merchandise unless otherwise permitted.

**5.1-6 General Commercial**

The purpose of this district shall be to provide for and encourage the proper grouping and development of uses which include a wide variety of sales and services that will best accommodate the needs of the City and the traveling public in order to reduce highway traffic congestion, traffic hazards and blight along the highways of the City.

**5.1-7 Historic Town Center-HT**

The purpose of this district shall be to accommodate development, which will include a wide variety of sales and services, which locate in the City's historical central business district. This district delineated on Official Zoning Map and permitted uses are in accordance with underlying district and overlay regulations.

**5.1-8 General Industry-GI**

The purpose of this district shall be to provide areas for light and heavy industrial uses.

### **5.1-9 Watershed Protection –WP**

This district designed as an overlay zone is intended to provide protection for the City of Senoia’s drinking water supply. An overlay provides regulations for the delineated zone plus any regulations pertaining to the underlying zone. This district delineated on Official Zoning Map and permitted uses are in accordance with underlying district and overlay regulations.

### **5.1-10 Parks and Recreation-PR**

This district is designed to be a public park and open space district. Such parks and open space may be owned and/or operated by the City or the County and intended for public use. All improvements within these districts must be consistent with the approved park master plan (when it occurs) for the site of the City Comprehensive Plan. Land set aside as open space and placed under a conservation easement may also be classified in this district.

Conditional Uses: Library, meeting hall, athletic facilities, museum and public non-commercial picnic areas and campgrounds.

### **5.1-11 Intown Infill Redevelopment – IIR**

An Intown Infill Redevelopment District would create a special set of standards for some of Senoia’s challenging redevelopment sites that are targeted for infill redevelopment. While Mayor and Council, the Historic Preservation Commission, and the Planning Commission will provide oversight and guidance to the redevelopment of these properties, the intent is to allow greater flexibility and where appropriate, more compact development, to facilitate the redevelopment of these sites. Specific areas within the City in need of redevelopment under this proposed ordinance are the “old gin site,” public housing, the Brantley Institute/Old Public Works site, and the Burn Pit property.

## **5.2 Zoning District Map**

The boundaries of zoning districts are shown upon the map designated as the “Official Zoning Map, City of Senoia”. The Official Zoning Map, City of Senoia and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the Official Zoning Map, City of Senoia and all the notations, references and other information shown thereon were fully set forth and described in this Ordinance. The Official Zoning Map, City of Senoia as adopted, shall be attested by the City Clerk, dated the same date as the adoption of this Ordinance, and shall be maintained for public

inspection in the City Clerk’s office. Maintenance of the Official Zoning Map, City of Senoia shall be performed by the Zoning Administrator who shall make the actual changes to the Official Zoning Map, City of Senoia as amendments are made by the City Council. All changes shall be made to the Official Zoning Map, City of Senoia within 48 hours of the final decision of the City Council.

**5.3 District Boundaries**

When uncertainty exists with respect to the location of boundaries of any zoning district as shown on the “Official Zoning Map, City of Senoia”, the following rules shall apply:

1. Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately following the centerline of a street right-of-way, highway, railroad right-of-way line, stream bed or riverbed, such centerlines shall be interpreted to be such district boundaries.
2. Boundaries indicated, as approximately following platted lot lines shall be interpreted as following such lines.
3. Where district boundaries are indicated on the zoning map as approximately following the corporate limit lines, then such corporate limit lines shall be interpreted to be such district boundaries.
4. Where district boundaries are indicated on the zoning map as being set back from the centerline of a street right-of-way, road, highway, railroad, stream or river, and parallel thereto, then such district boundaries, unless otherwise specifically indicated, shall be interpreted as being at the scaled distance from the centerline of such street, road, highway, railroad, stream or river as being parallel thereto.
5. In case any further uncertainty exists, the City Council shall determine the location of boundaries.

**ARTICLE 6-ZONING DISTRICT STANDARDS AND PERMITTED USES**

**6.1 District, Lot Area, Yard and Height Standards**

The requirements regarding lot size, building size, and building placement on the lot for each zoning district shall be met as indicated in Supplemental Regulations and Table 6.1: Zoning District Area Yard and Height Requirements.

**Table 6.1: Zoning District Area, Yard and Height Requirements**

<b>Zoning District</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width at Setback Line (Feet)</b>	<b>Front Yard (Ft.) Width- Arterial And Collector/</b>	<b>Side Yard (Feet)</b>	<b>Rear Yard (Feet)</b>	<b>Max Building (Feet)</b>
------------------------	-------------------------	---	--	-------------------------	-------------------------	----------------------------

**Local St.**

R-40 SINGLE FAMILY RES	CON. DEV. OPTIONAL 1 ACRE	110	60/40	20	40	35		
<b>R-40 CONSERVATION DISTRICT-SEE ARTICLE 7 FOR GUIDELINES</b>								
MR MULTI- FAMILY RES.	1 ACRE FOR DUPLEX 2 ACRES FOR ALL OTHERS*	150	50/25	20	20	35		
150		50/20	20	20	40			
HN SEE ARTICLE 10 HISTORIC NEIGHBORHOOD OVERLAY								
WP SEE ARTICLE 9 WATERSHED PROTECTION OVERLAY								
OI OFFICE INSTITUTIONAL	½ ACRE	100	50/25	30 W/ 10 FT	20 W/ 10 FT **	40 W/ 20 FT	30 W/ 15 FT **	40
				BUFFER		BUFFER		
GC GENERAL	1 ACRE	100	75/30	50 W/ 30 FT	20 W/ 10 FT **	80 W/ 40 FT	30 W/ 15 FT **	40
				BUFFER		BUFFER		
HT								
I GENERAL INDUSTRY	1 ACRE	150	50/25	50 W/ 30 FT	20 W/ 10 FT **	60 W/ 30 FT	30 W/ 15 FT **	
				BUFFER		BUFFER		

**\*Note:** \*Multi-Family Residential shall be in areas served by water and sewer facilities. No individual on-site water and/or sewer will be permitted in this district. The City Building Inspector and the Coweta County Health Department shall approve all multi-family developments. \*\*See details for buffers in Section 12.8 and/or 12.9

**6.2 Appearance Standards**

Appearance standards shall apply to all single-family detached dwellings including site built housing, industrialized housing, and manufactured homes. Approval shall be granted upon the finding that such development shall meet or exceed the Appearance Standards as shown on Table 6.2: Appearance Standards for Single-Family Detached Dwellings.

**Table 6.2 Appearance Standards for Single-Family Detached Dwellings**

<b>Min. Dwelling Width</b>	24'
<b>Min. Roof Pitch</b>	4/12
<b>Min. Floor Area</b>	1500 sq. ft.
<b>Roof Materials</b>	See Note No. 1.
<b>External Siding materials</b>	See Note No. 2.
<b>Permanent Foundation</b>	Note No. 3 is required
<b>Utility Meter</b>	Mounted on Structure

**Notes:**

1. The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials or other materials approved by the building inspector.
2. The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, or vinyl lap or other material of like appearance.
3. Permanent foundation shall meet the requirements of standard building code. For manufactured homes, a masonry curtain wall un-pierced except for the required ventilation and access must be installed so that it encloses the area under the manufactured home to ground level.
4. For manufactured homes, a landing area is required and its width and length must be greater than or equal to the width of the entrance doorway.
5. Manufactured homes are required to remove all towing devices.

**6.3 Permitted Uses**

No principal building, structure or land use shall be permitted except in the zoning districts indicated and for the purpose permitted in Table 6.4. Each use is mutually exclusive and does not encompass other uses listed in the table. A principal use denoted by the letter “C”, is permitted only if a Conditional Use Permit is granted by the City Council. For uses not included on this list, where the Enforcement Officer is unable to determine clear placement, application shall be made to the City Council for interpretation.

**6.4 Permitted Uses**

**Table 6.4 Permitted Uses**

Permitted Uses	Zoning District						
	R40/C	MR	OI	HT	GC	GI	PR

ACCESSORY USES - subject to requirements in Article 13	X	X	X			X	
Advertising Display					X	X	
Agriculture Equipment Sales, Supply and Storage					X	X	
Ambulance Services					C	X	
Amusement Park – provided that facilities are not located closer than 1000 feet to a residential district					C	X	
Animal Care Facility – provided animal hospital or clinic shall be located at least one hundred (100) feet from any property zoned for residential use			C		C	X	
Antique Shop					X		
Apparel and Accessory Store					X		
Appliance Sales and Repair					X	X	
Art Gallery			C		X		
Athletic / Health Club & Facilities			C		X		
Assembly Hall, Civic Center			C		X	X	X
Auto/Motor Vehicle Race Track – Provided that facilities are not located closer than 1000 feet to a residential district						C	
Automobile and Truck Sales, Service and Repair					C	X	
Automobile Repair and Body Shop					C	X	
Bait Shop					X		
Bakery/Pastry Shop			C		X		
Bank or Financial Institution, Full Service			X		X	X	
Bank Auto Teller			X		X	X	
Bar, Tavern, Night Club					X		
Barber Shop			C		X	X	
Baseball Batting Cages					C	X	
Beauty Shop			C		X	X	
Billiard Hall					C		
Bed and Breakfast Home – Provided that rooms for rent are within a single family dwelling occupied by the owner as his/her principle residence; the same rental occupants shall not reside at the bed and breakfast for more than seven (7) consecutive days; breakfast is the only meal served and only to registered overnight guests, no person not a resident on the premises is employed at the business; the exterior appearance of the dwelling is not altered from its residential character except for safety purposes; and, the identification sign shall be no longer than two (2) square feet and not internally lighted.	C		X		X		
Boat Storage					C	X	
Boat Sales, Service & Repair					C	X	

Books, Cards & Stationary Stores			X		X		
Bottling Plant						X	
Bowling Alley					C		
Builder Supplies & Storage					C	X	
Building Material Sales, Supplies & Storage					C	X	
Bus Station					X		
Campground - public non-commercial							X
Car Wash Manual or Automatic					X	X	
Carpet Cleaning Store					X		
Carpet & Rug Sales, Floor Covering and Storage					X		
Cemetery, Private – Any plot of ground, building, mausoleum, or other enclosure used for the burial of persons of one collateral line of descent	X		C		X	X	
Cemetery, Religious Institution – A plot of ground, building, mausoleum, or other enclosure owned by or adjacent to a religious institution but used for the burial of persons who are generally members of that religious institution	C		C		X		
Cemetery, Public – A plot of ground, building, mausoleum, or other enclosure not located on property owned by or adjacent to a religious institution but used for the burial of persons.	C		C		X		
Child Care Facility			C		X	C	
Child Care Home	C				C		
Churches	C	C	C		X	X	
Cinema, Movie Theater					X		
Clinic, Public or Private			X		X		
Clubs and Lodges			X		X		
College, University or Junior College			X		X	X	
Concrete/Stone Cutting, Fabrications						X	
Congregate Personal Care Home			X		X		
Contractor Equipment – Material Storage					C	X	
Convenience Stores with out Fuel Pump Service					X	X	
Convenience Stores with Fuel Pump Service - provided that all fuel pumps shall be at least (15) feet from the street Right of way.					C	X	
Curio & Souvenir Shop					X		
Drug Store, Pharmacy			X		X		
Dwelling, Multi-Family		X			C		
Dwelling Single-Family Detached	X						
Equipment Rental, Industrial					C	X	
Equipment Supplies (Business & Industrial)					C	X	
Farming, Horticulture For Personal Use	X						
Flea Market					X	X	
Florist Shop			C		X	X	
Funeral Home, Mortuary					X		

Furniture, Home Furnishings & Equipment Store					X		
Garden landscaping Supplies					X	X	
Gasoline Station w/Auto Service – Provided all fuel pumps shall be at least fifteen (15) feet from the street right of way.					C	X	
Golf Courses & Club Houses	C	C			X	X	
Golf Driving Range					C	X	
Government Buildings	C	C	X		X	X	X
Grocery/General Merchandise Store					X		
Group Care Personal Home		X			X		
Hardware, Paint and Wallpaper Store					X		
Hobby, Toy & Game Store					X		
Home Occupation – Subject to Article 13	X	X					
Hospital, Health & Medical Institution			X		X		
Hotel					X		
Jewelry Store					X		
Junk Yard, Salvage Yard						C	
Laundry, Commercial Service					C	X	
Laundry Pick up and Dry Cleaning Service					X	X	
Laundry, Coin Operated					X		
Library			X		X		X
Liquor-Beer, Package Store					X		
Machine Shop, Fabrication, Welding, Sales, etc.						X	
Machinery Sales, Service and Repair					C	X	
Manufacturing Facility involving the mechanical or chemical conversion of raw materials into semi-finished or finished products						C	
Manufacturing Facility involving only the assembly of pre-manufactured component parts.						X	
Mini-Warehouse (Self-Storage Facility)					C	X	
Motel					X		
Museum			X		X		X
Nursery and Greenhouse – provided that no structure shall be located closer than one hundred (100) feet to any adjoining residential property.					X	X	
Office, Business, Professional			X		X		
Office Supply			C		X		
Parking Lot or Garage, Commercial			C		X	X	
Parks & Recreation Facilities	C	C	C		C	C	X
Pet & Dog Grooming Shop					C		
Print Shop					X	X	
Railroad Station					X	X	
Recycling Center w/ processing facilities						C	
Recycling Collection Station						X	
Repair Service, General Merchandise					C		

Repair Service, Heavy Equipment						X	
Restaurant – Drive In					C	C	
Restaurant - Non Drive In			C		X	C	
Retail Store Offering Common Merchandise					X		
Rooming and Boarding House	C				X		
School, Public, Private, Parochial	X	C	C		C	X	
Sewerage Treatment Facilities, Public or Private	C	C				X	
Shoe Repair					X		
Shopping Center					C		
Taxidermy					X	X	
Tire Sales and Service					C	X	
Transfer Station, Solid Waste						X	
Truck terminals, Freight Handling						X	
Utility Facilities (gas, electric, telephone, transformer stations)	C	C	C		C	X	
Veterinary Clinic/Animal Hospital/Grooming			C		X		
Video Sales and Rental					X		
Vocational School			C		C	X	
Water Treatment Facilities						X	
Wholesale Trade/Warehouse/Distribution Facilities					C	X	
Wrecker Services, Temporary Storage						C	

**ARTICLE 7-R-40 CONSERVATION SUBDIVISION DISTRICT**  
**Adopted December 1, 2003**

**1. Purpose**

The purpose of the R-40 Conservation Subdivision District (R-40C) is:

- a. Provide opportunities for flexibility in lot design and building arrangement not afforded by the R-40 Traditional Subdivision District, fostering the location of buildings and other improvements to accommodate site conditions, with street, blocks and lot layout sensitive to environmental constraints;
- b. Provide a more varied, innovative and efficient land development pattern;
- c. Promote new development compatible with existing uses, architecture, landscapes and local character;
- d. Provide standards reflecting the varying circumstances and interests of individual landowners, and the distinctive characteristics of their properties;

- e. Preserve unique and sensitive landscapes and site features by locating new building lots outside of such areas;
- f. Foster clustering of dwellings and structures on less environmentally sensitive soils to reduce the amount of paved surfaces and utilities;
- g. Minimize erosion and sedimentation by minimizing land disturbance and removal of vegetation;
- h. Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- i. Conserve scenic vistas from encroachment by development;
- j. Reduce perceived density by maximizing the number of dwelling with direct access to and views of greenspace;
- k. Retain and protect greenspace within residential developments for aesthetic, watershed protection and nonstructural stormwater management purposes;
- l. Promote interconnected greenways and corridors throughout the community, and
- m. Provide a means to attain the goals and objectives of the City of Senoia Comprehensive Plan relative to orderly growth, enhancement of environmental resources and preservation of rural character.

## **2. General Regulations**

- a. Applicants shall comply with all applicable provisions of the City of Senoia Zoning and Land Development Ordinances.
- b. Development of a Conservation Subdivision is available in the R-40(C) zoning district as a use by right.
- c. A public, community or individual potable water system shall serve all R-40 Conservation Subdivision District developments.
- d. Conservation Subdivision District development shall be served by public sewer
- e. The proposed development will be generally consistent with the goals and objectives of the City of Senoia Comprehensive Plan.
- f. The tract of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common legal authority and responsibility.

## **3. Area and Bulk Requirements under the R-40 Conservation Subdivision District:**

- a. **Density of Development.** The maximum number of dwelling units allowed shall be the gross total acreage multiplied by 0.9.

1. In addition to the maximum permitted number of lots or dwellings otherwise permitted within this District, applicant may contribute to elements specifically mentioned as goals and objectives in the City of Senoia Comprehensive Plan, including but not limited to Street Connectivity and Greenways. A density bonus shall be determined by increasing the density factor. Such bonuses shall be subject to the approval of Mayor and Council.

- b. **Minimum Floor Area of Principal Structures.** The minimum floor area for single-family detached structures within this district shall be 2,000 square feet.

- c. **Minimum Restricted Greenspace.** Designated restricted greenspace shall comprise no less than forty (40%) percent of the gross tract acreage and shall comply with all standards and criteria for greenspace contained in this Article.

- d. **Minimum Lot and Yard Areas.** No minimum lot area is prescribed, rather, the following lot and yard area regulations shall apply to any principal residential structure or any other building:

1. Siting of principal dwellings located on laterally adjacent lots shall maintain a minimum separation of 20 feet, at any point. Siting of all buildings located on lots adjacent to the rear shall maintain a minimum separation of 50 feet measured perpendicularly from the rear wall of any residential structure to any point on any other building not accessory to such residential structure.

2. Minimum separation between accessory buildings and the principal structures to which they are accessory at any point shall not be less than that prescribed by applicable provisions of the Georgia statewide minimum construction codes; minimum separation between accessory buildings and any other buildings shall comply with subsection 1.

3. No exterior windows, doors, or other openings shall be permitted in any portion of any principal or accessory structure located less than five feet from any lot line.

4. Where any portion of any principal or accessory structure is located less than five (5) feet from any lot line, a perpetual easement providing for maintenance of such structure, and measuring no less than five (5) feet in width from the affected walls shall be provided on the adjacent lot(s). This provision shall not apply to lot line(s) that separate two-family or multifamily dwelling units on the interior of the same principal structure.

5. The building setback from the right-of-way of any street shall be a minimum of 25 feet.

6. All proposed dwellings shall be sited as to be setback a minimum of 50 feet from the perimeter boundary of the tract. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from this standard.

7. While conformance to these area and bulk regulations is not dependent upon any specific minimum lot area or dimensions, applicants shall be required to demonstrate to the satisfaction of the Mayor AND Council that any lots established under the provisions of this section are of appropriate size and shape relative to the following factors:

- a. Establishment of suitable private yard areas for all residences; and
- b. Management of any adjacent greenspace areas.

8. In submission of subdivision and/or land development plans, applicant shall indicate the maximum feasible building envelope for each lot created in compliance with these area and bulk requirements. The setbacks and separation distances between building envelopes on adjacent lots must meet the provisions of subsections 1 – 4, above. Such plans shall indicate where the provisions of subsections 3 and 4 apply.

- e. **Maximum Tract Coverage** – Fifteen (15%) percent of gross tract area. Applicant shall calculate total permitted structure coverage in square feet and shall indicate on the Conceptual Plan the maximum coverage in square feet that will be assigned to each lot or parcel that will result from the proposed development.

#### 4. **Special Provisions for Conservation of Historic Resources**

Historic resources shall be preserved to the greatest degree practical through incorporation into development plans and design. Such resources shall include historic structures, ruins or sites, historic road or other transportation traces, paths and trails and any other historic landscape features.

**Density Bonus.** In addition to the maximum permitted number of lots or dwellings otherwise permitted within this District, applicant may establish dwelling units on lots through renovation or adaptive reuse of structures listed in the State or National Register of Historic Places, determined by the State Department of Natural Resources to be eligible for such listing or designated by the City of Senoia as historic in accordance with Historical Preservation Ordinance. Such bonuses shall be subject to compliance with the standards of subsection b., below. Except where physically infeasible due to location and/or structural characteristics, all such dwellings must comply with the requirements of this District.

a. **Standards for Historic Resources.** Applicant shall comply with the following standards where renovation or reuse of any structure is proposed in order to develop dwelling units in addition to the maximum otherwise permitted.

1. Construction plans for rehabilitation, alteration or enlargement of any historic structure shall be in substantial compliance with the Historic Neighborhood Ordinance.

2. Applicant shall demonstrate preservation of sufficient landscaped or buffer area surrounding historic structures to retain the integrity of the historical landscape setting. Applicant may demonstrate mitigation of impacts to historical landscape setting through introduction of vegetation or other screening in harmony with such landscape setting and through retention of view lines, which visually link historic structures to their landscape setting.

3. Facilities and equipment for heating and air conditioning, trash collection and compaction and other structural elements inconsistent with historical architectural themes shall be concealed architecturally or otherwise screened from view.

## **5. Greenspace Protection Standards.**

In utilizing the R-40 Conservation Subdivision District, the proposed design shall limit disturbance of all greenspace identified in the required conservation plan submitted in accordance with Sec. 8(a) of this Article.

a. Applicant shall demonstrate maximum conservation of scenic views from public roads and neighboring residential properties, utilizing existing vegetation, structures or topography or providing landscaping to screen the proposed development from view. At its sole discretion, Mayor and Council may reduce screening requirements where applicant submits individual building plans with sufficient detail to demonstrate, in terms of how buildings may be viewed from public roads or neighboring residential properties, reasonable maintenance of the tract's traditional rural character. Distance from public roads or neighboring residential properties may also be considered as a mitigating factor in review of building plans.

b. Applicant shall demonstrate compliance with all applicable state and/or federal regulation of streams and wetlands. Copies of all documentation concerning any proposed activity requiring submission of a wetlands delineation report, stream or wetland encroachment permit, or mitigation plan to the Georgia Department of Environmental Protection and/or U.S. Army Corps of Engineers shall be submitted to the City of Senoia at the time of submission to the agency or agencies having jurisdiction. Receipt of such documentation shall not be a

prerequisite for plan approval; however, approval shall be conditioned upon ultimate demonstration of compliance with all applicable regulation(s).

c. Existing stands of trees and individual trees having a DBH of eight inches (8”) or greater and other significant natural features, including streams, ridge lines, steep slopes, peaks and rock outcroppings, shall be inventoried. Such features shall be preserved to the greatest feasible degree. Removal or disturbance of such landscape features shall not occur on more than 25 percent of the total area they occupy, except where Mayor and Council are satisfied that overall community planning and greenspace protection objectives are best served through allowance of additional disturbance. For the purposes for this section, the extent of area occupied by any tree or tree mass shall be measured from the outermost drip line of such tree or stands of trees.

d. Inappropriate alteration of the natural terrain shall be prohibited. Developers of conservation subdivisions shall achieve a lot and street layout and grading plan that minimizes such alteration. All plans shall be subject to approval of the City Engineer who shall offer alternate layouts at the sole expense of the developer in instances in which such public objectives are not met.

## **6. Standards for Designation and Use of Greenspace.**

**a. Location.** The location and layout of greenspace shall be configured to promote adherence to resource protection standards established above, and shall further conform to the following criteria:

1. The greenspace shall be a minimum of forty percent (40%) of the gross tract acreage.
2. A minimum of 75 percent of greenspace shall be in a contiguous tract; interconnections having a width of less than 50 feet shall not be considered contiguous for the purpose of compliance with this standard.
3. A natural or landscaped buffer having a minimum horizontal dimension of 60 feet along arterials and major collectors and 25 feet along minor collectors shall be provided.

**b. Characteristics.** No portion of greenspace shall be credited toward the minimum greenspace area where such greenspace is characterized as follows:

1. Encompassed within the right-of-way or anticipated greenspace of any public or private street;
2. Located within 25 feet of any structure, except structures devoted to permitted open space uses;

3. Less than 50 feet in the narrowest dimension at any point, except public recreational trail or providing access to greenspace or common areas;
4. Occupied by any utility easement or anticipated utility easement; above-ground utility rights-of-way may be included within greenspace; however, may not be credited as greenspace. Large areas of impervious surface shall be excluded from the Open Space
5. Occupied by storm water management facilities;
6. Encompasses bodies of open water exceeding 5,000 square feet in contiguous area.
7. Encompasses impervious surfaces exceeding 2,000 square feet in contiguous area.

**c. Mandatory Greenspace Designation** The following lands are considered “Primary Conservation Areas” and shall be encompassed within Greenspace, unless the Applicant demonstrates to the satisfaction of the City Administrator that this provision would constitute an unusual hardship and be counter to the purposes of this Article. These lands shall receive a 100% credit toward the total acreage of greenspace:

- a. The regulatory 100-year floodplain;
- b. Buffer zones having a minimum width of 75 feet along all perennial and intermittent streams;
- c. Slopes greater than 25 percent and having a minimum contiguous area of 5,000 square feet;
- d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
- e. Populations of endangered or threatened species, or habitat for such species; and,
- f. Archaeological sites, cemeteries and burial grounds.

The following lands are considered “Secondary Conservation Areas” and shall be encompassed within Greenspace to the maximum feasible extent. These lands shall receive a 50% credit toward the total acreage of greenspace:

- a. Important historic sites;

- b. Existing healthy, native forests having a minimum contiguous area of one acre;
- c. Individual existing healthy trees greater than 8 inch dbh;
- d. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
- e. Prime agricultural lands having a minimum contiguous area of five acres; and,
- f. Existing trails that connect the tract to neighboring areas.

#### **d. Greenspace Uses**

The following uses may be established in Greenspace:

1. Agriculture, horticulture, silviculture, crop or pasture uses, provided that all applicable best management practices are followed to minimize environmental impacts, that such activities are not conducted within Primary Conservation Areas and provided further that such uses are subject to submission of a conservation plan approved by the City Council of Senoia;
2. Woodlands, meadows, wetlands, wildlife habitats, game preserves or similar conservation use deemed appropriate by Mayor and Council;
3. Public, common or private park or passive recreation area;
4. Active recreation areas, provided that such areas comprise no more than 10 percent of the total Greenspace and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces;
5. Walking or bicycle trails, provided such facilities are made of porous paving materials;
6. Natural, archeological or historical resource conservation areas;
7. Land application of wastewater, including individual systems, where permitted and where Mayor and Council are satisfied that adequate provision(s) for long term management and maintenance of the wastewater system are guaranteed;
8. Non-structural stormwater management installations;
9. Easements for drainage, access, and underground utility lines;

10. Structures clearly accessory to greenspace uses; and

11. Other conservation-oriented uses compatible with the purposes of this Article.

The following uses are prohibited in Greenspace:

(1) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;

(2) Agricultural and forestry activities not conducted according to accepted Best Management Practices; and

(3) Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

**e. Interconnection**

Greenspace shall be interconnected with greenspace on abutting tracts wherever possible. Provisions for pedestrian pathways for general public use to create linked systems within Senoia shall be encouraged. No such interconnection shall have a dimension of less than 50 linear feet.

A minimum of 75 percent of the Greenspace shall be in a contiguous tract. Greenspace should adjoin any neighboring areas of Greenspace, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future Greenspace.

**f. Easements**

Subject to provisions for designating minimum required greenspace as stipulated in this Article, utilities may be located entirely or partially within easements encroaching upon designated greenspace areas. Where utility facilities are so located, the appropriate parties shall establish easements satisfactory to Mayor and Council or the utility provider for the purpose of accessing and maintaining such facilities.

**g. Development Restriction**

Except to provide for permitted greenspace uses, designated greenspace shall be legally restricted from further subdivision or development by deed restriction, conservation easement or other legal agreement in a form acceptable to Mayor and Council, upon advice of the City Attorney, and duly recorded in the office of the Clerk of Superior Court of Coweta County.

#### **h. Multi-Phased Development Designation**

Where development under the R-40 Conservation Subdivision District is permitted to occur in two or more development phases, a proportionate amount of designated greenspace shall be permanently recorded with each phase.

### **7. Standards for Ownership of Greenspace**

#### **a. Ownership**

Subject to permanent conservation restrictions in accordance with Sec. 6(f) above, legal title to designated greenspace may be held by an incorporated homeowner's association, a land trust or any conservation organization or similar entity recognized by the City.

#### **b. Offer of Dedication**

The City may, but shall not be required to, accept dedication in the form of fee simple ownership of greenspace provided that each of the following conditions exists:

1. Such land is publicly accessible unless the City determines otherwise;
2. No cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance and recording fees are assessed to the City; and
3. The City agrees to, and has access to, maintain such lands.
4. The property is zoned as a PR zoning district.

Where the City accepts dedication of greenspace that contains improvements, Mayor and Council may require the posting of financial security, either in the form of a commercial surety bond or unqualified letter of credit (UCC format), to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 12 months from the date of acceptance of dedication. The amount of financial security shall not exceed 50 percent of the actual cost of installation of said improvements.

#### **c. Homeowner's Association**

A Homeowner's Association may hold title to the greenspace and associated facilities in common ownership. The Association shall be formed and operated under the following provisions:

1. The developer shall provide a Certificate of Incorporation for the Association from the Georgia Secretary of State, including bylaws and methods for financing the cost of maintaining the greenspace.
2. The Association shall be financially subsidized by the developer until at least 75% percent of the lots within the development have been sold.
3. Membership in the Association shall be mandatory for all purchasers of lots in the development and their successors or assigns. The conditions and timing of transferring control of the Association from the developer to homeowners shall be identified.
4. The Association shall be responsible for securing and maintaining comprehensive liability insurance on greenspace land, naming the City of Senoia as an additional insured; proof of coverage shall be filed with the City, upon written request.
5. All members of the Association shall equitably share the costs of maintaining greenspace. Shares shall be defined within the Association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair and maintenance of any capital facilities.
6. In the event of a proposed transfer of ownership or maintenance of greenspace by the Association to another entity permitted by this Article, notice of such action shall be given to all members of the Association. The consent of the City is required to effect any such transfer.
7. The Association shall maintain or hire adequate staff to administer common facilities and property and maintain the greenspace in perpetuity.

## **8. Greenspace Management Provisions**

### **A. Greenspace Management Plan**

Any application for rezoning to the R-40 Conservation Subdivision District shall include a long term plan for management of the greenspace that is to be created as part of the development. Such plan shall include maintenance and management of any wastewater disposal, water supply, storm-water management or any other common facilities which may be located within or adjacent to greenspace. Such a plan shall also include a narrative describing (1) the manner in which the greenspace and any facilities included therein will be owned and by whom the greenspace will be managed and maintained; (2) the conservation, land management and agricultural techniques and practices that will be used to conserve and perpetually protect the greenspace, including conservation plan(s) approved by Mayor and Council; (3) the professional and personnel resources

that will be necessary to maintain and manage the property; (4) the planned nature of public or private access to the greenspace; and (5) the funding source that will be available for such perpetual management, preservation and maintenance.

The greenspace management plan shall be recorded in Office of the Clerk of Superior Court of Coweta County together with the Final Subdivision Plat. The applicant shall provide a draft of the greenspace management plan with sufficient detail to demonstrate feasible compliance with the provisions of this Article with the filing of the Preliminary Plat submission. Mayor and Council may require that appropriate management contracts be established as evidence of the ability to adhere to the provisions of the approved management plan as a condition of approval. The greenspace management plan shall contain a provision that prohibits any amendment without written application to, and approval of, Mayor and Council to allow for changing circumstances inherent to the perpetual management of land. Approval of such application by Mayor and Council shall not be unreasonably withheld or delayed, provided the proposed amendment is feasible and consistent with the purposes of preservation of greenspace as set forth in this Article and provided further that the plan for such amendment avoids the likelihood that the obligation for management and maintenance of the land may become a responsibility of the City without the consent of Mayor and Council.

**b. Provisions for Maintenance of Greenspace Upon Default**

1. In the event the legal entity holding title to greenspace shall, at any time after establishment of a development containing designated greenspace, fail to maintain such land in reasonable order and condition in accordance with the greenspace management plan, the City may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the greenspace land in reasonable condition.

2. Failure to adequately maintain the greenspace in accordance with the approved greenspace management plan constitutes a violation of this Zoning Ordinance. The Zoning Administrator is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant of any violation, directing the owner to remedy the same within 20 calendar days.

3. Upon default by any entity responsible for maintenance of greenspace and/or associated facilities, where such maintenance is required under the terms of an approved greenspace management plan, any subdivision and/or land development plan for the property, zoning approval for the property, or under any applicable requirement of any City ordinances, permits, approvals or where such maintenance is otherwise necessary to abate a nuisance, emergency, hazard or other condition threatening persons, property, public health, safety or welfare, the City may, but shall not be obligated to, upon 20 calendar days (or lesser time

period in instances of emergency) written notice to the entity responsible to perform the necessary maintenance and otherwise remedy the condition set forth in the City's notice, enter upon the greenspace, accessing the same through any other lands of such entity as may be necessary to correct the condition provided in the City's notice. Within 30 calendar days, the responsible entity shall pay any and all costs incurred by the City in connection with such action upon written demand by the City. Upon failure of the responsible entity to pay such costs by the time required, there shall be added interest at the rate of 18 percent per annum as well as costs incurred by the City in collection of same. The City may also lien other property of the entity, if any, for the full amount due, plus interest, and foreclose such lien in the same manner as liens for taxes, or make demand upon any bond or letter of credit held in favor of the City.

### **9. Greenspace Performance Bond**

Where intended as common or public amenities, all landscapes improvements, plantings, access ways, and recreational facilities within designated greenspace shall be provided by the developer. A performance bond or other security shall be required to cover costs of installation of such improvements in the greenspace. The performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements in the Land Development Ordinance.

### **10. Application and Approval Procedures**

a. **Pre-Application Procedures.** To promote better communication and avoid unnecessary expense in the design of acceptable subdivision proposals, each developer is encouraged to meet with the Zoning Administrator and Planning Commission prior to filing an application for rezoning to the R-40 Conservation Subdivision District.

b. **Application Requirements.** The application for rezoning to the Conservation Subdivision District shall include a Conceptual Plat as outlined in the Land Development Ordinance for the City of Senoia. In the event any portion of the Land Development Ordinance is inconsistent with this Article, the more stringent regulation shall apply.

The following additional information shall also be included in the application:

1. Property boundaries;
2. All streams, rivers, lakes, wetlands and other hydrologic features;
3. Topographic contours depicting a maximum interval of 10 feet;
4. All Primary and Secondary Conservation Areas identified by type, as described in Section 6 of this Article;
5. General vegetation characteristics;

6. General soil types;
7. The planned location of Greenspace;
8. Existing roads and structures; and
9. Potential connections with existing greenspace and trails.

Sec. 4. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Sec 5. Except as modified herein, The Code of Senoia, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Sec 6. This ordinance shall become effective immediately upon adoption on second and final reading.

First Reading:            May 15, 2006

Second Reading:        July 3, 2006

## **ARTICLE 7A – INTOWN INFILL REDEVELOPMENT**

### **Purpose**

The purpose of the IIR district is to foster redevelopment in and around historic downtown Senoia. The district is conceived as a walkable environment encompassing a wide range of housing types intended to attract a broad spectrum of residents. As the town center is a finite space, varied residential development that is denser than development characterizing surrounding neighborhoods is encouraged, including multifamily, condominium, townhouse and loft development. For similar reasons, commercial intensification is also encouraged. Pedestrian character is expected to dominate the town center and public parks linked by broad sidewalks and paths on private development are planned to encourage walking. Architectural character is seen as an essential complement to the mix of uses and pedestrian amenities in bolstering a town center already known as a commercial destination.

### **Development Characteristics**

Development characteristics include “build to” lines designed to create walkable streetscapes and defined pedestrian spaces/settings, vertical mixed use to fully integrate dwellings with office and retail uses characteristic of historic downtowns and small, dispersed parking to de-emphasize cars. Human scale development as to both residential and commercial building mass is planned to achieve a pleasant neighborhood setting.

### **Geography**

The focus of the IIR district is those areas and adjoining lots designated in the Senoia Comprehensive Plan for in-town redevelopment, including the Gin Site, Brantley Institute/Old Public Works Building, Burn Pit Area and Senoia Public Housing. These areas are designated on the Future Development Map.

### **Site Plan Approval**

All development proposed shall be subject to site plan review by the Historic Preservation Commission and Planning Commission. Such plans shall define the form and density of the development. Mayor and Council shall approve final site plans upon a finding that the plan conforms to the objectives of the Comprehensive Plan, the standards of the Historic Downtown Senoia District and the Land Development Ordinance. For developments that are to be subdivided, such approval shall be considered as approval of the Conceptual Plat. Preliminary and Final Plats shall be completed according to the Land Development Ordinance.

### **Architectural Design**

Architectural styles and materials for commercial development shall conform to the Downtown Design Guidebook adopted by the City of Senoia. Residential development shall be in accordance with the guidelines adopted by the Historic Preservation Commission.

### **Permitted Uses**

The underlying zoning shall control the use of property, except that vertical mixed use, that is, residential and commercial in a common building, shall be permitted.

### **Buffering and On-site Amenity Areas**

Minimum buffer widths when adjoining residential uses at the periphery of the district, 15-foot buffer would be an absolute minimum. For locations where General Commercial and Multifamily adjoins Single-family detached, a 50 feet buffer shall be required.

All designs shall utilize pocket parks that comprise of no less than 10% of the gross tract acreage. Further, no unit shall be more than 400 feet from a park. Where distances greater than 400 feet are proposed, it shall be considered if the review committees are convinced that the distance requirement sufficiently off-set by the expansiveness of the park and its abundance of improvement amenities. When single-family residential is proposed with ½ acre lot or greater, this standard shall not apply.

### **Appropriate (or Tailored) Density**

The overall project density shall be determined by a site plan that is appropriate for the neighborhood in which the development is being proposed. In no case shall the density exceed 6 units per acre for single family detached development, 12 units per acre for townhouse development and a maximum of 24 units per acre for condominium and apartment development. No maximum shall be imposed on loft or vertical mixed use development as building height will control scale and density.

### **Maximum Commercial Building Mass**

Maximum floor area in a retail or office building shall be 20,000 square feet or the largest floor area in the downtown as of the date of adoption of this Article. The maximum floor area of a grocery store shall not exceed 30,000 square feet. Incentives for vertical mixed use shall include building bulk bonuses such as a 50 percent increase in building floor area.

### **Building Height**

Maximum height for single family dwellings shall be 35 feet as measured from the natural grade at the front corners of the dwelling to the ridgeline. Maximum height for all other buildings shall be 45 feet, except that no building having a height greater than 35 feet shall be established within 25 feet of a single family detached dwelling at the periphery of the Historic Downtown Senoia District. An increase in building height of one foot shall be permitted for every two feet above the 25-foot distance from such single family dwellings.

### **Minimum Greenspace Ratio**

The minimum greenspace ratio for mixed use developments shall be 15 percent. Developments that are solely commercial in character shall achieve a greenspace of 25 percent and residential development featuring only a single dwelling type shall achieve a greenspace ratio of 20 percent. Developments that feature a minimum of two dwelling types shall achieve a greenspace ratio of 10 percent.

### **Parking**

On street parking is encouraged throughout the redevelopment. Developers are encouraged to create small, dispersed lots that are well landscaped and link to destinations through broad, well-lit sidewalks and ample landscaping and pedestrian amenities. Parking requirements are relaxed and shared parking as well as leased parking by owners of "satellite" lots on which parking may be the primary use is permitted. The parking ratio for retail uses shall be one space for each 300 square feet of floor area available to the public, one space for every 250 square feet of office floor area and one space for every five seats in a restaurant. Off-street parking requirements for other

permitted uses are found in Table I. Off-site parking may be used to fulfill parking requirements subject to a written lease agreement, a location within 800 feet of the proposed use and linked by a lighted sidewalk.

Public Hearing:	November 27, 2006
First Reading:	November 27, 2006
Second Reading:	December 4, 2006
Effective Date:	December 5, 2006

## **ARTICLE 8-WATERSHED PROTECTION DISTRICT**

### **8.1 Definition**

The Watershed Protection District shall overlay other zoning districts so that all land lying within the Watershed Protection Districts shall also be included in the underlying district(s). Each parcel of land within the Watershed Protection District shall be subject to the provision, regulations and restrictions of the Watershed Protection District and its underlying district(s). In the event of a conflict or discrepancy between the requirements of the Watershed Protection overlay and the underlying district(s), the more stringent shall apply.

### **1.2 Findings of Fact**

In order to provide for the health, safety and welfare of the public and a healthy economic climate within the City of Senoia it is essential that the quality of public drinking water be assured. The ability of natural systems to filter storm-water runoff can be threatened by unrestricted urban and suburban development. Land disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, storm-water runoff, particularly from impervious surfaces, can introduce toxicants, nutrients, and sediment into drinking water supplied, making water treatment more complicated, expensive and rendering water resources unusable. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic water materials result in the potential risk of contamination of nearby public drinking water supplies.

### **1.3 Purpose**

The purpose of the water supply Watershed Protection District regulation is to establish measures to protect the quality and quantity of the present and future water supply for the City of Senoia. Also, to minimize the transport of pollutants and sediments to the water supply, and maintain the yield of the water supply watersheds.

## **8.4 District Delineation**

The protected water supply watershed districts are hereby designated, and shall consist of the land areas that drain to the public water supply intake or water supply reservoir. The ridgelines of the respective watersheds and the boundary of a radius seven (7) miles upstream of the respective public water supply intakes define the boundaries of these districts. These districts shall be further delineated and defined on the Water Supply Watershed Protection District Overlay Map of the City of Senoia Official Zoning Map, which is hereby incorporated and made a part of this Ordinance by reference.

## **8.5 Permitted Uses**

All uses allowed in the underlying zoning districts as established by this Ordinance except for those listed in Prohibited Uses below are permitted in the Water Supply Watershed Protection District, subject to the following conditions and standards:

### **8.5.1 Natural Buffer Requirements**

1. Within a seven (7) mile radius upstream of the public water intakes, a natural buffer, one hundred (100) feet wide shall be maintained on both sides of the stream, measured from the stream banks. Similarly, outside the seven (7) mile radius, a natural buffer of fifty (50) feet shall be maintained on both sides of the stream.
2. A natural buffer shall be maintained for a distance of one-hundred and fifty (150) feet from the boundary of any existing or future water supply reservoir.

### **8.5.2 Impervious Surface Limitations**

1. No more than twenty-five (25%) percent of the land area of any parcel or lot on which new development is placed may be covered by impervious surface within a designated Water Supply Watershed Protection District.
2. Within a seven (7) mile radius upstream of all public water intakes, no impervious surface shall be constructed within a one-hundred and fifty (150) foot setback area on both sides of the stream as measured from the stream bank.
3. Outside a seven (7) mile radius upstream of all public water intakes, no impervious surface shall be constructed within a seventy-five (75) foot setback area on both sides of the stream, as measured from the stream bank.
4. Septic tanks and the drain fields of septic tanks are prohibited in the setback areas of (2) and (3) above. *Amended June 5, 2000*

### **8.5.3 Exemption**

The following uses are exempt from the stream corridor buffer and setback requirements if they meet the stipulated conditions:

1. **Utilities**
  - A. Utilities shall be located as far as reasonably possible from the stream bank and shall not impair the quality of the drinking water stream.
  - B. Utilities shall be installed and maintained without changing the integrity of the buffer and setback areas as much as possible.
2. **Forestry and Agricultural Activities**
  - A. Agriculture activities involving the planting and harvesting of crops are exempted if they conform to the best management practices established by the Georgia Department of Agriculture.
  - B. Silviculture activities must conform to the best management practices established by the Georgia Forestry Commission.

### **8.6 Site Plan Requirements**

Except for the exemptions listed below all forms of development within the Watershed Protection District shall be required to have a site plan submitted and approved according to this Ordinance before any rezoning requests or building permits may be approved or any land disturbing activity may take place. Each site plan submitted shall include the following:

1. A site plan drawn to a scale and showing all planned improvements including width, depth and length of all existing and proposed structures, road water courses, drainage ways, water wastewater, and storm-water facilities and utility installations.
2. Location, dimensions, and area of all impervious surfaces, both existing and proposed on the site.
3. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or body of water.
4. Elevations of the site and adjacent lands within two hundred (200) feet of the site at contour intervals of no greater than five (5) feet.
5. Erosion and Sedimentation Control Plan.
6. Any facility in the process of expanding shall provide location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic waste.

### **8.7 Exemptions from Site Plan Requirement**

1. Repairs to a facility that is part of a previously approved and permitted development.
2. Construction of minor structures such as sheds or additions to single-family residences.

### **8.8 Prohibited Uses**

1. All sanitary landfills with or without synthetic liners and leachate collection systems.
2. Any facility using hazardous materials.

### **8.9 Activity Compliance**

All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of storm-water runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of vegetation during construction, or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of the City of Senoia Building Official. Minor changes such as realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

## **ARTICLE 9-COMMERCIAL CORRIDOR OVERLAY**

### **Highway 85 & Highway 16 Commercial Overlay City of Senoia, Georgia**

#### **Sec. A. Introduction**

Senoia Georgia is a small, enclave community with a recognized, historic town center. Senoia's early neighborhoods form a significant national register historic district. These historic assets lend character and an identity to the city and, together with Newnan, Senoia is one of only a few Southside communities with a sense of place.

Senoia lies along two regional arterials, Highway 85 and Highway 16, which form an important gateway to the community and is located within reasonable commuting distance of the Atlanta airport and major employment centers in the region. Downtown Senoia is the location of a station on the planned commuter rail line. At the doorstep of burgeoning Peachtree City in Fayette County, Senoia is poised for substantial residential and commercial growth.

Senoia seeks a commercial development model that will prevent creation of the all too familiar "strip commercial corridors" characterizing many undesirable commercial corridors.

The Senoia City Council tasked the City Administrator with developing the regulatory tools necessary to preserving the historic character of the community while accommodating projected growth. The City Administrator consulted with the Senoia Planning Commission that serves as the Historic Preservation Commission in framing the underlying concepts influencing this Highway 85 & Highway 16 Commercial Overlay.

### **Sec. B. Purpose**

The purpose of the Overlay is to establish architectural design and site development standards for regulation of development and construction on Highway 85 and Highway 16 in the city of Senoia. Residential growth in Senoia is expected to propel commercial growth along these arterials. The City seeks standards that will ensure development of architecturally appealing and functional commercial settings. It is the express legislative intent of this Overlay that strip or single lot, commercial development will undermine the objectives sought through adoption and implementation of this Overlay.

These standards are intended to give direction to both owners and potential developers of property encompassed by the Overlay. The further purpose is to ensure quality development and preserve and enhance Senoia's historic character and small town charm. The City of Senoia Comprehensive Plan projects an increase in population from an estimated 3,059 residents in 2006 to 7,800 in 2026. An expansion in commercial services will be needed to serve this market as well as the commuter market on Highway 85 and Highway 16. The Overlay is intended to encourage development consistent with the City of Senoia Comprehensive Plan.

### **Sec. C. Applicability**

The standards and requirements of this Highway 85 & Highway 16 Commercial Overlay shall apply to all commercial properties within the geography depicted on the Official Zoning Map of the City of Senoia. These standards shall apply to all new construction and shall apply to the affected portions of any redevelopment site or refurbished building where such renovation exceeds 50% of the assessed value within the Overlay.

Whenever the standards of the Overlay impose a more restrictive standard than the provisions of any other ordinance, statute or covenant, the standards of the Overlay shall govern.

### **Sec. D. Geography**

The general boundary of the Highway 85 & Highway 16 Commercial Overlay shall be defined by those properties having frontage on Highway 85, between Seavy Street and

the southern city limits, and/or on Highway 16, between the CSX rail line and the eastern city limits, to a depth of 1,000 feet. In no case shall these standards apply to that portion of Highway 85 properties also having frontage on an existing City of Senoia street that comprises a depth of 300 feet on the lesser street frontage. The actual overlay zoning boundary shall be as approved by the Mayor and City Council and as subsequently designated on the Official Zoning Map.

### **Sec. E. Definitions**

**Brick.** A durable fired clay product having nominal dimensions of no less or greater than 2-1/4 inches by 3-1/2 inches by 8 inches used as a permanent exterior finish material in building construction.

**Canopy Tree.** Any tree of greater or equal height and crown spread than surrounding trees; canopy trees typically reach a mature height of greater than 40 feet. Examples include beech, hickory, maple, oak, pecan, pine and sycamore.

**Cornice.** In classical architecture, the ornamental molding at the top of a wall, typically under the eaves, is divided into three parts: the architrave below, the frieze in the middle and the cornice above. Informally, the term cornice is used to describe all three of these moldings.

**Façade.** That portion of any exterior elevation on a building extending from grade to the top of a parapet wall, or eaves and comprising the entire width of the building elevation.

**Greenspace.** A natural area that does not comprise any portion of a required yard and is intended to afford an amenity to the public and contains no structures other than incidental pedestrian furnishings.

**Interparcel Access.** A private, vehicular way adequate to convey vehicular traffic from the subject property to adjacent properties in an unimpeded manner.

**Loading Area.** Space logically and conveniently located for pickup and delivery service, scaled to the vehicles expected to be used and accessible to such vehicles at all times.

**Lot of Record.** A parcel of land the subdivision of which has been legally recorded with the office of the Clerk of Superior Court of Coweta County, except that any subdivision of land recorded after date of adoption of the Land Development Ordinance shall have

been approved by the City of Senoia according to procedures defined in the Land Development Ordinance.

**Overlay.** A zoning tool that is established by ordinance to prescribe regulations that supplement, and are to be applied in combination with, those of the original, underlying zoning.

**Parapet.** That portion of a wall that extends above the roofline.

**Portico.** A colonnade or covered entrance, especially in classical styles of architecture; usually, a covered entrance of the building that is supported by columns.

**Primary Façade.** The building elevation that faces a street providing principal access to the lot and conveying traffic within and throughout the development. Such streets may be comprised of Highway 85, Highway 16 and the secondary access streets.

**Secondary Access Road.** A subordinate street intended to provide vehicle access to individual properties and designed to minimize the number of driveways directly accessing either Highway 16 or Highway 85.

**Secondary Façade.** The building elevation that faces a street providing access to the lot from the primary access street.

**Understory Tree.** Any tree or woody plant of lesser height and crown spread than surrounding trees. Understory species generally reach a mature height of less than 40 feet. Examples include cherry, crab apple, dogwood, magnolia, pear, redbud, holly, sassafras, and red cedar.

#### **Sec. F. Permitted Uses**

All uses of property that are permitted on a lot according to the underlying and primary zoning district, except those uses expressly excluded in Section G of this Article, are permitted in the Highway 85 & Highway 16 Commercial Overlay.

#### **Sec. G. Prohibited Uses**

The following uses shall be prohibited within the Highway 85 & Highway 16 Commercial Overlay:

- A. Automobile and truck sales, service and repair

- B. Automobile repair and body shop
- C. Billiard hall
- D. Boat storage
- E. Boat sales, service and repair
- F. Builder supplies and storage
- G. Bus station
- H. Contractor equipment – materials storage
- I. Dwellings
- J. Equipment rental – industrial
- K. Flea market
- L. Auto service
- M. Group personal care home
- N. Junk yard or salvage yard
- O. Machine shop, fabrication, welding sales, etc.
- P. Manufacturing facility
- Q. Mini-warehouse
- R. Recycling center or collection station
- S. Heavy equipment repair
- T. Rooming or boarding house
- U. Tire sales or service
- V. Truck terminal
- W. Wrecker services
- X. Pawn shops, including title pawn
- Y. Liquor stores
- Z. Check cashing outlets

## **Sec. H. Development Regulations**

1. Streetscape. A streetscape plan for all development in the Overlay shall be subject to approval by Mayor and City Council. Front yard landscaping areas shall be as provided herein along the entire property frontage, except where driveways or other openings may be required. Landscaping shall utilize fences, berms, walls, sidewalks, trees and other such methods subject to approval by Mayor and City Council.

The streetscape plan shall accommodate an undisturbed, natural buffer along the frontage of Highway 85 as provided herein. All development on Highway 16 and any secondary road shall maintain a landscaped buffer having a minimum horizontal dimension of 25 feet along all property lines abutting these roadways.

2. Underground Utilities. All on site utilities shall be located underground.

3. Site Development. Mass grading of a site shall be prohibited and all clearing shall be subject to Sec. H. of this Article. Projects to be developed in phases shall be issued land disturbance permits for only those phases or portions of phases to be built within a subsequent 12-month period.

4. Site Inspection. All required silt fence and tree protection fencing shall be installed and inspected before land disturbance commences.

### **Sec. I. Design Requirements**

1. Transportation infrastructure. A primary objective of the Overlay as concerns Highway 85 is establishment of a “secondary road network.” Such a network is intended to minimize disruption of traffic flow on Highway 85 and to provide opportunities for provision of abundant landscaping characterizing the Overlay. Platting of properties being developed within the Overlay shall afford construction and dedication of such a network either through provision of single loaded building sites to the rear of the secondary road or by platting of building sites along Highway 85. In either case, a 40-foot landscaped buffer or, at the developer’s option, a 30-foot buffer with berming having a minimum height of four feet, shall be maintained adjacent to the Highway 85 right-of-way, encroached upon only by public streets and sidewalks.

It is encouraged that each site plan submitted for any development within the Overlay provide for present or future dedication of right-of-way as previous platting may accommodate for construction of public roads. Such roads shall provide access to property interior to the development. Approval of any site plan for development along the proposed secondary access road shall be conditioned upon agreement of the developer of the property to fully fund the cost of construction of such proposed public road along that development’s frontage. The site plan shall consider the alignment of such secondary road on adjacent parcels and shall cooperate with the City in design and layout of an efficient and economical secondary road network.

Upon a finding by the City Engineer that a development poses inordinate traffic impacts, the applicant shall prepare a professional traffic study according to the Standard Traffic Methodology. In addition to the general standards of the methodology, the traffic study shall include weekend traffic generation and impact analysis. The traffic study shall also evaluate all intersections nearest to the site, or any area designated by the City Engineer.

2. Interparcel access. Interparcel vehicle access between all contiguous office and commercial lots is encouraged.

3. Access. All building lots along Highway 85 shall be accessed from a City road; direct access from Highway 85 shall be as determined by GDOT. No building lot shall have direct access from Highway 85 or Highway 16 unless specifically approved by the City.

No new driveway shall be permitted to provide ingress or egress to property on Highway 85 following adoption of this Overlay, except for the purpose of serving existing lots of record. Access to Highway 16 shall be controlled by limiting the number of curb cuts, which shall not exceed two for the first 200 feet of frontage, with 24 feet being the maximum curb cut width. The number of such cuts may be increased by one for each additional 150 feet of road frontage on Highway 16.

4. Street width. Where secondary roads are approved, the combined pavement and curb and gutter width of undivided streets within the Overlay shall not exceed 24 feet.

5. Parking. Unless a parking courtyard design can be achieved, off-street parking shall be uniformly distributed across the building site. In the case of freestanding buildings or shopping centers that do not have a street along the front and rear of the property, the area between the front of the building and the right-of-way shall be limited to a maximum of 25 percent of the required parking and limited to a maximum of one double row of parking. A maximum of 50 percent of off-street parking shall be located to the sides of the building, with the remaining parking located to the rear of the building.

Development tracts having no public right-of-way to the rear of the site and accommodating truck loading areas to the rear of the principal building shall be exempt from these requirements; however, parking located between the front of the building and the right-of-way shall be limited to a maximum of 50 percent of the required parking.

No parking or service areas shall be permitted within 50 feet of the property line of an adjoining residential zoning lot. Parking and service areas shall be separated from adjoining residential zoning lots using a suitable landscaped screen across the entire width of this 50-foot buffer, which may be provided in combination with a fence or wall. Installation of such fence or wall shall not be a substitute for plant materials distributed appropriately across the entire buffer. Such screening shall achieve a reasonable visual separation between the properties, subject to approval by the City Administrator.

**Parking**

A minimum of one parking space for every three hundred (300) square feet of commercial floor area available to the public shall be provided on all retail developments within the Overlay. Any parking area re-construction involving an area equal to or greater than 50 percent of the paved surface shall trigger compliance with this Article. Resurfacing shall not be deemed re-construction.

**Sec. J. Building Design**

Architecture and Building Materials. Buildings shall be designed to depict the appearance of 19th and 20th century architectural styles found in downtown Senoia. These styles consist primarily of brick facades having parapets and flat roofs.

Architectural design of all office and commercial structures shall comply with the following standards:

1. Building facades shall consist of architectural treatments of brick, stone, concrete stucco, cementitious siding or natural wood in combination with glass and metal as support and trim components, only. Metal sided or portable buildings, vinyl siding and aluminum siding shall be prohibited. Synthetic stucco shall also be prohibited as a primary exterior finish material, provided that accent features not exceeding 10 percent of the building façade may consist of synthetic stucco.
2. Buildings shall have flat roofs with a parapet wall; mansard roof styles shall be prohibited.
3. Architectural design of all commercial buildings shall comply with the following additional standards:
  1. Facades of multiple tenant buildings shall be varied in depth, parapet height or building materials to produce an appearance of multiple tenant occupancy. Two and three story is encouraged, and a minimum façade height of 24 feet shall be achieved.

2. A distinctive architectural entry feature shall be provided for individual tenant entrances for commercial spaces exceeding 10,000 square feet of leasable area.
3. All exterior walls visible from roadways or parking areas shall incorporate changes in building material and color or varying facade such as trellises, false windows or recessed panels reminiscent of window, door or colonnade openings, or storefront along every 150 linear feet of such wall.
4. Roof parapets shall be articulated to provide visual relief. Parapets shall include articulations or architectural features at a minimum rate of every 100 linear feet. The minimum height of articulations or such features shall be one foot, and may be provided as height offset or facade projections such as porticoes or towers.
5. Building design shall include minimum one-foot deep cornices, extending along the entire front of buildings and the sides of buildings a minimum of 10 feet.
6. Building design shall include a minimum one-foot high contrasting base, extending along the entire front of buildings and the sides of buildings a minimum of 10 feet. Building façade materials shall be combined only horizontally, with the heavier, more substantial materials placed below the lighter.
7. Windows. Blank, windowless walls are prohibited along primary and secondary facades. Street level storefronts shall consist of display windows comprising a minimum of 60 and a maximum of 80 percent of the primary and secondary facades. All other building stories shall have windows that equal a minimum of 30 percent and maximum of 60 percent of the total facade, with each story being calculated independently. Mirrored glass with a reflection index of greater than 20 percent is prohibited.
8. Roof-mounted Equipment. Roof-mounted equipment shall be screened from view or isolated so as not to be visible from any public right-of-way or residential zoning district within 150 feet as viewed from 5 feet above ground level. Roof screens and parapet walls shall be coordinated with the building to present a unified appearance.

Accessory structures. Accessory structures shall be constructed with the same materials as the principal structure and shall match the predominant façade colors and rooflines. Banding and roofing materials of accessory structures, which shall include, but not be limited to gasoline sales canopies, shall also match the materials and colors of the predominant façade.

## **Sec. K. Site Design**

### **Building Setback**

A minimum front and side yard setback shall correspond to the size of the buffer requirement in all commercial development.

### **Utilities**

All new utility lines shall be located underground. All mechanical, HVAC and like systems shall be screened on all sides by an opaque wall. Such screening shall be identical to the exterior finish materials of the principal building.

### **Landscaping**

All developments shall to the extent practical provide entryway berming for the purpose of shielding parking areas, loading docks, dumpsters, and similar areas from view by employing the following methods, in order of preference:

- Preservation of natural land forms, trees and other landscape elements
- Landscaped berms with asymmetrical groupings of plant materials, including trees and shrubs which are long lived, and indigenous to Senoia and this part of Georgia and 50 percent of which shall be evergreen species
- Landscaped berms with linear, open form fences

Buildings shall incorporate live plant materials as foundation plantings.

Any site furnishings such as railings, benches, trash receptacles and bicycle racks shall complement the building design and style.

A landscape buffer having a minimum horizontal dimension of 20 feet and an average horizontal dimension of 25 feet shall be provided along all property lines abutting roadways. A landscape buffer having a minimum horizontal dimension of 15 feet shall

be provided along all other property lines, except that a 50-foot landscaped buffer shall be established along all abutting residential properties.

A minimum of 8 percent of the parking lot shall be landscaped. Landscaped areas shall be protected by raised curbs or fixed wheel stops and shall have a minimum area of 120 square feet and minimum dimension of 6 feet. No parking space shall be located more than 100 feet from a canopy tree.

One canopy tree shall be planted for every 250 square feet of landscaped area. Shrubs shall be planted at a ratio of three for every one tree.

A minimum of 20 percent of all existing trees having a diameter of 12 inches or greater shall be retained. This requirement shall be in addition to the standards of any required landscape area; however, such retention may be achieved through tree preservation within such areas.

### **Detention Facilities**

Detention ponds or retention areas shall be designed to blend with adjacent landscaped areas to the greatest possible extent. Such stormwater facilities may be located within a buffer; however, when located adjacent to the perimeter of the building site, fenced ponds shall not be located in a front yard or within 50 feet of a property boundary.

### **Signs**

Developments shall be limited to one freestanding monument sign per public street frontage. Developments having in excess of 500 feet of frontage on a single road may erect one additional monument sign for each such additional 500 linear feet of frontage. Individual buildings or business storefronts, for placement of wall signs, shall also be limited to one sign per street frontage. Wall signs shall be limited to one (1) non-illuminated wall sign per individual business having maximum dimensions of three (3) feet in height and a maximum total area of 24 square feet.

Signs shall be monument style having a maximum height of 8 feet and maximum area of 64 square feet; construction materials shall match those of the principal building. Specific dimensional requirements for signs shall be as specified in the Senoia Sign Ordinance.

Sign illumination shall be indirect and shall not exceed seventy-five (75) foot-candles.

Lettering on signs shall be limited to 18 inches by 18 inches.

### **Loading Areas**

Loading docks and loading areas shall be located or screened so as to be concealed from view from neighboring streets and properties. No loading dock shall be located between the primary or secondary façade of any building and a public street.

All loading docks shall be screened from view of any street or residentially zoned lot by a continuous planting of evergreen shrubs. Shrubs shall be moderately growing, be a minimum height of six (6) feet at time of planting, and reach a height of eight (8) feet within two years of planting.

Commercial properties that adjoin a residential zoning lot to the rear shall enclose loading areas using a masonry wall constructed of materials and exterior finishes identical to the side elevations and having a minimum height of 6 feet and a maximum height of 10 feet.

### **Outdoor Storage**

No unenclosed, outside storage shall be permitted. Such enclosure as will permit unroofed, outside storage shall be comprised of walls having a minimum height of 6 feet, but in no case less than the height of equipment, materials, merchandise or other goods to be stored or exceeding 10 feet in height. These walls shall be identical in exterior finish materials to the walls of the primary or secondary façade of the principal structure. Fencing, with or without typical fence screening materials, shall not be considered as a screening wall. Chain link fencing is prohibited.

Outdoor display of merchandise shall be permitted provided such display is located adjacent to the principal structure and conforms to the setbacks for the zoning district.

### **Pedestrian Improvements**

All developments shall provide sidewalks having a minimum width of 6 feet along all frontages of the lot that abut a public street.

Continuous on site sidewalks having a minimum width of 4 feet shall be provided from the public sidewalk to the principal customer entrance of all buildings on the site. Such sidewalks shall provide weather protection features such as awnings or arcades along the

building façade within 30 feet of all customer entrances. Sidewalks shall connect focal points of pedestrian activity such as, but not limited to, street crossings, building and store entrances.

Sidewalks having a minimum width of 6 feet shall be provided along the full length of the building facade featuring a customer entrance, and along any facade abutting public parking areas.

All buildings shall provide direct pedestrian access from on-site parking areas as well as the public sidewalk.

All on site sidewalks shall be distinguished from vehicular surfaces through the use of durable, low maintenance materials such as pavers, bricks, or scored concrete to enhance pedestrian safety.

### **Lighting Design**

Streetlights shall be provided along all public right-of-ways utilizing decorative light poles and fixtures consistent with the design adopted by the City of Senoia for the Overlay. The light source shall be high-pressure sodium. Streetlights shall be staggered, 150 feet on-center, along both sides of the roadway. This standard shall not apply to Highway 85 or Highway 16.

Lighting in parking areas shall provide area lighting sufficient to achieve a minimum illumination of 2.4 foot-candles of light as measured at grade level and recommended in the IESNA Lighting Handbook.

All building entrances, walks and vehicular access shall be lit.

The following lighting guidelines shall apply:

- Walk and Access Lighting: 120-Volt Halogen 20 to 50 Watts.
- Architectural and Landscape Lighting: 120-Volt Halogen 50 to 100 Watts.

### **Dumpsters**

Dumpsters shall be screened from view on all four sides. Screening shall consist of three solid walls of brick, stone or stucco construction, a minimum of six feet in height, and the fourth wall shall be comprised of opaque metal or wooden gates. The gate opening shall have a minimum width of 12 feet. All dumpster shall be equipped with lids. The pad of

the gated dumpster enclosure shall be concrete pad and all dumpster approaches shall also be concrete and have a minimum length of 10 feet. Dumpster shall be located a minimum of 50 feet from any residential zoning district or use, and the Highway 85 or Highway 16 right-of-way, but may otherwise be located within any required building setback.

### **Sec. L. Greenspace Requirements**

All developments shall reserve a minimum of 20 percent of the gross lot area as greenspace. Greenspace shall be strategically located for the beneficial use of customers and employees. No more than 50 percent of required greenspace shall be located within a 100-year floodplain, wetlands or utility easement.

### **Sec. M. Plan Review Procedures**

**Application Procedures.** All applicants for new development, occupational tax permit, and/or construction permits that expand the use or building footprint shall apply for plan approval through the City Administrator. Application forms available from the City must be submitted, together with a scaled site plan depicting the proposed improvements.

Applications shall be filed with the City Administrator 30 days prior to the meeting of the Planning Commission at which the development is to be considered as reflected on the calendar provided with all application forms. No construction or site work of any kind shall be permitted prior to approval of plans and specifications by Planning Commission.

**Pre-application conference.** Prior to filing an application for rezoning, development permits or building permits of property within the Overlay, the applicant shall confer with City Administrator for the purpose of reviewing the proposal and to obtain information about development standards and ordinances affecting property within the Overlay.

**Site Plan Requirement.** Any application for rezoning in the Highway 85 & Highway 16 Commercial Overlay shall be accompanied by a site plan as provided below. A narrative containing the following information shall also be provided:

- A description of the character of the development, including a summary of floor area by use, number and types of commercial spaces, total lot area and square footage allocation for parking, landscaping and greenspace.

- A development and construction schedule indicating major milestones in the proposed development.
- Projects to be developed in phases shall provide a general statement of the proposed development schedule by phase.
- Any agreements, provisions and covenants that govern the use, maintenance and protection of the development and any common or greenspace areas.
- A professional traffic study may be required for projects expected to generate more than 500 vehicle trips per day.

A “Design Book” that will depict and guide architectural style, scale and materials to be used in the development shall also be produced by the applicant. The front, rear and side elevations and perspective drawings of all structures to be built must be included in the Design Book.

**Application Requirements.** Applications for development under this Article shall be accompanied by a scaled site plan of not greater than one inch equals 50 feet depicting: (1) lot size and dimensions; (2) proposed project, including use, building footprint, height, materials and front, rear and side building elevations; (3) pedestrian circulation; (4) vehicular access and parking facilities; loading facilities; (5) buffers, greenspace and landscaping; (6) site lighting; (7) furnishings; (8) proposed signs; (9) dumpsters; and (10) adjoining uses and zoning. Information concerning the latter shall indicate the architectural relationship of the proposed project or improvement to the surrounding context and shall be in the form of sketches or photographs.

**Review Procedures.** The City Administrator and Planning Commission shall review all applications regulated under this Article. Such review shall ensure proposal consistency with the purposes of this Article and conformance to the standards contained herein. Site plan review by the City Administrator and Planning Commission shall precede any action by Mayor and Council. The findings and recommendations of the City Administrator and Planning Commission shall be provided to Mayor and Council, which may incorporate such findings and recommendations in their consideration of the proposal. Planning Commission shall be empowered to issue non-binding approvals or denials of site development, construction or alteration matters. All applications require final action by the Mayor and Council.

Applications proposing construction or site work that, in the opinion of Planning Commission, do not comply with the standards of this Article shall be presented to the Mayor and Council as nonconforming and Planning Commission shall recommend denial to the Mayor and Council.

Applications that may be approved by Mayor and Council shall be forwarded to the City Administrator and the necessary permits issued. Should the applicant be unable or unwilling to comply with the recommended changes suggested to reach compliance with this Ordinance, no permits shall be issued. All recommended changes shall comply with the standards set out herein.

The findings of Planning Commission shall comprise only non-binding recommendations to Mayor and Council, and the governing body shall be empowered to approve or deny the application based on those recommendations and application of this Article.

Sec. N. Legal Description (See Official Zoning Map)

First Read: May 15, 2006

Second Read: June 5, 2006

## ARTICLE 10-CELL TOWER REGULATIONS

### 10.1 Definitions

1. **Alternative Tower Structure.** Shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal presence of antennas or towers.
2. **Antenna.** Shall mean any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.
3. **FAA.** Shall mean the Federal Aviation Administration.
4. **FCC.** Shall mean the Federal Communications Commission
5. **Height.** Shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

6. **Tower.** Shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, etc.

### 10.2 Purpose

The purpose of this Ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this Ordinance are to:

1. Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the City;
2. Encourage strongly the joint use of new and existing tower sites;
3. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the City is minimal;
4. Encourage users of towers and antennas to configure them in a way to minimize the adverse visual impact to the City;
5. Enhance the ability of the providers of telecommunications services to provide such services to the City quickly, effectively and efficiently.

### 10.3 Aesthetics

The guidelines set forth in this section shall govern the location of all towers and the installation of all antennas governed by this Ordinance.

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping which will blend the tower facilities to the natural setting and built environment.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color or colors that is identical to, or is closely comparable with, the supporting structure and/or surrounding area so as to make the antenna and related equipment as visually unobtrusive as possible.
4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City Council may review the available lighting alternatives and approve the design, which would cause the least disturbance to the surrounding views.

### 10.4 General

1. **Height Limitations:** The height limitations set forth in this section of the Zoning Ordinance as applicable to buildings and structures shall not apply to towers and antenna. Towers and antenna shall be governed by the Special Use Permit procedures set forth therein.

2. **Tower Height Threshold:** These standards shall only be applicable to antenna and towers in excess of thirty-five (35) feet in height.
3. The City Council may consider for approval a site plan specific request, which is in substantial conformance with the requirements listed herein.

### **10.5 Conditional Use Permit**

Conditional Use Permit shall be required for all television, land mobile, communication, microwave, radio transmission antennae and towers.

### **10.6 Requirements**

1. All towers and antennae in excess of seventy (70) feet must be set back a distance equal to the full height of the tower from the property line.
2. At the time of filing the application for a tower, the applicant shall provide a site plan and information regarding topography, coverage zone, and tower height requirements.
3. Shared usage of towers and antennae facilities is encouraged, and towers should be designed to accommodate such uses.
4. Accessory structures shall be limited to usage associated with operation of the antennae or towers and shall be appropriate in scale and intensity.
5. All towers and antennae shall be equipped with an anti-climbing device such as a six (6) foot wall, fence or other appropriate device to prevent unauthorized access.
6. All towers and antennae must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission or such governing agency guidelines as may be established by named agencies. All towers and antennae must be updated and brought into conformity with such standards and regulations within six (6) months of their adoption. The failure to comply with this provision shall be grounds for the City of Senoia to require removal or re-permitting of the antennae or tower at the owner's expense.
7. At the time of application for building permit, the plans for tower or antenna construction shall be certified by an independent registered structural engineer as meeting all current safety and design standards of all applicable codes. Cost of engineering evaluation shall be the responsibility of the individual or corporation applying for the building permit.
8. All Conditional Use Permits must show proof of notification to Big T Airport.  

Big T Airport Owner's Association
9. Applicants are required to explore and fully utilize existing tower and antennae space and are required to bear an equitable share of capital, operating and other expenses in connection with such shared usage.
10. Non-residential sites are encouraged for tower location where possible and use of platted lots in existing subdivisions are discouraged.

11. In addition, all such towers and antennae shall be designed to minimize visual and scenic impact when located on slopes greater than fifteen (15%) percent or on top of such slopes.
12. Any tower approved under the provision of this Ordinance which is not utilized by any communications service provider for any communications related purpose for a period of twelve (12) months may be subject for review by the Planning Commission for the purposes of initiating an application to zone the property back to its original district.

### **10.7 Landscape Buffer/Screening Requirements**

Unless otherwise noted within this section's requirements, or otherwise approved by the City Council, any commercial tower or antennae which abuts a residentially zoned property shall have a minimum forty (40) foot setback from the residential property, fifteen (15) feet of which shall be landscaped, screening buffer between the tower and the residentially zoned property, which shall be subject to City Council approval. This setback is in addition to the required height setback in Article 11.6 (1).

*NOTE:* Required buffers may be included within required setbacks; however, in such case that required buffers and setbacks are in conflict the more stringent shall apply.

Additionally, necessary private utilities and/or access drives may be allowed through, over, or across a landscaped buffer. Any such uses, which are proposed through, over, or across a designated, undisturbed buffer must be approved pursuant to an original site plan approved by the City Council.

#### **10.7-1 Objectives**

The above required landscape screening buffer shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direct vehicular and pedestrian movement;
3. Reduce glare;
4. Buffer noise; and
5. Establish privacy.

#### **10.7-2 Standards**

The above required landscape screening buffer is subject to review and approval by the City Staff in accordance with the following standards:

1. Plantings are to be a mix of rows of evergreen trees and shrubs, deciduous trees and evergreens taller than the required five (5) foot minimum.
2. Species are to be ecologically compatible to site and appropriate for design situation.

3. Unless public safety concerns dictate otherwise, buffers should provide maximum visual barrier to adjoining properties and public streets.
4. Minimum height of plant materials at installation is to be five (5) feet for trees.
5. Fencing or walls are to be a minimum of six (6) feet in height as approved by the City Council.
6. Buffers shall be regularly maintained by the property owner(s) to ensure that the above objectives and standards are met.
7. When topography and existing conditions allow, the required landscape buffer should be undisturbed; provided, however, the buffer may be crossed by an access drive and/or necessary utilities as shown on the site plan.
8. Any appeals from a determination by City Staff regarding the landscape buffer shall be to the City Council

### **10.8 Action by City Council**

A consideration of a request for a Conditional Use Permit under this section shall follow the same procedures set forth in Article 3 of this Ordinance.

### **10.9 Standards for Review**

The City Council shall consider the following factors in determining whether to approve this proposed use:

1. Height of the proposed tower/fall zones;
2. Proximity of the tower to residential structures or uses which may be incompatible with the tower (such as private or public airports);
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
6. Proposed ingress and egress; and
7. Availability of suitable existing towers and other structures.

**Availability of Suitable Existing Towers or Other Structures.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
2. Existing towers and structures do not have sufficient height to meet applicant's engineering requirements.
3. Existing towers and structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

4. 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.
5. The fees, cost or contractual provision 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 presumed to be unreasonable.
6. The applicant demonstrates there are other limiting factors, which render existing towers and structures unreasonable.

#### **10.10 Action by City Staff**

Upon approval by City Council of the Conditional Use Permit, a building permit shall be issued and the permitted structure shall be constructed in accordance with the provisions of this Ordinance and any conditions imposed by the City Council.

### **ARTICLE 11-SUPPLEMENTAL REGULATIONS**

#### **11.1 Exceptions to Development Standards**

1. Where a lot of record at the time of the adoption of or amendment to this Ordinance does not contain a sufficient area or dimension to conform to the area or dimensional requirements of this Ordinance, such lot may be used as a building site for a structure or use permitted in the zoning district in which it is located, provided approval is given by the Coweta County Health Department. Such use or structure may be enlarged, provided that minimal yard dimensions are maintained.
2. **Double Buffer.** When a required buffer area would abut and be contiguous to an established buffer area which meets all requirements of this Ordinance, then this additional required buffer area need not be established
3. **Height Requirements.** The height limitations as stated in this Ordinance shall not apply to the following;
  - A. Barns, silos or other farm structures when located on farms; belfries, cupolas and domes; monuments; water towers; transmission towers; windmills; chimney's; smokestacks; flagpoles; radio or television towers; masts and aerials.
  - B. Bulkheads, elevator penthouses, water tanks and scenery lofts and similar structures, provided that these structures shall not cover more than twenty-five (25%) percent of the total roof area of the building on which the structure is located.
  - C. Multiple-frontage lots. Lots, which adjoin a public street on more than one side shall provide the minimum required front yard on each street.
4. **Projections into yards:**
  - A. Every part of a required yard shall be open to the sky and unobstructed except for the ordinary projections of sills, belt

courses, cornices, eaves, chimneys, buttresses and other ornamental and architectural features of the principal buildings, provided that these features do not project more than three (3) feet into any required yard or by accessory structures as provided by Article 6, Table 6.1.

- B. An open, unenclosed porch or hard-surfaced terrace, steps, stoops and similar fixtures of a building may project into a required front yard or rear yard for a distance not to exceed ten (10) feet, and into a side yard to a point not closer than five (5) feet from any side lot line.
  - C. Notwithstanding other provisions of this Ordinance, fences, walls, hedges, driveways and buffer areas may be permitted in any required yard or along the edge of any yard, provided that no fence, wall or hedge along the street side corner lots shall violate the corner visibility and that any fence in a required front yard in a residential district shall not exceed four (4) feet in height.
5. **Relatives' residence in single-family residential districts.** A second cooking facility may be constructed and used within a single-family residence for the exclusive use of relatives of the real property owner subject to the following restrictions:
- A. The real property owner must live in the single-family residence.
  - B. Relatives must be by blood, marriage or law.
  - C. The area of the second cooking facility shall not exceed the area of the main cooking facility.
  - D. Access to the relatives' living area shall be required from the interior of the residence, although secondary access to the exterior of the dwelling is not prohibited.
  - E. Paved off-street parking shall be provided for additional vehicles as needed.
  - F. Permits for the second cooking facility shall not be issued until such time as the real property owner has applied to and received from the City a relative residence permit. The relative residence permit shall be in recordable form and, upon execution, shall be recorded in the office of the Clerk of the Superior Court.

### **11.2 One Building on Each Lot**

Except in the case of planned center and planned developments, only one (1) principal building, together with its customary accessory buildings, shall occupy each lot.

### **11.3 Use and Construction of Temporary Buildings**

Temporary buildings other than provided herein shall not be allowed in any district except that temporary buildings used in conjunction with construction work or pending completion of a permanent building for a period not to exceed one (1) year located at least fifty (50) feet from any residence or street, may be

permitted in any district but shall be removed when the construction has been substantially completed.

#### **11.4 Requirements for Moving Buildings**

No dwelling unit or other permanent structure shall be moved within or into the City, unless when relocated, it meets all requirements of all Ordinances and is first approved by the City Council.

#### **11.5 Lots with Well and Septic Tank**

Any lot upon which both an individual well and septic tank are to be provided shall have a minimum area of not less than one (1) acre and meets soil test requirements of State and the Coweta County Health Department. The Coweta County Health Department in accordance with applicable board of health regulations shall approve the site location on the lot of these facilities.

#### **11.6 Minimum Area for Lots Served by Septic Tank**

Any lot, which is to be served by an individual septic tank, shall have an area of not less than one (1) acre. The Coweta County Health Department in accordance with applicable regulations shall approve the site location on the lot of the location.

#### **11.7 Fences and Walls**

No fence or freestanding wall in a required yard other than a retaining wall shall be more than eight (8) feet in height, or be constructed in a public right-of-way or future street right-of-way. Any fence in a required front yard in a residential district shall not exceed four (4) feet in height.

#### **11.8 Buffer Area**

Buffer areas required by this Ordinance shall be established and maintained by the property owner under the following provisions:

1. Be maintained as a planted area or when required, additional plantings as provided in this section.
2. Be landscaped with trees, shrubs, flowers, grass, stone, rocks and other landscaping materials.
3. Not be used for parking or a structure other than a fence or drainage improvements required by the City. However, a buffer area may be used for vehicular access and utility easements (only if these uses are provided approximately perpendicular to the greater distance of the buffer area).
4. Except as otherwise provided the natural topography of the land shall be preserved and appropriately landscaped.
5. Where the conditions described in paragraph (4) of this section cannot be met by reason of the topography of the land or of the prior removal of or lack of timber and foliage, the owner of the buffer area may erect a permanent wall or fence of not less than six (6) feet in height, or a screen of evergreen plantings, so designed and developed to provide visual screening between the property described herein. These plantings shall

consist of evergreen shrubs not less than six (6) feet in height, or shrubs, which will, in normal growth attain a height of six (6) feet within three (3) years. The following plants shall be approved for this purpose but shall not be exclusive of other plants which may be suitable, provided that they can form a hardy screen, dense enough and high enough both to interrupt vision and to diffuse the transmission of sound:

Magnolia grandiflora (Southern Magnolia), Pinus strobus (White Pine), Prunus caroliniana (Cherry Laurel), Ligustrum lucidum (Glossy Ligustrum), Ilex burfordi (Buford Holly), Elaeagnus pungens (Elaeagnus)

6. Any grading, improvements or construction adjacent thereto shall be conducted far enough from the buffer area so as not to disturb or encroach upon the buffer area.
7. Be designated on each plat and recorded as a permanent easement.
8. Projections into yards provided by Article 12.1(4) of this Zoning Ordinance shall not be permitted in the buffer area.

### **11.9 Parking of Vehicles and Trailers**

No vehicles which are eight (8) feet in height and have more than two (2) axles, including but not limited to, trailers, tractor trailers, bus recreational vehicles, school buses, travel trailers, campers, pickups, coaches, motorized homes, boat trailers or boats shall be permitted to be parked in front of the main building or dwelling, in side or rear yards, unless it is parked or stored completely within an enclosed garage or roofed carport. Non-resident parking is allowed for up to one (1) week, if for longer than one (1) week a parking permit must be obtained from the Police Department. These vehicles may be parked for no more than twenty-four (24) hours in residential areas by the residents for loading and unloading only.

No travel trailer shall be permanently used for storage or additional retail space within the corporate limits of the City of Senoia. Such trailers may be used for storage at construction sites and renovation projects as long as they are parked in a manner consistent with this code section.

None of these vehicles may be parked overnight in the GC district. Violators will be towed at the vehicle owner's expense.

### **11.10 Nonresidential Service Areas**

All service areas for nonresidential uses shall be established so as not to infringe upon any yard requirement and shall be visually screened from adjacent residential properties.

### **11.11 Fire Safety in Nonresidential Districts and Planned Developments**

Accessibility for fire fighting equipment on a hard-surfaced subbase (subgrade plus an asphalt first layer or bound crushed stone aggregate) shall be maintained

throughout all stages of construction in all nonresidential districts and planned developments. Minimum widths of private access driveways with a development, excluding parking, shall be twenty (20) feet, and the minimum turning radii shall be thirty-five (35) feet. Fire hydrants and water service shall be installed to within three hundred (300) feet of units under construction before proceeding with framing.

**11.12 Exterior Storage Yards**

Exterior storage yards (but not including the parking of vehicles for sale or lease) shall not be permitted in any district except the GC, and I districts. A fence shall enclose these storage yards not less than six (6) feet in height to provide visual screening.

**11.13 Open Space**

Open space areas, required to be established by this Ordinance, shall be permanently maintained as open space and appropriately landscaped with trees, shrubs, flowers, grass, stones, rocks or other landscaping materials. These areas may not be used for vehicular access; parking or similar uses except as otherwise permitted in this Ordinance.

**11.14 Determination of Development Standards from Private Streets**

When this Ordinance requires the establishment of minimum building setback lines, frontages and related development standards, these measurements for property not abutting a public street shall be made from or along a private street, except in apartment developments where these measurements shall be made as provided in this Ordinance.

**11.15 Required Fences**

When this Ordinance requires a fence to be constructed, the fence shall be completed prior to occupancy of the primary use structure.

**11.16 Site Plan Preparation**

Site plans and other development plans required to be submitted under the provisions of this Ordinance shall be prepared only by those currently registered for such work in accordance with applicable state law.

**11.17 Lighting**

Lighting in all districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways. This section shall not apply to lighting established by governmental authority within public rights-of-way.

**11.18 Special Requirements-Residential**

1. A buffer area with a minimum width by zoning district, as provided below, and a six (6) foot fence or wall which provides visual screening

shall be established and maintained by the owner when adjoining an R district. Such buffer shall be:

- A. In the OI, GC and I districts, fifty (50) feet where development adjoins an R district.

The requirements for a fence or wall may be waived by the City upon presentation of field survey data by the property owner or developer, which shows that construction of the fence or wall would destroy existing vegetation which, in itself, provides visual screening between the development and the R district, or when the development abuts undeveloped property.

### 11.19 Non-Residential

This section applies to nonresidential districts.

1. A percentage of lot area as listed below shall be appropriately maintained as open area. Not less than fifty (50%) percent of this area shall be located between the building and the public streets. No parking or other similar uses shall be permitted therein. On lots with multiple street frontage, the fifty (50%) percent area shall be evenly distributed along all street frontages:
  - A. In the OI districts, twenty (20%) percent.
  - B. In the GC districts, ten (10%) percent.
  - C. In the I district, ten (10%) percent.

### 11.20 Bed & Breakfast

1. **Zoning Requirements:** A facility operated as a Bed and Breakfast must first comply with zoning requirements set forth for that particular classification.
2. **Permits:** A Bed & Breakfast must obtain an Occupational Tax and meet all qualifications set out by State and Local regulations and provide proof of membership in the Bed & Breakfast Council of Georgia.
3. **Signs:** Signs shall consist of one sign not to exceed two (2) square feet in size.
4. **Parking:** One off-street parking space shall be provided for each guestroom as well as one (1) space for each resident occupying the property. In some cases, landscaping may be required to screen parking areas from adjacent properties.
5. **Special Events:** Any additional activity taking place at a Bed & Breakfast must comply with established health and zoning standards, must be of a nature that would normally occur in that neighborhood, i.e., wedding, party, tour, etc., must provide off-street parking and must not interfere with the quality of life of neighboring properties.

## ARTICLE 12-STANDARDS FOR PERMITTED USES

## Amended March 5, 2001

### 12.1 Generally

Within the various zoning districts and shown on the Official Zoning Map, many permitted uses shall comply with development standards designed for each use in addition to the development standards required by the specific zoning district. These special requirements are contained in this division.

### 12.2 Accessory Uses and Structures-Generally

1. **Incidental to Permitted Uses.** The following provisions apply to accessory uses and structures that are incidental to permitted uses:
  - A. An accessory structure shall be located on the same lot as the principal building to which it is accessory.
  - B. No accessory structure shall be located upon a lot, prior to issuance of a Certificate of Occupancy for the principal building.
  - C. An accessory structure shall not be permitted in a front or side yard in the residential districts.
  - D. No accessory structure in a nonresidential district shall be used by other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this Ordinance.
  - E. A residential accessory structure shall not be rented.
  - F. No accessory structure shall be located closer than five (5) feet to a side or rear lot line in a residential district if the structure is located twenty (20) feet or more to the rear of the principal building.
  - G. An accessory structure located closer than twenty (20) feet to the principal building in a residential district shall comply with the yard requirements of the principal building to which it is accessory.
  - H. Where a corner lot adjoins, in the rear, a lot in a residential district, no accessory structure shall be located closer to the side street right-of-way line than the principal building or closer than twenty-five (25) feet to the rear property line. The setback of twenty-five (25) feet will not be required when the adjoining yard is a rear yard.
  - I. When an accessory structure is attached to the principal building by a breezeway, passageway or similar means, the accessory structure shall comply with the yard requirements of the principal building to which it is accessory.
  - J. Accessory structure swimming pools, when located closer than twenty (20) feet to the rear of the dwelling in a residential district, shall comply with the minimum side and rear yard requirements of that district. Setback minimums shall be measured from the decking or closest part of the pool structure to the applicable property line. Accessory swimming pools shall be permitted only

upon compliance with approval of the board of health swimming pool regulations. All in ground swimming pools or above ground swimming pools with a depth greater than 30” shall be enclosed with a four (4) foot fence.

- K. Accessory buildings in residential districts shall not exceed the following accumulative areas:

<b>Property Size</b>	<b>Accumulative area</b>
10,890 s.f. (1/4 acre lot)	64 s.f.
21,780 s.f. (1/2 acre lot)	120 s.f.
32,670 s.f. (3/4 acre lot)	192 s.f.
43,560 s.f. (1 acre lot)	240 s.f.
87,120 s.f. (2 acre lot)	480 s.f.
130,680 s.f. (3 acre lot)	720 s.f.
174,240 s.f. (4 acre lot)	960 s.f.
217,800 s.f. (5 acre lot)	1,200 s.f.
261,360 s.f. (6 acre lot)	1,440 s.f.
348,480 s.f. (8 acre lot)	1,920 s.f.
392,040 s.f. (9 acre lot)	2,160 s.f.
435,600 s.f. (10 acre lot)	2,400 s.f.

<b>Lot Size</b>	<b>Max. # of Accessory Bldg.</b>
Up to one (1) acre	1
Up to two (2) acre	2

#### **Private Garage “Bay” Schedule**

<b>Lot Size</b>	<b>Number of Bays</b>
Up to one (1) acre	2
Up to five (5) acres	3
Up to ten (10) acres	4
Over ten (10) acres	no limit

- A bay is an enclosed area of 300 sq. ft.

- L. Recreational accessory structures in R residential districts incidental to primary use residences shall be limited to swimming pools, tennis courts, basketball goals, pool houses or cabanas containing no sleeping quarters and handball or racquetball courts.
- M. Accessory antenna structures for amateur radio service shall be located a distance of at least one-third (1/3) the height of the tower from all property lines.

- N. All accessory structures, including detached garages, located a distance equal to or less than the dimension of the required side yard for the zoning district in which the lot is situated, shall be screened through the installation or stockade type fence. Such screening shall be in compliance with provisions of Section 12. Buffer Area of the Zoning Ordinance.
  - O. The exterior finish and color of all accessory structures shall be identical to the exterior finish and color of the principal dwelling on which the accessory structures are located. In the case of brick dwellings, the accessory structure shall be similar to the trim work or siding materials of the dwelling.
2. **Customary Home Occupations.** The following provision apply to customary home occupations.
- A. There shall be no exterior evidence of the home occupation, other than non-illuminated identification sign having an area of not more than two (2) square feet, which shall be attached wholly to the dwelling structure within which the home occupation is conducted.
  - B. No use shall create noise, dust, vibration, smell, smoke, glare or electrical interference that would be detectable beyond the dwelling unit or accessory building.
  - C. The use shall be conducted entirely within the dwelling unit or accessory building and only persons living in the dwelling unit shall be employed at the location of the home occupation.
  - D. No more than thirty (30%) percent of the dwelling unit may be used for the conduct of the home occupation.
  - E. No materials, equipment or business vehicles shall be stored or parked on the premises of the home occupation unless they are confined entirely within the residence, except that one (1) business vehicle (the carrying capacity of which shall not exceed one and one-half (1 ½) tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. In addition, there shall be no storage of mechanical earthmoving equipment at the location of the home occupation unless the property area exceeds five (5) acres. The off-site employees of the home occupation shall not congregate on or adjacent to the premises for any purpose concerning the business or home occupation.
  - F. No home occupation shall be operated so as to create or cause a nuisance.

### **12.3 Customary Home Occupation Day Care Services**

Customary home occupation day care services may be established and operated in the City in accordance with the guidelines and procedures set forth below:

#### **1. Guidelines**

- A. A customary home occupation day care service means a private residence operated by any person who received therein pay for the supervision and care for fewer than twenty-four (24) hours per day, without transfer of legal custody, of not more than six (6) children simultaneously, who are under eighteen (18) years of age, who are not related to such person and whose parents or guardians are not residents in the same private residence.
- B. More than twenty-five (25%) percent of a residence may be used for a customary home occupation day care service and an outdoor play area may be provided.
- C. No customary home occupation day care service may be established and operated in the City until a permit to do so has been obtained in accordance with the procedures set forth below.

## 2. **Procedures**

- A. **Permit Application.** Persons seeking to operate a customary home occupation day care service in the City must file a permit application with the City Clerk. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of children that will be served simultaneously and that the proposed customary home occupation day care service will meet and be operated in accordance with all applicable state laws and regulations with all Ordinances and regulations of the City and County.
- B. **Decision of Application.** Within thirty (30) days of the date the permit application is filed with the City Clerk, a Public hearing will be held and the City Council shall either approve or disapprove the application for a permit to be issued. An application shall be approved only upon a determination by the City Council that the customary home occupation day care service proposed by the applicant will be operated in compliance with all state laws and regulations.

## 3. **Issuance of Permits**

Each permit shall become effective on the date it is issued by the City

# ARTICLE 13-TRAFFIC AND PARKING REQUIREMENTS

## 13.1 **Applicability**

All uses shall meet the requirements of this division

## 13.2 **Street Access**

Except as provided in this Ordinance, each building shall be located on a lot or parcel which abuts a public street or has access to a public street by means of a recorded access easement, if approved by the City Council.

## 13.3 **Street Improvements**

Street improvements required to accommodate traffic generated by a use and improvement of new street rights-of-way as established by the transportation and thoroughfare plan shall be made in accordance with City policy.

#### **13.4 Extension of Existing Streets**

Existing streets shall be connected and extended as shown on the transportation and thoroughfare plan within the limits of the development. However, streets or portions of streets adjacent to a proposed nonresidential use which are developed and are being used exclusively for residential access shall not be connected, extended or in any way provide access to a nonresidential use. In addition, private drives which provide access to a nonresidential use shall not be permitted in any residential district.

#### **13.5 Street Access Curb Cuts in other than R Districts**

Curb cuts for service drives, entrances, exits and other similar facilities on public streets in other than R districts shall not be located within fifty (50) feet of any intersection and no closer than twenty (20) feet to any property line, unless approved by the City Engineer upon determination that such curb cuts will not create a traffic hazard.

#### **13.6 Traffic-Control Devices**

If the traffic forecasted to be generated by a use within a nonresidential district will necessitate, in order to handle turning movements into and out of the use onto a major or minor thoroughfare, traffic-control devices for that use to ensure public safety, the developer shall install such devices as are necessary to handle the traffic generated by the development. This determination shall be made by the City based upon standard traffic planning procedures of the Federal Highway Administration and the State Department of Transportation.

#### **13.7 State Department of Transportation approval**

All entrances or exits of any street or drive, public or private, from or to any state highway shall be approved by the State Department of Transportation prior to the construction of the street or drive, or the issuance of any development permit for any improvement to be served by the street or drive.

#### **13.8 Corner Visibility Clearance**

In any district, no fence, structure, sign, planting or other obstruction (above a height of three (3) feet shall be maintained within fifteen (15) feet of the intersection of the right-of-way lines extended of two (2) streets, or of a street intersection with a railroad right-of-way, except as provided in this Ordinance.

#### **13.9 Private Streets**

Private Streets within any district shall not be used to satisfy the off-street parking requirements of this Ordinance. Private streets within any district shall be assigned names and locations and names of these streets shall be shown on plans required for the issuance of building and development permits as provided in this

Ordinance. All private street names shall be approved by the City Council to avoid conflicting names.

### 13.10 Off-Street Automobile Parking

1. **General.** Off-street automobile parking shall be provided in accordance with all applicable provisions of this section and in compliance with the Americans with Disabilities Act if applicable.
2. **Plans Required.** A parking plan for all but detached single-family residential uses shall be submitted to the City with the building plans. The City shall review the proposed parking plan with the City Engineer to ensure its conformance with all applicable provisions of this Ordinance. The City shall not allow occupancy or use of a building until advised that its related parking facilities are completed in accordance with the approved plan.
3. **Design Standards.** All parking facilities, including entrances, exits and maneuvering areas, shall:
  - A. Have access to public streets.
  - B. Be graded and paved, including access drives, and be curbed when needed for effective drainage control
  - C. Have all spaces marked with paint lines, curb stones or other similar designations.
  - D. In the case of each space, be not less than one hundred sixty-two (162) square feet and not less than nine (9) feet wide and eighteen (18) feet deep, exclusive of passageways. There shall be adequate interior drives to connect each space with a public street.
  - E. Be drained so as to prevent damage to abutting properties or public streets.
  - F. Be separated from sidewalks and streets in public rights-of-way by wheel bumpers and by a strip of land at least ten (10) feet wide reserved as open space and planted in grass.
  - G. If a parking area is established with an R district for a nonresidential use permitted in an R district, provide a continuous visual buffer at least four (4) feet in height between the parking area and the abutting R property on a strip of land at least twenty (20) feet wide adjoining the lot used for residential purposes which is reserved as open space, guarded with wheel bumpers, and planted in grass, shrubs and trees.
  - H. Conform with regard to design of the parking area including space and driveway arrangement to the geometric design standards of the Institute of Traffic Engineers.
  - I. Provide adequate lighting if the facilities are to be used a night. This lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties.
  - J. Not be established within the required front yard of any R district except for single-family residential use, nor shall more than thirty-

five (35%) percent of the required front yard be paved or used for parking under any circumstances. This paragraph applies only to parking and loading areas.

- K. Have a parking area that is permanently maintained by the owners or the occupants for their invitees of (or) licensees so long as the use exists. This includes prompt repair of pot holes and deteriorating pavement with materials which are comparable to the parking lot pavement. Such lots shall be kept free of trash and debris and all trash containers shall be kept neat and clean.
  - L. The provisions of paragraphs (2), (3), (4), (6), (7) and (8) and of this subsection shall not apply to single-family residential uses where three (3) or less spaces are required.
4. **Location.** All parking facilities shall be located in accordance with the following provisions:
- A. The required space shall be provided on the same plat with the use it serves.
5. **Joint Use of parking Facilities.** The required parking space for a number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half (1/2) of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.
6. **Use of Area.** No parking area may be used for the sale, repair, dismantling, servicing or long-term store of any vehicles or equipment unless permitted by the district in which the area is located.
7. **Location and Surface of parking areas.** The parking of any vehicle on any lot in any district on other than a surface treated and hardened to accommodate this vehicle is prohibited. In addition, parking of vehicles in the front yard or in front of the principal building line in an R district shall be prohibited except on a hard-surfaced driveway or in a carport or garage.
8. **Parking of Business Vehicles.** The parking of business vehicles other than ordinary passenger automobiles shall be within a garage or carport or within a side or rear yard. The parking of any business vehicle other than a pickup or panel truck used to provide daily transportation to and from work and any vehicle with a carrying capacity of more than one and one-half (1 ½ tons) is prohibited in any residential district. This section does not apply to business vehicle parking for pick up or delivery.
- A. **Required Spaces.** The number of parking spaces or area required for a particular use shall be as follows: (unless owner can prove with real evidence why number of spaces should be different than that required by the following).

Use	Parking Spaces
Automobile repair garage	1 space per 150 sq. ft. of gross floor area
Automobile Service Station Minimum of	3 spaces for each service bay with a 10 spaces required
Business, professional offices and clinics	1 space per 250 sq. ft. of gross floor area
Boardinghouses and lodging houses	1 space per bedroom
Bowling alley, churches and places of worship	1 space per 4 sets in main auditorium
Commercial, manufacturing and Industrial establishments not catering to retail trade	1 space per 2,000 sq.ft. of gross office, plant storage area
Delivery, ambulance and other Similar services	1 space per vehicle, plus 1 additional space for each 2 administrative or service employees
One-two and three family dwellings	2 spaces per dwelling unit
Fraternity and sorority houses with Provisions for boarding member	1 space per bed
Food stores	1 space per 100 sq. ft. of gross floor area
General business, commercial or personal service establishments catering to retail trade but not including food stores	5.5 spaces per 1,000 sq.ft. of gross floor area
Hospitals, sanitariums, nursing homes for the aged and similar Institutional uses	1 space per 2 beds
Hotel	1 space per unit plus 1 space per 5 units for visitors
Lodges, fraternal or social organizations	1 space per 100 sq. ft. of gross floor area
Motels, tourist homes and transient homes	1 ¼ spaces per unit
Manufactured homes	2 spaces per manufactured home lot

Multifamily apartment and high-rise apartment developments	2 spaces for each dwelling unit
Multifamily in the RM-HD district	1 ½ spaces per dwelling unit
Public swimming pool, golf course, neighborhood recreation center or similar use	A minimum of 20 spaces except that an 18-hole golf course shall have a minimum of 40 spaces
Private swimming pool, golf course neighborhood recreation center or similar use	1 space per 5 members but not less than 20 spaces, except golf courses shall require a minimum 20 space per 9 holes
Restaurants, night clubs, taverns and similar establishments serving food or beverages and providing patron use area	1 space per 75 sq. ft. of gross floor area
Restaurants, drive-in, without area provided for patron use	1 space per 100 sq. ft. of gross floor area
Retirement homes	1 space per dwelling unit
Shopping center and developments	5.5 spaces per 1,000 sq. ft. of gross floor area
Schools, public or private elementary	2 spaces per classroom
Schools, public or private high	5 spaces per classroom
Schools, college, trade and vocational	10 spaces per classroom
Skating rinks, dance halls, poolroom and other places of amusement or assembly without fixed seating	1 space per 200 sq. ft. of gross floor area
Theaters, auditoriums, funeral homes, gymnasiums, stadiums and other places of assembly with fixed seating	1 space per 3 seats
Theaters, auditoriums, funeral homes, gymnasiums, stadiums and other places of assembly without fixed seating	1 space per 25 sq. ft. of gross floor area available for the accommodation of movable seats in largest assembly room
Wholesale or jobbing establishments Or other similar uses	1 space per 200 sq. ft. of gross floor area devoted to sales or displays plus 2 spaces per 2,000 sq. ft. of gross storage area

**13.11 Street Loading Requirements**

Off-street loading shall be established in accordance with the following provisions:

1. **Design Standards.** Where required, one (1) or more off-street loading spaces shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building. A loading berth shall have minimum dimensions of twelve (12) feet by thirty-five (35) feet by fourteen (14) feet overhead clearance. A loading space need not be full berth but shall be sufficient to allow normal loading of magnitude appropriate to the property served. The City shall determine the sufficiency of loading space, but in no case shall this space or its use hinder the free movement of vehicles and pedestrians over a street, sidewalk or alley.
2. **Required Spaces.** The number of spaces or area required for a particular use shall be as follows:

<b>USE</b>	<b>REQUIRED LOADING SPACES</b>
Retail operations including restaurant and dining facilities with hotels and office buildings, with a total useable area of 20,000 square feet or more devoted to these purposes.	1 loading berth for every 40,000 square feet area or fraction thereof; 1 loading space for 20,000 square feet of floor area or fraction thereof.
Retail operations, and all first floor nonresidential uses with a gross floor area of less than 20,000 square feet, all wholesale and light industrial operations with a gross floor area of less than 10,000 square feet.	1 loading space
Office buildings and hotels with total Useable floor area of 100,000 square Feet or more devoted to these uses.	1 loading berth for every 100,000 square feet
Industrial and wholesale operations with A gross area of 10,000 square feet or Over and as follows:	

Minimum number of loading berths required:

10,000-40,000 sq. ft.	1
40,000-100,000 sq. ft.	2
100,000-160,000 sq. ft.	3
160,000-240,000 sq. ft.	4
240,000-320,000 sq. ft.	5

320,000-400,000 sq. ft.	6
Each 90,000 above 40,000 sq. ft.	1

## **ARTICLE 14 ADDITIONAL POWERS AND DUTIES OF THE CITY COUNCIL**

### **14.1 Additional Powers and Duties of the City Council**

The City Council shall have the following powers and duties:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.
2. To authorize upon application a variance from the terms of the Ordinance, but only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, which, at the time of adoption of this Ordinance was a lot or plat of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, or where by reason of other extraordinary or exceptional circumstances the strict application of the requirements of this Ordinance would result in practical difficulties of, or undue hardship upon, the owner of this property, provided that this relief may be granted without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the City Council may attach such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so that the purpose of this Ordinance will be served, public safety and welfare secured and substantial justice done. However, the City Council shall not be authorized to grant a use variance to permit a use in a district in which the use is prohibited.

### **14.2 Appeals and Hearings**

Applications for an appeal to the City Council may be taken by any person aggrieved or by any officer, department, board, or bureau of City of Senoia affected by a decision of an official or the City authorized under this Zoning Ordinance. Such appeal shall be taken within thirty (30) days of said decision by filing with the City Clerk a written notice of appeal specifying the grounds thereof. Application for a variance or appeal must be filed with the City Clerk at least twenty-one (21) days before the scheduled public hearing. The contents of the application for variance or appeal shall be determined by the City Council. The City Clerk shall forthwith transmit to the City Council all documents constituting the record upon which the action appealed from was taken or constituting the record upon which the application for a variance is based.

### **14.3 Notice of Hearings**

Notice of said hearing on said request for a variance or appeal shall be advertised once a week for two (2) consecutive weeks in a Legal Organ of Coweta County. The first date of such publication shall be at least fifteen (15) days prior to but not more than forty-five (45) days prior to the date of said public hearing. The cost of the advertisement shall be borne by the applicant.

The applicant for said variance or appeal shall also give notice of said request for variance or appeal and the public hearing thereon to the adjoining property owners of the property subject to the variance application or appeal by certified mail, return receipt requested, to the last known address of said adjoining property owner as shown upon the County tax records. Notice must be mailed no later than fifteen (15) days prior to the date of said scheduled public hearing. Proof of said notice shall be provided to the City Council. In determining adjoining property owners, street or other right-of-way shall be disregarded and notice shall be given to a property owner whose property adjoins the same right-of-way at the location of the property, which is the subject of an application.

The notice shall be required herein to be mailed to an adjoining property owner and shall include the following information:

1. Name and address of the applicant;
2. Address and location of the property for which the variance or appeal is sought;
3. Current zoning of the property for which the variance or appeal is sought;
4. The variance or appeal requested and the reason for the requested variance or appeal; and
5. The date, time and place of the public hearing on said requested variance or appeal.

All applications shall be accompanied by a fee of fifty (50) dollars, plus advertising costs.

#### **14.4 Stay of Proceedings**

An appeal stays the enforcement of the provisions of this Ordinance under appeal until a final decision on the appeal is made, except the City Council may revoke the stay of enforcement if such stay would cause immediate peril to life and property.

#### **14.5 Decisions of the City Council**

In exercising its powers, the City Council may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the City official whose decision is appealed and may issue or direct the issuance of a building permit.

On all appeals, applications and other matters brought before the City Council, said Council shall inform, in writing, all the parties involved of its decisions and the reasons therefor. Recourse from a decision by the City Council shall be to a court of competent jurisdiction by the filing of a writ of certiorari within thirty (30) days of the decision of the City Council.

#### **14.6 CONDUCT OF HEARING**

All persons who wish to testify to the City Council at a hearing concerning an appeal or variance under consideration by the Council shall first sign up on a form to be provided by the City prior to the commencement of the hearing.

The Secretary will read the proposed appeal under consideration. The Zoning Administrator, or his designee, shall then present the basis of the appeal, along with the pertinent department reviews, if any, prior to receiving testimony on the proposed appeal. Appeals shall be called in the order in which they were filed.

The Mayor or his or her designee shall then call each person who has signed up to testify on the appeal or variance then before the Council in the order in which the persons have signed up to testify, except the applicant and the witnesses for the applicant who may speak first. Prior to testifying, the witness will identify himself or herself and state his/her current address.

Each witness shall testify only to the merits of the proposed appeal under consideration and shall address his/her remarks only to the members of the City Council. Each witness shall refrain from the discussion of facts or opinions irrelevant to the proposed appeal under consideration. The Mayor may limit a witness, if after being cautioned, the witness continues to violate this subsection.

No person who has an interest in the decision of the Council shall be denied the right to be represented by counsel or to examine a witness who addresses the Council.

Nothing contained herein shall be construed as prohibiting the Mayor from conducting the hearing in an orderly and decorous manner to assure that the public hearing on the appeal is conducted in a fair and orderly manner.

### **ARTICLE 15 – LEGAL STATUS**

#### **15.1 INTRODUCTION**

This Ordinance is not intended to interfere with or annul any easement, covenant, or other agreement between parties. However, where this Ordinance imposes a greater restriction upon the use of property or by private easements, covenants, or agreements, the provisions of this Ordinance shall govern. Whenever other

Ordinances or parts of Ordinances require greater than those required by this Ordinance such Ordinances or parts of Ordinances shall govern.

**15.2 Repeal of conflicting Ordinances; validity of prior approvals and actions**

This Ordinance shall constitute the Zoning Ordinance of the City of Senoia, and all other Ordinances in conflict therewith are hereby repealed. This Ordinance shall constitute the Zoning Ordinance of the City of Senoia, and all other Ordinances in conflict therewith are hereby repealed, provided, that nothing herein shall be construed as repealing or modifying the conditions or requirement of site development or used approved under a previous Zoning Ordinance or resolution, except as specifically provided by this Ordinance. Any violations of any previous Zoning Ordinance shall not be affected by the adoption of this Ordinance, and therefore any prosecutions for violation of any prior existing Zoning Ordinance may proceed as if the Ordinance violated was still in force and effect. It is intended that this Ordinance shall be the Zoning Ordinance for the City of Senoia. And therefore any prior Zoning OOrdinance heretofore adopted by the City of Senoia is hereby repealed.

Validity

Should any part, section, or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of any remaining portion of this Ordinance.

Adoption Date

The Zoning Ordinance of the City of Senoia, Georgia, is adopted after advertisement in the manner provided by law, by the City Council of Senoia, Georgia, at a public meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Public Hearing:	June 17, 2002	First Reading:	June 17, 2002
Second Reading:	July 1, 2002	Effective Date:	July 2, 2002

## **APPENDIX “A”**

APPLICATION TO AMEND THE ZONING MAP OF SENOIA, GEORGIA

Name of Applicant \_\_\_\_\_ Phone No. \_\_\_\_\_

Mailing Address \_\_\_\_\_

Name of Property Owner \_\_\_\_\_ Phone No. \_\_\_\_\_

(Use extra sheet if more than one owner)

Address of Property \_\_\_\_\_

Zoning Classification: Present \_\_\_\_\_ Requested \_\_\_\_\_

Use of Property: Present \_\_\_\_\_ Requested \_\_\_\_\_

\_\_\_\_\_ If the requested change is to extend an existing adjacent zoning district to include this property, explain below why the proposed change should be made.

\_\_\_\_\_ If the requested change is not to extend an adjacent zoning district, explain below why this property should be placed in a different zoning district than all adjoining property. (How does it differ from adjoining property, and why should it be subject to different restrictions than those applying to adjoining property?)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach the following documents:

1. Written legal description of the property (copy of deed) – full metes and bounds description rather than plat reference.
2. Plat showing property lines and lengths and bearings, adjoining streets, locations of existing buildings, north arrow and scale. Submit one copy if the plat is 11” x 17” or smaller. For larger plats, submit twenty (20) copies.
3. Disclosure of Campaign Contributions and Gifts Form.
4. If Property Owner and Applicant are not the same, Authorization by Property Owner Form or Authorization of Attorney Form.
5. List of addresses for abutting property owners.
6. Filing fee (See Permit Fee Schedule) payable to the City of Senoia.

THIS APPLICATION MUST BE FILED BY THE 15<sup>TH</sup> OF THE MONTH TO BE CONSIDERED FOR THE PLANNING COMMISSION MEETING OF THE FOLLOWING MONTH

I hereby authorize the staff of City of Senoia to inspect the premises of the above – described property. I hereby depose and say that all statements herein and attached statements submitted are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Applicant

Sworn to subscribed before me  
This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**AUTHORIZATION OF PROPERTY OWNER  
Application for Rezoning or Variance**

I swear that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Coweta County, Georgia.

I authorize the person named below to act as Applicant in the pursuit of rezoning or a variance of this property.

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

Personally appeared before me

\_\_\_\_\_  
Who swears that the information  
Contained in this authorization is  
True and correct to the best of  
His or her knowledge and belief.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**  
(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Reference: Application filed on \_\_\_\_\_, 20\_\_\_\_\_, to rezone real property described as follows:

Within two years preceding the above filing date, the Applicant has made campaign contributions aggregating \$250.00 or more to each member of the City Council of the City of Senoia who will consider the Application and is listed below. List (1) the name and official position of the local government official and (2) the dollar amount, description, and date of each such campaign contribution.

\_\_\_\_\_  
I hereby depose and say that all statements herein are true, correct and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Applicant

Sworn to and subscribed before me  
This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**DISCLOSURE OF FINANCIAL INTERESTS**  
**(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)**

Reference: Application filed on \_\_\_\_\_, 20\_\_\_\_, to rezone real property described as follows:

\_\_\_\_\_ The undersigned official of the City of Senoia has a property interest (Note 1) in said property as follows:

\_\_\_\_\_ The undersigned official of the City of Senoia has a financial interest (Note 2) in a business entity (Note 3) which has a property interest in said property, which financial interest is as follows:

\_\_\_\_\_ The undersigned official of the City of Senoia has a member of the family (Note 4) having a property interest in said property of a financial interest in a business entity in said property, which family member and property interest or financial interest are as follows:

---

Note 1: Property interests – Direct ownership of real property, including and percentage of ownership less than total ownership.

Note 2: Financial interest – All direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent (10%) or more.

Note 3: Business entity – Corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

Note 4: Member of family – Spouse, mother, father, brother, sister, son or daughter.

---

I hereby depose and say that all statements herein are true, correct and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Applicant

Sworn to and subscribed before me  
This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**AUTHORIZATION OF ATTORNEY**  
**Application of Rezoning or Variance**

I swear that as an attorney at law, I have been authorized by the owner to file the attached application.

---

Signature of Attorney

---

Name

---

Address

---

City

State

Zip Code

---

Telephone Number