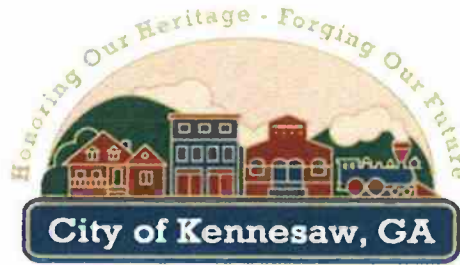


APPENDIX 7

MAYOR
Derek Easterling

City Manager
Jeff Drobney

City Clerk
Lea Addington



COUNCIL

Mayor Pro Tem Pat Ferris
James Eaton
Tracey Viars
Chris Henderson
David Blinkhorn

CLERK'S CERTIFICATION

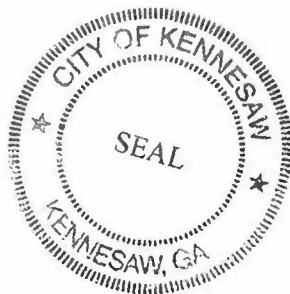
CITY OF KENNESAW
GEORGIA, COBB COUNTY

I, Lea Addington, hereby certify that I am the City Clerk for the City of Kennesaw and the lawful custodian of the books and records of said municipality, and as such do hereby certify the attached City of Kennesaw, Georgia Municipal Code APPENDIX A- UNIFIED DEVELOPMENT CODE, Chapter 4 – "SITE DESIGN STANDARDS," is a true and correct copy of records on file at City Hall.

WITNESS, my hand and Seal of the City of Kennesaw, Georgia, on this 30th day of June 2020.

ATTEST:


Lea Addington, City Clerk



Chapter 4 - SITE DESIGN STANDARDS

4.00.00 - GENERALLY

4.00.01 - Purpose

The purpose of this chapter is to provide design standards applicable to all development activity within the City of Kennesaw. This chapter also provides design standards applicable in specific situations, such as development within overlay districts or development of specific uses that require additional standards to address potential impacts.

4.00.02 - Principles of Site Design and Development

Development design shall first take into account the protection of environmental and natural resources as set forth in Chapter 3. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

4.00.03 - Applicability

The design standards set forth in this chapter apply to all development in the City of Kennesaw.

4.01.00 - SITE DESIGN STANDARDS FOR BASE ZONING DISTRICTS

4.01.01 - Application of Regulations

- A. *Use.* No building, structure, or land shall hereafter be used or occupied, and no building or structure or part hereof shall be erected, constructed, reconstructed, moved or structurally altered in nonconformity with the regulations of this ordinance or amendments thereto, for the district in which it is located.
- B. *Height and density.* Unless a proper variance is granted, no building shall hereafter be erected or altered so as:
 1. To exceed the height limits;
 2. To accommodate or house a greater number of families;
 3. To occupy a greater percentage of lot area; or
 4. To have narrower or smaller rear yards, front yards, side yards, courtyards or other open spaces, than herein required; or in any other manner contrary to the provisions of this ordinance.
- C. *Lot size.* Unless a proper variance is granted, no lot, even though consisting of one or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per family or other criteria of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.
- D. *Yard use limitations.* Unless a proper variance is granted, no part of a yard, other open space, off-street parking or loading space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of the yard, off-street parking or loading space required for another building.
- E. *Annexed land.* Any parcel or parcels of land annexed to the City of Kennesaw in the future shall follow rezoning procedures and be rezoned to a City of Kennesaw zoning category. If the zoning designation is the same as Cobb County's the fee for application shall be waived.
- F. *Use prohibited when not specified.* If not otherwise stated, any use not specifically permitted in a use district as provided under this UDC Chapter, shall be prohibited in that district.
- G. *Double frontage lot.* Where an existing double frontage lot faces a residential district on one side and nonresidential district on the opposite side, such a lot when zoned UVC, CRC, GC, HI, or LI shall have vehicular access only from the major thoroughfare; and all signs and advertising, if permitted in the UVC, CRC, GC, HI, and LI district, shall face the major thoroughfare.
- H. *Buffer required.*
 1. A buffer shall be required for the following:
 - a. All property zoned for commercial, office-professional, and industrial uses shall have a buffer along any rear and side property lines abutting a residential district or a front property line abutting a public street across from a residential district.
 - b. All property zoned for multifamily and mixed uses shall have a buffer along any rear and side property lines abutting a single-family residential district or a front property line abutting a public street across from a single-family residential district.
 - c. All commercial, office-professional and industrial property in the mixed use district shall have a buffer along any rear and side property line abutting a multifamily use or district or a front property line abutting a public street across from a multifamily use or district.
 2. All buffers shall consist of a landscaped open space area and, if required by this section, screening. All landscaped open space areas and screening shall be established in accordance with the following requirements:
 - a. Landscaped open space areas shall be established and maintained along required property lot lines in accordance with general landscaping policies, standards and specifications established and approved by the City Council.

- b. Landscaped open space areas shall meet the following minimum width requirements for each district where abutting residential district; single-family:
- LI, HI, - Fifty (50) feet.
 - PVC, PSC, HGB, GC, and Mixed Use (except for multifamily uses) - Forty (40) feet.
 - CRC, NRC - thirty-five (35) feet.
 - RM-8, RM-12, MHP, and multifamily uses in the mixed district - twenty-five (25) feet.
 - OI, NS, - twenty (20) feet.
 - PUD-R, RA-4, FST, HPV, and UVC - ten (10) feet.
 - HIS — See historic district regulations.
- c. Landscape buffers are subject to review and approval by Plan Review Committee and applicable city staff in accordance with the following standards:
- Plantings are to be a mix of evergreen trees and shrubs;
 - Species are to be ecologically compatible to site and appropriate for design situation;
 - Unless public safety concerns dictate otherwise, buffer should maximize visual barrier to height of six (6) feet within two (2) years of planting;
 - Minimum height of plant materials at installation is to be five (5) feet for trees and two (2) feet for shrubs;
 - Fencing or walls are to be minimum six (6) feet in height;
 - Trees included in buffer plantings may be counted toward site density calculations as required by the tree preservation ordinance;
 - Buffers shall be regularly maintained by the property owner(s) to ensure that the above objectives and standards are met; and
 - When topography and existing conditions allow, the required buffer should be an undisturbed buffer.
- d. Berms are subject to review and approval by city staff in accordance with the following standards:
- Berms shall be utilized when consistent with surrounding property features;
 - Berms shall be stabilized;
 - Berms shall be constructed to be consistent with natural or proposed drainage patterns; and
 - Berms shall be regularly maintained by the property owner.
3. The City of Kennesaw Plan Review Committee and staff may require additional screening outside required landscaped area for purposes of obscuring features, such as parking lots, rear entrances, utility and maintenance structures, loading facilities, swimming pools and recreation areas within any multifamily, commercial, office-professional, light industrial and multiuse district.
4. The screening requirements of this section may be waived or varied by the Mayor and City Council, if and only if:
- It can be clearly demonstrated that existing topography and/or vegetation achieve the purpose and intent of this section.
 - It can be clearly demonstrated in a specific instance, that for topographic reasons, a fence, wall and/or other screening device required herein could not possibly screen activities conducted on ground level from view from the normal level of a first story window on any lot in a residential district abutting the use.
5. All buffers shall be designated on the property plat and recorded as a permanent buffer.

4.01.02 - Dimensional Standards for Development

Dimensional standards for each zoning district are provided in Table 4.01.02 below:

Table 4.01.02: District Dimensional Regulations

District	Designation	Min. Lot Area (sq. ft.)	Min./Max. Acreage Required	Max. DUA Per Acre/FAR	Min. Floor Area (sq. ft.)	Min. Lot Width at Front Setback (feet)	Minimum Front Yard Setback 1 (feet)			Major Side Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Cover (%)	Max. Hgt
							Arterial	Collector	Local					
Historic	HIS	See District Regulations				Setback (feet)								
Historic Preservation Village	HPV	20,000	2 acres	N/A	N/A	60	50	40	40	20	20	30	N/A	3 sty. 40 ft.

Single-Family Detached:														
3/4 acre	R-30	30,000		1.1	1,600	60	50	50	40	25	10	40	35	35 ft.
1/2 acre	R-20	20,000		1.75	1,500	75/60 at ROW	40	40	35	25	10	35	35	35 ft.
1/3 acre	R-15	15,000		2.1	1,400	75/60 at ROW	40	40	35	25	10	30	35	35 ft.
1/3.5 acre	R-12	12,000		3.0	1,200	75/60 at ROW	40	40	35	25	10	20	30	35 ft.
1/4 acre	R-10	10,000		4.0	1,050	75/60 at ROW	40	40	35	25	10	20	30	35 ft.
Planned Unit Development-Residential	PUD-R													
Single-Family, Attached or Detached: (if single-family residences are attached, there must be 30 feet between units)														
Residential	RA-4	7,000	80,000/ 20 acres max	4	1,000	60/60 at ROW	50	50	40	25	10	30	35	35 ft.
Other Residential:														
Multiple-Family (8 units per acre)	RM-8	80,000		8	1—600 2—750 3—900 E—450	75	75	50	50	35	35	40	25	2 sty. 35 ft.
Multiple-Family (12 units per acre)	RM-12	80,000		12	1—600 2—750 3—900 E—450	75	50	40	30	25	10	30	35	4 sty. 40 ft.
Fee Simple Townhouse (Maximum 6 per row)	FST	80,000		12	1 BR—900 2 BR—1,000	20 ft./ End Unit 30 ft.	50	40	35	25	Maximum six units per building footprint. 20 between buildings	30	35	2 sty. 35 ft.
SLO		Refer to underlying base zoning district standards												
Mobile Home Park	MHP	NA	Minimum ten acres required	6 DUA	N/A	40	40	40	40	25	10 between trailers	20	35	One stor

Commercial:														
Office Institutional	OI	20,000	N/A	N/A	N/A	60	50	40	40	25	15	30	60	2 sty. 35 ft.
Neighborhood Shopping	NS	20,000	N/A	5,000	N/A	60	50	40	40	25	15	30	60	2 sty. 35 ft.
Neighborhood Retail Commercial	NRC	20,000	N/A	N/A	N/A	60	50	40	40	25	15	30	65	2 sty. 35 ft.
Community Retail Commercial	CRC	20,000	N/A	N/A .5 office .25 retail	N/A	75	50	40	40	25	10	30	70	4 sty. 50 ft.
Commercial (General)	GC	20,000	N/A	N/A	N/A	60	50	40	40	25	10	30	70	4 sty. 50 ft.
Highway General Business	HGB	20,000	N/A	N/A	N/A	60	50	40	40	25 or 35	10	30	75	4 sty. 50 ft.
CBD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Urban Village Commercial	UVC	20,000	N/A	N/A	Per approved site plan	60	50	40	40	25 or 35	10	30	75	3 sty. 40 ft.
Planned Village Commercial	PVC	N/A	5	N/A	Per approved site plan	75	50	40	40	25 or 35	15	30	75	6 sty. 75 ft.
Planned Shopping Center	PSC	N/A	5	N/A	N/A	75	100	100	50/40	25 or 50		40	75	6 sty. 75 ft.
Light Industrial	LI	40,000	N/A	N/A	N/A	75	50	50	50	25	20	40	80	4 sty. 50 ft.

Heavy Industrial	HI	40,000	N/A	N/A	N/A	75	50	50	50	25	20	40	80	4 sty. 50 ft.
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4.02.00 - SITE DESIGN STANDARDS FOR OVERLAY DISTRICTS

4.02.01 - General Regulations and Design Standards for Historic Districts

- A. *Purpose and Intent.* The historical and architectural heritage of Kennesaw is among its most valued and important assets. The purpose of the Kennesaw Historic District (KHD) is to promote the cultural, economic and general welfare of the city, and the preservation and protection of the old, historic or architecturally worthy structures in quaint areas or neighborhoods which impact a distinct aspect of the city and which serve as visible reminders of the cultural, social, economic and architectural heritage of the city, the state, and the nation.
- B. *Creation of Historic Preservation Commission.* See Section 8.03.02 of this UDC for creation of the Kennesaw Historic Preservation Commission.
- C. *Boundaries.*
1. The boundary of the historic properties shall be those specific properties as specified by the Kennesaw Historic Preservation Commission and so designated by ordinances adopted by the Mayor and City Council, or designated on state or national registers, pursuant to the provisions of O.C.G.A. § 44-10-26 (the Georgia Historic Preservation Act—Acts 1980, pages 1723—1729). All historic properties shall be designated on a map entitled "Official Historic District Map of the City of Kennesaw," which shall be as adopted by the Mayor and City Council, and the same required boundaries to be shown on the "Official Zoning Map of the City of Kennesaw."
 2. Any amendment to the boundary of historic properties or the "Official Historic Properties Map of the City of Kennesaw" shall be recommended by the Historic Preservation Commission and adopted by the Mayor and City Council. The Historic Preservation Commission and the Mayor and Council will each hold public hearings before taking action of any proposed district changes in accordance with appropriate State Historic Preservation Office approval.
 3. Notice of the public hearing held by the Mayor and City Council and the public hearing held by the commission shall be advertised in accordance with Chapter 10 of this UDC, and the following:
 - a. An advertisement providing notice of the hearing shall be published at least two times in the principal newspaper of general circulation within the municipality.
 - b. The commission shall cause written notice of the hearing to be mailed to all owners and occupants of the property(ies) proposed to be designated.
 - c. All written notices to property owners or occupants of property(ies) shall be mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing before the commission and again for the public hearing before the Mayor and City Council.
 - d. At least one (1) published notice shall appear in the principal newspaper of general circulation within the municipality not less than fifteen (15) days nor more than twenty (20) days prior to the date set for the public hearing before the Historic Preservation Commission and Mayor and City Council.
 4. The commission shall make or cause to be made an investigation and shall report on the historic, cultural, architectural, or aesthetic significance of each place, district, site, building, structure, or work of art proposed for designation or acquisition. This report shall be submitted to the historic preservation section of the Department of Natural Resources or its successor at least thirty (30) days prior to any public hearing held to designate any property or any amendment thereto as a historic property.
- D. *Relationship to zoning district.*
1. All that tract and parcel of land delineated on the historical district map of historic properties for the City of Kennesaw, dated May 19, 1978, presented on August 20, 1979, by Phil Secrist (Chairman of the Kennesaw Historical Society), and approved by Georgia Department of Natural Resources in October, 1979, and approved for the National Historic Register in April, 1980, which map is hereby incorporated by reference, shall be classified for zoning purposes as KHD (Kennesaw Historical District) and shall be designated as being a part of zoning district KHD (Kennesaw Historical District). Such zoning classification and designation shall be in addition to and not in lieu of the zoning classification and zoning designation applicable to such property at the time such property is designated as being a part of the historic district or is designated as historic property.
 2. If a conflict exists with regard to a use which is available to property having more than one zoning classification or zoning district designation, then the more liberal or less restrictive use shall apply to such property; however, the minimum dimensional requirements applicable to such property shall be those requirements applicable to zoning district KHD (Kennesaw Historic District).
- E. *Classification of historic properties and development standards.*
1. The commission shall evaluate all properties as designated on the Official Historic Properties Map of the City of Kennesaw, and the Official Zoning Map of the City of Kennesaw.

2. All properties so designated shall be classified as one of the following categories:
 - a. Historic. More than fifty (50) years old and contributing to the community's historic character;
 - b. Historic-obscured. More than fifty (50) years old but not contributing to the historical character of the community due to unsympathetic but not irreparable alterations;
 - c. Non-historic. Less than fifty (50) years old and contributing to the historic character of the community by possessing architectural character;
 - d. Intrusion. Structures of any age which detract from the historic character of the district; and
 - e. Vacant
 3. All historic, historic-obscured, non-historic, and intrusion property classifications in the Kennesaw Historic District shall be shown on the Official Historic Properties Map of the City of Kennesaw, and the Official Zoning Map of the City of Kennesaw. In the event a question arises over the classification of the property, the property owner may file an appeal stating the reason(s) for the appeal with the Zoning Administrator. On such appeal, the commission shall reconsider their original finding and classify the property based on their current evaluation. If such appeal has not been remedied, the commission shall submit a report to the Mayor and City Council indicating the reason(s) for their classification of the individual property. After considering the appeal as requested by the individual property owner on the classification of the property, the Mayor and City Council may reclassify the property or any portion thereof as they determine.
- F. *Development standards and general regulations of historic properties.* Design Review Guidelines as adopted by the Mayor and City Council and incorporated hereto.
1. A building or structure classified as historic, historic-obscured, or non-historic, or any part thereof, or any appurtenance element related thereto shall only be moved, reconstructed, altered or maintained in a manner that will preserve the historical and/or architectural character of the building, structure or appurtenance element thereto.
 2. Any change materially affecting the external architectural appearance of any historic property will be compatible with other buildings and structures within the historic district and particularly buildings classified as historic and with historic squares and places to which it is visually related.
 3. On any building classified as historic, historic-obscured, or non-historic where the commission fails to approve the issuance of a Certificate of Appropriateness, such building or structure shall not be demolished or in any way altered unless specific approval is granted by the Mayor and City Council upon an appeal of the commission's decision.
 4. A historic building shall not be relocated onto another site unless it is shown that the preservation on its existing site is not consistent with the purpose(s) of this section.
 5. In the review of the application for a Certificate of Appropriateness for any structure, the commission shall not consider interior arrangement or interior use having no effect on exterior architectural features.
 6. On any historic property where a Certificate of Appropriateness has been issued, any change to the property shall be completed in accordance with the approved application material.
 7. All historic property shall be maintained in such manner to ensure no destruction, deterioration or other harmful effect by virtue of neglect occurs. Any such structure or property determined by the commission to be affected by neglect of maintenance shall be restored by the property owner to such condition as specified by the building official within the time period prescribed by him.
 8. Any historic property wherein destruction, deterioration, or other harmful effect has been determined by the commission to exist due to neglect, accident or intentional damage, the commission at its discretion may require the property to be restored to its original condition prior to such change resulting from the neglect, accident or intentional damage or impose other conditions as appropriate. If restoration is required, such action taken by the commission shall be recorded as a matter of record with the office of the clerk of the Superior Court of Cobb County or other appropriate agency.
- G. *General landscaping requirements.* An application for Certificate of Appropriateness shall be required to submit a landscaping plan which is designed to be consistent with the structures proposed and designed in accordance with the Kennesaw Historic District Design Standards, the adopted Landscaping Ordinance as part of the UDC amended from time to time.
- H. *Duties, responsibilities, and powers of the Historic Preservation Commission.* The duties responsibilities and powers of the Kennesaw Historic Preservation Commission are provided in Chapter 8 of this UDC.
- I. *Certificate of Appropriateness required.*
1. A Certificate of Appropriateness issued by the Zoning Administrator after approval by the commission shall be required before any of the following conditions occur within the boundary of a designated historic property:
 - a. Any new construction of a principal building or accessory building or structure;
 - b. Any change in the exterior architectural appearance of existing buildings by additions, reconstruction, alteration or maintenance, including exterior color changes;
 - c. Demolition of a historic building or structure classified by the commission as historic, historic-obscured, or non-historic under Section 4.02.01(E).
 - d. Moving of a historic building or structure classified by the Commission as historic, historic-obscured, or non-historic under Section 4.02.01 (E), and
 - e. Any change in external environmental features.

2. After the designation by ordinance of a historic property or of a historic district, no material change in the appearance of the historic property or of a structure, site or work of art within the historic district shall be made or permitted to be made by the owner or occupant thereof unless and until all requirements of this ordinance are met.
- J. *Application for Certificate of Appropriateness.* An application for a Certificate of Appropriateness shall be made in the office of the Zoning Administrator. See Chapter 10 of the UDC (10.3.13) for procedural requirements.
 - K. *Exclusions.* Nothing in this section shall be construed to prevent the ordinary maintenance and/or repair of any exterior elements of any building, structure or property nor shall anything in this section be construed to prevent the construction, reconstruction, alteration or demolition of any such element which any authorized public official shall certify as required by public health or safety. Nothing in this section shall be construed to void any plan(s) or permit(s) having received approval from any appropriate officer, board or commission of the city for a project prior to the enactment of this section. The Zoning Administrator shall determine the validity of any prior approval of any plan(s) or permit(s) as applied in this section.
 - L. *Undue hardship.* Where, by reason of unusual circumstances, the strict application of any provision of this section would result in an exceptional and practical difficulty or undue hardship upon any owner of a specific property, the Mayor and City Council, in passing upon any application, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property shall be conserved and substantial justice done. In granting variances to this section, the Mayor and City Council may impose such reasonable and additional stipulations and conditions as will, in their judgment, best fulfill the purpose of this ordinance. A situation of the person's own making shall not be considered an undue hardship.
 - M. *Administrative Approvals for Certificate of Appropriateness*
 1. Authority. The Director for Museum and Preservation Services or a designated City of Kennesaw staff member qualified in Historic Preservation may issue certificates of appropriateness for minor works projects that otherwise meets all requirements. Minor works projects are limited to the following:
 - a. Alteration or removal of existing accessory structures or buildings.
 - b. Additions to existing accessory structures or buildings with a total additional floor area not exceeding 300 square feet
 - c. New accessory structures or buildings less than 300 square feet
 - d. Alterations, additions or removal of existing awnings, canopies or shutters
 - e. Installation of new awnings, canopies or shutters
 - f. Alteration, addition or removal of existing decks with a maximum height of 42 inches that do not require the removal or alteration of the existing building or structure and provided that the proposed deck is not visible from the street
 - g. Construction of new decks with a maximum height of 42 inches that do not require removal or alteration of the existing building or structure and provided that the proposed deck is not visible from the street
 - h. Alteration, addition or removal of exterior doors
 - i. Installation of new exterior doors
 - j. Installation, alteration or removal of storm doors
 - k. Construction of new fences, walls, hedges or other screen plantings with a maximum height of 42 inches
 - l. Removal of existing fences, walls, hedges or other screen plantings with a maximum height of 42 inches
 - m. Alteration of exposed foundations
 - n. Installation addition or removal of gutters and downspouts
 - o. Installation of house numbers and mail boxes
 - p. Pruning of shrubbery, limbs of trees eight inches in diameter and greater measured 4.5 feet from the ground level
 - q. Removal of dead, diseased or dangerous trees
 - r. Installation, alteration or removal of exterior lighting fixtures
 - s. Installation of mechanical equipment such as heating and air conditioning units provided that all units are provided with appropriate screening
 - t. Installation of window mounted air conditioning units
 - u. Alteration, addition or removal of existing patios provided the patio is not visible from the right-of-way
 - v. Construction of new patios provided the patio is not visible from City right-of-way
 - w. Installation, removal or alteration of signs
 - x. Replacement of roof coverings when proposed materials are similar to existing materials and the roof pitch or slope is not being altered
 - y. Installation of satellite dishes or television antennae
 - z. Alteration, addition or removal of exterior stairs and steps that do not require the removal or alteration of the existing building or structure and provided that the proposed stairs and steps are not visible from the street
 - aa. Construction of new exterior stairs and steps that do not require the removal or alteration of the existing building or structure and provided that the proposed stairs and steps are not visible from the street

- bb. Renewal of expired certificates of appropriateness provided there are no changes to the original approved certificate
- cc. Emergency installation of temporary features or repair measures to protect a historic resource or structure that do not permanently alter the structure or resource. Temporary features are limited to a maximum of twelve months.

N. *Removal or destruction of documented historic structures in violation of Section 4.02.00.*

1. The City of Kennesaw after confirming that a historic structure was removed from historic property or demolished destroyed or partially dismantled without following the approval process specified in this chapter and UDC will be determined to be in violation of this code.
2. The City of Kennesaw will issue citations through the Municipal Court of the City of Kennesaw and assess the replacement value of the structure removed, damaged, partially dismantled or demolished.
3. The Building Official of the City Kennesaw will be required to provide to the Municipal Court of Kennesaw and all parties an estimate of the replacement value of subject structure.
4. The City of Kennesaw shall impose a fine equal to the replacement value assessed for the replacement of the structure removed, demolished, destroyed or partially dismantled without approval by the City of Kennesaw. The assessments shall be determined by estimates submitted by the Building Official of Kennesaw and official values on record of the Cobb County Tax Assessors office whichever is higher. The City of Kennesaw shall submit these estimates for determination of replacement value to the municipal court and all appropriate court jurisdictions for resolution of the violation.

4.02.02 - Design Standards for the Historic Preservation Village Overlay (HPV) District

A. *Purpose and Intent.*

1. The HPV district is established to set aside certain properties for the purpose of providing an area that will be designed and used as a historic village. It is encouraged that resourcefulness and ingenuity will be used to assure that the property will meet the goals of the master plan of the City of Kennesaw as adopted by the Mayor and City Council in June, 1995.
2. The classification is primarily intended for properties located within Land Lot 138, 20th District, 2nd Section, and is bounded on the north by Cherokee Street and Big Shanty Road, on the east by Sardis Street, on the south by Old Highway 41, and on the west by CSX Railroad, and more particularly, Parcels 69, 70, 71, 72, 73, 74, 76, 77, 78, 79, 80, 173 and 201.

Within any HPV district, the following uses shall be permitted:

- a. Buildings of historical significance either on the historic register or eligible for placement on the historic register.
- b. Museums by their nature that would lend themselves to the historic character of the area.
- c. Outbuildings and structures that by their nature would lend to the historic character of the area.
- d. Associated low intensity office and limited retail uses.
- e. Hotels consistent with the historic and cultural era of the surrounding site.
- f. Religious Assemblies.

B. *Special exception uses.* Within any HPV district, the following uses shall be permitted by special exception:

1. Cemeteries.
2. Mausoleums.
3. Other facilities for disposal of the deceased.
4. Private community centers.
5. Private schools of general and special education.
6. Religious Assemblies' accessory cemeteries and schools.

C. *Use limitations.* Within any HPV district, the following use limitations apply:

1. Must meet design review guidelines, and as may be amended from time to time.
2. No adult entertainment.

D. *Lighting requirements.* Any project permitted within the HPV district which proposes a lighted facility must have an approved lighting plan consistent with lighting styles from the Civil War (1860-65) era.

E. *Conditions.*

1. Minimum lot size: Two acres or more;
2. Minimum public road frontage of 100 feet;
3. Overall parking and landscape plan for entire site to be approved by the Kennesaw Historic Preservation Commission; and
4. One paved parking space shall be provided for every person lawfully permitted within the structure at one time, plus one per employee. In the absence of designated assembly areas, one paved space per 300 square feet of gross floor area.

F. *Landscape buffer/screening requirements.*

1. Unless otherwise noted within this district's requirements, any property within an HPV district which abuts a residentially zoned property shall have a minimum thirty (30) feet landscaped, screening buffer adjacent to all residentially zoned property will be subject to review and approval by the Kennesaw Historic Preservation Commission.

2. Required buffers may be included within required setbacks, however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to.
3. 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 or site plan modification.
4. *Objectives.* Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - a. Screening to enhance aesthetic appeal;
 - b. Control or direct vehicular and pedestrian movement;
 - c. Reduce glare;
 - d. Buffer noise; and
 - e. Establish privacy.
5. *Standard.* Buffers and/or berms shall be required when a HPV district is located adjacent to a more restrictive residential district; minimum ten (10) feet buffer.
 - a. Landscaped buffers are subject to review and approval by the Kennesaw Historic Preservation Commission in accordance with the following standards:
 - i. Plantings are to be a mix of evergreen trees and shrubs;
 - ii. Species are to be ecologically compatible to site and appropriate for design situation;
 - iii. Unless public safety concerns dictate otherwise, buffer should maximize visual barrier to height of six (6) feet within two (2) years of planting;
 - iv. Minimum height of plant materials at installation is to be five (5) feet for trees and two (2) feet for shrubs;
 - v. Fencing or walls are to be minimum six (6) feet in height as approved by city staff;
 - vi. Trees included in buffer plantings may be counted toward site density calculations as required by the Kennesaw Tree Preservation and Replacement Ordinance, subject to review and approval by staff;
 - vii. Buffers shall be regularly maintained by the property owner(s) to ensure that the above objectives and standards are met;
 - viii. When topography and existing conditions allow, the required thirty (30) feet buffer should be an undisturbed buffer; and
 - ix. Any appeals from a determination by Kennesaw Historic Preservation Commission shall be to the Mayor and City Council.
 - b. Berms are subject to review and approval by city staff in accordance with the following standards:
 - i. Berms shall be utilized when consistent with surrounding property features;
 - ii. Berms shall be stabilized;
 - iii. Where possible, berms shall be constructed to be consistent with natural or proposed drainage patterns; and
 - iv. Berms shall be regularly maintained by the property owner.

G. *Parking requirements.*

1. Individual buildings located within the HPV district will not be required to provide on-site parking. The building and its site must, however, provide for a clearly identified easement/walkway to the common areas as recommended by the master plan. Total square footage of the building and its estimated parking needs will be deducted from the total number of spaces as shown on the master plan.
2. See section 6.02.05 for off-street parking requirements.

(Ord. No. 2015-05, § 4, 4-20-15)

4.02.03 - Site Design Standards for the Central Business District

A. *Purpose and intent.*

1. The Central Business District (CBD) is established in order to preserve and protect the cultural and historic aspects of downtown Kennesaw and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area.
2. The classification is primarily intended for a focal point for upscale retail trade, tourism, and financial and public uses. The intent of the Central Business District (CBD) is to develop a compact core to encourage and facilitate pedestrian movement and provide convenient access to the amenities of Historic Downtown Kennesaw.
3. The CBD is designed to achieve the following:
 - a. Create an environment where residents and visitors can live, work, meet, and play.
 - b. Promote a balanced mix of retail, office-professional, entertainment, residential, civil, and cultural uses in the core downtown area.
 - c. Allow for growth of a healthy economic business district.
 - d. Incorporate aesthetically compatible design from gateway points to the core of the city to improve the aesthetics of street and built environments.
 - e. Ensure compatibility with the historic district to achieve architectural and design integrity and consistency.

- f. Provide accessible and sufficient parking that is unobtrusive by encouraging shared, underground, and deck parking and alternative modes of transportation including pedestrian and bicycles.
 - g. Promote a pedestrian environment through sidewalk-oriented buildings and attractive street-facing façades that encourage pedestrian activity.
 - h. Provide safe and accessible parks and public and private open space.
- B. *Lot size, setback and building height requirements.* Within the CBD the following lot size and setback requirements shall apply.
 - 1. Minimum lot size, widths and depths: None. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements of off-street parking, loading and unloading, and setback requirements, where applicable.
 - 2. Maximum lot coverage: Not more than eighty-seven (87) percent of the area of any lot may be covered by buildings structures or storm water facilities.
 - 3. Minimum setbacks:
 - a. Front - Established to "build-to-line" which equals the averaged distance from the property lines measured from existing structures along right-of-way adjoining properties as measured from existing structures.
 - b. Side - None, except when abutting a residential zoning district where there is no intervening right-of-way, the setbacks requirement is ten feet. Where alleys exist between districts, the setbacks shall be five feet from the property line/alley right-of-way.
 - c. Rear - None, except when abutting a residential district where there is no intervening right-of-way the setback requirement is 25 feet.
 - d. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way.
 - 4. Maximum building height: Subject to the Historic District Design Guidelines
 - 5. Maximum floor area ratio (FAR) - 1.10
 Calculations for FAR: Floor Area/Lot Area = FAR
- C. *Permitted uses.* Within the CBD, the following uses shall be permitted:
 - 1. General retail uses:
 - a. Antiques
 - b. Animal hospitals
 - c. Appliance store
 - d. Arts and crafts
 - e. Bakery
 - f. Bicycles shop
 - g. Book store
 - h. Butcher
 - i. Carpet and floor covering
 - j. Cosmetics
 - k. Draperies and slipcovers
 - l. Fabric store
 - m. Farmers market (fully enclosed and open-air)
 - n. Flower shop
 - o. Food
 - p. Fraternity and sorority houses/residence halls (must be university authorized dwellings)
 - q. Fruit/vegetable stand
 - r. Garden supplies
 - s. Gift shop/glassware
 - t. Growler establishments
 - u. Hardware store
 - v. Home/office furnishings
 - w. Ice cream shop
 - x. Jewelry store
 - y. Leather goods/luggage
 - z. Massage therapy establishments
 - aa. Massage therapy associated with the following uses:
 - As part of a salon service establishment
 - As part of a medical, chiropractic or sports medicine establishment

- bb. Medical and surgical equipment
 - cc. Music shop
 - dd. Nautical supplies
 - ee. Office supplies
 - ff. Pets and pet supplies
 - gg. Pharmacy
 - hh. Photographic equipment/supplies
 - ii. Spa and salon establishments
 - jj. Sporting goods
 - kk. Toy store
2. Services and professional uses:
- a. Banks/financial institutions limited to one drive-through and/or automated transaction machines
 - b. Interior decorating establishments
 - c. Medical and dental clinics
 - d. Medical and dental laboratories
 - e. Photographic studios
 - f. Printing and publishing
 - g. Professional offices
 - h. Sports medical physical therapy
3. Services and facilities:
- a. Auction
 - b. Barber/beauty shops and salons
 - c. Bed and breakfast inn and residential-type inns
 - d. Broadcast studios
 - e. Butcher shops
 - f. Caterers
 - g. Dry cleaning and laundry pick-up stations limited to off-site processing for customer pick-up.
 - h. Exercise facilities e.g. gyms and clubs
 - i. Galleries
 - j. Alternative wireless communications facilities (Special land use approval required)
 - k. Government facilities including but not limited to the following:
 - i. Government offices
 - ii. Public works facilities
 - iii. Community centers
 - iv. Public parks, clubhouses
 - v. Amphitheaters
 - l. Hotels
 - m. Laundromats limited to self-service facilities
 - n. Libraries
 - o. Motels
 - p. Museums
 - q. Newsstands
 - r. Outdoor cafes
 - s. Parking lot and garages (commercial or public)
 - t. Pet grooming
 - u. Religious assemblies
 - v. Restaurant excluding drive-in and drive through
 - w. Rest/personal care/convalescent homes
 - x. Small item repair
 - y. Tailoring
 - z. Tobacconist

- aa. Taverns/cocktail lounges
- bb. Vocational schools some examples being: arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling and karate-judo.
- 4. Residential uses:
 - a. Condominiums
 - b. Mixed use residential/commercial
 - c. Single family detached
 - d. Townhomes
- 5. The permitted uses under this section shall be allowed in such a way as to promote a diverse mixture of the uses so as to avoid concentrations of such uses within close proximity of which may cumulatively create a nuisance, safety or health hazard or parking problem that may negatively affect the overall financial stability of surrounding uses.

All retail and professional uses varied in nature that meet the CBD vision and adopted comprehensive plan and all other adopted planning studies for the City of Kennesaw that is not listed as a prohibited use under Section 4.02.03E.

D. *Special exception uses.* Within the CBD the following uses shall be permitted by special exception as per Section 4.04.01.

- 1. Cemeteries
- 2. Private community centers
- 3. Private schools of general and special education
- 4. Religious assemblies' accessory cemeteries and schools.

E. *Use limitations.* Within the CBD the following use limitations apply:

- 1. All projects located within the historic district shall meet the City of Kennesaw design review guidelines as may be amended from time to time.
- 2. No (new or used) car lots
- 3. No car repair shops to be established
- 4. No sexually oriented businesses as defined in the Kennesaw Code of Ordinances Business Licenses shall be allowed.
- 5. No overnight outside storage shall be allowed.
- 6. No more than five percent of total store inventory may be displayed outside.
- 7. All items stored outside shall be moveable to indoor without compromising accessibility to the building.
- 8. No items shall be displayed on paved areas or parking lots, except for temporary permits for special sales events not to exceed seven days more than four times per calendar year.
- 9. Items may be displayed on porches or adjacent to primary structures only in non-paved areas.
- 10. Sidewalk/yard sales shall only be conducted after issuance of the proper permit.
- 11. All abandoned or disposed items including recycling and trash shall be removed within three days.
- 12. No chemical manufacturing, storage or distribution shall be allowed.
- 13. No enameling, plating or paint (except for artist studios) shall be allowed.
- 14. No detention centers or halfway houses shall be allowed.
- 15. No tire shredding or recycling centers shall be allowed.
- 16. No manufacture or disposal of hazardous or radioactive waste materials shall be allowed.
- 17. No scrap yards shall be allowed.
- 18. No manufactured/mobile homes shall be allowed.
- 19. No commercial sand, gravel or other mineral extraction shall be allowed.
- 20. No indoor or outdoor shooting ranges shall be allowed.
- 21. No tattoo parlors shall be allowed.
- 22. No body piercing facilities, as a primary use shall be allowed.
- 23. No extended stay hotels/motels shall be allowed.
- 24. No chain link fences shall be permitted.
- 25. No overnight parking of commercial vehicles (except for mini-vans or cars) shall be allowed.
- 26. No uses that emit noxious odors, fumes or sounds shall be allowed.
- 27. No outside animal runs with any veterinary office or kennel shall be allowed.
- 28. No detention or retention or wet weather ponds allowed.
- 29. No gas stations to be established. The wholesale and retail sale of all fuel sources are governed by this restriction.
- 30. No automobile, truck, motorcycle or recreational vehicle rental facilities to be established
- 31. No drive-through amenity to be established in association with any eating and drinking establishments located within the Central Business

District.

32. No funeral homes allowed.

F. *Gateway corridors:*

1. Cherokee Street
2. Watts Drive
3. North Main Street (Old Hwy 41)
4. South Main Street (Old Hwy 41)
5. Summer Street

G. *Residential development standards:*

1. Condominiums: Minimum floor area for all units - 1,000 square feet
2. Mixed use retail/residential with residential on second floor
 - a. The non-residential portion of the development shall obtain a certificate of completion before the issuance of the certificates of occupancy for the last 20 percent of residential units for the residential portion.
 - b. The gross floor area occupied by residential uses shall not exceed seventy-five (75) percent of the total gross floor area of the buildings or individual structures.
 - c. Minimum floor area for all residential units—1,000 square feet
3. Single family, detached: The minimum floor area of residential dwellings shall be 1,100 square feet.
4. Townhouses: The minimum floor area of all residential units—1,000 square feet
5. For-Rent Residential Apartment units:
 - a. To be allowed only in mixed use residential/commercial projects
 - b. Rental apartment units will be allowed subject to specific development agreement conditions as part of the Central Business District project approval process as per UDC Section 4.02.03(H).
 - c. Minimum floor area for all residential units in mixed use residential project to average 1,000 sq feet.
 - d. Units with a floor plan totaling the minimum of 850 square feet can be utilized for no more than 30 percent of the total apartment units for the project.

H. *Approval process for projects.* Projects to be processed in the following order:

1. City of Kennesaw staff shall conduct a minimum of one consultation with applicant to review project concept and factors to consider in the planning and design phase prior to initial site plan and architectural review.
 2. Conceptual site plan and architectural review by City of Kennesaw staff
 3. Submittal to the Kennesaw Downtown Development Authority (KDDA) for review and comment only.
 4. Submittal to the Historic Preservation Commission (HPC) for certificate of appropriateness approval if within a historic district. If subject property is not in the historic district then concept approval will be required.
 5. Site Plan review and approval by City of Kennesaw staff required.
 6. Final plan approval by Mayor and Council
- I. The site plan of the project shall be consistent with the City of Kennesaw adopted Comprehensive Plan, Depot Master Plan and LCI study.
- J. The project shall be designed as to provide a proper transition, land use and design so as not to negatively affect surrounding properties.
- K. The site plan of the project shall incorporate public space architectural and urban features consistent with the City wide Architectural Design Standards and the City of Kennesaw Historic District Design Standards including fountains, gardens, squares, courtyards, lighting, signage, and paving that blend the mixed uses.
- L. Each applicant shall submit a business plan which contains at a minimum the following information:
1. Type of business
 2. Projected market targeted
 3. Projected customer generation
 4. Plan on traffic control for ingress/egress of property
 5. Study on similar uses in area
 6. Projected economic impact to City of Kennesaw

M. *General requirements:*

1. Compliance to downtown redevelopment plan vision
2. A balanced mixture of uses to meet downtown redevelopment plan vision
3. Positive economic development impact
4. Architectural design and quality shall be consistent with City of Kennesaw Design Guidelines and compatible with the city's architectural heritage.
5. Pedestrian and vehicular connectivity shall be incorporated into site design.

6. The height of fences and walls located between the building façade and a street shall not exceed forty (40) inches and in other areas shall not exceed six (6) feet.
7. No barbed wire, razor wire, chain link or similar elements shall be visible from any street, public park, sidewalk, public or private open space or outdoor dining area.
8. Loading docks and dumpsters shall be entirely screened from view with vertically enclosed opaque walls.
9. Utilities shall be placed underground.
10. Building mechanical and accessory features:
 - a. Shall be located to the side or rear of the principal structure or on rooftops and shall not be visible from any public open space or sidewalk area.
 - b. When located on rooftops shall be incorporated in the design of the building and screened with materials similar to the building.
11. Any project permitted within the CBD which proposes a lighted facility including signs, parking lots, and entrance ways shall have an approved lighting plan consistent with lighting styles utilized in the downtown streetscape design and approved under the City of Kennesaw Historic Design Standards and Citywide Design Guidelines.
12. All sign locations located within historic district will be subject to review and approval by the HPC.
 - a. City staff will review and process the sign permit application as per design standards as set forth in Chapter 5.03.00 of the sign ordinance after review and approval from HPC.
 - b. All temporary signs will be regulated as per Chapter 5.03.00.
- N. *Parking, road and access requirements.* Overall parking plans for the entire project site shall be approved by city staff through the plan review process. All parking requirements can be provided off-site. No alley parking is permitted.
 1. Angled on-street parking on both sides shall be permitted dependent upon site plan review and approval.
 2. Rear access shall be provided to townhouse and multifamily garages, single-family dwelling garages, and commercial loading and service areas, where such access is feasible.
 3. Bicycle or moped parking spaces are required as follows: All new non-residential uses shall provide one (1) such space for every twenty (20) automobile spaces but not less than one (1) space and new residential uses shall provide one (1) such space for every five (5) units. Such spaces shall be located a maximum distance of 100 feet from the primary pedestrian entrance.
- O. *Incentive/zoning bonuses.*
 1. Common access drives and access curb cuts: All projects incorporating common access drives for multiple parcels along the identified gateway corridors in this section will be granted an increase of floor area ratio by .10, subject to all other limitations.
 2. Pedestrian linkage: All projects that promote pedestrian/bicycle pathways and inter-parcel access will be granted an increase of floor area ratio by .10
- P. *Landscaping design guidelines.* All CBD project applications will include a landscape plan that has location and type for benches, waste receptacles, lighting, paving material, bicycle racks, newspaper stands, plant material, fencing, private open space, internal sidewalks and trails. The following components will be incorporated into the plan:
 1. Use of sod on yard areas facing public right-of-way
 2. Compliance to tree ordinance in UDC chapter three

(Ord. No. 2012-15, § 1, 12-17-12; Ord. No. 2015-05, § 5, 4-20-15; Ord. No. 2016-06, 3-7-16; Ord. No. 2016-07, 3-7-16; Ord. No. 2016-21, 9-6-16)

4.02.04 - Design Standards for the Senior Living Overlay District (SLO)

- A. *Purpose and intent.* The Senior Living Overlay (SLO) District is established to promote development of senior citizen housing products and/or services pursuant to the identified market demand for senior housing products. Any zoning district plot developed or used pursuant to SLO regulations shall not thereafter be used for any purpose other than the provisions of Senior Living unless and until the Zoning Administrator, or his or her designee, has certified in writing that the alternate use satisfies all applicable land use regulations pertaining to the underlying zoning district classification. It is the purpose of the Senior Living Overlay District to provide a process by which housing policies identified in the Comprehensive Plan may be executed.
- B. *Lands Subject to SLO District Classification.* The SLO District classification is available as an overlay in the following zoning districts: CBD, R-30, R-20, R-15, R-12, R-10, PUD-R, RD, RA-4, RM-8, RM-12, and FST. Applications shall comply with all other provisions of this UDC and all other applicable laws. In the event of a conflict between the requirements of the SLO District and this UDC, the stricter standard shall apply.
- C. *Permitted Uses.* The following uses are permitted in the Senior Living Overlay District:
 1. Non-Supportive Senior Living Facilities
 2. Supportive Senior Living Facilities
- D. *Senior Living Development Criteria.*
 1. Non-Supportive Uses. Non-supportive Senior Living development projects may be introduced under the SLO District, when the proposed use meets all of the following criteria:
 - a. Residential occupancy shall promote senior citizens 55 years of age or older as defined by the Fair Housing Act as amended from time to time.

- b. The impact of the use will be equivalent to those impacts produced by uses otherwise allowed for land development within the underlying zoning classification, with considerations being given to the type of living units, number of living units, the probable number of residents and the generated demand on public facilities and services.
 - c. The location, size, design, and operating characteristics of the use will be compatible with, and will not adversely affect, the livability or appropriate development of adjacent properties and surrounding neighborhoods, with consideration to scale, size, coverage, and density; to the availability of civic facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impacts of the use.
 - d. The location, design, and site planning of the use will provide a convenient, safe, attractive, walkable, and functional live, work and play community.
 - e. The use will be so located as to provide residents easy pedestrian and vehicular access to community amenities such as transit, shopping, services (including medical), parks, recreational facilities, and social and educational activities or facilities.
 - f. Housing shall be specifically designed for senior citizens and include facilities generally associated with the needs and interests of this age group. Such facilities shall include common meeting rooms, recreation facilities and outdoor open space, secure parking areas, safety bars and rails in units, emergency signal systems, adequate exterior lighting for security, ramps and other provisions required for elderly persons by state law or federal regulation.
 - g. Portions of projects should incorporate applicable accessibility and "easy living" standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia).
 - h. A minimum of 1.25 parking spaces per unit shall be provided. Overall parking plans for the entire project site shall be in accordance with Chapter 6 of this UDC.
 - i. If property is located within a locally designated historic district, a Certificate of Appropriateness will be required by the Historic Preservation Commission.
- 2. Supportive Uses. Supportive Senior Living development projects may be introduced under the SLO District, when the proposed use meets all of the following criteria:
 - a. All Supportive Uses will follow the criteria set forth in this section of the UDC.
 - b. Each facility may include a centralized kitchen with dining facilities sufficient to serve all occupants. However, this shall not preclude kitchenette facilities within each unit.
 - c. A minimum of 0.75 spaces per residential unit shall be provided. Parking plans must include provisions for adequate shuttle services or other public transportation services to serve each facility. Overall parking plans for the project site shall be in accordance with Chapter 6 of this UDC. If property is located within a locally designated historic district, a Certificate of Appropriateness will be required by the Historic Preservation Commission.
- E. *Use Limitations.* Subject to underlying base zoning district standards.
- F. *Lot size and setback requirements.*
 - 1. For all underlying Residential zoning classifications:
 - a. Minimum lot size: 3 acres
 - b. For minimum lot widths, road frontage, and setback distances refer to standards for base zoning district
 - 2. For the underlying CBD zoning classification:
 - a. Minimum lot size: 3 acres
 - 3. For minimum lot widths, road frontage, and setback distances refer to Sections 4.01.01. The referenced minimums may be decreased by the city staff upon proper showing that such is necessary to provide compatibility with adjacent land uses.
 - 4. Density bonuses may be allowed where necessary to incorporate a unique design feature such as rear parking, gardens and courtyards or architectural features.
- G. For underlying, residential zoning classifications, refer to table 4.01.02 that specifies the site standards for underlying base zoning districts.
- H. *Landscape Buffers and Screening Requirements.*
 - 1. Landscape Buffers. Refer to Sections 3.07.00, for guidelines by Base Zoning District.
 - 2. Screening Requirements
 - a. Unless otherwise noted within this overlay district's requirements, any property within the SLO district which abuts a more restrictive residentially zoned property shall have a minimum 20-foot (for Non-Supportive uses) or 40-foot (for Supportive uses) landscaped screening or maintained natural buffer adjacent to all residential property. Minimum buffers may be increased by city staff based on existing conditions such as tract size or topographic conditions in order to provide compatibility with adjacent residential uses. When abutting a non-residentially zoned property, a minimum 10-foot landscaped screening or maintained natural buffer is required subject to approval by city staff.
 - b. Refer to UDC Chapter 4 for guidelines by Base Zoning District.

- I. *Environmental Requirements.* Any development must meet all federal, state and local requirements relating to flood plains, wetlands, river corridor protection and stream buffers subject to the provisions in Chapter 3. No flood plain and/or wetlands may be used in calculating the overall density of the development.
- J. *Building and Structure Requirements.* Building and Structure Requirements shall meet the requirements of this UDC unless otherwise addressed in this section.
- K. *Accessory Buildings, Structures, Uses and Decks.* Building and Structure Requirements shall meet the requirements of this UDC unless otherwise addressed in this section.

4.03.00 - CONSERVATION SUBDIVISIONS

4.03.01 - Purposes

- A. To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
- B. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- C. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- D. To permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- E. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- F. To promote interconnected greenways and corridors throughout the community.
- G. To promote contiguous greenspace with adjacent jurisdictions.
- H. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- I. To encourage street designs that reduces traffic speeds and reliance on main arteries.
- J. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- K. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- L. To preserve important historic and archaeological sites.
- M. To encourage the development of residential communities designed to preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes.
- N. To reduce infrastructure impact as a result of efficient community design.

4.03.02 - General Regulations

- A. *Applicability of Regulations.*
 - 1. Compliance with this conservation subdivision ordinance is available as an overlay in the following zoning districts: R-30, R-20, R-15, R-12, R-10, PUD-R, RM-4, RM-8, RM-12, and FST.
 - 2. The overlay district shall be a use by right as of the effective date of the adoption of this article.
 - 3. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions outlined in herein.
 - 4. Any conflict between these standards and the code of ordinance, the more stringent will apply.
- B. *Ownership of development site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.
- C. *Lot density determination.*
 - 1. The maximum number of lots in the conservation subdivision is based on the net highest yield of developable lots as allowed under the underlying zoning district. Density is defined under Chapter 1.
 - 2. The design must be capable of being constructed given site features and all applicable regulations.
- D. *Procedure for approval.* Site plan shall be submitted by the owner or developer for review and approval in accordance with the requirement and procedures of the development regulations.
- E. *Variance.*
 - 1. The Planning and Zoning Administrator shall have authority to grant an administrative variance under Section 9.04.01 of the UDC.
 - 2. Any other variance outside the scope of Section 9.04.01 shall require a variance before the Mayor and City Council.

4.03.03 - Application Requirements

- A. *Site Plan Required.* The applicant must submit a site plan that is sealed by a registered engineer, landscape architect, or land surveyor which contains, at a minimum, the following features:

1. Property boundaries;
 2. All streams, rivers, lakes, wetlands, 100-year floodplains and other hydrologic features;
 3. Topographic contours of no less than five-foot intervals;
 4. All primary and secondary conservation areas labeled by type, as described in this ordinance;
 5. General vegetation characteristics including tree lines, woodlands, open fields, and meadows;
 6. General soil types;
 7. The planned location of protected open space;
 8. Existing roads, easements and structures;
 9. Potential connections with existing greenspace and trails or proposed trails or greenways identified on the Kennesaw Trail Network Plan, when adopted;
 10. A complete tree survey and inventory as described in the UDC, Chapter 3 tree preservation standards;
 11. Identify steep slope areas greater than twenty-five (25) percent;
 12. Provide distance/directional chart to open spaces in adjacent developments;
 13. Provide certification statement of any existing archaeological sites and cemeteries.
- B. *Open space management plan required.* An open space management plan, as described in Section 4.03.05, shall be prepared and submitted prior to the issuance of a land disturbance permit.
- C. *Instrument of permanent protection required.* An instrument of permanent protection, as described in Section 4.03.05, shall be prepared and submitted prior to the issuance of a land disturbance permit.

4.03.04 - Development Requirements

Development in this overlay district shall meet the requirements of the underlying zoning district, development standards, and this ordinance. The city reserves the right to require an archaeological survey prior to plan approval. Plan approval by the Plan Review Committee will be required.

4.03.05 - Open Space

- A. *Definition.* Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.
- B. *Standards to determine open space.*
1. The minimum restricted Open Space shall comprise at least forty (40) percent of the gross tract area.
 2. The following are considered primary conservation areas and are required to be included within the open space.
 - a. The regulatory 100-year floodplain;
 - b. Buffer zones of at least seventy-five (75) feet width along all perennial and intermittent streams;
 - c. Slopes above twenty-five (25) percent of at least 5,000 square feet contiguous area;
 - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act regardless of whether such wetlands are jurisdictional under said Act;
 - e. Populations of endangered or threatened species, or habitat for such species;
 - f. Archaeological sites, civil war entrenchments, cemeteries and burial grounds; and,
 - g. Perennial and intermittent streams.
 3. The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible.
 - a. Historic sites, a site is the location of a significant event, a prehistoric or historic occupation or activity, or building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure (habitation sites, funerary sites, rock shelters, village sites, hunting and fishing sites, ceremonial sites, petroglyphs, rock carvings, gardens grounds, battlefields, ruins of historic buildings and structures, campsites, trails, areas of land, cemeteries, designed landscapes, and natural features, such as springs and rock formations, and land areas having cultural significance);
 - b. Existing healthy, native forests of at least one acre contiguous area;
 - c. Individual existing healthy trees greater than eight inches caliper, as measured from their outermost drip line;
 - 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 of at least five acres contiguous area;
 - f. Greenspace that connects to neighboring greenspace areas that may be candidates for future open space or proposed trails for greenways identified on the Kennesaw Trail Network Plan, when adopted; and
 - g. Recognized wildlife habitats and scenic vistas as identified by the Georgia Department of Natural Resources.

4.

Above-ground utility rights-of-way and limited small areas (less than 400 square feet) of impervious surface not related to active recreation may be included within the protected open space but cannot be counted towards the forty (40) percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas (400 square feet or greater) of impervious surface not related to active recreation shall be excluded from the open space.

5. At least seventy-five (75) percent of the open space shall be in a contiguous tract, the common open area. The common open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
 6. The common open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.
- C. *Permitted uses of open space.* Uses of open space may include the following:
1. Conservation of natural, archeological or historical resources;
 2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 3. Walking or bicycle trails, provided they are constructed of porous paving materials;
 4. Passive recreation areas;
 5. Active recreation areas, provided that they are limited to no more than 10 percent of the total open space and are not located within primary conservation areas. Active recreation areas in excess of this limit must be located outside of the protected open space;
 6. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;
 7. Nonstructural stormwater management practices;
 8. Easements for drainage, access, and underground utility lines, as described in "The Georgia Stormwater Management Manual", 2004 Edition; or
 9. Other conservation-oriented uses compatible with the purposes of this ordinance.
- D. *Prohibited uses of open space.* In addition to other uses of open space not included herein, uses of open space may never include:
1. Golf courses;
 2. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
 3. Agricultural and forestry activities not conducted according to accepted best management practices; and,
 4. Other prohibited activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.
- E. *Ownership and management of open space.*
1. Ownership of open space.
 - a. The applicant must identify the owner of the open space who is responsible for maintaining the open space and facilities located thereon.
 - b. If a Homeowners Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors.
 - c. If a Homeowners Association is the owner, the Homeowners' Association shall have lien authority to ensure the collection of dues from all members.
 - d. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owner.
 2. Management plan. Applicant shall submit a plan for management of open space and common facilities ("plan") that:
 - a. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
 - c. Provides that any changes to the plan be approved by the appropriate party of the City of Kennesaw; and,
 - d. Provides for enforcement of the plan.
 3. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the City of Kennesaw may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.
- F. *Legal instrument for permanent protection.*
1. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one that is consistent with the methods of permanent protection provided under the State of Georgia's Greenspace Program or, if such program is no longer functioning in the state, then one of the following:
 - a. A permanent conservation easement in favor of either:

A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

- ii. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
 - iii. If the entity accepting the easement is not the City of Kennesaw, then a third right of enforcement favoring the City of Kennesaw shall be included in the easement;
 - b. A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,
 - c. An equivalent legal tool that provides permanent protection, if approved by the City of Kennesaw.
2. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this ordinance, as well as any further restrictions the applicant chooses to place on the use of the open space.

4.04.00 - SUPPLEMENTAL STANDARDS FOR SPECIFIC USES

4.04.01 - Special Exception Uses

- A. Those uses which, with the proper scrutiny and conditions, may be appropriately located within certain specified zoning districts.
- B. *Authorization.* The Zoning Administrator or his designee shall issue a certificate of special exception to an applicant when the conditions relating to the special exception uses listed herein are met.
- C. *Standards.*
 - 1. Any other facility for the disposal of the dead provided all requirements by the cemetery have been satisfied.
 - 2. Cemeteries for human or animal interment with the following minimum requirements:
 - a. Minimum lot size of ten (10) acres;
 - b. Minimum public road frontage of 100 feet;
 - c. When abutting any residential property line, a fifty (50) feet natural/landscaped buffer shall be approved by city staff (see Landscaping Standards);
 - d. Permanent public ingress/egress shall be provided;
 - e. Compliance with all State of Georgia requirements; and
 - f. Overall parking and landscaping plan to be approved by city staff.
 - 3. Religious Assemblies' accessory cemeteries and schools with the following minimum requirements:
 - a. A religious assembly may have an accessory cemetery with the following minimum requirements:
 - i. Minimum lot size of two (2) acres for cemetery;
 - ii. When abutting any residential property line a fifty (50) feet natural landscaped buffer shall be approved by city staff (see Landscape Standards);
 - iii. Permanent public ingress/egress shall be provided;
 - iv. Compliance with all State of Georgia requirements; and
 - v. Overall parking and landscaping plan to be approved by city staff.
 - b. A religious assembly may have an accessory school with the following minimum requirements:
 - i. Minimum lot size of five (5) acres;
 - ii. Minimum public road frontage of 100 feet;
 - iii. Overall parking and landscape plan for entire site to be approved by city staff; and
 - iv. One (1) paved parking space per every one (1) full-time employee of the accessory school in addition to required parking for the principal religious assembly use.
 - 4. Mausoleums: when used in conjunction with a cemetery provided that all requirements for the cemetery have been satisfied.
 - 5. Private community center: A place, structure, area, or other private or non-publicly owned facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.
 - a. Minimum of three (3) acres;
 - b. Structures associated with said use to be located a minimum of thirty-five (35) feet from any property line;
 - c. Structures associated with said use to be limited to forty-five (45) feet in height;
 - d. When abutting any residential property line a twenty-five (25) feet landscaped, screening buffer shall be approved by city staff (see landscaping requirements);
 - e. Overall parking and landscape plan for entire site to be approved by planning and zoning staff and city staff (see Landscaping Standards);
 - f. One paved parking space shall be provided for every person lawfully permitted within the assembly areas at one time, plus one per employee. In the absence of designated assembly areas, one paved space per 300 square feet of gross floor area; and

- g. Lighting plan to be approved by the Zoning Administrator.
- 6. Private schools of general and special education with the following minimum requirements:
 - a. Minimum lot size of five (5) acres;
 - b. Minimum public road frontage of 100 feet;
 - c. Overall parking and landscape plan for entire site to be approved by city staff; and
 - d. One paved parking space shall be provided for every person lawfully permitted within the assembly areas at one time, plus one per employee. In the absence of designated assembly areas, one paved space per 300 square feet of gross floor area.
- 7. Bed and breakfast establishment: A private owner-occupied single-family residence, with a maximum of five guestrooms rented for a daily fee, which is subordinate to the primary residence.
 - a. Allowable districts: HPV, NS, NRC, PVC, CBD, and UVC
 - b. A minimum of 2,000 square feet of heated living area in the structure to be used as the bed and breakfast is required.
 - c. The bed and breakfast shall be owner occupied.
 - d. Parking requirements shall be one (1) space per guest room in addition to a required one (1) space per employee plus one (1) space per three (3) seats in assembly areas for functions.
 - i. Parking spaces shall be screened from all adjoining residential properties with a solid fence, of a minimum of six (6) feet in height, or evergreen trees and shrubs densely planted which will provide a visual screen height of six (6) feet within two (2) years of planting.
 - e. One identification sign shall be allowed on each street frontage. All signs must adhere to the City of Kennesaw Sign Ordinance.
 - f. Per state regulations, food service is limited to registered guests and must be included in the price of the overnight accommodations. Food service may be provided to outside guests only in the event of a special function. In this case, an outside vendor may be permitted to provide food service. Appropriate licensing will be required for food and beverage service.
 - g. Special events such as parties, weddings and meetings shall be permitted.
 - h. Individual rooms that are rented shall not contain cooking facilities, nor shall any food preparation or cooking for guests be conducted within any bedroom made available for rent.
 - i. The bed and breakfast establishment must comply with the required minimum lot area for existing uses and underlying zoning district, conform to all codes and regulations of the City of Kennesaw, Cobb County where applicable, and the State of Georgia laws.
 - j. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.
 - k. Maximum length of stay for any guests shall not exceed fourteen (14) days.
 - l. The resident owner shall comply with all business license and Hotel-Motel excise tax and revenue collection laws of the City of Kennesaw, Cobb County and the State of Georgia.
- 8. Extended stay facilities.
 - a. Extended stay hotel or motels shall be defined as any hotel or motel in which fifty percent or greater of all guest rooms have facilities for both the storage and preparation of food and which are designed or utilized for weekly or monthly occupancy.
 - b. Extended stay hotel and motels are permitted within the Highway General Business District (HGB) zoning districts, subject to a special land use permit, and shall comply with the following restrictions:
 - i. All guest rooms that have facilities for both the storage and preparation of food and have less than 300 square feet of floor area are limited to a maximum of two persons per such room; however, for all such guest rooms greater than 300 square feet, one additional person shall be allowable per each additional seventy-five (75) square feet of floor area up to and including a maximum of four (4) persons.
 - ii. No more than ten percent of individual guests shall register, reside in, or occupy any room or rooms within the same licensed facility for more than a ninety (90) day period.
 - iii. An indoor or fenced outdoor active recreation area shall be provided. The size of each recreation area shall be calculated at a ratio of five (5) square feet per room with a minimum provision of 750 square feet. All recreation areas must be approved by the Planning and Zoning Director prior to development to ensure that all applicable safety specifications and standards are met.
 - iv. No permanent business license shall be issued for the conduct of any business from any guest room of the facility.
 - v. No hotel or motel under this section is to be converted to or used as an apartment or condominium without zoning approval of the City Council. Any hotel or motel converted to such use must meet all applicable state and local codes, including zoning standards.
 - vi. Each guest room must be protected with a sprinkler system approved by the fire marshal or the fire marshal's designee.
 - vii. Each guest room having a stove-top unit or other type burner unit shall be required to also include a maximum sixty (60) minute automatic power off timer for each such unit.
 - viii. A hard-wired smoke detector shall be provided, installed, and operation at all times in each guest room.
 - ix. No outside storage or permanent parking or equipment or vehicles shall be allowed.
 - x. All such facilities shall provide a fifty (50) feet undisturbed buffer from any property zoned for multi-family residential purposes and/or a 100 feet undisturbed buffer from any property zoned for single-family residential purposes.

- xii. No building may be placed within 300 feet of any residentially zoned property, inclusive of the required buffer.
 - xiii. These restrictions shall apply to all facilities permitted or expanded after the date of enactment of this ordinance.
 - xiv. All extended stay facilities shall have a maximum density of seventy-five (75) guest units per gross acre of development.
- 9. Automobile, truck and trailer lease and rental facilities (principal and accessory uses) with the following minimum requirements:
 - a. Minimum lot size of two acres
 - b. Utilization of permanent structures as defined in UDC and building codes for construction
 - c. Compliance of city wide architectural standards.
- 10. Automobile and truck sales and service facilities with the following minimum requirements:
 - a. Minimum lot size of two acres
 - b. Utilization of permanent structures as defined in UDC and adopted building codes for construction
 - c. Compliance of city wide architectural standards
- 11. Automotive storage yards and wrecker service establishments with the following minimum requirements:
 - a. Minimum lot size of four acres
 - b. Screening of storage and parking areas with a consistent landscaping buffer with a width of twenty feet around perimeter of storage areas
 - c. Secured entry to storage areas with utilization of fencing and automated devices
 - d. Compliance with all other standards that apply to this use under the UDC
 - e. Utilization of permanent structures as defined in the UDC and adopted building codes for construction
- 12. Billiards and pool halls meeting the following requirements:
 - a. Compliance with all State and local codes for business license and fire safety codes
 - b. Use not to cause a nuisance as defined by the City of Kennesaw Code of Ordinances
- 13. Motorcycle, ATV and three wheel vehicle sales and service facilities must meet the following requirements:
 - a. Minimum lot size two acres
 - b. Permanent structures to be utilized as defined by the UDC and building code standards
 - c. Compliance with city wide architectural standards
 - d. Compliance with all other applicable chapters in the UDC
- 14. Asphalt/concrete plants subject to the following minimum standards:
 - a. Special land use approval
 - b. Compliance with all applicable state and federal laws
 - c. All necessary state and federal permits
 - d. Spill containment plan to be approved by the City of Kennesaw
 - e. Minimum lot size five acres
 - f. No use or activity shall be closer than 1,000 feet from any property line of residentially zoned property.
 - g. Hours of operation will be limited to daylight hours as defined in the City of Kennesaw Code of Ordinances
 - h. Compliance with State and Federal guidelines for pollution and noise abatement
- 15. Bio-medical waste disposal facility and hazardous waste facility subject to the following minimum requirements:
 - a. Special land use permit approval
 - b. All use and activity shall not be located closer than 1,000 feet from any property line of residentially zoned property
 - c. Spill containment plan to be approved by the City of Kennesaw
 - d. No outside storage of materials. All activity to be conducted within an enclosed building
 - e. Compliance with all State and Federal laws
 - f. Minimum of five acres required
 - g. Must meet all State and Federal environmental laws
- 16. Heavy Manufacturing establishments subject to the following minimum requirements:
 - a. All uses and activity will not be located closer than 500 feet from any property line of any residentially zoned property
 - b. All activity to be conducted inside an enclosed building with no outside storage except for vehicles used in conjunction with operation
 - c. Compliance with State and Federal laws
 - d. Subject to City of Kennesaw noise abatement laws
- 17. Petroleum/bulk storage and chemical plan facilities subject to the following minimum standards:
 - a. Special land use permit
 - b. Minimum acreage to be five acres
 - c. No use or activity to be located closer than 1,000 feet from any property line of residentially zoned property or from any property line where

a school is located

- d. Hours of operation shall be limited to daylight hours
- e. Spill containment plan to be approved by the City of Kennesaw
- 18. Private Landfills/composting facilities subject to the following minimum requirements:
 - a. Minimum ten acres required
 - b. Special land use permit approval
 - c. No hazardous waste defined by State and Federal law to be disposed or discharged into the landfill
 - d. Site to be accessible without travel on residential streets near residential neighborhoods
 - e. All operations to meet the State and Federal laws regarding the use and containment of materials
 - f. All uses and activity will not be located closer than 2,000 yards of a public highway, residence, school, public or private parks or any gathering place
- 19. Recycling Centers subject to the following minimum requirements:
 - a. Minimum lot size of two acres required
 - b. All activity to be conducted within an enclosed building
 - c. There will be no exterior storage of material
 - d. Special land use permit approval
- 20. Waste Transfer Station subject to the following minimum requirements:
 - a. Minimum lots size of five acres required
 - b. All operations and uses to be located no closer than 1,000 feet from any property line of residentially zoned property, schools and parks
 - c. Special land use permit approval
 - d. Noise and odor abatement plan to be approved by the City of Kennesaw
 - e. Compliance with all State and Federal laws
- 21. Coliseums, stadiums and convention centers subject to the following requirements:
 - a. Minimum lot size of ten acres required
 - b. Traffic and parking plan to be approved by the City of Kennesaw
 - c. Special land use permit approval
- 22. Quarries or mining operations subject to the following requirements:
 - a. A lot size requirement of ten acres minimum
 - b. All activity and uses are to be located no closer than 1,000 feet from a property line of residentially zoned property
 - c. Noise and pollution abatement plan to be approved by the City of Kennesaw.
 - d. Special land use permit approval
 - e. Compliance with all State and Federal Laws
- 23. Flea Market establishment subject to the following requirements:
 - a. Indoor flea markets subject to Plan Review Committee review and approval for safety compliance
 - b. Outdoor flea market establishment requires three acre minimum lot size
 - c. All structures utilized for this use must meet City standards for permanent structures and meet city wide architectural standards
- 24. Automobile Storage and wrecker service
 - a. Should be enclosed by a fence or wall not less than 8 feet, which provides visual screening
 - b. No dismantling, repair, or other such activity shall be conducted
 - c. Such use shall be located at least 40 feet from any residential district or use
 - d. Such automobiles shall not be held longer than provided by State and City law

(Ord. No. 2015-05, § 6, 4-20-15)

4.04.02 - Reserved

4.04.03 - Standards for Self Service Storage Facilities and Climate Controlled Storage Facilities

- A. Establish minimum standards for use, site development, construction and placement of self service storage facilities and allow service conveniences that satisfy the needs of the citizens of the City of Kennesaw.
- B. Self-Service Storage Facilities (SSSF) shall be permitted within the following districts with a minimum of 3 acres required.
 - 1. Heavy Industrial
 - 2. Light Industrial

- 3. General Commercial
- 4. CRC-Community Retail Commercial

C. *General regulations.*

- 1. The only commercial activities permitted exclusively on the site of SSSF shall be rental of storage bays, pick-up and delivery of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, service or repair vehicles, boats, small engines or electrical equipment or to conduct similar repair activities, conduct garage sales or retail sales of any kind; rehearsing or practice utilizing band instruments or conversion to an apartment or dwelling unit; or conduct any other commercial or industrial activities on the site.
- 2. The SSSF shall be enclosed by a six (6) foot high minimum fence or wall. Said fence or wall shall be constructed of either brick, stone, masonry units, wood, chain link, cyclone or other similar materials to be approved by the Zoning Administrator or his designee. Said fence or wall shall be set back a minimum of twenty (20) feet from the side and rear property lines, fences and walls shall adhere to the required front yard setback.
- 3. Individual storage bays within a SSSF shall not be considered a premise for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business.
- 4. Except as provided all property stored on site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals are prohibited.
- 5. Minimum lot size. Notwithstanding any other provisions of this code, the minimum lot size of a SSSF shall be one acre.
- 6. Outside storage. Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use shall be permitted within a SSSF provided the following conditions are met:
 - a. Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for approval by the City Council when applying for a special land use permit.
 - b. The storage area shall not exceed thirty (30) percent of the total buildable area of the site.
 - c. The storage area shall be entirely screened from view from adjacent residential and office areas and public streets by a building or by the installation of a six (6) or eight (8) foot high wall or fence. If existing vegetation or topography provides the required screening, then this wall or fence requirement may be eliminated upon approval by the Zoning Administrator or his/her designee.
 - d. Vehicles shall not be stored within the area set aside for minimum building setbacks.
 - e. No vehicles maintenance, washing or repair shall be permitted on site. Pleasure boats stored on site shall be stored upon wheeled trailers. No dry stacking of boats shall be permitted on site.

D. *Development regulations.*

- 1. Separation between storage buildings. If separate buildings are constructed, there shall be a minimum of ten (10) foot separations between individual buildings. Buildings shall be situated or screened so that overhead access doors are not visible from public roads residentially or office and institutionally zoned property.
- 2. Maximum bay size. The maximum size of a storage bay shall be 450 square feet.

E. *Exterior architectural elements* to comply with the City Wide Architectural Standards.

F. *Parking requirements.*

- 1. Designated customer parking is not required, however a minimum of five (5) parking spaces shall be provided adjacent to the facilities leasing office, if a leasing office is located on site.

G. *Signage.*

- 1. Maximum number. One (1) free-standing sign shall be allowed for each lot frontage on which a SSSF has access to a public dedicated street. In addition, one (1) flat wall mounted sign may be utilized.
- 2. Maximum height. The maximum height of a free-standing sign shall not exceed twenty (20) feet in height.
- 3. Maximum sign area. The maximum total sign structure area for a free standing or wall mounted sign shall not exceed one hundred (100) square feet. If a ground base sign is utilized, the maximum total sign area may be increased to 120 square feet.
- 4. Prohibited signs. The following types of signs are prohibited on the site:
 - a. Off-premise signs;
 - b. General outdoor advertising signs;
 - c. Signs placed on the doors of individual storage bays;
 - d. Roof mounted signs;
 - e. Signs attached to a required wall or fence are also prohibited, but may be approved by the Zoning Administrator or his/her designee and a sign ordinance enforcement officer.

H. *Outdoor lighting.* All outdoor lights shall be shielded to ensue that light and glare are limited to the premises and are directed away from adjacent properties. Lights shall be low-intensity. If a SSSF abuts a residentially zoned property, outdoor lighting shall be limited to a maximum height of fifteen (15) feet.

I. No exterior loud speakers or paging equipment shall be permitted on the site.

4.04.04 - Standards for Manufactured Homes and Factory Built Buildings

A. *Manufactured homes, Class I.*

1. Zoning. No manufactured home, Class I, shall be installed, used, parked or occupied on any site in Kennesaw except one zoned MHP or on a site for which a land-use permit for such has been issued by the city, except that such units may be located for sale upon a site properly zoned to a commercial classification which allows such activity.
2. Notification of purchaser. It shall be the duty and responsibility of any seller of a unit of this class to notify any potential purchaser, prior to completion of any sale, of the zoning requirements of paragraph (a) above, and this notification shall be evidenced by a statement signed by each purchaser at the time of any sale that such notification was made prior to completion of the sale. Such signed statement shall be retained by the seller for a minimum of three years from the date of sale and shall be produced for inspection by Kennesaw at any time during the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday, except holidays established by the city, through any authorized agent appointed by the city manager for the city, upon request by the city of inspection.

B. *Manufactured homes, Class II.*

1. Zoning and permits. No manufactured home of this class shall be installed, used, parked or occupied on any site in Kennesaw except one zoned MHP or on a site for which a land-use permit for such use has been obtained from the city, (except that such units may be located for sale upon property properly zoned to a commercial classification which allows such activity), unless the following requirements are met:
 - a. An application shall be filed with the city, through the zoning department, for a permit from the City Council to allow such installation, use and occupancy for single-family purposes on any site zoned for single-family use and permit must be obtained prior to transportation to such site. Such application shall be on forms specified by the city and shall include such information as is reasonably necessary for evaluation of the application.
 - b. The following, as a minimum, shall be filed with the application:
 - i. Complete set of design plans as approved by ICC which should also include a drawing depicting each elevation of the exterior appearance of the unit.
 - ii. Plat of the proposed site prepared by a registered surveyor showing at a minimum the exterior boundaries of the site, proposed location of the unit upon the site, and side, front and rear setbacks of the unit as proposed to be located, as measured from the exterior boundaries of the lot.
 - iii. A fee in an amount determined by the City Council and on file in the office of the zoning department and with the clerk of the city.
 - iv. A certificate from an inspector selected or approved by the city certifying that the unit was manufactured in accordance with the ICC approved plans and the building codes in effect for the city at the time of filing the application for a permit (for example, building, heating and air conditioning, plumbing, electrical or other codes)
 - c. The permit herein required shall be in addition to all other permits or requirements of the ordinances, rules and regulations of the city.
 - d. No action on a request for permit shall be considered by the City Council until (1) a sign is posted on the proposed site for a period of not less than ten (10) days stating the requested action and the date, time and place for hearing and (2) a hearing is conducted by the City Council.
 - e. No such permit shall be granted unless the unit, when completely installed as a single family dwelling unit, will be compatible with the adjacent and surrounding area, especially in size, exterior appearance, front, rear and side setbacks, and will have no adverse effect upon the value of adjacent property and the surrounding area and will not otherwise be detrimental to the health, safety or welfare of the citizens of the city.
 - f. No unit shall be installed upon any site unless and until any permit herein required is granted and unless and until all permits for any on-site work to be performed (site preparation, utility and service connections, foundation or any other on-site work) have been obtained from the city. The applicant for any such permits shall pay to the city, at the time of application, its fee for those inspections required for on-site work. Such fees shall not exceed the amount charged for similar inspections and/or permits on conventionally-built structures.
 - g. In addition to obtaining the above permit, and prior to occupancy, every such unit which is installed shall be installed on a permanent foundation, which is permanently enclosed, and shall have all wheels, axles and hitches removed.
 - h. No unit shall be installed upon any lot or parcel of land which forms a part of a platted subdivision for which a plat has been approved by the City of Kennesaw and recorded in the office of the Clerk of Cobb Superior Court.
2. Notification to purchaser. It shall be the duty and responsibility of any seller of a unit of this class to notify any potential purchaser, prior to completion of any sale, of the requirements of zoning or the necessity to obtain a permit as set forth in the preceding paragraph 1. This notification shall be evidenced by a statement signed by each purchaser at the time of closing that such notification was made prior to completion of the sale. Such signed statement shall be retained by the seller and subject to inspection in the same manner as such statements are required to be retained for Class I units.

C. *Industrialized buildings.*

1. Permits required. No industrialized building shall be installed upon any site unless and until all permits for any on-site work to be performed (site preparation, utility and service connections, foundation, or any other on-site work) have been obtained from the city.
2. Permit fees. The applicant for any such permits shall pay to the city, at the time of application, its fee for those inspections and/or permits on conventionally-built structures.
3. Insignia requirements. No industrialized building shall be installed or occupied in the City of Kennesaw unless it bears an insignia of the

Department of Community Affairs of the State of Georgia indicating Georgia state approval pursuant to the Acts of the General Assembly.

4. Zoning. No industrialized building shall be erected upon any site in the city, nor used for any purpose, unless the site is properly zoned for the intended use or a land-use permit has been obtained for the intended use and unless all other requirements of zoning (setback requirement, building size, etc.,) and other ordinances of the city are met which are applicable to the zoning classification for the site or for the installation.
5. Other ordinances. This ordinance does not eliminate the necessity of complying with any ordinance, rule or regulation of the city which relate to matter addressed, investigated and approved by the State of Georgia through its Department of Community Affairs resulting in the issuance of its insignia.
6. It shall be the duty and responsibility of any seller of any industrialized building to notify any potential purchaser, prior to completion of any sale, of these requirements. This notification shall be evidenced by a statement signed by each at the time of completion of a sale that such notification was made prior to completion of the sale. Such signed statement shall be retained and open for inspection the same as for a Manufactured Home, Class I, above.
- D. *Violations.* Any violation of the provisions of this ordinance shall be punishable by a fine not to exceed \$500.00 or imprisonment for a term not to exceed six months, or loss of business license of any seller. In addition, any manufactured home or industrialized building erected, constructed, parked, occupied or used in violation of the terms of this ordinance shall be termed a nuisance and a continuing nuisance so long as such violation may be continued, and such violation may be subject to abatement as a nuisance as provided by the laws of this state and the industrialized building or manufactured home shall be instantly removed from the site. In addition, the terms of this ordinance may be enforced by the city, or proper city authority authorized by the City of Kennesaw, by injunction or otherwise. This right to injunctive relief is cumulative and is not to be construed as curtailing the right of any person, firm or corporation, resident, property owner or other enforcement of this ordinance or of such rules and regulations as may be promulgated by the city in pursuance of this ordinance.

4.04.05 - Standards for Home Occupations

- A. The Mayor and City Council may permit land use permits for the operations of home occupations or professions in areas and districts where the zoning regulations would otherwise prohibit such operations. "Home occupation" is hereby defined as being those occupations which can ordinarily be carried on out of a residence or other structure without having any significant effect on the neighborhood or area from which such home occupation is carried on.
- B. In addition thereto, the Mayor and City Council is hereby authorized to grant land use permits for occupations or businesses compatible with the neighborhood from which such business or occupation is operated and where no nuisance as defined in Georgia law or other significant adverse effect would result to the area or district zoned.
- C. All applications for land use permits shall require all applicable information for processing as per Chapter 10 of the UDC and be advertised in the same manner as applications for rezoning and that public hearings will be held thereon in the same manner as applications for rezoning are so conducted.
- D. In no event shall the Mayor and City Council grant a land use permit for a period of time in excess of 24 months except on re-application, re-advertisement, and public hearing.
- E. *Standards for decision.* The Mayor and City Council shall consider, at a minimum, the following in its determination of whether or not to grant a land use permit:
 1. Safety, health, welfare, and moral concerns involving the surrounding neighborhood;
 2. Parking and traffic considerations;
 3. Number of nonrelated employees;
 4. Number of commercial and business deliveries;
 5. The city's general presumption that residential neighborhoods should not allow non-compatible business uses;
 6. Compatibility of the business use to the neighborhood;
 7. Hours of operation;
 8. Existing business uses in the vicinity;
 9. Effect on property values of surrounding property;
 10. Circumstances surrounding neighborhood complaints;
 11. Intensity of the proposed business use; and
 12. Location of use within the neighborhood.
- F. A land use permit is a privilege permit and may be revoked by the Mayor and City Council following notice and hearing should the use be deemed to be a nuisance or create a safety hazard.

4.04.06 - Standards for Special Land Use Permits

- A. A special land use permit shall be required for the following types of uses of property regardless of the zoning classification of district for the realty:
 1. Radio, television, microwave, land mobile, telephone, or other communication towers or antennas, communication equipment buildings;
 2. Asphalt plants;
 3. Concrete plants;

4. Private landfills;
 5. Biomedical waste disposal, hazardous waste disposal facilities;
 6. Composting;
 7. Auto salvaging and wrecking yard;
 8. Coliseum;
 9. Stadium;
 10. Quarries or mining operations;
 11. Cell Towers, Radio and Television Communication Towers
 12. Waste Transfer Station
- B. The Mayor and City Council may grant special land use permits for the enumerated uses in areas and districts where zoning regulations would otherwise prohibit such operations or uses.
- C. All applications for special land use permits shall require all applicable information for processing as per Chapter 10 and be advised in the same manner as applications for rezoning and that public hearings will be held thereon in the same manner as application for rezoning are so conducted.
- D. The Mayor and City Council may grant a special land use permit for any period of time in the discretion of the governing authority.
- E. *Standards for decision.* In addition to general district, the Mayor and City Council shall consider, at a minimum, the following in its determination of whether or not to grant a special land use permit:
1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located;
 2. Whether or not the use is otherwise compatible with the neighborhood; safety, health, welfare, and moral concerns involving the surrounding neighborhood;
 3. Whether or not the use proposed will result in a nuisance as defined under Georgia law;
 4. Whether or not quiet enjoyment of surrounding property will be adversely affected;
 5. Whether or not property values of surrounding property will be adversely affected;
 6. Whether or not adequate provisions are made for parking and traffic considerations;
 7. Whether or not the site or intensity of use is appropriate;
 8. Whether or not special or unique conditions overcome the governing authority's general presumption that residential neighborhoods should not allow non-compatible business uses;
 9. Whether or not adequate provisions are made regarding hours of operation;
 10. Whether or not adequate controls and limits are placed on commercial and business deliveries;
 11. Whether or not adequate landscape plans are incorporated to ensure appropriate transition; and
 12. Whether or not the public health, safety, welfare, or moral concerns of the surrounding neighborhood will be adversely affected.

4.04.07 - Standards for Temporary Mobile Home Occupancy Permit

- A. In all classifications there may be established a use for the temporary location of a mobile home or a temporary land use only upon [issuance of] a temporary land use permit which may be issued by the governing authority upon the following conditions:
1. Application for a use permit shall be filed and shall meet all the requirements of an application for zoning as provided by the Zoning Ordinance of the City of Kennesaw. Such application shall have attached thereto a separate statement of the applicant that he recognizes that the use permit, if granted, is for a temporary time only and that [the] applicant shall cause the removal of said mobile home or the removal of all property on the termination of the use permit; or upon applicant's failure to do so irrevocably grants the governing authority the right to remove the mobile home or property from the premises at the expense of the applicant for which the applicant agrees to pay.
 2. Use permits may be issued for a period of not more than twenty-four (24) calendar months other than medical hardships and construction hardship permits which shall be not more than twelve (12) months and shall terminate automatically unless reissued. Any such use for a period of more than twelve (12) months shall necessitate applying for a new permit or renewal.
- B. *The governing authority may permit [the following]:*
1. A mobile home may be parked and occupied in all residential or commercial districts where a building permit has been applied for and obtained from the proper department of the City of Kennesaw for the construction of either a home or a place of business.
 2. A mobile home to be parked and occupied in any residential area where a medical hardship exists. "Medical hardship" is hereby defined as a person whose health or mental condition necessitates attention and supervision from the occupants of the dwelling located on the lot on which it is desired to have the mobile home parked and occupied and in no case shall such a use be allowed unless it is shown by the Cobb County Health Department or other appropriate medical evidence that the person to occupy the mobile home falls within the provisions herein provided for and, provided further that it is satisfactorily shown that the dwelling on the premises does not contain sufficient facilities to accommodate the proposed occupant of the mobile home. (In addition, the application shall contain an affidavit or certified statement of a physician showing that present facilities are inadequate and [stating that] a hardship condition requiring the use of a mobile home for the health care of a member of the immediate family or the occupant of the premises [exists].)
 3. A mobile home to be parked and occupied in any commercial or industrial district where a building permit or permits have been applied for and

where its primary function is that of an office or for storage or related purposes.

4. A mobile home to be parked and occupied in any district on property owned or leased by a religious assembly or a school for a period not to exceed 12 months where its primary function is that of an office or classroom or for storage or related purposes; provided that not more than one mobile home for each two acres of vacant land may be located thereon.
5. In all residential classifications, the Zoning Administrator may grant a use permit for the temporary use of one of the homes or for the parking of a mobile home to be used as a real estate sales office for sale of the lots for new homes built and developed within the boundaries of the development provided that final plans have been approved therefore by all required authorities. The specific location of said mobile home shall be subject to the approval of the building official.
6. In all classifications, the Mayor and Council may grant a temporary use permit for the use of the land itself under the same ordinance governing mobile home use.
7. Be it further provided that in all instances where an application for a mobile home permit has been applied for, that the governing authority shall take into consideration the need for such permit, the aesthetic effect that it may have on the neighborhood, the location on the property of the mobile home and may in its discretion grant or refuse a permit, and the grant or refusal shall not be mandatory, but in all instances, shall be permissible depending on the finding of the Mayor and Council as to the conditions stated herein and any other lawful criteria.
- C. Any person, firm or corporation violating the terms of this ordinance either without obtaining a permit or for causing said mobile home to be parked or occupied for a period in excess of that granted by the governing authority of the City of Kennesaw, shall be deemed to have violated this ordinance and be subject to all remedies provided under the ordinances of the City of Kennesaw.
- D. For purposes of this ordinance only, "mobile home" is defined to include both mobile structures designed to function as residences and mobile structures designed to function as classrooms, offices, and storage buildings.
- E. Any violation of this ordinance or the cessation of the need for a use permit shall be grounds for revocation of such permit by the Mayor and Council in addition to all other remedies provided by law.

(Ord. No. 2015-05, § 7, 4-20-15)

4.04.08 - Standards for Pawnshops, Title Loan, Check Cashing and Payday Loan Establishments

All check cashing establishments will be subject to the following standards:

- 1,000 feet minimum distance from another check cashing establishment measured from property line to property line.
- 500 feet minimum distance from residentially zoned property measured from building to building.

All pawnshops will be subject to the following standards:

- 1,000 feet minimum distance from another pawnshop measured from property line to property line.
- 500 feet minimum distance from residentially zoned property measured from building to building.

All payday loan establishments will be subject to the following standards:

- 1,000 feet minimum distance from another payday loan establishment measured from property line to property line.
- 500 feet minimum distance from residentially zoned property measured from building to building.

All title loan establishments will be subject to the following standards:

- 1,000 feet minimum distance from another title loan establishment measured from property line to property line.
- 500 feet minimum distance from residentially zoned property measured from building to building.

(Ord. No. 2015-07, § 2, 8-17-15)

4.05.00 - CONVENTIONAL SUBDIVISION DESIGN STANDARDS

4.05.01 - Generally

- A. *Jurisdiction of chapter.* This chapter shall govern the use of all land and developments thereof within the corporate limits of the city.
- B. *Purpose of chapter.* The purpose of this chapter shall be to promote the public health, safety, morals and general welfare and to require the harmonious, orderly and progressive development of land within the jurisdiction of the city. Further, the purposes of the regulation of the subdivision of land are to, among others:
 1. Encourage the development of economically sound and stable communities;
 2. Assure the provision of required streets, utilities and other facilities and services to new land developments;
 3. Assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments;
 4. Assure the provision of needed open spaces and building sites in new land developments through the dedication or reservation of public land for recreational, educational and other public purposes; and

5. Assure, in general, the wise development of new areas in harmony with the comprehensive plan of the city.
- C. *Conformance with zoning regulations.* No subdivision shall be accepted for review which does not conform with the zoning regulations applicable to the land for which it is proposed.
- D. *Conformance with chapter.* Any sub-divider of land within the corporate limits of the city shall submit to the Planning Commission plats of the subdivision which shall conform to all requirements set forth in this chapter.
- E. *Approval required prior to construction.* No sub-divider shall proceed with any construction work on the proposed subdivision, including grading, before obtaining preliminary plat approval from the Planning Commission, as certified thereon, and approval of plans and profiles by the city engineer.
- F. *Installation of improvements.* Improvements may be made in a subdivision as are depicted on the preliminary plat previously approved by the Planning Commission, with final plat approval to be obtained in accordance with the requirements of Chapter 10 of the UDC.
- G. *Final approval prior to subdividing.* No land dedicated as a public street or other public purpose shall be opened, extended or accepted as a public street or for any other purpose, and no subdivision of land shall be made, or subdivision plat, or part thereof, shall be recorded before obtaining final approval from the Mayor and Council; and such approval shall be entered on the final plat.
- H. *Issuance of building permits.*
1. No building permit shall be issued for and no building or other structure shall be erected on any lot within the incorporated area of the city unless the street giving access to the lot upon which such building is proposed to be placed shall be accepted or opened as, or shall have otherwise received the legal status of, a public street prior to that time. Provided, however, the Mayor and Council, meeting in regular session, may, in their discretion, issue building permits for the purpose of model homes, up to five (5) percent of the total number of lots in the phase unit of the subdivision approved by the Mayor and Council in the preliminary plat, after the bonds specified in this chapter have been posted by the owner or sub-divider and after all final engineering plans have been completed and before the actual installation of curbs, gutters and base and binder of the streets therein, where such street corresponds in its location and lines with a street shown on the preliminary subdivision plat as approved by the Mayor and Council or on a street located and accepted by the city. However, if the percentage is equal to less than two (2) building permits, then two (2) permits may be issued. Provided, however, that private streets and other private access ways may be approved under the terms of those rules and regulations in group development plans, condominium projects, apartment projects, townhouses, commercial developments, shopping centers or other development.
 2. If permits are issued prior to street acceptance, it shall be the sole responsibility of the sub-divider/developer to ensure that all setback requirements as well as all other requirements as specified in this Code are upheld.
- I. *Approval by individual agencies.* No subdivision plat shall be recorded with the clerk of superior court of the county without the plat having first been submitted to and approved by the Mayor and Council. The Mayor and Council shall not approve any subdivision plat without such plat having first been reviewed and approved by the city engineer and the health department to the extent that each has jurisdiction.
- J. *Fees.*
1. Fees are hereby established to cover the cost of administration expenses. All required fees and charges are specified by other ordinances and resolutions by the Mayor and Council. The schedule of fees shall be posted in the office of the city clerk and may be altered or amended only by the Mayor and Council.
 2. Upon the submission of any preliminary plat, final plat or other regulatory plan or plat required to be reviewed or approved under this chapter, any person who submits such plan shall deposit and pay to the city the required fees as noted in the City Wide Master Fee Schedule. After the approval of any plat or plan required to be approved under this chapter, the actual cost of engineering and approval of the plan shall be determined, and any person submitting such plat or plan shall pay the fee under the City Wide Master Fee Schedule or 120 percent of the actual cost of the engineering services for the approval of such plat or plan. The initial deposit shall be credited against the total cost determined in this subsection. This section shall also apply to plans for all commercial and industrial developments and shall be in addition to all other charges required by this Code.
- K. *Administration of Chapter.* This chapter shall be administered by the Planning and Zoning Administrator. The Planning Commission may from time to time issue instructions and operating procedures to be followed in the administration of this chapter to inform the public and expedite plat approvals.
- L. *Amendments; hearings; variances.*
1. The Mayor and Council shall have the authority to amend this chapter after a public hearing thereon.
 2. Notice of the time and place of such public hearing shall be published in a newspaper of general circulation at least three days prior to such meeting.
 3. In cases of undue hardship under this chapter, any property owner may petition the Planning Commission for relief. The Planning Commission shall prepare and forward to the Mayor and Council any recommended amendments for the Mayor and Council's consideration. In cases where the Planning Commission fails to recommend amendments due to individual hardships, the property owner may then appeal to the Mayor and Council for relief.
- M. *Violation of chapter; penalty.*
1. Any person violating any of the provisions of this chapter shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in section 1-1.1 of the Code of Ordinances. Each day's continuance of a violation shall be considered a separate offense. The owner of any lands or parts thereof, where anything in violation of this chapter shall be placed or shall exist, and any person who may have assisted in the commission of any such violation, shall be guilty of a separate offense.

2. In any case in which any land is or is proposed to be used in violation of this chapter or amendment thereto adopted by the Mayor and Council, the legal counsel of the city or any owner of real estate within the district in which such land is situated, may, in addition to other remedies provided by law, institute injunction, abatement, or any appropriate action or proceeding to prevent, enjoin or abate the unlawful use.

4.05.02 - General Principles of Design

A. Access.

1. Every subdivision and every lot within shall be served by a publicly-dedicated street.
2. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.
3. No subdivision shall be designed so as to completely eliminate street access to adjoining parcels of land.

B. Conformance to the master plan.

1. All proposed subdivisions shall conform to the master plan and development policies in effect at the time of submission to the Planning Commission.
2. All highways, streets and other features of the master plan shall be platted by the sub-divider in the location and to the dimension indicated on the master plan. In subdivisions related to or affecting any state or federally numbered highway, the approval of the State Department of Transportation may be required by the Planning Commission.
3. Where features of the master plan (other than minor streets and collector streets) such as school sites, parks, arterial streets, major thoroughfares and other public spaces are located in whole or in part in a proposed subdivision, or when these features have not been anticipated by the master plan and planning policy, but are considered essential by the Planning Commission, such features shall be dedicated. The Planning Commission shall require the dedication of recreational areas, school sites and/or open space as deemed appropriate for the size and type of development.
4. The Planning Commission may waive the platting and reservation requirements mentioned in this section whenever the public body responsible for land acquisition executes a written release stating that such a planned feature is not required.
5. The Planning Commission shall disapprove plats when such planned features, as specified by the master plan, are not incorporated into the plat.
6. Whenever the plat proposes the dedication of land to public use and the Planning Commission or the appropriate agency finds that such land is not required or suitable for public use, the Planning Commission may either refuse to approve the plat or it may require the prearrangement of lots to include such land.

C. Discrepancy between chapter and zoning and other regulations. Whenever there is a discrepancy between minimum standards of dimensions noted in this article and those contained in the zoning ordinance, building code or other official regulations or ordinances, the most restrictive shall apply.

D. Group development projects. The standards and requirements of this chapter may be modified in the case of a plan and program for group development projects or neighborhood unit or planned unit development which is not divided into customary lots, blocks and streets, which in the judgment of the Planning Commission provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, provided zoning density standards for the entire tract are not exceeded, and which also provides such covenants or other legal procedures as will assure conformity to and achievement of the plan. Plans for such developments shall be submitted to and approved by the Planning Commission whether or not such plat is to be recorded and no building permits shall be issued until such approval has been given. Prior to processing such a planned unit development, the sub-divider shall indicate his willingness to increase processing time specified in Chapter 10 of the UDC.

1. Modifications of the provisions set forth in this chapter may be authorized by the Planning Commission in specific cases when, in its opinion, undue hardships may result from strict compliance; provided any such determination shall be based fundamentally on the fact that unusual topographical and other exceptional conditions require such modifications, and that the granting of the modifications will not adversely affect the general public or nullify the intent of this chapter; provided further that any such modification granted by the Planning Commission shall be made in writing to the sub-divider and also made a part of the Planning Commission's records and the plat.
2. Application for any modifications must be filed in writing with necessary supporting documents with the Planning Commission by the sub-divider and shall explain, in detail, the reasons and facts supporting the application.

4.05.03 - Required Minimum Improvements

A. Applicability of article. The sub-divider shall provide improvements as required by this article and by applicable city specifications and requirements.

B. Street grading.

1. All street rights-of-way shall be cleared and graded to the standards of the city.
2. When property adjacent to the street is not owned by the sub-divider, the sub-divider shall obtain the necessary easements for sloping banks before submitting the preliminary plat, as required in Chapter 10.

C. Street paving.

1. Street paving widths shall be in conformance with standards set forth in Chapter 6 of the UDC.
2. Street pavements shall be installed according to standards adopted by the City under Chapter 6 of the UDC.

D. Curbs and gutters.

1. Curbs and gutters shall be installed on all streets, except where noted in this chapter. Installation shall be in accordance with the standards adopted by the city.
 2. Curbs and gutters shall be of a straight or standard construction on one or both sides of streets, as applicable, where sidewalks are required.
- E. *Sidewalks.*
1. The sub-divider shall furnish all required sidewalks.
 2. Sidewalks shall have a minimum width of four feet and shall be provided under the following conditions:
 - a. Sidewalks shall be required in subdivisions located within one mile from an existing or proposed school on one side of any subdivision street terminating at or adjacent to such school, when the Planning Commission determines sidewalks are necessary to provide for pedestrian movement.
 - b. The Planning Commission may require additional sidewalks and wider sidewalks within a distance of up to one mile on streets leading to or going through commercial areas, street sites, places of public assembly and other congested areas.
 - c. Sidewalks in residential areas shall not be adjacent to street curbs.
- F. *Water supply.*
1. Where a public water supply is within a reasonable distance, the sub-divider shall install or have installed a system of water mains and connect to such supply. The mains and connections to each lot shall be installed prior to the paving of the street.
 2. Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system approved by the health department.
- G. *Sanitary sewage disposal.*
1. When in the written opinion of the health department, public sanitary sewers are within reasonable access of the subdivision, the sub-divider shall provide sanitary sewer services to each lot within the bounds of the subdivision. All street sewers serving lots in the subdivision shall be installed by the sub-divider.
 2. When in the written opinion of the health department, a public sanitary sewer is not accessible, an alternate method of sewage disposal for each lot or a community sewage disposal system may be used when in compliance with the standards of the health department.
 3. When the operation of a temporary sanitary sewer system requires land to be set aside for a disposal plant, the property owner shall give the city title to the property for as long as the plant is in operation. Such title may carry a reversionary clause returning the property to the owner when the site is no longer necessary for the operation of the plant.
 4. In a drainage basin which at the time of plat application is scheduled for a public sewage system, all subdivisions shall be provided with a temporary community sewage disposal system, as approved by the health department. Such system shall include permanent sewerage outfall lines plus a temporary treatment plant to be installed by the sub-divider.
 5. Whenever the installation of a sanitary sewer is required as provided by this chapter, no new street shall be paved without such sewer being first installed in accordance with the requirements of the health department sewer specifications.
- H. *Storm drainage.*
1. Every subdivision shall be served by storm drainage facilities, including drains, sewers, catch basins, culverts and other facilities.
 2. All drainage facilities shall be so designed as to serve the entire drainage area in which these facilities are located. All street drains serving lots in the subdivision shall be installed by the sub-divider.
 3. All surface water drainage shall be transported to existing storm sewers or to drainage facilities approved by the city engineer.
 4. Whenever drainage ditches are used, such ditches shall retain natural design characteristics and be so designed that they do not present a hazard to life and safety.
 5. All drainage features shall be in accordance with standards and specifications of the city, and no extension shall be made from the street drainage through the abutting property without approval of the city engineer.
 6. When the construction of a proposed public road makes it necessary to cross a storm drain, the developer shall provide and install the required size and length of pipe acceptable to the city engineer.
 - i. In cases where the developer or owner chooses not to develop the land through which the drain runs, the trench may be left open; however, in such cases the plat must be so marked and an easement shown thereon, indicating that no building or driveway shall be built over or within forty (40) feet of the open drain.
 - ii. Where the developer chooses to leave the drain open and the drain is crossed by a driveway, the size of pipe shall be determined by the city engineer, and no building permit will be approved unless the installation meets the requirements of the city engineer.
 - iii. Notwithstanding the controls set forth in this subsection, the building inspector may refuse to issue a building permit on any lot or lots where the land is subject to floods or where, in the opinion of the building inspector, the topographic features of the property are such that a building could not be properly maintained on the lot.
 7. Improvements, such as widening, deepening, relocating, clearing, protecting or otherwise improving existing lakes and shorelines, streambeds and other watercourses, for the control of mosquitoes and public health nuisance, shall be provided by the developer in accordance with standards and requirements of the health department.
 - 8.

Any water impoundment structure shall be constructed so as to minimize mosquito breeding and other nuisance hazards. The outside toe of any dam shall be at least fifty (50) feet away from the toe of the street right-of-way slope. Any dam to be constructed within the city shall require the approval of the city engineer and the health department, and shall be constructed in accordance with standards and specifications as determined by them.

9. No land subject to flooding as determined by the city engineer shall be platted or improved for residential or other use which may be endangered by floods, unless such land shall be raised four feet above the existing or forecast flood level with fill dirt taken from within that part of the subdivision within the floodplain, unless a greater height is specified by the city engineer; such fill areas shall include all land twenty (20) feet beyond the sites proposed for structures, and no such structure shall have any part below such four-foot level. Provided, however, that cutting and filling operations shall not deepen the floodplain below its lowest level or reduce the cross section of the floodplain. Provided further that all existing natural cover shall be replaced in kind after cutting and filling operations are complete.
- I. *Monuments and iron pipes.*
 1. Permanent monuments shall be accurately set and established where plat boundary lines intersect with land lot lines.
 2. Monuments shall consist of two (2) inch iron pipe, sixteen (16) inches in length. Monuments shall be set so the top of the pipe shall be six inches above the ground level, unless otherwise approved by the city engineer.
 3. The accurate location, material and size of all existing monuments shall be shown on the final plat, as well as the future location of monuments to be placed after street improvements have been completed.
 4. Iron pipes at least three-fourths (3/4) inch by sixteen (16) inches shall be placed at all corners of each lot and shall be set flush to the ground.
- J. *Fire hydrants.* Fire hydrants shall be located and set in accordance with city specifications.
- K. *Street trees.* Street trees and other shrubbery that may be retained or planted shall be placed or retained so as not to obstruct sight distances at street intersections.
- L. *Completion.* At such time as any or all improvements are completed, the sub-divider shall notify the city in writing, accurately identifying the improvements covered.
- M. *Acceptance.* Upon notification of completion of minimum improvements, the city shall within forty-five (45) days after such notice accept or reject, in writing, the completed improvements, stating the deficiencies, if any. Improvements shall not be accepted unless they conform to these regulations and applicable city specifications. All work performed under this chapter shall conform to this Code and all technical specifications and regulations adopted by the Mayor and Council. Work found to be deficient by city inspectors shall be corrected by the sub-divider at his expense and within the time frames required by the city.
- N. *Guarantee.* The sub-divider shall guarantee to the city, for a period of two years after completion and acceptance of the improvements, all material and workmanship. The sub-divider shall post bond with the city, conditioned upon the faithful performance of such guaranty. In lieu of furnishing the sub-divider's bond, the sub-divider may assign to the city an approved contractor's guaranty and bond. Such guaranty and bond shall be posted prior to approval by the city of the subdivision plat.

4.07.00 - STANDARDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED)

- A. *Intent.* The City of Kennesaw is committed to minimizing the short term and long term negative impacts construction has on the environment. The intent of this section is to provide owners and occupants of commercial buildings, offices, industrial buildings, multiple residences and senior citizen multiple residences with an opportunity for energy and water savings; good indoor air quality and healthy, pleasant and productive surroundings. The purpose of this section is to provide benefits to the community by having buildings constructed that are resource-efficient and conserve energy.

This section provides incentives for voluntary participation in sustainability efforts for new construction as a development option.

- B. *Leadership in Energy and Environmental Design (LEED).* The City of Kennesaw hereby promotes the utilization of the Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEEDNC) Rating System, Version 2.2 and any amendments thereto or subsequent versions. The LEED-NC system (for new construction) establishes several levels of environmental achievement from the certified rating to a platinum rating. The ratings are attained by earning LEED points in the categories of sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality and innovation and design process. Alternatively, compliance with the requirements of this section may be achieved for new construction.
- C. *Applicability.* This section shall be applicable to all new construction of a commercial building, office building, industrial building, schools, multiple residence or senior citizen multiple residence equal to or greater than 20,000 square feet of gross floor area space where the owner or builder wish to pursue sustainability goals and certification through the LEED program.

4.07.01 - City of Kennesaw Incentives Review

The City of Kennesaw's commitment to becoming a green community is reinforced by the support to promote sustainable construction projects. The incentives for each project will be assessed by the City of Kennesaw collective review by the following Departments and Committees:

- A. Environmental Committee
- B. Planning and Zoning Department
- C. Public Works Department

D. Economic Development Department

Possible incentives include but not limited to the following:

- A. Reduced construction permit fees
- B. Expedited plan review timetable
- C. Zoning bonuses including density, site design and setback reductions will be considered
- D. Other Economic Incentives identified by the Economic Development Department.

Each project will be analyzed on its own merit and will require analysis by the City Departments as per Section 4.08.01

4.07.02 - Process for Analysis of LEED compliance and City of Kennesaw consideration of development incentives

- A. All new projects will be reviewed by the City of Kennesaw Plan Review Committee as part of the adopted project review process for new construction.
- B. The property owner will submit a written request for sustainability review to the Plan Review Committee. The request will itemize the following information:
 - 1. Total square footage of project
 - 2. Proposed certification level pursued (gold, silver platinum) as regulated by the US Green Building Council (USGBC)
 - 3. Other sustainability efforts to be listed such as Earthcraft and Energy star initiatives
 - 4. Estimates of cost to implement LEED rated installation
 - 5. List of other similar projects completed that achieved LEED certification by same builder or owner
 - 6. Any additional information required by the Plan Review Committee deemed relevant to the request.
- C. ["Reserved."]
- D. Written request and itemized information will be forwarded to the reviewing departments as listed in Section 4.07.01 for a collective review and assessment.
- E. If Economic Incentives are identified by the collective department review, the Economic Development Department will submit the assessment and recommendations/findings to the owner for review.
- F. If all parties agree on the assessment and finding by the City of Kennesaw and if Economic Incentives are being pursued, then the prepared incentive package will be submitted for approval by Mayor and Council for ratification as an Economic Development Incentive Resolution specific to the project.

4.08.00 - ARCHITECTURAL DESIGN STANDARDS

4.08.01 - City-Wide Architectural Design Standards

This chapter, providing for the administration and enforcement of the Architectural Design, shall be known and may be cited and referred to as the "Architectural Design Standards Ordinance of the City of Kennesaw, Georgia."

- A. Purpose and scope
 - 1. The purpose of this chapter is to establish minimum standards for the design and construction of buildings and related structures in all districts excluding single and two family uses.
 - 2. The Mayor and City Council find that the interests served through the adoption of these design standards includes the quality of architecture and building construction and protection of property values, prevention of the physical deterioration of buildings and the promotion of the image of the community and the general welfare of the city.
- B. General regulations
 - 1. As part of the submittal for site plan approval within any zoning district, architectural plans shall be submitted for review by the community development department and meet the minimum submittal requirements as specified in Chapter 10 of this UDC.
 - 2. Architectural elevations showing the building's design and a description of structural and exterior material proposed shall be provided in accordance with this chapter as required for site plan review.
- C. Design standards
 - 1. Building orientation. The orientation of any proposed building shall be carefully scrutinized so as to mitigate the visual and audible impact of service areas, loading areas, or similar operations on the adjoining properties and general public.
 - a. Buildings shall not be designed or oriented to expose loading docks, service areas, or non-residential overhead doors to the public rights-of-way.
 - b. Buildings proposed in commercial districts that are adjacent to residential developments shall not be designed or oriented to expose loading docks, service areas, or similar operations towards the adjacent residential developments.
 - c. If it is not feasible to design or orient the loading docks, service areas, or similar operations away from the residential developments of public rights-of-way, additional landscape buffering, screening walls, and fences may be approved by the Zoning Administrator.
 - 2. Architectural elements. In order to reduce the negative aesthetic impacts of large buildings, additional architectural elements shall be

incorporated into the overall building design.

- a. Non single-family buildings proposed in residential districts shall incorporate residential design elements such as, pitched roofs, dormers, cupolas, or other similar roof elements into the building design in order to minimize the aesthetic impact of the differing uses.
 - b. Buildings proposed in commercial districts that are adjacent to residential developments are recommended to include an articulated roofline, giving emphasis to architectural elements that will divide the mass of a large building into smaller, identifiable pieces. Flat roof buildings shall not be encouraged, and only be approved by the Mayor or City Council.
 - c. Commercial buildings shall incorporate architectural design elements, materials, and colors into the side and rear building elevations, similar to those used in the front building elevation.
 - d. Commercial buildings shall incorporate façade modulation in all building elevations in order to preserve building scale and reduce the aesthetic impact of long, large expansive wall surfaces. The variation in wall surfaces can be accomplished either by physical offsets or by the use of color, pattern, or texture.
 - e. Roof mounted mechanical units, satellite dishes, or other similar equipment shall be screened from the public view by the extension of a parapet wall or other roof structure.
 - f. In the case where the parapet wall cannot feasibly screen the roof-mounted equipment, point-in-place or other appropriate screening shall be required. Such screening shall have similar design features as the building including material, shape, and color considerations. Wooden fences shall not be considered appropriate.
3. Exterior material selection. The building's exterior material selection shall be compatible with other building and structures in adjoining developments. The minimum requirements shall be as follows:
- a. In, PUD-R, RA-4, RM-8, RM-12, FST districts, primarily residential construction materials such as, brick, stone, wood, lap siding, and architectural shingles, shall be utilized in the design.
 - i. Attached dwelling structures shall incorporate at a minimum, forty-five (45) percent brick, stone, or similar substantial material in the overall building design. The percentage requirement shall be calculated on the total exterior surface area exclusive of glazed surfaces.
 - ii. Multiple family structures shall incorporate at a minimum, fifty (50) percent brick, stone, or similar substantial material into the overall building design. The percentage requirement shall be calculated on the total exterior surface area exclusive of glazed surfaces.
 - iii. CBD, HPV and properties in the historic districts are subject to historical design standards contained herein.
 - b. In LI and HI districts, architectural pre-cast tilt-up concrete panels are an acceptable exterior material provided that additional architectural detailing is provided along the public faces of the building.
 - c. In OI, NS, NRC, CRC, GC, HBG, UVC, PVC, PSC, LI, HI districts, all proposed architectural material shall be dominated with permanency and strength of materials in proportion to the aesthetic characteristics of the buildings bulk and shape. Structures in these districts shall incorporate at a minimum, 50 percent brick, stone, stucco, or other similar substantial material into the overall building design. The percentage requirement shall be calculated on the total exterior surface area exclusive of glazed surfaces.
 - d. The use of metal panels or sheet metal will not be considered an acceptable exterior building or accessory building material in any residential or commercial district. (Contrary to above, standing seam material may be utilized for roofing in any zoning district.)
- D. *Waiver of requirements.* The Zoning Administrator, or his/her designee, may grant administrative relief to the requirements of this ordinance. The Zoning Administrator's, or his/her designee, authority is limited to the following circumstances:
1. Property located within an existing commercial development or park built prior to the adoption date of ordinance. This applies to office and industrial parks and retail developments for extension of said buildings.
 2. Property located an interior street of development and does not contain frontage along a major or minor collector or arterial street as defined under Chapter 6 of the UDC.
 3. Existing principal structure constructed prior to the adoption of this section.
- E. The Zoning Administrator, or his/her designee, upon review and determination that a subject property meets the criteria for administrative relief will issue a letter of approval to the property owner. A copy of this approval will be submitted to the official building files located in the building services department.
- F. If subject properties do not meet the above mentioned criteria there shall be no deviation from the terms of this section unless a waiver has been granted by the Mayor and Council of the City of Kennesaw through the variance application process as set forth in Chapter 9 of the UDC.
- G. The Mayor and City Council reserves the right to waive or modify to a lesser restriction any provision or requirement of architectural design elements contained in this chapter in any redevelopment of property within the city.
1. The Mayor and City Council may consider modifications that do not adversely affect the intent of these regulations and adequately safeguard the general public and surrounding property.
 2. Exceptions will only be considered for those areas where special circumstances warrant a change and where the modification or waiver is determined to be in the best interest of the general public.

TECHNICAL DOCUMENTS

1. City-wide Architectural Design Standards, 2007
2. Historic District Design Standards, 2006

4.09.00 - SITE DESIGN STANDARDS FOR OVERLAY DISTRICTS

ARTICLE 1. - GENERAL

1.1 - Intent

The intent and purpose of this code is to enable and support the implementation of the following policies:

- a. That downtown Kennesaw and the Cherokee Street corridor is the focal point for high-quality, mixed-use development in the City of Kennesaw as established in the 2014 Cherokee Street Gateway Visioning Plan and the 2006-2026 Comprehensive Plan.
- b. That within Kennesaw ordinary activities of daily life should occur within walking or bicycling distance of most dwellings.
- c. That interconnected networks of thoroughfares should be designed to disperse traffic and reduce the length of automobile trips.
- d. That a range of housing options should be provided to accommodate different needs in the community.
- e. That the quality of life in existing neighborhoods should be preserved, protected, and enhanced.
- f. That development patterns should enable children to walk or bicycle to school.
- g. That a range of open spaces including parks, squares, playgrounds, and preserved green corridors should be distributed throughout Kennesaw.
- h. That buildings and landscaping should contribute to the physical definition of thoroughfares as public spaces.
- i. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
- j. That community design should reinforce safe environments, but not at the expense of accessibility.
- k. That civic buildings and public gathering places should be provided as locations that reinforce community identity.
- l. That civic buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the area.
- m. That the harmonious redevelopment of Kennesaw should be secured through design-based codes in select areas.

(Ord. No. 2016-03, Att., 3-7-16)

1.2 - Applicability

1.2.1 In areas subject to this code, all ordinances or parts of ordinances in conflict with this chapter or inconsistent with its provisions in the City of Kennesaw Code of Ordinances are hereby superseded to the limited extent necessary to give this code full force and effect. Notwithstanding the foregoing, this shall not serve to supplant any state or federally mandated regulation, sign ordinance, platting ordinance, bonding requirements, development permitting, historic preservation and Historic Design Guidelines, nonconforming uses, Adult entertainment and sexually oriented businesses, alcohol permits and licenses, building code, soil erosion and sedimentation code, stormwater, impact fee ordinances, fire safety or life safety code as the City may have adopted or as amended from time to time.

1.2.2 Should any provision of this be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this chapter as a whole or any part hereof except that specific provision which was the subject of the declaration.

1.2.3 Capitalized terms used throughout this code may be defined in Article 6 Definitions of Terms. Article 6 contains regulatory language that is integral to this code. Those terms not defined in Article 6 shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those of Appendix A Section 1.09.02 Definitions of the Unified Development Code, those of this code shall take precedence when applied to the regulations found herein.

1.2.4 The metrics of Article 5 Standards and Tables are an integral part of this code. The diagrams and illustrations that accompany those standards should be incorporated, unless modified herein.

1.2.5 Where in conflict, numerical metrics shall take precedence over graphic metrics.

1.2.6 Where this document conflicts with the Historic District Design Standards, the Historic Design Standards shall govern.

(Ord. No. 2016-03, Att., 3-7-16)

1.3 - Rezoning Process

1.3.1 Properties may only be rezoned to this code consistent with the currently adopted Special Update to the Future Land Use Plan, referred to hereafter as the Official Regulating Plan, and in accordance with Article 2.

1.3.2 The procedure for rezoning to the Official Regulating Plan shall be the same as required for any other application for zoning map amendment as described in Chapter 10 of the Unified Development Code, subject to the provisions thereto and additional requirements set forth below.

1.3.3 An update to the Official Regulating Plan submitted by any entity, including the City, shall provide the following:

- a. A Regulating Plan in accordance with the requirements of Section 2.1.2;
- b. Standards for Special Districts if applicable; and
- c. Requested Variances for concurrent consideration by Mayor and City Council, if applicable.
- d. Requested rezoning to the Official Regulating Plan for concurrent consideration by Mayor and City Council, if applicable.

1.3.4 Once the Mayor and City Council approves a rezoning under this code, the parcel(s), their t-zones or special districts shall be designated DBC (Design Based Code) on the City of Kennesaw zoning map.

1.3.5 Rezoning to the Official Regulating Plan will be processed by the City with application fee for a period of 6 months after the adoption of this code or as may be approved by action of the Mayor and City Council.

1.3.6 Special Area Plans identified in Section 2.14 may only be approved by the Mayor and City Council in accordance with the procedures set forth for updates to the Official Regulating Plan applications.

1.3.7 The following approval process is specific to parcels zoned T5 within the Downtown Activity Center (DAC) as defined by the Kennesaw Comprehensive Plan, as amended from time to time:

- a. Prior to rezoning to a T5 district, City of Kennesaw staff shall conduct a minimum of one consultation with applicant to review project concept and factors to consider in the planning and design phase prior to initial site plan and architectural review. Such consultation shall include consideration of the following:
 - i. Conceptual site plan and architectural review by City of Kennesaw staff.
 - ii. Submittal to the Kennesaw Downtown Development Authority (KDDA) for review and comment only.
 - iii. Submittal to the Historic Preservation Commission (HPC) for certificate of appropriateness approval if within a historic district. If subject property is not in the historic district then concept approval will be required.
 - iv. Site Plan review and approval by City of Kennesaw staff required.
- b. Final plan approval by Mayor and Council as required by section 2.11 of the City Charter, and as may be amended from time to time.

(Ord. No. 2016-03, Att., 3-7-16)

1.4 - Transect Zones, Civic Zones, and Special Districts

1.4.1 The standards for Transect Zones and Civic Zones shall be as set forth in Articles 3, 4, and 5.

1.4.2 Areas that, by their intrinsic character, cannot conform to the requirements of any Transect Zone may be designated as Special Districts on a Regulating Plan.

1.4.3 The standards for Special Districts shall be approved by the Mayor and City Council as part of Regulating Plan and shall include either:

- a. Standards specifically prepared for the Special District and recorded in Table 13: Special Districts; or
- b. Standards of any City of Kennesaw zoning district.

1.4.4 Special Districts shall comply with all additional Special District provisions identified in Articles 3 and 4, unless relief is granted by Variance, and one of the following:

- a. Special District provisions set forth in Table 13: Special Districts, as applicable; or
- b. The requirements the base zoning, including conditions, as applicable; or
- c. The requirements of any other City of Kennesaw zoning district, as applicable.

(Ord. No. 2016-03, Att., 3-7-16)

1.5 - Variances.

1.5.1 There shall be two types of deviation from the requirements of this code: administrative variances and variances. Whether a deviation requires an administrative variance or variance shall be determined by the planning and zoning administrator except where specifically prescribed in this code.

1.5.2 An administrative variance is a ruling that would permit a practice that is not consistent with a specific provision of this code but is justified by its intent. An administrative variance shall be processed consistent with Chapter 9 of the UDC, or as may be amended from time to time.

1.5.3 Administrative variances relating to a physical element or metric of this code shall be based upon credible submitted evidence demonstrating that:

- a. Approval, if granted, would not offend the spirit or intent of this code as set forth in Section 1.1 Intent;
- b.

There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of this code would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the applicant;

- c. Relief, if granted would not cause a substantial detriment to the public good and surrounding properties;
- d. Any relief from a metric authorized by an administrative variance shall be consistent with section 9.04 of the UDC, or as may be amended from time to time; and
- e. That the public safety, health and welfare are secured, and that substantial justice is done.

1.5.4 A Variance is any ruling on a deviation other than an administrative variance. A Variance shall be processed by the Mayor and City Council as described in Chapter 9 of the Unified Development Code.

1.5.5 If an Administrative variance or Variance is requested in conjunction with an application for an update to the Official Regulating Plan, the Mayor and City Council shall process the requested Administrative variances and Variances as a concurrent Variance.

1.5.6 With respect to the review of Variances, the City Planning Commission shall only make recommendations.

1.5.7 No Administrative variances or Variances may be issued for the following standards and requirements:

- a. The minimum Base Densities. (See Table 11 section a.)
- b. The permission to build Accessory Buildings.
- c. To address a violation of the footing survey requirement.

(Ord. No. 2016-03, Att., 3-7-16)

1.6 - Density Calculations

1.6.1 The following Density calculations shall apply to all plans hereunder except Special Districts that are subject to the standards of any other City of Kennesaw zoning district as set forth in Section 1.4.3(b).

1.6.2 All areas of a site shall be considered cumulatively the Gross Site Area.

1.6.3 Development on a site shall be limited as follows:

- a. The maximum amount of floor area shall be limited by the maximum building height and applicable setback and lot coverage regulations; and
- b. The maximum number of housing units shall be further limited by the maximum number housing units per acre as specified for each Transect Zone by Table 11: Code Summary, item a Residential Density.

1.6.4 The maximum residential density of a site shall be calculated by multiplying the Transect Zone's density identified in Table 11: Code Summary, item a Residential Density by the Net Site Area. Where a site includes multiple Transect Zones, each shall be calculated independently. The area of new Thoroughfares and Civic Spaces on the site shall be allocated to the closest Transect Zone(s) on the site. Where a Thoroughfare or Civic Space adjoins multiple Transect Zones, their area shall be proportionally allocated to the adjoining zones.

1.6.5 Where a site is subdivided into lots, a lot's residential density may exceed the residential density of the Transect Zone within which it lies, provided that the maximum residential density of the Transect Zone for the site as whole as established in Section 1.6.3(b) is not exceeded.

(Ord. No. 2016-03, Att., 3-7-16)

ARTICLE 2. - REGULATING PLANS

2.1 - Alterations to the Regulating Plan

2.1.1 The provisions of this article shall be utilized for sites being rezoned under this code. Alterations to the Official Regulating Plan shall be consistent with the requirements for Future Land Use map amendment as described in Chapter 10 of the Unified Development Code, or as may be amended from time to time.

2.1.2 Regulating Plans shall consist of one or more maps showing the following:

- a. Transect Zones and Civic Spaces;
- b. Thoroughfare network, existing and planned;
- c. A differentiation of Thoroughfares as A-Grid and B-Grid. Buildings along the A-Grid shall be held to the highest standard of this code in support of pedestrian activity. Buildings along the B-Grid may be more readily considered for Variances allowing automobile-oriented standards;
- d. Special Districts, including an indication of the specific City zoning district, if applicable;
- e. Mandatory Private Frontages;
- f. Any special requirements; and
- g. A record of any Variances.

2.1.3 The owner(s) of a parcel, or abutting parcels, consisting of 15 acres or more of contiguous lots within an area subject to the Official Regulating Plan may apply to prepare a Special Area Plan. In consultation with the Planning and Zoning Department, a Special Area Plan may assign new Transect Zones, Civic Zones, Thoroughfares, Special Districts, architectural standards, signage standards, and/or Special Requirements as provided in this code, with appropriate transitions to abutting areas. Special Area Plans shall be approved by the Mayor and City Council.

2.1.4 The City of Kennesaw or the owner of a parcel or abutting parcels in the Official Regulating Plan may adjust the locations of proposed Thoroughfares from those shown by up to a total of 300 horizontal feet by Variance, provided that the interconnected network shown in the Official Regulating Plan is maintained.

(Ord. No. 2016-03, Att., 3-7-16)

2.2 - Special Area Plan Requirements

2.2.1 Special Area Plans shall include one or more maps described in Section 2.1.2., in compliance with the standards described in Article 2 of this code (Transect Zones and Civic Spaces):

- a. Thoroughfare network, existing and planned;
- b. A differentiation of Thoroughfares as A-Grid and B-Grid. Buildings along the A-Grid shall be held to the highest standard of this code in support of pedestrian activity. Buildings along the B-Grid may be more readily considered for MODIFICATIONS allowing automobile-oriented standards;
- c. Special Districts, including an indication of the specific City zoning district, if applicable;
- d. Mandatory Private Frontages;
- e. Any special requirements; and
- f. A record of any Variances and Administrative Variances.

2.2.2 The following elements shall not deviate from those established in the Official Regulating Plan unless otherwise amended:

- a. Mandatory Public Frontages along existing Thoroughfares; and
- b. Greenways, although their exact locations may vary provided the connections to adjacent sites shown outside of the Regulating Plan are maintained.

2.2.3 Each Special Area Plan for a site greater than 15 acres in area shall dedicate at least 5% of its total area to Civic Space.

2.2.4 Civic Space shall be designed as generally described in Table 5: Civic Space and as allowed in the Transect Zones in accordance with Table 11: Code Summary, item d Civic Spaces. Greenways shall not be counted towards this requirement, except where they pass through a Civic Space meeting the requirements of Table 5: Civic Space.

2.2.5 The Thoroughfare network for the Special Area Plan shall be designed to define Blocks not exceeding the size prescribed in Table 11: Code Summary, item b Block Size. The perimeter shall be measured as the sum of lot Frontage Lines of the Block. When one side of the Block perimeter is at the edge of a development parcel the maximum Block perimeter shall be subject to approval by Variance as described in [Article 1.5](#).

2.2.6 All Thoroughfares shall terminate at other Thoroughfares, forming an interconnected network. Internal Thoroughfares shall connect wherever possible to those on adjacent sites. Where adjacent sites are non-conforming with regards to the Thoroughfare network requirements of this code, stub-out streets shall be provided to provide future connectivity at such time as the adjacent sites are developed or redeveloped. All other dead-end streets and cul-de-sacs are allowed only by variance to accommodate specific site conditions including and limited to where said street would otherwise cross a state water, wetland, or existing slope exceeding 25%.

(Ord. No. 2016-03, Att., 3-7-16)

2.3 - Required Buffers

2.3.1 The requirements of [Section 3.07.04](#) of the Unified Development Code that refers to required buffer zones shall not apply within the boundaries of the Official Regulating Plan between different parcels when both parcels are located within the boundaries of such Plan.

2.3.2 Where a parcel located within the Official Regulating Plan is adjacent to a parcel outside of such Plan, there shall be a 20 foot mandatory planted buffer or an undisturbed natural buffer within the parcel located within the Official Regulating Plan, as may be determined by the Planning and Zoning Administrator in order to provide maximum visual screening and sound buffer. This requirement shall not preclude utility easements as may be reasonably required or deemed necessary by the City or other public utility. Said 20 foot buffer may be located within the area designated as setback.

2.3.3 Unless otherwise varied Stream and waterway buffers must be provided as per [Section 46-421](#) Buffer and setback requirements and in compliance with O.C.G.A. § 12-7-1, Erosion and Sedimentation Control Act or other applicable State Law, and as one or more of these may be amended from time to time.

(Ord. No. 2016-03, Att., 3-7-16)

ARTICLE 3: - PUBLIC STANDARDS

3.1 - Article Applicability

3.1.1 All sites, including those in Special Districts, shall incorporate Thoroughfares and Civic Spaces as established in an approved Regulating Plan or Special Area Plan.

3.1.2 Where no approved Special Area Plan exists, excluding Special Districts in an approved Regulating Plan:

- a. Additional Thoroughfares are only permitted when in accordance with Section 2.2.6;
- b. Additional Civic Spaces are permitted; and
- c. Sites of more than 4 acres shall be designed to define Blocks not exceeding the size prescribed in Table 11: Code Summary, item b Block Size. The perimeter shall be measured as the sum of lot Frontage Lines of the Block. When one side of the Block perimeter is at the edge of a development parcel the maximum Block perimeter shall be subject to approval by variance.

3.1.3 Thoroughfares are intended for use by vehicular, bicycle, and pedestrian traffic and to provide access to adjacent lots and Civic Spaces. Thoroughfares shall generally consist of Vehicular Lanes and Public Frontages. Bicycle Facilities, where provided along a Thoroughfare, shall also be considered part of said Thoroughfare.

3.1.4 Thoroughfares and Civic Spaces shall be designed according to their Transect Zone. The Public Frontages of Thoroughfares that pass from one Transect Zone to another shall be adjusted so that the newer Thoroughfare's vehicular lane and parking assemblies and Public Frontages shall taper to meet those of the existing Thoroughfare.

3.1.5 Each lot shall Enfront a vehicular Thoroughfare or Civic Space, except that 20% of the lots within each Transect Zone may Enfront a Passage.

3.1.6 Standards for Thoroughfares within Special Districts, except as identified in this Article, shall be consistent with Chapter 6 of the UDC, or and as amended from time to time, or as may be approved by Mayor and Council if the public health, safety, and welfare demand.

3.1.7 Thoroughfares along a designated B-Grid may be exempted by Variance from one or more of the specified Public Frontage or Private Frontage requirements. See Table 8: Private Frontages.

3.1.8 Rear Alleys and Rear Lanes shall be provided where required by Table 11: Code Summary, item c Thoroughfares.

3.1.9 Rear Alleys shall be paved for their width that includes installation of curbs.

3.1.10 Rear Lanes may be paved to driveway standards. Rear Lanes shall consist of bounded gravel or landscaped edges, and have no raised Curb.

(Ord. No. 2016-03, Att., 3-7-16)

3.2 - Thoroughfares—Vehicular Lanes

3.2.1 Thoroughfares may include vehicular lanes in a variety of widths for parked and moving vehicles, and Bicycle Lanes. The standards for vehicular lanes shall be as shown in Table 3A: Vehicular Lane Dimensions, subject to approval of the City of Kennesaw Public Works Director or other official as designated by the City Manager, who may present alternative standards for approval by the Mayor and City Council if the public health, safety, and welfare demand.

(Ord. No. 2016-03, Att., 3-7-16)

3.3 - Thoroughfares—Bicycle Facilities

3.3.1 A bicycle network consisting of Greenways, Bicycle Lanes, and other bicycle facilities shall be provided as specified in the approved Regulating Plan or Special Area Plan. The bicycle network shall be connected to existing or proposed city and regional networks wherever possible.

3.3.2 Greenways shall include:

- a. An open space corridor that is available for pedestrian access;
- b. A Multi-Use Trail with a minimum width of 12 feet, which shall be located within open space corridor.

3.4 - Thoroughfares—Public Frontages

3.4.1 The standards for Public Frontages shall be as follows, subject to approval of the City of Kennesaw Public Works Director or other official as designated by the City Manager, who may, present alternative standards for approval by the Mayor and City Council if the public health, safety, and welfare demand.

3.4.2 Design Standards General to zones T3, T4, T5

- a. The Public Frontage contributes to the character of the Transect Zone and includes Sidewalk, Curb, Planter, and trees. If a Greenway is located in what would otherwise be part of the Public Frontage then it shall also be considered part of the Public Frontage.
- b. Public Frontages shall be designed as shown in Table 4A: Public Frontages - General and Table 4B: Public Frontages - Specific and allocated within Transect Zones, where applicable, as specified in Table 11: Code Summary, item c Thoroughfares.
- c. Retrofit of existing Thoroughfares

- i. Retrofit of existing Thoroughfares which shall be defined as project improvements as contemplated by O.C.G.A. § 36-71-1 et seq. shall be accomplished in the Public Frontage by widening Sidewalks, adding trees, adding public lighting, and adding any required Greenways.
- ii. Retrofit of existing Thoroughfares may also be accomplished in the Public Frontage by adding on-street parking, or by adding one Slip Road along one or both sides of the Thoroughfare utilizing one of the Thoroughfares identified as suitable for a Slip Road in Table 3B: Vehicular Lane/Parking Assemblies.
- iii. Where retrofit occurs and there is insufficient right-of-way for the required improvements, the right-of-way needed for such improvements may be expanded by mutual agreement between the property owner and the entity holding the right-of-way, or a public access easement may be provided to the City of Kennesaw to meet the required improvements. Where the latter occurs, the Frontage Line will not be congruent with the right-of-way line.
- iv. Retrofits of existing Thoroughfares will be considered system improvements for the purposes of the Kennesaw Impact Fee Ordinance.
- d. Public lighting shall be provided as established in Section 4.13 Lighting Standards.
- e. Street trees shall be provided in the Public Frontage Planter and required Landscape Zone, subject to Chapter three of the Unified Development Code section 3.07.00 with the following alterations:
 - i. Along State Routes street trees shall be placed and sized in accordance with the standards established by the Georgia Department of Transportation.
 - ii. Along other Thoroughfares street trees shall be placed and sized in accordance with the current standards established by the American Association of State Highway and Transportation Officials.
 - iii. Permitted tree species within the Public Frontage shall be as established in the Tree Species Selection List in Chapter 3. The City of Kennesaw may establish additional requirements along specific Thoroughfares.

3.4.3 Specific to zones T3, T4, T5

- a. Street trees shall be spaced a minimum of 30 and a maximum of 60 feet on-center.
- b. The introduced landscape shall consist of durable species tolerant of soil compaction.

3.4.4 Specific to zone T3

- a. The Public Frontage shall include trees of various species, naturalistically clustered.

3.4.5 Specific to zone T4

- a. Street trees shall be planted in a regularly-spaced Allee pattern of similarly shaped species with shade canopies of a height that, at maturity, clears at least one Story.

3.4.6 Specific to zone T5

- a. Street trees shall be planted in a regularly-spaced Allee pattern of similarly shaped species with shade canopies of a height that, at maturity, clears at least one Story. At Retail Frontages, the spacing of the trees may be irregular, to avoid visually obscuring the Shopfronts.

3.4.7 Specific to State Routes in all Zones and Special Districts

- a. The requirements of the Specific Transect Zones or Special Districts notwithstanding, along State Routes Sidewalk with a minimum width of 10 feet and a Planter having a width of 10 feet shall be provided. Street trees shall be located in the Planter and spaced a minimum of 30 and a maximum of 60 feet on-center. The spacing may be adjusted to accommodate specific site conditions.

(Ord. No. 2016-03, Att., 3-7-16)

3.5 - Civic Zones

3.5.1 General

- a. Civic Zones shall be designated on a Regulating Plan or Special Area Plan as Civic Building Sites or Civic Spaces.

3.5.2 Civic Spaces

- a. Civic Spaces shall be designed as described in Table 5: Civic Space and shall be accessible to the public during normal City of Kennesaw park hours or longer each day.
- b. Each Civic Space, except for Playgrounds and Parks, shall have a minimum of 50% of its perimeter enfronting one or more Thoroughfares. There shall be no minimum requirement for Playgrounds and Parks.

(Ord. No. 2016-03, Att., 3-7-16)

ARTICLE 4. - BUILDING SCALE PLANS

4.1 - Article Applicability

4.1.1 Lot and building plan approval for areas rezoned hereunder shall be subject to the following additional requirements of this Article.

4.1.2 Building and site plans submitted under this code shall show compliance with the following standards described in this code:

- a. For preliminary site and building approval:
 - i. Building Placement
 - ii. Building Form
 - iii. Building Function
 - iv. Public Frontages
- b. Environmental Design Requirements For final approval, in addition to the above:
 - i. Landscaping
 - ii. Signage
 - iii. Special Requirements, if any
 - iv. Architecture
 - v. Environmental Design Requirements

4.1.3 Special Districts that do not have provisions within this code as set forth in Table 13: Special Districts shall be governed by the applicable base zoning, including any zoning conditions, or by any other City of Kennesaw zoning district as indicated on the Official Regulating Plan or Special Area Plan.

4.1.4 Civic Buildings shall not be subject to the requirements of this code. Buildings housing Civic Functions that do not meet the definition of a Civic Building shall be subject to the requirements of this code.

(Ord. No. 2016-03, Att., 3-7-16)

4.2 - Non-Conforming Properties

4.2.1 Non-conforming properties shall be governed by section 9.01 Nonconforming Uses of the Unified Development Code, or as may be amended from time to time, except as indicated to the contrary below.

4.2.2 A property existing at the date of adoption of this code or any amendments thereto, at which time the Planning and Zoning Administrator shall determine the provisions of this code that shall apply. The above shall not apply to any structures required to be phased out according to 9.01.00.C of the UDC, or as may be amended from time to time.

4.2.3 Lots existing at the time of adoption of this code shall not be considered non-conforming with regard to width.

4.2.4 Except for properties within any Historic District, the modification of existing buildings is permitted By Right if such changes do not increase the non-conformity with the specifications of this code (as illustrated in Table 2: Modifications to Non-Conforming Properties).

4.2.5 In the event of a partial or full destruction by casualty or unintentional means such as fire, storm, or other hazards, developments that received approvals from the Kennesaw Downtown Development Authority, the Historic Preservation Commission, and the Mayor and City Council before the effective date of this ordinance may be fully reconstructed in accordance with such prior approvals and shall not be considered non-conforming. However this shall not limit any other applicable Central Business District zoning provision unless specifically varied.

(Ord. No. 2016-03, Att., 3-7-16)

4.3 - Special Requirements

4.3.1 To the extent that the Official Regulating Plan designates any of the following Special Requirements, these standards shall apply to said requirements:

- a. A mandatory Retail Frontage designation requires that a building provide a Shopfront at Sidewalk level along the entire length of its Private Frontage. The Shopfront building wall area shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the Sidewalk as illustrated in Table 8: Private Frontages. The first story shall be confined to Retail or Office Function through the depth of the Second Layer.
- b. A mandatory Gallery Frontage designation requires that a building provide a permanent cover over the Sidewalk, either cantilevered or supported by columns (as generally illustrated in Table 8: Private Frontages). A Gallery Frontage may be combined with a Retail Frontage.
- c. A mandatory Arcade Frontage designation requires that a building overlap the Sidewalk such that the first floor Facade is a colonnade (as illustrated in Table 8: Private Frontages). The Arcade Frontage may be combined with a Retail Frontage.
- d. A coordinated Frontage designation requires that the Public Frontage (Table 4A: Public Frontages - General) and Private Frontage (Table 8: Private Frontages) be coordinated as a single, coherent landscape and paving design.
- e. A cross Block Passage designation requires that a minimum 8 foot wide pedestrian access be reserved between buildings.

(Ord. No. 2016-03, Att., 3-7-16)

4.4 - Building Placement

4.4.1 Specific to zones T3, T4, T5

- a. Newly platted Lots shall be dimensioned according to Table 11: Code Summary, item e Lot Occupation.
- b. Building Placement types shall be as shown in Table 7: Building Placement and Table 11: Code Summary, item h Building Placement.
- c. Buildings shall be placed in relation to the boundaries of their lots according to Table 11: Code Summary and Table 14: Definitions Illustrated subject to the following:
 - i. Front Setbacks shall be measured from the Frontage Line.
 - ii. Side and Rear Setbacks shall be measured from the Lot Line.
- d. At least One Principal Building at the Frontage, and one Outbuilding to the rear of the Principal Building, may be built on each Lot as shown in Table 14: Definitions Illustrated.
- e. Lot coverage by building shall not exceed that recorded in Table 11: Code Summary, item e Lot Occupation.
- f. Facades shall be built parallel to a straight Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along the A-Grid to a minimum percentage of the Frontage width at the Setback, as specified as Frontage buildout on Table 11: Code Summary, item f Setbacks - Principal Building, provided that where a master planned site in Zone T5 is planned for subdivision into lots, compliance with this requirement may be calculated prior to subdivision.
- g. Rear Setbacks for Outbuildings shall be a minimum of 12 feet measured from the centerline of a Rear Alley or Rear Lane easement. In the absence of Rear Alley or Rear Lane, the rear Setback shall be as shown in Table 11: Code Summary.

4.4.2 Specific to zones T5

- a. The Principal Entrance to all enfronting buildings shall be on a Frontage Line.

(Ord. No. 2016-03, Att., 3-7-16)

4.5 - Building Form

4.5.1 General to zones T3, T4, T5

- a. The Private Frontage of buildings shall conform to Table 8: Private Frontages and Table 11: Code Summary.
- b. Buildings on corner Lots shall have two Private Frontages as shown in Table 14: Definitions Illustrated. Prescriptions for the Second and Third Layers pertain only to the Principal Frontage. Prescriptions for the First Layer pertain to both Frontages.
- c. Building heights and Setbacks shall conform to Table 6: Building Form.
- d. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial or Civic Function, which shall be a minimum of 11 feet with a maximum of 25 feet. A single floor level exceeding 14 feet, or 25 feet at ground level, shall be counted as two stories. Mezzanines extending beyond 33% of the floor area shall be counted as an additional Story.
- e. A first level Residential Function may be raised a maximum of 6 feet from average Sidewalk grade unless a greater height is approved by Variance.
- f. In a Parking Structure or garage, each above-ground level counts as a single Story regardless of its relationship to habitable Stories.
- g. Building height limits do not apply to attics, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads. Attics shall not exceed 14 feet in height.
- h. The habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall not exceed 440 square feet, excluding the parking area.

4.5.2 Specific to zone T3

- a. No portion of the Private Frontage may Encroach the Sidewalk.
- b. Open porches may Encroach the First Layer for 50% of the layer's depth.
- c. Balconies and bay windows may Encroach the First Layer for 25% of the layer's depth except that balconies on porch roofs may Encroach as does the porch.

4.5.3 Specific to zone T4

- a. Balconies, open porches and bay windows may Encroach the First Layer for 50% of the layer's depth.

4.5.4 Specific to zones T5

- a. Except where prohibited, Awnings, Arcades, and Galleries may Encroach the Sidewalk to within 2 feet of the Curb but must clear the Sidewalk vertically by at least 8 feet.
- b. Stoops, Lightwells, balconies, bay windows, and terraces may Encroach the First Layer for 100% of the layer's depth.

- c. A walkway with a minimum width of 4 feet shall connect rear buildings to the public Sidewalk.
- d. A first level Residential or Lodging Function shall be raised a minimum of 2 feet from average Sidewalk grade unless a lesser height is necessary to allow wheelchair access.

4.5.5 Specific to Special Districts

- a. A walkway with a minimum width of 5 feet shall connect all buildings to the public Sidewalk.

(Ord. No. 2016-03, Att., 3-7-16)

4.6 - Building Function

4.6.1 Nothing in this code shall be construed to provide relief from the provision of Section 4.04.00 Supplemental Standards for Specific Uses of the Kennesaw Code or Ordinances, which shall remain in full effect.

4.6.2 Table 10: Specific Function and Use lists the uses that are permitted by Transect Zone. If a particular use is not listed but the Planning and Zoning Administrator can equate the proposed use to a similar use that is listed, then the use that is not listed may be allowed to locate in the Transect Zone where the equated use is permitted. The uses allowed are those that will benefit from close proximity of uses and foster a pedestrian-oriented environment.

4.6.3 General to zones T3, T4, T5

- a. A structure or parcel in each Transect Zone shall conform to the Functions on Table 9: Building Function, Table 10: Specific Function and Use and Table 11: Code Summary.
- b. Specific uses identified in Table 9 shall apply regardless of whether the use is a permitted use or accessory use. A structure or parcel may contain more than one permitted or accessory use.
- c. In addition to the accessory uses identified in Table 9, a structure or parcel may also be used for uses customarily incidental to any permitted use.
- d. Home Occupation shall be permitted as an accessory use in accordance with Section 4.04.00 of the UDC

4.6.4 Specific to zone T3

- a. Accessory Functions of Restricted Lodging or Restricted Office shall be permitted within an Accessory Building. See Table 9: Building Function.

4.6.5 Specific to zones T5

- a. Accessory Functions of Limited Lodging or Limited Office shall be permitted within an Accessory Building. See Table 9: Building Function.

4.6.6 Specific to zone T4-Open

- a. The Function standards of T5 shall apply. See Table 10.

(Ord. No. 2016-03, Att., 3-7-16)

4.7 - Screening and Fencing

4.7.1 Fences, walls and hedges shall be subject to the following:

- a. General to zones T3, T4, T5
 - i. Electrical and barbed wire fencing are prohibited.
 - ii. Chain link fencing is prohibited from view from a public Thoroughfare and shall be black or hunter green vinyl clad.
 - iii. Retaining walls shall be faced with or constructed of stone, brick, or decorative concrete modular block. Retaining walls above three feet high shall have a continuous planting of evergreens in front of them. Retaining walls in Historic Areas are subject to the requirements of the Historic District Design Standards.
- b. Specific to zones T3, T4
 - i. Where permitted within the First Layer, fences, walls and hedges shall not exceed 48 inches in height. Retaining walls are excluded from this requirement.
 - ii. Fences shall be a maximum of 50% opaque in the First Layer.
 - iii. In all other locations fences and walls shall not exceed 6 feet in height and shall be at maximum of 50% opaque above 48 inches in height. This requirement shall not apply to fences and walls screening refuse areas or loading docks.
- c. Specific to zones T5, and Special Districts
 - i. Within the first Layer, fences, walls and hedges shall not exceed 54 inches in height. Retaining walls are excluded from this requirement.
 - ii. Fences shall be a maximum of 50% opaque in the First Layer.
 - iii. In all other locations fences and walls shall not exceed 6 feet in height and may be 100% opaque.

- iv. Chain link fencing is prohibited.

4.7.2 The following elements shall be screened from view of any A-Grid or Civic Space as set forth below. To comply with the maximum height requirements above, any screening that exceeds the maximum requirements for the First Layer shall not be located within it.

- a. Loading docks and service areas shall be screened by either:
 - i. A minimum 6 foot high 100% opaque fence matching the material of the building; or
 - ii. An 8 foot wide landscape strip planted with a continuous hedge of evergreen shrubs. Shrubs shall be moderately growing, be a minimum height of 42 inches at time of planting, reach a minimum height of 6 feet within two years of planting, and all plant materials shall be equal to or surpass specifications as defined in the current issue of "American Standards for Nursery Stock," published by the American Association of Nurserymen, Inc.
- b. Open Parking or gas fueling bays shall be screened by a continuous screen of evergreen plantings. Said screen shall be 3 feet in height at planting and 4 feet minimum height at maturity and 3 to 8 feet in width at maturity.

4.7.3 Refuse areas (dumpsters) shall be placed in the least visible location from Thoroughfares, and shall be enclosed with vertically enclosed opaque walls one foot higher than the dumpster. Where wall enclosures are provided they shall be faced in a material compatible with the exterior wall material of the Principal Building.

4.7.4 Mechanical features such as HVAC condensers, electrical transformers, heat pumps, and similar features shall not be placed in the First Layer and shall be screened from view of any Thoroughfare, Civic Space, or any property zoned, used, or developed for Residential Functions, by one of the following means:

- a. Placement behind the building;
- b. 100% opaque fencing which shall be constructed of the same type of exterior material used for the Principal Building; or
- c. By a berm or vegetative screening. The screening shall consist of evergreen shrubs, be a minimum of 42 inches in height at time of planting, and reach a minimum height of 6 feet within two years of planting.

(Ord. No. 2016-03, Att., 3-7-16)

4.8 - Off-Street Parking and Loading

4.8.1 Off-street parking and loading shall be provided in accordance with Section 6.06 Off-Street Parking Facilities of this ordinance except where alternate standards have been approved by the Mayor and City Council within a Regulating Plan or Special Area Plan, or as set forth below.

4.8.2 The parking requirements of Section 6.06 may be satisfied off-site subject to the following:

- a. Said off-site parking shall be located within 600 feet of the Principal Entrance of the use it serves, as measured along the pedestrian walkway;
- b. Said off-site parking shall be located within this zoning district;
- c. Applicants shall submit an executed and court recorded parking agreement from the off-site parking property owner granting the applicant the right of sole use of the specific number of parking spaces to be utilized; and
- d. All off-site parking spaces shall be clearly marked and signed.

4.8.3 A reduction of the parking requirements of Section 6.06 may be permitted subject to the following:

- a. Applicants for shared parking shall submit the following to the Director of Community Development:
 - i. A shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition);
 - ii. A to-scale map indicating location of proposed shared parking spaces; and
 - iii. Written consent of property owners and businesses agreeing to the shared parking arrangement, including copies of executed and court recorded agreements for off-site parking, as applicable.
- b. Uses providing shared parking must have either mutually exclusive or compatibly overlapping normal hours of operations.
- c. Reductions in the total number of required spaces for shared parking are not permitted unless the Planning and Zoning Administrator determines a reduction is appropriate on a case-by-case basis through use of the ULI Shared Parking Model.
- d. Renewed parking agreements shall be filed with the Planning and Zoning Administrator. Lapse of a required lease agreement shall terminate the shared parking reduction.
- e. All shared parking spaces shall be clearly marked and signed as reserved during specified hours.
- f. Off-site shared parking shall also comply with the requirements of Section 4.8.2.

4.8.4 On-street parking along the parking lane corresponding to the Lot Frontage shall be used to satisfy parking requirements.

4.8.5 All Office, Lodging, Retail, Civic, and education Functions, shall provide a minimum of one bicycle or scooter rack to accommodate a minimum of one bicycle or scooter space for every 5,000 square feet of net floor space. Multiple family dwellings shall provide a minimum of one bicycle or scooter rack to accommodate a minimum of one bicycle or scooter space for every 20 units. Said rack(s) shall be located either:

- a. Within the Public or Private Frontage, or
- b. Closer than the closest off-street vehicular parking space provided.

(Ord. No. 2016-03, Att., 3-7-16)

4.9 - Parking Location Standards

4.9.1 General to zones T3, T4, T5

- a. Parking shall be accessed by Rear Alleys or Rear Lanes, when such are available or required.
- b. Rear Alleys, Rear Lanes, and Driveways on adjacent sites shall connect to provide inter-parcel access to minimize curb cuts and improve street traffic flow.

4.9.2 Specific to zones T3

- a. Open Parking areas shall be located at the Second and Third Layers, except that Driveways, drop-offs and unpaved parking areas may be located at the First Layer.
- b. Garages shall be located at the Third Layer.

4.9.3 Specific to zones T3, T4

- a. Driveways at Frontages shall be no wider than 10 feet in the First Layer. (Table 3B: Vehicular Lane/Parking Assemblies, item f Parking Access)

4.9.4 Specific to zone T4

- a. All parking areas and garages shall be located at the Second or Third Layer.

4.9.5 Specific to zones T5

- a. All Open Parking and Parking Structures shall be located at the Second or Third Layer.
- b. Vehicular entrances to Open Parking, drive-throughs, and Parking Structures shall be no wider than 12 feet for one-way access and 24 feet for two-way access at the Frontage.
- c. Pedestrian exits from all Open Parking and Parking Structures shall be directly to a Frontage Line (i.e., not directly into a building) except underground levels which may exit directly into a building.
- d. Parking Structures on the A-Grid shall have Liner Buildings lining the first and second Stories.

4.9.6 Specific to Special Districts

- a. All Open Parking and Parking Structures shall be located at the Second or Third Layer.

(Ord. No. 2016-03, Att., 3-7-16)

4.10 - Landscape Standards

4.10.1 General to Zones T3, T4, T5, and Special Districts

- a. Permitted tree species and caliper within the Private Frontage shall be as established in Chapter 3: Tree Species Selection List. Trees in the Private Frontage shall also comply with the following:
 - i. No more than 33 percent of the trees shall be the same species, and
 - ii. At least 70 percent of the trees shall be listed as trees with a medium or large canopy.
- b. The property owner is responsible for maintaining all required landscaping in good health and condition. Any dead, unhealthy, damaged or missing landscaping and screening shall be replaced with landscaping that conforms to this code within 90 days, or within 180 days where weather concerns would jeopardize the health of plant materials. The standards of 3.07.07 still apply to trees as part of the landscaping.

4.10.2 General to zones T3, T4, T5

- a. Impervious surface shall be confined to the ratio of Lot coverage specified in Table 11: Code Summary, item e Lot Occupation.

4.10.3 Specific to zones T3, T4

- a. The First Layer shall be landscaped with live grass, trees, shrubs, hedges and other landscaping materials approved by the Planning and Zoning Administrator and shall not be paved, with the exception of Driveways as specified in Section 4.9.2 and Section 4.9.3. Species selected should be ecologically compatible with the site, and non-living materials should be consistent with the historic character of the area.
- b. On-site stormwater management is required; however, connection to a city regional stormwater management facility, if available in the basin, is mandatory.

4.10.4 Specific to zone T3

- a. A minimum of one tree shall be planted within the First Layer for each 30 feet of Frontage Line or portion thereof.
- b. Trees shall be naturalistically clustered.

4.10.5 Specific to zone T4

- a. A minimum of one tree shall be planted within the first Layer for each 30 feet of Frontage Line or portion thereof.
- b. Trees shall be a single species to match the species of Street Trees on the Public Frontage.

4.10.6 Specific to zone T5 and Special Districts

- a. Adjacent to Open Parking
 - i. The First Layer shall be landscaped with live grass, shrubs, hedges, and other landscaping materials approved by the Planning and Zoning Administrator. Species selected should be ecologically compatible with the site, and non-living materials should be consistent with the historic character of the area.
 - ii. The First Layer shall be planted with trees spaced a minimum of 30 and a maximum of 60 feet on-center. The spacing may be adjusted to accommodate specific site conditions.
 - iii. The First Layer shall not be paved, with the exception of walkways and Driveways as specified in Section 4.9.2 and Section 4.9.3, the sum of which shall not occupy more than 50% of the area of the First Layer.
- b. Not adjacent to Open Parking:
 - i. Trees and landscaping shall not be required in the First Layer.
 - ii. The First Layer may be paved to match the pavement of the Public Frontage.
- c. Open detention or open retention facilities are prohibited. On-site underground stormwater management is required; however, connection to a city regional stormwater management facility, if available in the basin, is mandatory

(Ord. No. 2016-03, Att., 3-7-16)

4.11 - Drive-Through Standards

4.11.1 Specific to Special Districts

- a. Drive-through service canopies shall be pitched at an angle and use materials matching the roof of the Principal Building.
- b. Drive-through facilities and all associated vehicular queuing shall be located at the rear of the Principal Building if feasible, but shall be located at the side if not feasible.
- c. Vehicular access to a drive-through should be from mid-block or from a Rear Alley to avoid disrupting pedestrian traffic. If a Driveway is necessary it shall be no more than 24 feet wide.
- d. Drive-through facilities shall be considered accessory structures to a building.

(Ord. No. 2016-03, Att., 3-7-16)

4.12 - Automobile Fuel Station Standards

4.12.1 Specific to Special Districts

- a. Lighting shall be shielded to direct light and glare onto the lot where the gas/fueling station is located.
- b. Gasoline station canopies and pumps:
 - i. Shall be located to the side, or rear of the Principal Building.
 - ii. Pump canopies shall be located at least 50 feet from any interior side or rear property line that adjoins a Residential Function.
 - iii. Shall be buffered from adjoining Residential Functions with an opaque wall between 3.5 and 8 feet in height. Said wall shall be faced in a material compatible with the same exterior wall material of the Principal Building.
- c. A conforming Principal Building is required and shall be a minimum floor area of 1,600 square feet.

(Ord. No. 2016-03, Att., 3-7-16)

4.13 - Lighting Standards

4.13.1 The following lighting standards shall apply in areas regulated by this code except where alternate standards have been approved by the Mayor and City Council within a Special Area Plan.

4.13.2 Any lighting fixture shall be a cutoff luminary whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited. This provision includes lights on mounted poles as well as architectural display and decorative lighting visible from a Thoroughfare or Civic Space. Wall pack lighting shall be cut-off down directional. Canopy lighting shall be cut-off down directional.

4.13.3 All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective for fully shielded fixtures.

4.13.4 Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half-way between the vertical and the horizontal) when the source is visible from any off-site residential property or public roadway.

4.13.5 Mounting fixtures must be modified in such a manner that the cone of the light is not directed at any property line. The minimum mounting height for a pole is 12 feet. The maximum mounting for a pole is 28 feet. Any fixture and pole located within 20 feet of a single family residential district, T3 Zone, or a T4 Zone shall be a Type Four (enclosures that are intended for outdoor use primarily to provide a degree of protection against windblown dust and rain, splashing water, and hose directed water; undamaged by the formation of ice on the enclosure) and forward throw distribution.

(Ord. No. 2016-03, Att., 3-7-16)

4.14 - Sign Standards

4.14.1 The provisions of Section 5.03 Signs shall apply in areas regulated by this code with the following additional standards.

4.14.2 Freestanding Signs

- a. All permanent freestanding signs must be ground-based monument signs.
- b. No sign may exceed 10 feet in height.
- c. Signs must be setback at least 3 feet from the right-of-way. The Public Works Director or their designee may require additional setback distances based upon site conditions for traffic safety.
- d. Signs must use materials that match the primary building.

(Ord. No. 2016-03, Att., 3-7-16)

4.15 - Architectural Standards

4.15.1 The following architectural standards shall apply to all buildings in areas regulated by this code.

4.15.2 Properties listed within a historic district are subject to the architectural requirements spelled out in the Historic Kennesaw Design Standards and are not subject to 4.15.3, 4.15.4, or 4.15.5.

4.15.3 General to Zones T3, T4, T5, and Special Districts

- a. Exterior materials for all buildings may be combined only horizontally, with the heavier below the lighter.

4.15.4 Specific to buildings with a Detached Single Family Home use in Zones T3, T4, T5, and Special Districts.

- a. Materials.
 - i. The exterior finish material on all Facades shall be limited to brick, manufactured stone, natural stone, wood siding, and/or cementitious siding.
 - ii. Foundations shall be constructed as a distinct building element that contrasts with Facade materials. Exposed above-ground foundations shall be coated or faced in brick, manufactured stone, or natural stone to contrast with façade materials.
 - iii. Synthetic stucco exterior insulation finishing systems are prohibited.
 - iv. Other materials not mentioned above will be reviewed by the plan review committee for appropriateness during the normal application process. If the plan review committee finds the material is inappropriate, the decision can be appealed through a variance process as described in Chapter 9 of the Unified Development Code.
- b. Windows and Doors along Frontages.
 - i. Where used, shutters shall match one-half the width of the window opening to which they are adjacent.
 - ii. Windows shall provide glass that is clear, unpainted, and not tinted so as to obstruct views into the building.
 - iii. Doors and windows that operate as sliders are prohibited.
 - iv. Windows shall be vertically shaped with a height greater than width. The top of said windows shall generally be in alignment with the top of the adjacent door frame.
 - v. Windows shall have True or Simulated Divided Lights or be one-over-one lights.
 - vi. Windows shall include sills of wood, masonry, stone, cast stone, or terra cotta.
 - vii. Window frames shall be recessed a minimum of 1.5 inches from the exterior façade.
- c. Roofs.

- i. Pitched roofs are required and shall be symmetrically sloped no less than 6:12, except that roofs for porches and attached sheds may be no less than 2:12.
- ii. All roofs shall have a minimum 25-year roof life and no visible roll roofing.
- iii. Chimneys, where provided, shall extend to the ground and shall be faced in brick or stacked stone. Chimneys shall extend between 3 and 6 feet above the roof line.
- d. No more than three adjacent row house units shall have the same façade design. Differentiation between adjacent façades may be accomplished by a change in materials, building height, color, roof form or setbacks, provided that the appearance of a separate building is achieved.
- e. Stoops and porches:
 - i. Porches and stoops along a Frontage shall not be enclosed with screen, wire, or glass.
 - ii. Entry steps leading to porches and stoops along a Frontage shall have enclosed risers.


4.15.5 General to all other buildings in Zones T3, T4, T5, and Special Districts


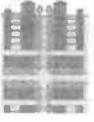
- a. The design of buildings shall conform to Section 4.08.01 City-Wide Architectural Design Standards and to the requirements below. Where the standards do not agree, the standards below shall govern.
- b. Buildings less than 3,000 sf may elect to follow the standards of 4.15.4 or 4.15.5
- c. Materials.
 - i. The exterior finish material on all Facades shall be limited to brick, manufactured stone, natural stone, wood siding, and/or cementitious siding.
 - ii. Synthetic stucco exterior insulation finishing systems, concrete masonry, and vinyl siding are prohibited as finish materials.
 - iii. Other materials not mentioned above will be reviewed by the plan review committee for appropriateness during the normal application process. If the plan review committee finds the material is inappropriate, the decision can be appealed through a variance process as described in Chapter 9.
 - iv. All four facades of the building must continue the design attributes and combination of materials.
- d. Windows and Doors along Frontages.
 - i. Windows shall provide glass that is clear, unpainted, and not tinted so as to obstruct views into the building.
 - ii. Doors and windows that operate as sliders are prohibited
 - iii. Windows shall be vertically shaped with a height greater than width. The top of said windows shall generally be in alignment with the top of the adjacent door frame.
 - iv. Not more than 20 feet of building frontage shall be provided without a door or window.
- e. Roofs.
 - i. Pitched roofs, if provided, shall be symmetrically sloped no less than 6:12, except that roofs for porches and attached sheds may be no less than 2:12.
 - ii. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment.

(Ord. No. 2016-03, Att., 3-7-16)

[ARTICLE 5. - STANDARDS AND TABLES]




Table 1: Transect Zone Descriptions. This tables provides descriptions of the character of each Transect Zone.









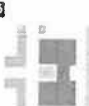
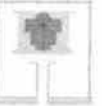


T3	T-3 SUB-URBAN		
	T-3 Sub-Urban Zone consists of low density residential areas, adjacent to higher zones that have some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.	General Character:	Lawns and landscaped yards surrounding detached single-family houses; pedestrians occasionally
		Building Placement:	Large and variable front and side yard Setbacks
		Frontage Types:	Porches and fences, Common Yard
		Typical Building Height:	1- to 2-Story

		Type of Civic Space:	Parks, Greenways
T4 	T-4 GENERAL URBAN		
	<p>T-4 General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, Sideyard, and Rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized Blocks.</p>	General Character:	Mix of Houses and Townhouses with scattered Commercial activity; balance between landscape and buildings; presence of pedestrians
		Building Placement:	Shallow to medium front and side yard Setbacks
		Frontage Types:	Porches and fences, Shopfronts, Galleries
		Typical Building Height:	1- to 3-Story
		Type of Civic Space:	Squares, Greens
T5 	T-5 URBAN CENTER		
	<p>T-5 Urban Center Zone consists of higher density mixed use building that accommodate Retail, Offices, Townhouses and Apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.</p>	General Character:	Shops mixed with Townhouses, larger Apartment houses, Offices, work place and Civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity
		Building Placement:	Shallow Setbacks or none; buildings oriented to street defining a street wall
		Frontage Types:	Shopfronts, Galleries
		Typical Building Height:	1- to 4-Story
		Type of Civic Space:	Parks, Plazas, and Squares, median landscaping

(Ord. No. 2016-03, Att., 3-7-16)

TABLE 2: Modification to Non-Conforming Properties. This table provides descriptions of changes to non-conforming properties that result in conformance with the specifications of this code. Other changes to decrease the degree of non-conformity are also possible.

NON-CONFORMING PROPERTY		POSSIBLE TECHNIQUES	CONFORMING MODIFICATION	
DRIVE-THRU		<ul style="list-style-type: none"> Keep existing building and drive-thru and add Liner Buildings in front of building to engage the Thoroughfare, or Replace building 		

FUEL STATION		<ul style="list-style-type: none"> Keep fuel station building and pumps and build a new building at the intersection, or Eliminate the fuel station building, but keep the pumps and increase them, while building a new building at the intersection 		
STRIP CENTER		<ul style="list-style-type: none"> Keep existing building and add Liner Buildings in front of it to engage the Thoroughfare Convert frontal parking into Forecourt and add on-street parking to existing the Thoroughfare 		
BIG BOX OR OFFICE BUILDING		<ul style="list-style-type: none"> Infill the frontal parking with new Liner Buildings and streets terminating on the existing building; retain current building use or convert to new use Infill the frontal parking with new Liner Buildings and streets terminating on the existing building; reconfigure existing buildings for new use 		
RELIGIOUS BUILDING		<ul style="list-style-type: none"> Infill the frontal parking lot with senior housing; add on-street parking to existing Thoroughfare Create a street and Civic Space with Liner Buildings terminating on the existing religious building; add on-street parking to the existing Thoroughfare 		

(Ord. No. 2016-03, Att., 3-7-16)






TABLE 3A: Vehicular Lane Dimensions. This table assigns lane widths to Transect Zones. The Design ADT (Average Daily Traffic) is the determinant for each of these sections. The most typical assemblies are shown in Table 3B: Vehicular Lane/Parking Assemblies. Specific requirements for truck and transit bus routes and truck loading shall be decided by the City of Kennesaw Public Works Director or other official as designated by the City Manager.



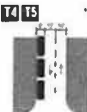
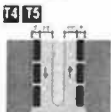
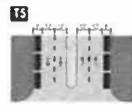
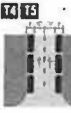
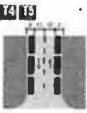
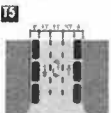
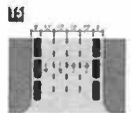
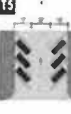
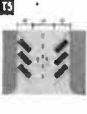
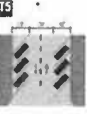
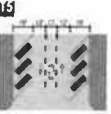
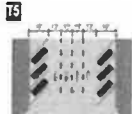


DESIGN SPEED	TRAVEL LANE WIDTH	T3	T4	T5	
25—35 mph	10 feet	■	■	■	■ BY RIGHT

25—35 mph	11 feet			1- to 2-Story	
Above 35 mph	11 feet			■	
DESIGN SPEED	PARKING LANE WIDTH				
25 mph	(Angle) 18 feet			■	
25 mph	(Parallel) 7 feet		■		
25—35 mph	(Parallel) 8 feet	■	■	■	
Above 35 mph	(Parallel) 9 feet			■	
DESIGN SPEED	EFFECTIVE TURNING RADIUS	(See Table 12)			
20—25 mph	10—15 feet	■	■	■	
25—35 mph	15—20 feet	■	■	■	
Above 35 mph	20—30 feet			■	

(Ord. No. 2016-03, Att., 3-7-16)

TABLE 3B: Vehicular Lane/Parking Assemblies. The projected design speeds determine the dimensions of the vehicular lanes and Turning Radii assembled for Thoroughfares. Use of standards in this table are subject to approval by the City of Kennesaw Public Works Director or other official as designated by the City Manager. Where on-street Bicycle Lanes or similar bicycle facilities are provided, the paved width shall be increased a corresponding amount.

	ONE WAY MOVEMENT →		TWO WAY MOVEMENT →		
a. NO PARKING					
Design ADT	300 VPD		22,000 VPD	36,000 VPD	
Pedestrian Crossing	3 Seconds		9 Seconds	13 Seconds	
Design Speed	25—30 MPH		25 MPH	35 MPH or above	
b. YIELD PARKING					
Design ADT	1,000 VPD		1,000 VPD		
Pedestrian Crossing	5 Seconds		7 Seconds		

Design Speed					
c. PARKING ONE SIDE PARALLEL					
Design ADT	5,000 VPD	18,000 VPD	16,000 VPD	15,000 VPD	32,000 VPD
Pedestrian Crossing	5 Seconds	8 Seconds	8 Seconds	11 Seconds	13 Seconds
Design Speed	25—30 MPH	25—30 MPH	25—30 MPH	25—30 MPH	35 MPH or above
d. PARKING BOTH SIDES PARALLEL					
Design ADT	20,000 VPD		15,000 VPD	22,000 VPD	32,000 VPD
Pedestrian Crossing	10 Seconds		10 Seconds	13 Seconds	15 Seconds
Design Speed	25—30 MPH		25—30 MPH	25—30 MPH	35 MPH and above
e. PARKING BOTH SIDES DIAGONAL (Drive-in or back-in parking permitted. Parking may be limited to one side in assemblies suitable for a Slip Road)					
Design ADT	18,000 VPD	20,000 VPD	15,000 VPD	22,000 VPD	31,000 VPD
Pedestrian Crossing	15 Seconds	17 Second	17 Seconds	20 Seconds	23 Seconds
Design Speed	Below 20 MPH	25 MPH	25 MPH	25—30 MPH	25—30 MPH
f. PARKING ACCESS					*Indicates assembly suitable for a Slip Road in any Transect Zone
Design ADT					
Pedestrian Crossing			3 Seconds	6 Seconds	
Design Speed					

(Ord. No. 2016-03, Att., 3-7-16)



















TABLE 4A: Public Frontages - General: The Public Frontage is the area between the private Lot Line and the edge of the vehicular lanes. Dimensions are given in Table 4B: Public Frontages - Specific.

a. (HW) For Highway: This Frontage has open Swales drained by percolation, Multi-Use Trails and no parking. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings are buffered by distance or berms.	T3
b. (RD) For Road: This Frontage has open Swales drained by percolation and a walking Path or Multi-Use Trail, Yield parking along one or both sides. The landscaping consists of multiple species arrayed in naturalistic clusters.	T3
c. (ST) For Street: This Frontage has raised Curbs drained by inlets and Sidewalks separated from the vehicular lanes by individual or continuous Planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced Allee.	T3 T4 T5
d. (DR) For Drive: This Frontage has raised Curbs drained by inlets and a wide Sidewalk or paved path along one side, related to a Greenway or waterfront. It is separated from the vehicular lanes by individual or continuous Planters. The landscaping consists of street trees of a single species or alternating species aligned in a regularly spaced Allee.	T3 T4 T5
e. (AV) For Avenue: This Frontage has raised Curbs drained by inlets and wide Sidewalks separated from the vehicular lanes by a narrow continuous Planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced Allee.	T3 T4 T5
f. (CS) For Commercial Street: This Frontage has raised Curbs drained by inlets and very wide Sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible but clears the storefront entrances.	T5
g. (BV) For Boulevard: This Frontage has slip Roads on both sides. It consists of raised Curbs drained by inlets and Sidewalks along both sides, separated from the vehicular lanes by Planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced Allee.	T3 T4 T5

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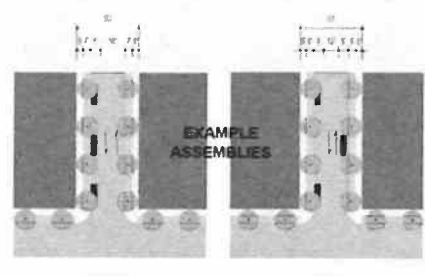
TABLE 4B: Public Frontages - Specific. This table assembles prescriptions and dimensions for the Public Frontage elements - Curbs, walkways and Planters - relative to specific Thoroughfare types within Transect Zones.

	RURAL		TRANSECT		URBAN	
TRANSECT ZONE Public Frontage Type	T3 HW & RD	T3 RD & ST	T3 T4 T5 ST OR AV	T4 T5 ST OR AV-BV	T5 CS OR AV-BV	T5 CS OR AV-BV
a. Assembly: The principal variables are the type and dimension of Curbs, walkways, Planters and landscape.						
Total Width	16—24 feet	12—24 feet	12—18 feet	12—18 feet	18—24 feet	18—30 feet

b. Curb. The detailing of the edge of the vehicular pavement incorporating drainage.						
Type	Open Swale	Open Swale	Raised Curb	Raised Curb	Raised Curb	Raised Curb
Radius	10—30 feet	10—30 feet	5—20 feet	5—20 feet	5—20 feet	5—20 feet
c. Walkway. The hard surface dedicated exclusively to pedestrian activity and maintained clear and unobstructed to a minimum height of 8 feet.						
Type	Path Optional	Path	Sidewalk	Sidewalk	Sidewalk	Sidewalk
Width	n/a	4—8 feet	5—8 feet	5—8 feet	12—20 feet	12—30 feet
d. Planter: The layer which accommodates street trees and other landscape materials.						
Arrangement	Clustered	Clustered	Regular	Regular	Regular	Opportunistic
Species	Clustered	Clustered	Alternating	Single	Single	Single
Planter Type	Continuous Swale	Continuous Swale	Continuous Planter	Continuous Planter	Continuous Planter	Tree Well
Planter Width	8 feet—16 feet	8 feet—16 feet	6 feet—12 feet	5 feet—12 feet	4 feet—6 feet	4 feet—6 feet

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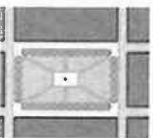
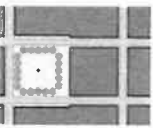
TABLE 4C: Thoroughfare Assemblies: These Thoroughfares are assembled from the elements that appear in Tables 3A: Vehicular Lane Dimensions and 3B: Vehicular Lane/Parking Assemblies and incorporate the Public Frontages of table 4A: Public Frontages - General. The key gives the Thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability.

<p>KEY ST-57-20-0L</p> <p>Thoroughfare Type</p> <p>Right-of-way width</p> <p>Pavement Width</p> <p>Transportation</p> <p>THOROUGHFARE TYPES</p> <p>Highway 40</p> <p>Blue line 20</p> <p>Arterial 25</p> <p>Commercial Road 20</p> <p>Local 20</p> <p>Street 20</p> <p>Front Alley 20</p> <p>Front Lane 20</p> <p>Multiple Lane 20</p> <p>On-street Lane 20</p> <p>On-street Road 20</p> <p>Path 20</p> <p>Prose 20</p>	 <p>EXAMPLE ASSEMBLIES</p> <p>ST-50-20 ST-50-20</p>	
Thoroughfare Type	Street	Street
Transect Zone Assignment	T4, T5	T4, T5
Right-of-Way Width	50 feet	50 feet

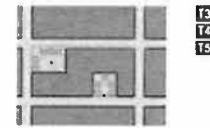
Pavement Width	26 feet	28 feet
Movement	Slow Movement	Yield Movement
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	7.4 seconds	7.6 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	One side @ 8 feet marked	Both sides @ 8 feet unmarked
Curb Radius	10 feet	10 feet
Walkway Type	5 foot Sidewalk	5 foot Sidewalk
Planer Type	7 foot continuous Planter	6 foot continuous Planter
Curb type	Curb	Curb
Landscape Type	Trees @ 30' o.c. Avg.	Trees @ 30' o.c. Avg.
Transportation Provision	BR	BR

(Ord. No. 2016-03, Att., 3-7-16)

TABLE 5: Civic Space

<p>a. Park: A natural preserve available for structured or unstructured recreation. A park may be independent of surrounding building Frontages. Its landscape shall consist of Paths and trails, meadows, water bodies, woodland and open shelters, all naturalistically disposed. Parks may also include dog parks within them. Sports and recreation courts and fields are also permitted, but sports stadiums are prohibited. Parks may be linear, following the trajectories of natural corridors. The minimum size shall be 5 acres.</p>	 <div style="display: flex; flex-direction: column; align-items: center;"> <div style="border: 1px solid black; padding: 2px;">T3</div> <div style="border: 1px solid black; padding: 2px;">T4</div> <div style="border: 1px solid black; padding: 2px;">T5</div> </div>
<p>b. Green: An Open Space, available for structured or unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. Greens may also include dog parks within them. Sports courts are also permitted, but sports and recreation fields and stadiums are prohibited. The minimum size shall be ½ acre and the maximum shall be 5 acres.</p>	 <div style="display: flex; flex-direction: column; align-items: center;"> <div style="border: 1px solid black; padding: 2px;">T3</div> <div style="border: 1px solid black; padding: 2px;">T4</div> <div style="border: 1px solid black; padding: 2px;">T5</div> </div>
<p>c. Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be ½ acre and the maximum shall be 5 acres.</p>	 <div style="display: flex; flex-direction: column; align-items: center;"> <div style="border: 1px solid black; padding: 2px;">T4</div> <div style="border: 1px solid black; padding: 2px;">T5</div> </div>
<p>d. Plaza: An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be ½ acre and the maximum shall be 2 acres.</p>	 <div style="display: flex; flex-direction: column; align-items: center;"> <div style="border: 1px solid black; padding: 2px;">T3</div> </div>

e. **Playground:** An Open Space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens. The maximum size of playground shall be 2 acres, provided that playgrounds may also be located within another approved Civic Space identified above.



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TABLE 6: Building Form - Height. This table shows the configurations for different building heights for each Transect Zone. N = maximum height in stories as specified in Table 11: Code Summary.

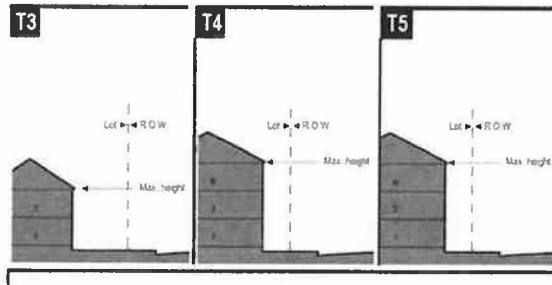
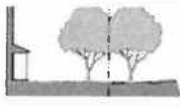
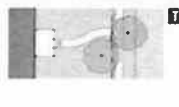
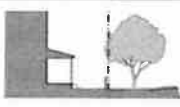
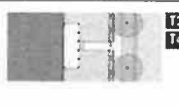
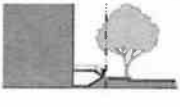
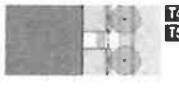
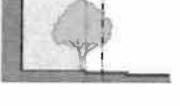
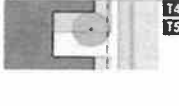
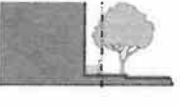
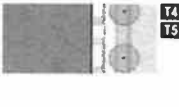

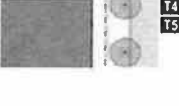


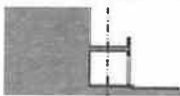



TABLE 7: Building Placement. This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone.

<p>a. Edgeyard: A building that occupies the center of its lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a Backbuilding and/or Outbuilding.</p>	
<p>b. Sidyard: A building that occupies one side of the lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sidyard House abuts a neighboring Sidyard House, the type is known as a Twin or double house. Energy costs, and sometimes noise, are reduced by sharing a party wall in this disposition.</p>	
<p>c. Rearyard: A building that occupies the full Frontage, leaving the rear of the lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.</p>	
<p>d. Courtyard: A building that occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>	

(Ord. No. 2016-03, Att., 3-7-16)

TABLE 8: Private Frontages. The Private Frontage is the areas between the building Facades and the lot lines.

	SECTION	PLAN
	LOT PRIVATE FRONTAGE	LOT PRIVATE FRONTAGE
a. Common Yard: a planted Frontage wherein the Façade is set back substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfares.		 T3
b. Porch & Fence: a planted Frontage where the Façade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence, wall, or hedge at the Frontage Line maintains street spatial definition. Porches shall be no less than 8 feet deep.		 T3 T4
c. Terrace or Lightwell: a frontage wherein the Façade is setback back from the Frontage Line by an elevated terrace or sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: Dooryard.		 T4 T5
d. Forecourt: a Frontage wherein the Façade is close to the Frontage Line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.		 T4 T5
e. Stoop: a Frontage wherein the Façade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to ensure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use. Stoops shall be no less than 30 inches deep.		 T4 T5
f. Shopfront: a Frontage wherein the Façade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has glazing on the Sidewalk level and an awning that may overlap the sidewalk. Syn: Retail Frontage.		 T4 T5

<p>g. Gallery: a Frontage wherein the Façade is aligned with the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery should be no less than 10 feet wide and should overlap the sidewalk to within 2 feet of the Curb.</p>		
<p>h. Arcade: a collonade supporting habitable space that overlaps the Sidewalk, while the Façade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade shall be no less than 12 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.</p>		

(Ord. No. 2016-03, Att., 3-7-16)

TABLE 9: Building Function. This table categorizes Building functions within Transect Zones. For Specific Function and Use permitted By Right or by Conditional Use Permit, see Table 10: Specific Function and Use.

	T3	T4L	T4O	T5
a. RESIDENTIAL	<p>Restricted Residential: The number of dwellings on each Lot is restricted to one within a Principal Building.</p>	<p>Limited Residential: The number of dwellings on each Lot is unlimited within One Principle Building except by form-based standards elsewhere in this Code, and limited to one unit within an Accessory Building. All dwelling units shall be under single ownership. The habitable area of the Accessory Unit shall not exceed 440 sf, excluding the parking area.</p>	<p>Open Residential :The number of dwelling units and buildings on each lot is unlimited except by standards elsewhere in this Code.</p>	<p>Open Residential :The number of dwelling units and buildings on each lot is unlimited except by standards elsewhere in this Code.</p>
b. LODGING	<p>Prohibited Lodging: Lodging is not permitted on any lot.</p>	<p>Prohibited Lodging: Lodging is not permitted on any lot.</p>	<p>Open Lodging: Unlimited bedrooms for lodging is permitted on each lot. Food service may be provided at all times.</p>	<p>Open Lodging: Unlimited bedrooms for lodging is permitted on each lot. Food service may be provided at all times.</p>

c. OFFICE	Restricted Office: Office functions are restricted to home occupations by the owner.	Limited Office: The building area available for Office functions on each Lot is limited to the first Story of the Principal Building and/or the Accessory Building.	Open Office: The building area available for Office functions is unlimited.	Open Office: The building area available for Office functions is unlimited.
d. RETAIL AND SERVICES	Prohibited Retail and Services: Retail and Service functions are not permitted.	Prohibited Retail and Services: Retail and Service functions are not permitted.	Open Retail and Services: The building area available for Retail and Service functions is unlimited.	Open Retail and Services: The building area available for Retail and Service functions is unlimited.
e. CIVIC	See Table 10	See Table 10	See Table 10	See Table 10
f. OTHER	See Table 10	See Table 10	See Table 10	See Table 10

(Ord. No. 2016-03, Att., 3-7-16)

TABLE 10: Specific Function and Use. Specific Function and Use. This table expands the categories of Table 9: Building Function to delegate specific principle uses within Function categories by Transect Zone. Uses that are not included or left blank are prohibited.

P: PERMITTED BY RIGHT


SE: ALLOWED BY SPECIAL EXCEPTION PERMIT

SL: ALLOWED BY SPECIAL LAND USE PERMIT

a. RESIDENTIAL	T3	T4L	T4O	T5
Accessory Unit		P	P	P
Fraternity and sorority houses/residence halls				P
Group Homes	P	P	P	P
Halfway Houses				
Limited home occupations	P	P	P	P
Live-Work		P	P	P
Multi-Family Housing			P	P
Rest/personal care/convalescent homes		P	P	P
Rooming houses and boardinghouses				
Shelters (homeless)				
Detached Single Family Homes	P	P	P	P
Townhouses		P	P	P
Two-family dwelling units	P	P	P	P
Mobile/Manufactured Homes				

b. LODGING	T3	T4L	T4O	T5
Hotel/Motel			P	P
Bed and Breakfast			P	P
Extended Stay Facilities				

c. OFFICE	T3	T4L	T4O	T5
Offices			P	P
Live/Work Unit			P	P

d. RETAIL	T3	T4L	T4O	T5
Cigar, smoke shops, tobacco stores				
Drive-Through Facility 				
Flea markets			P	P
General Retail			P	P
Growler Sales			P	P
Pawn shops				
Regional Shopping Centers				
Restaurants and Cafes			P	P
Sexually Oriented Business				
Vaping Store or accessories				

e. CIVIC	T3	T4L	T4O	T5
Religious Assembly	P	P	P	P
Commercial Recreation Facility				
Commercial Recreation Facility Outdoor				
Community Meeting Facility			P	P
Libraries and Museums			P	P
Parking Structure				P

Parking, Surface			P	P
Sports and Entertainment Assembly Facility				P
Temporary Use	P	P	P	P
Theater, Movie or Live Performance			P	P
Transit Station or Terminal			P	P

f. SERVICE	T3	T4L	T4O	T5
Banks/financial institutions			P	P
Check Cashing				
Fitness/Health Facility			P	P
Furniture, Furnishings and Appliance Store			P	P
General Service			P	P
Body Piercing/Tattoo Business				

g. OTHER: AUTOMOTIVE	T3	T4L	T4O	T5
Auto and Vehicle Sales or Rental				
Drive-Through Facility*				
Gas Station				
Vehicle Services				
EV Charging Station			P	P

g. OTHER: CIVIL SUPPORT	T3	T4L	T4O	T5
Animal hospitals			P	P
Cemeteries	SE		SE	SE
Gardens	P		P	P
Hospitals			SE	SE
Medical			P	P
Mortuary, Funeral Home				

Recycling—Small Collection Facility				
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g. OTHER: EDUCATION	T3	T4L	T4O	T5
Colleges and universities (private), including research and training facilities			SE	SE
Driving School (including automobile & commercial licenses)			P	P
In-home day care	P	P	P	P
Nursery schools and child day care centers				
Public and Private schools of general and special education	SE	SE	SE	SE
Vocational schools (commercial)			SE	SE

g. OTHER: INDUSTRIAL	T3	T4L	T4O	T5
Heavy Construction Equipment Sales/Rental				
General Industrial				
Overnight trailer/ travel trailer parking				
Printing, publishing, and lithography establishments				
Radio and television stations			SE	SE
Radio, television, and other communication towers and antennas			SL	SL
Scrap and Dismantling Yards				
Truck or Freight Terminal				
Wholesale and Distribution				
Wireless Telecommunications Facilities			SL	SL
Scrap and Dismantling Yards				
Truck or Freight Terminal				
Wholesale and Distribution				
Wireless Telecommunications Facilities			SL	SL

(Ord. No. 2016-03, Att., 3-7-16)


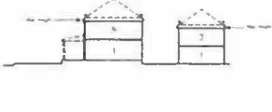
TABLE 11: Code Summary

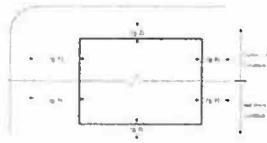
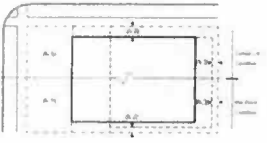
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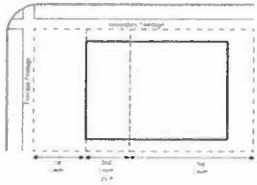
1. Minimum setbacks and building separations shall be subject to fire and building code restrictions.
2. Transect Zone notwithstanding, along State Routes the minimum required frontage buildout shall be 50%.
3. Additional stories allowed by approved variance in T5 zone. HPC review required, as applicable.
- 3.[4.] In T4-Limited and T4-Open different Building Function requirements apply.

(Ord. No. 2016-03, Att., 3-7-16)

TABLE 11A: Code Graphics - T3

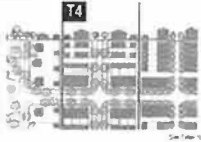
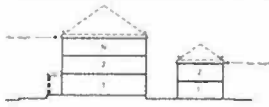
	<p>BUILDING CONFIGURATION</p> <p>1. Building height shall be measured in number of Stories, excluding Attics and above ground portions of basements.</p> <p>2. Stories may not exceed 14 feet in height from finished floor to finished ceiling.</p> 
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I. BUILDING FUNCTION (See Table 9 & Table 10)		SETBACKS - PRINCIPAL BLDG. 1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown. 2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.	
Residential	restricted use		
Lodging	prohibited use		
Office	restricted use		
Retail	prohibited use		
k. BUILDING FORM (See Table 6)			
Principal Building	2 stories max.		
Outbuilding	1 story max.		
f. LOT OCCUPATION (See Table 11 section e)			
Lot Width	70 ft. min.		
Lot Coverage	50% max.		
i. BUILDING PLACEMENT (See Table 6)		SETBACKS - OUTBUILDING 1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.	
Edgeyard	permitted		
Sideyard	not permitted		
Rearyard	not permitted		
Courtyard	not permitted		
g. SETBACKS - PRINCIPAL BUILDING (See Table 11 section f)			
(g.1) Front Setback Principal	24 ft. min.		
(g.2) Front Setback Secondary	12 ft. min.		
(g.3) Side Setback	12 ft. min.		
(g.4) Rear Setback	12 ft. min. ^(a)		
Frontage Buildout	30% min. at setback		
h. SETBACKS - OUTBUILDING (See Table 11 section g)			
(h.1) Front Setback Principal	20 ft. min. + bldg. setback		
(h.2) Front Setback Secondary	3 ft. min. or 6 ft. min. at corner		
(h.3) Side Setback	3 ft. min.		


j. PRIVATE FRONTAGES (See Table 8)		PARKING PLACEMENT	
Common Lawn	permitted	1. Uncovered parking spaces may be provided within the second and third Layer as shown in the diagram (see Table 12 section d).	
Porch & Fence	permitted	2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 12 section d). Side- or rear-entry garages may be allowed in the first or second Layer	
Terrace or Lightwell	not permitted		
Forecourt	not permitted		
Stoop	not permitted		
Shopfront & Awning	not permitted		
Gallery	not permitted		
Arcade	not permitted		
Refer to Summary Table 11		by Warrant. "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact	
		3. Trash containers minimums and maximums. shall be stored within the third Layer.	

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TABLE 11B: Code Graphics - T4


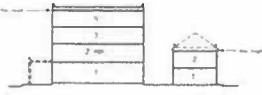
	BUILDING CONFIGURATION 1. Building height shall be measured in number of Stories, excluding Attics and above ground portions of basements. 2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 feet. 3. Height shall be measured to the eave or roof deck as specified on Table 5.	
I. BUILDING FUNCTION (See Table 9 & Table 10)	SETBACKS - PRINCIPAL BLDG.	



Residential	limited use*	1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.	
Lodging	limited use*		
Office	limited use*		
Retail	limited use U*		
k. BUILDING FORM (See Table 6)			
Principal Building	3 stories max.	2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.	
Outbuilding	2 stories max.		
f. LOT OCCUPATION (See Table 11 section e)			
Lot Width	18 ft. min.		
Lot Coverage	65% max.		
Building Footprint	20,000 sf max.		
i. BUILDING PLACEMENT (See Table 6)		SETBACKS - OUTBUILDING 1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.	
Edgeyard	permitted		
Sideyard	permitted		
Rearyard	permitted		
Courtyard	not permitted		
g. SETBACKS - PRINCIPAL BUILDING (See Table 11 section f)			
(g.1) Front Setback Principal	15 ft. min., 30 ft. max.		
(g.2) Front Setback Secondary	15 ft. min., 30 ft. max.		
(g.3) Side Setback	3 ft. min.		
(g.4) Rear Setback	3 ft. min. U**		
Frontage Buildout	40% min. at setback		
h. SETBACKS - OUTBUILDING (See Table 11 section g)			
(h.1) Front Setback Principal	20 ft. min. + bldg. setback		
(h.2) Front Setback Secondary	0 ft. min. or 3 ft. min. at corner		
(h.3) Side Setback	3 ft. min.		

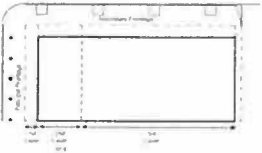
j. PRIVATE FRONTAGES (See Table 8)		PARKING PLACEMENT 1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 12 section d). 2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 12 section d). 3. Trash containers shall be stored within the third Layer.	
Common Lawn	not permitted		
Porch & Fence	permitted		
Terrace or Lightwell	not permitted		
Forecourt	not permitted		
Stoop	not permitted		
Shopfront & Awning	permitted		
Gallery	permitted		
Arcade	not permitted		
Refer to Summary Table 11			
		"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.	

(Ord. No. 2016-03, Att., 3-7-16)

TABLE 11C: Code Graphics - T5

	BUILDING CONFIGURATION 1. Building height shall be measured in number of Stories, excluding Attics and above ground portions of basements. 2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 feet. 3. Height shall be measured to the eave or roof deck as specified on Table 8.	
	I. BUILDING FUNCTION (See Table 9 & Table 10)	SETBACKS - PRINCIPAL BLDG.

Residential	open use	1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown. 2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.	
Lodging	open use		
Office	open use		
Retail	open use		
k. BUILDING FORM (See Table 6)			
Principal Building	3 stories max. Δ^*		
Outbuilding	2 stories max.		
f. LOT OCCUPATION (See Table 11 section e)			
Lot Width	18 ft. min.		
Lot Coverage	85% max.		
Building Footprint	20,000 sf max.		
i. BUILDING PLACEMENT (See Table 6)		SETBACKS - OUTBUILDING 1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.	
Edgeyard	not permitted		
Sideyard	permitted		
Rearyard	permitted		
Courtyard	not permitted		
g. SETBACKS - PRINCIPAL BUILDING (See Table 11 section f)			
(g.1) Front Setback Principal	0 ft. min., 15 ft. max.		
(g.2) Front Setback Secondary	0 ft. min., 15 ft. max.		
(g.3) Side Setback	0 ft. min.		
(g.4) Rear Setback	3 ft. min. Δ^{**}		
Frontage Buildout	70% min. at setback		
h. SETBACKS - OUTBUILDING (See Table 11g)			
(h.1) Front Setback Principal	5 ft. min.		
(h.2) Front Setback Secondary	5 ft. min.		
(h.3) Side Setback	3 ft. max.		
j. PRIVATE FRONTAGES (See Table 8)			

Common Lawn	not permitted	PARKING PLACEMENT 1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 12 section d). 2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 12 section d). 3. Trash containers shall be stored within the third Layer. "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.	
Porch & Fence	permitted		
Terrace or Lightwell	not permitted		
Forecourt	not permitted		
Stoop	not permitted		
Shopfront & Awning	permitted		
Gallery	permitted		
Arcade	not permitted		
Refer to Summary Table 11			

(Ord. No. 2016-03, Att., 3-7-16)

TABLE 12: Special Districts. The metrics for each column of this table (SD1, SD2, etc.) are to be filled in for each Special district as they are permitted pursuant to a Regulating Plan or Special Area Plan. Functions may be specifically listed or may reference an existing City of Kennesaw zoning district. More pages can be added. Special Districts that do not have provisions noted herein shall be governed by the standards of any other City of Kennesaw zoning district as set forth in Sections 1.4.4 (c) or (d), as applicable.

	SD1	SD2	SD3	SD4	SD5	SD6	SD7
a. RESIDENTIAL DENSITY							
By Right							
b. BLOCK SIZE							
Block Perimeter							
c. THOROUGHFARES							
HW							
BV							
AV							
CS							
DR							
ST							
RD							
Rear Lane							
Rear Alley							

Path							
Passage							
Multi-Use Trail							
Bicycle Lane							
Bicycle Route							
d. CIVIC SPACES							
Park							
Green							
Square							
Plaza							
Playground							
e. LOT OCCUPATION							
Lot Width							
Lot Coverage							
f. SETBACKS - PRINCIPAL BUILDING							
Front Setback							
Side Setback							
Rear Setback							
Frontage Buildout							
g. BUILDING PLACEMENT							
Edgeyard							
Sidyard							
Rearyard							
Courtyard							
h. PRIVATE FRONTAGES							
Common Yard							
Porch & Fence							
Terrace, Dooryard							
Forecourt							
Stoop							

BUILDING
PLACEMENT

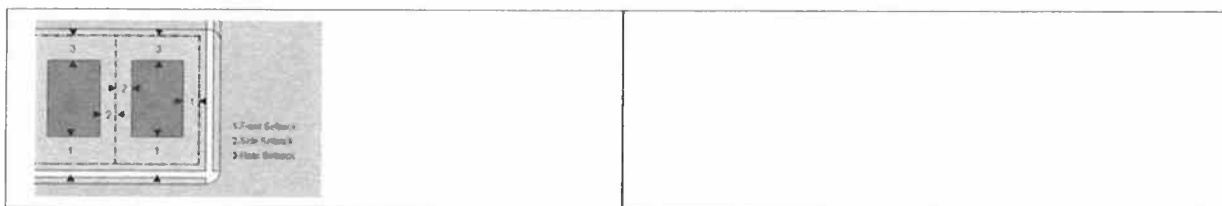
BUILDING
FORM

Shopfront								
Gallery								
Arcade								
Open Parking								
i. BUILDING FORM - HEIGHT								
Principal Building								
Outbuilding								
j. BUILDING FUNCTION								FUNCTION
Residential								
Lodging								
Office								
Retail								

(Ord. No. 2016-03, Att., 3-7-16)

TABLE 13: Definitions Illustrated

a. THOROUGHFARE & FRONTAGES	
b. TURNING RADIUS	c. BUILDING DISPOSITION
d. LOT LAYERS	e. FRONTAGE & LOT LINES
f. SETBACK DESIGNATIONS	



(Ord. No. 2016-03, Att., 3-7-16)

ARTICLE 6. - DEFINITION OF TERMS

DEFINITIONS

This Article provides definitions for terms in this code that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Article or in Section 1.09.02 Definitions of the Unified Development Code, then the Planning and Zoning Administrator shall determine the correct definition. Items in italics refer to *Articles*, *Sections*, or *Tables* in the code.

A-Grid : cumulatively, those Thoroughfares that by virtue of their pre-existing pedestrian-supportive qualities, or their future importance to pedestrian connectivity, are held to the highest standards prescribed by this code. See B-Grid.

Accessory Building: an Outbuilding with an Accessory Unit.

Accessory Unit: a small apartment sharing ownership and utility connections with a Principal Building; it may or may not be within an Outbuilding. (Syn: ancillary unit)

Allee: a regularly spaced and aligned row of trees usually planted along both sides of a Thoroughfare or Path.

Arcade: a Private Frontage conventional for Retail use wherein the Facade is a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at the Frontage Line.

Auto and Vehicle sales: a business selling motorized vehicles including but not limited to automobile and truck sales and service facilities; boat sales and service establishments; Motorcycle, ATV, and three-wheel vehicle sales and service facilities; Trailer salesrooms and sales lots. Auto and Vehicle sales does not include any other uses specifically set forth in *Table 10: Specific Function and Use*.

Avenue (AV): a Thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

B-Grid : cumulatively, those Thoroughfares that by virtue of their use, location, or absence of pre-existing pedestrian-supportive qualities, may meet a standard lower than that of the A-Grid. B-Grid Thoroughfares are often privately-owned. See A-Grid.

Backbuilding: a single-Story structure connecting a Principal Building to an Outbuilding. See *Table 14: Definitions Illustrated*.

Banks/financial institutions: a business dedicated to banking and lending of money including but not limited to Banks/financial institutions and/or automated transfer machines. Banks/financial institutions does include drive-in establishments, check cashing, title loan or any other uses specifically set forth in *Table 10: Specific Function and Use*.

Bicycle Lane (BL): a dedicated lane for cycling within a moderate-speed vehicular Thoroughfare, demarcated by striping and having a minimum width of 5 feet.

Bicycle Route (BR): a Thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

Block: the aggregate of private Lots, Passages, Rear Alleys and Rear Lanes, circumscribed by Thoroughfares.

Block Face: the aggregate of all the building Facades on one side of a Block.

Boulevard (BV): a Thoroughfare designed for high vehicular capacity and moderate speed, traversing an Urbanized area. Boulevards are usually equipped with Slip Roads buffering Sidewalks and buildings.

Building Form: the shape of a building, based on its massing, Private Frontage, and height.

Building Placement: the arrangement of a building on its lot.

By Right: characterizing a proposal or component of a proposal for a Building Scale Plan (*Article 4*) that complies with the code and is permitted and processed administratively, without public hearing. See **Variance**.

Civic: the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic Building: a building operated by a city, county, state, or federal government.

Civic Building Sites: a parcel containing a Civic Building.

Civic Space: an outdoor area dedicated for public use, but which may be under public or private ownership. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their Enfronting buildings. *See Table 5: Civic Space.*

Civic Zone: designation for sites dedicated for Civic Building Sites and Civic Spaces.

Commercial: the term collectively defining workplace, Office, Retail, and Lodging Functions.

Commercial Recreation Facility: a facility that provides opportunities for indoor recreation including but not limited to amusement centers, arcades, billiards and pool halls, commercial indoor recreation uses, and nightclubs. Outdoor recreation facilities are considered part of Commercial Recreation Facility, Outdoors. Commercial Recreation Facility does not include Sexually Oriented Business or any other uses specifically set forth in *Table 10: Specific Function and Use.*

Commercial Recreation Facility Outdoor: a facility that provides opportunities for outdoor recreation including but not limited to commercial outdoor recreation uses, executive golf courses, golf courses (18-hole regulation; private and public), golf courses (par 3), nonprofit (seasonal use) fishing lakes, nonprofit riding stables, outdoor golf driving ranges, private parks, recreation grounds other than tennis courts and golf courses, and zoos. Commercial Recreation Facility does not include any uses specifically set forth in *Table 10: Specific Function and Use.*

Common Yard: a planted Private Frontage wherein the Facade is set back from the Frontage line. It is visually continuous with adjacent yards. *See Table 8: Private Frontages.*

Community Meeting Facility: a facility that can host public meetings including but not limited to assembly halls; clubs or lodges (noncommercial); and private community centers. Community Meeting Facility does not include any uses specifically set forth in *Table 10: Specific Function and Use.*

Cottage: an Edgeward Building type containing a single-family dwelling, on its own Lot, often shared with an Accessory Building in the back yard.

Courtyard Building: a building that occupies the boundaries of its Lot while internally defining one or more private patios. *See Table 8: Private Frontages.*

Curb: the edge of the vehicular pavement that may be raised or flush to a swale. It usually incorporates the drainage system. *See Table 4A: Public Frontages - General and Table 4B: Public Frontages - Specific.*

Design Speed: is the velocity at which a Thoroughfare tends to be driven without the constraints of signage or enforcement. There are three ranges of speed: Low: (25 MPH); Moderate: (25-35 MPH); High: (above 35 MPH). Lane width is determined by desired Design Speed. *See Table 3A: Vehicular Lane Dimensions.*

Dooryard: a Private Frontage type with a shallow Setback and front garden or patio, usually with a low wall at the Frontage Line. *See Table 8: Private Frontages.* (Variant: Lightwell)

Downtown Activity Center: land use designation for the downtown Kennesaw area as identified in the adopted comprehensive plan.

Drive: a Thoroughfare along the boundary between an Urbanized and a natural condition, usually along a waterfront, Park, or promontory. One side has the urban character of a Thoroughfare, with Sidewalk and building, while the other has the qualities of a Road or parkway, with naturalistic planting and rural details.

Drive-Through Facilities: any structure which permits a vehicle to drive to and conduct a transaction while remaining in the vehicle including but not limited to drive-in theaters, drive-thru ATMs or tellers, and drive-thru restaurants. Drive-Through Facilities does not include any uses specifically set forth in *Table 10: Specific Function and Use.*

Edgeward Building: a building that occupies the center of its Lot with Setbacks on all sides. *See Table 7: Building Placement.*

Effective Turning Radius: the measurement of the inside Turning Radius taking parked cars into account. *See Table 14: Definitions Illustrated.*

Elevation: an exterior wall of a building not along a Frontage Line. *See Table 14: Definitions Illustrated. See: Facade.*

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

Encroachment: any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

Enfront: to place an element along a Frontage, as in "porches Enfront the street."

Facade: the exterior wall of a building that is set along a Frontage Line. *See Elevation.*

First Layer: the privately held Layer between the Frontage Line and the Principal Building front Setback shown in Table 11: Code Summary. Where both a minimum and maximum Setback exists, the First Layer shall extend to the maximum. *See Table 14: Definitions Illustrated.*

Fitness/Health Facility: Any facility that promotes healthy living through exercise including athletic and health clubs and gyms. Fitness/Health Facility does not include any Medical uses or other uses specifically set forth in *Table 10: Specific Function and Use.*

Forecourt: a Private Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. *See Table 8: Private Frontages.*

Frontage: the area between a building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into **Private Frontage** and **Public Frontage**. *See Table 4A: Public Frontages - General and Table 8: Private Frontages.*

Frontage Line: a line bordering a Public Frontage that may or not be congruent with the Lot Line. Facades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines. *See Table 14: Definitions Illustrated.*

Function: the use or uses accommodated by a building and its Lot, categorized as *Restricted, Limited, or Open*, according to the intensity of the use. *See Table 9: Building Function and Table 10: Specific Function and Use.*

Gallery: a Private Frontage conventional for Retail use wherein the Facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk. *See Table 8: Private Frontages.*

Gardening: any use which allows for the non-commercial growing of plants including but not limited to home gardens; community gardens; and the growing of fruit trees, nuts, and vegetables. Gardening does not include commercial operations or other uses specifically set forth in *Table 10: Specific Function and use.*

Gas station : any use which sells gasoline or diesel fuel from pumps including Convenience food stores with self-service fuel sales; Full service gasoline stations. Gas station does not include convenience stores without gasoline or diesel pumps or other uses specifically set forth in *Table 10: Specific Function and use.*

General Retail: a business whose primary use is the sale of merchandise to consumers, specifically including, but not limited to agricultural produce stands; community retail uses; farm and garden supply stores; farmers markets (fully enclosed); fruit stores, markets; neighborhood retail uses; office service and supply establishments; and millinery or similar trade whenever products are sold retail, exclusively on the site where produced. General Retail does not include cigar, smoke shops, tobacco stores; flea markets; growler sales; pawn shops, regional shopping centers; restaurants and cafes; sexually oriented businesses; or other uses specifically set forth in *Table 10: Specific Function and use.*

General Service: a business whose primary use is to provide a service, specifically including, but not limited to, film developing and printing facilities; laundry and dry cleaning pick-up establishments; linen and diaper services; massage therapy; nonautomotive repair service establishments; self-service laundry facilities, spas and salons. General Service does not include financial establishments, banks, check cashing establishments, tattoo businesses, or other uses specifically set forth in *Table 10: Specific Function and use.*

Green: a Civic Space type for structured or unstructured recreation, spatially defined by landscaping rather than building Frontages. *See Table 5.*

Greenway: an open space corridor which includes a continuous Multi-Use Trail.

Gross Site Area: all land within a site's boundaries.

Highway: a rural and suburban Thoroughfare of high vehicular speed and capacity. This type is allocated to the more rural Transect Zones (T-2, and T-3).

Home Occupation: Non-Retail Commercial enterprises. The work quarters should be invisible from the Frontage, located either within the house or in an Outbuilding. Permitted activities are defined by the Restricted Office category. *See Table 9: Building Function.*

House : an Edgeyard Building type containing a single-family dwelling on a large Lot, often shared with an Accessory Building in the back yard. (Syn: single.)

Industrial: for the purpose of uses, Industrial means any use which can generate a significant amount of noise, vibration, smells, or other emissions this includes but is not limited to major appliance repair; dry cleaning plants; fuel and ice dealers; mining or other extractive industries; newspaper publishing facilities; railroad car classification yards; temporary sawmills; self-service storage facilities; shooting ranges; and vending machine sales, service, rental, or repair establishments. Industrial does not include truck or freight terminals or scrap and dismantling yards or other uses specifically set forth in *Table 10: Specific Function and use.*

Layer: a range of depth of a Lot within which certain elements are permitted. *See Table 14: Definitions Illustrated.*

Lightwell: A Private Frontage type that is a below-grade entrance or recess designed to allow light into basements. *See Table 8: Private Frontages.*

Liner Building: a building specifically designed to mask a parking lot or a Parking Structure from a Frontage.

Live-Work: Nonresidential activity conducted wholly within a residential dwelling that allows employees, customers, clients or patrons to visit.

Lodging: premises available for daily renting of guest rooms. *See Table 9: Building Function and Table 10: Specific Function and Use.*

Lot Line: the boundary that legally and geometrically demarcates a lot.

Lot Width: the length of the Principal Frontage Line of a lot.

Manufacturing: premises available for the creation, assemblage and/or repair of objects, using table-mounted electrical machinery or artisanal equipment, and including their Retail sale.

Medical: for the purposes of uses, medical is any organization that provides medical care or support including but not limited to ambulance services; clinics; massage therapy; medical and dental laboratories (provided that no chemicals are manufactured on site); medical research centers; pain management clinic; research testing laboratories; and sports/medical physical therapy. Medical does not include hospitals or other uses specifically set forth in *Table 10: Specific Function and use*.

Mixed Use: multiple Functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency.

Multi-Family Housing: a residential facility that provides long-term housing including but not limited to condominiums; and multifamily dwelling units. Multi-Family Housing does not include Lodging or uses specifically set forth in *Table 10: Specific Function and use*.

Multi-Use Trail (MT): a shared paved pedestrian and bicycle way running independent of a vehicular Thoroughfare and having a minimum width of 12 feet and a maximum width of 20 feet.

Net Site Area: all land within a site's boundaries except any part or parts of rivers, streams, floodplains, and natural lakes.

Office: premises available for the transaction of general business but excluding Retail, Service, and Industrial Functions. For the purposes of uses office includes but is not limited to corporate or administrative offices for any permitted uses; photography studios; professional offices; wholesale sales offices; and wholesale trade offices in conjunction with office showrooms. Office does not include Live/Work Units or other uses specifically set forth in *Table 10: Specific Function and use*.

Open Parking: an uncovered parking area not within a Parking Structure. (Syn: parking lot)

Outbuilding: an Accessory Building, usually located toward the rear of the same Lot as a Principal Building, and sometimes connected to the Principal Building by a Backbuilding. *See Table 14: Definitions Illustrated.*

Park: a Civic Space type that is a natural preserve available for structured or unstructured recreation. *See Table 5.*

Parking Structure: a building containing either two or more levels of above ground parking or one or more level of basement parking.

Passage (PS): a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long Blocks and connect rear parking areas to Frontages.

Path (PT): a pedestrian way traversing a Park or rural area, with landscape matching the contiguous open space, ideally connecting directly with the urban Sidewalk network.

Planter: the element of the Public Frontage which usually accommodates street trees, whether continuous or individual. The Planter shall be located between the Sidewalk and the Curb.

Plaza: a Civic Space type designed for Civic purposes and Commercial activities in the more urban Transect Zones, generally paved and spatially defined by building Frontages.

Principal Building: the main building on a Lot, usually located toward the Frontage. A Lot may contain more than one Principal Building. *See Table 14: Definitions Illustrated.*

Principal Entrance: the main point of access for pedestrians into a building.

Principal Frontage: On corner Lots, the Private Frontage designated to bear the address and Principal Entrance to the building, and the measure of minimum Lot width. Prescriptions for the parking Layers pertain only to the Principal Frontage. Prescriptions for the First Layer pertain to both Frontages of a corner Lot. *See Frontage.*

Private Frontage: the privately held Layer between the Frontage Line and the Principal Building Facade that bears the Principal Entrance to the building. *See Table 8: Private Frontages and Table 14: Definitions Illustrated.*

Public Frontage: the area between the Curb of the vehicular lanes and the Frontage Line. *See Table 4A: Public Frontages - General and Table 4B: Public Frontages - Specific.*

Rear Alley (RA): a privately owned and maintained vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. Rear Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll Curbs at the edges.

Rear Lane (RL): a privately owned and maintained vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. Rear Lanes may be paved lightly to Driveway standards. The streetscape consists of gravel or landscaped edges, has no raised Curb, and is drained by percolation.

Rearyard Building: a building that occupies the full Frontage Line, leaving the rear of the Lot as the sole yard. *See Table 7: Building Placement.* (Var: Rowhouse, Townhouse line prescribed for the full width of a Facade, above which there is a Stepback of a minimum distance, such that the height to this line (not the overall building height) effectively defines the enclosure of the enfronting public space.) *See Table 6: Building Form - Height.*

Regulating Plan: a Zoning Map or set of maps that shows the Transect Zones, Civic Zones, Special Districts if any, Thoroughfares, and Special Requirements if

any, of areas subject to regulation by this code.

Residential: characterizing premises available for long-term human dwelling.

Restaurants and Cafes: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly prepared and served, without sleeping accommodations, such place seating a minimum of 40 or more people, and holding a certificate of approval from the county health department. At least one meal per day shall be served at least six days per week, with the exception of holidays, vacations and periods of redecorating; and the serving of such meals shall be the principal business conducted, with the serving of distilled spirits to be consumed on the premises as only incidental thereto. Restaurants and Cafes includes but is not limited to commercial recreation restaurants, eating and drinking establishments, hookah bars, mobile food vending units, and sit down dining restaurants. Restaurants and Cafes does not include drive-in restaurants or other uses specifically set forth in *Table 10: Specific Function and Use*.

Retail: characterizing premises available for the sale of merchandise and food service. *See Table 10: Specific Function and Use and Table 11: Code Summary.*

Retail Frontage: Frontage designated on a Regulating Plan that requires or recommends the provision of a Shopfront, encouraging the ground level to be available for Retail use. *See Special Requirements.*

Road (RD): a local, rural and suburban Thoroughfare of low-to-moderate vehicular speed and capacity. This type is allocated to the more rural Transect Zones (T2-T3).

Rowhouse: a single-family dwelling that shares a party wall with another of the same type, is located in a row of at least three and not more than eight dwellings of the same type, and occupies the full Frontage Line. *See Rearyard Building. (Syn: Townhouse)*

Scrap and Dismantling Yards: for the purpose of uses, a facility that stores and dismantles large pieces of equipment including but not limited to automotive storage yards and wrecker service. Scrap and Dismantling Yards does not include uses specifically set forth in *Table 10: Specific Function and Use*.

Secondary Frontage: on corner Lots, the Private Frontage that is not the Principal Frontage. As it affects the public realm, its First Layer is regulated. *See Table 14: Definitions Illustrated.*

Setback: the area of a Lot measured from the Frontage Line or, in the absence of Frontage Line, the Lot line, to a building Facade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments listed in *Section 4.5. See Table 11: Code Summary, item f.*

Shopfront: a Private Frontage conventional for Retail use, with substantial glazing and an awning, wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. *See Table 8: Private Frontages.*

Sidewalk: the paved section of the Public Frontage dedicated exclusively to pedestrian activity.

Sidyard Building: a building that occupies one side of the Lot with a Setback on the other side. This type can be a Single or Twin depending on whether it abuts the neighboring house. *See Table 7: Building Placement.*

Simulated Divided Lights: a method of constructing windows in which muntins are affixed to the inside and outside of a panel of insulating glass to simulate the look of true divided light.

Slip Road: an outer vehicular lane or lanes of a Thoroughfare, designed for slow speeds while inner lanes carry higher speed traffic, and separated from them by a planted median. (Syn: access lane, service lane)

Special Area Plan: an area of 15 acres or more of contiguous lots within an area subject to a Regulating Plan which, because of its size, may establish unique requirements upon approval of the Mayor and City Council.

Special District (SD): an area that, by its intrinsic Function, Building Placement, or Building Form, cannot or should not conform to one or more of the Transect Zones specified by this code.

Specialized Building: a building that is not subject to Residential, Commercial, or Lodging classification. *See Table 6: Building Form - Height.*

Special Requirements: provisions of *Section 4.3* of this code and/or the associated designations on a Regulating Plan.

Sports and Entertainment Assembly Facility: any venue which hosts large assemblies for the purposes of entertainment including but not limited to amphitheaters, coliseums, stadiums, and convention centers (privately owned). Sports and Entertainment Assembly Facility does not include uses specifically set forth in *Table 10: Specific Function and Use*.

Square: a Civic Space type designed for structured or unstructured recreation and Civic purposes, spatially defined by building Frontages and consisting of Paths, lawns and trees, formally disposed. *See Table 5.*

State Route: a Thoroughfare under the jurisdiction of the Georgia Department of Transportation.

Stepback: a building Setback of at least 10 feet that occurs at a prescribed number of Stories above the ground. *See Table 6: Building Form - Height.*

Stoop: a Private Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance. *See Table 7: Building Placement.*

Story: a habitable level within a building, excluding an attic. A basement shall be considered as a story if subdivided or used for dwelling or business purposes.
See Table 6: Building Form - Height.

Street (ST): a local urban Thoroughfare of low speed and capacity.

Substantial Modification: alteration to an existing building that is valued at more than 60% of the replacement cost of the entire building, if built new according to current standards.

Swale: a low or slightly depressed natural area for drainage.

T-zone: Transect Zone.

Temporary Use: any use that is expect to last for less than 30 days including but not limited to community fairs and other temporary uses. Temporary use does not include uses specifically set forth in *Table 10: Specific Function and Use*.

Thoroughfare: a public or private way for use by vehicular, bicycle, and pedestrian traffic and to provide access to Lots and Open Spaces, consisting of Vehicular Lanes and the Public Frontage. *See Table 3A: Vehicular Lane Dimensions, Table 3B: Vehicular Lane/Parking Assemblies, and Table 14: Definitions Illustrated, item a.*

Townhouse: See Rearyard Building. (Syn: Rowhouse)

Transect: a cross-section of the environment showing a range of different habitats. The rural-urban Transect of the human environment is divided into six Transect Zones. These zones describe the physical form and character of a place, according to the Density and intensity of its land use and Urbanism.

Transect Zone (T-zone): one of several geographic areas regulated by this code. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, Density, height, and Setback requirements, other elements of the intended habitat are integrated, including those of the private Lot and building and Public Frontage. *See Table 1.*

Transit Station or Terminal: a facility that can accommodate two or more transit vehicles for the purposes of loading and unloading passengers including but not limited to bus stations, commuter rail stations, taxi stands and dispatching agencies. Transit Station or Terminal does not include Truck or Freight Terminals or other uses specifically set forth in *Table 10: Specific Function and Use*.

Truck or Freight Terminal: a facility that can accommodate two or more transit vehicles or trucks for the purpose of loading and unloading freight including but not limited to bus stations for freight, railroad stations for freight, transportation equipment storage and maintenance facilities, and truck terminals. Truck or Freight terminals does not include loading docks associated with a retail facility or other uses specifically set forth in *Table 10: Specific Function and Use*.

True Divided Lights: A term that refers to windows in which multiple individual panes of glass or lights are assembled in the sash using muntins.

Turning Radius: the curved edge of a Thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the Turning Radius, the smaller the pedestrian crossing distance, and the more slowly the vehicle is forced to make the turn. *See Table 3B: Vehicular Lane/Parking Assemblies and Table 14: Definitions Illustrated.*

Urbanism: collective term for the condition of a compact, Mixed Use settlement, including the physical form of its development and its environmental, functional, economic, and sociocultural aspects.

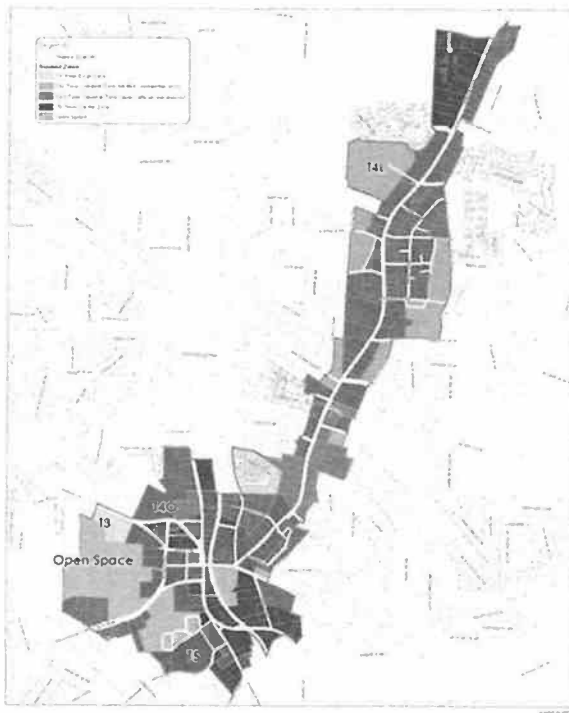
Urbanized: generally, developed. Specific to this code, developed at T3 (Sub-Urban) Density or higher.

Vehicular Service: the repair, servicing, alteration, restoration, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Vehicular services includes but is not limited to automotive paint and body repair shops, automotive repair and maintenance facilities, automotive upholstery shops, car washes, emissions/inspection stations, and heavy automotive repair. Vehicular Service does not include automobile service and repair that is part of an automotive sales dealership on the same site, automobile wrecking, automobile junkyards, or salvage yards or other uses specifically set forth in *Table 10: Specific Function and Use*.

Wholesale and Distribution: any use that sells merchandise primarily to retailers or specific trades or which transports retail or wholesale goods including but not limited to wholesale building materials stores; contractors including general, heavy, and special office/warehouse space; plumbing and/or heating equipment dealers; and electrical supply stores. Wholesale and Distribution does not include Truck or Freight terminals or other uses specifically set forth in *Table 10: Specific Function and Use*.

Yield: characterizing a Thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation. Also, characterizing parking on such a Thoroughfare.

(Ord. No. 2016-03, Att., 3-7-16)



Cherokee Street Gateway Design Based Code
Draft Regulating Plan

(Ord. No. 2016-03, Att., 3-7-16)

APPENDIX 8

MAYOR
Derek Easterling

City Manager
Jeff Drobney

City Clerk
Lea Addington



COUNCIL

Mayor Pro Tem Pat Ferris

James Eaton

Tracey Viars

Chris Henderson

David Blinkhorn


CLERK'S CERTIFICATION

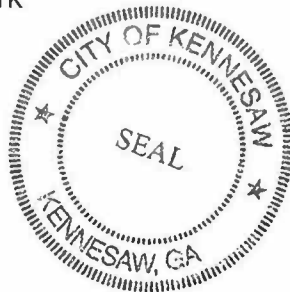
CITY OF KENNESAW
GEORGIA, COBB COUNTY

I, Lea Addington, hereby certify that I am the City Clerk for the City of Kennesaw and the lawful custodian of the books and records of said municipality, and as such do hereby certify the attached City of Kennesaw, Georgia Municipal Code APPENDIX A- UNIFIED DEVELOPMENT CODE, Chapter 10 – "ADMINISTRATIVE PROCEDURES," is a true and correct copy of records on file at City Hall.

WITNESS, my hand and Seal of the City of Kennesaw, Georgia, on this 30th day of June 2020.

ATTEST:


Lea Addington, City Clerk



Chapter 10 - ADMINISTRATIVE PROCEDURES

10.00.00 - GENERALLY

10.00.01 - Purpose

This Chapter sets forth the procedures for receiving, reviewing, and rendering decisions on applications for permits, rezoning, subdivisions, multi-family and nonresidential development, mixed use development, and planned developments. This Chapter also sets forth the requirements for appealing decisions and for enforcement. It is the City's intent that the procedures and requirements set forth in this Chapter shall be followed in order to seek approval for any development.

10.00.02 - Approvals Required

- A. *Building Permit Required.* No building, sign, except "for sale" or "for rent" signs or other structure shall be erected, moved, extended or enlarged, or structurally altered; nor shall any excavation or filling of any lot for the construction of any building be commenced until the building official has issued a building permit for such work in conformity with the provisions of this ordinance.
1. Application. Each application to the building official for a building permit shall be accompanied by plot plans in duplicate drawn to a scale showing: the actual dimensions of the lot to be built upon; the size, height and use of the building to be erected; the location of the building on the lot; the location of the existing structures on the lot, if any; the number of the dwelling units the building is designed to accommodate; the approximate setback lines of buildings on adjoining lots; and such other information as may be essential for determining whether the provisions of this ordinance are being observed. One (1) copy of said plot plan shall remain on file in the office of the building official.
 2. Duration of Validity. Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six (6) months after work is commenced.
 3. Conditions and Intent of the Permit.

- a. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this ordinance.
- b. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced.
- c. One (1) or more extensions of time, for periods not more than ninety (90) days each, may be allowed for the permit.
- d. The extension shall be requested in writing and justifiable cause demonstrated.
- e. Extensions shall be in writing by the building official.

B. *Certificate of Occupancy Required.*

1. A Certificate of Occupancy issued by the building inspector is required in advance of occupancy or use of:
 - a. Any lot change or extension in the use thereof;
 - b. A building or structure hereafter erected or a change in the use of an existing building or structure; or
 - c. Any nonconforming use that is existing at the time of the enactment of this ordinance or an amendment thereto or that is changed, extended, altered or rebuilt thereafter, the Certificate of Occupancy shall state specifically wherein the nonconforming use fails to meet the provisions of this ordinance.
2. A Certificate of Occupancy, either for the whole or part of a building, shall be applied for, coincident with the application for a building permit and shall be issued within ten days after the erection or structural alterations of such building, or part, shall have been completed in conformity with the provisions of this ordinance.
3. A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance.
- 4.

If the Certificate of Occupancy is denied, the building inspector shall state in writing the reason for refusal and the applicant shall be notified of the refusal.

5. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

10.00.03 - Expiration of Approvals

- A. Any permit shall become void if the work authorized by the permit has not begun within six (6) months after the date of issuance of the permit.
- B. The time period for which a permit is valid may be extended for one (1) or more periods of not more than ninety (90) days each where an application for such extension is filed and such extension has been granted in writing by the Zoning Administrator or Building Official.
- C. The expiration of a Certificate of Appropriateness shall conform to Items A, B and C of this section.

10.00.04 - Fees Required

- A. All applications shall be accompanied by payment of application fees, as set forth in the City of Kennesaw Fee Schedule adopted by the Mayor and Council and as may be amended from time to time. An application shall not be complete until all required fees are paid. Such fees shall include the filing fee, and where notice is required, shall include an additional fee to defray the expense of preparing and mailing such notices.
- B. For land clearing permits, a fee in addition to local permitting fees will be assessed pursuant to Georgia statutes. All applicable fees shall be paid prior to issuance of the land disturbance permit.

10.00.05 - Public Notice Requirements

- A. Before making a recommendation concerning a proposed rezoning, variance or application requests to the Mayor and Council or the Planning Commission shall hold a public hearing thereon.
- B.

At least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing, the Mayor and Council or Planning Commission shall cause to be published in a newspaper (Marietta Daily Journal) of general circulation within the County notice of the hearing.

1. Such notice shall be published once a week for two (2) consecutive weeks in such newspaper.
 2. The notice shall state:
 - a. The time, place and purpose of the hearing.
 - b. Location of the property.
 - c. Present zoning classification of the property.
 - d. Proposed zoning classification of the property.
- C. The City of Kennesaw shall be required to post and maintain signs supplied by the zoning division on or near the right-of-way of the nearest public street, so as to be visible from the street, for at least fifteen (15) days immediately preceding the date for any public hearings on the application, which shall remain posted until a final decision by the Mayor and Council.
1. It is the responsibility of the City of Kennesaw to post the signs and to maintain the signs during the posting period. Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing.
 2. The Planning Commission or Mayor and Council may also, in its sole discretion, continue, hold, approve or dismiss the application.
 3. Any dismissal under the provisions of this subsection shall be with prejudice unless specifically noted as being without prejudice by the Planning Commission or Mayor and Council.
- D. In addition to the requirements herein stated in subsection (A) above, it shall be the duty of the applicant for zoning to notify in writing all surrounding property owners within a 200-foot radius of the boundary lines of the property as shown on the most current tax records.
1. Such notice shall be satisfied by the applicants mailing of a copy of the proposed site plan and copy of application to the surrounding property owners by both first class mail and certified mail, return receipt requested.
 2. Return receipt addressee for all notifications mailed will be the community

development department.

3. The notice shall be mailed no later than fifteen (15) days before the first public hearing.
4. The cost of the notices shall be borne by the applicant.
- E. The provisions of subsections (A) and (B) above shall apply to "other business" items as well except that the zoning division staff shall cause notice to be mailed no later than fifteen (15) days before the action is to be heard.

10.00.06 - Procedures for Conducting Public Hearings

The following rules of procedure shall govern public hearings pertaining to development subject to the provisions of this UDC:

- A. Hearings before the Planning Commission.
 1. All persons who wish to address the Planning Commission at a hearing on the proposed zoning application under consideration by the Planning Commission shall first sign up on a form to be provided by the Zoning Administrator prior to the commencement of the hearing.
 2. The Chairman of the Planning Commission will read the proposed zoning application under consideration and any departmental reviews pertaining thereto prior to receiving public input on the proposed zoning decision. Proposed zoning applications shall be called in the order in which they were filed.
 3. The Chairman shall then call each person who has signed up to speak on the zoning application before the Planning Commission in the order in which the persons have signed up to speak.
 - a. The applicant will always speak first.
 - b. Prior to speaking, the speaker will identify himself or herself and state his/her current address.
 4. Each speaker shall be allowed sufficient time to address the Planning Commission concerning the zoning application then under consideration.
 - a. It shall be the responsibility of the Chairman of the Planning Commission to allocate sufficient time according to the complexity of the pending issue.

- b. One (1) member of the Planning Commission shall be designated as the time keeper to record the time expended by each speaker.
 - c. Pursuant to O.C.G.A. § 36-66-5, and as amended from time to time, both proponents and opponents of any proposed zoning decision shall be given a minimum of ten (10) minutes per side for their presentation.
- 5. Each speaker shall:
 - a. Speak only to the merits of the proposed zoning application under consideration and shall address his/her remarks only to the members of the Planning Commission.
 - b. Refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning application under consideration.
 - c. The chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
- 6. Nothing contained herein shall be construed as prohibiting the chair from conducting the hearing in an orderly and decorous manner to assure the public hearing on a proposed zoning application is conducted in a fair and orderly manner.

B. Hearings before the Mayor and Council

- 1. All persons who wish to address the Mayor and Council at a hearing concerning a proposed zoning decision or application under consideration by the Mayor and Council shall first sign up on a form to be provided by The Zoning Administrator/City Clerk prior to the commencement of the hearing.
- 2. The Mayor and Council or their designee will read the proposed zoning decision or application under consideration and any department reviews pertaining thereto prior to receiving public input on such proposed zoning decision or application. Proposed zoning decisions or applications shall be called in the order in which they were filed.
- 3.

The Mayor or his designee shall then call each person who has signed up to speak on the zoning decision or application in the order in which the persons have signed up to speak.

- a. The applicant will always speak first.
 - b. Prior to speaking, the speaker will identify himself or herself and state his/her current address.
 - c. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak.
4. Each speaker shall be allowed sufficient time to address the Mayor and Council concerning the zoning decision or application then under consideration.
 - a. The City Clerk shall be designated as the time keeper to record the time expended by each speaker.
 - b. Pursuant to O.C.G.A. § 36-66-5, and as amended from time to time, both proponents and opponents of any proposed zoning decision shall be given a minimum of ten (10) minutes per side for their presentation.
5. Each speaker shall:
 - a. Speak only to the merits of the proposed zoning decision or application under consideration and shall address his/her remarks only to the Mayor and Council.
 - b. Refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision or application under consideration.
 - c. The Mayor and Council may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
6. Nothing contained herein shall be construed as prohibiting the Mayor and Council from conducting the hearing in an orderly and decorous manner to assure the public hearing on a proposed zoning decision or application is conducted in a fair and orderly manner.

10.00.07 - Requirements for Developments of Regional Impact (DRI)

The Georgia Department of Community Affairs (DCA), pursuant to the Georgia Planning Act, has established criteria for the identification of certain large-scale developments, which have the potential to cause land use impacts beyond the boundaries of the respective local government where a project might be proposed. These developments, known as Developments of Regional Impact (DRIs), shall be submitted, based on established DCA standards, procedures, and format, to the Atlanta Regional Commission for review and recommendation prior to issuance of any local building or development permit, utility tap, or rezoning, whichever occurs first. As such, these requirements establish an official delay in the local permitting and/or review process to allow for compliance with these requirements.

10.00.08 - Procedures for Annexation of Property

- A. *Authority.* The City of Kennesaw is authorized to annex real property into the City limits as granted under O.C.G.A Chapter 36 and all supplemental State of Georgia enabling legislation.
- B. *Initiation of Proposals for Annexation.* A petition to amend the City limits and ordinance may be initiated by:
 - 1. The City of Kennesaw Mayor and Council;
 - 2. Any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner of the property involved in petition for annexation and further provided that the petition is accompanied by a payment payable to the city of Kennesaw as specified by the adopted master fee schedule adopted by the City of Kennesaw.
- C. *Processing of Application by Planning and Zoning Department Staff.*
 - 1. The annexation application will follow the same procedures as the rezoning process under Section 10.01.02
 - 2. The City of Kennesaw must comply with written legislation HB 489 which requires intergovernmental agreement coordination with Cobb County regarding the processing of annexation applications.
 - 3. The City of Kennesaw must comply with all State laws and procedures regarding the annexation and all potential land use dispute processes and regulation required under State law.
 - 4. All annexation of property must also follow the rezoning process in order to designate the subject property for annexation with a city zoning designation.

5. Staff report as required under Section 10.01.02 must also incorporate a report that demonstrates service delivery capability from the City of Kennesaw.

10.01.00 - PROCEDURES FOR AMENDING OFFICIAL DOCUMENTS

10.01.01 - Procedures for Amending the Unified Development Code

10.01.02 - Rezoning Procedures for Amending the Official Zoning Map

- A. *Authority to Amend.* The Kennesaw City Council may from time to time amend the number, shape, boundary, or area of any district, or may amend any regulation pertaining to any district; or may amend any article or section of this ordinance. The procedure for amending the ordinance shall be as provided in this article.
- B. *Initiation of Proposals for Zoning Amendment.* A petition to amend this ordinance or map may be initiated by:
 1. The Kennesaw City Council;
 2. Any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner of the property involved in petition for amendment, and further provided that the petition is accompanied by fees as per the City Master Fee Schedule payable to the City of Kennesaw to defray the normal cost of processing.
 3. If a petition to amend this ordinance requires a special meeting of the Planning Commission, an additional payment to the City of Kennesaw shall be required.
- C. *Limitation of Amendment Initiations.* A review of any petition to amend the zoning ordinance or map shall be conducted by the Zoning Administrator to insure compliance with all applicable provisions of the ordinance. If a petition to amend this ordinance or map does not comply with all provisions of the ordinance, the Zoning Administrator may hold the petition from action being taken by the City Council by holding the zoning amendment from public hearing before the Mayor and City Council. Upon a finding by the Zoning Administrator that the application complies with the requirements of this ordinance, the petition shall be initiated for public hearing before the Mayor and City Council in the following manner:
 1. The application shall be marked received and approved for initiation of public

hearing and the date of such action shall be affixed to the application and;

2. The petition shall be assigned a number in numerical sequence beginning with the number one with the first day of each calendar year, and further, that the petition shall be assigned numbers in sequence based on a chronological basis at the time of finding by the Zoning Administrator that the petition meets the requirements established for a petition to amend this ordinance.

D. *Processing of Applications by Staff.* After the filing of a proper application, the zoning department shall make a written recommendation and zoning analysis ("staff report") relating to the applicant.

E. *Planning Commission.*

1. The Planning Commission shall hold a public hearing on each application for land use permit, special land use permit. The staff report on each application shall be submitted to and considered by the Planning Commission at the public hearing. The Planning Commission shall investigate and consider each of the matters listed in Section (G) below.
2. As to each application, the Planning Commission shall make a recommendation for approval, denial, deferral, continuance, hold, withdrawal without prejudice or no recommendation. Written minutes of the Planning Commission's recommendation to the Mayor and City Council shall be prepared and maintained. Additionally, the staff report and application shall be submitted to the Mayor and City Council. All documents shall thereafter become public record.

F. *Mayor and City Council Rezoning.*

1. Before taking action on an application for rezoning, and after receipt of the staff report, Planning Commission's recommendations, and the application where required, the Mayor and Council shall conduct a public hearing on the application.
2. So that the purpose of this section will be served and the health, public safety and general welfare secured, the Mayor and City Council may approve or deny the application, reduce the land area for which the application is made, change the zoning classification, district or category requested, add or delete conditions of the application, including but not limited to, site specific conditions, or allow an application to be withdrawn without prejudice with

respect to the twelve (12) month limitation of this article. An action by the Mayor and City Council to defer, hold or continue the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application and no further notice except posting is required.

3. Unless applicant requests or consents to additional time, within sixty (60) days following public hearing, the Mayor and City Council shall issue a decision on the zoning application. Such decision shall be issued to the applicant in writing with the reasons stated therein. In the event changes are made to the application, then the time period for decision as set forth hereunder shall be extended for an additional sixty (60) days.

G. *Standards for Decision.* The decision by the Mayor and City Council to approve in whole or part, reject, condition, or delete application for rezoning shall be based on, but not limited to, a consideration of the following criteria:

1. Would the proposed amendment be consistent and compatible with the city's land use and development plans, goals and objectives?
2. Would the proposed amendment tend to increase, decrease, or have no impact on traffic safety and congestion in the streets?
3. Would the proposed amendment tend to increase, decrease, or have no relationship to safety from fire and other dangers?
4. Would the proposed amendment tend to promote, diminish, or have no influence on the public health and general welfare of the city?
5. Would the proposed amendment tend to increase, decrease, or have no influence on the adequate [provision] of light and air?
6. Would the proposed amendment tend to cause, prevent, or have no influence on the overcrowding of land?
7. Would the proposed amendment tend to cause, prevent, or have no relationship on the population distribution within the city, thus creating any area so dense in population as to adversely affect the health, safety, and general welfare of the city?
8. Would the proposed amendment tend to impede, facilitate, or have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities?

9. Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?
10. Would the proposed amendment tend to require only reasonable expenditures of public funds, or would the amendment tend to require an excessive or premature expenditure of public funds?
11. Would the proposed amendment tend to promote, diminish, or have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?
12. Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?
13. Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?
14. In conducting a hearing, the Mayor and Council and the Planning Commission shall follow the lines of inquiry as hereinafter set out:
 - a. Existing uses and zoning of the subject and nearby property;
 - b. The extent to which property values are diminished by the existing zoning restrictions;
 - c. The adverse economic effect of existing zoning in relation to the promotion of the health, safety, morals or general welfare of the public;
 - d. The relative gain to the public, as compared to the hardship, if any, imposed upon the individual property owner;
 - e. The suitability of the subject property for zoned purposes;
 - f. The length of time the property, if vacant, has been vacant as zoned, considered in the context of land development in the area and vicinity of the subject property.
15. The existing zoning classification shall be considered presumptively valid and it shall be the responsibility of the applicant to present evidence in rebuttal of this presumption. The Planning Commission and the Mayor and Council may determine from the evidence presented that the existing zoning classification is unduly burdensome to the petitioner and is not offset by the considerations of the public's health, safety, and general welfare, and may

impose upon the property any appropriate zoning classification, including conditions which might be consistent with the considerations hereinabove set forth.

- H. *Zoning Approval does not Ensure Utilities or Infrastructure.* Approval of an application for rezoning does not ensure the availability of utilities or other infrastructure in connection with development of the site.
- I. *Site Plan/Stipulation Amendments.* On any rezoning which is conditioned upon a site plan, proposed minor modifications which do not alter or conflict with the basic intent of the plan may be approved by the Zoning Administrator after presentation and approval by the Mayor and City Council at any regularly scheduled meeting or hearing. All other modifications must be advertised and rezoned in accordance with the provisions set forth above.
- J. *Sale, Refinancing and Leasing.* The sale, refinancing or leasing of any portion of commercially, office, or industrially zoned properties shall not be considered to constitute a subdivision of such property as long as all other applicable zoning, site specific, site development guidelines, approved site plans, and other imposed conditions are met and maintained. This provision shall not be applicable to grandfathered or nonconforming uses as defined herein. This provision is limited only to those portions of the property which are actually developed and shall not be construed as to allow expansions of modifications of existing sites.
- K. *Dedication of Property to City.*
 - 1. The Zoning Administrator or the Planning Commission may, in all zoning and/or rezoning actions if deemed such to be necessary and proper and in the best interest of the City of Kennesaw, include in a recommendation to the City Council a condition that part of the property being zoned or rezoned be dedicated to the City of Kennesaw, County of Cobb or the State of Georgia for road, street, alley, highway, or other purpose(s).
 - 2. The Mayor and City Council may in all zoning and/or rezoning actions, if deemed necessary and proper and in the best interest of the City of Kennesaw, include as a condition of the zoning amendment that part of the property being zoned or rezoned be dedicated to the City of Kennesaw, County of Cobb or the State of Georgia for road, street, alley, highway, or other purpose(s).
 - 3.

Any such dedication will be by warranty deed. Any condition imposed by the Mayor and City Council requiring that part of the property being zoned or rezoned be dedicated to the City of Kennesaw, County of Cobb or the State of Georgia for road, street, alley, highway, or other purpose(s), and said condition is the only requirement imposed by the City of Kennesaw, such dedication shall not constitute by its application to categorize the zoning use district as "conditional."

L. *Attendance Requirement.* The applicant or representative of the applicant shall be required to attend all public hearings on the application. The failure to attend may result in dismissal with prejudice, rejection of the application, or continuance of the hearing at the Commission or Council's sole discretion. Failure of the applicant or his/her or its representative to appear at the next regularly scheduled hearing shall result in automatic dismissal with prejudice. The Zoning Administrator may waive the attendance requirement for land use permits based upon medical hardship.

M. *Withdrawal of Application.*

1. An application may only be withdrawn upon a joint written request of the record titleholder and applicant. All requests to withdraw must be given at the zoning office at least seven days prior to the hearing. In no event shall an application be withdrawn more than once without prejudicing the right of the application or owner to apply for a land use or rezoning within twelve (12) months of the first application.
2. Applications which have been publicly heard by either the Planning Commission or the Council which have been withdrawn without permission of a majority of the applicable Council shall be deemed a rejected application with prejudice.

N. *Rejected applications; time for resubmission.*

1. If an application for rezoning is rejected or deleted to another zoning classification, then any portion of the same property may not again be considered for rezoning for a period of twelve (12) months from the date of the original Council's hearing. An applicant may reapply for rezoning to a more restrictive classification than the application previously denied, or

denied without prejudice, following the expiration of six (6) months in accordance with O.C.G.A. § 36-66-5, and as may be amended from time to time.

2. The Council may only consider property for rezoning within the six (6) month time period in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction. However, the Council, if time permits, shall advertise, post the property, and notify the applicant and owner in writing prior to taking such action.

10.01.03 - Procedures for Amending the Future Development Maps

The Future Development Maps are composed of two, individual maps:

- A) The Character Area Map, and
- B) The Future Land Use Map.

The Future Development Maps were developed over the course of two separate planning processes. The Character Area Map shows the character areas as identified for Kennesaw during the 2007 update to the Comprehensive Plan. The character areas function as broad, high level categories for planning and development concept formation. The Character Area Map was created in response to a requirement by the Department of Community Affairs and may be revised with each update to the Comprehensive Plan or as needed by staff and adopted by Mayor and Council.

The Future Land Use Map presents the types of land uses allowed at the individual parcel level. The current Future Land Use Map was adopted in 2007 along with Future Land Use Category descriptions. The Future Land Use Map may be revised from time to time as recommended by city staff and adopted by Mayor and Council.

The character areas correspond closely with the Future Land Use Map, but there are minor differences. In the event of a land use conflict, the most current Future Land Use Map will function as the controlling Future Development Map.

10.01.04 - Procedures for Amending the Historic District Boundaries

- A.

Any amendment to the boundary of historic properties or the "Official Historic Properties Map of the City of Kennesaw" shall be recommended by the Commission and adopted by the Mayor and City Council. The City Council and the Commission shall hold a public hearing before taking action of any such proposed amendment.

- B. Notice of the public hearing held by the Mayor and City Council and the public hearing held by the Historic Preservation Commission shall be advertised as follows:
- (1) An advertisement providing notice of the hearing shall be published at least two times in the principal newspaper of general circulation within the municipality.
 - (2) The Commission shall cause written notice of the hearing to be mailed to all owners and occupants of the property(ies) proposed to be designated.
 - (3) All written notices to property owners or occupants of property(ies) shall be mailed not less than ten nor more than 20 days prior to the date set for the public hearing before the Commission and again for the public hearing before the Mayor and City Council.
 - (4) At least one published notice shall appear in the principal newspaper of general circulation within the municipality not less than 15 days nor more than 20 days prior to the date set for the public hearing before the Commission and again for the public hearing before the Mayor and City Council.

The Commission shall make or cause to be made an investigation and shall report on the historic, cultural, architectural, or aesthetic significance of each place, district, site, building, structure, or work of art proposed for designation or acquisition. This report shall be submitted to the historic preservation section of the Department of Natural Resources or its successor at least 30 days prior to any public hearing held to designate any property or any amendment thereto as a historic property.

10.01.05 - Procedures for Administrative Appeals

10.02.00 - APPLICATION REQUIREMENTS

10.02.01 - General

- A. *Jurisdiction of Chapter.* This chapter shall govern the use of all land and developments thereof within the corporate limits of the city.
- B. *Purpose of Chapter.* The purpose of this chapter shall be to promote the public health, safety, morals and general welfare and to require the harmonious, orderly and progressive development of land within the jurisdiction of the city. Further, the purpose of the regulation of the subdivision of land are to, among others:
 - 1. Encourage the development of economically sound and stable communities;
 - 2. Assure the provision of required streets, utilities and other facilities and services to new land developments;
 - 3. Assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments;
 - 4. Assure the provision of needed open spaces and building sites in new land developments through the dedication or reservation of public land for recreational, educational and other public purposes; and
 - 5. Assure, in general, the wise development of new areas in harmony with the comprehensive plan of the city.
- C. *Conformance with Zoning Regulations.* No subdivision shall be accepted for review which does not conform with the zoning regulations applicable to the land for which it is proposed.
- D. *Conformance with Chapter.* Any sub-divider of land within the corporate limits of the city shall submit to the Planning Commission plats of the subdivision which shall conform to all requirements set forth in this chapter.
- E. *Approval Required Prior to Construction.* No sub-divider shall proceed with any construction work on the proposed subdivision, including grading, before obtaining preliminary plat approval from the Planning Commission, as certified thereon, and approval of plans and profiles by the city engineer.
- F. *Installation of Improvements.* Improvements may be made in a subdivision as are depicted on the preliminary plat previously approved by the Planning Commission, with final plat approval to be obtained in accordance with the requirements of Chapter 10 of the UDC.
- G.

Final Approval Prior to Subdividing. No land dedicated as a public street or other public purpose shall be opened, extended or accepted as a public street or for any other purpose, and no subdivision of land shall be made, or subdivision plat, or part thereof, shall be recorded before obtaining final approval from the Mayor and Council; and such approval shall be entered on the final plat.

H. *Issuance of Building Permits.*

1. No building permit shall be issued for and no building or other structure shall be erected on any lot within the incorporated area of the city unless the street giving access to the lot upon which such building is proposed to be placed shall be accepted or opened as, or shall have otherwise received the legal status of, a public street prior to that time. Provided, however, the Mayor and Council, meeting in regular session, may, in their discretion, issue building permits for the purpose of model homes, up to five percent of the total number of lots in the phase unit of the subdivision approved by the Mayor and Council in the preliminary plat, after the bonds specified in this chapter have been posted by the owner or sub-divider and after all final engineering plans have been completed and before the actual installation of curbs, gutters and base and binder of the streets therein, where such street corresponds in its location and lines with a street shown on the preliminary subdivision plat as approved by the Mayor and Council or on a street located and accepted by the city. However, if the percentage is equal to less than two building permits, then two permits may be issued. Provided, however, that private streets and other private access ways may be approved under the terms of those rules and regulations in group development plans, condominium projects, apartment projects, townhouses, commercial developments, shopping centers or other development.
 2. If permits are issued prior to street acceptance, it shall be the sole responsibility of the sub-divider/developer to ensure that all setback requirements as well as all other requirements as specified in this Code are upheld.
- I. *Approval by Individual Agencies.* No subdivision plat shall be recorded with the clerk of superior court of the county without the plat having first been submitted to and approved by the Mayor and Council. The Mayor and Council shall not

approve any subdivision plat without such plat having first been reviewed and approved by the city engineer and the health department to the extent that each has jurisdiction.

J. *Fees.*

1. Fees are hereby established to cover the cost of administration expenses. All required fees and charges are specified by other ordinances and resolutions by the Mayor and Council. The schedule of fees shall be posted in the office of the city clerk and may be altered or amended only by the Mayor and Council.
2. Upon the submission of any preliminary plat, final plat or other regulatory plan or plat required to be reviewed or approved under this chapter, any person who submits such plan shall deposit and pay to the city the fee as noted in the City Wide Master Fee Schedule. After the approval of any plat or plan required to be approved under this chapter, the actual cost of engineering and approval of the plan shall be determined, and any person submitting such plat or plan shall pay the fee as noted in the City Wide Master Fee Schedule of the actual cost of the engineering services for the approval of such plat or plan. The initial deposit shall be credited against the total cost determined in this subsection. This section shall also apply to plans for all commercial and industrial developments and shall be in addition to all other charges required by this Code.

K. *Administration of Chapter.* This chapter shall be administered by the Planning Commission. The Planning Commission may from time to time issue instructions and operating procedures to be followed in the administration of this chapter to inform the public and expedite plat approvals.

L. *Amendments, Hearings, and Variances.*

1. The Mayor and Council shall have the authority to amend this chapter after a public hearing thereon.
2. Notice of the time and place of such public hearing shall be published in a newspaper of general circulation at least three days prior to such meeting.
3. In cases of undue hardship under this chapter, any property owner may petition the Planning Commission for relief. The Planning Commission shall prepare and forward to the Mayor and Council any recommended amendments for the Mayor and Council's consideration. In cases where the

Planning Commission fails to recommend amendments due to individual hardships, the property owner may then appeal to the Mayor and Council for relief.

M. *Violation of Chapter; Penalty.*

1. Any person violating any of the provisions of this UDC chapter shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in the City of Kennesaw Code of Ordinance, Section 1-11. Each day's continuance of a violation shall be considered a separate offense. The owner of any lands or parts thereof, where anything in violation of this chapter shall be placed or shall exist, and any person who may have assisted in the Commission of any such violation, shall be guilty of a separate offense.
2. In any case in which any land is or is proposed to be used in violation of this chapter or amendment thereto adopted by the Mayor and Council, the legal counsel of the city or any owner of real estate within the district in which such land is situated, may, in addition to other remedies provided by law, institute injunction, abatement, or any appropriate action or proceeding to prevent, enjoin or abate the unlawful use.

10.02.02 - Pre-Application Conference Required

- A. A pre-application conference is a meeting between an applicant and the City's Economic Development Director, the Planning and Zoning Administrator, or the Building Services Director for the purposes of:
1. Discussing the development/redevelopment goals and objectives of the City;
 2. Exchanging information on the potential development of a site;
 3. Providing information on permissible uses of the site proposed for development;
 4. Providing information to an applicant regarding the design standards set forth in this UDC that are applicable to a potential application;
 5. Providing information to an applicant regarding standards of regional, state, or federal agencies that may be applicable to a potential application;
 6. Determining the need and requirements for supporting plans, documents, and studies;
 7. Providing information to an applicant regarding infrastructure requirements

and the construction of required improvements; and

8. Providing information to an applicant regarding the appropriate procedures and schedules for receiving and reviewing applications and rendering decisions regarding a potential application.
- B. Prior to the submission of an application for a subdivision plat, development plan, or improvements plan, an applicant shall submit a written request for a pre-application conference.
- C. A pre-application conference shall be held not more than two (2) weeks following the date of submission of the written request for such conference.
- D. A pre-application conference shall be held not more than six (6) months prior to submission of an application.
- E. It is the intent of the Mayor and Council that all requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference, as a representation or implication the proposal will be ultimately approved or rejected in any form.
- F. A prospective applicant may bring members of his project team, such as, but not limited to, the project engineer, land planner, architect, surveyor, or other person who will assist in the preparation of an application. A prospective applicant may provide an informal sketch plan to aid in the discussion. However, such an informal sketch plan shall not be reviewed in any way for compliance with the standards and requirements of this UDC, and shall be used only as an aid to the conduct of the pre-application conference. A proposed subdivision plat, improvement plan, development plan, or other such plan shall not be considered or discussed during a pre-application conference.
- G. Property owners or their agents introducing projects that involve modifications, removals or additions to existing property or structures that will not cause a change in zoning categories and land use classification or will not require a special land use permit, should contact the Planning and Zoning Administration, directly, for instructions.

10.02.03 - Application for Preliminary Approval

- A.

Generally. Following the pre-application review of a proposed subdivision, the sub-divider shall submit to the Zoning Administrator no later than five days prior to the next Planning Commission meeting, an application for review and approval of a preliminary plat, which shall consist of:

1. A letter requesting review and approval of a preliminary plan and giving the name and address of a person to whom the notice of the hearing by the Planning Commission on the preliminary plat shall be sent.
 2. Three copies of the preliminary plat and other documents as specified in Section 10.02.04 of this chapter.
 3. Preliminary plat filing fees as specified by the city.
- B. *Purpose.* The purpose of the preliminary plat is to safeguard the sub-divider from unnecessary loss of time and expense in preparation of a subdivision plat which does not conform to the specifications of this chapter. The preliminary plat only requires approximate accuracy of scale and dimension. Public agencies having jurisdiction will review the preliminary plat regarding matters within their jurisdiction. During the review process the sub-divider or his agent may be called upon for consultation.
- C. *Future Tract Plan.* The sub-divider shall submit to the Planning Commission a reasonably accurate plat in sketch form of the entire tract which will show the tentative future street system for the entire tract.

10.02.04 - Preliminary Approval

- A. An application for preliminary plat approval shall be studied by the Planning Commission for compliance with this chapter and with other relevant governmental and public utility company regulations.
- B. No preliminary plat shall be acted upon by the Planning Commission without review at a scheduled Planning Commission meeting.
- C. The Planning Commission shall indicate on the plat, or by written memorandum attached thereto, comments and any suggested changes that are necessary to meet the intent of this chapter or to serve the best interests of the city.
- D. Not more than 30 days after the submission of an application for preliminary plat approval, the Planning Commission shall provide recommendation to the applicant. The Planning Commission shall:

1. Issue a certificate of preliminary plat approval;
 2. Issue a certificate of conditional preliminary plat approval, subject to any necessary modifications, the nature of which shall be indicated on the preliminary plat or attached to it in writing; or
 3. Disapprove the preliminary plat or any portion thereof, in which case the Zoning Administrator shall so notify the sub-divider in writing, stating the reasons therefore.
- E. Action of the Planning Commission shall be noted on three copies of the preliminary plat. One copy shall be returned to the applicant, one made a part of the Planning Commission's records and the other zoning records.
- F. Failure of the Planning Commission to take action on the preliminary plat within 30 days shall be deemed approval of the plat, and the plat shall be transmitted to the applicant, provided:
1. The plat is submitted for preliminary approval not later than five days prior to the next regularly scheduled meeting of the Planning Commission; and
 2. The sub-divider does not agree upon an extension of time, if requested in writing by the Planning Commission to further study the preliminary plat.
- G. Approval of all preliminary plats shall be governed by the following qualifications:
1. Approval of a preliminary plat is only tentative pending submission of the final plat.
 2. Approval of the preliminary plat shall be effective and binding upon the city for a period not to exceed one year, and shall thereafter expire and be null and void except to the extent that work on the subdivision has progressed, unless a request for an extension of the time has been submitted to and is subsequently approved by the city.
 3. No improvements, including clearing or grading, shall be undertaken until final engineering plans based on runoff calculations and three-line profiles for the subdivision, or unit division thereof, have been submitted to and approved by the city engineer.
- H. Tentative approval of the preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of a final plat.

10.02.05 - Improvements Authorized

- A. Approval of preliminary plat and the final engineering plans is authorization to proceed with installation of any improvements as required in the UDC, subject to the approval of agencies having proper authority, and the preparation of the final plat or unit division thereof as specified. Provided, however, no installation of improvements shall be made, and no work shall be commenced, in connection with such preliminary plat, or unit division thereof, until a contractor's performance bond, in an amount equal to the acquisition and developmental loan, shall be filed by the sub-divider in the office of the city clerk, which performance bond shall:
1. Be conditioned upon the faithful performance by the sub-divider or developer of all work required to complete all improvements and installation for the subdivision, or unit division thereof, in compliance with this chapter within a specified time.
 2. Be payable to and for the indemnification of the city.
 3. Be with surety by a company entered and licensed to do business in the state.
 4. Contain a provision for the maintenance of installations and improvements required by this chapter in the subdivision for a period of two years following the date of final acceptance of streets by the Mayor and Council.
 5. Be approved by the city engineer in writing on the preliminary plat and the city attorney.

10.02.06 - Application for Final Approval

- A. *Generally.* Whenever the provisions of this chapter have been complied with and while the certificate of preliminary plat approval is in effect, the sub-divider may submit to the Mayor and Council an application for review and approval of the final plat, which shall consist of:
1. An application requesting review and approval of a final plat.
 2. Five copies of the final plat one digital/electronic version and other documents as specified in the UDC. The original shall be drawn in permanent ink on cloth or be plastic reproducible material.
 3. Final plat filing fees as specified in the adopted City Master Fee Schedule.
- B.

Conformance. The final plat shall conform with the approved preliminary plat. If desired by the sub-divider, the final plat may constitute only that portion of the preliminary plat he proposes to record and develop at that time, provided that such portion conforms with all requirements of this chapter.

10.02.07 - Final Approval

- A. The final plat and other supplementary material required shall be transmitted to the Mayor and Council for final action. No final plat shall be considered by the Mayor and Council until all requirements of this Chapter have been met and the Plan Review Committee has certified by endorsement by an approval letter document.
 - 1. All improvements and installations to the subdivision required for its approval under the terms of this UDC have been completed in accordance with the appropriate specifications; or
 - 2. A performance bond or cash deposit or escrow account has been provided by the sub-divider or developer to satisfy the requirements of UDC Section 10.02.05
- B. Whenever a final plat has been submitted to the Mayor and Council and is in conformance with an approved preliminary plat and the provisions of UDC Section 10.03.08 the Mayor and Council shall consider and take action on the plat.
- C. If action on a final plat is not taken by the Mayor and Council within 30 days of the date of the final plat submittal, the final plat shall be considered approved and a certificate of approval shall be issued on demand, provided:
 - 1. The plat is submitted for final plat approval not later than 15 days prior to the next regularly scheduled meeting of the Mayor and Council.
 - 2. The sub-divider does not agree upon an extension of time if requested in writing by the Mayor and Council to further study the final plat.
- D. The approval of the final plat shall not be deemed to constitute an acceptance by the city of any street or other public areas so designated on the plat.
- E. Approval by the Mayor and Council shall appear on the original tracing.

10.02.08 - Recording of Final Plat

- A.

Upon final approval by the Mayor and Council, the approved final plat with all endorsements shall be recorded in the office of the clerk of superior court of the county.

- B. The sub-divider shall be responsible for the payment of the recording fee.
- C. Upon recording of the approved final plat, documents and copies of the final plat as specified in the UDC shall be provided by the sub-divider.
- D. The map book, volume and page numbers where the plat is recorded shall be indicated on all copies.
- E. If, however, the sub-divider requests the Mayor and Council to delay having the plat recorded, the sub-divider shall authorize the Council, in writing, to have the approved final plat recorded within 12 months from the date of the final plat approval; otherwise, the approved final plat shall be deemed to have been withdrawn.

10.02.09 - Revisions to a Recorded Plat

Proposed revisions which change the street and/or utility layout in any way shall be submitted as a preliminary plat in accordance with the UDC. Proposed revisions which do not change in any way the street and/or utility layout shall be submitted as a final plat in accordance with UDC Section 10.03.08. In addition, a revision to a recorded plat shall show the name, phase (if any), date of the recorded subdivision plat being revised and the exact citation with regard to the county land records and the book and page number wherein such plat is recorded.

10.02.10 - Subdivision Completion

Upon completion of the installation of the improvements required by this chapter, the sub-divider shall present to the Community Development office three complete sets of the construction plans and drawings showing the subdivision and its improvements. This set of plans and drawings shall include:

1. "As-built" plans of all streets and alleys showing the planned and actual location of all utility lines.
2. "As-built" centerline profiles of all streets.
3. Profiles and invert elevations of all storm and sanitary sewer lines as such improvements shall have actually been installed by the sub-divider.

4. A letter submitted by a registered professional engineer and/or registered surveyor certifying that all sewers, storm drains, curbing and paving have been placed according to grade stakes set by him or his representatives to conform with construction plans submitted to and approved by the city engineer.

10.02.11 - Public Acceptance of Improvements

Streets and other public land as shown upon the final plat shall be accepted by the Mayor and Council on behalf of the public, when and only when the conditions as specified in the UDC are fulfilled.

10.02.12 - Sale, Refinancing or Leasing of Portion of Property

The sale, refinancing or leasing of any portion of a commercial, office or industrial zoned property shall not be considered to constitute a subdivision of such property as long as all other applicable zoning guidelines, site-specific guidelines, site development guidelines, approved site plans and other imposed conditions are met and maintained. This section shall not be applicable to grandfathered or nonconforming uses as defined in this chapter. This section is limited only to those portions of the property which are actually developed and shall not be construed as to allow expansions or modifications of existing sites.

(Ord. No. 2018-05, 1-16-18)

10.03.00 - APPLICATION SUBMITTAL REQUIREMENTS

10.03.01 - Submittal Requirements for All Applications

Prior to processing any application for rezoning, special land use permit or land use permit, the applicant shall be required to file documentation and follow certain procedures as set forth below:

- A. The applicant shall be required to file an application with the Planning and Zoning Department containing the following:
 1. A completed application on forms provided by the Planning and Zoning Department.
 2. The notarized signatures of the applicant and record titleholder upon

the application.

3. The application fee which has been established from time to time by resolution of the Mayor and City Council. A copy of the fee schedule shall be maintained for public inspection in the Planning and Zoning office.
 - a. Any special called meeting shall require an additional fee as adopted under the City Wide Master Fee Schedule.
4. A current boundary survey and plot plan, to scale, that bears the signature and seal of a registered surveyor, engineer, architect or landscape architect. Such plans shall also include such other information thereon as may be required by the zoning department, including preliminary plans for development, building locations, parking areas, access points, adjacent streets, land lot lines, buffer areas, future right-of-way, wetlands, floodplains, utilities, and retention.
5. Private sewage disposal must be approved by the Cobb County Health Department, and written approval from the health department must be filed with the application.
6. Any other information required by the zoning staff or other departments which they deem necessary or desirable in processing the application which is related to the present or proposed use of the property.
7. Disclosure forms as required by O.C.G.A. § 36-67A-1 et seq., and as may be required from time to time.

10.03.02 - Determination of Application Completeness (Reserved)

10.03.03 - Submittal Requirements for a Preliminary Subdivision Plat

A. *Preliminary specifications.*

1. The submittal to the Planning Commission shall consist of three black or blue-line prints on white background, and such other documents in three copies as are necessary to meet the requirements of this section.
2. The preliminary plats shall be clearly and legibly drawn at a scale of not less than 100 feet to one (1) inch. The Planning Commission may approve other scales as deemed appropriate.

3. The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or street in the county. If shown to the contrary, the Planning Commission may refuse to accept such subdivision and street names. The subdivision may use letter designations in place of street names on the preliminary plat.
4. The preliminary plat shall contain the following:
 - a. Proposed name of subdivision.
 - b. Name and address of the owner of record.
 - c. Name, address and telephone number of the sub-divider.
 - d. Date of survey, north point and graphic scale, source of data, date of plat drawing and space for revision dates.
 - e. Preliminary certificates and statements specified.
 - f. Location (land district and land lot), acreage and lots.
 - g. A sketch locating the subdivision in relation to the surrounding area with regard to well known landmarks such as major thoroughfares, railroads or others. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than one inch to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
 - h. Name of former subdivision, if any or all of the preliminary plat for land which had been previously subdivided.
 - i. Exact boundary lines of the tract indicated by a heavy line giving length and bearings. The boundary lines shall include the entire tract to be subdivided eventually and data as required in this section shall apply to the entire tract.
 - j. Contour lines based on sea level data. These shall be drawn at intervals of not more than five feet. Contour lines shall be based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic contour shown shall be specified.
 - k. Natural features within the proposed subdivision, including drainage channels, bodies of water, wooded areas and other significant features. On all watercourses leaving the tract the direction of flow shall be

indicated, and for all watercourses entering the tract the direction and acreage of the drainage area above the point of entry shall be noted.

Floodplains shall be outlined.

- l. Cultural features within the proposed subdivision, including right-of-way and pavement widths and names of existing and platted streets, bridges, culverts, utility lines such as gas, electric, water and sewer lines, and structures, all easements, buildings, city and county lines, land lot lines, zoning districts and lines, and other significant information.
- m. Proposed layout including lot lines with rough dimensions, lot numbers, block letters, street and alley lines with letter designations for proposed street names, right-of-way widths, sites reserved through covenants, easements, dedication or otherwise for public uses, for nonpublic or community uses exclusive of single-family dwellings, for nonresidential uses and for multifamily dwellings. Provided that nothing in this section shall be construed to mean that the city has accepted the above dedications for public use.
- n. Proposed unit division or stage development, if any, as proposed by the sub-divider.
- o. Location and results of percolation tests for lots which will not be served by a public or community sanitary sewage system, as required by the health department.
- p. Location, site plan and other information as may be required by the health department for all community sewage disposal plants.

10.03.04 - Submittal Requirements for a Condominium or Multifamily Residential Preliminary Plat

- A. *General.* The preliminary plat shall be clearly and legibly drawn on Mylar or vellum at a scale no smaller than 1" = 100'. The plat shall not exceed 24" X 36". In no case shall sheet size be less than 8-1/2" X 11". The final plat shall contain the following information:
 - 1. Name of the project and street names.
 - 2. Property address numbers (furnished by the Community Development Department).
 - 3. Reference to record subdivision plats of adjoining land by record name.

4. Date of plat drawing, graphic scale, and north point.
5. Location of tract (land lot and district).
6. Location sketch at a scale of 1" = 2,000'. See note below.
7. Index map on each sheet when more than one sheet is required.
8. Courses and distances to the nearest existing street, intersections, or other recognized permanent monuments or benchmarks.
9. Exact boundary lines of the tract, to be indicated by a heavy line, giving distances to the nearest 1/10 foot and angles to the nearest minute shall be balanced and closed. The error of closure shall be stated, and further, the error of closure shall not exceed 1 to 10,000. The error of closure shall be stated. Tract boundaries shall be determined by accurate survey in the field.

NOTE: Unit plats shall provide a location sketch for location within the master plat.

10. Land lot lines shall be accurately tied to boundary lines of the subdivision by angles and distances when such lines traverse the subdivision; when the subdivision does not intersect a land lot line, then the lines of a major controlling street shall be projected and tied to a land lot line by angles and distances. In both cases, the measured distance from land lot tie to a respective land lot corner shall be shown with the magnetic bearing of the land lot line. No approximate land lot lines shall be shown on the subdivision plat.
 11. Exact locations, widths, and names of all streets and alleys within and immediately adjoining the plat, and the exact locations and widths of all crosswalks.
 12. Street centerlines showing angles of deflection and standard curb data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
 13. Lot lines with dimensions to the nearest 1/10-foot, necessary internal angles, arcs, and chords and tangent or radii or rounded corners.
 14. Building setback lines with dimension.
- B. *Requirements for Legal Descriptions.* The legal description of individual condominium units shall be as follows:

1. The individual condominium unit shall be referenced as a lot by numeric data only (limited to 999 units).
 2. Each building shall be referenced as Unit by numeric data only (limited to 99 units).
 3. Each development phase shall be referenced as a block by alpha data.
 4. Parcel numbers shall be assigned by the tax office.
 5. Plats of the development shall be separated into different development phases when individual units or buildings reach the limits set forth above.
 6. Locations, dimensions, drainage areas, and purpose of all drainage structures and of any easements (including slope easements), flood hazard areas, public service utility right-of-way lines, and any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any areas to be reserved by deed covenant for common uses of all property owners.
 7. Accurate locations, materials, and descriptions of monuments and markers.
 8. A statement referencing the protective covenants by record book and page number.
 9. Registered land surveyor's certification and stamp required for master plat.
 10. Registered professional engineer certification and stamp accepted for "as built" condition on unit plats only.
 11. Registered architect certification and stamp may be used to certify the acceptability of the structural work.
 12. Variances (if any) and date approved by the City Council.
 13. Recording of plats and plans; contents; completion of structural improvements; certification by registered architect or engineer.
- C. *Requirements for Conveyance.* The following sections reflect the requirements for the recording of plats and plans, contents, the completion of structural requirements, and certification by registered architects or engineers as described in O.C.G.A § 44-3-83. Because State regulations may be modified from time to time, all parties interested in developing condominiums in the City of Kennesaw should be knowledgeable of the most current regulations described in Title 44, Chapter 3, Article 3 of the Official Code of Georgia Annotated. The following regulations are accurate as of December 31, 2008.

1. Recording of plats and certification
 - a. Prior to the first conveyance of a condominium unit, there shall be recorded one or more plats of survey showing the location and dimensions of:
 - i. the submitted property;
 - ii. the location and dimensions of all structural improvements located on any portion of the submitted property;
 - iii. the intended location and dimensions of all contemplated structural improvements committed to be provided by the declaration on any portion of the submitted property; and,
 - iv. to the extent feasible, the location and dimensions of all easements appurtenant to the submitted property or otherwise submitted to this article as part of the common elements.
 - b. With respect to all such structural improvements, the plats shall indicate which, if any, have not begun by use of the phrase "NOT YET BEGUN." No structural improvement which contains or constitutes all or part of any unit or units and which is located on any portion of the submitted property shall be commenced on any portion of the submitted property after the recording of the plats.
 - i. The declarant shall complete all structural improvements depicted on the plats, subject only to such limitations, if any, as may be expressly stated in the declaration with respect to those labeled "NOT YET BEGUN" on the plats, provided that, within six months after written notice from the association, the declarant shall be obligated to complete within a reasonable time every structural improvement actually commenced on the submitted property, notwithstanding any provision of the declaration, unless the declarant removes within a reasonable time all portions of any such structural improvement and restores the surface of the land affected thereby to substantially the same condition as that which existed prior to commencement of any such structural improvement; and provided, further, that nothing contained in this sentence shall exempt the declarant from any contractual liability to complete any such structural improvement.

- ii. If the submitted property consists of noncontiguous parcels, the plats shall indicate the approximate distances between such parcels unless such information is disclosed in the declaration. If, with respect to any portion or portions, but less than all, of the submitted property, the unit owners are to own only a leasehold or estate for three years, the plats shall show the location and dimensions of any such portion or portions and shall label each such portion by use of the phrase "LEASED LAND."
 - iii. To the extent feasible, the plats shall show all easements to which the submitted property or any portion thereof is subject.
 - iv. The plats shall also show all encroachments by or on any operation of the submitted property. In the case of any units which have vertical boundaries lying wholly or partially outside of structures for which plans pursuant to subsection C.2 of this UDC section are recorded, the plats shall show the location and dimensions of the vertical boundaries to the extent that they are not shown on the plans; and the units or portions thereof thus depicted shall bear their identifying numbers.
 - v. Each plat shall be certified as to its accuracy and compliance with this subsection by a registered land surveyor. The specification within this subsection of items that shall be shown on the plats shall not be construed to mean that the plats shall not also show all other items customarily shown or required by law to be shown for land title surveys.
2. Recording of Plans and Certification. The following items shall be recorded prior to the first conveyance of a condominium unit:
- a. Plans which have been prepared, signed, and sealed by a registered architect or registered engineer of every structure which contains or constitutes all or part of any unit or units located on or within any portion of the submitted property, which plans shall show:
 - i. The location and dimensions of the exterior walls and roof of such structures;
 - ii.

The walls, partitions, floors, and ceilings as constitute the horizontal boundaries, if any, and the vertical boundaries of each unit, including convertible space, to the extent that such boundaries lie within or coincide with the boundaries of such structures; and

- iii. The identifying numbers of all units or portions thereof depicted on the plans; and
- iv. A certification by such architect or engineer to the effect that (s)he has visited the site and viewed the property and that, to the best of his/her knowledge, information, and belief:
 - a. The exterior walls and roof of each structure are in place as shown on the plans; and
 - b. Such walls, partitions, floors, and ceilings, to the extent shown on said plans, as constitute the horizontal boundaries, if any, and the vertical boundaries of each unit, including convertible space, have been sufficiently constructed so as to establish clearly the physical boundaries of such unit.
 - c. Each convertible space depicted in the plans shall be labeled as such by use of the phrase "CONVERTIBLE SPACE." Unless the condominium instruments expressly provide otherwise, it shall be presumed that, in the case of any unit not wholly contained within or constituting one or more of the structures, the horizontal boundaries extend, in the case of each unit, at the same elevation with regard to any part of such unit lying outside of such structures, subject to the following exception:
 - i. In the case of any unit which does not lie over any other unit other than basement units, it shall be presumed that the lower horizontal boundary, if any, of that unit lies at the level of the ground with regard to any part of that unit lying outside of the structures.

- ii. This subsection shall apply to any condominium created on or after July 1, 1980, or to the expansion of any such condominium.
- 3. Completion of Structural Improvements and Certification. The following items shall be recorded prior to the first conveyance of a condominium unit:
 - a. Plans of every structure which contains or constitutes all or part of any unit or units located on or within any portion of the submitted property and a certification by a registered architect or registered engineer to the effect that (s)he has visited the site and viewed the property and that, to the best of his/her knowledge, information, and belief:
 - b. The foundation, structural members, exterior walls, and roof of each such structure are complete and in place as shown on the plans;
 - c. The walls, partitions, floors, and ceilings, to the extent shown on the plans, as constituting or coinciding with the vertical and horizontal boundaries of each unit, including convertible space, within each such structure, are sufficiently complete and in place to establish clearly the physical boundaries of such unit and that such physical boundaries are as shown on the plans; and
 - d. Each such structure, to the extent of its stage of completion at that time, is constructed substantially in accordance with such plans.

The plans shall show the location and dimensions of the horizontal boundaries, if any, and the vertical boundaries of each unit to the extent that such boundaries lie within or coincide with the boundaries of such structures, and the units, or portions thereof, thus depicted shall bear their identifying numbers. In addition, each convertible space depicted in the plans shall be labeled as such by use of the phrase "CONVERTIBLE SPACE." Unless the condominium instruments expressly provide otherwise, it shall be presumed that, in the case of any unit not wholly contained within or constituting one or more of the structures, the horizontal boundaries extend, in the case of each unit, at the same elevation

with regard to any part of such unit lying outside of such structures, subject to the following exception: in the case of any unit which does not lie over any other unit other than basement units, it shall be presumed that the lower horizontal boundary, if any, of that unit lies at the level of the ground with regard to any part of that unit lying outside of the structures. This subsection shall apply to any condominium created prior to July 1, 1980, or to the expansion of any such condominium.

- e. Prior to the first conveyance of a condominium unit located on any portion of any additional property being or having been added to an expandable condominium, there shall be recorded new plats of survey conforming to the requirements of subsection C.1 of this UDC section and, with regard to any structures on the property being or having been added, plans conforming to the requirements of subsection C.2 of this UDC section or certifications, conforming to the certification requirements of subsection C.2 of this UDC section, of plans previously recorded pursuant to O.C.G.A. § 44-3-84.
- f. When converting all or any portion of any convertible space into one or more units or limited common elements, the declarant shall record, with regard to the structure or portion thereof constituting that convertible space, plans showing the location and dimensions of the horizontal boundaries, if any, and the vertical boundaries of each unit formed out of such space. The plans shall be certified by a registered architect or registered engineer in accordance with the certification requirements of subsection C.2 of this UDC section.
- g. When any portion of the submitted property is withdrawn, there shall be recorded a plat or plats showing the portion of the submitted property withdrawn and the remaining submitted property, which plat or plats shall be certified as provided in subsection C.2 of this UDC section.

10.03.05 - Submittal Requirements for a Non-Residential Preliminary Plat

A.

General. The preliminary plat shall be clearly and legibly drawn at a scale no larger than 1" = 100'. The plat shall not exceed 24" X 36". In no case shall sheet size be less than 8-1/2" X 11". Subject to state law requirements, the preliminary or overall development plat shall be prepared by a registered landscape architect, land surveyor, or civil engineer and shall show the following:

1. Proposed name of the non-residential subdivision.
2. Name, address, and telephone number of owner of record.
3. Name, address, and telephone number of the developer.
4. Date of survey, north point with magnetic north shown and graphic scale, source of data, date of plat drawing, and space for revision dates.
5. Location (land lot and district) and gross acreage of tract.
6. Original vicinity map locating the subdivision in relation to the surrounding area with regards to well known landmarks such as major thoroughfares, railroads, or others. Sketches may be drawn in freehand and at a scale sufficient to clearly show the information required, but not less than 1" = 2,000'. Photocopies of a local atlas are not acceptable. Previously developed non-residential properties must be reflected on the plat.
7. Exact boundary lines of the tract indicated by a heavy line giving the lengths and bearing. The boundary lines shall include the entire tract to be eventually subdivided and data as required herein shall apply to the entire tract.
8. Ground elevations on the tract based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic information shall be shown. Contour lines shall be drawn at intervals of 2 feet.
9. Natural features within the proposed non-residential development, including drainage channels, tributaries or state mandated buffers or corridors, bodies of water, wooded areas, and other significant features. On all water courses leaving the tract, the directional flow and acreage of the drainage area above the point of entry into the site shall be noted. Floodplains shall be outlined and elevations and total area of floodplain noted. Wetland areas should also be located on the plat and total area specified. Local benchmarks shall be established and properly described and the mean sea level elevation noted.
- 10.

Cultural features, including cemeteries or other historic features, around and within the proposed non-residential subdivision, right-of-way, pavement widths, and names of existing and platted streets; all easements, city and county boundaries, and other significant information. Locations and dimensions of bridges, proposed and existing utility lines and structures, existing or proposed easements, street culverts, and other features are to be indicated.

11. Proposed layout including lot lines with rough dimensions, lot numbers, street and alley lines with proposed street names, right-of-way widths, buffers, open space, and easements dedicated for public use shall be noted.
12. Proposed outparcels, supported by internal utilities and interparcel access points, must be clearly shown.
13. Proposed unit division or stage development, if any, as proposed by the owner or developer including but not limited to outparcel development.
14. Present zoning of the proposed development and the present zoning of abutting lands.
15. Zoning and variance conditions placed on the project by the City Council.
16. Each preliminary plat submitted shall carry the following certifications printed or stamped thereon substantially as set forth in UDC Section 10.03.06.
17. Development agreement recording information.
18. Show adjoining roadways, with names, pavement widths, lengths of streets, access locations, and right-of-way widths. Also include dimensions from the centerline of the existing street to the required right-of-way width.

10.03.06 - Preliminary Plat Certificates

Each preliminary plat submitted to the Planning Commission shall carry the following certificates printed or stamped thereon substantially as follows:

A. Engineer and owner certificate:

"I certify that all measurements are correct and were prepared from an actual survey of the property made under my supervision, that monument locations are correctly shown and that the property will drain as shown. Monuments are shown by _____.

Signed ____ (Seal) Date _____

_____, Engineer, (Surveyor), (Architect), Georgia Regis. No. _____

We, the undersigned, owner(s) and/or mortgagee(s) of the _____ subdivision, hereby offer to dedicate and/or reserve for public use the rights-of-way, easements and other ground so shown on this plat."

Owner	Date	Mortgagee	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

"The offer contained herein shall not constitute acceptance of the dedicated public rights-of-way, easement and other ground by the City of Kennesaw."

- B. Certificate of preliminary plat approval. "All requirements of the Kennesaw UDC relative to the posting of a performance bond having been fulfilled, approval of the bond is hereby granted."

_____	_____
Date of Execution	City Engineer

"All requirements of the Kennesaw UDC relative to the preparation and submittal of a preliminary plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said regulation and to such additional requirements as listed and attached hereto. This certificate shall expire _____ (date)" _____.

_____	_____
Date of Execution	Chairman, Planning Commission

"Preliminary Plat—Not to be recorded."

The preliminary plat shall be accompanied by the following information when same is not shown in, or evident from, the preliminary plat:

1. A written summary of the proposal giving information as to the overall development plan, giving type of structures, number of housing units, types of business and industry, so the effects of the development can be determined by the Planning Commission.
2. Existing and proposed covenants and restrictions.
3. Source of water supply.
4. Provisions for sewage disposal, drainage, and flood control, as specified in UDC Chapter 4.06.02.
5. The sub-divider shall obtain letters or certificates of approval or disapproval from city, county or state agencies, as well as from the utility companies, as applicable.

10.03.07 - Street Improvement Data

An application for street improvements for the subdivision or for a unit division thereof shall be supported by the following, submitted to the Community Development Department:

- A. A plat drawn to the preliminary plat specifications, prescribed in UDC Section 10.03.00, showing the following information:
 1. Location and size of all proposed drainage structures, including catch basins, grates, headwalls and any extensions thereof.
 2. Acreage of drainage area and constant used in determining size of structures by use of a formula approved by the city engineer.
 3. Location of land subject to flooding, indicated by flood crest contour as provided by the city, county or other sources.

4. Location of all proposed sewer lines, and of any easements required therefore, together with sufficient dimensions to locate same on ground.
- B. Engineering data as listed below:
1. Three-line profile as proposed streets, showing centerline elevations and elevations along right-of-way lines on either side of street, exposed rock to be indicated, drawn on standard plan and profile sheets with plan section showing street, layout, width, curvature and drainage required.
 2. Where sanitary or storm sewers are to be installed, the grate, size of pipe and location of manholes shall be indicated on the road profile.
 3. Profiles covering roadways that are extensions of existing roadways shall include elevations of fifty (50) feet intervals for a minimum distance of 300 feet back of beginning point and forward of ending point, or such additional distances as may be required by the city engineer.
 4. All elevations shall be coordinated and tied into U.S. Coastal and Geological Survey benchmarks, where feasible.
 5. The submittals listed in this subsection shall be drawn to a scale no less than as follows:
 - i. Horizontal scale of one (1) inch to 100 feet.
 - ii. Vertical scale of one (1) inch to ten (10) feet.

When a proposed road abuts the plat boundary, a properly executed slope easement shall be submitted. A slope easement shall also be submitted under such other conditions as may be required by the city engineer.

10.03.08 - Submittal Requirements for Final Subdivision Plat

A. Final Specifications

1. The submittal shall consist of the original Mylar or vellum reproducible material and twelve (12) prints.
2. The final plat shall be clearly and legibly drawn in black ink on suitable permanent reproducible material. The scale of the final plat shall be 100 feet to one (1) inch (one inch equals 100 feet). Sheet size shall not exceed forty-eight (48) inches by thirty-six (36) inches. If the complete plat cannot be shown on one sheet of this size, such plat shall be shown on several sheets

with an index map indicated on each sheet. In no case shall sheet size be less than 8-1/2" x 11"; provided, however, that space is thereby available for statements, approvals and certificates as required in this section.

3. The final plat shall conform to the preliminary plat and it may constitute only that portion of the approved preliminary plat which the sub-divider proposed to record and develop at any one time, provided that such portion conforms to the staging established in preliminary plat procedure and to the requirements of this chapter.
4. The final plat shall contain the following information:
 - i. Name of subdivision and street names.
 - ii. Name and address of owner of record.
 - iii. Name and address of sub-divider.
 - iv. Date of plat drawing, graphic scale, north point, notation as to the reference of bearings to magnetic, true north or grid north, and indication whether bearings shown are calculated from angles turned or taken from compass readings.
 - v. Location of tract, acres, number of lots.
 - vi. Name of former subdivision, if any or all of the final plat for any land which had been previously subdivided.
 - vii. Location sketch as provided for in UDC Section 10.03.05.
 - viii. Courses and distances to the nearest existing street intersections or benchmarks or other recognized permanent monuments. Not less than three (3) shall be accurately described on the plat.
 - ix. Exact boundary lines of the tract, to be indicated by the heavy line, giving distances to the nearest one-tenth foot and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one 1: 5,000. The error of closure shall be stated. Tract boundaries shall be determined by accurate survey in the field. Surveys shall be coordinated and tied into U.S. Geological Survey maps where same are available.
 - x. Municipal, county or land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse the subdivision.

- xi. Exact locations, widths and names of all streets and alleys within and immediately adjoining the plat and the exact location and widths of all crosswalks.
- xii. Street centerlines showing angles of deflection, angles of intersection, radii, length of tangents and arcs and degree of curvature with basis of curve data.
- xiii. Lot lines with dimensions to the nearest one-tenth foot, necessary internal angles, arcs and chords and tangent or radii of rounded corners.
- xiv. Building setback lines with dimensions.
- xv. When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the lot width at the building line shall be shown.
- xvi. Lots or sites numbered in numerical order and blocks lettered alphabetically.
- xvii. Location, dimensions and purpose of all drainage structures and of any easements, including slope easements, if required, and public service utility right-of-way lines, and any areas to be reserved, donated or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any areas to be reserved by deed covenant for common uses of all property owners.
- xviii. A statement of the private covenants, if they are brief enough to be put directly on the plat; otherwise, a statement as follows:

"This plat is subject to the covenants set forth in the separate document(s) attached hereto dated _____, which hereby become(s) a part of this plat," recorded on _____ (date) and signed by the owner.
- xix. Accurate location, material, and description of monuments and markers. Monuments to be placed after final street improvement shall be designated as "future."
- xx. Place for certificates and statements specified in subsection (Final Plat Certificates) of this UDC chapter.
- xxi. Signature lines for the following departments:

Mayor and City Council, Public Works, Planning and Zoning, City Engineer, Building Services,
Cobb County Department of Transportation (if applicable)

10.03.09 - Submittal Requirements for Final Condominium/Multi-Family Residential Plats

A. *General*. The final plat shall be clearly and legibly drawn on Mylar, vellum or paper at a scale no smaller than 1" = 100'. The plat shall not exceed 36" X 48". In no case shall sheet size be less than 8-1/2" X 11". The final plat shall contain the following information:

1. Name of the project and street names.
2. Property address numbers (furnished by the Plan Review Section of Development and Inspections).
3. Reference to record subdivision plats of adjoining land by record name.
4. Date of plat drawing, graphic scale, and north point.
5. Location of tract (land lot and district).
6. Location sketch at a scale of 1" = 2,000'. See note below.
7. Index map on each sheet when more than one sheet is required.
8. Courses and distances to the nearest existing street, intersections, or other recognized permanent monuments or benchmarks.
9. Exact boundary lines of the tract, to be indicated by a heavy line, giving distances to the nearest 1/10 foot and angles to the nearest minute shall be balanced and closed. The error of closure shall be stated, and further, the error of closure shall not exceed 1:10,000. Tract boundaries shall be determined by accurate survey in the field.

NOTE: Unit plats shall provide a location sketch for location within the master plat.

10. Land lot lines shall be accurately tied to boundary lines of the subdivision by angles and distances when such lines traverse the subdivision; when the subdivision does not intersect a land lot line, then the lines of a major controlling street shall be projected and tied to a land lot line by angles and distances. In both cases, the measured distance from land lot tie to a

respective land lot corner shall be shown with the magnetic bearing of the land lot line. No approximate land lot lines shall be shown on the subdivision plat.

11. Exact locations, widths, and names of all streets and alleys within and immediately adjoining the plat, and the exact locations and widths of all crosswalks.
12. Street centerlines showing angles of deflection and standard curb data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
13. Lot lines with dimensions to the nearest 1/10-foot, necessary internal angles, arcs, and chords and tangent or radii or rounded corners.
14. Building setback lines with dimension.
15. Signature lines for all applicable departments.

B. *Requirements for Legal Descriptions.* The legal description of individual condominium units shall be as follows:

1. The individual condominium unit shall be referenced as a lot by numeric data only (limited to 999 units).
2. Each building shall be referenced as Unit by numeric data only (limited to 99 units).
3. Each development phase shall be referenced as a block by alpha data.
4. Parcel numbers shall be assigned by the tax office.
5. Plats of the development shall be separated into different development phases when individual units or buildings reach the limits set forth above.
6. Locations, dimensions, drainage areas, and purpose of all drainage structures and of any easements (including slope easements), flood hazard areas, public service utility right-of-way lines, and any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any areas to be reserved by deed covenant for common uses of all property owners.
7. Accurate locations, materials, and descriptions of monuments and markers.
8. A statement referencing the protective covenants by record book and page number.

9. Registered land surveyor's certification and stamp required for master plat.
10. Registered professional engineer certification and stamp accepted for "as built" condition on unit plats only.
11. Registered architect certification and stamp may be used to certify the acceptability of the structural work.
12. Variances (if any) and date approved by the City Council.
13. Recording of plats and plans; contents; completion of structural improvements; certification by registered architect or engineer.

C. *Requirements for Conveyance.* The following sections reflect the requirements for the recording of plats and plans, contents, the completion of structural requirements, and certification by registered architects or engineers as described in O.C.G.A § 44-3-83. Because State regulations may be modified from time to time, all parties interested in developing condominiums in the City of Kennesaw should be knowledgeable of the most current regulations described in Title 44, Chapter 3, Article 3 of the Official Code of Georgia Annotated. The following regulations are accurate as of December 31, 2008.

1. Recording of Plats and Certification

- a. Prior to the first conveyance of a condominium unit, there shall be recorded one or more plats of survey showing the location and dimensions of:
 - i. the submitted property;
 - ii. the location and dimensions of all structural improvements located on any portion of the submitted property;
 - iii. the intended location and dimensions of all contemplated structural improvements committed to be provided by the declaration on any portion of the submitted property; and,
 - iv. to the extent feasible, the location and dimensions of all easements appurtenant to the submitted property or otherwise submitted to this article as part of the common elements.
- b. With respect to all such structural improvements, the plats shall indicate which, if any, have not been begun by use of the phrase "NOT YET BEGUN." No structural improvement which contains or constitutes all or

part of any unit or units and which is located on any portion of the submitted property shall be commenced on any portion of the submitted property after the recording of the plats.

- i. The declarant shall complete all structural improvements depicted on the plats, subject only to such limitations, if any, as may be expressly stated in the declaration with respect to those labeled "NOT YET BEGUN" on the plats, provided that, within six months after written notice from the association, the declarant shall be obligated to complete within a reasonable time every structural improvement actually commenced on the submitted property, notwithstanding any provision of the declaration, unless the declarant removes within a reasonable time all portions of any such structural improvement and restores the surface of the land affected thereby to substantially the same condition as that which existed prior to commencement of any such structural improvement; and provided, further, that nothing contained in this sentence shall exempt the declarant from any contractual liability to complete any such structural improvement.
- ii. If the submitted property consists of noncontiguous parcels, the plats shall indicate the approximate distances between such parcels unless such information is disclosed in the declaration. If, with respect to any portion or portions, but less than all, of the submitted property, the unit owners are to own only a leasehold or estate for years, the plats shall show the location and dimensions of any such portion or portions and shall label each such portion by use of the phrase "LEASED LAND."
- iii. To the extent feasible, the plats shall show all easements to which the submitted property or any portion thereof is subject.
- iv. The plats shall also show all encroachments by or on any operation of the submitted property. In the case of any units which have vertical boundaries lying wholly or partially outside of structures for which plans pursuant to subsection C.2 of this UDC section are recorded, the plats shall show the location and dimensions of the

vertical boundaries to the extent that they are not shown on the plans; and the units or portions thereof thus depicted shall bear their identifying numbers.

- v. Each plat shall be certified as to its accuracy and compliance with this subsection by a registered land surveyor. The specification within this subsection of items that shall be shown on the plats shall not be construed to mean that the plats shall not also show all other items customarily shown or required by law to be shown for land title surveys.
2. Recording of Plans and Certification. The following items shall be recorded prior to the first conveyance of a condominium unit:
 - a. Plans which have been prepared, signed, and sealed by a registered architect or registered engineer of every structure which contains or constitutes all or part of any unit or units located on or within any portion of the submitted property, which plans shall show:
 - i. The location and dimensions of the exterior walls and roof of such structures;
 - ii. The walls, partitions, floors, and ceilings as constitute the horizontal boundaries, if any, and the vertical boundaries of each unit, including convertible space, to the extent that such boundaries lie within or coincide with the boundaries of such structures;
 - iii. The identifying numbers of all units or portions thereof depicted on the plans;
 - iv. A certification by such architect or engineer to the effect that (s)he has visited the site and viewed the property and that, to the best of his/her knowledge, information, and belief:
 - a) The exterior walls and roof of each structure are in place as shown on the plans; and
 - b)

Such walls, partitions, floors, and ceilings, to the extent shown on said plans, as constitute the horizontal boundaries, if any, and the vertical boundaries of each unit, including convertible space, have been sufficiently constructed so as to establish clearly the physical boundaries of such unit.

- b. Each convertible space depicted in the plans shall be labeled as such by use of the phrase "CONVERTIBLE SPACE." Unless the condominium instruments expressly provide otherwise, it shall be presumed that, in the case of any unit not wholly contained within or constituting one or more of the structures, the horizontal boundaries extend, in the case of each unit, at the same elevation with regard to any part of such unit lying outside of such structures, subject to the following exception:
 - i. In the case of any unit which does not lie over any other unit other than basement units, it shall be presumed that the lower horizontal boundary, if any, of that unit lies at the level of the ground with regard to any part of that unit lying outside of the structures.
 - ii. This subsection shall apply to any condominium created on or after July 1, 1980, or to the expansion of any such condominium.
- 3. Completion of Structural Improvements and Certification. The following items shall be recorded prior to the first conveyance of a condominium unit:
 - a. Plans of every structure which contains or constitutes all or part of any unit or units located on or within any portion of the submitted property and a certification by a registered architect or registered engineer to the effect that he has visited the site and viewed the property and that, to the best of his knowledge, information, and belief:
 - b. The foundation, structural members, exterior walls, and roof of each such structure are complete and in place as shown on the plans;
 - c. The walls, partitions, floors, and ceilings, to the extent shown on the plans, as constituting or coinciding with the vertical and horizontal boundaries of each unit, including convertible space, within each such structure, are sufficiently complete and in place to establish clearly the physical boundaries of such unit and that such physical boundaries are as shown on the plans; and

- d. Each such structure, to the extent of its stage of completion at that time, is constructed substantially in accordance with such plans. The plans shall show the location and dimensions of the horizontal boundaries, if any, and the vertical boundaries of each unit to the extent that such boundaries lie within or coincide with the boundaries of such structures, and the units, or portions thereof, thus depicted shall bear their identifying numbers. In addition, each convertible space depicted in the plans shall be labeled as such by use of the phrase "CONVERTIBLE SPACE." Unless the condominium instruments expressly provide otherwise, it shall be presumed that, in the case of any unit not wholly contained within or constituting one or more of the structures, the horizontal boundaries extend, in the case of each unit, at the same elevation with regard to any part of such unit lying outside of such structures, subject to the following exception: in the case of any unit which does not lie over any other unit other than basement units, it shall be presumed that the lower horizontal boundary, if any, of that unit lies at the level of the ground with regard to any part of that unit lying outside of the structures. This subsection shall apply to any condominium created prior to July 1, 1980, or to the expansion of any such condominium.
- e. Prior to the first conveyance of a condominium unit located on any portion of any additional property being or having been added to an expandable condominium, there shall be recorded new plats of survey conforming to the requirements of subsection C.1 of this UDC section and, with regard to any structures on the property being or having been added, plans conforming to the requirements of subsection C.2 of this UDC section or certifications, conforming to the certification requirements of subsection C.2 of this UDC section, of plans previously recorded pursuant to O.C.G.A. § 44-3-84.
- f. When converting all or any portion of any convertible space into one or more units or limited common elements, the declarant shall record, with regard to the structure or portion thereof constituting that convertible space, plans showing the location and dimensions of the horizontal boundaries, if any, and the vertical boundaries of each unit formed out

of such space. The plans shall be certified by a registered architect or registered engineer in accordance with the certification requirements of subsection C.2 of this UDC section.

- g. When any portion of the submitted property is withdrawn, there shall be recorded a plat or plats showing the portion of the submitted property withdrawn and the remaining submitted property, which plat or plats shall be certified as provided in subsection C.2 of this UDC section.

10.03.10 - Submittal Requirements for Final Non-Residential Plats

- A. *General.* The final plat shall be clearly and legibly drawn on Mylar, vellum or paper sheets. The scale of the final plat shall not exceed 1 in. = 100 ft. The plat shall not exceed 36 in. X 48 in. If the complete plat cannot be shown on one sheet, several sheets with an index map indicated on each sheet shall be used. In no case shall sheet size be less than 8-1/2 in. X 11 in.

The final plat shall conform to the preliminary plat and it may constitute only that portion of the approved preliminary plat which the sub-divider proposes to record and develop at any time, provided that such portion conforms to the staging established on the preliminary plat procedure and to the requirements of these rules and regulations.

The final plat shall contain the following information:

1. Names of the subdivision and streets.
2. Property address numbers furnished by City of Kennesaw Community Development Department
3. Reference to recorded subdivision plats of adjoining land by record name.
4. Date of plat drawing, graphic scale, and magnetic north point.
5. Gross acreage of tract, square footage of out parcel.
6. Location of tract (land lot and district).
7. Former name of subdivision, if any or all of the final plat has been previously subdivided.
8. Vicinity map at a scale of 1" = 2000'.
9. Index map on each sheet when more than one sheet is required.
10. Courses and distances to the nearest existing street, intersections, or other recognized permanent monuments or benchmarks.

11. Exact boundary lines of the tract, to be indicated by a heavy line, giving distances to the nearest 1/10-foot and angles to the nearest second, which shall be balanced and closed. The error of closure shall not exceed 1:10,000. The error of closure shall be stated. The tract boundaries shall be determined by accurate survey in the field.
12. Land Lot lines shall be accurately tied to lines of the subdivision by angles and distances when such lines traverse the subdivision; when the subdivision does not intersect a land lot line, the lines of a major controlling street shall be projected and tied to a land lot line by angles and distance. In both cases, the measured distance from land lot tie to a respective land lot corner shall be shown with the magnetic bearing of the land lot line. No approximate land lot lines shall be shown on the subdivision plat.
13. Exact locations, widths, and names of all streets, alleys, and sidewalks within and immediately adjoining the plat and the exact locations and widths of all sidewalks.
14. Street centerlines showing angles of deflection and standard curve data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data, design speeds, horizontal and vertical site distances.
15. Lot lines with dimensions to the nearest 1/10-foot, necessary internal angles, arcs and chords and tangent or radii of rounded corners.
16. Building setback lines with dimension.
17. Lots or sites numbered in numerical and clockwise order. Blocks shall be identified alphabetically.
18. Cultural features, including cemeteries and historic features.
19. Property/lease lines clearly delineated.
20. References to recorded and unrecorded access/cross parking, easements, utilities, and off-site stormwater management facility.
21. Location, dimensions, drainage areas, and purposes of all drainage structures, stormwater management structures, access easements, and any other easements, including slope easements, tributary and state mandated buffers and corridors, flood hazard areas and elevations, new or existing water and sewer easements with setback requirements that are or shall be maintained by the Water System, and any areas to be reserved, donated, or

dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any areas to be reserved by deed covenant for common uses of all property owners. Delineation of protected wetlands with total acreage noted.

22. For purposes of dedication of stormwater management easements and facilities, reference should be made to the Cobb County Comprehensive Stormwater Management Quantity and Quality Ordinance.
23. Accurate locations, materials, and descriptions of monuments and markers. Monuments to be placed after final street improvements shall be designated as "future".
24. Seal of appropriate design professional.
25. Zoning stipulations and variances (if any) and the date approved by the City Council.
26. State law prohibits the private construction, planting, or otherwise making improvements on the dedicated public right-of-way. The sole responsibility for repairing of any damage of any such improvement shall be the property owners.
27. Tabular chart which specifies the length of each public street or right-of-way.
28. Signature line for approvals from all applicable departments and Mayor and City Council.

10.03.11 - Final Plat Certificates

Each final plat submitted to the Mayor and Council for approval shall carry the following certificates printed or stamped thereon substantially as follows:

- A. Engineer and Land Surveyor Acknowledgement. "It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future," and their location, size, type and material are correctly shown; and that all engineering requirements of the Kennesaw Subdivision Regulations have been fully complied with."

_____ (Print Name)	_____ (Print Name)
_____ (Print Name)	_____ Registered C.E. No.
	_____ Date

- B. Owner's acknowledgement: "The owner of the land shown on this plat and whose name is subscribed thereto, and in person or through duly authorized agents, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever all streets, parks, drains, easements and public grounds thereon shown, which comprises a total of _____ acres, for the purposes therein expressed."

Subdivider _____ (Print Name)	Owner _____ (Print Name)
_____ Signature	_____ Signature
_____ Date	_____ Date

"Provided, however, that nothing herein nor acceptance shall create liability on the part of the City of Kennesaw, its officers, agents or employees for flooding or erosion from storm drains or from flooding from high water of natural creeks or rivers, and the City of Kennesaw is hereby specifically

released from any such liability or from liability for the negligent construction or maintenance of all drainage structures, roads, sediment control facilities and all other work performed by the owner or developer of the property, their agent, servants, employees or contractors."

C. Place for approval by the City Engineer or authorized agent:

Date ____	Signed ____
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D. Place for statement of slope easement.

E. Place for approval of the Mayor and Council as follows: "Pursuant to the Land Subdivision sections of this UDC of the City of Kennesaw, Georgia, all the requirements of approval having been fulfilled, this final plat was given final approval by the Mayor and Council of Kennesaw, Georgia on _____ (Date).

Mayor, Kennesaw, Georgia

F. Place for approval by the following Departments:

- Planning and Zoning
- Building and Construction
- Public Works
- City Engineer
- Mayor and City Council

"Nothing herein shall be construed to mean that the City of Kennesaw has accepted the dedication of any rights-of-way, easements or other area as being dedicated to public use."

G. Place for certificate of recording.

H. Final plat distribution:

1. City records: Original Mylar, vellum or paper reproducible material and one (1) print.
2. City Engineer: Three (3) prints; two (2) to be filed and one (1) to the building inspector.

3. Cobb County Tax Assessor: One (1) print.
 4. Cobb County Fire Department offering service to the proposed subdivision: One (1) print.
 5. Total: One (1) original Mylar, vellum or paper reproducible material and twelve (12) prints.
- I. Suitability of land. Land subject to flooding or erosion, and any land deemed to be unsuitable for development by the city engineer or health department, shall not be platted for any uses as may continue such conditions or increase danger to health, safety, life or property unless the hazards can be and are corrected.

10.03.12 - Submittal Requirements for Amendments to Approved Development Plans and Zoning Conditions

- A. Submittal requirements as established by the Plan Review Committee and the building services department.

10.03.13 - Submittal Requirements for Certificate of Appropriateness through the Historic Preservation Commission

- A. All applications to comply with submittal requirements of Kennesaw Design Review application process under Chapter One of the adopted Design Standards for the Historic District.
- B. All applications to be submitted through the Planning and Zoning Department at least two weeks prior to the scheduled Historic Preservation Commission meeting. The Zoning Administrator will confirm completeness of the application.
- C. All fees to accompany the completed application will be as per adopted master fee schedule adopted by the City of Kennesaw.
- D. After confirmation that applications are deemed complete the Zoning Administrator and Planning and Zoning staff will post property referenced in application as part of the public notification process for any exterior changes to historic properties.
- E. All applications require at least one consultation with Planning and Zoning staff to be conducted prior to submittal of applications.
- F.

All applications for demolition of structures within the historic district will require a public hearing before the Historic Preservation Commission. The Public hearing will be advertised in the local newspaper and adjoining property owners will be notified by mail by City of Kennesaw Planning and Zoning Department. A sign will be posted as part of this process.

- G. The Zoning Administrator shall ask for any additional data as deemed necessary to add clarification to the request of all applications.
- H. If project is located in the Central Business District but not located in the Historic District then a conceptual project approval by the Historic Preservation Commission will be required.
- I. CBD (Central Business District) conceptual project approval will follow the same COA (Certificate of Appropriateness) application information submittal process to the City of Kennesaw.

10.03.14 - Subdivision Construction Plan

10.03.15 - Subdivision Record Plat

10.04.00 - PENALTIES, AND REMEDIES

10.04.01 - Penalties for Violation

- A. Any person, firm or corporation violating any provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50.00 nor more than the maximum amount as defined by O.C.G.A. § 36-32-5, as amended from time to time, for each offense.
- B. Each day such violation continues shall constitute a separate offense.

10.04.02 - Remedies

- A. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this UDC, the Zoning Administrator or any other appropriate authority of the city may, in addition to other remedies, and after due notice of at least ten (10) days to the owner of the violation, issue a citation for violation of the City Code requiring the presence of

the violator in the recorder's [municipal] court; institute injunction, or other appropriate action or proceeding to prevent such 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.

- B. Where a violation of these regulations exist with respect to a structure or land, the Zoning Administrator may, in addition to other remedies, notify the building inspector of such violation and require that public utility service be withheld there from until such time as the structure or premises is no longer in violation of these regulations.
- C. In any case in which any sign shall be installed, erected, or constructed in violation of any of the terms of this ordinance, the building inspector shall notify by personal notice or registered mail the owner or lessee thereof to alter such sign so as to comply with this ordinance and to secure the necessary permit therefore or to remove the sign.
- D. If such an order is not complied with within ten days, the City shall remove the sign at the expense of the owner or lessee thereof.
- E. In the event that such a sign or wall bulletin should become insecure, or in danger of falling, the person maintaining the same shall, upon written notice from the building inspector, forthwith in case of immediate danger, and in any case, within ten (10) days secure it in a manner approved by the building inspector.

10.05.00 - APPEALS

10.05.01 - Applicability

- A. *Appeals from Decisions of the Planning and Zoning Administrator.* It is the intention of this article that all questions arising in connection with the administration and enforcement of this ordinance shall be presented first to the Planning and Zoning Administrator and that such questions shall be presented to the Mayor and City Council only on appeal from decision of such official; and, that from the decision of the Mayor and City Council, recourse shall be had to the superior court according to procedures outlined in the General Planning and Zoning Enabling Act of 1957, No. 358, as amended, of the State of Georgia.
- B. *Appeals from the Decisions of the Mayor and City Council.*
 - 1.

Any party desiring to appeal a decision by the Mayor and City Council as to any rezoning or variance petition shall file an appeal with the Superior Court of Cobb County within thirty (30) days from the date of the actual vote of the Mayor and City Council. The party appealing shall be entitled to a de novo appeal.

2. Any party desiring to appeal a land use permit or special land use permit decision shall file an appeal with the Superior Court of Cobb County within thirty (30) days from the date of the actual vote of the Mayor and City Council. The party appealing shall be limited to a record only appeal.

- C. *Appeal from Decisions of the Building Official.* It is the intention of this UDC that all questions regarding interpretations and decisions regarding the administration and enforcement of the building and related safety codes referenced in the UDC and City of Kennesaw code of ordinances be presented first to the Building Official. The appeal of any decisions from the Building Official shall be presented to the Board of Construction Appeals. Any party desiring to appeal the final decision of the Board of Construction Appeals shall file an appeal with the Superior Court of Cobb County within thirty (30) days from the date of the actual vote of the Board of Construction Appeals.
- D. *Appeal from the Decisions of the Public Works Director.* It is the intent of this UDC that all questions regarding interpretation, enforcement, and enforcement of applicable codes that are the responsibility of the Public Works Department are presented first to the Public Works Director. The appeal from the Public Works Director shall be presented to the Board of Construction Appeals. Any party desiring to appeal the final decision of the Board of Construction Appeals shall file an appeal with the Superior Court of Cobb County within thirty (30) days from the date of the actual vote of the Board of Construction Appeals.