



Addendum to record for letter appeal
by Ryan A. Lee from decision of the
Zoning Administrator received by the
City of Kennesaw on June 25, 2020.

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2020-____, 2020

**AN ORDINANCE TO AMEND THE KENNESAW CODE OF ORDINANCES
BY AMENDING APPENDIX A “UNIFIED DEVELOPMENT CODE,” CHAPTER 1
“GENERAL PROVISIONS,” SECTION 1.09.02 DEFINITIONS, ADDING A NEW
SECTION UNDER CHAPTER 4 SECTION 4.06.00” UNIVERSITY LIVING-PBSH”
(PURPOSE BUILT STUDENT HOUSING)**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW,
COBB COUNTY, GEORGIA, AS FOLLOWS:**

WHEREAS, the Kennesaw Code of Ordinances of the City of Kennesaw, Georgia Appendix A “Unified Development Code,” Chapter 1 “General Provisions,” will be amended alphabetically to amend the following;

SECTION 1.09.02 Definitions

Family- One or more related persons by blood, legal adoption, or marriage or not more than three (3) persons not related, occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boardinghouse, rooming house, hotel, or Purpose Built Student Housing as herein defined. Maximum residential occupancy for a residential dwelling unit will be calculated by the number of residents per square foot of floor space as per the currently adopted International Property Maintenance Code.

WHEREAS, the Kennesaw Code of Ordinances of the City of Kennesaw, Georgia Appendix A “Unified Development Code,” Chapter 1 “General Provisions,” will be amended alphabetically to add the following;

Purpose Built Student Housing- a multi-family residential development marketed to affiliates of an academic or professional college or university, or other recognized institution of higher learning. These developments are typically located near college campuses and offer amenities such as individual leases for each occupant, fully furnished units, and residence life programs specific to college students.

WHEREAS, the Kennesaw Code of Ordinances of the City of Kennesaw, Georgia Appendix A “Unified Development Code,” Chapter 4 “Site Design Standards,” will be amended with the addition of new section 4.06.00 as per exhibit A attached hereto.

SECTION 1. BE IT ORDAINED THAT all ordinances, parts of ordinances, or regulations in conflict herewith are repealed as of the effective date of this ordinance.

SECTION 2. BE IT FURTHER ORDAINED THAT should any section of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 3. BE IT FURTHER ORDAINED THAT this ordinance shall become effective immediately from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of _____, 2020.

ATTEST:

CITY OF KENNESAW:

Debra Taylor, City Clerk

Derek Easterling, Mayor

Exhibit A

4.06.00 UNIVERSITY LIVING PURPOSE BUILT STUDENT HOUSING ("PBSH") DISTRICT

A. Purpose and intent. The PBSH District is established to promote the development of safe, secure, affordable, aesthetically-pleasing student housing apartments for adults attending universities and colleges. Student housing is identified by having at least four of the following characteristics: 1) ability to rent on a per bedroom basis; 2) roommate matching services; 3) flexible lease terms to coincide with academic calendar; 4) furnished apartment units; 5) amenities such as study area, bike share program, and student convenience store; or 6) student life programming. The PBSH District is designed to encourage and provide flexible site plan and building arrangements under a unified plan of development rather than by lot-by-lot regulation. The PBSH District is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning. The PBSH District is appropriate in the following Future Land Use areas as designated by the City of Kennesaw Comprehensive Plan: High Density Residential; Neighborhood Activity Center; Community Activity Center; and Industrial.

B. Uses. Any use not permitted as of right, or not permitted by Special Exception, or not permitted by land use permit is prohibited. To the extent there is a conflict between the permitted use table and this subsection, this section shall control for purposes of determining whether the use is allowed.

The following uses are permitted:

Purpose Built Student Housing

C. Standards for Development.

- a) Minimum acreage required: 4 (four) acres.
- b) Minimum lot area: Not applicable.
- c) Maximum building coverage: 40%.
- d) Maximum impervious surface coverage: 70%.
- e) Density requirement: Not applicable, except to the extent the density calculation is necessary to determine the buffer requirement, if any.
- f) Maximum number of bedrooms per apartment unit: 5 (five) bedrooms.
- g) Maximum number of residents per bedroom: 1 (one) resident.
- h) Minimum lot width at front set back: 75 feet.
- i) Height and structure requirements.
 - i. Maximum building height is 55 feet. However, any structures directly adjacent to single family residentially zoned property shall be limited to a building height of 35 feet;
 - ii. All facades shall be masonry, brick or hardy plank (or substantially similar material) or combination thereof, and the construction material of the façade shall incorporate noise absorbing/blocking material in order to minimize noise. The use of stucco shall be prohibited.
- j) Minimum set back requirements:
 - i. All structures proposed in the PBSH district that abut residential zoning shall be constructed a minimum of 50-feet from the abutting property line. For purposes of this district, residential zoning is any district that permits a residential use, including any district that permits a mixture of residential and non-residential use. The setback requirement under this section as applied to any residential use that permits a mixture

- of residential and non-residential (i.e. CBD, HPV, PVC) is applicable to only those portions that are designated or developed for residential use.
- ii. All structures proposed in the PBSH district that abut non-residential zoning shall be constructed a minimum of 35-feet from the abutting property line.
- k) Landscape buffer and screening requirements.
- i. Any property within a PBSH district which abuts a more restrictively zoned residential property shall have a minimum of 30-foot landscaped screening buffer. More restrictively zoned residential property shall mean those properties that allow for a lesser number of units per acre than the actual density (number of units divided by land area) proposed under the PBSH development plan. The land area, for purposes of calculating the actual density under this section, shall not include floodplain, wetlands, or impervious surface dedicated to common areas (i.e. pool, tennis court, clubhouse, study area, management office).
 - ii. 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. Additionally, necessary private utilities and 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.
 - iii. Objectives. Undisturbed, planted landscaped 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 direction of vehicular and pedestrian movement;
 - (c) Reduction of glare;
 - (d) Buffering of noise;
 - (e) Establishment of privacy.
 - iv. Buffers. Landscaped buffers are subject to review and approval by the Zoning Administrator in accordance with the following standards:
 - (a) Plantings are to be a mix of evergreen trees and shrubs.
 - (b) Species are to be ecologically compatible to the site and appropriate for the design situation.
 - (c) Unless public safety concerns dictate otherwise, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
 - (d) Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
 - (e) Fencing or walls are to be a minimum of six feet in height as approved by the Zoning Administrator.
 - (f) Trees included in buffer planting may be counted toward site density calculations as required by Section 3.07.00 of the UDC pertaining to tree preservation and replacement, subject to review and approval by the Zoning Administrator.
 - (g) Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards are met.
 - (h) When topography and existing conditions allow, the required buffer should be an undisturbed buffer.
 - (i) Any appeals from a determination by the Zoning Administrator shall be to the Mayor and City Council pursuant to Section 10.05.01 of the UDC.

l) Access and Parking requirements:

- i. Submission of a traffic impact study that demonstrates either the development will not have a negative impact on existing traffic conditions or that the negative impacts of the development can be mitigated through traffic improvements that will be incorporated as part of the development plan. Traffic counts shall be no more than three years old from date of the study and shall be taken during a time of year when the academic calendar is in session for nearby universities and schools.
- ii. The principal access for the development shall be an arterial or major collector roadway, as identified in the City of Kennesaw Unified Development Code or similar classification document.
- iii. Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors calculated at 0.30 per unit. Parking requirements may be reduced by 1.5% of the overall number of parking spaces required for each of the following design accommodations:
 - (a) Developer has entered into a shared parking agreement with an adjacent commercial or institutional property owner;
 - (b) The development is located within two tenths of a mile (travelling on existing roads and not as the crow flies) from a public transit stop; OMIT
 - (c) The development is located within one quarter of one mile (travelling on existing roads and not as the crow flies) of a post-secondary college or university;
 - (d) The development has dedicated pick-up drop-off space/lanes for a transportation network service or taxi service;
 - (e) The nearby post-secondary college and/or university or a privately run and operated shuttle/transportation company agrees to provide regular shuttle service to and from campus for residents;
 - (f) The development features a bike rack with free lock service.

D. Security requirements:

- a. The property management company shall submit a security plan in accordance with the standards of Crime Prevention through Environmental Design (CPTED). The security plan shall be submitted to the City of Kennesaw Police Department for review and safe-keeping and shall be updated annually at the beginning of each calendar year, no later than January 31. Any such security plan shall require that on-site management shall be required 24 hours per day, seven days per week.
- b. All access points on the property shall be secured with gated entry and shall be self-closing;
- c. The development shall be enclosed with a minimum six-foot high privacy fence along the entire property line.
- d. The property shall be equipped with a security camera system that shall be monitored by the property management company on-site. Any such system shall record and store video images located throughout the common areas, including the parking areas, and signs shall be posted throughout the development notifying residents and visitors of the security camera system;
- e. All common area doors and access gates shall be secured with electronic locks;
- f. All apartment units shall be equipped with a door that features a 180-degree peep hole;
- g. For every 200 parking spaces, the development shall feature at least one Emergency Blue Light Phone that is connected to the Cobb County Public Safety's 24-hour communications center and identify the phone location if the caller is unable to talk.

- h. Lighting: In order to ensure adequate illumination of the development and promote safety and security, the Parking Lot Design Guide standards set forth for Basic Enhanced Security, Security, and High Security as set forth in the Illuminating Engineering Society Lighting Handbook (IESNA), latest edition, as amended, is adopted as the standard for the installation and operating of lighting in parking lots in the PBSH district.
- E. In addition to the district requirements as set forth in this section of the Unified Development Code, the development within the PBSH district shall also comply with all other applicable provisions in the Unified Development Code that do not conflict with this ordinance, including but not limited to, regulations pertaining to the following: floodplain, wetland, water supply, watershed, landscaping, tree, design standard, architectural standards, parking and parking lot design, sidewalks, pathways, storm drainage systems, storm drainage easements, water, sewer, access, lighting, street and roadway, retaining wall, dams, utilities, fences, buffers, berms, mailboxes and irrigations systems, signs, wireless telecommunication facilities, accessory and temporary uses, and incidental and permanent storage.