

**STAFF ANALYSIS  
ANNEXATION REQUEST  
*Unified Zoning Ordinance***

**ZONING CASE: The request of Mike Vaughn to rezone a tract of land totaling 0.31 acres, zoned Heavy Manufacturing (M-2) and located at 326 Paige St. (Parcel 12-201-10-015) (Dalton)**

The surrounding land uses and zoning are as follows: 1) To the north is a 1.42-acre tract of land containing a single-family detached dwelling zoned M-2; 2) to the east is a 5.69-acre tract that contains a large apartment complex zoned High-Density Residential R-7; 3) to the south is a 0.68-acre tract that is currently undeveloped and zoned M-2; 4) to the west is a 1.4-acre tract of land containing a modified single-family detached dwelling zoned R-7. All in all, a review of the zoning map shows an unusual mix of zone districts in this area.

The subject property is within the jurisdiction of the City of Dalton Mayor and Council.

<u>Administrative Matters</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
A. Is an administrative procedure, like a variance, available and preferable to annexation?		<u>X</u>	
B. Have all procedural requirements been met? 1. Legal ad Feb 15, 2021 (16 days notice) 2. Property posted Feb 15, 2021 (Yes -- one sign on the lot frontage; 16 days notice.)	<u>X</u>		
C. Has a plat been submitted showing a subdivision of land?		<u>X</u>	
D. The following special requirements have an impact on this request:  <b>100-year flood plain</b> <b>Site Plan</b> (none required) <b>Buffer Zones</b> (none required) <b>Soil Erosion/Sedimentation Plan</b> <b>Storm Water Requirements</b>		<u>X</u> <u>X</u> <u>X</u> <u>X</u> <u>X</u>	

**CONSIDERING FACTORS FOR A REZONING/ANNEXATION ANALYSIS**

**(A) Whether the proposed amendment would allow a use that is generally suitable for the site compared to other possible uses and whether the proposed change is consistent with the established land use pattern and zoning of adjacent and nearby properties.**

A review of the zoning map indicates that this area is a convergence of High-Density Residential and Heavy Manufacturing zones, but a look into the existing land use shows us that the M-2 parcels in this area are, in fact, developed for residential use. This unusually placed M-2 zone district is mostly made

up of tracts developed for single-family uses. The reasoning for the unusual M-2 district is likely due to the City's former pyramid zoning ordinance which permitted all land uses within the M-2 zone district. Many developers and landowners sought the M-2 zone district under the pyramid ordinance in order to take advantage of its inherent flexibility. The Unified Zoning Ordinance does not allow for such flexibility in uses, but many individuals opted to remain zoned M-2 when the UZO was adopted in 2015. The R-5 rezoning would be much more in line with the existing and surrounding land uses in this area than the subject property's current M-2 zoning.

**(B) Whether the proposed amendment would adversely affect the economic value or the uses of adjacent and nearby properties.**

The subject property has been developed and utilized as a residential property for a number of years much like the surrounding properties. The M-2 zone district should practically never occur inside a residential area as it does in this particular case. Most all of the properties zoned M-2, in the vicinity of the subject property, are too limited in size to support heavy manufacturing land uses. While the potential for any realistic manufacturing land uses to occur on the subject property is unlikely, an M-2 district at this location could still pose a risk to the economic value of adjacent residential properties.

**(C) Whether the subject property has a reasonable economic use as currently zoned, considering the suitability of the subject property for the proposed zoned uses.**

As stated previously, the M-2 zone district is not reflective of the adjacent or surrounding development. The proposed R-5 rezoning would be much better suited for the subject property.

**(D) Whether there is relative gain to the health, safety, morals, or general welfare of the public as compared to any hardship imposed upon the individual owner under the existing zoning.**

N/A

**(E) Whether the proposed amendment, if adopted or approved, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities, as contrasted with the impact under the existing zoning.**

The proposed rezoning would not change the existing land use by way of utility needs, traffic generation, or impact to other public infrastructure.

**(F) Whether the property sought to be rezoned (or annexed) is in conformity with the policy and intent of the adopted joint comprehensive plan or equivalent. If not, has the plan already been amended, officially or unofficially, by the development of uses which are contrary to the plan recommendation, and if the plan has been amended, does this rezoning or annexation request allow uses which are compatible to the existing uses in the vicinity.**

The Joint Comprehensive Plan's future development map indicates that the subject property is within the Town Neighborhood Revitalization character area. This character area is intended to promote reinvestment into aging neighborhoods. Residential land uses and infill development, reflective of the existing character of the neighborhood, are the recommended land uses within this character area. While some appropriate neighborhood commercial uses may be appropriate, the existing M-2 zone district would not oblige the intent of this character area. The proposed R-5 rezoning would be far more appropriate in implementing the intent of the Comprehensive Plan and Future Development Map at this location.

**(G) Whether there are any other conditions or transitional patterns affecting the use and development of the property to be rezoned or annexed, which give grounds for approval or disapproval of the proposed zoning proposal. Whether the proposed zoning change constitutes an "entering wedge" and is a deterrent to the use, improvement, or development of adjacent property within the surrounding zone districts or would create an isolated, unrelated district**

**(spot zone) as interpreted by current Georgia law.**

The proposed R-5 rezoning, if approved, would not constitute a spot zone nor would it introduce a character that does not already exist in this area.

**(H) Whether the subject property, as currently zoned, is vacant and undeveloped for a long period of time, considered in the context of land development in the vicinity or whether there are environmental or cultural factors, like steep slopes, flood plain, storm water, or historical issues that influence the development of the subject property under any zoning designation.**

N/A

**CONCLUSION: The staff recommendation is that the subject property is well suited for the requested R-5 rezoning based on the following factors:**

1. The R-5 rezoning would be much more reflective of the existing development in this area.
2. The R-5 rezoning would bring the subject property into conformity.
3. The Comprehensive Plan and Future Development Map would be in agreeance with the proposed R-5 rezoning.