

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

**City Council
Meeting Agenda
July 20, 2020 6:30 PM
Council Chambers**

I. INVOCATION

II. PLEDGE OF ALLEGIANCE

III. CALL TO ORDER

IV. ANNOUNCEMENTS

- A. Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center.

Mayor and Council will be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>

- B. If you are not able to attend a meeting in-person and would like to provide public comment on a specific agenda item, you can email **kennesawcouncil@kennesaw-ga.gov** no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.

V. PRESENTATIONS

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

VII. OLD BUSINESS

VIII. NEW BUSINESS

IX. COMMITTEE AND BOARD REPORTS

X. PUBLIC HEARING(S)

Swearing-in of any witnesses or individuals offering comments on any of the following items.

- A. **FINAL PUBLIC HEARING:** Approval of ORDINANCE to grant Cobb Electric Membership Corporation franchise in City of Kennesaw right of way.

This is the final public hearing for an ordinance to grant permission and consent to Cobb Electric Membership Corporation (Cobb EMC), its successors, lessees, and assigns to occupy the streets and public places of the City of Kennesaw, Georgia in constructing, maintaining, operating, and extending poles, lines, cables, equipment and other apparatus for transmitting and distributing electricity and to establish terms, including but not limited to the terms of payment by Cobb EMC to the City, indemnification, relocation of facilities, economic development considerations, and repeal of the current Appendix D. This public hearing was advertised in the June 26, 2020 and July 3, 2020 editions of the Marietta Daily Journal. Legal has reviewed. Consideration for approval is at the July 20, 2020 Mayor and Council meeting at 6:30 PM. City Clerk recommends approval.

XI. CONSENT AGENDA

- A. Approval of June 29, 2020 work session minutes.
- B. Approval of the July 6, 2020 Mayor and City Council meeting minutes.

DEPARTMENT REPORTS

XII. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
LINDA DAVIS, 911 Communications Director

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Operations Specialist
JOSHUA GUERRERO, Systems Administration Specialist

XV. PUBLIC WORKS

RICKY STEWART, Public Works Director
ROBBIE BALENGER, Facilities Manager

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum Director
STEVE ROBERTS, Parks and Recreation Director
ANN PARSONS, Smith-Gilbert Gardens Director

- A. Approval to cancel the 2020 Pigs and Peaches and Salute to America events due to the current public health crisis related to COVID-19.

XVII. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director
DARRYL SIMMONS, Zoning Administrator
SCOTT BANKS, Building Official

- A. Letter appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator received by the City on June 25, 2020.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

XIX. CITY MANAGER'S REPORT (Jeff Drobney)

- A. City Manager reports, discussions and updates.

XX. MAYOR'S REPORT

- A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

XXI. COUNCIL COMMENTS

XXII. EXECUTIVE SESSION - Land, Legal, Personnel

Pursuant to the provisions of O.C.G.A. 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters

XXIII. ADJOURN



**Regular Meeting Agenda
7/20/2020 6:30 PM
Council Chambers**

Title of Item:	Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center.
Agenda Comments:	Mayor and Council will be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link: https://www.facebook.com/CityofKennesaw/
Funding Line(s)	



**Regular Meeting Agenda
7/20/2020 6:30 PM
Council Chambers**

Title of Item:	If you are not able to attend a meeting in-person and would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.
Agenda Comments:	
Funding Line(s)	



**Regular Meeting Agenda
7/20/2020 6:30 PM
Council Chambers**

Title of Item:	FINAL PUBLIC HEARING: Approval of ORDINANCE to grant Cobb Electric Membership Corporation franchise in City of Kennesaw right of way.
Agenda Comments:	This is the final public hearing for an ordinance to grant permission and consent to Cobb Electric Membership Corporation (Cobb EMC), its successors, lessees, and assigns to occupy the streets and public places of the City of Kennesaw, Georgia in constructing, maintaining, operating, and extending poles, lines, cables, equipment and other apparatus for transmitting and distributing electricity and to establish terms, including but not limited to the terms of payment by Cobb EMC to the City, indemnification, relocation of facilities, economic development considerations, and repeal of the current Appendix D. This public hearing was advertised in the June 26, 2020 and July 3, 2020 editions of the Marietta Daily Journal. Legal has reviewed. Consideration for approval is at the July 20, 2020 Mayor and Council meeting at 6:30 PM. City Clerk recommends approval.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	6/17/2020	Ordinance
06-26-20 Legal Ad	6/26/2020	Legal Ad
07-03-20 Legal Ad	7/6/2020	Legal Ad

**CITY OF KENNESAW
GEORGIA**

ORDINANCE NO. 2020-____, 2020

ORDINANCE TO GRANT PERMISSION AND CONSENT TO COBB ELECTRIC MEMBERSHIP CORPORATION, ITS SUCCESSORS, LESSEES, AND ASSIGNS, TO OCCUPY THE STREETS AND PUBLIC PLACES OF THE CITY OF KENNESAW, GEORGIA, IN CONSTRUCTING, MAINTAINING, OPERATING AND EXTENDING POLES, LINES, CABLES, EQUIPMENT AND OTHER APPARATUS FOR TRANSMITTING AND DISTRIBUTING ELECTRICITY, AND FOR OTHER PURPOSES AND TO REPEAL CONFLICTING ORDINANCES

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

WHEREAS, on January 26, 1981, the City of Kennesaw entered into a 35 year franchise agreement (the “1981 Agreement”) with Cobb Electric Membership Corporation to grant to it the authority, right, permission and consent to occupy and use the streets, alleys and public places of the City with the present and future limits of the City as from time to time it deemed proper or necessary for the overhead or underground construction, maintenance, operation and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections, and other apparatus for the business and purpose of transmitting, conveying, conducting, using, supplying and distributing electricity for light, heat, power and other purposes for which electric current may be or become useful or practicable for public or private use and for other purposes; and

WHEREAS, the 1981 Agreement expired; and

WHEREAS, the City of Kennesaw has the power and authority pursuant to subparagraph (g) of Section 1.03 of the City Charter to grant franchises for public utilities not to exceed thirty (30) years; and

WHEREAS, Cobb Electric Membership Corporation and the City of Kennesaw would like to enter into a new thirty year (30) franchise agreement to allow for the continuation of the rights and obligations described herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of Kennesaw, Georgia as follows:

PART 1

That Section APPENDIX D – COBB ELECTRIC MEMBERSHIP CORPORATION FRANCHISE of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Section I. – Granting of Authority.

Be it ordained by the governing authority of the City of Kennesaw (hereinafter referred to as the "City"), that authority, right, permission and consent are hereby granted to Cobb Electric Membership Corporation, its successors, assigns, lessees and assigns (hereinafter referred to as "Cobb EMC"), for a period of thirty (30) years to occupy and use the streets, alleys and public places of the City within the present and future limits of the said City as from time to time as Cobb EMC may deem proper or necessary for the overhead or underground construction, maintenance, operation and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections and other apparatus for the business and purpose of transmitting, conveying, conducting, using, supplying and distributing electricity for light, heat, power and other purposes for which electric current may be or become useful or practicable for public or private use, and to re-enter upon such streets, alleys and public places from time to time as it may deem proper or necessary to perform these functions, and to cut and trim trees and shrubbery when and where necessary, in the judgment of Cobb EMC, to ensure safe and efficient service.

The term "Distribution Facilities" means poles, lines, wires, cables, conductors, insulators, transformers, appliances, equipment, connections, and other apparatus installed by or on behalf of Cobb EMC (whether before or after the adoption of this Ordinance) in the streets, alleys, or public places of the City for the purpose of distributing electricity within the present and future limits of the City. Distribution Facilities do not include any of the following: (i) electric transmission lines with a design operating voltage of 46 kilovolts or greater (hereafter referred to as "Transmission Lines"); (ii) poles, towers, frames, or other supporting structures for Transmission Lines (hereafter referred to as "Transmission Structures"); (iii) Transmission Lines and related wires, cables, conductors, insulators, or other apparatus attached to Transmission Structures; (iv) lines, wires, cables, or conductors installed in concrete-encased ductwork; or (v) network underground facilities.

Section II. – Terms and Considerations.

Be it further ordained that the rights, permission and consents herein contained are made for the following considerations and upon the following terms and conditions, to-wit:

1. Cobb EMC shall pay into the treasury of the City on or before March 1st of each year, a sum of money equal to four percent (or the percentage of gross sales paid by Georgia Power Company as the primary supplier pursuant to O.C.G.A. § 46-3-14 as may be amended from time to time) of the gross sales of electric energy to customers served under residential and commercial rate schedules (as prescribed or amended by the Georgia

Public Service Commission from time to time) within the corporate limits of the City and such expanded limits as may be annexed and four percent of the gross sales of electric energy to customers served under industrial rate schedules (as so prescribed) within the corporate limits of the City during the immediate prior year.

2. The amount, if any, of any tax, fee, charge or imposition of any kind required, demanded or exacted by the City on any account, other than ad valorem taxes on property and license taxes on the sale of home appliances, shall operate to reduce to that extent the amount due from the percentage of gross sales above provided for.
3. Cobb EMC shall fully protect, indemnify and save harmless the City from all damages to person or property caused by the construction, maintenance, operation or extension of its Distribution Facilities resulting there from, for which the said City would otherwise be liable.
4. Cobb EMC shall, in constructing, maintaining, operating and extending its poles, wires and other apparatus, submit and be subject to all reasonable exercises of the police power by the City. Nothing contained herein, however, shall require Cobb EMC to surrender or limit its property rights created hereby without due process of law, including adequate compensation, for any other purpose at the instance of the City or for any purpose at the instance of any other entity, private or governmental.
5. In the event that the City or any other entity acting on behalf of the City requests or demands that Cobb EMC relocate any Distribution Facilities from their then-current locations within the streets, alleys, and public places of the City in connection with a public project or improvement, then Cobb EMC shall relocate, at its expense, the Distribution Facilities affected by such project or improvement. Cobb EMC's obligations under this paragraph shall apply without regard to whether it has acquired, or claims to have acquired, an easement or other property right with respect to such Distribution Facilities and shall not affect the amounts paid or to be paid to the City under the provisions of the 1981 Agreement. Notwithstanding the foregoing provisions of this paragraph, Cobb EMC shall not be obligated to relocate, at its expense, any of the following: (i) Distribution Facilities that are located on private property at the time relocation is requested or demanded; (ii) Distribution Facilities that are relocated in connection with sidewalk improvements (unless such sidewalk improvements are related to or associated with road widenings, the creation of new turn lanes, or the addition of acceleration/deceleration lanes); (iii) streetscape projects or other projects undertaken primarily for aesthetic purposes; or (iv) Distribution Facilities that are converted from an overhead configuration or installation to an underground configuration or installation.
6. The City and Cobb EMC recognize that both parties benefit from economic development within the City. Accordingly, when it is necessary

to relocate any of Cobb EMC's facilities (whether Distribution Facilities, Transmission Lines, Transmission Structures, or other facilities) within the City, the City and Cobb EMC shall work cooperatively to minimize costs, delays, and inconvenience to both parties while ensuring compliance with applicable laws and regulations. In addition, the City and Cobb EMC shall communicate in a timely fashion to coordinate projects included in the City's five-year capital improvement plan, the City's short-term work program, or the City's annual budget in an effort to minimize relocation of Cobb EMC's facilities. Such communication may include, but is not limited to, (i) both parties' participation in the Georgia Utilities Coordinating Council, Inc. (or any successor organization) or a local utilities coordinating council (or any successor organization) and (ii) both parties' use of the National Joint Utility Notification System (or any successor to such system mutually acceptable to both parties).

7. With regard to each streetscape project undertaken by or on behalf of the City, the City shall pay Cobb EMC in advance for Cobb EMC's estimated cost to relocate any of its facilities (whether Distribution Facilities, Transmission Lines, Transmission Structures, or other facilities) in connection with such project. For each streetscape project, Cobb EMC shall estimate in good faith the amount of incremental base revenue, if any, that it will realize as a result of new customer load or expansion of existing customer load attributable to such project; and such estimate shall be based on tariffs in effect at the time that construction of such project begins and shall not include fuel recovery charges, non-electric service billings, or taxes. If such estimate indicates that Cobb EMC will realize incremental base revenue, Cobb EMC shall do one of the following, whichever results in greater cost savings to the City: (i) reduce the City's advance payment to Cobb EMC for relocation costs by ten percent (10%); or (ii) where the City has developed a bona fide marketing plan within twelve months after construction of such project begins, either refund the amount of Cobb EMC's incremental base revenue during such twelve-month period to the City or credit such amount against any future payment due from the City to Cobb EMC. The City and Cobb EMC acknowledge and agree that the amount of any refund or credit calculated pursuant to clause (ii) of the foregoing sentence of this paragraph 4 shall not exceed the amount of the City's advance payment to Cobb EMC for relocation costs associated with such project.
8. With regard to any Small Wireless Facilities as defined in O.C.G.A. § 36-66C-1 et. seq. (as may be amended from time to time) that are attached to or co-located on Distribution Facilities, in addition to the franchise fees paid under paragraph 1 of this agreement, the City reserves the right to charge the provider and/or Cobb EMC fees that are commensurate with those permitted under O.C.G.A. § 36-66C-5 (as may be amended from time to time).

Section III. – Limits or Restricts.

Be it further ordained that nothing contained in this Ordinance shall limit or restrict the right of customers within the corporate limits of the City to select an electric supplier as may hereafter be provided by law.

Section IV. – Filing of written acceptance.

Be it further ordained that Cobb EMC shall, within 90 days from the approval of this ordinance, file its written acceptance of the same with the clerk of said City, so as to form a contract between the parties.

Section V. – Repeal of conflicting provisions.

Be it further ordained that upon such acceptance all laws and ordinances, and all agreements between the parties, in conflict herewith be and the same shall thereupon stand repealed and terminated, respectively.”

Section VI. – Enforcement.

The terms of this Ordinance shall survive any change in State law or Georgia Public Service Commission ruling regarding the imposition of fees for occupying the City right of way, unless such change increases the percentage by which a municipal governing authority may charge an electric supplier for occupying City right of way, and in that event, any such increase shall be honored by Cobb EMC upon the effectiveness of any such law through the term of this Ordinance.

PART 2

This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SO ORDAINED this _____ day of _____, 2020.

CITY OF KENNESAW

By: _____
Derek Easterling, Mayor

ATTEST:

Lea Addington, City Clerk

8000 Legals

dennor has prayed to the Court for immediate possession of said property, and all persons having any interest in or claim against such property, as herein set forth, are required to deliver up to Cobb County, Georgia, the full, peaceable, lawful and quiet possession of the public road system within Cobb County and are more particularly described in the legal description attached hereto as Exhibit "A".

This 15th day of June, 2020.
s/Rebecca Keaton, CLERK,
COBB SUPERIOR COURT
EXHIBIT A

Fee Simple Right-of-Way:

All that tract or parcel of land lying and being in Land Lot 98, 20th District, Second Section of Cobb County, Georgia, being more particularly described as follows:

BEGINNING at Point DE20013, said point being located 32.36 feet left of and opposite station 420+60.92 on the construction centerline laid out for MCCOLLUM PKWY; thence running 174.65 feet along the arc of a curve, (said curve having a radius of 1472.00 feet and a chord distance of 174.54 feet on a bearing of N 29°16'50.6" W) to Point DE20014, said point being located 31.32 feet left of and opposite station 422+39.38 on the construction centerline laid out for MCCOLLUM PKWY; thence running 7.04 feet along the arc of a curve, (said curve having a radius of 8.30 feet and a chord distance of 6.83 feet on a bearing of S 56°58'45.0" E) to Point 269, said point being located 28.54 feet left of and opposite station 422+33.02 on the construction centerline laid out for MCCOLLUM PKWY; thence running 163.54 feet along the arc of a curve, (said curve having a radius of 1458.00 feet and a chord distance of 163.45 feet on a bearing of S 29°28'46.7" E) to Point 115, said point being located 28.89 feet left of and opposite station 420+66.26 on the construction centerline laid out for MCCOLLUM PKWY; thence S 71°44'29.1" W back to the POINT OF BEGINNING. Said tract containing 535.96 square feet (0.012 acres) more or less.

Temporary Construction Easement:

All that tract or parcel of land lying and being in Land Lot 98, 20th District, of the Second Section, Cobb County, Georgia, being more particularly described as follows:

BEGINNING at Point 114, said point being located 44.39 feet left of and opposite station 420+41.94 on the construction centerline laid out for MCCOLLUM PKWY; thence N 34°42'48.1" W a distance of 150.41 feet to Point DE30028, said point being located 40.00 feet left of and opposite station 421+97.72 on the construction centerline laid out for MCCOLLUM PKWY; thence N 56°39'29.1" E a distance of 29.29 feet to Point DE30029, said point being located 31.58 feet left of and opposite

8000 Legals

the description of the contents are household goods and furnishings. Suzanne Tidwell unit #A42. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.

6:26; 7:3-2020
6:26; 7:3-2020

NOTICE OF PUBLIC HEARING CITY OF KENNESAW

Notice is hereby given the Mayor and Council of the City of Kennesaw, Georgia will conduct public hearings on July 6 and July 20, 2020 at 6:30 p.m. in the City Council Chambers, Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144 to consider an Ordinance to grant permission and consent to Cobb Electric Membership Corporation, its successors, lessees, and assigns, to occupy the streets and public places of the City of Kennesaw, Georgia, in constructing, maintaining, operating and extending poles, lines, cables, equipment and other apparatus for transmitting and distributing electricity, and for other purposes and to repeal conflicting ordinances. A copy of the proposed Ordinance is on file in the Office of the City Clerk during normal business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. for public viewings.

6:26; 7:3-2020

MDJ-7571

GNP-17

STORAGE TREASURES AUCTION

Extra Space Storage will hold a public auction to sell personal property described below belonging to those individuals listed below at the location indicated: 2619 Austell RD SW, Marietta, GA 30008 on July 15, 2020 at 11:00 AM.

Unit Number	Account	Description of goods
1208	Allen Edward Donald Household	
1301	Kendra Keemer Household	
1314	Deminika Clark Boxes, Beds	
1317	Michael Delong tool, household items, furniture, clothing	
1322	Chris McClendon tools, misc. items	
1329A	Betty Broussard boxes, toys	
1338	Xiomara Ramirez Household items	
1418	Taneshia Kibodeaux bed, sofa, boxes, dishes	
208	Vincent Nelson Large furniture	
215	Percy Broussard House Hold Items	
324	Joiner Margaret House Hold Items	
714	Earnest Evans Mattress, Granite counter tops, Dresser set, Tools	

The auction will be listed and advertised on www.storageauctions.com. Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.

8000 Legals

made a part of the record in the proceedings.

The said property, as thus affected, is described as follows: the title, estate, or interest in lands, required by Condemnor and now taken by Condemnor for public road use and land necessary

to file with the Court a Notice to Appeal, the same to be in writing and made a part of the record in the proceedings. The said property, as thus affected, is described as follows: the title, estate, or interest in lands, required by Condemnor and now taken by Condemnor for public road use and land necessary

to file with the Court a Notice to Appeal, the same to be in writing and made a part of the record in the proceedings. The said property, as thus affected, is described as follows: the title, estate, or interest in lands, required by Condemnor and now taken by Condemnor for public road use and land necessary

Temporary Construction Easement:

Area 1:

All that tract or parcel of land lying and being in Land Lot 870, 16th District, Second Section of Cobb County, Georgia, being more particularly described as follows:

BEGINNING at Point DE30052, said point being located 37.00 feet right of and opposite station 53+07.90 on the construction centerline laid out for TURNER ROAD; thence S 88°13'58.7" E a distance of 62.10 feet to Point DE30057, said point being located 37.00 feet right of and opposite station 53+70.00 on the construction centerline laid out for TURNER ROAD; thence S 26°26'04.4" E a distance of 11.91 feet to Point DE30060, said point being located 47.50 feet right of and opposite station 53+75.63 on the construction centerline laid out for TURNER ROAD; thence N 88°13'58.7" W a distance of 74.47 feet to Point DE30061, said point being located 47.50 feet right of and opposite station 53+01.16 on the construction centerline laid out for TURNER ROAD; thence N 34°27'56.6" E a distance of 12.48 feet back to the POINT OF BEGINNING. Said tract containing 716.98 square feet (0.016 acre) more or less.

Area 2:

All that tract or parcel of land lying and being in Land Lot 870, 16th District, Second Section of Cobb County, Georgia, being more particularly described as follows:

BEGINNING at Point DE30058, said point being located 50.80 feet left of and opposite station 105+53.34 on the construction centerline laid out for

8000 Legals

to file with the Court a Notice to Appeal, the same to be in writing and made a part of the record in the proceedings.

The said property, as thus affected, is described as follows: the title, estate, or interest in lands, required by Con-

demnor and now taken by Condemnor for public road use and land necessary

to file with the Court a Notice to Appeal, the same to be in writing and made a part of the record in the proceedings. The said property, as thus affected, is described as follows: the title, estate, or interest in lands, required by Condemnor and now taken by Condemnor for public road use and land necessary

Said tract containing 2,388.95 square feet (0.055 acre) more or less.

Temporary Construction Easement:

All that tract or parcel of land lying and being in Land Lot 870, 16th District, Second Section of Cobb County, Georgia, being more particularly described as follows:

BEGINNING at Point DE30054, said point being located 23.37 feet right of and opposite station 51+15.27 on the construction centerline laid out for TURNER ROAD; thence S 81°30'11.5" E a distance of 116.31 feet to Point DE30053, said point being located 37.00 feet right of and opposite station 52+30.78 on the construction centerline laid out for TURNER ROAD; thence S 88°13'58.7" E a distance of 77.12 feet to Point DE30052, said point being located 37.00 feet right of and opposite station 53+07.90 on the construction centerline laid out for TURNER ROAD; thence S 34°27'56.6" W a distance of 12.48 feet to Point DE30061, said point being located 47.50 feet right of and opposite station 53+01.16 on the construction centerline laid out for TURNER ROAD; thence N 88°13'58.7" W a distance of 122.16 feet to Point DE30029, said point being located 47.50 feet right of and opposite station 51+79.00 on the construction centerline laid out for TURNER ROAD; thence N 72°17'15.3" W a distance of 53.04 feet to Point DE30030, said point being located 32.93 feet right of and opposite station 51+28.00 on the construction centerline laid out for TURNER ROAD; thence N 51°19'23.5" W a distance of 15.92 feet back to the POINT OF BEGINNING. Said tract containing 2,156.54 square feet (0.05 acre) more or less.

Said easements will expire twenty-four (24) months from date of filing.

6:26; 7:3, 2020

MDJ-7551

8000 Legals

MDJ-7670
GNP-09
NOTICE OF INTENT FOR
EMERGENCY CHANGE TO
POLLING PLACE LOCATION
NOTICE IS HEREBY GIVEN to the voters of precinct VININGS 03, located

in VININGS 03, located in the City of Marietta, Georgia, that the location of the polling place for the precinct is being changed from the current location to the new location as stated above.

Vehicle make: CHEVROLET Year: 2015 Model: SONIC
Vehicle ID#: 1G1JC6S3F4112514 Vehicle License: WAU282 State: GA
Vehicle make: SUBARU Year: 2015 Model: IMPREZA
Vehicle ID#: JF1GJAAF024324 Vehicle License: AT44816 State: CT
Vehicle make: AUDI Year: 2010 Model: A4
Vehicle ID#: WAUBFAFL2AN015700 Vehicle License: PNKKIRK State: OH
Anyone with an ownership interest in any of these vehicles should contact the following business immediately:

K.O. Towings, 344 Kathleen Dr. Se, Marietta, GA 30067. 770-650-1413
6:26; 7:3-2020

MDJ-7672

GNP-17

ABANDONED MOTOR VEHICLE

PETITION AND VERIFICATION

You are hereby notified, in accordance with O.C.G.A. Section 40-11-19.1, that petitions were filed in the Magistrate Court of Cobb County to foreclose liens against the vehicles listed below for all amounts owed. If a lien is foreclosed, the Court shall order the sale of the vehicle to satisfy the debt. The present location of the vehicle is: 344 Kathleen Dr. Se, Marietta, GA 30067. Anyone with an ownership interest in a vehicle listed herein may file an answer to the petition on or before: 07/13/2020. Answer forms may be found in the Magistrate Court Clerk's office located at: 32 Waddell St SE, Marietta, GA 30090. Forms may also be obtained online at www.georgiamagistratecouncil.com

Vehicle make: ACURA Year: 1998 Model: 3.5RL
Vehicle ID# JH4KA9649WC002100 Vehicle License #: RAA3735 State: GA
Magistrate Court Case No.: 20-L-01541
Vehicle make: TOYOTA Year: 2005 Model: COROLLA MATRIX
Vehicle ID# 2TKR32EX5C377800 Vehicle License #: NONE State: Georgia
Magistrate Court Case No.: 20-L-01542
Vehicle make: TOYOTA Year: 2007 Model: CAMRY CE/LE/XLE/SE
Vehicle ID# 4T1BE46K57U642982 Vehicle License #: 65TCD State: IN
Magistrate Court Case No.: 20-L-01545
Vehicle make: TOYOTA Year: 1999 Model: CAMRY
Vehicle ID# 4T1BF28K4XU932824 Vehicle License #: NONE State: Georgia
Magistrate Court Case No.: 20-L-01547

6:26; 7:3-2020

MDJ-7712

GNP-17

ABANDONED MOTOR VEHICLE

8000 Legals

YEAR: 2007 VEHICLE MODEL: F-150
VEHICLE ID# 1FTRX12W07FA72599
TAG: C73016 STATE: LA
MAGISTRATE COURT CASE NO: 20-L-01564
VEHICLE MAKE: GMC VEHICLE YEAR: 2017 VEHICLE MODEL: TERRANO

Vehicle ID# WD8EAS1E7NB580951 TAG: RMQ0972 STATE: GA
MAGISTRATE COURT CASE NO: 20-L-01572
VEHICLE MAKE: MITSUBISHI VEHICLE YEAR: 1998 VEHICLE MODEL: ECLIPSE
Vehicle ID# 4A3AK54F8WE048767 TAG: PAF9360 STATE: GA
MAGISTRATE COURT CASE NO: 20-L-01561

VEHICLE MAKE: NISSAN VEHICLE YEAR: 2008 VEHICLE MODEL: ALTIMA 2052.5 S2.5 SL
Vehicle ID# 1N4AL21E58C271718 TAG: RRZ1173 STATE: GA
MAGISTRATE COURT CASE NO: 20-L-01560
VEHICLE MAKE: NISSAN VEHICLE YEAR: 2005 VEHICLE MODEL: ALTIMA
Vehicle ID# 1N4AL11D65C955240 TAG: RSN6360 STATE: GA
MAGISTRATE COURT CASE NO: 20-L-01586
VEHICLE MAKE: SATURN VEHICLE YEAR: 2007 VEHICLE MODEL: AURA

Vehicle ID# 1G8ZS57N47F285206 TAG: NO TAG STATE: MAGISTRATE COURT CASE NO: 20-L-01562
VEHICLE MAKE: TOYOTA VEHICLE YEAR: 1996 VEHICLE MODEL: COROLLA
Vehicle ID# 1NXBB02E0TZ416697 TAG: B0S6616 STATE: GA
MAGISTRATE COURT CASE NO: 20-L-01567

VEHICLE MAKE: TOYOTA VEHICLE YEAR: 2001 VEHICLE MODEL: SEQUOIA
Vehicle ID# 5TDZT34A51S017698 TAG: RRU6460 STATE: GA
MAGISTRATE COURT CASE NO: 20-L-01570
VEHICLE MAKE: VOLKSWAGEN VEHICLE YEAR: 2000 VEHICLE MODEL: JETTA
Vehicle ID# 3VWSA29M6YM174023 TAG: NO TAG STATE: MAGISTRATE COURT CASE NO: 20-L-01578
VEHICLE MAKE: VOLKSWAGEN VEHICLE YEAR: 2003 VEHICLE MODEL: JETTA
Vehicle ID# 3VWRK69M23M133724 TAG: RQU3379 STATE: GA
MAGISTRATE COURT CASE NO: 20-L-01584

VEHICLE MAKE: INTERNATIONAL VEHICLE YEAR: 2006 VEHICLE MODEL: 3200
Vehicle ID# 1HVBTAAM06H319510 TAG: KMS1803 STATE: TX
MAGISTRATE COURT CASE NO: 20-L-00051

6:26; 7:3-2020

MDJ-7712

GNP-17

ABANDONED MOTOR VEHICLE

SHOULD include the Project and P. I. Numbers as noted at the top of this notice.

6:12,19,26;7:3-2020

**MDJ-7422
GPN-14
NOTICE OF SERVICE BY
PUBLICATION**

Alline Millsaps v. Land Known as 391 Fairview Lane, located in Land Lot 2 of the 16th District of the Second Section of Cobb County, (Map/Parcel # 16113700050), Roy P. Varner, Individually and as the Executor of the Estate of Ione Lee Varner, Known and Unknown Heirs of Ione Lee Varner, and All other persons known or unknown who may claim an interest in said land
**CIVIL ACTION FILE NO. 20100964
SUPERIOR COURT OF
COBB COUNTY**

To: ROY P. VARNER, INDIVIDUALLY AND AS THE EXECUTOR OF THE ESTATE OF IONE LEE VARNER, ESTATE OF IONE LEE VARNER, UNKNOWN HEIRS OF FRANCES VARNER MEEK, POLLY ANN MEEK, THOMAS EDWARD MEEK, UNKNOWN HEIRS OF EVELYN VARNER CARSON, WILLIAM HOWARD CARSON, III, UNKNOWN HEIRS OF LOWELL VARNER AKA JAMES LOWELL VARNER, JAN LOUISE VARNER, MELISSA VARNER DYER, UNKNOWN HEIRS OF EMILY MARIE VARNER ELLER AKA EMILY B. VARNER-RUDDER, PAUL JONES VARNER, III, DEBORAH VARNER RAWLS, UNKNOWN HEIRS OF PAUL JONES VARNER, JR., AND ALL OTHER PERSONS WHO MAY CLAIM AN INTEREST IN SAID LAND.

You are hereby notified pursuant to Order of Superior Court of Cobb County Judge Robert E. Flournoy, III, dated May 7, 2020, that a Petition to Quiet Title with the above referenced title was filed on February 7, 2020, in the Superior Court of Cobb County by Alline Millsaps ("Petitioner"). The Petition, if granted, will declare Petitioner to be the fee simple owner of that tract or parcel of land located in Land Lot 2 of the 16th District of Cobb County, Georgia, and fully described at Exhibit "A" to the Petition. You are hereby given notice of this action and

A020 Joe Ward
Boxes, ToolBox, Dollies
C013 Aaron Simpson
Suitcase, Totes, Clothing
C017 Maddison Burns
Bags, Books, Suitcase
C026 Shelina Dottery
Bed Frame, Bed Headboard, Boxes
C033 Tamika Hall
Bags, Clothing, Lomp Table
C63 Charles Simmons
Box Spring, Mattress, Boxes
C56 Tasia Williams
Bench Chair, Picture, TV Stand
D006 Kevin Allendale
Sofa, Suitcase, Dresser
E001 Hussein Elkhaili
Totes, Hoses, Tires
F115 Tony Gonzales
Boxes, Clothing, Dresser
F062 Wendy Muller
Box Spring, Mattress, Suitcase
7:3,10-2020

**MDJ-7473
GPN-14
NOTICE OF LOCATION AND
DESIGN APPROVAL
P.I. 0015051
COBB COUNTY**

Notice is hereby given in compliance with Georgia Code 22-2-109 and 32-3-5 that the Georgia Department of Transportation has approved the Location and Design of this project. The date of location and design approval is: June 10, 2020. The proposed project is located 7 miles southeast of Marietta, Georgia in Cobb County and will provide ramp access to/from Akers Mill Rd to the reversible I-75 Express Lane system. The project is located in Land District 17 and Land Lots 946, 947, 980, 981, 1012, and 1013. The project proposes ramp access to/from Akers Mill Rd to the reversible I-75 Express Lane system. The proposed ramp is to be constructed within the existing I-75 median, requiring restriping of the I-75 general purpose lanes in the immediate area and modifications to the existing Akers Mill Road bridge for the ramp connection. The project begins approximately 400 ft south of the existing Akers Mill Bridge over I-75 and ends approximately 275 ft south of the existing Windy Ridge Parkway bridge over I-75 for a total project mainline length of

**MDJ-7488
GPN-17
PUBLIC AUCTION**
Notice is hereby given that Extra Space Storage will sell at public auction, to satisfy the lien of the owner, personal property described below belonging to those individuals listed below at location indicated: Extra Space Storage 5218 Oakdale RD SE Smyrna, GA 30082 470-270-0441
07/15/2020 at 5:00pm

7085 Shayla Hamilton (Household items)
7043 Odessa Scott (Household items)
7029 Oronde Hawkins (household items)
6116 William Buchanan (household items)
6107 Keith Braswell (Household items)
6097 Alexis Beniamin (household items)
5076 Andrew Gardiner (household items)
5015 Latavia Snell (Household items)
4096 Jeanne Keane (household items)
4088 Horace Mann (household items)
4080 Henkel Corporation (household items)
4039 Alonzo Crane (household items)
3010 Jasmine Mitchell (household items)
2000 LaVasia Bullard (household items)
The auction will be listed and advertised on www.storage-treasures.com. Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property

7:3,10-2020

**MDJ-7496
GPN-17
NOTICE OF PUBLIC AUCTION**
In accordance with the provisions of State law, there being due and unpaid charges for which the undersigned is entitled to satisfy on owner and/or manager's lien of the goods hereinafter described and stored at the Life Storage location(s) listed below.

To satisfy the owner's storage lien, PS Orange Co. Inc. will sell at public lien sale on July 15, 2020, the personal property in the below-listed units, which may include but are not limited to: household and personal items, office and other equipment. The public sale of these items will begin at 09:30 AM and continue until all units are sold. Lien sale to be held at the online auction website, www.storage-treasures.com, where indicated. For online lien sales, bids will be accepted until 2 hours after the time of the sale specified.

PUBLIC STORAGE # 25738, 2253 Dallas Hwy SW, Marietta, GA 30064, (404) 618-0334

Time: 09:30 AM
Sale to be held at www.storage-treasures.com.

3086 - Chapman, George
PUBLIC STORAGE # 28146, 45 Whitlock Place SW, Marietta, GA 30064, (678) 905-7378

Time: 09:30 AM
Sale to be held at www.storage-treasures.com.

511 - Biogus, Patricia; 608 - Fohnestock, Justin; 611 - Cooper, Willie
PUBLIC STORAGE # 28148, 201 Cobb Parkway, North, Marietta, GA 30062, (678) 981-6217

Time: 10:00 AM
Sale to be held at www.storage-treasures.com.

A033 - HARRELL, AYISHA; C007 - Smith, Tanisha; C047 - Gonzalez, Francisco; C068 - MYERS, JACKSON; E002 - Townsend, Tommie; E004F - Davis, Keisha; E007F - Rutherford, Tylisha; E018 - Tiliacos, John; E025D - Allen, Ouida

PUBLIC STORAGE # 26810, 895 Cobb Parkway North, Marietta, GA 30062, (678) 905-6871

Time: 10:30 AM
Sale to be held at www.storage-treasures.com.

A002 - Tenner, Edward; B014 - Winfree, Cynthia; C038 - Curtis, Ashley; C049 - Bullock, Laquanta; C088 - Belts, Rolando; D016 - Great Faith Pentecostal Tlaga, Brent; E027 - Leal, Ramiro; F002 - Salgado, Sergio; F018 - Roberts, Tanya

PUBLIC STORAGE # 29134, 1285 Kennesaw Circle, Marietta, GA

Time: 10:30 AM
Sale to be held at www.storage-treasures.com.

A011 - Williams, Daquan; D052 - Drake, Warren

B081 - Brown, Latoscha; B130 - Keitam, Willie; B193 - Jones, Alethia; D016 - Williams III, Willis; D035 - Carroll, crystal; D065 - Washington, Helen; D096 - Rolle, Ebonica; D193 - Crawford, Lisa; D213 - Mesquita, Elleen

Public sale terms, rules, and regulations will be made available prior to the sale. All sales are subject to cancellation. We reserve the right to refuse any bid. Payment must be in cash or credit card-no checks. Buyers must secure the units with their own personal locks. To claim tax-exempt status, original RESALE certificates for each space purchased is required. By PS Orangeco, Inc., 701 Western Avenue, Glendale, CA 91201. (818) 244-8080.

6:26; 7:3-2020

**MDJ-7515
GPN-17**

NOTICE OF PUBLIC SALE

To satisfy the owner's storage lien, PS Orange Co. Inc. will sell at public lien sale on July 23, 2020, the personal property in the below-listed units, which may include but are not limited to: household and personal items, office and other equipment. The public sale of these items will begin at 09:30 AM and continue until all units are sold. Lien sale to be held at the online auction website, www.storage-treasures.com, where indicated. For online lien sales, bids will be accepted until 2 hours after the time of the sale specified.

PUBLIC STORAGE # 00502, 1795 Cobb Parkway S, Marietta, GA 30060, (404) 596-5374 Time: 09:30 AM Sale to be held at www.storage-treasures.com.

B073 - Arnold, Mokayla
PUBLIC STORAGE # 26801, 3300 Austell Road SW, Marietta, GA 30008, (678) 905-3289 Time: 10:00 AM Sale to be held at www.storage-treasures.com.

A011 - Williams, Daquan; D052 - Drake, Warren

Public sale terms, rules, and regulations will be made available prior to the sale. All sales are subject to cancellation. We reserve the right to refuse any bid. Payment must be in cash or credit card-no checks. Buyers must secure the units with their own

7/15/2020 at 12:00 PM. Unless stated otherwise the description of the contents are household goods and furnishings. Channell Crawford unit #1C35; Darryl Strickland unit #1D38; Taylor Harrison unit #1F47; Jay Roper unit #CP240. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.

6:26; 7:3-2020

**MDJ-7566
GPN-17**

**STORAGE TREASURES AUCTION
ONE FACILITY MULTIPLE UNITS**
Extra Space Storage will hold a public auction to sell personal property described below belonging to those individuals listed below at the location indicated: 1587 Tibarron Pkwy SE Smyrna, GA 30080 July 15th, 2020 at 4:00 PM
Solyn Zachary 2074
Solon furniture
Amber Currie 2156

Bed, couch, washer, dryer, misc items, clothes, boxes, mattress
Dorcos Brown 2188
Boxes of clothes and shoes
Jasmine Williams 4015
2 Bedrooms; living room
Breck Grace 4034
Hand tools; tool boxes
Lenise Williams-Bryant 4036
Household goods
Sheremka Stephens 4137
2 bedroom apartment furniture
Jomech Roy 4142
King size bed, 2 dressers, sofa
Angela Routh 4198
Usps uniforms, purses, clothes, boxes
The auction will be listed and advertised on www.storage-treasures.com. Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.

7:3,10-2020

**MDJ-7571
GPN-16**

**NOTICE OF PUBLIC HEARING
CITY OF KENNESAW**
Notice is hereby given the Mayor and Council of the City of Kennesaw, Georgia will conduct public hearings on

8000 Legals

July 6 and July 20, 2020 at 6:30 p.m. in the City Council Chambers, Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144 to consider an Ordinance to grant permission and consent to Cobb Electric Membership Corporation, its successors, lessees, and assigns, to occupy the streets and public places of the City of Kennesaw, Georgia, in constructing, maintaining, operating and extending poles, lines, cables, equipment and other apparatus for transmitting and distributing electricity, and for other purposes and to repeal conflicting ordinances. A copy of the proposed Ordinance is on file in the Office of the City Clerk during normal business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. for public viewing.

6:26; 7:3-2020

MDJ-7574
GPN-17

STORAGE TREASURES AUCTION
Extra Space Storage will hold a public auction to sell personal property described below belonging to those individuals listed below at the location indicated: 2619 Austell RD SW, Marietta, GA 30008 on July 15, 2020 at 11:00 AM.

Unit Number Account Description of goods
1208 Allen Edward Donald Household
1301 Kendra Keemer Household
1314 Deminika Clark Boxes, Beds
1317 Michael Delong tool, household items, furniture, clothing
1322 Chris McClendon tools, misc. items
1332A Betty Broussard boxes, totes
1338 Xiomara Ramirez Household items
1418 Tanesha Kibodeaux bed, sofa, boxes, dishes
208 Vincent Nelson Large furniture
215 Percy Broussard House Hold Items
234 Joiner Margaret House Hold Items
714 Earnest Evans Mattress, Granite counter tops, Dresser set, Tools
The auction will be listed and advertised on www.storage-treasures.com.

8000 Legals

11:00 am sharp for the following units.
1. UNIT 210 VINCENT A HALODA SEVERAL BLUE 55-GAL PLASTIC DRUMS, Mason Jars, Wet Vac, Tires, a Commode, cases of Lamp Oil, Cases of Sterno, Bamboo Shades and misc. Items.

7:3,10-2020

MDJ-7632

GPN-11

PUBLIC AUCTION

Extra Space Storage will hold a public auction to sell personal property described below belonging to those individuals listed below at the location indicated on July 21, 2020 at 1:00 PM
Extra Space Storage
1046 Richard D. Sailors Pkwy.
Powder Springs, GA 30127

The personal property stored therein by the following may include, but are not limited to general household furniture, boxes, clothes, and appliances.
2066 Herman Berry-Roche Household items

The auction will be listed and advertised on www.storage-treasures.com. Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.

7:3,10-2020

MDJ-7649

gpn14

IN THE SUPERIOR COURT
OF COBB COUNTY

STATE OF GEORGIA

CASE NO.: 20-1-03542-53

COBB COUNTY, GEORGIA

Condemnor,

v.

The hereinafter described lands and rights in lands, AMELIA PARTNERS, LLC, as successor by name change and conversion to MARIETTA LAND COMPANY AND AMELIA PART-

8000 Legals

Point DE30061, said point being located 47.50 feet right of and opposite station 53+01.16 on the construction centerline laid out for TURNER ROAD; thence N 34°27'56.6 E a distance of 12.48 feet back to the POINT OF BEGINNING. Said tract containing 716.98 square feet (0.016 acre) more or less.

Area 2:

All that tract or parcel of land lying and being in Land Lot 870, 16th District, Second Section of Cobb County, Georgia, being more particularly described as follows:

BEGINNING at Point DE30058, said point being located 50.80 feet left of and opposite station 105+53.34 on the construction centerline laid out for BELLS FERRY ROAD; thence S 26° 26'04.4 E a distance of 15.64 feet to Point DE30056, said point being located 36.50 feet left of and opposite station 105+47.00 on the construction centerline laid out for BELLS FERRY ROAD; thence S 13°19'29.1 W a distance of 24.53 feet to Point DE30055, said point being located 25.57 feet left of and opposite station 105+25.00 on the construction centerline laid out for BELLS FERRY ROAD; thence N 50° 10'40.9 W a distance of 11.17 feet to Point DE30059, said point being located 36.75 feet left of and opposite station 105+25.00 on the construction centerline laid out for BELLS FERRY ROAD; thence N 13°19'29.1 E a distance of 31.56 feet back to the POINT OF BEGINNING. Said tract containing 280.43 square feet (0.006 acre) more or less. Total required (Area 1 and Area 2) containing 997.41 square feet (0.02 acre) more or less.

Said easements will expire twenty-four (24) months from date of taking.

6:26; 7:3, 2020

MDJ-7650

gpn14

IN THE SUPERIOR COURT
OF COBB COUNTY

STATE OF GEORGIA

CASE NO.: 20-1-03541-40

COBB COUNTY, GEORGIA

Condemnor,

8000 Legals

47.50 feet right of and opposite station 51+79.00 on the construction centerline laid out for TURNER ROAD; thence N 72°17'15.3 W a distance of 53.04 feet to Point DE30030, said point being located 32.93 feet right of and opposite station 51+28.00 on the construction centerline laid out for TURNER ROAD; thence N 51°19'23.5 W a distance of 15.92 feet back to the POINT OF BEGINNING. Said tract containing 2,156.54 square feet (0.05 acre) more or less. Said easements will expire twenty-four (24) months from date of taking.

6:26; 7:3, 2020

MDJ-7651

GPN-17

VEHICLE LIENS

You are hereby notified, in accordance with OCGA 40-11-19.1, that petitions were filed in the Magistrate Court of Cobb County to foreclose liens against the vehicles listed below for all amounts owed. If a lien is foreclosed, the Court shall order the sale of the vehicle to satisfy the debt. The present location of the vehicles is: 2261 Dixie Ave SE, Smyrna GA 30080.

Anyone with an ownership interest in a vehicle listed herein may file an answer to the petition on or before **FRI-DAY, JULY 3RD, 2020**.

Answer forms may be found in the Magistrate Court Clerks office located at 32 Waddell St Marietta GA 30090.

Forms may also be obtained online at www.georgiamagistratecouncil.com.
CHRYSLER 2008 PT CRUISER
3A8FY48BX8T189439 RHD8830 GA
20-L-01551

CHEVROLET 2000 EXPRESS 3500
1GCHG35R9Y1146135 RLV3483 GA
20-L-01552

CHEVROLET 2004 TRAILBLAZER
1GNDDT13S242306467 RTR9281 GA
20-L-01553

CADILLAC 2010 SRX
3GYFNAEYXAS500770 NO TAG
20-L-01558

FORD 2006 FREESTYLE
1FMZK03106GA5484 NO TAG
20-L-01557

FORD 2.006 F150 1FTPW04546KD14847

8000 Legals

cle License #: RAA3735 State: GA
Magistrate Court Case No.: 20-L-01541
Vehicle make: TOYOTA Year: 2005
Model: COROLLA MATRIX
Vehicle I.D# 2T1KR32EXSC377800 Vehicle License #: NONE State:
Magistrate Court Case No.: 20-L-01542
Vehicle make: TOYOTA Year: 2007
Model: CAMRY CE/LE/XLE/SE
Vehicle I.D# 4T1BE46K57U642982 Vehicle License #: 65TCD State: IN
Magistrate Court Case No.: 20-L-01545
Vehicle make: TOYOTA Year: 1999
Model: CAMRY

Vehicle I.D# 4T1BF28K4XU932824 Vehicle License #: NONE State:
Magistrate Court Case No.: 20-L-01547
Vehicle make: MERCURY Year: 2002
Model: SABLE LS PREMIUM

Vehicle I.D# 1MEHM5552A646229 Vehicle License #: RKA6616 State: GA
Magistrate Court Case No.: 20-L-01532
Vehicle make: DODGE Year: 1999
Model: RAM 2500

Vehicle I.D# 3B7KF26Z7XM527422 Vehicle License #: NONE State:
Magistrate Court Case No.: 20-L-01540
Vehicle make: GMC Year: 1994
Model: SONOMA

Vehicle I.D# 1GTCS19ZXR8501975 Vehicle License #: PLXG029 State: GA
Magistrate Court Case No.: 20-L-01546
Vehicle make: VOLKSWAGON Year: 2014
Model: JETTA

Vehicle I.D# 3VWD07AJ5EM368161 Vehicle License #: State:
Magistrate Court Case No.: 20-L-01538
Vehicle make: VOLVO Year: 2006
Model: XC90

Vehicle I.D# YV4CY592661254500 Vehicle License #: NONE State:
Magistrate Court Case No.: 20-L-01533
Vehicle make: HONDA Year: 1995
Model: ACCORD EX

Vehicle I.D# 1HGCE6660SA023001 Vehicle License #: ABZ3911 State: GA
Magistrate Court Case No.: 20-L-01536
6:26; 7:3-2020

MDJ-7676
GPN-17

ABANDONED MOTOR VEHICLE
PETITION ADVERTISEMENT

You are hereby notified, in accordance with O.C.G.A. Section 40-11-19.1, that

8000 Legals

MODEL: JETTA
VEHICLE ID# 3VWRK69M23M133724
TAG: RQU3379 STATE: GA
MAGISTRATE COURT CASE NO: 20-L-01584
VEHICLE MAKE: INTERNATIONAL
VEHICLE YEAR: 2006 VEHICLE
MODEL: 3200
VEHICLE ID# 1HVBTAAM06H319510
TAG: KMS1803 STATE: TX
MAGISTRATE COURT CASE NO: 20-L-00051

6:26; 7:3-2020

MDJ-7705

GPN-17

NOTICE OF PUBLIC AUCTION
In accordance with the provisions of State law, there being due and unpaid charges for which the undersigned is entitled to satisfy an owner and/or manager's lien of the goods hereinafter described and stored at the Life Storage location(s) listed below.

1987 Canton Road, Marietta, Ga, 30066
770-424-1724

302 Keeante Thomas
Household Goods/Furniture, Office
Furn/Machines/Equip, TV/Stereo Equip

408 Jenia Hardy
Household Goods/Furniture

2085 Amanda Parsons
Household Goods/Furniture

And, due notice having been given, to the owner of said property and all parties known to claim an interest therein, and the time specified in such notice for payment of such having expired, the goods will be sold to the highest bidder or otherwise disposed of at a public auction to be held online at www.StorageTreasures.com, which will end on Tuesday, July 28 2020 @ 10:00 AM

7:3,10-2020

MDJ-7707

GPN-17

NOTICE OF PUBLIC AUCTION
In accordance with the provisions of State law, there being due and unpaid charges for which the undersigned is entitled to satisfy an owner and/or manager's lien of the goods hereinafter described and stored at the Life Storage location(s) listed below.

1987 Canton Road, Marietta, Ga, 30066
770-424-1724

302 Keeante Thomas
Household Goods/Furniture, Office
Furn/Machines/Equip, TV/Stereo Equip

408 Jenia Hardy
Household Goods/Furniture

2085 Amanda Parsons
Household Goods/Furniture

And, due notice having been given, to the owner of said property and all parties known to claim an interest therein, and the time specified in such notice for payment of such having expired, the goods will be sold to the highest bidder or otherwise disposed of at a public auction to be held online at www.StorageTreasures.com, which will end on Tuesday, July 28 2020 @ 10:00 AM

7:3,10-2020

MDJ-7707

GPN-17

NOTICE OF PUBLIC AUCTION
In accordance with the provisions of State law, there being due and unpaid charges for which the undersigned is entitled to satisfy an owner and/or manager's lien of the goods hereinafter described and stored at the Life Storage location(s) listed below.

1987 Canton Road, Marietta, Ga, 30066
770-424-1724

302 Keeante Thomas
Household Goods/Furniture, Office
Furn/Machines/Equip, TV/Stereo Equip

408 Jenia Hardy
Household Goods/Furniture

2085 Amanda Parsons
Household Goods/Furniture

And, due notice having been given, to the owner of said property and all parties known to claim an interest therein, and the time specified in such notice for payment of such having expired, the goods will be sold to the highest bidder or otherwise disposed of at a public auction to be held online at www.StorageTreasures.com, which will end on Tuesday, July 28 2020 @ 10:00 AM

7:3,10-2020

MDJ-7707

GPN-17



**Regular Meeting Agenda
7/20/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of June 29, 2020 work session minutes.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
06-29-20 Work Session Minutes	7/8/2020	Minutes

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

City Council
Work Session Meeting Agenda
June 29, 2020 6:30 PM
Council Chambers

I. INVOCATION

II. PLEDGE OF ALLEGIANCE

III. CALL TO ORDER

Mayor Easterling called the regularly scheduled Work Session to order at 6:30 PM from the Council Chambers and via Facebook Live. All members of Council were present. Staff present: City Attorney Randal Bentley, Sr., Attorney Fred Bentley, Jr., Attorney Sam Hensley, Jr., City Manager Jeff Drobney, Assistant City Manager Marty Hughes, City Clerk Lea Addington, Zoning Administrator Darryl Simmons, Business License Supervisor Derek Cox, Economic Development Director Bob Fox, and Parks and Recreation Director Steve Roberts.

IV. ANNOUNCEMENTS

- A. Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center. Mayor and Council will be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link:
<https://www.facebook.com/CityofKennesaw/>
- B. If you are not able to attend a meeting in-person and would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.

V. PRESENTATIONS

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

VII. OLD BUSINESS

VIII. NEW BUSINESS

IX. COMMITTEE AND BOARD REPORTS

X. PUBLIC HEARING(S)

Swearing-in of any witnesses or individuals offering comments on any of the following items.

- A. **FIRST PUBLIC HEARING:** Approval of ORDINANCE to grant Cobb Electric Membership Corporation franchise in City of Kennesaw right of way. This is the first public hearing for an ordinance to grant permission and consent to Cobb Electric Membership Corporation (Cobb EMC), its successors, lessees, and assigns to occupy the streets and public places of the City of Kennesaw, Georgia in constructing, maintaining, operating, and extending poles, lines, cables, equipment and other apparatus for transmitting and distributing electricity and to establish terms, including but not limited to the terms of payment by Cobb EMC to the City, indemnification, relocation of facilities, economic development considerations, and repeal of the current Appendix D. This public hearing was advertised in the June 26, 2020 and July 3, 2020 editions of the Marietta Daily Journal. Legal has reviewed. City Clerk recommends approval.

City Clerk Lea Addington presented the first public hearing for an ordinance to grant Cobb Electric Membership Corporation (Cobb EMC) franchise in City of Kennesaw right of way. It has been duly advertised and will be considered for approval on the July 20, 2020 Mayor and Council meeting at 6:30 PM. It is a continuing relationship with Cobb EMC.

- B. **FINAL PUBLIC HEARING:** Approval of ORDINANCE to amend Appendix A "Unified Development Code," Chapter 1 "General Provisions," Section 1.09.02 "Definitions," adding a new section under Chapter 2, "Zoning Districts," Section 2.06.06 "Special Districts," amending Section 2.02.03 "Table of Land Uses-- Residential Districts" and amending "Required Spaces-- Table 6.06.09A." The proposed code amendments address the housing use that deals directly with purpose built student housing located within city limits. The proposed zoning district to be added to chapter two along with the associated definitions and standards were presented to the Planning Commission at their regularly scheduled meeting February 5, 2020. Don Bergwall motioned to adopt the code amendments and new zoning district as submitted, seconded by SaVaughn Irons. Vote 3-0. Legal reviewed and helped develop. This public hearing item was postponed from the February 17, March 2, March 16, and June 1, 2020 Mayor and City Council meetings. Zoning Administrator, Darryl Simmons, and legal recommend the following public hearings dates: the Planning Commission on August 5, 2020 at 7:00 PM and the Mayor and Council regular meeting on August 17, 2020 at 6:30 PM.

Mayor Derek Easterling shared with Council this agenda item was an administrative error and will be removed from the regular agenda.

XI. CONSENT AGENDA

- A. Approval of the June 15, 2020 Mayor and City Council meeting minutes.
- B. Approval of May 11, May 26, and June 8, 2020 work session minutes.
- C. On June 5, 2020, Oran and Brenda Harris each purchased one (1) lot in the Kennesaw City Cemetery. The lots are located in Section III, Plot 30, Lots C & D. Authorize Mayor to sign the supporting deeds for purchase of the lots. City Clerk recommends approval.

- D. On June 9, 2020, Connie Kunzeman purchased three (3) cemetery lots in the Kennesaw City Cemetery. The lots are located in Section III, Plot 53, Lots E, F, & G. Authorize Mayor to sign the supporting deeds for purchase of the lots. City Clerk recommends approval.

DEPARTMENT REPORTS

XII. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

- A. Consideration for approval of a Beer, Wine and Liquor Package License for Barrett's Wine and Spirits, LLC located at 1635 Old 41 Highway, Suite 110, Kennesaw, GA 30152. Applicant: Sarantsatsral Keeler. The applicant has completed the required alcohol workshop as per Sec. 6-69. Current application and background check results are on file. Sec. 6-42 refers to all locations within 300 feet of a private residence. This location is within 300 feet of a private residence. Sec. 6-42 states the Mayor and Council may waive the distance requirement if the quiet enjoyment of the premises by the residents thereof shall not be adversely affected and the granting of such license shall not have any adverse effect on the private residence. The application stated the applicant had not been arrested, pled guilty or been convicted of any criminal charge. The background check results did not agree with that response on the application. Per Sec. 6-66, any material omission, or untrue or misleading information contained in or left out of an original, renewal or transfer application for any license issued under this chapter shall be unlawful, and shall be the cause for the denial. Finance Director recommends denial. 100.0000.32.1100 Application Fee \$350.00

Business License Supervisor Derek Cox presented the application for a Beer, Wine and Liquor Package License for Barrett's Wine and Spirits, LLC. The application stated the applicant had not been arrested, pled guilty, or been convicted of any criminal charge. The applicant's background check revealed otherwise and per Section 6-66, any material omission or untrue or misleading information contained in or left out of an original, renewal or transfer application shall be the cause for a denial.

This item will remain where it is on the agenda.

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief LINDA DAVIS, 911 Communications Director

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Operations Specialist
JOSHUA GUERRERO, Systems Administration Specialist

XV. PUBLIC WORKS

RICKY STEWART, Public Works Director
ROBBIE BALENGER, Facilities Manager

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum Director
STEVE ROBERTS, Parks and Recreation Director ANN

PARSONS, Smith-Gilbert Gardens Director

- A. Approval of RESOLUTION to award contract for Kennesaw Recreation Center - Phase I SPLOST Project. A Request for Qualifications was advertised in the Marietta Daily Journal for a Construction Manager at Risk (CMAR) for Pre-Construction and Construction Services for the Kennesaw Recreation Center - Phase I. Thirteen qualifications packages were received and opened on December 06, 2019. The thirteen packages were reviewed and ranked by a Selection Committee and the four highest scoring firms were contacted for interviews with the Selection Committee. Based on the evaluation results of the Selection Committee, the Parks & Recreation Director and Croy Engineering recommends award of the contract to Gay Construction Company for a price of \$7,009,984.00 and for the Mayor to sign the attached resolution and contract.

Parks and Recreation Director Steve Roberts presented a resolution to award contract for the Kennesaw Recreation Center – Phase 1 SPLOST project to Gay Construction Company for \$7,009,984.00. Mayor Pro Tem Ferris asked if there will be a construction bond and City Manager Jeff Drobney replied yes, it will have a performance bond as a part of the contract. The estimated length of the project is 12 months according to Zach Buffington with Croy Engineering.

This item will remain where it is on the agenda.

XVII. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director
DARRYL SIMMONS, Zoning Administrator
SCOTT BANKS, Building Official

- A. Final plat review and approval for parcel split of 2535 South Main Street submitted by Steven McNeel. Subject property is zoned light industrial and contains 3.1 +/- acres. The proposed final plat will create two new parcels. Parcel one will have 1.47 acres and parcel two will have 1.63 acres. The property will be redeveloped with office space and warehouse area. The plan review committee recommends approval of the final plat.

Zoning Administrator Darryl Simmons presented the parcel split on 2535 South Main Street. Mayor Pro Tem Ferris asked what the minimum lot size is for a Light Industrial zoning district and Mr. Simmons responded the lots will be above the minimum square footage.

Mayor Easterling recommended moving the item to the Consent Agenda with a visual confirmation from Council.

[Mayor Pro Tem Ferris recused himself from the Council Chambers for item XVII-B].

- B. Approval of as-built final plats for lots 11-13 and lots 14-16 for townhome development identified as Villages @ Fullers Chase. Applicant is Traton Homes LLC. The as-built plats submitted represent the adjusted accurate locations of the townhome units for lots 11-13 and lots 14-16. The plan review committee recommends approval.

Zoning Administrator Darryl Simmons presented the final plats for lots 11-13 and lots 14-16 showing continued progress with selling the townhome units. Councilmember Eaton stated for the record Mayor Pro Tem Ferris recused himself from this item because his property adjoins the development.

[Mayor Pro Tem Ferris returned to the Council Chambers].

- C. DISCUSSION ONLY: Approval of RESOLUTION authorizing the Housing Authority of Cobb County to operate within the corporate limit of the City of Kennesaw for the Sole Purpose of Participating in the Ownership, Renovation and Operation of the Existing Walton Ridenour Project. Walton Communities owns an approximately 250 unit affordable housing project located in the city limits of Kennesaw known as Walton Ridenour Apartment Homes located at 1425 Ridenour Blvd. Walton Communities has the opportunity to receive an allocation of Federal and State of Georgia income tax credits from DCA for the acquisition and rehabilitation of the Walton Ridenour project. To qualify for the tax credits one of the requirements is issuance of tax exempt revenue bonds. The existing Walton Communities cannot own more than 50% of the project. To facilitate change in ownership percentage and to access enterprise agreement provisions of the State of Georgia Housing Authorities Law requires participation in project ownership of a housing authority. The Housing Authority of Cobb County has indicated a willingness to participate in the project based on their excellent experience with Walton Communities and given the fact the City of Kennesaw does not have a housing authority. The Housing Authority of Cobb County has indicated a willingness to share the revenues from the transaction with the City of Kennesaw or one or more of its related entities. Support of the Resolution for the Housing Authority of Cobb County to operate with the City specific to the Walton Ridenour project will a) keep Walton Ridenour Project as a significant part of affordable multifamily housing in Kennesaw, b) continue Walton Communities as owners of Walton Ridenour Project, c) facilitate the renovation of the project, d) not require or burden the City, e) provide an opportunity for the City and related entities to participate in revenue sharing. The City Manager and Economic Development Director recommend approval.

Economic Development Direct Robert Fox presented the discussion item of a resolution authorizing the Housing Authority of Cobb County to operate within the cooperate limits of the City of Kennesaw for the purpose of participating in the ownership, renovation, and operation of the existing Walton Ridenour project. There is a potential for federal and state income tax credits from the Department of Community Affairs. Attorney Fred Bentley, Jr. shared this will be the second transaction of this kind for the City of Kennesaw and wanted to make Council aware staff was working with the Housing Authority of Cobb County on this. Mayor Pro Tem Ferris asked the order this process will go in and Attorney Bentley, Jr. responded Council will act on the proposed resolution first, then move to the revenue sharing, and finally the revenue bond.

This item will be removed from discussion only and added as an item for action on the regular agenda.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

XIX. CITY MANAGER'S REPORT (Jeff Drobney)

- A. City Manager reports, discussions and updates.
- B. Approval of 2016 SPLOST reallocation for Recreation Center. The preliminary construction budget for Phase 1 of the Recreation Center, based on estimates provided by the CMR, is approximately \$7,000,000. In an effort to move forward with the project as currently designed the recommendation is to reallocate 2016 SPLOST funds from the following 2016 SPLOST accounts to 310.4228.54.1504 Recreation Center: 1) Dallas Watts project is complete and has \$76,000 remaining; 2) Purchase of police vehicles is complete and has \$15,000 remaining; 3) City set aside \$1,771,000 for the acquisition of property if needed for the Recreation Center – since the facility will be located in Adams Park these funds can be reallocated for construction and site development. Parks and Recreation Director and Assistant City Manager recommend approval. 310.4228.54.1495 Dallas/Watts Drive Improvements \$76,000 310.4228.54.1500 Police Vehicles \$15,000 310.4228.54.1493 Property Acquisition \$1,771,000

City Manager Jeff Drobney presented the proposed 2016 SPLOST reallocation for the Recreation Center.

Mayor Easterling recommended moving the item to the Consent Agenda with a visual confirmation from Council.

- C. DISCUSSION ONLY: Possible changes to alcohol code regarding sales and food service. On February 10th, 2020 City Attorney Sam Hensley spoke to the Mayor and Council concerning possible changes to city alcohol ordinances related to alcohol sales and food service. Due to Covid-19 limitations Mr. Hensley has not been able to update the Mayor and Council. He will be present to provide an update and discuss possible changes.

Attorney Sam Hensley, Jr. discussed possible amendments to City alcohol ordinances related to alcohol sales and food services. It was decided that establishments not licensed to serve alcohol but would like to serve to its patrons and food trucks would be treated as two separate items requiring further discussion. It was also decided that any possible changes to code related to this discussion would be focused on establishments within the entertainment district.

- D. DISCUSSION ONLY: Recognition of Dale Burrell.
Councilman Ferris requested a discussion item related to recognizing the contributions made by longtime resident and local businessman Dale Burrell with possible naming opportunities at Public Works or the softball complex. Mayor Pro Tem Ferris led the discussion regarding the recognition of Dale Burrell with possible naming opportunities. Council discussed various naming opportunities including the City's softball field.

The item will be added to the next work session on July 13, 2020 at 6:30 PM for discussion.

- E. Approval of RESOLUTION for the 2022 SPLOST Intergovernmental Agreement between Cobb County and the City of Kennesaw. This intergovernmental agreement between Cobb County and all its cities is for the use and distribution of the proceeds from

the 2022 Special Purpose Local Options Sales Tax for capital projects. Kennesaw will receive \$31,785,177.01, with an additional \$3,000,000 from Cobb County for the Recreation Center- Phase II. Upon Kennesaw's approval, and all other area mayors, the Cobb County Commissioner Chairman will sign the agreement.

City Manager Jeff Drobney presented the resolution for a 2022 SPLOST Intergovernmental Agreement between Cobb County and City of Kennesaw. It has been requested all cities approve and sign the agreement and send it to the County.

Mayor Easterling recommended moving the item to the Consent Agenda with a visual confirmation from Council.

XX. MAYOR'S REPORT

- A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

XXI. COUNCIL COMMENTS

XXII. EXECUTIVE SESSION - Land, Legal, Personnel

Pursuant to the provisions of O.C.G.A. 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

Motion by Councilmember Viars to enter into Executive Session as allowed by O.C.G.A. Sec. 50-14-3 for the purpose of discussing land, motion seconded by Councilmember Henderson. Vote taken, approved unanimously, 5-0. Motion carried.

7:30 PM Recess to Executive Session

Mayor, City Council, City Attorney, City Manager, City Clerk, Assistant City Manager, and Economic Development Director attended Executive Session.

7:49 PM Reconvene to Open Session

Councilmember Viars read the Board back into Open Session and directed the Mayor and City Council to execute an affidavit in compliance with O.C.G.A. Sec. 50-14-4, motion seconded by Councilmember Henderson. Vote taken, approved unanimously, 5-0. Motion carried.

No action taken.

XXIII. ADJOURN

Mayor Easterling adjourned at 7:50 P.M. The next regularly scheduled meeting will be held Monday, July 6, 2020 at 6:30 p.m. in the Council Chambers.



**Regular Meeting Agenda
7/20/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of the July 6, 2020 Mayor and City Council meeting minutes.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
07-06-20 Minutes	7/10/2020	Minutes

**MINUTES OF MAYOR & CITY COUNCIL WORK SESSION
CITY OF KENNESAW
Council Chambers
Monday, July 6, 2020
6:30 p.m.**

Present: Mayor Derek Easterling
City Clerk Lea Addington
City Attorney Randall Bentley, Sr.
City Manager Jeff Drobney
Councilmember Viars
Councilmember Henderson
Councilmember Blinkhorn

Zoom Meeting:
Mayor Pro Tem Pat Ferris
Councilmember James Eaton

Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in compliance with O.C.G.A. §50-14-1, this meeting was only conducted via the use of Zoom Meeting and Facebook Live as the real-time telephonic technologies allowing the public simultaneous access to the public meeting.

The public had access to the Facebook Live via the following link:
<https://www.facebook.com/CityofKennesaw/>

I. INVOCATION

City Attorney Randall Bentley, Sr. led the invocation.

II. PLEDGE OF ALLEGIANCE

Karthik S. led the pledge of allegiance as introduced by Mayor Easterling. Mayor Easterling recognized Karthik's dedication to education despite school being out of session. Mayor and Council, staff, and the public gave Karthik a round of applause.

III. CALL TO ORDER

IV. ANNOUNCEMENTS

- A. Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is only being conducted via the use of real-time telephonic technologies allowing the public simultaneous access to the public meeting.

Mayor and Council will be conducting their meeting through Zoom Meeting and Facebook Live and you can access the meeting via the following link:
<https://www.facebook.com/CityofKennesaw/>

- B. If you would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.

[The City Attorney swore-in Assistant City Manager, Marty Hughes, to read public comments emailed to kennesawcouncil@kennesaw-ga.gov throughout the meeting].

V. PRESENTATIONS

Greg Shenton, a candidate for Cobb County Superior Court Judge, presented himself and his platform to the public. Mr. Shenton has served and represented small businesses throughout his career and established his own law firm on the Marietta Square in 2012. He asked for the public's vote during the runoff on August 11, 2020.

Trina Griffiths, a candidate for Cobb State Court Judge Post 6, presented herself and her platform to the public. Ms. Griffiths is a 31-year resident of Cobb County and has 25 years of experience in Cobb County State Court as both a prosecutor and defense attorney. She asked for the public's vote during the runoff on August 11, 2020.

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:40 PM Floor Open for Public Comments on agenda items

No comments.

6:41 PM Floor Closed to Public Comments on agenda items

VII. OLD BUSINESS

No items.

VIII. NEW BUSINESS

No items.

IX. COMMITTEE AND BOARD REPORTS

No items.

[Roll call votes were taken for each item by post. Each councilmember announced his or her vote with a verbal "yay" or "nay"].

X. PUBLIC HEARING(S)

- A. FIRST PUBLIC HEARING: Approval of ORDINANCE to grant Cobb Electric Membership Corporation franchise in City of Kennesaw right of way. This is the first public hearing for an ordinance to grant permission and consent to Cobb Electric Membership Corporation (Cobb EMC), its successors, lessees, and assigns to occupy the streets and public places of the City of Kennesaw, Georgia in constructing, maintaining, operating, and extending poles, lines, cables,

equipment and other apparatus for transmitting and distributing electricity and to establish terms, including but not limited to the terms of payment by Cobb EMC to the City, indemnification, relocation of facilities, economic development considerations, and repeal of the current Appendix D. This public hearing was advertised in the June 26, 2020 and July 3, 2020 editions of the Marietta Daily Journal. Legal has reviewed. City Clerk recommends approval.

City Clerk Lea Addington presented the ordinance to grant Cobb EMC franchise in City of Kennesaw right of way. This is the first public hearing for the ordinance with consideration for approval at the July 20, 2020 Mayor and Council meeting at 6:30 PM. It has been reviewed by legal and properly advertised.

6:42 PM Floor Open for Public Comments

No comment.

6:43 PM Floor Closed for Public Comments

No action taken.

XI. CONSENT AGENDA

- A. Approval of the June 15, 2020 Mayor and City Council meeting minutes.
- B. Approval of May 11, May 26, and June 8, 2020 Mayor and City Council work session minutes.
- C. On June 5, 2020, Oran and Brenda Harris each purchased one (1) lot in the Kennesaw City Cemetery. The lots are located in Section III, Plot 30, Lots C & D. Authorize Mayor to sign the supporting deeds for purchase of the lots. City Clerk recommends approval.
- D. On June 9, 2020, Connie Kunzeman purchased three (3) cemetery lots in the Kennesaw City Cemetery. The lots are located in Section III, Plot 53, Lots E, F, & G. Authorize Mayor to sign the supporting deeds for purchase of the lots. City Clerk recommends approval.
- E. Final plat review and approval for parcel split of 2535 South Main Street submitted by Steven McNeel. Subject property is zoned light industrial and contains 3.1 +/- acres. The proposed final plat will create two new parcels. Parcel one will have 1.47 acres and parcel two will have 1.63 acres. The property will be redeveloped with office space and warehouse area. The plan review committee recommends approval of the final plat.
- F. Approval of **RESOLUTION NO. 2020-21, 2020** for the 2022 SPLOST Intergovernmental Agreement between Cobb County and the City of Kennesaw. This intergovernmental agreement between Cobb County and all its cities is for the use and distribution of the proceeds from the 2022 Special Purpose Local Options Sales Tax for capital projects. Kennesaw will receive

\$31,785,177.01, with an additional \$3,000,000 from Cobb County for the Recreation Center-Phase II. Upon Kennesaw's approval, and all other area mayors, the Cobb County Commissioner Chairman will sign the agreement.

- G. Approval of 2016 SPLOST reallocation for Recreation Center. The preliminary construction budget for Phase 1 of the Recreation Center, based on estimates provided by the CMR, is approximately \$7,000,000. In an effort to move forward with the project as currently designed the recommendation is to reallocate 2016 SPLOST funds from the following 2016 SPLOST accounts to 310.4228.54.1504 Recreation Center: 1) Dallas Watts project is complete and has \$76,000 remaining; 2) Purchase of police vehicles is complete and has \$15,000 remaining; 3) City set aside \$1,771,000 for the acquisition of property if needed for the Recreation Center -- since the facility will be located in Adams Park these funds can be reallocated for construction and site development. Parks and Recreation Director and Assistant City Manager recommend approval.
- 310.4228.54.1495 Dallas/Watts Drive Improvements \$76,000
310.4228.54.1500 Police Vehicles \$15,000
310.4228.54.1493 Property Acquisition \$1,771,000

Motion by Councilmember Viars to approve the Consent Agenda engross, seconded by Councilmember Blinkhorn.

Roll call vote taken:

Post 1, James Eaton -- Yay
Post 2, Tracey Viars -- Yay
Post 3, Pat Ferris -- Yay
Post 4, Chris Henderson -- Yay
Post 5, David Blinkhorn -- Yay

Motion approved unanimously, 5-0. Motion carried.

XII. FINANCE AND ADMINISTRATION

GINA AULD, Finance Director

- A. Consideration for approval of a Beer, Wine and Liquor Package License for Barrett's Wine and Spirits, LLC located at 1635 Old 41 Highway, Suite 110, Kennesaw, GA 30152. Applicant: Sarantsatsral Keeler. The applicant has completed the required alcohol workshop as per Sec. 6-69. Current application and background check results are on file. Sec. 6-42 refers to all locations within 300 feet of a private residence. This location is within 300 feet of a private residence. Sec. 6-42 states the Mayor and Council may waive the distance requirement if the quiet enjoyment of the premises by the residents thereof shall not be adversely affected and the granting of such license shall not have any adverse effect on the private residence. The application stated the applicant had not been arrested, pled guilty or been convicted of any criminal charge. The background check results did not agree with that response on the application. Per Sec. 6-66, any material omission, or untrue or misleading information contained in or left out of an original, renewal or transfer application for any license issued under

this chapter shall be unlawful, and shall be the cause for the denial. Finance Director recommends denial. 100.0000.32.1100 Application Fee \$350.00

Business License Supervisor Derek Cox presented the application for a Beer, Wine, and Liquor Package License for Barrett's Wine and Spirits, LLC. The applicant completed the required alcohol workshop and the application and background check results are on file. The application stated the applicant had not been arrested, pled guilty or been convicted of any criminal charge. The background check results did not agree with the response on the application and per Section 6-66, "any material omission, or untrue or misleading information contained in or left out of an original, renewal or transfer application for any license issued under this chapter shall be unlawful, and shall be the cause for the denial." Mr. Cox informed Council the applicant was present and would like to speak.

Motion by Mayor Pro Tem Ferris to approve a Beer, Wine and Liquor Package License for Barrett's Wine and Spirits, LLC located at 1635 Old 41 Highway, Suite 110, Kennesaw, GA 30152, seconded by Councilmember Henderson.

Ms. Keeler shared with Council she serves the community and misunderstood the question on the application.

Post 1, James Eaton – Nay
Post 2, Tracey Viars -- Nay
Post 3, Pat Ferris -- Nay
Post 4, Chris Henderson -- Nay
Post 5, David Blinkhorn – Nay

Roll call vote taken, 0-5-0. Motion failed.

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
LINDA DAVIS, 911 Communications Director

No items.

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Co-Director
JOSHUA GUERRERO, Co-Director

No items.

XV. PUBLIC WORKS

RICKY STEWART, Director
ROBBIE BALENGER, Building & Facilities Manager

No items.

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum and Agency Director
STEVE ROBERTS, Parks and Recreation Director
ANN PARSONS, Smith-Gilbert Gardens Director

- A. Approval of **RESOLUTION NO. 2020-22, 2020** to award contract for Kennesaw Recreation Center – Phase I SPLOST Project to Gay Construction Company. A Request for Qualifications was advertised in the Marietta Daily Journal for a Construction Manager at Risk (CMAR) for Pre-Construction and Construction Services for the Kennesaw Recreation Center – Phase I. Thirteen qualifications packages were received and opened on December 06, 2019. The thirteen packages were reviewed and ranked by a Selection Committee and the four highest scoring firms were contacted for interviews with the Selection Committee. Based on the evaluation results of the Selection Committee, the Parks & Recreation Director and Croy Engineering recommends award of the contract to Gay Construction Company for a price of \$7,009,984.00 and for the Mayor to sign the attached resolution and contract.

Parks and Recreation Director Steve Roberts presented the resolution to award contract for Kennesaw Recreation Center- Phase 1 SPLOST project to Gay Construction Company. Mr. Roberts walked through the steps of the selection process for this award of contract with Council. The contract is pending legal review.

Motion by Councilmember Henderson to approve resolution to award contract for Kennesaw Recreation Center- Phase 1 SPLOST project to Gay Construction Company, pending legal review, seconded by Councilmember Eaton.

Roll call vote taken:

Post 1, James Eaton – Yay
Post 2, Tracey Viars -- Yay
Post 3, Pat Ferris -- Yay
Post 4, Chris Henderson -- Yay
Post 5, David Blinkhorn -- Yay

Motion approved unanimously, 5-0. Motion carried.

XVII. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director

DARRYL SIMMONS, Zoning Administrator

SCOTT BANKS, Building Official

[Mayor Pro Tem Ferris recused himself from the Zoom meeting for item XVII-A].

- A. Approval of as-built final plats for lots 11-13 and lots 14-16 for townhome development identified as Villages @ Fullers Chase. Applicant is Traton Homes LLC. The as-built plats submitted represent the adjusted accurate locations of the townhome units for lots 11-13 and lots 14-16. The plan review committee recommends approval.

Zoning Administrator Darryl Simmons presented the as-built final plats for lots 11-13 and lots 14-16 for townhome development identified as Villages at Fullers Chase. These plats represent the final and accurate locations of the aforementioned townhomes.

Motion by Councilmember Blinkhorn to approve the as-built final plats for lots 11-13 and lots 14-16 for townhome development identified as Villages at Fullers Chase, as presented, seconded by Councilmember Viars

Roll call vote taken:

Post 1, James Eaton – Yay

Post 2, Tracey Viars -- Yay

Post 3, Pat Ferris -- Recused

Post 4, Chris Henderson -- Yay

Post 5, David Blinkhorn -- Yay

Motion approved, 4-0-1 [Mayor Pro Tem Ferris recused]. Motion carried.

[Mayor Pro Tem Ferris returned to the Zoom meeting].

- B. Approval of **RESOLUTION NO. 2020-23, 2020** authorizing the Housing Authority of Cobb County to operate within the corporate limit of the City of Kennesaw for the Sole Purpose of Participating in the Ownership, Renovation and Operation of the Existing Walton Ridenour Project. Walton Communities owns an approximately 250 unit affordable housing project located in the city limits of Kennesaw know as Walton Ridenour Apartment Homes located at 1425 Ridenour Blvd. Walton Communities has the opportunity to receive an allocation of Federal and State of Georgia income tax credits from DCA for the acquisition and rehabilitation of the Walton Ridenour project. To qualify for the tax credits one of the requirements is issuance of tax exempt revenue bonds. The existing Walton Communities cannot own more then 50% of the project. To facilitate change in ownership percentage and to access enterprise agreement provisions of the State of Georgia Housing Authorities Law requires participation in project ownership of a housing authority. The Housing Authority of Cobb County has indicated a willingness to participate in the project based on their excellent experience with Walton Communities and given the fact the City of Kennesaw does not have a housing authority. The Housing Authority of Cobb County has indicated a willingness to share the revenues from the transaction with the City of Kennesaw or one or more of its related entities. Support of the Resolution for the Housing Authority of Cobb County to operate with the City specific to the Walton Ridenour project will a) keep Walton Ridenour Project as a significant part of affordable multifamily housing in Kennesaw, b) continue Walton Communities as owners of Walton Ridenour Project, c) facilitate the renovation of the project, d) not require or burden the City, e) provide an opportunity for the City and related entities to participate in revenue sharing. The City Manager and Economic Development Director recommend approval.

Economic Development Director Box Fox presented the resolution authorizing the Housing Authority of Cobb County to operate within the corporate limit of the City of Kennesaw for the sole purpose of participating in the ownership, renovation and operation of the existing Walton Ridenour Project.

Attorney Fred Bentley, Jr. told Council this resolution would require a negotiated revenue sharing agreement within 90 days.

Motion by Councilmember Henderson to approve the resolution authorizing the Housing Authority of Cobb County to operate within the corporate limit of the City of Kennesaw for the sole purpose of participating in the ownership, renovation and operation of the existing Walton Ridenour Project, as presented, seconded by Councilmember Blinkhorn.

Roll call vote taken:

Post 1, James Eaton – Yay
Post 2, Tracey Viars -- Yay
Post 3, Pat Ferris -- Yay
Post 4, Chris Henderson -- Yay
Post 5, David Blinkhorn -- Yay

Motion approved unanimously, 5-0. Motion carried.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

7:00 PM Floor Open for Public Comments

JIMMY DICKENS [City resident and business owner]: Mr. Dickens asked what the City is going to do to show its stance on racism and injustice, as he would like to be a part. Mayor Easterling asked is this in addition to the City's proclamation of unity against racial injustice in which Mr. Dickens responded affirmatively. Mayor Easterling asked Councilmember Blinkhorn to work with Mr. Dickens on forming a committee of community members to ensure all citizens had input into ways of demonstrating the City's stance on unity. Mayor Easterling asked the City Clerk to place the creation of the committee on the next work session agenda for discussion. The proposed name for the committee is "Committee for Community Inclusion and Engagement."

CONROY THOMAS [City resident]: Mr. Thomas has been a resident of the City of Kennesaw for 10 years and lives in the White Oak community. He expressed his frustration to Council that Southeastern Connection is using a lot across from the neighborhood as a laydown lot. Mr. Thomas shared there is constant noise coming from the lot at all hours of the day and for most of the week. He asked the Council what they could do to resolve this issue.

HELEN HAYNES [City resident]: Ms. Haynes spoke of having to call the police between the hours of 5:00 and 6:00 AM due to the noise coming from the laydown lot. The company has been told they cannot start work until 7:00 AM; however, employees are staged to work between 6:00 AM and 7:00 AM. She expressed frustration particularly in the fact she had planned to put her house on the market and cannot under these circumstances. Ms. Haynes says this project is to continue through December 2020. As a homeowner and a taxpayer, she feels trapped.

Mayor Easterling said he will reach out to Mr. Thomas and Ms. Haynes and would speak to the City Manager regarding the issue.

City Manager Jeff Drobney assured the speakers he is working to resolve the issue.

Assistant City Manager Marty Hughes read two emails sent to kennesawcouncil@kennesaw-ga.gov into the record:

The first email was from Conroy Thomas and it was consistent with the comments he shared with Council tonight. Please see "Comment A."

The second email was from Kim Street Robison who brought up three points including praise for the decision on the flag, shock and disappointment regarding Council not wearing masks to the meetings, and action to remove Wildman's Store from downtown Kennesaw. Please see "Comment B."

7:19 PM Floor Closed for Public Comments

XIX. CITY MANAGERS REPORT – Jeff Drobney

A. City Manager reports, discussions and updates.

City Manager Jeff Drobney mentioned the Fiscal Year 2020-2021 draft budget will be sent to Council tomorrow and commended the Finance Department on their outstanding job in putting the budget together. He also shared it is his and his wife's 24-year wedding anniversary today. Congratulations!

XX. MAYOR'S REPORT

A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

No items.

XXI. COUNCIL COMMENTS

Councilmember Blinkhorn brought up an article he read that said this would be the biggest year for peaches for the State of Georgia – he is excited!

Councilmember Henderson shared his 15-year-old daughter received her learner's permit. Congratulations!

Mayor Pro Tem Ferris spoke about Independence Day this past weekend and how people launched a ton of fireworks.

Councilmember Viars missed seeing everyone on July 3rd but thinks our residents more than made up for it! She is looking forward to the Salute to America celebration rescheduled for September 12, 2020.

Councilmember Eaton exclaimed a new member was added to his family – a puppy! He is concerned about the issue regarding the laydown lot.

XXII. EXECUTIVE SESSION –Land, Legal, Personnel

- A. Pursuant to the provisions of O.C.G.A. §50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

No items.

XXIII. ADJOURN

Mayor Easterling adjourned at 7:25 P.M. The next regularly scheduled meeting will be held Monday, July 20, 2020 at 6:30 P.M. in the Council Chambers.

Lea Addington, City Clerk

Lea Addington

From: Conroy Thompson [REDACTED]
Sent: Monday, July 06, 2020 5:52 PM
To: kennesawcouncil
Subject: White Oak Subdivision and SEC Laydown Lot Old 41

I would like to know how the city of Kennesaw is allowing SEC to set up a laydown lot directly across from a residential neighborhood. Because of this pandemic, many are working from home and the constant noise from digging and beeping is too much to bear. The city of Kennesaw has an obligation to its taxpayers

SEC is working in this laydown lot 7 days a week. They have started as early as 6 am and go well into the night. When arriving at work, the SEC workers are showing up with loud music from their vehicles. My particular house sits directly across from the worksite. This has become a nuisance a distraction and an eyesore to our community.

This issue needs to be addressed by the city council. Accommodations also need to be made for the White Oak subdivision in regards to tax 2020 assessments.

I am prepared to contact all of my local media if this issue is not reasonably resolved.

Mr. Tony Thompson
1476 Shoup Court
Kennesaw, GA 30152
[REDACTED]

--

"The journey of a thousand miles begins with a single step"

- Lao Tzu

Lea Addington

From: Kimberly Street [REDACTED]
Sent: Monday, July 06, 2020 4:08 PM
To: kennesawcouncil
Subject: Fwd: Public Comments for Council Meeting 6/29/2020

Good afternoon,

I'm resending my comments from last week as they weren't included in the meeting on 6/29 and they still apply :)

Thanks!
Kim Street-Robison

----- Forwarded message -----

From: Kimberly Street [REDACTED]
Date: Mon, Jun 29, 2020, 1:26 PM
Subject: Public Comments for Council Meeting 6/29/2020
To: <kennesawcouncil@kennesaw-ga.gov>

To whom it may concern,

I wanted to provide a few comments for today's meeting:

First, I'd like to praise the decision to remove the Confederate Flag from Downtown Kennesaw. This is an exciting move in the right direction for our community and the amount of involvement the last few weeks has been incredible to witness! I've never felt as connected to my community in Kennesaw as I did two weeks ago reading and listening to all the passionate words that were spoken. Great job to the council for making the call to bring that flag down!

Second, I was shocked and disappointed to see not a single member of council wearing a mask during the last meeting. We know that wearing a mask is critically important for preventing the transmission of COVID-19 and I'd really love to see our city's leadership leading on this topic. This also applies to ribbon cutting ceremonies, as I've seen videos on City of Kennesaw's Facebook where no one is wearing a mask or attempting to social distance at ribbon cutting ceremonies. Wearing masks will not only set a good example for the community, it will also improve the public's ability to attend in-person meetings moving forward, and protect the health of everyone on the council.

Finally, I'd like to again encourage action against the hateful "Klan Store" in Downtown Kennesaw. Yes, that's how Wild Man's is referred to both around Kennesaw and in neighboring communities. It's unacceptable that this establishment has not only been allowed to occupy space in Downtown Kennesaw for so long, it has also received widespread support from the city and city's leadership over the years. I urge the council to begin implementing strict regulations for signage, so we can at least not be forced to see the hateful imagery that coats the walls, balcony, and front door. I'm sure any new/existing businesses have strict regulations for signage enforced against them; it's time to do the same for Wild Man's. I'll never understand how Wild Man's has been able to last this long but now is the time to do something about this blemish on our community. We will never grow to be the best community I know we can be as long as Wild Man's remains open. I'm tired of people

excusing blatant racism with lines like “well he’s a nice old man,” “obviously anyone who opposes this store has never been in the store or met him!” I’ve been in this store. I’ve spoken with the owner. How anyone could have that experience and not be horrified is beyond me. When someone shows you who they are, believe them the first time. As long as Wild Man’s remains open, the City of Kennesaw will be showing residents, visitors, businesses, and potential future residents exactly who they are. Please do the right thing and help us remove this hateful atrocity from Kennesaw.

Thank you for your time,
Kim Street-Robison



**Regular Meeting Agenda
7/20/2020 6:30 PM
Council Chambers**

Title of Item:	Approval to cancel the 2020 Pigs and Peaches and Salute to America events due to the current public health crisis related to COVID-19.
Agenda Comments:	
Funding Line(s)	



**Regular Meeting Agenda
7/20/2020 6:30 PM
Council Chambers**

Title of Item:	Letter appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator received by the City on June 25, 2020.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
2020 06-21 Kennesaw zoning decision appeal	7/1/2020	Backup Material
City Reponse - Letter of Appeal from Decision of the Planning and Zoning Administrator	7/1/2020	Backup Material
City Letter to Lee re: record for appeal	7/1/2020	Backup Material
Lee Letter re: addendum to record	7/8/2020	Backup Material
City Letter to Lee re: addendum to record	7/8/2020	Backup Material
Lee Record - Bate Stamped Part 1	7/1/2020	Backup Material
Lee Record - Bate Stamped Part 2	7/1/2020	Backup Material
Lee Record - Bate Stamped Part 3	7/1/2020	Backup Material
Lee Record - Bate Stamped Part 4	7/1/2020	Backup Material
Addendum to Lee Record- Bate Stamped	7/8/2020	Backup Material



R.A. Lee & Associates, Architects

Residential · Commercial · Planning · Construction Management

June 21, 2020

KENNESAW CITY COUNCIL
2529 J O Stephenson Avenue
Kennesaw, Georgia 30144

**RE: LETTER OF APPEAL FROM DECISION OF THE PLANNING AND ZONING
ADMINISTRATOR**

To the honorable Mayor and City Council of Kennesaw,

Pursuant to section 10.05.00 APPEALS, § 10.05.01 APPLICABILITY, item A of the Uniform Development Code I formally seek appeal to the Mayor and Council on the following decision from the Zoning Administrator.

Per the attached email sent to Mr. Simmons on June 17, 2020 I presented the following questions regarding the 1465 Shiloh Road rezoning and its future code enforcement. The following were the pertinent questions and responses that are in regard to my appeal:

First Question: It's my understanding that the rezoning is NOT a site plan specific rezoning. The rezoning will only be per the ordinance document to be signed by the City Clerk and Mayor Easterling. Essentially outlining the RM-12 zoning and conditions. This document would be used as verification of zoning when the applicant submits technical documents for building permit review and final zoning compliance. Please confirm my understanding when you have a moment.

Response Question 1- The rezoning is not site plan specific however the rezoning approval is subject to all the additional conditions agreed upon by the applicant. The site plan that will be submitted during the construction plan review process will be reviewed for compliance of all the standards under RM-12 zoning and the additional zoning conditions.

Second Question: As part of the administration and enforcement of zoning is it your interpretation that a property zoned as RM-12, for student housing, is allowed to have five-bedroom units that will house more than three persons not related?

Response Question 2- The city of Kennesaw approved the zoning for purpose-built student housing with the floor plan for five-bedroom units to be incorporated as one of the floor plan types. The city of Kennesaw legal team and staff addressed the definition of family and how it applies or in this case does not apply to this use at the public hearing.

June 21, 2020
1465 Shiloh Road
2 of 2

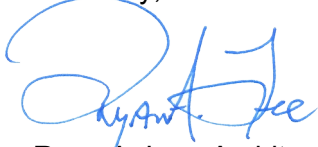
In Mr. Simmons response to question two (2) he states that the city of Kennesaw approved the zoning for purpose-built student housing with the floor plan for five-bedroom units to be incorporated as one of the floor plan types. This is factually incorrect. The zoning was approved for RM-12, not purpose-built student housing, additionally per his response to question one (1) the rezoning is not site plan specific therefore no units were approved as part of the zoning. Additionally, the zoning approved conditional has no mention of changing the definition of family and neither has a variance been received to accommodate or house a greater number of families per section 4.01.01 item B, in the UDC, where it specifically states that 'unless a proper variance is granted, no building shall hereafter be erected or altered so as to accommodate or house a greater number of families'.

There was no vote from Mayor and Council regarding the statement from the applicant's attorney that "Because the individual student tenants do not operate as a "single housekeeping unit" under the City's code of definitions, the definition of "family" does not apply to the proposed development so as to limit the units to three bedroom".

I request appeal to the above decision from Mr. Simmons on how this definition is to be enforced and request a vote from the Mayor and Council either confirming or denying this interpretation per UDC section 10.05.00 APPEALS.

I believe a vote is necessary on this decision as it will provide a direct bearing on the upcoming actual new ordinance on Purpose-Built Student Housing (PBSH) on July 6th because if his decision is upheld, on the question, no new PBSH code is needed. Additionally, if confirmed this will cause every home owner in city limits, who owns property of either single family or multifamily units, to be able to rent out to more than three persons not related if they rent out by the bedroom to students. I ask that the decision for the enforcement by the zoning administrator be appealed and be enforced as written in the code, that for a RM-12 zoning, a unit cannot be designed to house more than three people not related, which would cause a maximum unit type of three people for RM-12 zonings for student housing, unless a specific variance has been approved by Mayor and Council.

Sincerely,



Ryan A. Lee, Architect, President & CEO
R.A. Lee & Associates, Architects
1301 Shiloh Road, Suite 321
Kennesaw, Georgia 30144

Attachment "A" – Full Email of July 17, 2020 email to Mr. Simmons

Attachment "A"

rlee@raleearchitects.com

From: Darryl Simmons <dsimmons@kennesaw-ga.gov>
Sent: Thursday, June 18, 2020 10:48 AM
To: rlee@raleearchitects.com
Cc: Randall Bentley; Coleen Hosack; Jeff Drobney
Subject: RE: 1465 Shiloh Road - Rezoning

Good morning Mr. Lee,

I will answer your questions in order.

Question 1- The rezoning is not site plan specific however the rezoning approval is subject to all the additional conditions agreed upon by the applicant. The site plan that will be submitted during the construction plan review process will be reviewed for compliance of all the standards under RM-12 zoning and the additional zoning conditions.

Question 2- The city of Kennesaw approved the zoning for purpose built student housing with the floor plan for five bedroom units to be incorporated as one of the floor plan types. The city of Kennesaw legal team and staff addressed the definition of family and how it applies or in this case does not apply to this use at the public hearing.

Question 3- The applicant will be required to meet all the minimum square footage requirements for units as per table 4.01.02 of the unified development code. . No variances were requested or granted.

From: rlee@raleearchitects.com <rlee@raleearchitects.com>
Sent: Wednesday, June 17, 2020 4:09 PM
To: Darryl Simmons <dsimmons@kennesaw-ga.gov>
Subject: 1465 Shiloh Road - Rezoning

Dear Mr. Simmons,

Good afternoon. Appreciate your efforts for the 1465 Shiloh Road rezoning and respect your decision to support the application. I'm working with 75 Wade Green Office park and multiple residents at Pinetree subdivision regarding the decision. A few questions have come up that I need some assistance on to guide any next steps our group would like to take.

First Question: It's my understanding that the rezoning is NOT a site plan specific rezoning. The rezoning will only be per the ordinance document to be signed by the City Clerk and Mayor Easterling. Essentially outlining the RM-12 zoning and conditions. This document would be used as verification of zoning when the applicant submits technical documents for building permit review and final zoning compliance. Please confirm my understanding when you have a moment.

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Third Question: As part of the administration and enforcement of zoning is it your interpretation that a property zoned RM-12, for student housing, is not required to meet the unit minimum floor area per table 4.01.02? Specifically, the applicants five-bedroom unit which is described as being 1600 SF vs. the 1800 SF required of table 4.01.02.

I ask these questions as we didn't hear any response from you after our presentation regarding these issues and I'd like to know your views. Additionally, I've recommended we seek your interpretation prior to making any decisions about

appeals and would appreciate your thoughts when you have a moment. Our thinking is that you may be asking for changes to the plans of the applicant, after the rezoning, and this would have a direct bearing on any decision our group would be making.

Please advise when you have a moment.

Sincerely,

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R.A. Lee & Associates, Architects
1301 Shiloh Road, Suite 321
Kennesaw, Georgia 30144
(o) 678-903-8892 (c) 678-360-8171
www.raleearchitects.com

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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

June 29, 2020

Delivered via:

Certified Mail Return Receipt Requested No: 7009 0080 0001 0614 5830

And U.S. Postal Service

And Email to rlee@raleearchitects.com

Mr. Ryan A. Lee

R.A. Lee & Associates, Architects

1301 Shiloh Road, Suite 321

Kennesaw, Georgia 30144

RE: Letter of Appeal from Decision of the Planning and Zoning Administrator

Dear Mr. Lee:

The City is in receipt of your letter dated June 21, 2020 and received on June 25, 2020 (see attached) requesting an appeal to the Mayor and City Council regarding the referenced matter. Please be advised that this appeal will be placed on the July 20, 2020 agenda before the Kennesaw Mayor and City Council. Please also be advised that the City will be compiling a record of documents for the appeal. I will send you a copy of that record as soon as it is finalized.

Thank you.

Sincerely,

Lea Addington, City Clerk

Enclosure: June 21, 2020 letter appeal by Mr. Ryan A. Lee

cc: R. Randall Bentley, Sr., City Attorney
Jeff Drobney, City Manager
Darryl Simmons, Zoning Administrator
Sam Hensley, Jr., Attorney for Darryl Simmons





R.A. Lee & Associates, Architects

Residential · Commercial · Planning · Construction Management

RECEIVED

June 21, 2020

JUN 25 2020

CITY CLERK
CITY OF KENNESAW

KENNESAW CITY COUNCIL
2529 J O Stephenson Avenue
Kennesaw, Georgia 30144

**RE: LETTER OF APPEAL FROM DECISION OF THE PLANNING AND ZONING
ADMINISTRATOR**

To the honorable Mayor and City Council of Kennesaw,

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June 21, 2020
1465 Shiloh Road
2 of 2

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Ryan A. Lee, Architect, President & CEO
R.A. Lee & Associates, Architects
1301 Shiloh Road, Suite 321
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rlee@raleearchitects.com

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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

July 2, 2020

Delivered via:
Certified Mail Return Receipt Requested No: 7099 3400 0010 0799 4095

Mr. Ryan A. Lee
R.A. Lee & Associates, Architects
1301 Shiloh Road, Suite 321
Kennesaw, Georgia 30144

RE: Record for Letter of Appeal from Decision of the Planning and Zoning
Administrator

Dear Mr. Lee:

Enclosed please find a digital copy of the record for your appeal to the Mayor and City Council. A physical copy of this record is available at my office if you would like to inspect it.

If there is any document that you are aware of that is not included as part of this record, please notify me immediately so that the City can determine whether the record should be supplemented with such material.

Thank you and please feel free to contact me if you have any questions.

Sincerely,

Lea Addington
City Clerk

Enclosure: flash drive with Record on Appeal (Part 1, Part 2, Part 3 and Part 4)

CC: R. Randall Bentley, Sr.
Jeff Drobney
Sam Hensley, Jr.
Darryl Simmons



Lea Addington

From: rlee@raleearchitects.com
Sent: Wednesday, July 08, 2020 1:29 PM
To: City Clerk
Subject: Record Documents for Letter of Appeal from Decision of the Planning and Zoning Administrator
Attachments: Agenda_2020_3_16_Meeting(538) zoning.pdf

Good afternoon.

I'm in receipt of your letter July 2, 2020 which had an enclosed USB drive for the records of my appeal scheduled for July 20th. I do believe there is a document missing that is extremely important. It's the actual agenda document published on the city's website for the March 16, 2020 City Council meeting. The file is approximately 28 meg which is more than my system can send, but I've removed most of the document and included what I believe is the pertinent information that I'll need. If necessary I can make a full copy and run it by the city for your use. Please confirm your receipt of this email and if I need to provide a hard copy for the record.

Sincerely,

Ryan A. Lee | Architect
R.A. Lee & Associates, Architects
1301 Shiloh Road, Suite 321
Kennesaw, Georgia 30144
(o) 678-903-8892 (c) 678-360-8171
www.raleearchitects.com

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

July 9, 2020

Delivered via:

Email: rlee@raleearchitects.com

Certified Mail Return Receipt Requested No: 7009 0080 0001 0614 5854

Mr. Ryan A. Lee
R.A. Lee & Associates, Architects
1301 Shiloh Road, Suite 321
Kennesaw, Georgia 30144

RE: Addendum to Record for Letter of Appeal from Decision of the Planning
and Zoning Administrator

Dear Mr. Lee:

Enclosed is an addendum to the record for the letter of appeal from decision of
the Planning and Zoning Administrator.

Thank you and please feel free to contact me if you have any questions.

Sincerely,

Lea Addington
City Clerk

Enclosure: addendum to the record for the letter of appeal.

CC: Sam Hensley, Jr.





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



Table of Contents

Appendix 1	.....	March 4, 2020 Planning Commission meeting minutes
Appendix 2	.....	March 16, 2020 Mayor and Council meeting minutes
Appendix 3	.....	June 15, 2020 Mayor and Council meeting minutes
Appendix 4	.....	June 15, 2020 Mayor and Council meeting agenda and related documents
Appendix 5	.....	City of Kennesaw Municipal Code APPENDIX A – UNIFIED DEVELOPMENT CODE, Chapter 1 – “GENERAL PROVISIONS.”
Appendix 6	.....	City of Kennesaw Municipal Code APPENDIX A – UNIFIED DEVELOPMENT CODE, Chapter 2 – “ZONING DISTRICTS.”
Appendix 7	.....	City of Kennesaw Municipal Code APPENDIX A – UNIFIED DEVELOPMENT CODE, Chapter 4 – “SITE DESIGN STANDARDS.”
Appendix 8	.....	City of Kennesaw Municipal Code APPENDIX A – UNIFIED DEVELOPMENT CODE, Chapter 10 - “ADMINISTRATIVE PROCEDURES.”

APPENDIX 1

MAYOR

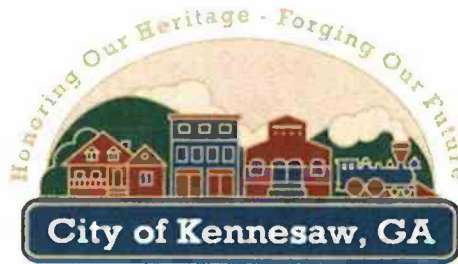
Derek Easterling

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

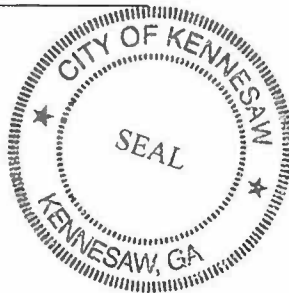
CITY OF KENNESAW
GEORGIA, COBB COUNTY

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 Planning Commission's March 4, 2020 minutes 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





Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall,
Phillip Jackson
SaVaughn Irons

March 04, 2020

Planning Commission Minutes
7:00PM

City Hall Council Chambers

Meeting of the Kennesaw Planning Commission called to order by Vice-Chairman Michael at 7:00p.m. in the Council Chambers, 2529 J.O. Stephenson Avenue. Roll call taken with the following members present: Cindi Michael, Donald Bergwall, Phillip Jackson and SaVaughn Irons. Absent: Doug Rhodes, Dan Harrison.

City Staff Darryl Simmons, Zoning Administrator was present. Council members Blinkhorn, Ferris and Henderson were present.

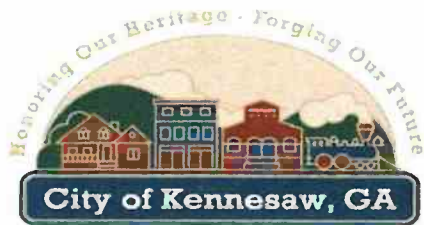
The Planning Commission serves as an Advisory Board that makes recommendations to the Mayor and Council, which will be heard on March 16, 2020 6:30p.m. unless otherwise noted. Anyone giving comments in the public session are to sign in and note that limitation of 10 minutes per side will be allowed.

Action on Minutes – February 05, 2020.

Don Bergwall made motion, seconded by SaVaughn to approve the minutes of the February 05, 2020, Planning Commission as submitted. ***Vote: 3-0. Don Bergwall, Phillip Jackson and SaVaughn Irons.***

Public Hearing:

1. **RZ2020-01 Rezoning Request** Consideration to approve a rezoning request submitted Fountain Residential Partners for property located at 1465 Shiloh Road. Said request to rezone from City R-30 to City RM-12 for property containing 4.4+/- acres for purpose of proposed student housing development. Property identified as Land Lot 60, Tax Parcel 31. **(Mayor and Council 3.16.2020)**
 - **ZV2020-01 Variance Request** Consideration to approve a zoning variance request submitted by Fountain Residential Partners for property located at 1465 Shiloh Road. Said request to seek variance to 1) Increase the RM-12 zoning district max. density from 12 units/acre to 15.55 units/acre (68 units total); and 2) Reduce the front yard setback along Shiloh Road from 40 ft. to 30 ft.; Property identified as Land Lot 60, Tax Parcel 31, containing 4.4+/- acres. **(Mayor and Council 3.16.2020)**



Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall,
Phillip Jackson
SaVaughn Irons

Zoning Administrator, Darryl Simmons, presented the case for rezoning and variances on the property identified and located at 1465 Shiloh Road with some background activity in the past regarding the property.

The property was annexed into the City in 2000. There were a number of rezoning requests and approvals to the current zoning of R-30 with the request to RM-12. Past rezoning requests included UVC (Urban Village Commercial); O&I (Office & Intuition); CRC (Community Retail Commercial).

2017 same applicant requested rezoning of three properties (1465 Shiloh Rd., 4058 & 4068 Ayers Dr.) to proposed student housing that would be located on 6.02 acres and incorporate 125 units. Request for rezoning and associated variances was **denied**. Traffic implications to the entrance to Pinetree subdivision was cited.

Zoning Administrator, Darryl Simmons, commented that he was in receipt of a letter dated March 04, 2020 from Richard Calhoun of the law firm Gregory, Doyle, Calhoun & Rodgers regarding this matter. He noted that he briefly reviewed the letter.

In addition, he referenced a letter dated February 18, 2020 from the applicant's attorney, Douglas Dillard clarifying the request for rezoning and variances, which included the density from 12 units per acre to 15.5 units per acre along with the reduction of the front setback to 30 feet.

As noted below part of the Zoning Administrator's staff analysis and its history of the proposal is reflected with history of the character area as designated in the City's Comprehensive Plan as well as this proposal only includes one parcel and not four parcel when presented back in 2017. Density less, parking less. There is a need for student housing in both the County and City. Both parties are working together with the University to see how this can be accomplished.

Land Use/Development Proposal Information: for the property identified as 1465 Shiloh Road, Land Lot 60, Tax Parcel 31

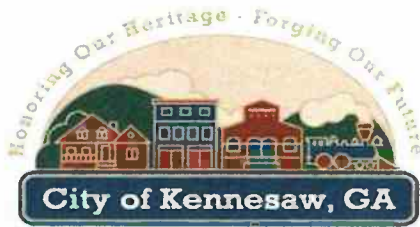
- Subject property located in Future land Use category for CAC (Community Activity Center)
- The Character are as designated in the adopted comprehensive plan- Cherokee Street Commercial Corridor
- Purpose built student housing does not have an adopted zoning standard
- Similar approved developments within city limits were rezoned to RM-12 with variances and conditions
- Character area for university programming was included in the 2017 comprehensive plan update. University Living was included as a character area for both existing student housing developments- West 22 and UClub @Frey.
- Shiloh Rd contains Industrial, residential and retail uses.
- Proposing 68 units=248 beds an increase in density from 12 units per acre to 15.55 units per acre
- Three story building
- 262 parking spaces provided which allows one space per bedroom plus guest parking
- Building placement will be closer to Shiloh Road to allow adequate parking in rear yard area



Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall,
Phillip Jackson
SaVaughn Irons

The Zoning Administrator recommends approval of the rezoning request to RM-12 with associated variances to reduce front setback and increase density with the following conditions:

1. Reversionary clause that requires that construction permits and activity be initiated within 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.
2. 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.
3. 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.
4. Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors
- 5 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.



Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall,
Phillip Jackson
SaVaughn Irons

6 All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards

7 Maximum height of building will be 35 feet as defined in our zoning ordinance chapter one that defines how building height is measured.

8. Maximum number of units allowed will be 68 units with a maximum of 248 beds

Attorney, Douglas Dillard came forward on behalf of their client Fountain Residential who is proposing the project for Student Housing on Shiloh Road on the 4.4+/- acre tract. Mr. Dillard commented that city staff presented the case for rezoning and variances clearly as to the density and setback variances. This project is half of what had been presented in 2017 and is consisted with the City's Comprehensive Plan. The project is located on a thorough fare and located along a commercial, non-residential and residential area. There is a need for housing in the community as Kennesaw State University grows generating this need.

Point of record the applicant is in support of the conditions made part of the staff analysis.

A representative of Fountain Residential Communities, Trevor Tollett, came forward. He noted that the units on the 4.4+/- acre tract is to be leased by bed under the academic calendar year. This proposal is almost 56% less than the previously submitted designed plan. Project to be in keeping with codes, including landscaping, buffers, security (blue lights throughout the parking area) and parking.

Meetings with neighbors who voiced concerns with drainage, which with approval of this project can alleviate problems that currently exist today. Screening to the surrounding residents can be addressed with plantings, fencing. Conclusion, the City must plan for the future by diligent education through community outreach and to identify areas of opportunities best suited for these uses in order to meeting the planning goals of both Kennesaw State University, Cobb County and City of Kennesaw. With the help of the Purpose Built Student Housing Standards under consideration now.

Bob Vance from Kimley Horn briefly explained the underground, gravity feed detention pond for the project. In turn, can and will assist with any drainage problems currently existing today, helping the surrounding property owners concerns to drainage.

Motion made to open the meeting for public comment.

A number of residents within the area came forth to voice concerns about the proposed student housing project running along Shiloh Road. In addition, representation for 75 Wade Green Business Center Association brought forth their concerns about the requesting variances for parking and front setback.

Matters of concerns included and not limited to:

- Parking concerns #of spaces being created for both residents and guests as being insufficient
- Parking off-site concerns that would affect the customer parking for the commercial businesses adjacent to the project
- Impervious surface matters
- Quality of Life



*Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall,
Phillip Jackson
SaVaughn Irons*

- Cutting through the neighborhood (Pine Tree County Club)
- Noise problems with resident activities including within the parking lot area
- Site matters dealing with landscaping and tree plantings taking 3-5 years to grow before it would be beneficial
- Buffer matters along the commercial side
- Water, drainage matters
- Traffic issues
- Proposed multifamily use conflicts with the City's future land use plan and limitation on variances to approve does not allow for the request of density under Section 9.02.02
- Definition of "Family" is affect by the number of unrelated students living as one house keeping unit
- Property is not the right area of the proposed use in the CAC (Community Activity Center)

One resident came forward in support of the project, stating there is a need for student housing as Kennesaw State University grows. This proposal can help solve issues about student housing for both Cobb County and City of Kennesaw.

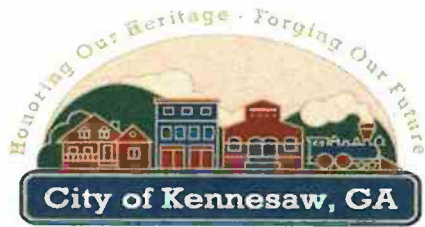
Motion made to close the meeting for public comment.

Applicant's attorney, Mr. Dillard responded to concerns from the public. The zoning classification requested is the best economic use of the property. They meet the parking standards under the request and as to traffic, traffic is here and the commission cannot use traffic as a consideration for their decision. Everyone has talked about water, drainage and having been addressed by Mr. Vance that the proposed plan would help reduce run off from the property better than it currently stands.

Darryl Simmons, Zoning Administrator, read into the record his recommendation and his approval of both the rezoning and variances as requested. The project is unique in that the City and County must work together as road matters are the jurisdiction of Cobb County. The City is trying to create a safe and controlled student housing project and work collectively with Cobb County. City has increased its personnel with additional Code Enforcement Officers to address security, quality of life, parking and all access matters to the proposed project.

During this time, the City is reviewing and considering new standards for Purpose Built Student Housing to be adopted under the City's Unified Development Code.

Trevor Tollett, applicant representative came forward to address some of the concerns that were voiced by the public. Matter of landscaping to adjacent commercial property the 5 (Five) foot buffer will be pursued further with additional screening, fencing, plantings etc. A reference to drainage was addressed earlier noting that the proposed project could actually improve what is currently happening on the site.



Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall,
Phillip Jackson
SaVaughn Irons

Motion was made by Don Bergwall, seconded by SaVaughn Irons to approve the request for rezoning to RM-12 per staff's recommendations with noted changes as follows:

3. The principal **ALL** 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.

5. Security requirements:

c. The development shall be enclosed with a **minimum eight-foot privacy fence** ~~six-foot-high privacy fence~~ along the entire property line.

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. **No over flow of light onto/into the adjacent property.**

Item number 9 (Nine) to be added to the eight conditions as follows: The right side of property the 5foot buffer be pursued further.

Vote: 3-0. Yea: Don Bergwall, Patrick Jackson and SaVaughn Irons. Nay: None

Motion was made by Don Bergwall, seconded by Patrick Jackson to deny the variance request for density and to reduce the front setback on Shiloh Road to 30 feet. Vote: 2-1. Yea: Don Bergwall and Patrick Jackson. Nay: SaVaughn Irons.

Staff Comments – There were no additional comments from Staff.

Adjournment There being no further business, motion made by Donald Bergwall to adjourn this meeting at 9:00 p.m. Motion carried. Vote: 3-0. The next meeting is scheduled for April 01, 2020.

APPENDIX 2

MAYOR

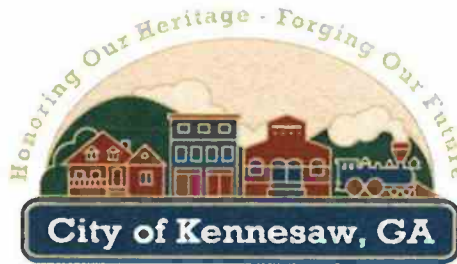
Derek Easterling

City Manager

Jeff Drobney

City Clerk

Lea Addington

**COUNCIL**

Mayor Pro Tem Pat Ferris

James Eaton

Tracey Viars

Chris Henderson

David Blinkhorn

CLERK'S CERTIFICATIONCITY 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 Mayor and Council March 16, 2020 meeting minutes 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

MINUTES OF MAYOR & CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
Monday, March 16, 2020
6:30 p.m.

Present: Mayor Derek Easterling
Mayor Pro Tem Pat Ferris
Councilmember James Eaton
Councilmember Tracey Viars
Councilmember Chris Henderson
Councilmember David Blinkhorn
City Manager Jeff Drobney
Deputy City Clerk Lea Addington
City Attorney Randall Bentley

Mayor Easterling greeted the public and shared the meeting was being streamed on Facebook Live as a result of precautionary measures taken to slow the spread of COVID-19. Earlier today, Governor Kemp signed a State of Emergency for the State of Georgia and the City of Kennesaw is working to be proactive in taking care of our community.

I. INVOCATION

City Attorney Randall Bentley led the invocation.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Easterling

III. CALL TO ORDER

IV. ANNOUNCEMENTS

- A. If you would like to provide public comment on an agenda item, but do not want to attend a Mayor and City Council meeting, you can email Lea Addington at laddington@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud for the record.

Mayor Easterling reminded the public individuals were afforded the opportunity to email the Deputy City Clerk with any comments pertaining to agenda items if he or she was unable to attend the meeting and that those comments were forwarded to the relevant department. A new email address, kennesawcouncil@kennesaw-ga.gov, was created for this purpose and was spelled aloud for the public.

V. PRESENTATIONS

- A. Presentation of a proclamation to declare March 20, 2020 as Arbor Day for the City of Kennesaw.

Mayor Easterling announced to help with social distancing, department heads were not required to attend the meeting. Mayor Easterling reassured he will present the Arbor Day proclamation to Public Works Director Ricky Stewart and his team in a different setting but still wanted to recognize their efforts.

[The City Attorney swore-in any witnesses or individuals offering comments on the agenda.]

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:38 PM Floor Open for Public Comments on agenda items

RON SANDERS: Mr. Sanders brought up a procedural concern; however, did not return to finish his public comment at the end of the meeting.

6:40 PM Floor Closed to Public Comments on agenda items

VII. OLD BUSINESS

No items.

VIII. NEW BUSINESS

- A. Approval of a **RESOLUTION NO. 2020-09, 2020** authorizing the Mayor and Police Chief to sign Memorandum of Understanding with the City of Acworth. The purpose of this Memorandum of Understanding is to establish that in the event staffing levels of either police department are decreased as a result of the COVID-19 crisis, Acworth and Kennesaw Police Officers may be duly-sworn-in, granted inter-jurisdictional authority, and will have all rights and responsibilities of each agency. This action will be taken to ensure the continuity of public safety services to our citizens in both cities. Personnel will be governed by their home agency's standard operating policy and procedure while responding to calls for service or police related actions within the neighboring jurisdiction. Police Chief recommends action, pending legal review.

Chief Westenberger presented the resolution as a team effort between the City of Acworth and the City of Kennesaw's police departments to address staffing issues that could arise due to COVID-19.

Motion by Councilmember Blinkhorn to approve the RESOLUTION to authorize the Mayor and Police Chief to sign the Memorandum of Understanding with the City of Acworth, pending legal review, seconded by Councilmember Viars.

Councilmember Blinkhorn asked if an announcement would be made to the public in the event inter-jurisdictional authority is needed. Mayor Easterling said the public would be made aware via social media platforms.

Vote taken, approved unanimously 5-0. Motion carried.

[In accordance with O.C.G.A. §50-14-1 (e)(1), in part: "...Failure to include on the agenda an item which becomes necessary to address during the course of the meeting shall not preclude considering and acting upon such item." Three items listed below required immediate attention due to the COVID-19 pandemic].

Motion by Councilmember Ferris to add three emergency orders to the agenda, seconded by Councilmember Henderson. Vote taken, approved unanimously 5-0. Motion carried.

- B. Approval of a **RESOLUTION NO. 2020-10, 2020** to adopt the City of Kennesaw's Emergency Operations Policy. The City of Kennesaw's Emergency Operations policy is to provide procedures for the operations of the city in the event of suspension of normal operations or emergency closure. The City Manager recommends approval.

City Manager Jeff Drobney presented the three emergency orders to Mayor, Council and the public. Mr. Drobney worked with staff to prepare policies so the City maintains business continuity and to focus on essential services. The first resolution is to deal with emergency operations for an extended period for both full-time and part-time employees. It spells out how we will notify the public, employees, and who is considered essential.

Motion by Councilmember Eaton to approve the RESOLUTION to adopt the City of Kennesaw's Emergency Operations Policy, as presented and pending legal review, seconded by Councilmember Henderson. Vote taken, approved unanimously 5-0. Motion carried.

- C. Approval of a **RESOLUTION NO. 2020-11-, 2020** to adopt the City of Kennesaw's Public Health Emergency Policy. The City of Kennesaw's Public Health Emergency policy is to provide procedures for use in COVID- 19 pandemic event as determined by the World Health Organization for all City of Kennesaw employees. The City and its employees bear responsibility for a safe and productive workplace environment and this policy will be administered in accordance with all federal and state laws and regulations, including the ADA and the FMLA (where a serious health condition is involved). The City Manager recommends approval.

City Manager Jeff Drobney presented a resolution regarding a public health emergency policy. This policy is to provide procedures to use during a pandemic event as determined by the World Health Organization for all City of Kennesaw employees. These procedures address if employees present symptoms related to the pandemic illness, if they are diagnosed with the pandemic illness, if they have been exposed to an individual documented with the pandemic illness, etc. The City will be paying employees while they are quarantined for the 14-day period. This policy will be administered in accordance with all federal and state laws and regulations, including the ADA and the FMLA.

Motion by Councilmember Viars to approve the RESOLUTION to adopt the City of Kennesaw's Public Health Emergency policy, as presented and pending legal review, seconded by Councilmember Blinkhorn. Vote taken, approved unanimously 5-0. Motion carried.

- D. Approval of a **RESOLUTION NO. 2020-12, 2020** to adopt the City of Kennesaw's Telework and Remote Access Policy. The City of Kennesaw's Telework and Remote Access policy is to address the use of the City's remote access systems by authorized users as well as to provide the option of teleworking to eligible employees as a workplace strategy to balance organizational objectives with employee wellbeing. During a closure under the Emergency Operations policy, the city will suspend all teleworking previously authorized under this policy for the duration of the closure. During such event, the department director/manager will identify those authorized individuals to telework and who must follow the provisions of this policy. The City Manager recommends approval.

City Manager Jeff Drobney presented a resolution regarding a telework and remote access policy. This policy is in place to identify key personnel that can work remote, have access to the City's servers, and continue essential services. Each designated employee must sign a statement of responsibility to acknowledge that he or she understands the policy.

Motion by Councilmember Eaton to approve the RESOLUTION to adopt the City of Kennesaw's Telework and Remote Access policy, as presented and pending legal review, seconded by Councilmember Henderson. Vote taken, approved unanimously 5-0. Motion carried.

IX. COMMITTEE AND BOARD REPORTS

No items.

X. PUBLIC HEARING(S)

[Councilmember Viars recused herself and left the dais for items X. A-C]

- A. FINAL PUBLIC HEARING: Approval of an ORDINANCE to amend Appendix A "Unified Development Code," Chapter 1 "General Provisions," Section 1.09.02 "Definitions," and adding a new section under Chapter 4 "Site Design Standards," Section 4.06.00 "University Living-PBSH" (Purpose Built Student Housing). The proposed code amendments address the housing use that deals directly with purpose built student housing located within city limits. The proposed zoning district to be added to chapter four along with the associated definitions was presented to the Planning Commission at their regular scheduled meeting February 5, 2020. Don Bergwall motioned to adopt the code amendments and new zoning district as submitted, seconded by SaVaughn Irons. Vote 3-0. Legal reviewed and helped develop. This public hearing item was postponed from the February 17 and March 3, 2020 Mayor and Council meetings. Upon further discussion and review of the new definitions in Chapter 1 and zoning district in Chapter 4, staff is preparing revisions to the proposed draft for review and staff recommends postponing until the April 6, 2020 meeting.

Zoning Administrator Darryl Simmons presented an ordinance to amend Chapter 1 and add a new section under Chapter 4 in the Unified Development Code regarding University Living- Purpose Built Student Housing. Staff is currently preparing amendments to the

proposed draft for review and recommends postponing this item until the April 6, 2020 Mayor and Council meeting.

6:55 PM Floor Open for Public Comments

RYAN LEE [Architect on Shiloh Road]: Mr. Lee recognizes staff mentioned they need to go back and do more research on the proposed ordinance but he wanted to point out a few areas on which he'd like Council to focus. Mr. Lee believes there should be a serious look at the quantity of density to acreage and currently, the proposed ordinance has no density requirement. He is interested in the amendment of the definition of "family" and says there is need for clarification. He believes there are good aspects of this ordinance but as it stands today, he would be opposed.

6:58 PM Floor Closed to Public Comments

Motion by Councilmember Henderson to postpone the approval of an ORDINANCE to amend Chapter 1 and add a section under Chapter 4 for "University Living-Purpose Built Student Housing" to the April 6, 2020 Mayor and Council meeting at 6:30 PM, seconded by Councilmember Eaton. Vote taken, approved 4-0-1 (Councilmember Viars recused). Motion carried.

[Items X.B and X.C were presented concurrently.]

- B. Authorization for approval of ORDINANCE for rezoning request submitted by Fountain Residential Partners. Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County. Said request to rezone property consisting of 4.4+/- acres. Project proposal is student built housing with a rezoning request from City R-30 to City RM-12. The application was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 with property posting on February 18, 2020. The Planning Commission, at a meeting held on March 04, 2020, made recommendation, vote 3-0, to approve the rezoning subject to staff's recommendation with the following item #9 added by the Commissioners:
1. Reversionary clause that requires that construction permits and activity be initiated withing 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.
 2. 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.
 3. All 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.

4. Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors total equals 263 parking spaces to be provided

5. 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 eight (8)-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.

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. No over flow of light onto/into the adjacent property.

6. All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural standards.

7. Maximum height of building will be 35 feet as per the adopted zoning ordinance chapter one that defines how building height is measured.

8. Maximum number of units allowed will be 52 units with a maximum of 241 beds.

9. Right side of property - minimum 5 foot buffer be installed.

Zoning Administrator Darryl Simmons presented an ordinance for a rezoning request regarding property located at 1465 Shiloh Road as well as two variance requests. As of the Planning Commission meeting, the applicant submitted a revised site plan that reduced the number of units as well as a new setback that will be in compliance with RM-12. Due to the unique circumstances of the pandemic and the amount of individuals wanting to participate in these public hearings but cannot, it is staff's recommendation to postpone the public hearings to the May 18, 2020 Mayor and Council meeting at 6:30

PM. This postponement will allow Mayor and Council to look at the new data coming in, the public a chance to physically participate, and gives both parties the opportunity to review the item and add relevant information, if needed.

7:05 PM Floor Open for Public Comments

DARRYL SIMMONS [Zoning Administrator]: Mr. Simmons read into the record the names of individuals who emailed the Deputy City Clerk before 6 PM in opposition to the rezoning. Those names include: Bill and Lori Hicks; Barry D. Snell; Tim and Karen Brown; Jay Lauer; Jean and Howard Fingerhut; Bill Alexander; Ashford Jaggernauth; Shanna Trahan; Ken Champion; Patricia and Don Stamps; George Alexander; Tony and Courtney Taliercio; John Isenhour; Michael and Lorraine Tyrell; Johnny Faulk; Dianne Hunter; Dallas Otterlee; Marvin and Ann Crutchfield; Courtney Taliercio; Dianne McPherson; Nancy Grant; Jim Musgrave; Michael Peter Atheam; KC Hamill; Ivey and David Olson; Brad and Lisa Wells; Paul Franklin; Jeff and Mary Clarice Hathaway; Jeff Hathaway; Loretta Byrne; Richard Calhoun; Brendan Cosgrove; Greg LaBrie; George Beck; Brenda Eubank; Jill Cox-Cordova and Anthony Cordova; and Merle Jaggernauth. Mr. Simmons also relayed five common concerns throughout the emails, which included increased traffic, the addition of multi-story housing to a residential area, a lack of parking, spikes in crime, and a reduction in quality of life.

DOUG DILLARD [Dillard Sellers Attorneys at Law]: Attorney Dillard, representing the applicant, shared his office has not had an opportunity to respond to any of these concerns. Attorney Dillard wanted reassurance if the public hearing was postponed to the May 18, 2020 meeting, that staff would give notice of all comments and place a deadline on when those comments can come in. Attorney Dillard would like an opportunity to respond to any concerns before the meeting occurs.

Mr. Simmons responded staff would continue to submit comments as quickly as possible.

Attorney Bentley asked if Attorney Calhoun, representing 75 Wade Green Business Center Association, Inc., concurred with postponement.

Councilmember Blinkhorn made a motion to postpone the ORDINANCE for rezoning request submitted by Fountain Residential Partners to the May 18, 2020 Mayor and Council meeting at 6:30 PM, seconded by Councilmember Eaton.

RICHARD CALHOUN [Gregory, Dole, Calhoun and Rogers, LLC]: Attorney Calhoun responded in agreement but asked Mayor and Council to take a serious look at the objections provided to them in the letter they received between now and May.

Mayor Easterling reminded the public, despite the recommendation of postponement, we are still having the public hearing because it was advertised.

Councilmember Ferris wanted to clarify for the public that once this item is revisited in May, the floor will be open again for all to speak.

JIM MUSGRAVE [3123 Bentgrass Lane NW and HOA President]: Mr. Musgrave is an HOA president for a small subdivision of 19 homes that are unanimously opposed to the rezoning. He offered through email, comments, which are available and were partly read by Mr. Simmons. Mr. Musgrave wanted to point out additional concerns regarding travel routes students will have to take leaving the University and trying to get to I-75. He suggested to the developer and Council to look at a traffic map to see where students are going to go to get easy access to the proposed complex. Speeding might get worse with the added traffic of the students.

RYAN LEE [Architect on Shiloh Road]: Mr. Lee pointed out we have a new zoning standard being voted on soon and this current item being discussed seems tied together. One will have public comment on April 6th and the later item will have public comment on May 18th. It seems to be convenient to have one before the other. He suggests either voting on them on the same agenda or vote on this rezoning item first.

7:27 PM Floor Closed to Public Comments

Vote taken, approved 4-0-1 (Councilmember Viars recused). Motion carried.

[Items X.B and X.C were presented concurrently.]

- C. Authorization for approval of variance requests submitted by Fountain Residential Partners, LLC. for property located at 1465 Shiloh Road. Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County. Said proposal is for purpose built student housing. Said variance requests for the following: (1) Increase the RM-12 zoning district max. density from 12 unites/acre to 15.55 units/acre (68 units total); (2) Reduce the front yard setback along Shiloh Road from 40 ft. to 30 ft. on property consisting of 4.4+/- acres. Application was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 with property posting on February 18, 2020. The Planning Commission, at a meeting held on March 04, 2020, vote 2-1, made recommendation to deny the requested variances for density and front setback reduction. Staff recommendation: Darryl Simmons, Zoning Adminstrator, recommends the approval of the density and setback variances, as requested.

Motion by Councilmember Blinkhorn to postpone the variance requests submitted by Fountain Residential Partners, LLC for property located at 1465 Shiloh Road to the May 18, 2020 Mayor and Council meeting at 6:30 PM, seconded by Councilmember Ferris.

7:05 PM Floor Open for Public Comments

[See comments under agenda item X. B]

7:27 PM Floor Closed to Public Comments

Councilmember Henderson noted these variances were no longer applicable. He asked if they should be denied to remove them from the record. Mr. Simmons recommended keeping them on.

Vote taken, approved 3-1-1 (Councilmember Henderson opposed, Councilmember Viars recused). Motion carried.

[Councilmember Viars returned to the dais].

- D. Approval of a **RESOLUTION 2020-13, 2020** and transmittal of the updated Capital Improvement Element (CIE) and Short-Term Work Program (STWP) report. Transmittal of report and approved resolution, this CIE-STWP report will reflect Fiscal Years 2020-2024. Request is for approval of transmittal Resolution to Atlanta Regional Commission (ARC) and Georgia Department of Community Affairs (DCA) for review and comments prior to final adoption by Mayor and Council later in 2020 at a scheduled hearing following proper public notice. Department of Community Affairs requires participating local governments to submit an update to these project reports as required for the City of Kennesaw to maintain Qualified Local Government status. This report identifies short-term goals and projects over a five-year period. The public hearing was advertised in the Marietta Daily Journal on February 28, 2020 and March 6, 2020. Staff Recommendation: Darryl Simmons, Planning and Zoning Administrator, recommends transmitting the proposed draft for regional review by the Atlanta Regional Commission and Department of Community Affairs.

Zoning Administrator Darryl Simmons presented a resolution and the transmittal of the updated Capital Improvement Element (CIE) and Short-Term Work Program (STWP) Report. This report will reflect fiscal years 2020-2024 and will be transmitted to the Atlanta Regional Commission and the Georgia Department of Community Affairs for review and comments prior to the report's final adoption by Mayor and Council later this year. Submittal of update to these project reports is required by the Department of Community Affairs to maintain Qualified Local Government status.

Motion by Councilmember Ferris to approve the RESOLUTION and transmittal of the updated CIE-STWP report, as presented, seconded by Councilmember Eaton.

7:30 PM Floor Open for Public Comments

No comments.

7:31 PM Floor Closed to Public Comments

Vote taken, approved unanimously 5-0. Motion carried.

[Items X, E and F were presented concurrently].

- E. FIRST PUBLIC HEARING: Approval of an ORDINANCE to repeal Metricom Franchise Agreement, Appendix E of the City of Kennesaw Code of Ordinances. On June 20, 2000, the Mayor and City Council adopted Ordinance #2000-12 wherein the City entered into an agreement with Metricom Inc. to grant a franchise to construct, operate and maintain wireless communication systems within the City of Kennesaw right of way. Upon information and belief, Metricom and its successor are no longer in business, the City is not receiving franchise fees from

Metricom or any of its successors, and there are no wireless communication system facilities owned by Metricom or its successors in the City right of way. The Metricom Franchise expired by its own terms on June 20, 2016 and the City sent notice to Metricom of its expiration on February 12, 2020. The public hearings were duly advertised in the Marietta Daily Journal March 6, 2020 and March 13, 2020 editions. The final public hearing will be held on April 6, 2020 at the Mayor and Council regular meeting. The City Clerk and legal recommends approval.

City Manager Jeff Drobney presented ordinances to repeal Metricom Franchise Agreement, Appendix E, and MediaOne Franchise Agreement, Appendix F, of the City of Kennesaw Code of Ordinances. Metricom and MediaOne do not exist and the City is not receiving any franchise fees from the companies.

7:32 PM Floor Open for Public Comments

No comments.

7:33 PM Floor Closed to Public Comments

No action taken.

[Items X, E and F were presented concurrently].

- F. FIRST PUBLIC HEARING: Approval of an ORDINANCE to repeal MediaOne Franchise Agreement, Appendix F of the City of Kennesaw Code of Ordinances. On November 19, 2001 the Mayor and City Council of the City of Kennesaw adopted Ordinance 2001-33 wherein the City entered into an agreement with Mediaone of Colorado, Inc. (hereinafter "Mediaone") to grant a franchise to construct, operate, upgrade and maintain a cable system along the public right of way within the franchise area, for the purpose of providing cable services (hereinafter the Mediaone Franchise). The Mediaone franchise expired by its own terms on November 19, 2011. While the City may be receiving franchise fees from Comcast pursuant to its state issued franchise agreement in the City, the City is not receiving franchise fees from Mediaone or any of its successors pursuant to the Mediaone franchise. The public hearings were duly advertised in the Marietta Daily Journal March 6, 2020 and March 13, 2020 editions. The final public hearing will be held on April 6, 2020 at the Mayor and Council regular meeting. The City Clerk and legal recommends approval.

7:32 PM Floor Open for Public Comments

No comments.

7:33 PM Floor Closed to Public Comments

No action taken.

XI. CONSENT AGENDA

- A. Approval of the February 24, 2020 Executive Session minutes and March 2, 2020 Mayor and City Council meeting minutes.
- B. On March 2, 2020, Jennifer Henderson purchased one (1) cemetery lot in the Kennesaw City Cemetery. The lot is located in Section III, Plot 34, Lot H for the burial of her mother Patricia White. City Clerk recommends authorizing the Mayor to sign the supporting deed for purchase of the lot.
- C. Approval of **RESOLUTION NO. 2020-14, 2020** and authorization for the Mayor to execute the Lease Supplement with Georgia Municipal Association (GMA) for the direct leasing program for one (1) 2020 F250 Truck. The total amount of the loan is \$22,554. Through GMA the City will finance the truck for a four year period with annual payments of \$5,086.26 at an annual interest rate of 4.14%. Funding will be through Magnolia Bank via GMA. Finance Director recommends approval.
100.8000.58.1200 Total principal \$22,554.00 over lease term
100.8000.58.2200 Total interest \$2,877.30 over lease term
- D. Approval of a **RESOLUTION NO. 2020-15, 2020** to amend the Cobb Framework Agreement for McCollum Pkwy @ Ben King Road. The City of Kennesaw entered into a Cobb Framework Agreement with Cobb County, Georgia on January 26, 2016, for services associated with McCollum Parkway @ Ben King Road Intersection Improvements (PROJECT), Project No. X2309. At the time the parties anticipated the total project costs to be Two Million and No/100 Dollars (\$2,000,000.00) and agreed on a funding split of 70% COUNTY (\$1,400,000.00) and 30% CITY (\$600,000.00). The project design has been completed, the ROW acquisition completed and the project was advertised for construction on October 10, 2019. The total project costs are now anticipated to be \$3,720,000 and increasing the maximum financial contributions of each party as follows: County 70% \$2,604,000 City 30% \$1,116,000. Cobb County is asking the City to allow it's portion of the increased cost to be advanced from the Mack Dobbs project (also a joint County/City 2016 SPLOST project) while County and City staff work on the scope and budget for Mack Dobbs. Cobb County believes potential savings can be found in the McCollum @ Ben King Road project after plan set/quantities review and closely managing construction allowances thereby reducing the City's portion of the overall project cost. Recommendation is for the Council to authorize the Mayor to sign to allow this much needed road and traffic safety project to proceed.
- E. Request to sell or surplus eight Police Vehicles. The Chief of Police requests permission to sell or surplus eight (8) older vehicles in the fleet. The vehicle information is as follows: 2005 GMC Yukon VIN:3GKEC16Z05G228967; 2006 Ford Crown Victoria VIN: 2FAFP71W76X130780; 2007 Ford Crown Victoria VIN: 2FAFP71W07X145090; 2007 Ford Crown Victoria VIN: 2FAFP71W07X145089; 2007 Ford Crown Victoria VIN: 2FAFP71W07X130694; 2008 Ford Crown Victoria VIN: 2FAFP71V68X128500; 2011 Ford Crown Victoria VIN: 2FABP7BV1BX110927; and a 2011 Dodge Ram 1500 VIN: 1D7RV1CT0BS539607 (purchased with forfeited funds). The Chief of Police and the City Fleet Manager recommend removing the aforementioned vehicles from the fleet.

- F. Request to surplus and dispose of Public Works vehicle. With Council's approval to purchase a new vehicle in the FY 2020 budget, Public Works now has a surplus truck that needs to be disposed. Staff will attempt to sell the surplus item in the open market; however, if no bids are received then the items will be sold as scrap metal. The surplus vehicle is a 2001 Chevrolet 3500, VIN #3GBKC34FO1M102983. The Public Works Director recommends declaring the aforementioned vehicle as surplus.
- G. Road Closures for July 3rd and Day with Santa. The following road closures support the Salute to America, July 3rd event on Friday, July 3rd.
- Main Street will be closed from Moon Station Rd to Summers St: 8:00 AM – 12:00 Midnight
 - Cherokee Street will be closed from Big Shanty to Main Street 8:00 AM – 12:00 Midnight
 - Lewis Street will be closed from Dallas St to Main St from 12:00 Noon – 12:00 Midnight
 - J.O. Stephenson Avenue will be closed from Little General Cloggers Lane to Main Street from 12:00 Noon – 12:00 Midnight
 - Watts Drive will be closed from Little General Cloggers Lane to Main Street from 12:00 Noon – 12:00 Midnight
 - The City parking lot at Tunnel Plaza will be closed 8:00 AM – 12:00 Midnight
 - Shirley Drive will be closed Cherokee St to Carruth St 9:00 PM until 10:30 PM.
- The following road closures support the Day with Santa event on Saturday, December 5th:
- Main Street will be closed from Lewis St to Summers St 12:00 Noon – 10:00 PM;
 - To accommodate the parade Main Street will also be closed from Park Dr to Lewis St: 1:45 PM – 3:15 PM.
 - The following roads will be closed at Main St 12:00 Noon – 10:00 PM: J.O. Stephenson Ave., Cherokee St., Watts Dr.
 - To accommodate the parade the following roads will be closed at Main St 1:45 PM - 3:15 PM: Park Dr., Lewis St., Dallas St., Whitfield Pl., Moon Station Rd.,
 - Watts Dr. will be closed just west of the new parking lot entrance at 1:45 PM for approx. 30mins. Dallas St. will be closed at Watts Dr. for approx. the same 30mins.
 - Cherokee St will be closed from Big Shanty Dr. to Main St: 12:00 Noon – 10:00 PM
 - Watts Dr. will be closed from Little General Cloggers Lane to Main Street from 12:00 Noon – 10:00 PM.
- The Events Committee recommends approval.

Motion by Councilmember Viars to approve the Consent Agenda engross, seconded by Councilmember Blinkhorn. Vote taken, 5-0 approved unanimously. Motion carried.

XII. FINANCE AND ADMINISTRATION

GINA AULD, Finance Director

No items.

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief

LINDA DAVIS, 911 Communications Director

- A. Receipt of 2020 January and February Crime Statistics.

Chief Westenberg presented the January and February 2020 crime statistics.

Motion by Councilmember Henderson to receive the January and February 2020 crime statistics, seconded by Councilmember Blinkhorn. Vote taken, 5-0 approved unanimously. Motion carried.

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Co-Director

JOSHUA GUERRERO, Co-Director

No items.

XV. PUBLIC WORKS

RICKY STEWART, Director

ROBBIE BALENGER, Building & Facilities Manager

No items.

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum and Agency Director

STEVE ROBERTS, Parks and Recreation Director

ANN PARSONS, Smith-Gilbert Gardens Director

No items.

XVII. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director

DARRYL SIMMONS, Zoning Administrator

SCOTT BANKS, Building Official

No items.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

XIX. CITY MANAGERS REPORT – Jeff Drobney

- A. City Manager reports, discussions and updates.

No items.

XX. MAYOR'S REPORT

- A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

Mayor Easterling appointed Ann Langan and Britt Doss to fulfill vacancies on the Kennesaw Downtown Development Authority with terms ending Dec 2021 and Dec 2023, respectively. Mayor Easterling also appointed Kevin Tidwell to fulfill a vacancy on the Kennesaw Development Authority with a term ending Dec. 2023.

Motion by Councilmember Viars to ratify the appointments of Ann Langan, Britt Doss, and Kevin Tidwell, seconded by Councilmember Blinkhorn. Vote taken, 5-0 approved unanimously. Motion carried.

XXI. COUNCIL COMMENTS

Councilmember Pat Ferris mentioned how pollen season has begun and he is allergic to everything. Feel better, Councilmember Ferris!

Councilmember David Blinkhorn thanked the Mayor and the City Manager whom have been in constant communication with state and local agencies and have been keeping Council informed. He is grateful for all they are doing.

Councilmember James Eaton exclaimed wow—what a week!

Councilmember Chris Henderson joked Councilmember Blinkhorn stole his thunder but wanted to say thank you for everything. He now knows why he chose not to homeschool his children.

Councilmember Tracey Viars asked everyone to be safe, patient, and kind.

Mayor Derek Easterling announced effective 5:00 PM today, City Hall would be closed to public access until further notice.


XXII. EXECUTIVE SESSION –Land, Legal, Personnel

- A. Pursuant to the provisions of O.C.G.A. §50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

No items.

XXIII. ADJOURN

Mayor Easterling adjourned at 7:39 P.M. The next regularly scheduled meeting will be held Monday, April 6, 2020 at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.



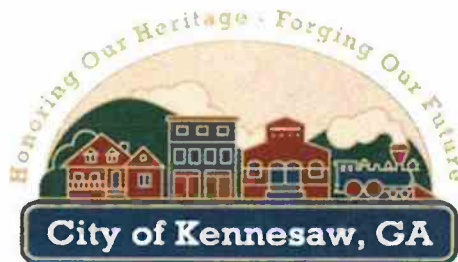
Lea Addington, Deputy City Clerk

APPENDIX 3

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 Mayor and Council June 15, 2020 meeting minutes with unrelated and duplicated documents from within and from the June 15, 2020 agenda omitted 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



**MINUTES OF MAYOR & CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers/ Ben Robertson Community Center
Monday, June 15, 2020
6:30 p.m.**

Present: Mayor Derek Easterling
Mayor Pro Tem Pat Ferris
Councilmember James Eaton
Councilmember Tracey Viars
Councilmember Chris Henderson
Councilmember David Blinkhorn
City Manager Jeff Drobney
Assistant City Manager Marty Hughes
City Clerk Lea Addington
City Attorney Randall Bentley, Sr.

Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in compliance with O.C.G.A. §50-14-1, this meeting was conducted in person and via the use of Zoom Meeting and Facebook Live as the real-time telephonic technologies allowing the public simultaneous access to the public meeting.

The public had access to the Facebook Live via the following link:
<https://www.facebook.com/CityofKennesaw/>

I. INVOCATION

City Attorney Randall Bentley, Sr. led the invocation.

II. PLEDGE OF ALLEGIANCE

Ed Setzler, Georgia State Representative for District 35, led the Pledge of Allegiance.

III. CALL TO ORDER

IV. ANNOUNCEMENTS

- A. Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is being conducted via the use of real-time telephonic technologies allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center.

In addition to in person public appearance, Mayor and Council will be conducting their meeting through Zoom Meeting and Facebook Live and you can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>

- B. If you would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.

[The City Attorney swore-in any witnesses or individuals offering comments on the agenda].

V. PRESENTATIONS

No items.

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:35 PM Floor Open for Public Comments on agenda items

[Mayor Easterling asked Assistant City Manager Marty Hughes if any individual in the Ben Robertson Community Center overflow room wanted to speak about the 1465 Shiloh Road rezoning. Mr. Hughes responded at least three. Mayor Easterling asked they go first so Councilmember Viars can recuse herself].

[Councilmember Viars recused herself from the Council Chambers].

[Please note: residency is listed after individuals that either verbally referenced or placed in writing his or her address during public comment].

KC HAMILL (Cobb County resident): Mr. Hamill spoke against the letter the Pinetree Civic Association sent to Council in support of the 1465 Shiloh Road rezoning item. He is an active member of his community and was shocked when he found out the Association sent the letter. The people who live adjacent from the property and a majority of those who live in Pinetree neighborhood disapprove of the rezoning application.

CINDY MCKINLAY (Cobb County resident): Ms. McKinlay is a member of the Pinetree Civic Association and she was not aware of the letter as well. She believes every member, to the best of her knowledge, is against the rezoning and they did not find out about this letter until the very last minute. Ms. McKinlay stated the letter does not represent any of the members of Pinetree.

PHIL ANZALONE (Cobb County resident and Pinetree Civic Association President): Mr. Anzalone shared the Association has done a lot of work in regards to purpose built student housing, especially with Cobb County. Support for the 1465 Shiloh Road rezoning was not given lightly as there were many tradeoffs. There are two big issues: privacy and traffic. Mr. Anzalone mentioned Fountain Residential Partners has been working to find solutions to those issues. He has a good feeling the community will not experience the same problems they are having with West 22. He says the Association strongly endorses the proposal.

JOE BOZEMAN (City of Kennesaw property owner and Cobb County resident): Mr. Bozeman lives in Pinetree; however, he is not a member of the country club. He believes

the project on Shiloh Road will be good for the City of Kennesaw. He asked Council to approve the rezoning.

TIMOTHY HEYING (City of Kennesaw resident): Mr. Heying expressed the necessity of approving the rezoning item. There are more people looking for housing in Kennesaw every year and this project would keep things more centralized and be more beneficial to the school.

GEORGE WILLIAMS IV (Kennesaw State University student): Mr. Williams IV is a Resident Assistant at Kennesaw State University (KSU) and is on the front lines of student housing. KSU saw an approximate 7% increase in student housing this past school year – a university typically sees only a 3% increase. This student housing project is important for students who will be looking for affordable housing options. If the concern is for the safety of homeowners, it makes sense to support projects like this one that gives students their own space to live.

COLEEN HOSACK (Attorney for Bentley Bentley & Bentley): Ms. Hosack clarified for the record this particular item is regarding 1465 Shiloh Road rezoning. The phrase "purpose built student housing" had been used several times during the meeting and it is a separate issue from the rezoning item.

MARTY HUGHES (Assistant City Manager for City of Kennesaw): Mr. Hughes read the names of individuals who sent emails to kennesawcouncil@kennesaw-ga.gov and his or her respective position regarding the 1465 Shiloh Road rezoning into the record. The names and positions are as follows:

In support, Jennifer R. Taylor, a member of Dillard Sellers Attorneys at Law, shared correspondence from the Pinetree Civic Association endorsing the Fountain Residential project. Please see "Comments - A."

In opposition, Ronda Porta; Katrina Champion; Philip Walerski; Robert DeVillar (resident of Pinetree neighborhood); Ty Kataja; Tony Scaturro; Miriam Tilley; Cindy McKinlay (Member of Pinetree Civic Association); Dennis M. McKeon, Sr.; Deanna L. Davis; Michael Tyrell (President of Archery Shooters Association, LLC); Ryan Lee (President and CEO of R.A. Lee & Associates, Architects); Diane McPherson; Gloria Behrle; Matt and Susan Hopkins (resident of Pinetree neighborhood); Lonnie Roberts (resident of Pinetree neighborhood); Suly Sriver (Paralegal for GDCR Attorneys at Law) sent letters and various exhibits in opposition of the request on behalf of 75 Wade Green Business Center Association, Inc.; Barry Miller (resident of Fairways to Pinetree neighborhood); Buzz Alexander; Arthur L. Way (Property owner of Elk River Properties, LLC); Jeffery Davis (resident of Pinetree neighborhood); Nancy Dowling; Brendan Cosgrove (resident on Ayers Drive); and Mary Clarice Hathaway. Please see "Comments - B."

[Councilmember Viars returned to the Council Chambers].

MATT SOUTHWELL (City of Kennesaw resident): Mr. Southwell pointed out before every meeting we stand and pledge allegiance to the United States of America. It is the flag of our country. The flag that has been a point of so much contention here in Kennesaw lately was carried into battle in defense of ideals that are contrary to the American fundamentals

of life, liberty, and the pursuit of happiness. He respects history but a flag does nothing to teach history. Museums are where these symbols belong so they can be properly contextualized. It is time to take a stand and take the flag down so the community can move forward.

BRENT PEABODY (City of Kennesaw resident): Mr. Peabody thanked the Mayor and Council for presiding over a civil procedure and asked them to take the flag down. The vast majority of people in favor of removing the flag are young. They are the new generation and change is happening. What the City of Kennesaw needs to decide is whether they are going to embrace this change or resist it. He wants us to leave a good legacy.

GEORGE WILLIAMS IV (Kennesaw State University student): Mr. Williams IV reminded the Mayor and Council there will be many new students coming to Kennesaw State University in the fall. This school prides itself on diversity and inclusion. Just down the road, however, flies a flag that stands for the opposite. Mr. Williams IV does not want to have to warn the upcoming freshmen about places to avoid. He does not want to have to avoid these places either. He asked for the Confederate flag and all related symbols be removed.

JIMMY DICKENS (City of Kennesaw resident and business owner): Mr. Dickens shared with the Mayor and Council how he has lived, worked, and served in the City of Kennesaw. It is his home and he loves it; however, he wishes it loved him back. Many symbols within Kennesaw represent the Confederacy including the City's logo, its streets, and its events. He suggested the Southern Museum be both a Civil War and Civil Rights museum. Include everybody! He told Council the community stands with them and asks them to represent the City of Kennesaw as a whole.

LEAH WOOD (Cobb County resident): Ms. Wood lived in the City of Kennesaw for most of her life. When she was 10 years old, she went on a field trip to the Southern Museum and wandered into Wildman's Civil War Surplus Shop. She was shocked at what she saw; however, she looked across the street and saw the same flags covering Wildman's store flying over the City of Kennesaw. She read Kennesaw's vision statement to the Mayor and Council and shared if we want to move forward, the flag needs to be removed.

DEBRA WILLIAMS (City of Kennesaw resident): Ms. Williams shared much of what she has heard tonight has been emotional—she wants to speak from facts and law. She said by willingly and knowingly removing the flag, the Mayor and Council are breaking state law. If they proceed with this action, all involved should be removed from office. Emotional leadership comes at a high price.

REBECCA MILLER (Cobb County resident): Ms. Miller grew up within the City of Kennesaw limits. One of the first impressions people have when visiting Kennesaw is its downtown is a memorial to the Confederacy. On one side is Wildman's store on the other side, is the Confederate flag. The flag represents hatred, not heritage. If it is a question of Southern pride, there are many other symbols to represent it. It is time to take down the flag.

VISHAL PATEL (Cobb County resident): Mr. Patel has also lived near Kennesaw his entire life. The fact that he has to qualify his statements by saying where he lives to address the hatred represented by the flag is ridiculous; but he will, because he wants to be a part of the community. This is his first time attending a Mayor and Council meeting, largely due to the flag. He loves his community, but every time he sees the flag, it is as though his community is telling him they do not want him here. He asked the Mayor and Council to remove the symbols of hate and prejudice in our community and embrace everyone.

DR. LISA ADKINS (City of Kennesaw resident): Dr. Adkins noted she has been in front of the Mayor and Council numerous times regarding various projects. As Ms. Williams said, this issue is regarding following the law or not following the law. If Council wanted to speak about drafting a proposal to send to the State of Georgia to ask them to change the law, that would be the proper procedure for this Council. To break the law and to ask the taxpayers to foot the bill for whatever legal ramifications arise from that decision, is wrong.

JOY CAMPBELL (Cobb County resident): Ms. Campbell asked for the removal of the flag, as it is a symbol of racism in this country. It is unfair to the black citizens of Kennesaw to be constantly reminded of a racist history. It is not history because it is still happening today. The least Kennesaw can do is show solidarity with its black citizens starting by condemning and removing Confederate memorabilia.

ALICIA ADAMS (City of Kennesaw resident): Ms. Adams is a 16-year resident of the City of Kennesaw and is proud to say she is a part of a multicultural community. She shared she was never taught to hate or be intolerant. She told Council you could not legislate away hate as it starts from within. The issue is not the symbol; the issue is what we associate with it. She encourages everyone to love one another and for the Mayor and Council to do what is legally appropriate.

C.W. ELLIOTTE (Cherokee County resident): Mr. Elliotte shared this conversation is taking place in the middle of a period of racial pain and division. We have an opportunity here to send a message of love and support by removing the Confederate flag.

PRISCILLA SMITH (Cobb County resident): Ms. Smith's mother was one of the first teachers at Big Shanty Elementary. She applauds the Mayor and Council for what they are doing and stands with them. If the Mayor and Council receive any legal backlash for their decision, she will do whatever she can to support them. Ms. Smith believes what they are trying to do is a brave act.

VINCENT CHARLES BEETLES JR. (Cobb County resident): Mr. Beetles, Jr. mentioned there are always two sides to any argument. The most common argument for keeping the Confederate flag flying is its representation of states' rights, but it was for the states' right to keep slavery. He thanked the Mayor and Council for taking up the issue and the removal of the flag is a good first step.

ZACHARY SMITH (Cobb County resident): Mr. Smith strongly encouraged the Mayor and Council to remove the Confederate flag. He said there is a space for the flag in a museum; it should not fly in a public space.

EDIE SINCLAIR (Cobb County resident): Ms. Sinclair is ashamed that when other people think of the South, they think of the Confederate flag. There are other things to be proud of regarding the South including a rich oral tradition and great food. Being Southern does not have to be synonymous with hatred. Ms. Sinclair does not want to be a part of a community that ignores the pain of others. She asks Mayor and Council to remove the flag.

MARY MILLER (City of Kennesaw resident): Ms. Miller shared this is not only an issue for young people. She wants to make the South somewhere we can be proud of and for the flag to be removed.

JOHNNY HAWKINS (Cobb County resident): Mr. Hawkins encouraged the Mayor and Council to keep the flag flying and not break any laws. If they do, they should be removed from office. He said our country is in a terrible place right now and wants everyone to come together and love each other.

CARLY SEIFERT (Cobb County resident): Ms. Seifert is not a native of the South. She has a black son and they moved from Montana to Kennesaw two years ago in search of a more diverse community. In Montana, hate groups that branded themselves with the symbol of the Confederate flag frequently targeted them. Today, she does not take her children to downtown Kennesaw because of the Confederate flag that flies. She does not know how to explain to them that the same symbol that was used to show them hate is in their new community. She asked for it to be removed.

ALLEN J. PAULSON (Cobb County resident): Mr. Paulson asked the Mayor and Council to take down the flag. It serves no purpose anymore and it should be displayed in a museum.

ANONYMOUS: The individual did not want to share his or her name as people have been targeted for standing up and speaking out. The individual stated we do not need the Confederate flag to know about the Civil War and asked for it to be removed.

REBECCA CARLSON (Cobb County resident): Ms. Carlson loves history. She shared what we are talking about tonight is not history and how the shoes she is wearing has lasted longer than the Confederacy. At no point did the Confederate flag stand for anything noble and should not be flown on any public property. Ms. Carlson applauds keeping the flag down and if it goes back up, it should be taken down again until the law changes.

JENNIFER CASTILLO (did not provide address): Ms. Castillo went to school in the City of Kennesaw. She reiterated there are so many other ways to show Southern pride. The community is asking for change and having this conversation is a step in the right direction. Ms. Castillo pointed out to Council they want people to feel comfortable coming here; however, many do not. She asked them to remove the flag.

MIKE SMITH (Paulding County resident): Mr. Smith shared he came back from fighting for the American flag and all the freedoms it represents in Vietnam 52 years ago. He

encouraged everyone to be careful before walking on people's freedoms. Mr. Smith asked what symbols will be removed next.

CHRIS KENNEDY (City of Kennesaw resident): Mr. Kennedy said this topic makes him emotional and shared the Confederate flag has no place in public view. He asked for the flag to be taken down and placed in a museum- whatever means necessary.

GEORGE WILLIAMS IV (Kennesaw State University student): Mr. Williams IV said if anyone knows the price of freedom it is his ancestors, yet, he still feels the effects of oppression to this day. He mentioned a previous comment about dealing with facts instead of emotions and continued to share information about the Fourteenth Amendment.

MARTY HUGHES (Assistant City Manager for the City of Kennesaw): Mr. Hughes divided the emails sent to kennesawcouncil@kennesaw-ga.gov into three categories: opposition to the removal of the flag, support for the removal of the flag with options, and support for the removal of the flag. The emails were read into groups as follows:

In opposition: Charles and Vicki Frey; Wil MacFarlane Goldstein; Michael Reither (Cobb County resident); James Bishop; Benjamin Wren; Bryan Babyak; James R. Bonds; Jeffrey Wright; Garry Daniell; Eddie Hensley; Sarah Peterson; Carol Robertson (City of Kennesaw resident); Jennifer Jordan; and Veronica Cochran. Please see "Comments – C."

In support but provided suggestions regarding its removal including placement in the Southern Museum: Jennifer Zila; Mark Reardon; Georgia Lowry; Mac Badstibner; Brandon Flores; Shauna Stewart; and Rebecca Carlson. Please see "Comments – D."

In support: Traci Stafford; Timothy Huntley; Lauren Paul; Kimberly Clemmons; Ryan and Mandy Cochran; Karen Gambon; Olga Sidilkovskaya; Kenadee Knight; Ruthanna Wilson; Emily Cameron; Savannah Bray; Kate Jacobson; Gregg Walker (City of Kennesaw resident); Cris Eaton Welsh (City of Kennesaw business owner); Kristen Nichols; Kaelyn Putnam; Ali Brendel; Ariel Beedles; Tyler Chambers; Janelle Armstrong; Briana Harrison; Alice Harrison; Cody and Mary Harmon; Coty and Jeffrey Melvin; Kimberly Street-Robison; Sean McDonald; Jason Kirk; Karmen Blackwell (City of Kennesaw resident); Sandy Martin (City of Kennesaw resident); Jerome and Anne Atkins (City of Kennesaw residents); Rajah S. Mitchell (Cobb County resident); Josh Monroe; Nancy Lesser (City of Kennesaw resident); Zoe Speer; Philip Knowlton; Adrienne McGahee Jackson; Sharlande Nicolas; Kristin Thomas (City of Kennesaw resident); and Gary and Lisa Hasty (City of Kennesaw residents). Please see "Comments – E."

JOE BOZEMAN (City of Kennesaw property owner and Cobb County resident): Mr. Bozeman stated he has been a resident of Kennesaw his entire life. He has talked to every member of Council numerous times about the removal of the flag. He pointed out to everyone the park is actually known as "Fuller Park" and not "Memorial Park." It was named after Captain William Fuller of the Great Locomotive Chase. He is ashamed of some of the things he has heard tonight and offered the Council an alternative flag as a replacement for the Confederate flag flying in the park.

DEBRA WILLIAMS (City of Kennesaw resident): Ms. Williams addressed a comment by an earlier speaker asking him to not look at her and make any judgments. She shares no one can hear him when he is screaming and asks no one to judge her until he or she knows her.

CHARLIE DARRIEN (City of Kennesaw resident): Mr. Darrien addressed a previous speaker who asked the question about which monument or symbol is next to be removed. Mr. Darrien responded any and all that create division.

Georgia State Representative Ed Setzler (District 35): Representative Setzler shared the City of Kennesaw will not break the law but will follow the rules. The majority cannot wipe away the rights of the minority – that is the reason there is law; however, appropriate measures will not be prohibited. He read O.C.G.A § 50-3-1. Mr. Setzler said one thing is clear: Fuller Park has no historical relation to the image of the Confederate battle flag. He provides the Mayor and City Council a recommendation to follow the provision within the statute to consider a symbol that is relevant to Georgia in 1862. Mr. Setzler presented to the Mayor and Council a historically significant flag that complies with the law: the flag of the State of Georgia in the early 1860s.

8:52 PM Floor Closed for Public Comments on agenda items

Motion by Mayor Pro Tem Ferris to recess for 10 minutes, seconded by Councilmember Blinkhorn. Vote taken. Motion approved unanimously, 5-0. Motion carried.

8:56 PM – Meeting broke for a recess

9:06 PM – Meeting reconvened

Motion by Mayor Pro Tem Ferris to take agenda item XX-C out of sequence, seconded by Councilmember Viars. Vote taken. Motion approved unanimously, 5-0. Motion carried.

Mayor Easterling spoke to Councilmember Blinkhorn stating he brought this discussion to the forefront during the previous work session and gave him the floor to speak.

Councilmember Blinkhorn thanked everyone for his and her participation. The community made its voice heard and it was a great example of democracy in action. It is the responsibility of the elected officials to hear that voice and act.

Councilmember Henderson reassured the public no laws would be broken tonight. While O.C.G.A § 50-3-1 protects the existence of the monument in question, it also provides the City the right and obligation to protect the interpretation of the monument. Regardless of origin, a very common interpretation of the Confederate battle flag is one of hate and he believes because of that, it is their obligation to ensure the focus of the memorial is on its reason for existence: honoring those that served during the Great Locomotive Chase, Phillips' Legion, and all veterans. Today, Council will take a stand for history by ensuring the accuracy of the symbols they display and stand against hate by removing the symbol with which it is commonly associated. Councilmember Henderson called for the reading of the Resolution.

Mayor Derek Easterling read a "Resolution regarding the Confederate battle flag monument at Commemorative Park" into the record.

Motion by Councilmember Henderson to approve **Resolution No. 2020-19, 2020**, as read, seconded by Councilmember Viars. Vote taken. Motion approved unanimously, 5-0. Motion carried.

VII. OLD BUSINESS

No items.

VIII. NEW BUSINESS

No items.

IX. COMMITTEE AND BOARD REPORTS

No items.

X. PUBLIC HEARING(S)

[Councilmember Viars recused herself from the Council Chambers for item X-A & B].

- A. Authorization for approval of ORDINANCE for rezoning request submitted by Fountain Residential Partners. Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County. Said request to rezone property consisting of 4.4+/- acres. Project proposal is student housing with a rezoning request from City R-30 to City RM-12. The application was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 with property posting on February 18, 2020. The Mayor and Council meeting scheduled for June 15, 2020 was duly advertised through published legal ads run May 15 and May 22 2020. The property was reposted on May 19, 2020. The Planning Commission, at a meeting held on March 04, 2020, made recommendation (vote 3-0) to approve the rezoning with conditions. Staff Recommendation: Darryl Simmons, Zoning Administrator recommends approval of the RM-12 zoning district subject to staff's recommendation with the following item #9 added and referenced in the applicant's attorney letter dated March 13, 2020:

1. Reversionary clause that requires that construction permits and activity be initiated within 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.
2. 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.

3. All 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.
4. Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors total equals 263 parking spaces to be provided
5. 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 eight (8)-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 Kennesaw 911's 24-hour communications center and identify the phone location if the caller is unable to talk.
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.
No over flow of light onto/into the adjacent property.
6. All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards.
7. Maximum height of building will be 35 feet as per the adopted zoning ordinance chapter one that defines how building height is measured.
8. Maximum number of units allowed will be 52 units with a maximum of 241 beds.
9. Right side of property - minimum 5 foot buffer be installed.

Zoning Administrator Darryl Simmons presented the second public hearing for rezoning request submitted by Fountain Residential Partners. Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County This is the second of two public meetings.

Mr. Simmons read into the record emails he had received in support and opposition of the rezoning item. The emails he received are as follows:

In opposition: Brendan Cosgrove (Cobb County resident) and Matt and Susan Hopkins (Cobb County residents). Please see "Comments – F."

In support: Reverend Father Ben Day, Rector of Christ Episcopal Church (Cobb County); Bryan and Amanda Broyles (City of Kennesaw business owners); Mark Allen (City of Kennesaw business owner and Chair of Kennesaw Downtown Development Authority); Pinetree Civic Association; Joe Bozeman (City of Kennesaw property owner and Cobb County resident); Kelly Trim (City of Kennesaw resident); and Robert Trim (City of Kennesaw resident). Please see "Comments – G."

Approved by the Planning Commission with nine conditions, Mr. Simmons read the Ordinance into the record. He yielded the floor to the applicant but shared he was available for any questions.

TREVOR TOLETT (Executive Vice President of Fountain Residential Partners): Mr. Tolett presented a PowerPoint to the Mayor and Council. Fountain Residential Partners visited this property in 2017 and came back in 2020 with a new plan. They decided to leave single family lots on Ayers Drive alone and mentioned there are no points of ingress and egress on the aforementioned road. The only access points for the property are on Shiloh Road. Fountain Residential Partners are here because of the explosive growth of Kennesaw State University. It is important to address a growing university with not enough housing; if you do not, students will begin to move into single-family homes in neighborhoods without any conditions. Fountain Residential Partners has worked hard with community stakeholders to make sure the project is as low impact as possible. What they have accomplished with Pinetree is a model they want to implement with developments in the future with other municipalities.

PHIL AZALONE (Cobb County resident and Pinetree Civic Association President): Mr. Azalone mentioned how Kennesaw State University has grown significantly. This development has advantages such as privacy and the security of keeping a residential community residential. There is a major issue of up to five or six students living in one house throughout Cobb County.

DOUG DILLARD (Attorney for Dillard Sellers, Attorneys at Law – Counsel for Applicant): Mr. Dillard announced he would like to reserve three minutes for rebuttal.

RICHARD W. CALHOUN (Attorney for Gregory, Doyle, Calhoun & Rogers, LLC – Counsel for 75 Wade Green Business Center Association, Inc.): Attorney Calhoun's team tendered various exhibits into the record and provided copies for the Mayor and Council. Please see "Exhibits A-F". *[Note: "Exhibit G" is a DVD of audio from West 22. It will be*

included in the minutes and available upon request in the City Clerk's office]. He mentioned the March 16, 2020 letter given to the Mayor and Council was not included in the agenda packet. Several affidavits from homeowners within Pinetree Country Club and an opposition letter from Ryan A. Lee of R.A. Lee & Associates, Architects were entered into the record as well. Please see "Exhibit H" and "Exhibit I", respectively. Attorney Calhoun brought up several issues of concern including legal ads that ran during the Mayor's Executive Order – 02 staying all zoning matters, spot zoning, and examples of disruption from similar developments.

RYAN LEE (President and CEO of R.A. Lee & Associates, Architects): Mr. Lee is a licensed architect and owns R.A. Lee. He is in opposition to the rezoning because it fails to meet RM-12 rezoning standards. Mr. Lee told the Mayor and Council the request would be detrimental to his office park and the three single-family homes nearby. He asks them to deny the request as submitted.

Motion by Councilmember Henderson to approve **ORDINANCE NO. 2020-06, 2020** for rezoning request submitted by Fountain Residential Partners, as presented, seconded by Councilmember Blinkhorn.

10:21 PM Floor Open for Public Comments

No comment.

10: 22 PM Floor Closed for Public Comments

Vote taken. Motion approved, 3-1-1 *[Mayor Pro Tem Ferris opposed, Councilmember Viars recused]*. Motion carried.

[Attorney Doug Dillard stated for the record the variance request was removed].

- B. Authorization for approval of variance requests submitted by Fountain Residential Partners, LLC for property located at 1465 Shiloh Road Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County. Said proposal is for purpose built student housing. The variance requests are for the following: (1) Increase the RM-12 zoning district max. density from 12 unites/acre to 15.55 units/acre (68 units total); (2) Reduce the front yard setback along Shiloh Road from 40 ft. to 30 ft. on property consisting of 4.4+/- acres. The application was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 with property posting on February 18, 2020. The Planning Commission, at a meeting held on March 04, 2020, vote 2-1, made recommendation to deny the requested variances for density and front setback reduction. Staff recommendation: Darryl Simmons, Zoning Administrator, recommends the removal of the density and setback variance application due to the compliance of the RM-12 density and setback regulations presented in the revised site plan prepared by Kimley Horn dated 3-13-20.

No action taken.

[Councilmember Viars returned to the Council Chambers].

XI. CONSENT AGENDA

- A. Approval of the June 1, 2020 Mayor and City Council meeting minutes.
- B. Approval of **RESOLUTION NO. 2020-20, 2020** authorizing an Intergovernmental Agreement For Ben King Road Between The City Of Kennesaw and Cobb County The City has a 2016 SPLOST project to make improvements to Ben King Road. These improvements require the need to acquire additional right of way and easements for construction. There are properties that front the project area that are not within the city limits of Kennesaw. In order to acquire property outside of the City's jurisdictional limits, an agreement between the City and Cobb County must first be in place. The agreement presented will satisfy this requirement. Legal has reviewed and approved. The Public Works Director recommends approval and for the Council to authorize the Mayor to sign the attached Intergovernmental Agreement.
- C. On May 29, 2020, Robert and Susan Strevens purchased two (2) cemetery lots in the Kennesaw City Cemetery. The lots are located in Section III, Plot 64, Lots G & H. Authorize Mayor to sign the supporting deed for purchase of the lots. City Clerk recommends approval.

Motion by Councilmember Eaton to approve the Consent Agenda engross, seconded by Councilmember Henderson.

Vote taken. Motion approved unanimously, 5-0. Motion carried.

XII. FINANCE AND ADMINISTRATION **GINA AULD, Finance Director**

- A. Consideration for approval of an Alcohol License for Beer, Wine, Liquor and Sunday Sales for The Cigar Cellar, LLC d/b/a Cigar Cellar located at 2500 Cobb Parkway, Suite B-3, Kennesaw, GA 30152. Applicant: Eric Wilhelm. The applicant has completed the required alcohol workshop per Sec. 6-69. Signs have been posted and it has been properly advertised per Sec. 6-36. Current application, background check and fingerprint results are on file. Finance Director recommends approval.

Motion by Councilmember Blinkhorn to approve an Alcohol License for Beer, Wine, Liquor and Sunday Sales for The Cigar Cellar, LLC d/b/a Cigar Cellar, seconded by Councilmember Viars.

Vote taken. Motion approved unanimously, 5-0. Motion carried.

XIII. PUBLIC SAFETY **BILL WESTENBERGER, Police Chief** **LINDA DAVIS, 911 Communications Director**

No items.

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Co-Director

JOSHUA GUERRERO, Co-Director

No items.

XV. PUBLIC WORKS

RICKY STEWART, Director

ROBBIE BALENGER, Building & Facilities Manager

No items.

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum and Agency Director

STEVE ROBERTS, Parks and Recreation Director

ANN PARSONS, Smith-Gilbert Gardens Director

No items.

XVII. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director

DARRYL SIMMONS, Zoning Administrator

SCOTT BANKS, Building Official

No items.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

No comments.

XIX. CITY MANAGERS REPORT – Jeff Drobney

A. City Manager reports, discussions and updates.

No items.

XX. MAYOR'S REPORT

A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

B. Approval of proposed slate of officers for the Georgia Municipal Association's District 3 West 2020-2022 election. The following city officials have been nominated as Georgia Municipal Association's District 3 West Officers for 2020-2022: Al Thurman, Mayor of City of Powder Springs as President and Sam Davis, Councilmember of City of Douglasville as Vice President.

Motion by Councilmember Viars to approve Al Thurman, Mayor of City of Powder Springs as President and Sam Davis, Councilmember of City of Douglasville as Vice President for the Georgia Municipal Association's District 3 West 2020-2022 election, seconded by Councilmember Blinkhorn. Please see "Exhibit J".

Vote taken. Motion approved unanimously, 5-0. Motion carried.

XXI. COUNCIL COMMENTS

Mayor Pro Tem Ferris shared it was good to turn on his own microphone as opposed to muting and unmuting Zoom. He was pleased to be back and recognized all the hard work that went into this meeting.

Councilmember Viars said the City took a great step regarding the flag. She was proud of the progress.

Mayor Henderson thanked everyone for his or her support in making this change tonight.

Councilmember Eaton asked when the flag was going to go up. The City Manager responded tomorrow morning.

Councilmember Blinkhorn talked about groups of people in our community still affected by COVID-19, particularly children out of school who are looking for lunches everyday as well as the elderly still in quarantine and in need of help. He encourages the public to reach out to organizations who are helping these individuals during this time.

Mayor Easterling thanked the community for its engagement and commitment to making the City of Kennesaw a better place.

XXII. EXECUTIVE SESSION –Land, Legal, Personnel

- A. Pursuant to the provisions of O.C.G.A. §50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

No items.

XXIII. ADJOURN

Mayor Easterling adjourned at 10:30 P.M. The next regularly scheduled meeting will be held Monday, July 6, 2020 at 6:30 p.m. in the Council Chambers/ Ben Robertson Community Center.

Lea Addington, City Clerk

Names and Addresses will be disclosed in the Permanent Minutes of the
City of Kennesaw

PLEASE MAKE SURE YOUR NAME IS LEGIBLE AND CLEAR

Mayor & Council Regular Meeting

6/15/2020

Public Comment Sign-in

	Name	Address	Topic
1	Richard Calhoun	49 Atlanta Street Marietta 30060	Fountain Residential
2	Ryan Lee	1301 STILLWATER ROAD; Suite 321 Kennesaw, GA 30144	Fountain Residential
3	Jimmy Dickens	2044 Jebbs Ct Kennesaw GA 30144	Comments
4	Charlie Darrien	2044 Jebbs Ct Kennesaw, GA 30144	Flag
5	Mary Miller	3905 Collier Trace Kennesaw, GA	Flag
6	Phil ANDALONE	3182 PINE KNOLL KENNESAW	FOUNTAIN
7	Carly Seifert	115 Lake Latimer Cove Kennesaw	Flag
8	Martha Juanita Ruiz	2036 Pine Hill Cir Kennesaw	Flag
9	Rebecca Carlson	4014 George Bush Pkwy	Flag
10	JULIE BUZEMAN	1516 WIMALEDAW DR	KENNESAW
11	Debra Williams	3126 Kates Ct	Kennesaw
12	Lisa Adkins	4005 Webster Dr NW	Kennesaw Flag
13	Allen J Pallison	4044 George Washington	Kennesaw Flag
14	Trevor Toft	3600 Calkins Dells	Fountain Residential
15			
16			
17			
19	ED SETZLER	1555 Boxwood Trace	FLAG

Names and Addresses will be disclosed in the Permanent Minutes of the
City of Kennesaw

PLEASE MAKE SURE YOUR NAME IS LEGIBLE AND CLEAR

Mayor & Council Regular Meeting

6/15/2020

Public Comment Sign-in

	Name	Address	Topic
1	George William IV	4008 Kyles Dr	The Flag
2	KC Hamill	4008 Kyles Dr	Zany
3	Cindy McKinlay	1351 Stonehenge Ct	Housing
4	Timothy Hains	2059 White Oak	Law
5	MATT SOUTHWELL	1027 TRAVELER TRAIL	THE FLAG
6	Brent Peabody		
7	Leah Wood	3456 Dallas Acworth Hwy	Confederacy
8	Rebecca Miller	4515 Twin Creek Dr NE	Removing Flag
9	Vishal Patel	1815 Brachendale Rd	Flag
10	Joy Campbell	1000 Chastain Rd	Flag
11	Dr. Ellinthe	5641 Oak Grove Drive	Flag
12	Vincent Beets	1500 Bellemere Dr SW	Flag
13	Zachary Smith	4515 Twin Creek Dr NE	Flag
14	Edie Sincere	4515 Twin Creek Dr NE	Flag
15	Johnny Hawkins	3577 Hogan Dr.	Flag
16	Kris Kounoy	3888 English Oaks	The Flag
17			
19			

From: Jennifer Taylor <jtaylor@dillardsellers.com>
Sent: Friday, June 12, 2020 4:03 PM
To: Derek Easterling; kennesawcouncil; James Eaton; Tracey Viars; Patrick Ferris; Christopher Henderson; David Blinkhorn
Cc: Darryl Simmons; Randall Bentley (external); Coleen Hosack; Doug Dillard; Baxter Russell
Subject: RZ2020-01 - Rezoning Request for 1465 Shiloh Road
Attachments: Ltr to Mayor and Council.pdf; Statement of Support for the Fountain Student Purpose Housing Project.pdf

Good afternoon,

Please see attached correspondence forwarded on behalf of counsel for Applicant, Fountain Residential.
Thank you.

Jennifer R. Taylor



d (404) 665-1244 e jtaylor@dillardsellers.com
1776 Peachtree Street, NW, Suite 390N
Atlanta, Georgia • 30309
DILLARDELLERS.COM

From: Ronda Porta <[REDACTED]>
Sent: Monday, June 15, 2020 3:54 PM
To: kennesawcouncil
Subject: Rezoning Tonight

Hello Council,

I oppose the redoing on 1465 Shiloh Road for several reasons:

- The traffic is already heavy on Shiloh and Wade Green roads
- The traffic in the residential neighborhood is such that the neighborhood is used to cut-thru to both of those roads as well as KSU
- The roads aren't maintained like they should be in the neighborhood and it will add to the wear and tear of the roads
- The cars racing through the neighborhood are not going the speed limit. It's dangerous to walk on the streets of the neighborhood
- Kennesaw is full of apartment complexes. How many more do you need? The new tagline could be, "Kennesaw the home of apartment complexes"
- There is land closer to KSU that can be used to build more apartment complexes if you feel Kennesaw needs more apartment complexes despite the previous reason

If you lived in this neighborhood, you would NOT approve an apartment complex near the neighborhood. The community of Pinetree has a lot of issues in this neighborhood already. Let the residents of Pinetree know that you care about the quality of life in Kennesaw by voting NO to another apartment complex.'

Please vote NO to allowing an apartment complex to be built.

Thank You,

Ronda Porta
Resident of Pinetree

✓

Lea Addington

From: Katrina Champion <katrina.champion@kennesawga.gov>
Sent: Monday, June 15, 2020 6:10 PM
To: kennesawcouncil
Subject: rezoning for the 1465 Shiloh Road

Dear Kennesaw Zoning Commission,

As a 20 year resident of Pine Tree Country Club, I am in strong opposition to the rezoning for 1465 Shiloh Road. We the residents of Pine Tree, surrounding small businesses, and surrounding neighborhoods, have packed the zoning room in Kennesaw multiple times to express our opposition to having student housing in or adjacent to our neighborhood. I could repost the oppositions here, but you have already heard it, and are once again ignoring us. I think it was quite sneaky of Kennesaw to push through yet another proposal during our Covid and country crises. Most of us are of the demographics that are slower to venture out during this time.

When I first heard about this new proposal, we were told it was a done deal. Today I hear there is actually a meeting. More deception.

The proposal makes a lot of promises that sound good. Living at 3875 Shiloh Trail West, behind both the commercial properties on Cherokee Street, I know first hand how commercial builders promise things and do not deliver. I am also all too familiar with the city Kennesaw not following its own ordinances. Both properties on Cherokee street have drainage violations, and one has fencing violations, so I have little confidence in either agency's following through. And yes, we made the city aware of the problems, multiple times. There was even a lawsuit by one of my neighbors.

We are living in sad times. Tax paying, law abiding citizens are ignored. Rioters and looters get what they want.

Sincerely,
Katrina Champion
Pine Tree Resident

✓
Lea Addington

From: Philip Walerski <[REDACTED]>
Sent: Monday, June 15, 2020 5:16 PM
To: kennesawcouncil
Subject: 1465 Shiloh Rd. Student Center,

To Whom It May Concern:

This will also divert students to cut through the neighborhood even further and put our children in jeopardy.

As a resident of Pinetree neighborhood, I strongly oppose the rezoning of 1465 Shiloh Rd. Student Center, as it fails to meet the requirements of the RM-12 rezoning and will be a detriment to our community if approved.

It's density does not comply with rezoning requirements, it's unit sizes do not comply with the rezoning requirements, its density is going to tax the current sewer infrastructure beyond his capabilities, and its increase in impervious surface will cause an increase in volume of stormwater runoff that will be a detriment to the surrounding properties.

Furthermore as a member of the Pinetree civic association, we were recently informed that the association committee members drafted correspondence to the city of Kennesaw giving approval of this project. This is NOT something that they discussed with their members, and have NOT represented the disapproval of the project from their members. That was an erroneous letter, and is not representative of any one

of its members votes, and therefore should be disregarded.

✓

Lea Addington

From: Robert A. DeVillar <[REDACTED]>
Sent: Monday, June 15, 2020 5:34 PM
To: kennesawcouncil
Subject: Objection to Rezoning Application Request

Dear Council Members,

I appreciate this opportunity to voice, in writing, my opposition to the re-zoning request related to the 1465 Shiloh Road property. My reasoning coincides with that of architect Ryan Lee, specifically:

1. Objection of density
2. Objection of unit sizes and violation of zoning standards
3. Objection to an insufficient infrastructure
4. Objection of impervious surfaces, storm weather management, and water runoff
5. Objection of future retaining walls and physical structures
6. Objection to rezoning due to current national crisis and possible market shifts

I refer you to his letter to you of June 15, 2020 and urge your, individually and as a collective body, to deny the re-zoning application.

Thank you for your consideration.

Sincerely,

Robert A. DeVillar
Binbin DeVillar
1314 Shiloh Trail East NW
Kennesaw, GA 30143

[REDACTED]

Sent from my iPhone

✓
Lea Addington

From: Ty Kataja [REDACTED]
Sent: Monday, June 15, 2020 5:51 PM
To: kennesawcouncil
Subject: rezoning 1465 Shiloh Road

I oppose rezoning of 1465 Shiloh Road

Ty Kataja

Lea Addington

From: Anthony Scaturro <[REDACTED]>
Sent: Monday, June 15, 2020 2:47 PM
To: kennesawcouncil
Subject: Against the rezoning of 1465 Shiloh road property

I am against the rezoning of 1465 Shiloh road property. The area surrounding Pine Tree and Pine Tree is too congested as it is and does not need anymore traffic.

Thank you,

Tony Scaturro

Lea Addington

From: Miriam Tilley <miriam.tilley@kennesawga.net>
Sent: Monday, June 15, 2020 3:42 PM
To: kennesawcouncil
Subject: Letter of Opposition to Rezoning 1465 Shiloh Rd.

To Whom It May Concern:

As a resident of Pinetree neighborhood, I strongly oppose the rezoning of 1465 Shiloh Rd. Student Center, as it fails to meet the requirements of the RM-12 rezoning and will be a detriment to our community if approved.

It's density does not comply with rezoning requirements, it's unit sizes do not comply with the rezoning requirements, its density is going to tax the current sewer infrastructure beyond his capabilities, and its increase in impervious surface will cause an increase in volume of stormwater runoff that will be a detriment to the surrounding properties.

Furthermore as a member of the Pinetree civic association, we were recently informed that the association committee members drafted correspondence to the city of Kennesaw giving approval of this project. This is NOT something that they discussed with their members, and have NOT represented the disapproval of the project from their members. That was an erroneous letter, and is not representative of any one of its members votes, and therefore should be disregarded.

Sincerely,
Miriam Tilley
Sent from my iPad

Lea Addington

From: Cindy McKinlay <[REDACTED]>
Sent: Monday, June 15, 2020 2:14 PM
To: kennesawcouncil
Subject: Letter of Opposition to Rezoning 1465 Shiloh Rd.

To Whom It May Concern:

As a resident of Pinetree neighborhood, I strongly oppose the rezoning of 1465 Shiloh Rd. Student Center, as it fails to meet the requirements of the RM-12 rezoning and will be a detriment to our community if approved.

It's density does not comply with rezoning requirements, it's unit sizes do not comply with the rezoning requirements, its density is going to tax the current sewer infrastructure beyond his capabilities, and its increase in impervious surface will cause an increase in volume of stormwater runoff that will be a detriment to the surrounding properties.

Furthermore as a member of the Pinetree civic association, we were recently informed that the association committee members drafted correspondence to the city of Kennesaw giving approval of this project. This is NOT something that they discussed with their members, and have NOT represented the disapproval of the project from their members. That was an erroneous letter, and is not representative of any one of its members votes, and therefore should be disregarded.

Sincerely,
Cindy McKinlay

From: Dennis McKeon <dennis@mckeon.com>
Sent: Monday, June 15, 2020 2:21 PM
To: kennesawcouncil
Subject: Rezoning of 1465 Shiloh Road, Kennesaw, Ga. 30144.

I oppose the rezoning of 1465 Shiloh Road, Kennesaw, Ga. 30144.

Dennis M. McKeon Sr.

RE: LETTER OF OPPOSITION TO THE REZONING OF 1465 SHILOH ROAD

To the honorable Mayor and City Council of Kennesaw,

I write in opposition of the rezoning of 1465 Shiloh Road by the applicant Fountain Residential Partners. The design and application provided fails to meet the requirements of the RM-12 rezoning and will be a detriment to our community if approved. My objections and reasons follow:

Item 1 – Objection of density

Pursuant to the zoning code (see excerpts attachment A) of ordinances for Kennesaw a "Dwelling Unit" is defined as being "occupied by one family", additionally "Family" is defined in the ordinance as "not more than (3) persons not related". The applicant's design provides for 41 (78%) of their 52 units as five (5) bedroom units which will be occupied by more than three persons not related. This is in direct violation of the zoning code for Kennesaw and a non-conforming design to the RM-12 zoning.

Understanding that the rezoning application has been recommended for approval by staff, conditional. Condition 8, provides for the ability of the applicant to construct 241 beds and 52 units. This condition DOES NOT alleviate the defining conditions in the zoning code that "not more than (3) persons not related" define a "Dwelling Unit".

Presuming that all of the residents will not be related, the actual unit count would be 81 total units (241 beds divided by 3 persons unrelated). Reverse engineering, using the maximum dwelling units per RM-12 of 52, times 3 per persons unrelated, your maximum bedrooms allowable would be 156 beds. There has been no request of variance in the increase in density of unit count, to match the 81 units, and the conditional increase in bedroom count is in violation of the zoning process by way of not being a variance.

Pursuant to section 4.01.00 Site Design Standards for Base Zoning Districts § 4.01.01

Application of Regulations of the Zoning Code of Ordinances of Kennesaw § B - "Unless a proper variance is granted, no building shall hereafter be erected or altered so as: §2 - "To accommodate or house a greater number of families."

As the definition of "Dwelling Unit" is controlled by the definition of "Family" and that definition cannot be altered unless a proper variance is granted, the proposed density via design, by the applicant, and the additional condition to increase the bed count proposed by staff, without variance, in my professional opinion, is in violation of the code of ordinances for Kennesaw, nonconforming as submitted, a violation of the rezoning process, and should be denied.

June 15, 2020
1465 Shiloh Road
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Item 2 – Objection of unit sizes and violation of zoning standards

Pursuant to the table in section 4.01.02 Dimensions Standards for Development (see below) the minimum floor area required is established in the zoning code, this presumes all units meet the definition of "Dwelling Unit". Presuming that, a three-bedroom unit, minimum area, is 900 SF and each additional bedroom would be an additional 450 SF. Using this data, a five-bedroom unit would be required to be a minimum of 1800 SF.

The below image is taken from the applicant's presentation material, as you can see the net area is 1600

SF. As the zoning code requires a 'minimum' area of 1800 SF the design provided is below the minimum required and appears to have been developed for the sole purpose of increasing the density beyond the allowable for this property.

As previously indicated the applicant has provided for 41 (78%) of the 52 units to be five bedroom and five bath units, as they are 200 SF short of the minimum, this is no minor deviation than can be approved by staff. No variance or condition has been presented as part of the application. I would also contend that even if presented, it should not be approved. Though difficult to see in the upper left corner of this plan, the minimum bedroom size is listed as 9'-7 1/2" wide. Taking out the

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wall widths you only have a 9'-0" wide usable width for a bedroom! Is this really the applicant's idea of a "upscale student housing development" as indicated in their application? Additionally, this condition not only is present in this bedroom, but ALL BEDROOMS in this unit type. This would be the predominant bedroom usable width for the entire property given that 41 of the 52 units are this unit type.

Regardless, the applicant has failed to provide the minimum floor areas per 4.01.02 and this rezoning should be denied.

Item 3 – Objection due to insufficient infrastructure

Pursuant to the utility mapping provided by Cobb County (see below) the largest utility line in that area is a single tap for sewer of an 8" diameter line. Normal engineering indicates that an 8" sewer line will handle 1600 DFU (Drainage Fixture Units), to put this in perspective a bathroom group generates approximately 5 DFU's, a kitchen normally 2 DFU's, and a washing machine 2 DFU's. The applicant's project will generate:

241 bathrooms x 5 DFU's = 1295 DFU's

52 kitchens x 2 DFU's = 104 DFU's

52 Washers x 2 DFU's = 104 DFU's

Total DFUs required 1503 of a 1600 maximum available for just this project. You are upstream from the 75 Wade Green Office park (see image below for sewer routing) the remain 97 DFU's will only service another 20 bathrooms to an office park that contains hundreds of bathrooms. You are taxing that infrastructure beyond its limit by increasing the density of this property when it wasn't originally intended to be this dense. The previous zoning, assuming three-bathroom homes, would have had a maximum of six lots with a load of 19 DFU's per lot, totaling 114 DFU's. You are 13 times more load on the infrastructure that what it was intended.

Again, this rezoning should not be approved.

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1465 Shiloh Road

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Item 4 – Objection of impervious surfaces, storm water management, and water runoff

Pursuant to the applicant's site plan it states that the subject property will have 70% of the property as impervious surfaces. This means that approximately 3.08 acres of the 4.40 acre property will be taking on storm water and cannot be absorbed into the earth. Currently, my best guess is that the existing property has about 20% impervious surface. I'll concede that this 70% impervious surface water can be managed, stored, and released, but this property's original zoning, R-30, was set up for single family lots at a minimum lot area of ¼ acres, with setbacks on each property, and driveways. Your maximum impervious surface, at my best estimates, would have been 40-50%.

Pursuant to Cobb County's GIS mapping, the contours of that property will cause the storm water runoff to go to the three properties to the south, lots 1440, 1432, and 1420, see image below. The applicant's civil engineer will manage the flow so that the storm water will flow at the same rate as the current property normally drains, but it's going to have to flow a larger volume of water which the properties to the south have not been prepared for due to the existing zoning being single family. You will have wet streams in lieu of dry consistently. Additional erosion will be caused and in my professional opinion devaluation of their properties.

The surrounding properties (lots 1440, 1432 and 1420) are not prepared for this development and as a result of the rezoning will be a detriment. I argue against the applicant's statement on their response to question 9 below (in their application) that this rezoning is "compatible with current environmental conditions in light of development on surrounding properties. The Applicant's

proposed student housing community will increase the value, use and enjoyment of surrounding properties by providing much needed, additional stormwater infrastructure at the Property."

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How is adding a 70% impervious surface parking lot with additional stormwater runoff volume increasing the surrounding properties value? Additionally, how is the runoff from a parking lot, which will have debris, oil, and gas in that runoff going to benefit the residence to the south and be "compatible with the environment"?

Again, I would argue that this development is not in the best interest of this community and should be denied.

Item 5 – Objection of future retaining walls and physical structures

The applicant has provided in its presentation that it will require the use of retaining walls in order to grade the property to construct its proposed parking. These retaining walls are in some cases 20'-0" in height. This information has only been shown towards the single-family properties, specifically lots 1432 and 1440, and no information has been provided for the abutment to 75 Wade Green office park. My office is located at this location and I suspect my second story window will now be looking at a retaining wall and/or their dumpster enclosure. To give you a point of perspective I'm currently looking at a grove of trees. This will devalue my property and will cause issues with me renting my office space to prospective tenants.

Additionally, the applicant is indicating the use of a modular retaining walls. Physically I do not see how this is going to be constructed without an easement from 75 Wade Green office park. As a member of that association it would be my vote that no easement be granted.

I ask the Mayor and City Council provide relief to my business by denying this application as its physical design, at the office park property line, will harm my business during both construction and in operation of this student housing property.

Item 6 – Objection to rezoning due to current national crisis and possible market shifts

The Covid-19 health crisis has provided a tectonic shift in the multifamily, student housing, and general business markets. Many colleges, as I suspect KSU may be one of them, are evaluating new dynamics in remote teaching and I'm hearing from multiple student housing developers that there are growing concerns about defaults in the fall or possible occupancy reductions due to social distancing and reduction in enrollment. While I'm not necessarily opposed to a multifamily development at this location, if designed and developed correctly, I do believe at this specific moment, it is NOT in the best interest of Kennesaw to rezone this property.

My fear is that the applicant's five-bedroom units may be completely empty in the future, if KSU chooses to change its teaching methods, the city of Kennesaw and the surrounding existing properties would then be left to deal with a dark box of a majority of five-bedroom units that could never be rented.

June 15, 2020

1465 Shiloh Road

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Summary

This application for rezoning should be denied. Its density does not comply with the rezoning requirements, its unit sizes do not comply with the rezoning requirements, its density is going to tax the current sewer infrastructure beyond its capabilities, its increase in impervious surface will cause an increase in volume of storm water runoff that will be a detriment to the surrounding properties, the physical retaining walls and density will cause harm to my business and will cause a reduced market value of my property. Finally, the national crisis of the Covid-19 virus has placed doubt on if this rezoning will be needed for our community.

I appreciate your consideration in this matter and request you deny this rezoning in its entirety.

Sincerely,

Ryan A. Lee, Architect, President & CEO

R.A. Lee & Associates, Architects

1301 Shiloh Road, Suite 321

Kennesaw, Georgia 30144

Attachment "A" – Zoning References

June 15, 2020

1465 Shiloh Road

Attachment "A"

Copies of Zoning References

Pursuant to section 1.09.00 Definitions of the Zoning Code of Ordinances of Kennesaw.

Dwelling Unit: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

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 or hotel, 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.

Density:

1. The overall intensity of land use for the total project.
2. Residential density is the number of housing units permitted per acre in the zoning district involved in accordance with the terms of the zoning ordinance or as authorized under conditional zoning by the Mayor and City Council. The maximum residential density per developable acre authorized for R-30, R-20, R-15, R-12, R-10, PUD-R, RA-4, RM-8, RM-12, and FST zoning districts are set forth in Chapter Four of the Unified Development Code. These maximums could be lowered by conditional zoning by the Mayor and City Council. A developable acre shall not include any part or parts of rivers, streams, floodplains and natural lakes which are not the result of manmade dams. The maximum allowable dwelling units per acre shall in no event exceed any of the following:
 - a. The maximum set forth in article VIII of this appendix for such zoning district;
 - b. The maximum dwelling units per acre which can be constructed without violating any other restrictions, limitations, and/or requirements of such zoning district or the maximum authorized under conditional zoning by the Mayor and City Council.

Pursuant to section 4.01.00 Site Design Standards for Base Zoning Districts § 4.01.01

Application of Regulations of the Zoning Code of Ordinances of Kennesaw:

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

Lea Addington

From: Deanna Davis <ddavis@richmonttrauma.com>
Sent: Monday, June 15, 2020 2:21 PM
To: kennesawcouncil
Subject: Rezoning of Property

To The Kennesaw City Council,

I am writing to strongly oppose the proposed rezoning of the property at 1465 Shiloh Road by Fountain Residential Partners.

I live in the Pinetree neighborhood and am going on my 3rd decade as a Kennesaw resident. I am committed to our community for the long haul. While I am grateful to have a university in our area, as I am sure you know, this neighborhood continues to be assaulted with increased and unenforced university traffic that endangers residents, and code violations that harm property values and quality of life.

I urge you to think through the consequences of more apartments in Kennesaw, particularly right next to Pinetree knowing it will increase cut-through traffic, and particularly with so many issues that are repeatedly brought up when new developers, with no stake in our community other than profit, attempt to build more student apartment housing:

- the lack of infrastructure such as traffic lights, sidewalks, etc.
- the lack of study on traffic patterns, noise impact, increase in crime, etc
- the misplacement of this facility next to a neighborhood, when there are other less impactful locations to build this type of housing.

Please reject this rezoning to ensure a greater quality of life and safety to the residents of Kennesaw.
Thank you,

Deanna L. Davis LMFT

Richmont Trauma Center

<https://richmonttraumacenter.com>

1900 The Exchange SE

Atlanta Ga, 30339

Bldg 100, Suite 180

770-575-9393 ext 6229

ddavis@richmonttrauma.com

"Keep vigilant watch over your heart; that's where life starts." King Solomon, Pr. 4:23

Lea Addington

From: Mike Tyrell <[REDACTED]>
Sent: Monday, June 15, 2020 2:26 PM
To: kennesawcouncil
Subject: Shiloh Rd Rezoning

After reviewing the proposal for this property I am totally against any development that does not comply with the housing codes as they are currently written. As an owner of a home in Pinetree Country Club, and an office condo unit immediately adjacent to the proposed construction, we will be the victims of the damage that this development will bring to the sanctity of both our home and our workplace.

Please deny this proposal.

Mike



Michael Tyrell, President

Archery Shooters Association, LLC
1301 Shiloh Rd, #720
Kennesaw, GA 30144
770-795-0232 (office)
770-335-5313 (cell)

Lea Addington

From: rlee@raleearchitects.com
Sent: Monday, June 15, 2020 2:51 PM
To: kennesawcouncil
Subject: Letter of opposition to the rezoning of 1465 Shiloh Road
Attachments: 2020 06-13 RA LEE LTR - Shiloh Rezoning REV1.pdf

Please find attached my letter of opposition to the rezoning for 1465 Shiloh Road.

Thanks,

Ryan A. Lee | Architect
R.A. Lee & Associates, Architects
1301 Shiloh Road, Suite 321
Kennesaw, Georgia 30144
(o) 678-903-8892 (c) 678-360-8171
www.raleearchitects.com



R.A. Lee & Associates, Architects
Residential · Commercial · Planning · Construction Management

June 15, 2020

KENNESAW CITY COUNCIL
2529 J O Stephenson Avenue
Kennesaw, Georgia 30144

RE: LETTER OF OPPOSITION TO THE REZONING OF 1465 SHILOH ROAD

To the honorable Mayor and City Council of Kennesaw,

I write in opposition of the rezoning of 1465 Shiloh Road by the applicant Fountain Residential Partners. The design and application provided fails to meet the requirements of the RM-12 rezoning and will be a detriment to our community if approved. My objections and reasons follow:

Item 1 – Objection of density

Pursuant to the zoning code (see excerpts attachment A) of ordinances for Kennesaw a "Dwelling Unit" is defined as being "occupied by one family", additionally "Family" is defined in the ordinance as "not more than (3) persons not related". The applicant's design provides for 41 (78%) of their 52 units as five (5) bedroom units which will be occupied by more than three persons not related. This is in direct violation of the zoning code for Kennesaw and a non-conforming design to the RM-12 zoning.

Understanding that the rezoning application has been recommended for approval by staff, conditional. Condition 8, provides for the ability of the applicant to construct 241 beds and 52 units. This condition DOES NOT alleviate the defining conditions in the zoning code that "not more than (3) persons not related" define a "Dwelling Unit".

Presuming that all of the residents will not be related, the actual unit count would be 81 total units (241 beds divided by 3 persons unrelated). Reverse engineering, using the maximum dwelling units per RM-12 of 52, times 3 per persons unrelated, your maximum bedrooms allowable would be 156 beds. There has been no request of variance in the increase in density of unit count, to match the 81 units, and the conditional increase in bedroom count is in violation of the zoning process by way of not being a variance.

Pursuant to section 4.01.00 Site Design Standards for Base Zoning Districts § 4.01.01 Application of Regulations of the Zoning Code of Ordinances of Kennesaw § B - "Unless a proper variance is granted, no building shall hereafter be erected or altered so as: §2 - "To accommodate or house a greater number of families."

As the definition of "Dwelling Unit" is controlled by the definition of "Family" and that definition cannot be altered unless a proper variance is granted, the proposed density via design, by the applicant, and the additional condition to increase the bed count proposed by staff, without variance, in my professional opinion, is in violation of the code of ordinances for Kennesaw, non-conforming as submitted, a violation of the rezoning process, and should be denied.

1301 Shiloh Road, Suite 321

| Kennesaw, Georgia 30144

| 678-360-8171

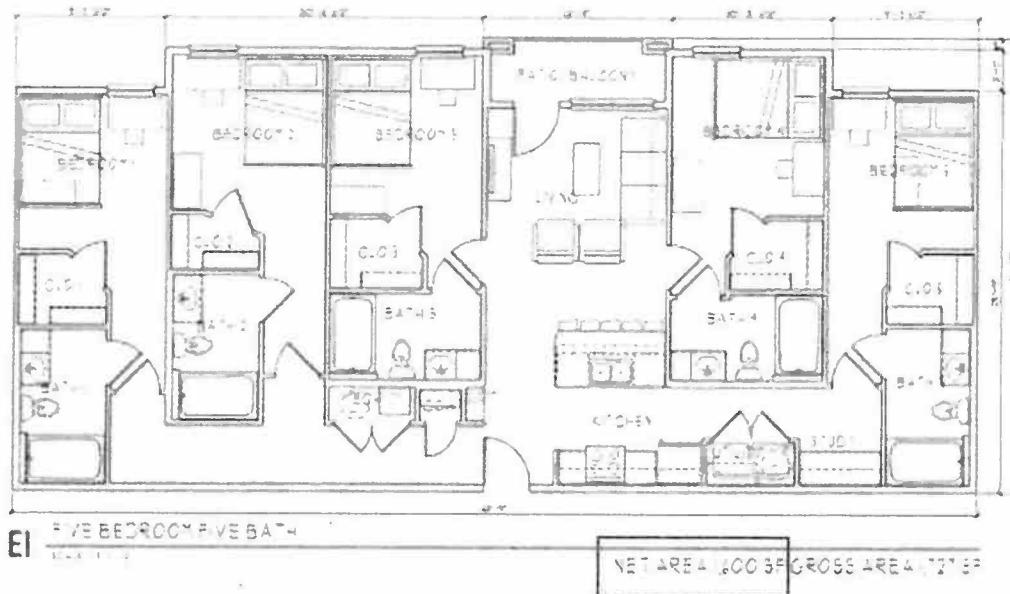
June 15, 2020
1465 Shiloh Road
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Item 2 – Objection of unit sizes and violation of zoning standards

Pursuant to the table in section 4.01.02 Dimensions Standards for Development (see below) the minimum floor area required is established in the zoning code, this presumes all units meet the definition of "Dwelling Unit". Presuming that, a three-bedroom unit, minimum area, is 900 SF and each additional bedroom would be an additional 450 SF. Using this data, a five-bedroom unit would be required to be a minimum of 1800 SF.

Design	Designation	Min Lot Area (sq ft)	Min Area Allowed	Max Area Per Acre (TA)	Min. Floor Area (sq ft)	Min. Lot Area (sq ft)	Minimum Front Yard Setback (feet)	Min. Side Yard Setback (feet)	Min. Rear Yard Setback (feet)	Max. Coverage (%)	Max. Impervious Area (%)
100	100	10,000	10,000	10,000	10,000	10,000	10	10	10	10	10

The below image is taken from the applicant's presentation material, as you can see the net area is 1600 SF. As the zoning code requires a 'minimum' area of 1800 SF the design provided is below the minimum required and appears to have been developed for the sole purpose of increasing the density beyond the allowable for this property.



As previously indicated the applicant has provided for 41 (78%) of the 52 units to be five bedroom and five bath units, as they are 200 SF short of the minimum, this is no minor deviation than can be approved by staff. No variance or condition has been presented as part of the application. I would also contend that even if presented, it should not be approved. Though difficult to see in the upper left corner of this plan, the minimum bedroom size is listed as 9'-7 1/2" wide. Taking out the

wall widths you only have a 9'-0" wide usable width for a bedroom! Is this really the applicant's idea of a "upscale student housing development" as indicated in their application? Additionally, this condition not only is present in this bedroom, but ALL BEDROOMS in this unit type. This would be the predominant bedroom usable width for the entire property given that 41 of the 52 units are this unit type.

Regardless, the applicant has failed to provide the minimum floor areas per 4.01.02 and this rezoning should be denied.

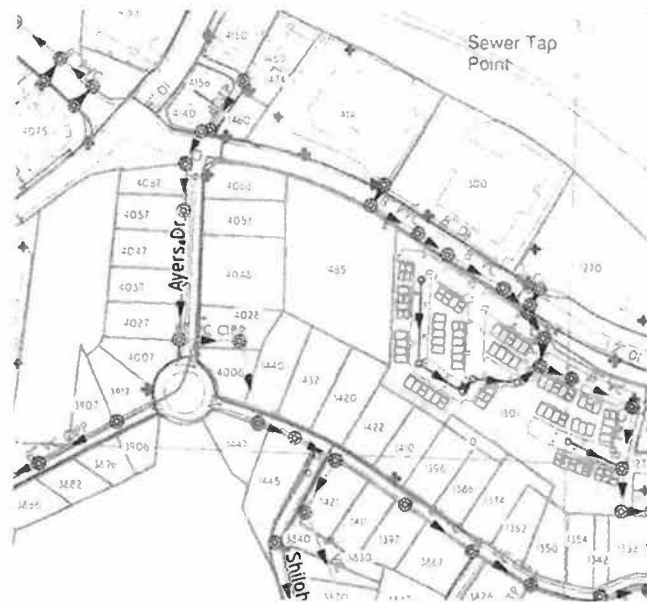
Item 3 – Objection due to insufficient infrastructure

Pursuant to the utility mapping provided by Cobb County (see below) the largest utility line in that area is a single tap for sewer of an 8" diameter line. Normal engineering indicates that an 8" sewer line will handle 1600 DFU (Drainage Fixture Units), to put this in perspective a bathroom group generates approximately 5 DFU's, a kitchen normally 2 DFU's, and a washing machine 2 DFU's. The applicant's project will generate:

241 bathrooms x 5 DFU's =	1295 DFU's
52 kitchens x 2 DFU's =	104 DFU's
52 Washers x 2 DFU's =	104 DFU's

Total DFUs required 1503 of a 1600 maximum available for just this project. You are upstream from the 75 Wade Green Office park (see image below for sewer routing) the remain 97 DFU's will only service another 20 bathrooms to an office park that contains hundreds of bathrooms. You are taxing that infrastructure beyond its limit by increasing the density of this property when it wasn't originally intended to be this dense. The previous zoning, assuming three-bathroom homes, would have had a maximum of six lots with a load of 19 DFU's per lot, totaling 114 DFU's. You are 13 times more load on the infrastructure that what it was intended.

Again, this rezoning should not be approved.



Item 4 – Objection of impervious surfaces, storm water management, and water runoff

Pursuant to the applicant's site plan it states that the subject property will have 70% of the property as impervious surfaces. This means that approximately 3.08 acres of the 4.40 acre property will be taking up storm water and cannot be absorbed into the earth. Currently, my best guess is that the existing property has about 20% impervious surface. I'll concede that this 70% impervious surface water can be managed, stored and released, but this property's original zoning, R-30, was set up for single family lots at a minimum lot area of $\frac{3}{4}$ acres, with setbacks on each property, and driveways. Your maximum impervious surface, at my best estimates, would have been 40-50%.

Pursuant to Cobb County's GIS mapping, the contours of that property will cause the storm water runoff to go to the three properties to the south, lots 1440, 1432, and 1420, see image below. The applicant's civil engineer will manage the flow so that the storm water will flow at the same rate as the current property normally drains, but it's going to have to flow a larger volume of water which the properties to the south have not been prepared for due to the existing zoning being single family. You will have wet streams in lieu of dry consistently. Additional erosion will be caused and in my professional opinion devaluation of their properties.



The surrounding properties (lots 1440, 1432 and 1420) are not prepared for this development and as a result of the rezoning will be a detriment. I argue against the applicant's statement on their response to question 9 below (in their application) that this rezoning is "compatible with current environmental conditions in light of development on surrounding properties. The Applicant's proposed student housing community will increase the value, use and enjoyment of surrounding properties by providing much needed, additional stormwater infrastructure at the Property."

- 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?**

The proposed rezoning and student housing development are compatible with current environmental conditions in light of development on surrounding properties. The Applicant's proposed student housing community will increase the value, use and enjoyment of surrounding properties by providing much needed, additional stormwater infrastructure at the Property.

How is adding a 70% impervious surface parking lot with additional stormwater runoff volume increasing the surrounding properties value? Additionally, how is the runoff from a parking lot, which will have debris, oil, and gas in that runoff going to benefit the residence to the south and be "compatible with the environment"?

Again, I would argue that this development is not in the best interest of this community and should be denied.

Item 5 – Objection of future retaining walls and physical structures

The applicant has provided in its presentation that it will require the use of retaining walls in order to grade the property to construct its proposed parking. These retaining walls are in some cases 20'-0" in height. This information has only been shown towards the single-family properties, specifically lots 1432 and 1440, and no information has been provided for the abutment to 75 Wade Green office park. My office is located at this location and I suspect my second story window will now be looking at a retaining wall and/or their dumpster enclosure. To give you a point of perspective I'm currently looking at a grove of trees. This will devalue my property and will cause issues with me renting my office space to prospective tenants.

Additionally, the applicant is indicating the use of a modular retaining walls. Physically I do not see how this is going to be constructed without an easement from 75 Wade Green office park. As a member of that association it would be my vote that no easement be granted.

I ask the Mayor and City Council provide relief to my business by denying this application as its physical design, at the office park property line, will harm my business during both construction and in operation of this student housing property.

Item 6 – Objection to rezoning due to current national crisis and possible market shifts

The Covid-19 health crisis has provided a tectonic shift in the multifamily, student housing, and general business markets. Many colleges, as I suspect KSU may be one of them, are evaluating new dynamics in remote teaching and I'm hearing from multiple student housing developers that there are growing concerns about defaults in the fall or possible occupancy reductions due to social distancing and reduction in enrollment. While I'm not necessarily opposed to a multifamily development at this location, if designed and developed correctly, I do believe at this specific moment, it is NOT in the best interest of Kennesaw to rezone this property.

My fear is that the applicant's five-bedroom units may be completely empty in the future, if KSU chooses to change its teaching methods, the city of Kennesaw and the surrounding existing properties would then be left to deal with a dark box of a majority of five-bedroom units that could never be rented.

June 15, 2020
1465 Shiloh Road
6 of 7

Summary

This application for rezoning should be denied. Its density does not comply with the rezoning requirements, its unit sizes do not comply with the rezoning requirements, its density is going to tax the current sewer infrastructure beyond its capabilities, its increase in impervious surface will cause an increase in volume of storm water runoff that will be a detriment to the surrounding properties, the physical retaining walls and density will cause harm to my business and will cause a reduced market value of my property. Finally, the national crisis of the Covid-19 virus has placed doubt on if this rezoning will be needed for our community.

I appreciate your consideration in this matter and request you deny this rezoning in its entirety.

Sincerely,

Ryan A. Lee, Architect, President & CEO
R.A. Lee & Associates, Architects
1301 Shiloh Road, Suite 321
Kennesaw, Georgia 30144

Attachment "A" – Zoning References

Attachment "A"

Copies of Zoning References

Pursuant to section 1.09.00 Definitions of the Zoning Code of Ordinances of Kennesaw.

Dwelling Unit: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

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 or hotel, 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.

Density:

1. The overall intensity of land use for the total project.
2. Residential density is the number of housing units permitted per acre in the zoning district involved in accordance with the terms of the zoning ordinance or as authorized under conditional zoning by the Mayor and City Council. The maximum residential density per developable acre authorized for R-30, R-20, R-15, R-12, R-10, PUD-R, RA-4, RM-8, RM-12, and FST zoning districts are set forth in Chapter Four of the Unified Development Code. These maximums could be lowered by conditional zoning by the Mayor and City Council. A developable acre shall not include any part or parts of rivers, streams, floodplains and natural lakes which are not the result of manmade dams. The maximum allowable dwelling units per acre shall in no event exceed any of the following:
 - a. The maximum set forth in article VIII of this appendix for such zoning district;
 - b. The maximum dwelling units per acre which can be constructed without violating any other restrictions, limitations, and/or requirements of such zoning district or the maximum authorized under conditional zoning by the Mayor and City Council.

Pursuant to section 4.01.00 Site Design Standards for Base Zoning Districts § 4.01.01 Application of Regulations of the Zoning Code of Ordinances of Kennesaw:

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.

Lea Addington

From: Dianne McPherson Contractor <Dianne.McPherson_Contractor@img.com>
Sent: Monday, June 15, 2020 2:57 PM
To: kennesawcouncil
Subject: Against Shiloh Road zoning

Please do not approve the Shiloh Road zoning tonight Thank you Dianne Mcpherson

Sent from my iPad please excuse typos.

The preceding e-mail message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

Lea Addington

From: Gloria Behrle <[REDACTED]>
Sent: Monday, June 15, 2020 3:03 PM
To: kennesawcouncil
Subject: Re: Letter of Opposition to Rezoning 1465 Shiloh Rd.

To Whom It May Concern:

As a resident of Pinetree neighborhood, I strongly oppose the rezoning of 1465 Shiloh Rd. Student Center, as it fails to meet the requirements of the RM-12 rezoning and will be a detriment to our community if approved.

It's density does not comply with rezoning requirements, it's unit sizes do not comply with the re-zoning requirements, its density is going to tax the current sewer infrastructure beyond his capabilities, and its increase in impervious surface will cause an increase in volume of stormwater runoff that will be a detriment to the surrounding properties.

Furthermore as a member of the Pinetree Civic Association, we were recently informed that the association committee members drafted correspondence to the city of Kennesaw giving approval of this project. This is NOT something that they discussed with their members, and have NOT represented the disapproval of the project from their members. That was an erroneous letter, and is not representative of any one of its members' votes, and therefore should be disregarded.

Best regards,

Gloria Behrle

Lea Addington

From: Darryl Simmons
Sent: Monday, June 15, 2020 12:37 PM
To: SUSAN HOPKINS
Cc: Lea Addington; Marty Hughes; Jeff Drobney
Subject: RE: Shiloh road zoning change

Good afternoon Mr. and Mrs. Hopkins,

Thank you for submitting your comments and concerns. City staff will make sure this is made part of the record.

From: SUSAN HOPKINS <~~mandehopkins@comcast.net~~>
Sent: Monday, June 15, 2020 11:25 AM
To: Darryl Simmons <dsimmons@kennesaw-ga.gov>
Subject: Shiloh road zoning change

Mr. Simmons,

We will not be attending the meeting tonight due to the virus. We have attended all of the meetings prior to this one and would like to make a couple of comments. We listened to your argument that is change is for the good of the University. What about the good of the community? DOES ANYONE CARE? I understand that economically if it was not for the university, Kennesaw would be broke but at what cost? We also heard you start to say "Pine Tree is declining", then you stopped yourself. That statement told me that you do not care about the residents in Pine Tree. Your main concern is to increase the tax base and help the developers. I have a minor in Urban Planning. I was taught that putting inconsistent activity's (office park, high density housing) together is asking for depressed tax bases and unhappy citizens. Did you not learn that? What is the occupancy rate for all of the apartments in downtown Kennesaw? What is the occupancy rate for all of the many other student housing that already exists? The town has turned into high density living without the infrastructure to support it (roads).

Traffic and trash are some of our main concerns. The location of this project is going to turn Shiloh Trail East into a secondary road, not a residential road. The only way to get to this property will be to cut through Pine Tree. Going to campus from this property students will have turn right onto Shiloh and then over 75. Coming home the only way they will be able to get back to the property is to cut through on Frey Lake Road, Club Drive, and Shiloh Trail East/ Ayers Drive. The county is already working on the intersection adding lanes. Adding an additional 80 cars everyday is ill-planned. You do not have the power nor does the city to correct this. The answer to Pine Tree's issue is to close the entrance from the campus. Put a gate with a knock box on it for emergency personnel only.

One more comment. During your last presentation to the council you stated that an offer to do a traffic study was turned down by the residents. This is patently FALSE. I was never offered any such thing nor were any of our neighbors. I suspect the residents/owners who want to sell were the only ones who were surveyed. The traffic study should be completed prior to any more discussion.

We have attended every meeting over the past 10 years while you have been attempting to get this pushed through. I hope that you will take the few minutes it takes to read this and think about more taxes and money. We all know that is about money, not students.

Thank you for your time.

Matt and Susan Hopkins
1338 Shiloh Trail East, NW

Lea Addington

From: Lonnie Roberts <lonnie@kennesawga.com>
Sent: Monday, June 15, 2020 12:13 PM
To: kennesawcouncil
Subject: Rezoning of 1465 Shiloh Road

Dear City Council,

I am in opposition to the rezoning of the property located at 1465 Shiloh Road due to the following reasons.

1. The traffic that would be routed through Pinetree would increase.
2. I do not believe the infrastructure is in place to handle the additional waste.
3. The storm water runoff cannot be adequately addressed. I do not wish to have a constant flowing stream through my yard.

Lonnie Roberts
1432 Shiloh Trail East NW
Kennesaw

Richard W. Calhoun
E-mail: rcalhoun@gdcrlaw.com

June 15, 2020

VIA E-MAIL

City of Kennesaw Mayor and Council
2529 J.O. Stephens Avenue
Kennesaw, Georgia 30144
Email: kennesawcouncil@kennesaw-ga.gov

RE: Z2020-01: City RM-12 rezoning, and concurrent variance, request submitted by Fountain Residential Partners for property located at 1465 Shiloh Road.

Dear Mayor and Council,

Our firm represents 75 Wade Green Business Center Association, Inc. regarding the above rezoning request submitted by Fountain Residential Partners. Our client, and many other neighboring property owners, are opposed to this rezoning request for the following reasons:

1. Our client incorporates those objections raised in its March 4, 2020 letter (attached as Exhibit "A"), March 16, 2020 letter (attached as Exhibit "B"), which was omitted from the Mayor and Council's Agenda Packet, and May 28, 2020 letter (attached as Exhibit "C") as if each were fully stated herein.

2. The June 15, 2020 "final public hearing" on the above rezoning application is premature and improper for the following reasons:

- a. The Mayor's attached Executive Orders on March 25, 2020 and May 6, 2020 (Exhibits "D" and "E") stayed, or superseded, any "land use or zoning matter" until the official termination of the declared state of emergency;
- b. Because the Mayor's Executive Order No. 02 was not "rescinded" until May 29, 2020 (attached as Exhibit "F"), the May 15 and May 22, 2020 notices required for this rezoning hearing are invalid;
- c. Because the May 15 and May 22, 2020 public advertisements were invalid, there has been no 15 - 45 day published notice of said hearing as required by O.C.G.A. § 36-66-4(a); and

49 Atlanta Street
Marietta, Georgia 30060

2951 Flowers Road South, Suite 220
Atlanta, Georgia 30341

Gregory, Doyle, Calhoun & Rogers, LLC

- d. Therefore, any decision made related to this rezoning application, following these invalid public advertisements, is equally invalid. McClure v. Davidson, 258 Ga. 706 (1988); Hoechstetter v. Pickens Cnty., 341 Ga. App. 213 (2017).
3. Various members of the 75 Wade Green Business Center Association, Inc., residents of the Pine Tree Country Club, and numerous other Kennesaw residents have signed the Petition attached to Exhibit "C" opposing this rezoning application and the proposed PBSH Zoning Ordinance.
4. Council member Viars' status as listing agent for *Beaucoup Properties, LLC*, which is the property owner in this rezoning and an intended beneficiary of this rezoning application (and the proposed PBSH text amendments), raises a factual issue of whether her conduct has tainted this rezoning and the adoption of the proposed PBSH text amendments. Such conduct renders this rezoning and the proposed amendments subject to invalidation. Dunaway v. City of Marietta, 251 Ga. 727 (1983).
5. The proposed rezoning of the property at 1465 Shiloh Road is spot zoning; it specifically benefits Fountain Residential Partners and is to the detriment of surrounding single-family residential properties as well as the long-established 75 Wade Green Business Association, Inc. property.
6. The proposed rezoning will effect a taking and damaging of our clients' (and surrounding property owners') properties without compensation, and a denial of equal protection in violation of Article I § 1 ¶ 1 and 2, and Article I § 3, ¶ 1 of the Georgia Constitution, and corresponding provisions of the U.S. Constitution.
7. The City's zoning existing ordinance defines "family" as "one or more related persons by blood, legal adoption or marriage or *not more than three (3) persons not related...*" Any student housing *unit* with more than three bedrooms is designed to exceed this limit. This project would constitute a direct violation of the City's zoning ordinance, and an intentional evasion of a community and ordinance standard applicable to *every other* residential zoning category, arguably a violation of equal protection rights as well.
8. U Club and West 22 are constant problems for Kennesaw's Police Department. Adding another student housing development will result in additional police calls and further drain Kennesaw's resources.

For example, between January 1, 2017 and March 27, 2020, Kennesaw's Police Department responded to 650 incidents at U Club and 699 incidents at 22 West. The incidents responded to included noise complaints, illegal parking, rape, vandalism, robbery, theft and illegal drugs, among many other types of incidents. See the summaries of police calls attached to the May 28, 2020 letter, attached as Exhibit "C". Sent as a separate, e-mailed attachment and referred to as Exhibit "G" is a composite recording of evening and late night music and other noises as experienced by neighboring homes to the West 22 development – the same character and frequency

of disturbance could be expected to emanate from the proposed development if this rezoning is approved.

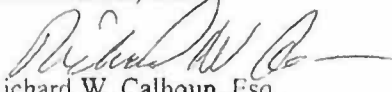
If Kennesaw approves this rezoning application, then the surrounding businesses in the business center and the residents in Pine Tree County Club will suffer a significant detriment, damage or injury, and would, therefore, be deprived of the reasonable use and enjoyment of their property. This rezoning has no reasonable relationship to the public health, safety or welfare of Kennesaw's residents, and would deprive adjacent and adjoining owners of their due process and equal protection rights afforded to them under Georgia's (and the United States') Constitution.

9. Though there are inherent challenges of holding public meetings electronically (and often in-person), the City has failed to conduct its meetings related to this rezoning application (and the PBSH text amendment) fairly and orderly:

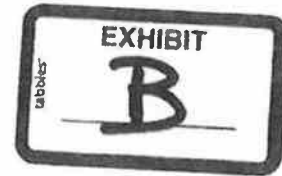
- a. At the March 16, 2020 public meeting, the City truncated the opposition's ten minutes of presentation time. In fact, the opponents only had their names identified or their comments *paraphrased*, or with respect to our client's March 16, 2020 letter, never read, period. See March 16, 2020 Legal Minutes, p. 7. At no point were any opposition letters or e-mails which had been submitted to the Mayor and Council (or to kennesawcouncil@kennesaw-ga.gov) read aloud for the Council's consideration.
- b. On the other hand, at the June 8, 2020 work session, the *applicant's* June 8, 2020 letter to the City was read aloud, *verbatim*, and into the record; however, for tonight's hearing, our client's March 16, 2020 objections (and many others as referenced in Paragraph 9(a)) are not included in the Mayor and Council's Agenda Packet.
- c. A failure to provide opponents with their statutorily prescribed ten (10) minutes time for presentation would violated O.C.G.A. 36-66-5(a) and Kennesaw's UDC, and would further deprive these adjacent and adjoining owners of their due process rights under Georgia's (and the United States') Constitution. See Yost v. Fulton Cnty., 256 Ga. 324 (1986).

For the foregoing reasons, we respectfully submit that the Mayor and Council should reject this rezoning request.

Sincerely,
**GREGORY, DOYLE, CALHOUN
& ROGERS, LLC**


Richard W. Calhoun, Esq.
For the Firm

CC: Derek Easterling, Mayor James "Doc" Eaton, Council Post 1
 Tracey Viars, Council Post 2 Pat Ferris, Council Post 3
 Chris Henderson, Council Post 4 David Blinkhorn, Council Post 5
 Darryl Simmons, Planning and Zoning Administrator
 Doug Dillard, Esq.
 75 Wade Green Business Association, Inc.



rcalhoun@gdcrlaw.com

March 16, 2020

City of Kennesaw
Mayor and City Council
2529 J. O. Stephens Avenue
Kennesaw, GA 30144

Re: Rezoning and Variance Request Z 2020-01 and ZV 2020-01; 1465 Shiloh Road

Dear Mayor and Council:

As you know, this firm represents 75 Wade Green Business Center Association, Inc. (the "Association") with reference to the above applications. We believe it is in everyone's interest that you consider the following prior to making any decisions in this matter:

1. The present applications are a textbook example of *spot zoning*.

- Spot zoning is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners" *East Lands v Floyd County* 244 Ga. 761 (1979).¹
- Rezoning the subject property to multifamily would create a "spot zone" bordered on two sides by single family residential property, and on the other by quiet, established office park.
- There is no support in the city's comprehensive plan for multi family zoning in a Community Activity Center, or in the Cherokee St. Commercial Corridor where this property is located. (see excerpts attached).
- If any speaker suggests to you that the City's comprehensive plan recommends such a use for this location, ask them to find and read that portion of the comprehensive plan to you.

¹ This and other legal authority on the importance of adhering to the land use plan, are excerpted from Mr. Dillard's book on land use and zoning and attached.

49 Atlanta Street
Marietta, Georgia 30060

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Atlanta, Georgia 30341

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2. What has changed since June, when the city's staff wrote that the *best* zoning options for this property were O&I, PUD, and PUD-R?

- See the attached 6-14-19 email to Council Member Viars recommending the O&I and PUD zoning classifications.
- See also July 22, 2019 emails from Council Member Viars acknowledging the appropriateness of the O&I classification and the requirement that any rezoning be "in accordance with Kennesaw's land use map".
- These emails speak for themselves.² Notably absent is any mention of multi family housing, student housing, or anything of that nature.

3. "Density variances" are *not* allowed under the City's unified development code.

- UDC §9.02.02 - Types of Variances, states:
A request for a variance *shall be limited to vary the following*: 1) maximum building height; 2) minimum lot width; 3) required spacing for driveways; 4) minimum front, side, or rear yard setbacks; or dimensional standards for parking or loading spaces.
- The applicant claims UDC § 4.01.01, which refers to "proper variances" in connection with building construction, not zoning variances, allows "density variances". This is incorrect. UDC §9.02.02, which does not include density as a permitted type of variance, was adopted *after*, §4.01.01, and is therefore controlling³. Because density is not listed in UDC §9.02.02 as a type of variance which can be granted, it is unlawful to grant a variance on density.
- Even if a "density variance" were legal, there is nothing in the present variance application which supports, much less requires, a variance.
The subject property is 4.4 acres of evenly rectangular land with gentle topography and no floodplain. It has been used residentially as well as for a heavy construction business. There is no peculiarity of size, shape or topography which even exists on this property, much less one which would be in any way alleviated by a so called "density variance".

² Ms. Viars' involvement as a representative of the property owner in this matter may have created a conflict of interest. Rezoning that is tainted by conflicts of interest are subject to being set aside and invalidated. Dunaway v. City of Marietta, 251 Ga. 727 (1983)

³ More importantly, however, as seen in the attached strike through copy of Ordinance 2018-23, the words "dimensional standards" were intentionally deleted, meaning that the intent of the amendment was to cover *all* types of variances, not just "dimensional standards".

- There is no hardship here. The only result of a “density variance” would be to increase developer profit— without regard to the detrimental effects of such a variance on surrounding properties.

4. 45 out of 68 proposed multi family units will violate the City’s zoning ordinance.

- A multi family dwelling is “a building designed for or occupied exclusively by three or more *families* with separate housekeeping facilities for each *family*” UDC §1.09.00.
- 3 unrelated persons living together qualifies as a “family”, but 4 or 5 (or more) unrelated persons living together are not a “family” UDC §1.09.00.⁴
- The applicant’s contention that the UDC definition of “family” does not apply to a *multi family* development is simply wrong. (Apparently, the applicant thinks it would be perfectly acceptable under the city’s zoning ordinance for 4, or 5 (or more) unrelated persons to occupy every unit of every apartment in the City.)

5. Previous student housing developments approved in other locations do not warrant disregarding the City’s ordinances in this location.

The circumstances of other student housing developments have no bearing on the present application.

- The present proposal conflicts with the City’s comprehensive plan. There is nothing in this plan that suggests high density student housing is recommended or even permitted in a Community Activity Center.
- The density variance requested is not permitted under the City’s UDC. The plain language of UDC simply does not include the density as something which can be “varied”.
- The vast majority of apartment units proposed for this development would exceed the maximum number of unrelated persons per unit in the City’s code, (exposing the City to the risk of legal action by others cited for exceeding this limit in single family, multi family, or other districts).

⁴ See attached UDC definitions

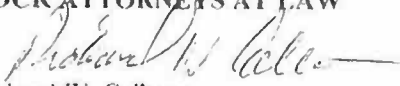
Mayor and City Council
City of Kennesaw
March 16, 2020
Page 4

The City cannot ignore the provisions of its duly enacted land use plans and zoning ordinances which prohibit this type of use, particularly in this location.

There is nothing to recommend this development in this location other than private benefit to the developer. No benefit to the public at large, and certainly not to the surrounding property owners, will result from such a development.

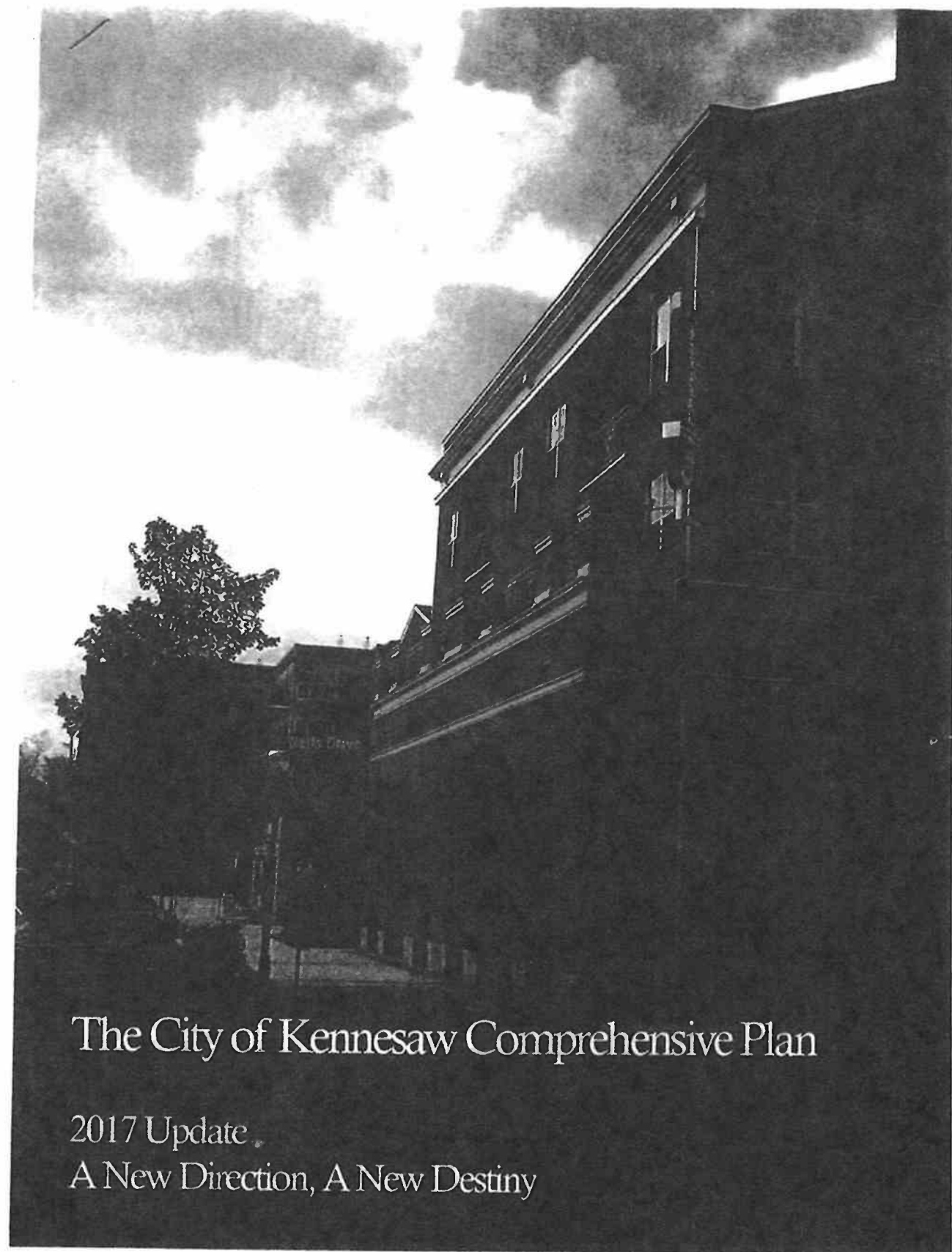
It is the wrong use for the area in which it is proposed to be located, and we respectfully urge the Mayor and Council to again reject this applicant's proposal.

Sincerely yours,
GDCR ATTORNEYS AT LAW


Richard W. Calhoun
For the Firm

RWC/sws

cc: Derek Easterling, Mayor
James "Doc" Eaton, Council Post 1
Tracey Viars, Council Post 2
Pat Ferris, Council Post 3
Chris Henderson, Council Post 4
David Blinkhorn, Council Post 5
Darryl Simmons, Planning and Zoning Administrator
Doug Dillard, Esq.
75 Wade Green Business Center Association, Inc.



The City of Kennesaw Comprehensive Plan

2017 Update

A New Direction, A New Destiny

Our Future Land Use

As a built-out city, any new growth within the City of Kennesaw will be redevelopment. Currently within the city, 86% of the city's parcels are residential which is a challenge for any new development. The Future Land Use Map is a general guide for character of development within the city. A description of each category is provided below. Sample photos on the following pages, show options of what may be appropriate in each category. New development should be monitored for its impact on water quality within the city and region.

Activity Centers

Activity Centers are areas of commercial, office, and residential land uses. These are located along major transportation corridors. New development should reflect the character of the existing development within these areas.

Activity Center Types

Regional Activity Center

These are areas of large developments and serve as regional destinations for employment and retail.

Downtown Activity Center

This area is the traditional downtown of Kennesaw. For this area the City of Kennesaw completed an LCI study and that should be used as the guiding plan.

Community Activity Center

These areas provided services to the community but are not as intense as the Regional Activity Center.

Neighborhood Activity Center.

These areas provide services to small areas within the community.

Transportation Communication and Utilities

Areas of Utilities and transportation

Public/Institutional

This category includes certain state, federal or local government uses, and institutional land uses. Government uses include government building complexes, police and fire stations, libraries, prisons, post offices, schools, military installations, etc. Examples of institutional land uses include colleges, churches, cemeteries, hospitals.

Industrial

These are areas intended for manufacturing facilities, processing plants, factories, warehousing and wholesale trade facilities.

Lake

Bodies of Water

Park/Recreation/Conservation

This category is for land dedicated to active or passive recreational uses. These areas may be either publicly or privately owned and may include playgrounds, public parks, nature preserves, wildlife management areas, national forests, golf courses, recreation centers or similar uses.

Planned Unit Development

Areas planned under a separate master plan

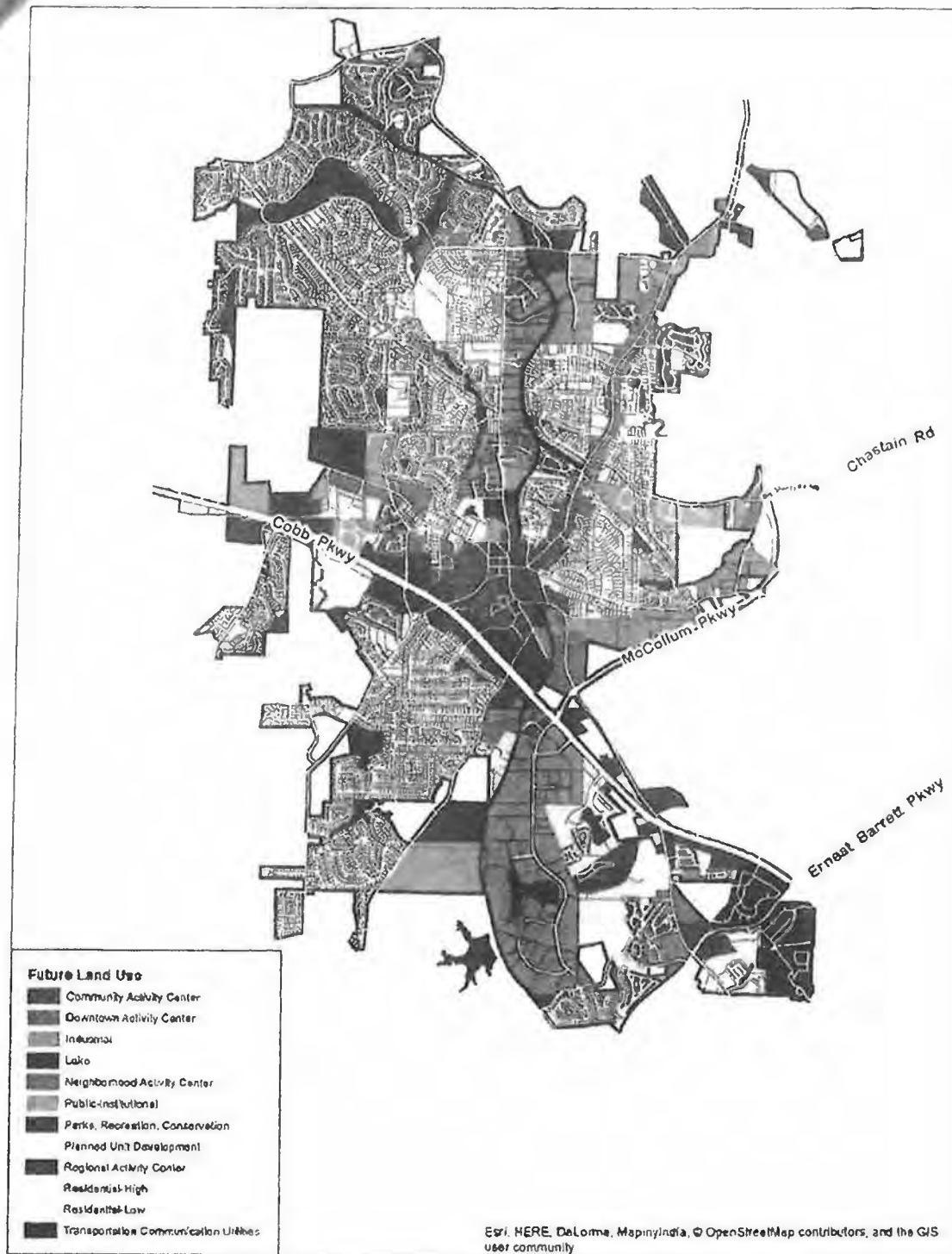
Residential High

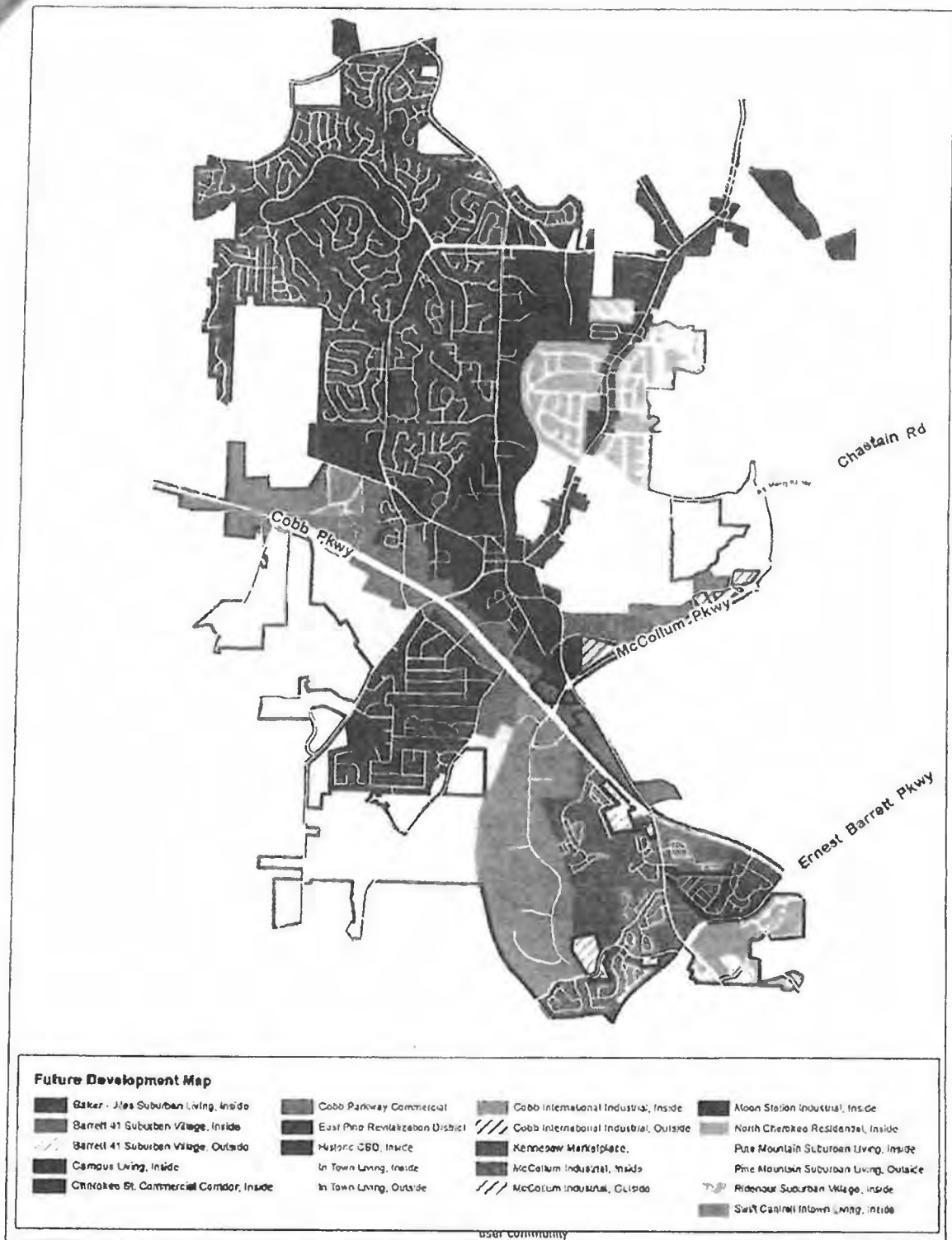
Residential Medium

Residential Low

These are areas of residential land uses with the city. This may be single family or multi-family but new development should reflect the character of the surrounding development. The recommended densities are:

- Low/Medium 1-4 units per acre
- High 4-16 units per acre





Cherokee Street Commercial Corridor

The Cherokee Street Commercial Corridor is an approximately 1 mile section of Wade Green Road and Cherokee Street extending from the Wade Green and I-75 Interchange south to Ben King Road. This corridor is comprised of neighborhood compatible retail and office developments intermixed with residential and institutional land uses. South of the McCollum Parkway intersection, many of the office and retail uses occur in older homes that have been rezoned to allow commercial use. North of McCollum Parkway to the I-75 interchange are several strip malls and free standing office developments. Sidewalks are frequently used by residents, but are possibly undersized as Cherokee Street and its right-of-way narrows approaching Ben King Road. Parking is often limited to the front or driveway side of the structure. Signage is generally more attractive and visible in the more recent strip developments north of McCollum Parkway.

Future Land Use Categories

- CAC Community Activity Center
- NAC Neighborhood Activity Center
- PI Public Service/Institutional



Cherokee Street Commercial Corridor



Cobb Parkway Industrial

Cobb International Industrial

The Cobb International Industrial area is located across from the McCollum Parkway and Cobb Parkway intersection. In general, this area is characterized by large manufacturing and distribution warehouses, as well as smaller, retail and office warehouse operations.

The overall area is strategically located near McCollum Airport and the CSX rail line. It also has direct access to Cobb parkway and I-75 via McCollum Parkway. Structures are generally metal buildings with brick or stone facades on the front. Many structures have stone or brick facades on at least two or more sides. Pedestrian access is limited due to the heavy traffic volume of the area. No sidewalk access is provided along this segment of Cobb Parkway or in the industrial park.

Future Land Use Categories

- CAC Community Activity Center
- I Industrial

battles in which the legislative decision makers are often in a no win position. Approving a rezoning can cost an elected official his or her job and can open the local government to challenges from neighbors, create incompatible land uses, and conflict with the zoning plan for an area. Denying the rezoning may subject the local government to taking claims and other constitutional challenges.

In Georgia, each unit of local government that has adopted a zoning ordinance has its own rules and regulations governing rezoning procedures. Since rezonings are considered "zoning decisions" under the Zoning Procedures Law,³²⁴² local rezoning procedures must comply with the minimum procedural standards set forth in the state statute.

§ 12.2 Comprehensive Rezoning versus "Piecemeal" Rezoning

A distinction can be drawn between comprehensive rezoning and piecemeal rezoning. Comprehensive rezoning involves the rezoning of several or all of the properties in one area and is generally initiated by a local government. For instance, a local government may choose to rezone multiple properties from single-family residential to multi-family residential if it is in the best interest of the public health, safety and welfare. Typically, this type of comprehensive rezoning undertaken by a local government is afforded a great deal of deference by courts.³²⁴³ Rezoning procedures for comprehensive rezonings initiated by a local government generally differ from the procedures for piecemeal rezonings initiated by an individual property owner.³²⁴⁴ Both procedures are governed by local ordinance.

"Piecemeal" rezoning encompasses all other rezonings not characterized as comprehensive rezonings.³²⁴⁵ Generally, piecemeal rezoning involves a property owner applying to rezone an individual parcel of property. Piecemeal rezoning is done on a parcel by parcel basis and in most jurisdictions in Georgia reflects the bulk of the rezonings. The mere fact that the rezoning is sought on a case by case basis is not in and of itself a basis to challenge the rezoning request.

§ 12.3 "Spot Zoning"

"Spot zoning" has been defined as "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners."³²⁴⁶

³²⁴² O.C.G.A. § 36-66-1 *et seq.*

³²⁴³ 3 Arden H. Rathkopf & Daren A. Rathkopf, *Rathkopf's The Law of Zoning and Planning* § 38:14 (2005).

³²⁴⁴ See e.g., O.C.G.A. § 36-66-4(b); Chapter V, § 5.3 (ZPL requires different notice procedures depending on whether an individual applies to change the zoning on property or whether the local government, on its own motion, seeks to change the zoning).

³²⁴⁵ 3 Arden H. Rathkopf & Daren A. Rathkopf, *Rathkopf's The Law of Zoning and Planning* § 38:15 (2005).

³²⁴⁶ *East Lands, Inc. v. Floyd County*, 244 Ga. 761, 764(3), 262 S.E.2d 51 (1979) quoting *Jones v. Zoning Bd. of Adjustment*, 32 N.J.Super. 397, 108 A.2d 498, 502 (1954).

Courts are skeptical of "spot zoning" because of the underlying personal interests and favors that may be involved with rezoning one parcel of property. However, "if a change of zone is reasonable and is in accordance with the comprehensive plan of the zoning ordinance and can be justified as contributing to the public health, safety and general welfare, it will not be held invalid as 'spot zoning,' even though the reclassification affects only a single piece of property or may incidentally discriminate in favor of the owner thereof."³²⁴⁷ In Georgia, "spot zoning" is heavily scrutinized by courts reviewing decisions of local governing bodies. For example, in *East Lands v. Floyd County*,³²⁴⁸ a property owner sought to rezone a 15-acre tract of land from low density residential to a multi-family residential classification that would allow an apartment complex.³²⁴⁹ The planning commission recommended denial of the rezoning but the Board of Commissioners approved the rezoning of the 15-acre parcel.³²⁵⁰ The Georgia Supreme Court invalidated the Commissioner's decision to rezone the 15-acre parcel as arbitrary and capricious "spot zoning."³²⁵¹

The Court found that the rezoning had no relation to the County's comprehensive plan and was incompatible with surrounding low-density zoning classifications.³²⁵² The Court stated that it is "uniformly recognized in other jurisdictions that the touchstone for determining whether the zoning of a given piece of property in a manner different than the property surrounding it constitutes illegal spot zoning, is whether such zoning is arbitrary or whether it is done in accordance with a comprehensive plan."³²⁵³ In *East Lands*, the Court seemed particularly concerned about the potential for abuse if local governments were permitted to "spot zone" based on the interests of the individuals involved in a case rather than on the public interest.³²⁵⁴ This neglect of the public welfare would violate the bounds of the police power and make the exercise of zoning arbitrary and capricious in many instances.³²⁵⁵ The *East Lands* case overruled several prior Georgia cases which had permitted local governments to "spot zone."³²⁵⁶

³²⁴⁷ *Cross v. Hall County*, 238 Ga. 709, 235 S.E.2d 379 (1977) (Hall, J., concurring) quoting 1 *Bathke's The Law of Zoning and Planning* 26-14 (1974).

³²⁴⁸ 244 Ga. 761, 262 S.E.2d 51 (1979).

³²⁴⁹ *East Lands, Inc. v. Floyd County*, 244 Ga. 761, 761-762, 262 S.E.2d 51 (1979).

³²⁵⁰ *East Lands, Inc. v. Floyd County*, 244 Ga. 761, 762, 262 S.E.2d 51 (1979).

³²⁵¹ *East Lands, Inc. v. Floyd County*, 244 Ga. 761, 762-763, 262 S.E.2d 51 (1979).

³²⁵² *East Lands, Inc. v. Floyd County*, 244 Ga. 761, 764, 262 S.E.2d 51 (1979).

³²⁵³ *East Lands, Inc. v. Floyd County*, 244 Ga. 761, 764, 262 S.E.2d 51 (1979).

³²⁵⁴ *East Lands, Inc. v. Floyd County*, 244 Ga. 761, 764, 262 S.E.2d 51 (1979).

³²⁵⁵ *East Lands, Inc. v. Floyd County*, 244 Ga. 761, 764, 262 S.E.2d 51 (1979).

³²⁵⁶ *East Lands, Inc. v. Floyd County*, 244 Ga. 761, 764, 262 S.E.2d 51 (1979).

Davis Feder

From: Darryl Simmons <dsimmons@kennesaw-ga.gov>
Sent: Friday, June 14, 2019 3:47 PM
To: tracey@creativeresultsinc.com
Subject: RE: 1465 Shiloh Road

OI – office institutional which can accommodate the following uses:

- Office condos
- Professional offices
- Health care related businesses
- Childcare (not schools)
- Personal care homes
- Nursing homes
- Memory care facility
- Banks
- Clinics
- Medical and Dental Laboratories
- Religious assembly
- Sports medical physical therapy

PUD- Planned Unit Development- residential- with a SLO overlay (senior living overlay):

- Ranch style homes for 55+ adults
- Three story senior condo (if market can support it)
- Age in place senior campus from dependent to independent homes and services on the same property

PUD-R single family residential- regular homes with modest density range from 2-6 (dwelling units per acre) (portion of homes can be below market- workforce housing)

From: tracey@creativeresultsinc.com <tracey@creativeresultsinc.com>
Sent: Friday, June 14, 2019 2:28 PM
To: Darryl Simmons <dsimmons@kennesaw-ga.gov>
Subject: 1465 Shiloh Road

Hey Daryl -

As i told you, I got the listing on the property at 1465 Shiloh Road (Butch Nasar's property that was turned down for student housing a couple of years ago). Can you send me a list of the best zoning options for that property? I know he's got it listed as residential now but I need to put together a marketing package for it.

Tracey Viars
Commercial Real Estate Advisor
Singleton Commercial Real Estate
Specializing in Suburban Downtown Development
Owner / Creative Results, Inc.
WRITING.THAT.SPEAKS
Kennesaw City Council / Post 2

Davis Feder

From: Tracey Viars <tracey@kennesawbroker.com>
Sent: Monday, July 22, 2019 12:21 PM
To: Darryl Simmons
Subject: RE: 1465 Shiloh Road

Thank you – I'll make that more clear...

T

From: Darryl Simmons <dsimmons@kennesaw-ga.gov>
Sent: Monday, July 22, 2019 12:19 PM
To: Tracey Viars <tracey@kennesawbroker.com>; Robert Fox <rfox@kennesaw-ga.gov>
Subject: RE: 1465 Shiloh Road

Its zoned residential right now so you might want to emphasize the potential uses and zoning to be pursued according to our future land use map.. The way I read the brochure implies it already has the OI zoning already. It could be the way I read it.

From: Tracey Viars <tracey@kennesawbroker.com>
Sent: Monday, July 22, 2019 12:15 PM
To: Robert Fox <rfox@kennesaw-ga.gov>; Darryl Simmons <dsimmons@kennesaw-ga.gov>
Subject: 1465 Shiloh Road

It's listed & official. Seller motivated. Let me know if you run across anyone who fits!



Tracey Viars

Real Estate Advisor
Singleton Real Estate, LLC
678-467-1326
2765 S Main St #200,
Kennesaw GA 30144
Tracey@KennesawBroker.com
www.KennesawBroker.com



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**FOR
SALE:**

LAND FOR SALE
1465 Shiloh Road, Kennesaw, GA 30144



4.41 +/- Acres / Commercial
\$1,699,000

Property Highlights

- Approximately 421' of Frontage on Shiloh Road
- Close to I-75
- Easy access to both Wade Green Road & Chastain Road Exit/Entry Ramps to I-75
- Close to Kennesaw State University
- Minutes from Downtown Kennesaw
- Shopping, Restaurants, Entertainment, Churches & Fire Station Nearby
- In the path between KSU Campus & \$268MM East Park Mixed Use Development
- Inside Kennesaw City Limits
- Many allowable uses under O/I, PUD-Residential with Senior Living Overlay & PUD-R Single Family Residential



For more information on this opportunity, contact:

Tracey Viars
Real Estate Advisor
678-467-1326
Tracey@KennesawBroker.com

SINGLETON
REAL ESTATE

Singleton Real Estate, LLC
420 Chambers Street
Woodstock, GA 30188
404-419-7700
www.SingletonRealEstate.com

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LAND FOR SALE
1465 Shiloh Road
Kennesaw, GA 30144

000092

ZONING: O/I

O/I Allowable Uses:

Office Condos
Professional Offices
Health Care Related Businesses
Childcare (not schools)
Personal Care Homes
Nursing Homes
Memory Care Facilities
Banks
Clinics
Medical/Dental Laboratories
Religious Assembly
Sports Medicine Physical Therapy

PUD – Planned Unit Development – Residential with a SLO (Senior Living Overlay)

Allowable Uses:

Ranch Style Homes for 55+
Three Story Senior Condo
Age in Place Senior Campus from dependent to independent homes & services on the same property

PUD-R – Single Family Residential

Allowable Uses:

Homes with Modest Density Range from 2 – 6 Dwelling units per acre (portion of homes came be below Market – workforce housing)

Davis Feder

From: Tracey Viars <tracey@kennesawbroker.com>
Sent: Monday, July 22, 2019 2:37 PM
To: Darryl Simmons
Subject: Better?
Attachments: 1465 Shiloh presentation package.pdf; 1465 Shiloh Road - Kennesaw - Land Available.pdf

Is this more accurate? Thanks for your feedback.



Tracey Viars

Real Estate Advisor
Singleton Real Estate, LLC
678-467-1326
2765 S Main St #200,
Kennesaw GA 30144
Tracey@KennesawBroker.com
www.KennesawBroker.com



SALE:

1465 Shiloh Road, Kennesaw, GA 30144



**4.41 +/- Acres
\$1,699,000**

Property Highlights

- Approximately 421' of Frontage on Shiloh Road
- Close to I-75
- Easy access to both Wade Green Road & Chastain Road Exit/Entry Ramps to I-75
- Close to Kennesaw State University
- Minutes from Downtown Kennesaw
- Shopping, Restaurants, Entertainment, Churches & Fire Station Nearby
- In the path between KSU Campus & \$268MM East Park Mixed Use Development
- Inside Kennesaw City Limits
- Rezoning in accordance with Kennesaw's Future Land Use Map would allow possible uses including: O/I, PUD-Residential with Senior Living Overlay & PUD-R Single Family Residential



For more information on this opportunity, contact:

Tracey Viars
Real Estate Advisor
678-467-1326
Tracey@KennesawBroker.com

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LAND FOR SALE

1465 Shiloh Road
Kennesaw, GA 30144

ZONING: RESIDENTIAL

Potential uses with rezoning to be pursued in accordance with Kennesaw's future land use map:

O/I Allowable Uses:

Office Condos
Professional Offices
Health Care Related Businesses
Childcare (not schools)
Personal Care Homes
Nursing Homes
Memory Care Facilities
Banks
Clinics
Medical/Dental Laboratories
Religious Assembly
Sports Medicine Physical Therapy

PUD – Planned Unit Development – Residential with a SLO (Senior Living Overlay)

Allowable Uses:

Ranch Style Homes for 55+
Three Story Senior Condo
Age in Place Senior Campus from dependent to independent homes & services on the same property

PUD-R – Single Family Residential

Allowable Uses:

Homes with Modest Density Range from 2 – 6 Dwelling units per acre (portion of homes came be below Market – workforce housing)

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2018-23, 2018

AN ORDINANCE TO AMEND CHAPTER 9 OF THE UNIFIED DEVELOPMENT CODE IN ORDER TO BRING IT INTO COMPLIANCE WITH GEORGIA STATE LAWS THAT GOVERN LOCAL LAWS RELATING TO NONCONFORMING USES, VARIANCES, APPEALS, ADMINISTRATIVE VARIANCES, AND REPEAL OF CERTAIN PROVISIONS

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

WHEREAS, Chapter 9 of the Unified Development Code ("UDC") provides ordained mechanisms for obtaining relief from the provisions of the UDC, including relief for nonconforming uses, relief through the variance process, relief through the administrative variance process, appeal provisions, and the recognition of vested rights.

WHEREAS, over the course of the last several years, Georgia law has clarified the circumstances under which a municipal government may enact regulations that provide these relief mechanisms and the City wants to amend Chapter 9 to ensure that it is compliant with Georgia law (including but not limited to City of Cumming v. Flowers, 300 Ga. 820 (2017); Southern States-Bartow County, Inc. v. Riverwood Farm Homeowners Association, 300 Ga. 609 (2017));

WHEREAS, as a result of amending Chapter 9, certain definitions in Chapter 1 of the UDC also need to be amended and updated;

WHEREAS the City finds that that the attached ordinance amendments as set forth in Exhibits "A" and "B" protect the health, safety and welfare of the citizens of the City of Kennesaw and that the City incorporates the above "WHEREAS" clauses in such findings so as to for the citizens of the City of Kennesaw so as to support the justification to adopt the amendments to the UDC as set forth in Exhibits "A" and "B";

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

SECTION 1

That the City of Kennesaw hereby amends definitions as set forth in Exhibit "A" in alphabetical order to existing terms currently set forth in Section 1.09.02 of Chapter 1 of the Unified Development Code;

SECTION 2

That the City hereby adopts amendments to Chapter 9 as set forth in Exhibit "B";

SECTION 3

This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 4

This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Kennesaw.

SO ORDAINED this 15th day of October, 2018.

ATTEST

CITY OF KENNESAW

Debra Taylor
Debra Taylor, City Clerk

Derek Easterling
Derek Easterling, Mayor

SEAL



CITY OF KENNESAW
ORDINANCE NO. 2018-23, 2018

EXHIBIT B

Chapter 9 - VARIATIONS

9.00.00 - GENERALLY

The purpose of this chapter is to provide mechanisms for obtaining relief from the provisions of this UDC. There are several ways that potential relief from hardship is addressed. Section 9.01.00 addresses relief through requirements regarding nonconforming development. Section 9.02.00 addresses relief through the grant of a variance in a particular situation due to the characteristics of the land to be developed based on the required site design standards. Section 9.03.00 addresses relief through specific exceptions to the conditions of zoning. Section 9.04.00 addresses relief through the grant of an administrative waiver in specific situations. ~~Section 9.05.00 addresses relief through recognition of vested rights regarding use and/or design.~~

9.01.00 - NONCONFORMING LOTS, STRUCTURES, AND USES

- A. The lawful use of any building, structure or land existing at the time of the enactment of this UDC may be continued even though such use does not conform with the provisions of this UDC except that the use of a principal nonconforming building, structure or land shall not be:

Changed to another nonconforming use;

Re-established after discontinuance or abandonment for one (1) year; ; Discontinuance or abandonment means the failure to devote the property to the permitted nonconforming use evidenced by an overt act or failure to act (or combination of the two) sufficient to support the implication of an intent to relinquish the right to continue the nonconforming use.

Expanded, enlarged or extended, either on the same or adjoining parcel, except in conformity with this ordinance;

Rebuilt, altered, replaced, or repaired after damage exceeding fifty percent (50%) of its replacement cost at the time of destruction as determined by the building official except in conformity with this ordinance. ; For those situations where the damage does not exceed fifty (50%) of its replacement value, any such and provided such rebuilding, alteration, replacement or repair shall be is-completed within twelve (12) months of such damage;

Altered, except if less than thirty percent (30%) of the floor space of a building or structure is found by the building inspector to be structurally unsafe then a permit may be issued to correct the unsafe condition.

- B. At the time of the enactment of this UDC, every owner of a nonconforming building or structure shall have sixty (60) days to indicate in writing to the Zoning Administrator which building or structure or group of buildings or structures will be considered the "principal" nonconforming building or structure defined in Section A above. In the event that more than one (1) building or structure is classified as "principal" under this section, said classification must be justified by the owner and accepted in writing by the Zoning Administrator. In the event that multiple buildings or structures are accepted by the Zoning Administrator as being the "principal" nonconforming building or structure as defined in Section A above, then all percentage figures stated in this section will pertain to the total area of the multiple buildings or structures so accepted.
- C. All nonconforming buildings, structures and uses shall be discontinued and made to conform within the time periods set forth below:
1. All nonconforming uses of land where no buildings are involved—Six (6) months from date of adoption of this UDC.
 2. All nonconforming uses of land on which are located demountable or portable buildings or structures—twelve (12) months from date of adoption of this ordinance unless approved by the Georgia Department of Community Affairs (DCA).

9.02.00 - VARIANCES

9.02.01 - Generally

- A. The Mayor and City Council may authorize upon appeal in specific cases such variance from the terms of this UDC as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship.
- B. A variance shall be authorized only so that the spirit of this UDC shall be observed, public safety and welfare secured, and substantial justice done.
- C. A variance shall not be granted to allow a use of land that is otherwise prohibited in the zoning district applicable to the property, for a use of land or structures that is prohibited by this UDC in the district in question.
- D. The existence of a nonconforming use on adjacent land, buildings, or structures in the same or in other districts shall not constitute a reason for a variance.
- E. The Mayor and City Council shall be responsible for consideration and a decision regarding requests for variances, pursuant to the notice and hearing requirements set forth in Chapter 10.

9.02.02 - Types of Variances

A request for a variance shall be limited to vary the following dimensional standards: 1) maximum building height; 2) minimum lot width; 3) required spacing for driveways; 4) minimum front, side, or rear yard setbacks; or 5) dimensional standards for parking or loading spaces.

9.02.03 - Requirements for Variances

~~Zoning Variances~~ may be granted using the following criteria in such individual cases of practical difficulty or unnecessary hardships as follows:

- A. There is extraordinary and exceptional conditions pertaining to the ~~particular piece of property in question~~ because of its size, shape or topography;
- B. The application of the UDC standards ~~this chapter~~ to the ~~this particular piece of property~~ would create practical difficulty or unnecessary hardship;
- C. Such The practical difficulty and/or unnecessary hardship are conditions which are peculiar to the particular piece of property involved; and
- D. Relief, if granted, would not cause substantial detriment to the public good or impede ~~impair~~ the purposes and intent of the UDC this chapter.

9.02.04 - Requirements for Making Variance Applications

- A. An applicant for a variance shall file with the zoning department ~~prior to processing the application,~~ the following:
 - 1. A completed application on forms prescribed by the zoning department;
 - 2. The notarized signature of the applicant and record titleholder upon the application.
 - 3. The application fee.
 - a. These fees shall be established from time to time by resolution of the Mayor and City Council.
 - b. A copy of the fee schedule shall be maintained in the City Clerk's Office.
 - 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

Mayor Mathews called for a vote on the implied motion to approve Ordinance No. 2015-04, 2015 to change the zoning district designation City CRC with amended condition for properties located at the intersection of Kennesaw Due West Road and Cobb Parkway to modify existing stipulations and allow for gun, knife or weapon sales and to allow for full service operation for an indoor shooting range with a retail store. Vote taken, approved unanimously, 5-0. Motion carried.

- D. Authorization to adopt **ORDINANCE NO. 2015-05**, 2015 to amend multiple parts of Appendix A, Chapters 2, 4, 5 and 6 of the Kennesaw Unified Development Code. The purpose of this Ordinance is to address religious assembly standards previously addressed as a Special Exception Use and Land Use application. These new standards would bring the City of Kennesaw into compliance with recommended changes from the Department of Justice. An ordinance amending multiple parts of Appendix A, Chapter 1, Section 1.09.02 - "Definitions," multiple Sections of Appendix A, Chapter 2 - "Zoning Districts," Multiple Sections of Appendix A, Chapter 4 - "Site Design Standards," multiple Sections of Appendix A, Chapter 5 - "Standards for Accessory and Temporary uses," multiple Sections of Appendix A, Chapter 6 - "Infrastructure Improvements," and Appendix A, Chapter 6, Section 6.06.09 "Required Spaces - Table 6.06.09A" of the City of Kennesaw Code of Ordinances. The proposed changes were advertised in the Marietta Daily Journal March 13, 2015 and March 20, 2015. At the Planning Commission meeting held on April 02, 2015, motion was made by Cindi Michael, seconded by Stephen McFerrin to recommend the Mayor and Council consider the following points of concern by the Planning Commission before approving the amendment request including discussion on more language and wording to be incorporated into the ordinance: 1) Clarification of height requirement for religious assembly use as it appears there are none included in the proposed ordinance. Planning Commission feels the need for the height requirement; 2) Sound ordinances as it relates to religious assembly use; and 3) Impact on other business opportunities dealing specifically with business license and alcohol sales. The open-ended blanket approval for the religious assembly use in all districts.

Zoning Administrator Darryl Simmons presented recommended changes to the Unified Development Code (UDC) to address religious assembly standards previously addressed as a Special Exception Use and Land Use application. These new standards would bring the City of Kennesaw into compliance with recommended changes from the Department of Justice. Amendments will be made to multiple parts of Appendix A, Chapter 1, Section 1.09.02 - "Definitions," multiple Sections of Appendix A, Chapter 2 - "Zoning Districts," Multiple Sections of Appendix A, Chapter 4 - "Site Design Standards," multiple Sections of Appendix A, Chapter 5 - "Standards for Accessory and Temporary uses," multiple Sections of Appendix A, Chapter 6 - "Infrastructure Improvements," and Appendix A, Chapter 6, Section 6.06.09 "Required Spaces - Table 6.06.09A" of the City of Kennesaw Code of Ordinances. The Planning Commission questions/recommendations were addressed by staff and the City Attorney. Standards that were of concern are addressed in other areas of the UDC.

Councilmember Sebastian asked for clarification regarding height limitations on houses of worship. Mr. Simmons replied that height restrictions on religious assembly locations is dependent on the zoning of the property.

7:03 PM Floor Open to Public Comments

No comments

7:04 PM Floor Closed to Public Comments

Motion by Councilmember Church to approve Ordinance No. 2015-05, 2015 as submitted, seconded by Councilmember Sebastian. Vote taken, approved unanimously, 5-0. Motion carried.

X. CONSENT AGENDA

- A. Approval of the April 1, 2015 Special Call and April 6, 2015 Regular minutes of the Mayor and City Council.
- B. Approval of the April 1, 2015 Mayor and City Council Executive Session minutes.
- C. Authorize data connectivity Request For Proposals (RFP) bid award to Comcast Business, award contract pending legal review, and direct the Mayor to execute documents. The RFP was created to increase the speed between our remote buildings from 4.5 MB to 1 GB. Four bids were received and Comcast Business provide the recommended solution for the City. This will be a savings of approximately \$1,350 per month over our current provider. The Information Technology Committee recommends approval of the bid award contract pending legal review and directs the Mayor to execute documents.
- D. Receipt of February and March 2015 Crime Statistics for Police Department.
- E. Authorization for approval of a final plat Phase I for subdivision identified as Victoria Crossing. Request submitted by Barnes Mill VDL, LLC for property located on Fox Trot Trail at Moon Station Road. Property identified in Land Lot 101 within the residential zoned PUD-R with a Senior Living Overlay (SLO) district consisting of 9.57+/- acres. The property was zoned to PUD-R with a Senior Living Overlay (SLO) and approved with stipulations by the Mayor and Council on December 16, 2013 under Ordinance 2013-18, 2013. The property was granted preliminary plat approval in April, 2014. Plan Review Committee recommends approval.

Mayor Mathews called for a vote on the implied motion to approve the Consent Agenda, engross. Vote taken, approved unanimously, 5-0. Motion carried.

XI. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief (Councilmember Tim Killingsworth)

BOBBIE DUKE, 911 Communications Director (Councilmember Debra Williams)

No items.



APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

ZV2020-01 Consideration to approve the requested rezoning to RM-12 and variances: (1) Increase the RM-12 zoning district max, density from 12 units/acre to 19.55 units/acre (86 units total); (2) Reduce the front yard setback along Shiloh Road from 40 ft. to 20 ft; (3) Reduce required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.75 spaces/unit). (Mayor and Council 03-16-2020)

SCHOOL COMMENTS

*School attendance zones are
subject to revision at anytime

NAME OF SCHOOL	ENROLLMENT	PARKING SPACES	NUMBER OF PORTABLE CLASSROOMS

Additional Comment

TRANSPORTATION COMMENTS

Site Visitation: No ___ Yes ___ (date ___) Signature _____

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MINIMUM RIGHT OF WAY REQUIREMENT
SHILOH ROAD	arterial	35 mph	cobb	100

Comments and Observation:

The road is under Cobb County Jurisdiction moreover, reducing front set back to 20 feet will not recommended. In this issue, it is prefer to get Cobb County's comment.

Recommendations



APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

DRAINAGE COMMENTS

Site Visitation : No ___ Yes ___ (date _____) Signature _____

(A) FLOOD HAZARD: ☐ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

(B) DRAINAGE BASIN: _____ FLOOD HAZARD INFORMATION

1. _____ FEMA Designated 100 year Floodplain Flood
2. _____ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD
3. _____ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements
4. _____ Dam Breach Zone from (upstream) (onsite) lake – need to keep residential buildings out of hazard

(C) WETLANDS: ☐ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

Location: _____

☐ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

(D) STREAMBANK BUFFER ZONE: ☐ YES ☐ NO APPLICABLE ☐ YES ☐ NO

1. _____ Metropolitan River Protection Area (within 2000' of Chattahoochee River) Arc (review 35' undisturbed buffer each side of waterway).
2. _____ Chattahoochee River Corridor Tributary Area – County review (_____ undisturbed buffer each side).
3. _____ Georgia Erosion-Sediment Control Law and County Ordinance-County review/State review.
4. _____ Georgia DNR Variance may be required to work in 25-foot stream bank buffers.
5. _____ City Buffer Ordinance: 75' each side of creek measure from the point of wrested vegetation.

SPECIAL SITE CONDITIONS

ADDITIONAL COMMENTS/SUGGESTIONS



APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains and obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

Applicant will be responsible to meet all City of Kennesaw Development & Zoning Ordinance Standards, State, County and applicable Federal regulations as part of the plan review approval process. All conceptual representations submitted with the application and acted on by Mayor and Council does not relieve applicant and property owners from meeting all development standards.



ZV2020-01 Consideration to approve the requested variances as noted for the proposed use for Purposed Student Housing construction of 68 units. (Mayor and Council 03-16-2020)

Variances requested:

1. Increase in density from 12 units per acre to 15.55 units per acre
2. Reduce front yard setback from 40 feet to 30 feet

The property was annexed into the City in 2000. There were a number of rezoning requests and approvals to the current zoning of R-30 with the request to RM-12. Past rezoning requests included UVC (Urban Village Commercial); O&I (Office & Institutional); CRC (Community Retail Commercial). 2017 same applicant requested rezoning of three properties (1465 Shiloh Rd., 4058 & 4068 Ayers Dr.) to proposed student housing that would be located on 6.02 acres and incorporate 125 units. Request for rezoning and associated variances was denied. Traffic implications to the entrance to Pinetree subdivision was cited.

Site Visitation : No ____ Yes ____ (date _____) Signature _____

STAFF MEMBER RESPONSIBLE: Darryl Simmons



APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

PROPOSED NUMBER OF UNITS 68 OVERALL DENSITY: 15.55 Units/Acre

PRESENT ZONING WOULD ALLOW UNITS INCREASE OF: Units/Lots

HISTORIC PRESERVATION: Not applicable

CEMETERY PRESERVATION No cemeteries on site

Land Use/development proposal Information:

- Subject property located in Future land Use category for CAC (Community Activity Center)
- The Character are as designated in the adopted comprehensive plan- Cherokee Street Commercial Corridor
- Purpose built student housing does not have an adopted zoning standard
- Similar approved developments within city limits were rezoned to RM-12 with variances and conditions
- Character area for university programming was included in the 2017 comprehensive plan update. University Living was included as a character area for both existing student housing developments- West 22 and UClub @Frey.
- Shiloh Rd contains Industrial, residential and retail uses.
- Proposing 68 units=248 beds an Increase in density from 12 units per acre to 15.55 units per acre
- Three story building
- 262 parking spaces provided which allows one space per bedroom plus guest parking
- Building placement will be closer to Shiloh Road to allow adequate parking in rear yard area

ZONING ADMINISTRATOR'S RECOMMENDATIONS/BASIS FOR RECOMMENDATION

The Zoning Administrator recommends approval of the rezoning request to RM-12 with associated variances to reduce front setback and increase density with the following conditions:

1. Reversionary clause that requires that construction permits and activity be initiated within 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.
2. 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.
3. 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.
4. Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors



APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

5 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.

6 All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards

7 Maximum height of building will be 35 feet as defined in our zoning ordinance chapter one that defines how building height is measured.

8. Maximum number of units allowed will be 68 units with a maximum of 248 beds

1.05.00 - RELATIONSHIP TO THE COMPREHENSIVE PLAN

The City of Kennesaw Comprehensive Plan is the official development policy and implementation guide for the City to coordinate and direct physical and economic development, related public investment, and, to provide reasonable regulations for the development of private property in the interest of public health, safety, and welfare. This UDC is designed to implement all provisions of that Plan for the development and use of land.

2.01.03 - Residential Zoning Districts

The following residential zoning districts are established:

- A. *R-30, Single-Family residential district (30,000 square feet).* The R-30 single-family residential district is established to provide locations for single-family detached dwellings or residentially compatible institutional and recreational uses at low to moderate densities, with access both to public water and sewerage.
- B. *R-20 Single-Family residential district (20,000 square feet)* The R-20 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time, with access to both public water and sewerage.
- C. *R-15, Single-Family residential district (15,000 square feet).* The R-15 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities as defined by the City of Kennesaw Comprehensive Land Use Plan, with access to both public water and sewerage.
- D. *R-12, Single-Family residential district (12,000 square feet).* The R-12 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities as defined by the City of Kennesaw Comprehensive Land Use Plan, with access to both public water and sewerage.
- E. *R-10, Single-Family residential district (10,000 square feet).* The R-10 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities, with access to both public water and sewerage within designated medium density areas on the comprehensive land use plan and future land use map.
- F. *PUD-R, Planned Unit Development-residential district.* The PUD-R planned unit development-residential district is established to encourage and provide flexible site plan and building arrangements under a unified plan of development rather than by lot-by-lot regulation. The PUD-R district is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment. The density should be consistent with the surrounding development.
- G. *RA-4, Residential District (Four [4] units per acre).* The RA-4 residential district is established to provide locations for the development of affordable single-family detached or attached residential dwelling units including the combination of duplexes, triplexes, and quadraplexes, with access to both public water and sewerage for medium to high density residential classifications as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time. The dwelling units are to be designed for placement on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall.
- H. *RM-8, Multiple-Family district (Eight [8] units per acre).* The RM-8 multiple-family residential district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses at high densities as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time, with access to both public water and sewer.
- I. *RM-12, Multiple-Family district (Twelve [12] units per acre).* The RM-12 multiple-family residential district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses at high densities as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time, with access to both public water and sewerage.

1.09.00 - ACRONYMS AND DEFINITIONS

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. Unless otherwise expressly stated, the following words shall have the meaning herein indicated. The following terms are defined for purposes of this UDC.

1.09.01 - Acronyms

"A"	A High Risk classification for a flood zone as defined by the Flood Insurance Rate Map (FIRM)
AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
"AD"	A High Risk classification for a flood zone as defined by the Flood Insurance Rate Map (FIRM)
"AE"	A High Risk classification for a flood zone as defined by the Flood Insurance Rate Map (FIRM)
"AH"	A High Risk classification for a flood zone as defined by the Flood Insurance Rate Map (FIRM)
"AO"	A High Risk classification for a flood zone as defined by the Flood Insurance Rate Map (FIRM)
ARC	Atlanta Regional Commission
BCCMP	Bituminous-Coated Corrugated Metal Pipe
BMP	Best Management Practice
BOD	Biological Oxygen Demand
CADD	Computer Aided Design and Drafting
CBD	Central Business District
CCMWA	Cobb County Marietta Water Authority
CCWS	Cobb County Water System
CFR	Code of Federal Regulations
CLG	Certified Local Government

upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration.

Adult movie house means any movie theater which on a regular, continuing basis shows films rated "X" by the Motion Picture Coding Association of America or any movie theater which presents for public viewing on a regular, continuing basis so-called "adult films" depicting sexual conduct.

Agricultural Produce Stand: A structure not greater than 1,000 square feet for the purpose of seasonal sales of products grown or produced on the premises on which it is located.

Alignment: The arrangement of objects along a straight line.

Alley or Service Drive: A public or private way permanently reserved as a secondary means of access to abutting property and which may be used for public utility purposes. Frontage on said alley shall not be construed as satisfying the requirements of this ordinance related to frontage on a dedicated street.

Altered or Alteration of Building: Any change in the supporting members of a building (such as bearing walls, columns, girders) except changes as may be required for its safety; any addition to a building; any change in use from that one district classification to another; or of a building from one location to another; any act or process that changes the exterior architectural appearance of a building.

Alternative Tower Structure: Structures utilized for antenna-mounting purposes that include, but are not limited to, simulated trees, clock towers, steeples, silos, light poles, electric transmission towers and other such structures that are compatible with the natural setting and surrounding structures, and effectively camouflage or conceal the presence of antennas or towers.

Ancillary Retail Sales (industrial districts): Retail sale of goods and services which is secondary in nature to the primary industrial use of the property in so much that the goods for sale have been produced on-site or are in storage at the site for planned distribution to other areas. The ancillary retail sale of goods shall only be conducted as part of the permitted industrial use and shall not be a freestanding business.

Animal Shows: Exhibitions of domestic or large animals for a maximum of seven days.

Animated Illumination or Effects: Illumination or effects with action, motion, moving characters or flashing lights. This may require electrical energy, but shall also include wind actuated devices. Specifically included is any motion picture or video mechanism used in conjunction with any outdoor advertising structure in such a manner as to permit or allow the images to be visible from any public right-of-way. This definition does not include signs which indicate only time and/or temperature, provided that such time and/or temperature signs do not change or alternate messages more than 12 times a minute or electronic message signs as permitted within.

Antenna: Any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio, wireless, telecommunications signals or other communications signals. Such definition does not include, for purposes of this ordinance, radar antennas, amateur radio antennas, satellite earth stations, television receiving antennas and direct broadcast satellite dishes.

Antenna, Array: Any two or more antennas that operate as components of a complete antenna suite for a single wireless communication facility.

Antenna, Concealed: Any antenna designed and erected on or in a building or alternative structure in such a way that it blends in with the existing façade and/or is located such that it is not readily visible to a person at adjacent street level.

Apartment: A room or suite of two or more rooms occupied or suitable for occupancy as a dwelling unit for one family in a multiple dwelling or any other building not a single-family dwelling or two-family dwellings.

Apartment Building: A building designed for or occupied exclusively by three or more families with separate housekeeping facilities for each family.

- b. Any artificial barrier constructed by the United States Soil Conservation Service, or any other department or agency of the United States Government when such department or agency has designed or approved plans, has supervised construction, maintained the program of inspection, provided however, that this exception shall cease when the supervising federal agency relinquishes authority for the operation or maintenance of such artificial barrier.
- c. Any artificial barrier licensed by the Federal Energy Regulatory Commission or for which a license application is pending with the Federal Energy Regulation Commission; or
- d. Any artificial barrier classified by the state soil and water conservation committee as a dam where improper operation or dam failure would not be expected to result in loss of human life.

Dam Break Flood Zone: The area within the flood contour elevations subject to flooding as designated by the city engineer based upon information obtained from the U. S. Corp of Engineers or other federal, state, or county agencies, or local hydraulic studies undertaken as a result of any seepage or failure of any dam.

Day Care Center: Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia and licensed by the City of Kennesaw as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than 24 hours per day, six or more children under 18 years of age.

Dead storage: Storage of goods partly not in use and not associated with any principal commercial or manufactory use.

Dead-end street: A street having only one end open for access to another street, the other end being abruptly terminated with no turnaround.

Deck: A roofless accessory attached or detached platform without exterior walls, generally constructed of wood, which adjoins a residence. Rails or safety features shall not be deemed to be exterior walls.

Demolition: Any act or process that destroys a structure in part or in whole.

Density:

1. The overall intensity of land use for the total project
2. Residential density is the number of housing units permitted per acre in the zoning district involved in accordance with the terms of the zoning ordinance or as authorized under conditional zoning by the Mayor and City Council. The maximum residential density per developable acre authorized for R-30, R-20, R-15, R-12, R-10, PUD-R, RA-4, RM-8, RM-12, and FST zoning districts are set forth in Chapter Four of the Unified Development Code. These maximums could be lowered by conditional zoning by the Mayor and City Council. A developable acre shall not include any part or parts of rivers, streams, floodplains and natural lakes which are not the result of manmade dams. The maximum allowable dwelling units per acre shall in no event exceed any of the following:
 - a. The maximum set forth in article VIII of this appendix for such zoning district;
 - b. The maximum dwelling units per acre which can be constructed without violating any other restrictions, limitations, and/or requirements of such zoning district or the maximum authorized under conditional zoning by the Mayor and City Council.

Density Factor: A unit of measure to prescribe the calculated basal area required for replacement or as existing tree coverage on a site.

Dentil: A small rectangular block used in a series below the cornice.

Department (as pertaining to environmental protection): The Georgia Department of Natural Resources.

Drainage Structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

Drip Line: An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

Drive-in Establishment: An establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon the premises.

Dwelling: A building designed, arranged or used for permanent living and/or sleeping quarters (excludes mobile home).

Dwelling, Multifamily: A building designed for or occupied exclusively by three or more families with separate housekeeping facilities for each family.

Dwelling, Single-Family: A building designed or arranged to be occupied by one family only.

Dwelling, Two-Family (duplex): A building designed or arranged to be occupied by two families living independently of each other.

Dwelling Unit: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Easement: A grant by the property owner for the use by the public, a corporation, or persons of a strip of land for specific purposes.

Eating and drinking establishment: Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate on-site consumption.

Eave: The underside of a sloping roof projecting beyond the wall of a building.

Economically and Technically Feasible and Viable: Refers to the capability of being provided:

1. Through technology which has been demonstrated in actual applications (not simply through tests or experiments) to operate in a workable manner; and
2. In a manner which has a reasonable likelihood of generating a reasonable profit or other financial benefits, when measured over the term of the lease.

Electronic Display: Shall mean a message displayed through the use of LED, LCD, plasma, or other similar type of panels or screens.

Electronic Sign: A sign in which the message may be changed means a sign whose message may be changed at intervals by computer controller, microprocessor controller or by remote control, and whose message is displayed through the use of LED, LCD, plasma or other similar type of panels or screens, including devices known as commercial electronic message signs or similar devices.

Element: An individual defining feature of a building, structure, site or district.

Elevated Building: A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Elevation: A mechanically accurate, "head-on" drawing of a face of a building or object, without any allowance for the effect of the laws of perspective. Any measurement on an elevation will be in a fixed proportion, or scale, to the corresponding measurement on the real building.

Encounter Center or Rap Establishment: Any business, agency or person who, for any form of consideration of gratuity, provides a place where two or more persons may congregate, assemble or associate for the primary purpose of engaging in, describing or discussing specified sexual activities, or exposing specified anatomical areas.

Extreme Flood Protection: Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

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

False Front: A front wall which extends beyond the sidewalls of a building to create a more imposing façade.

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 or hotel, 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.

Fanlight: A window, often semi-circular, over a door, with radiating muntins suggestive of a fan.

Farm Winery: A domestic manufacturer of wine in quantities of less than 100,000 gallons of wine per year, that is licensed by the state pursuant to O.C.G.A. 3-6-21.1, or as may be amended from time to time. Provided a license is issued as required by this chapter, a farm winery is authorized to sell wine by the package, by the drink and operate a wine tasting facility on the premises of the farm winery without additional license requirements, except as is required in the city zoning ordinance.

Fast food restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars, on the premises, or off the premises.

Fee Simple: The owner is entitled to the entire property with unconditional power of disposition during his life and which descends to his heirs and legal representatives upon his death intestate.

Fenestration: The arrangement and design of windows in a building

Fill (as pertaining to earthwork): A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Final Plat: A finished drawing or drawings of the subdivision showing completely and accurately all legal and engineering information and certification necessary for recording. The finished drawing or drawings may consist of one or more drawings of the subdivision which together form the final plat, all of which must comply with the requirements of this chapter.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Flag: A piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words or emblems used as the symbol of an organization or entity.

Flashing (as pertains to lighting): Illumination which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects. The term "flashing" excludes illuminated signs which indicate only time and/or temperature, provided that such time/temperature signs do not change or alternate messages more than 12 times a minute.

Floatable Oil: Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Sexually oriented business means an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, an explicit media outlet, or a sexual device shop.

Shelter (homeless). Charitable, nonprofit, short-term housing and/or room and board accommodations for poor, transient, or needy individuals which must meet the following minimum criteria:

1. Adequate showers and restroom facilities must be provided at the location to meet the needs of the overnight guests;
2. Beds must be provided for all overnight guests excluding staff and volunteer workers;
3. No shelter shall be located closer than 1,000 feet to the nearest single-family residence;
4. Guests of the shelter shall be required to leave the shelter premises no later than 7:00 a.m.;
5. All premises shall be maintained in a clean, safe, and sanitary fashion;
6. Adequate provisions for transporting and parking guests shall be submitted to and approved by the zoning administrator or his/her designee.

Shopping Center: A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area which the unit serves.

Side Lights: A vertical line of small glass panes flanking a doorway.

Sign: Any name, identification, description, display, illustration, banner, string of lights or device which is affixed to or represented directly or indirectly upon a building, structure, vehicle or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

Sign, Business: Any notice or advertisement, pictorial or otherwise which directs attention to goods, commodities, products, services or entertainment sold or offered upon the premises where such sign is located.

Significant: Possessing importance to a particular building, structure, site or district; essential to maintaining the full integrity of a particular building, structure, site or district.

Silviculture: A branch of forestry which deals with the establishment, development, care and reproduction of stands of timber.

Single Housekeeping unit: Means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, lease agreement or ownership of the property, expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit.

Site: A plot of land intended or suitable for development; also the ground or area on which a building has been built.

Slope: A degree of deviation of surface from the horizontal usually expressed in percent or degree.

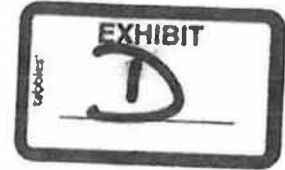
Soffit: The underside of a structural part, as of a beam, arch, etc.

Soffit Sign means a sign which hangs or is suspended beneath the cover of a walkway or beneath a support extending from a building.

Softwood Tree: Any coniferous (cone bearing) tree. This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

Soil and Water Conservation District Approved Plan: An erosion and sedimentation control plan approved in writing by the Cobb Soil and Water Conservation District.

Special Exception Use: A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval of the Mayor and City Council, and subject to special requirements, different from those usual requirements for the district in which the special exception use may be located.



CITY OF KENNESAW, GEORGIA

EXECUTIVE ORDER

EO-02

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, on March 1, 2020 a Proclamation Declaring a National Emergency related to COVID-19 was issued by President Donald J. Trump; and

WHEREAS, Georgia Governor Brian Kemp issued a disaster proclamation on March 14, 2020, certifying that COVID-19 poses an imminent threat of disaster for all counties and cities in the State of Georgia; and

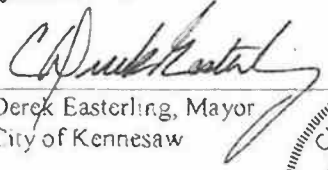
WHEREAS, a Declaration of Emergency was executed by the Mayor of the City of Kennesaw and became effective on March 20, 2020; and

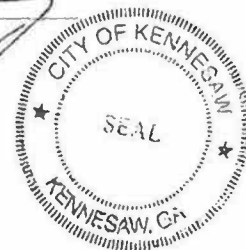
WHEREAS, the City recognizes the importance of full public participation in City land use decisions.

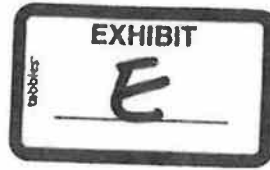
NOW THEREFORE, pursuant to the Declaration of Emergency and the Kennesaw Code of Ordinances, Sec. 34-2, it is hereby **ORDERED**:

I. That all land use matters requiring a public hearing, including, but not limited to, all zoning, annexation, variance, special land use, historic preservation and other land use matters are stayed through the expiration of the Declaration of Emergency.

SO ORDERED this 25th day of MARCH 2020.


Derek Easterling, Mayor
City of Kennesaw





Office of the Mayor
City of Kennesaw
Derek Easterling, Mayor

EXECUTIVE ORDER
(EO-06)

CITY OF KENNESAW, GEORGIA

CONTINUATION OF DECLARATION OF EMERGENCY

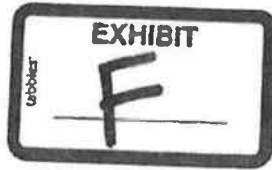
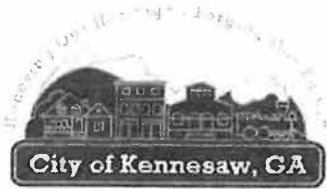
A Declaration of Emergency was executed and became effective on March 20, 2020. Pursuant to the Declaration of Emergency and the Kennesaw Code of Ordinances, Sec. 34-2(a)(3), "no state of emergency shall continue for longer than 30 days, unless renewed by the mayor."

Due to the on-going nature of the Covid-19 emergency, it is hereby ORDERED that the Declaration of Emergency is hereby renewed and the Declaration of Emergency, and any Executive Order(s) related thereto, shall continue until the mayor finds that the emergency no longer exists, at which time the mayor shall execute and file with the city clerk a document marking the end of the state of emergency. The city council may, by resolution, end a state of emergency at any time.

SO ORDERED this 06TH day of MAY 2020.


Derek Easterling





Office of the Mayor
City of Kennesaw
Derek Easterling, Mayor

CITY OF KENNESAW, GEORGIA

RESCINION OF EXECUTIVE ORDER 02

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, on March 1, 2020, a Proclamation Declaring a National Emergency related to COVID-19 was issued by President Donald J. Trump; and

WHEREAS, Georgia Governor Brian Kemp issued a disaster proclamation on March 14, 2020, certifying that COVID-19 poses an imminent threat of disaster for all counties and cities in the State of Georgia; and

WHEREAS, a Declaration of Emergency was executed by the Mayor of the City of Kennesaw and became effective on March 20, 2020; and

NOW THEREFORE, pursuant to the Declaration of Emergency and the Kennesaw Code of Ordinances, Sec. 34-2, it is hereby ORDERED:

1. Effective immediately, in an effort to restore and resume City business, all land use matters requiring a public hearing, including, but not limited to, all zoning, annexation, variance, special land use, historic preservation, and other land use matters, City of Kennesaw Executive Order 02 is rescinded in effect.

SO ORDERED this 29TH day of May 2020.


Derek Easterling



Lea Addington

From: BARRY MILLER <[REDACTED]>
Sent: Monday, June 15, 2020 4:10 PM
To: kennesawcouncil
Subject: Proposed Re-zoning at 1465 Shiloh Trail Road

Dear Sirs:

As a 24 year resident of Fairways To Pine Tree, I want to voice my opposition to the rezoning of 1465 Shiloh Trail Road. Our neighborhood is contiguous to Shiloh Trail Road and we will be negatively impacted by the rezoning.

Although several modifications have been made to the project such as making it impossible for the inhabitants to turn left onto Shiloh Road, there is no such deterrent for keeping students from retuning from campus via Frey Lake Road and turning right onto Shiloh. We know this is what students will do based on experience with other projects close by where developers & representatives from KSU promised us that there were plenty of incentives & alternative transportation services built into their proposals to keep students from traversing through our neighborhood. We were right and they were wrong.

During class changes, cars, trucks, motorcycles are bumper to bumper and many are exceeding the speed limit. The noise and danger from these vehicles are destructive to our status as a residential neighborhood suitable for families with children. Residents sense the neighborhood is no longer a respite from the world and begin making plans for moving while avoiding maintenance or attention to their properties.

I encourage you to vote no to the rezoning.

Respectfully,

Barry Miller
3691 Frey Lake Road NW
Kennesaw, GA 30144
[REDACTED]

Lea Addington

From: Buzz Alexander <[REDACTED]>
Sent: Monday, June 15, 2020 4:22 PM
To: kennesawcouncil
Subject: Rzoning at 1465 Shiloh Rd

I adamantly oppose the rezoning for the 1465 Shiloh Road property. This act would adversely impact all residents in the Pinetree community regardless of the Pinetree Civic Association's position. The politicians at both local levels have lied to this board, even promising to close Frey Lake Road. The college will never allow that to happen. For once in your careers, start thinking about the people and their needs rather than the developers. KSU does not need this rezoning and neither does the Pinetree community.

--

Please remove all names before forwarding.

Lea Addington

From: Arthur Way <[REDACTED]>
Sent: Monday, June 15, 2020 4:24 PM
To: kennesawcouncil
Subject: OPPOSITION TO THE REZONING OF 1465 SHILOH ROAD

I am writing to oppose the rezoning of this property at 1465 Shiloh Road.

For the reasons stated below this should not be allowed to move forward:

Density does not comply with the rezoning requirements and it will be a tax on the infrastructure systems.

Storm water runoff will be a detriment to adjacent properties.

Retaining walls will cause harm to the adjacent businesses.

It will cause a reduced market value of the adjacent business properties.

How do we know if KSU will really need more housing after the Covid-19 has changed everything, especially with education.

If not used it will be empty and an eyesore for years to come.

As a property owner in the business park I strongly object to the rezoning and ask that you deny the request.

Sincerely,

Arthur L. Way
Elk River Properties LLC
1275 Shiloh Rd., Suite 2130
Kennesaw, Georgia 30144

Lea Addington

From: Jeffrey Davis <[REDACTED]>
Sent: Monday, June 15, 2020 4:30 PM
To: kennesawcouncil
Subject: 1465 Shiloh Road Rezoning

To the honorable Mayor and City Council of Kennesaw,

I write in opposition of the rezoning of 1465 Shiloh Road by the applicant Fountain Residential Partners. The design and application provided fails to meet the requirements of the RM-12 rezoning and will be a detriment to the Pinetree Country Club community if approved. My family has been residents of Pinetree since the late 1970s and I think this rezoning will increase traffic and add further congestion to our neighborhood.

Please do not approve the rezoning of 1465 Shiloh Road.

Sincerely,

Jeff Davis
3743 Creekwood Xing, Kennesaw, Ga 30144

Lea Addington

From: Nancy Dowling <[REDACTED]>
Sent: Monday, June 15, 2020 4:52 PM
To: kennesawcouncil
Subject: 1465 Shiloh Rd Rezoning

I live on Frey Lake Road. When college students are in town our traffic is horrendous because so many students cut through from the apartments at Cherokee and McCollum. They cut through going TO and FROM class.

This Shiloh complex would increase traffic coming FROM class far too much more. The exit from the neighborhood on Ayers is the easiest way for them to get back home and practically dumps them in the driveway without crossing traffic!

This development will destroy our quality of life here. Walking the dog will be too dangerous! Please, please do not allow!

Nancy Dowling

Lea Addington

From: Mary Clarice Hathaway <mary.clarice.hathaway@gmail.com>
Sent: Monday, June 15, 2020 5:07 PM
To: kennesawcouncil
Subject: Rezoning for 1465 Shiloh Road

Dear Mayor and Kennesaw City Council,

While I have already sent correspondence to all of you stating my objections to the new residential development potentially being considered off of Shiloh Road, I am writing this email to reinforce my objections. My previous letter, that I hope and assume that you all read, stated all of my objections specifically. So the point of this email is to reinforce that, but also let you all know that the overwhelming majority of us that live in Pinetree Country Club DO NOT SUPPORT this development in any capacity. However, the Pinetree Civic Association that is supposed to positively promote and support the neighborhood is sending you a letter of support for the development, even knowing that we do not support this.

The PTCA sold out and decided to go against the neighborhood that they are supposed to represent. This development is going to cause traffic issues, noise issues, and land issues. It will devalue our property and the PTCA has already acknowledged that the available "solutions" will still place the burdens and inconveniences that this development will create on the backs of the Pinetree residents.

I have not spoken with one person who is in favor of this. If you all vote to approve this measure, just know that you'll be betraying the very people you are supposed to represent.

Sincerely,

Mary Clarice Hathaway
Pinetree Resident

From: Brendan Cosgrove <[REDACTED]>
Sent: Monday, June 15, 2020 5:06 PM
To: kennesawcouncil; Darryl Simmons
Subject: Objection to Shiloh Student Housing

My name is Brendan Cosgrove. I live at 4028 Ayers Drive, which is situated just behind the proposed development. It's a house that I share with my wife, and, in less than a month, a baby. I had hoped to attend this meeting in person -- as would some of my neighbors -- but the current pandemic and previous engagements has many stuck at home. I hope these words will carry the same impact as my physical presence and I hope my neighborhood's opposition will be considered beyond the page.

I want to be respectful of your time so I'll try to keep this brief.

I feel you won't need much convincing that this development will certainly make one of the city's busiest intersections more dangerous. I don't think it's really in question that this development will have a substantial impact on traffic in our residential neighborhood. But conveniently for the out-of-state developers, it could be years before we know how substantial that impact may be. Or whenever we get a traffic study. It is also clear that property values will be diminished, unless of course the next big housing trends put an emphasis on lack of privacy.

I don't make that comment flippantly. The developers don't seem to have exact specifications for grading and drainage yet, so they can't guarantee what sight lines look like into our houses and yards. One guarantee we do have? A lot of us will have to invest in some quality curtains.

Quality of life will also be affected since overflow parking will almost certainly end up on our streets and in the neighboring business park. I am unpersuaded by the amount of parking spots the development has allocated, especially since such a large amount of them are compact spots. If that's a solution, maybe the developers should just paint twice as many lines. It seems to me that this parking "solution" is merely an attempt to convince the city that they'll get twice as much pizza if they cut the slices in half.

This development also doesn't suit the neighborhood. Weeks ago, someone tried to make the argument that this plot of land is "surrounded by commercial property." That ignores, well, the property that surrounds it.

Please don't mistake my argument for an anti-growth/"Stay out of my neighborhood" critique. I am extremely sympathetic to growth. And I have personally lived in several college towns in this state. I'm not naive enough to think that this city will look the same in 25 years. I'm not trying to stand in the way of progress. But the whole point of zoning laws is to make sure that that progress benefits the community. The whole point of zoning laws is to ensure growth makes sense. This development misses the mark on both counts.

I thank the city council and the mayor for their valuable time. Have a good night.

Brendan Cosgrove
4028 Ayers Dr NW
Kennesaw, GA 30144

Darryl Simmons

From: SUSAN HOPKINS <matt.hopkins@kennesaw.edu>
Sent: Monday, June 15, 2020 11:25 AM
To: Darryl Simmons
Subject: Shiloh road zoning change

Mr. Simmons,

We will not be attending the meeting tonight due to the virus. We have attended all of the meetings prior to this one and would like to make a couple of comments. We listened to your argument that is change is for the good of the University. What about the good of the community? DOES ANYONE CARE? I understand that economically if it was not for the university, Kennesaw would be broke but at what cost? We also heard you start to say "Pine Tree is declining", then you stopped yourself. That statement told me that you do not care about the residents in Pine Tree. Your main concern is to increase the tax base and help the developers. I have a minor in Urban Planning. I was taught that putting inconsistent activity's (office park, high density housing) together is asking for depressed tax bases and unhappy citizens. Did you not learn that?

What is the occupancy rate for all of the apartments in downtown Kennesaw? What is the occupancy rate for all of the many other student housing that already exists? The town has turned into high density living without the infrastructure to support it (roads).

Traffic and trash are some of our main concerns. The location of this project is going to turn Shiloh Trail East into a secondary road, not a residential road. The only way to get to this property will be to cut through Pine Tree. Going to campus from this property students will have turn right onto Shiloh and then over 75. Coming home the only way they will be able to get back to the property is to cut through on Frey Lake Road, Club Drive, and Shiloh Trail East/ Ayers Drive. The county is already working on the intersection adding lanes. Adding an additional 80 cars everyday is ill-planned. You do not have the power nor does the city to correct this. The answer to Pine Tree's issue is to close the entrance from the campus. Put a gate with a knock box on it for emergency personnel only.

One more comment. During your last presentation to the council you stated that an offer to do a traffic study was turned down by the residents. This is patently FALSE. I was never offered any such thing nor were any of our neighbors. I suspect the residents/owners who want to sell were the only ones who were surveyed. The traffic study should be completed prior to any more discussion.

We have attended every meeting over the past 10 years while you have been attempting to get this pushed through. I hope that you will take the few minutes it takes to read this and think about more taxes and money. We all know that is about money, not students.

Thank you for your time.

Matt and Susan Hopkins
1338 Shiloh Trail East, NW

Darryl Simmons

From: Darryl Simmons
Sent: Monday, June 15, 2020 10:57 AM
To: Council
Cc: Lea Addington; Randall Bentley; Marty Hughes
Subject: FW: 1465 Shiloh housing proposal

From: Georgia Pinball <gapinball@gmail.com>
Sent: Monday, June 15, 2020 9:28 AM
Subject: 1465 Shiloh housing proposal

Dear Mayor Easterling and Council members,

We have recently learned about the proposed student housing development at 1465 Shiloh Rd and I wish to express our support for this project. We believe that providing and promoting student housing in Kennesaw will bring more tax dollars to our town and will support local businesses like ours. Particularly in the wake of COVID-19 when many small businesses are struggling, we are looking to our city government to make decisions that are in the best interest of the taxpaying citizens and businesses in Kennesaw. The financial health of this city is important and we believe the student housing project has great potential to bolster our economy in many ways.

We have read about some opposition from the residents of Pinetree Country club. It is our understanding that these residents do pay taxes or vote in Kennesaw. Additionally, we have read of opposition from a nearby business center who also does not pay taxes in Kennesaw. Businesses and residents who don't pay taxes or vote in our city should not call the shots on the future of Kennesaw. Concerns have been voiced about increased traffic and that may certainly be an issue. Unfortunately, with growth comes traffic. KSU will continue to grow and there will continue to be a need for safe student housing.

Thank you for your consideration of our support of the proposed student housing development at 1465 Shiloh Rd. We are located about 3 minutes away from there and would love to see if you are in the area!

Sincerely,

Bryan and Amanda Broyles
Portal Pinball Arcade
3600 Cherokee Dr, Ste 102
Kennesaw, GA 30144

Darryl Simmons

From: Mark Allen
Sent: Monday, June 8, 2020 10:25 AM
To: Patrick Ferris; Christopher Henderson; David Blinkhorn; James Eaton; Tracey Viars; Derek Easterling
Cc: robert@singletonrealestate.com; Darryl Simmons; Jeff Drobney
Subject: 1465 Shiloh Road / A 'Win-Win'

Dear Honorable Mayor and Council Members,

As a Kennesaw taxpayer, business owner and chair of the Kennesaw Downtown Development Authority I wanted to express my support for 1465 Shiloh Road proposed as a student housing project. I believe student housing is the best use for this property given the 'right-turn' out of the property; which has no entry/exit into the Pine Tree Country Club subdivision. I believe more people residing close to downtown translates into more people coming into downtown to spend money. From a tax perspective that property is generating minimal revenue each year while zoned as residential. Shifting it to commercial will certainly generate more ongoing tax revenues for the city not to mention the building permits that would be required once construction began. As I understand it, the majority of the opposition being voiced is from residents in Pine Tree County Club which, as you know, are not residents within the Kennesaw city limits and do not contribute to the property tax base of Kennesaw. I trust the vote you cast will be yours and yours alone without influence from friends, family or people with their own agenda which isn't in the interest of the City of Kennesaw or best for Kennesaw's future. As a business owner I urge you to agree that granting this zoning change is a win-win for Kennesaw all around.

Thank you for your time.

Mark Allen

~~XXXXXXXXXX~~

Chair - Kennesaw Downtown Development
Manager - Kennesaw Market Monday
Coordinator - Kennesaw Beer Festival

Darryl Simmons

From: Kelly Trim <kellytrim@icloud.com>
Sent: Monday, June 15, 2020 12:32 PM
To: Derek Easterling; Jeff Drobney; Darryl Simmons; David Blinkhorn; pferris@kenensaw-ga.gov; Christopher Henderson; Tracey Viars; James Eaton
Subject: Affordable Student Housing - A Mom's Perspective

Dear Mayor Easterling and Kennesaw City Council Members,

I'm reaching out today regarding the proposed student housing (Item B.) on your agenda for tonight's meeting. As a homeowner, taxpayer, voter in the city of Kennesaw and most importantly, mother of rising high school seniors (twins) heading to KSU in the fall of 2021, I'm asking you to fully support this development.

If you've recently researched student housing, you've not only seen the explosion in costs, but are no doubt aware of the waiting lists driven by the lack of housing and the drastic increase in the number of students. Besides the growing need for safe affordable student housing, it is imperative to **support the development proposed for 1465 Shiloh Road** for the following reasons.

1- Reduces Stress Our Neighborhoods - Without affordable student housing options, students will look to the neighborhoods for rental housing. Our quaint little family neighborhood, with small children who play on our streets and elderly original owners who enjoy the quiet, will be forced to deal with renting students.

2- Helps Our Local Economy - 6 months ago we had no idea that a global pandemic would wreck our economy. We can no longer afford to deny a business that wants to come to Kennesaw to provide essential services...and affordable student housing is essential. If they don't come here, their tax dollars will certainly be welcome by our neighbors.

3- Improves Safety - Providing safe, secure housing to KSU students so close to campus protects not only those students, but the entire area. Less commute time and close proximity to available jobs means less driving time and therefore less student drivers on our roads.

I am aware that a few friends who reside outside the city limits of Kennesaw may have shared their concerns over traffic and growth. While all views are important, I respectfully urge you to more carefully consider the views of actual taxpaying Kennesaw City residents on this issue.

Thank you for your kind consideration.

Kelly
cell/txt: [REDACTED]
2919 Lula Ln NW
Kennesaw, GA 30144

Darryl Simmons

From: Robert Trim <roberttrim@me.com>
Sent: Monday, June 15, 2020 6:56 PM
To: kennesawcouncil
Cc: Derek Easterling; Jeff Drobney; Darryl Simmons; David Blinkhorn; pferris@kenensaw-ga.gov; Christopher Henderson; Tracey Viars; James Eaton
Subject: I support the Student housing

Please let them know that I am a voter and tax payer with a business located in the city of Kennesaw. I am also an alum of Kennesaw State University.

The list you read while interesting does not give any idea who they are or where they are from.

My address is
2919 Lula lane
30144

Exhibit – H

**IN RE: Fountain Residential Partners, LLC
 City of Kennesaw Rezoning Application RZ 2020-01
 City of Kennesaw Variance Application ZV 2020-01
 +/- 4.4 acres at 1465 Shiloh Road, Kennesaw, Georgia**

AFFIDAVIT

**STATE OF GEORGIA
COBB COUNTY**

1. My name is **K.C. Hamill**, and after personally appearing before the undersigned attesting officer duly authorized to administer oaths in the State of Georgia and after first being duly sworn, I state, under oath the following:

2. I am over the age of 21, competent in all respects to testify regarding the facts contained below and suffer no mental or physical infirmities. Unless otherwise stated below, all facts are based upon my personal knowledge.

3. I give this Affidavit freely and voluntarily for use in connection with the proposed rezoning sought by Fountain Residential Partners, LLC for a certain +/- 4.4 acre tract of land specifically located at and known as 1465 Shiloh Road, Kennesaw, Georgia 30144 (the "Subject Property.")

4. I own and live at the property located at and known as 4008 Ayers Drive, Kennesaw, Georgia 30144. As shown on the GIS Map attached as Exhibit "A", my property is one property removed from the Subject Property.

5. I have examined the March 13, 2020 revised site plan and materials filed in connection with Fountain Residential Partners, LLC's rezoning and variance applications, which proposes the construction of a 3-story, 34.75' tall student housing apartment with 52 units and 241 beds on the Subject Property.

6. In my experience, as a homeowner near the Subject Property, and based upon my proximity to Ayers Drive and Shiloh Road, the area experiences increasing problems due to Kennesaw State University students speeding past Ayers Drive, throwing trash, and parking on and around Ayers Drive. I am familiar with property values in the area of my home and it is my opinion that due to my home's location near the Subject Property, my home will be devalued by at least 15-20% if the proposed student housing apartment is allowed to be constructed on the Subject Property.


7. In addition to the problems referenced in Paragraph 6, a 3-story, 34.75' tall apartment building will tower over my house, causing it to further diminish in value due to its proximity to this proposed project. Considering the constant (and similar) problems U Club and West 22 already create for Kennesaw, there is no doubt there will be a substantial increase in lights, noise and other emanations from this project particularly at unusual hours, which will specifically damage and derogate from the reasonable use and enjoyment of my property. For example, listen to the attached composite recordings of evening and late-night music and other noises frequently experienced by homes adjoining the West 22 student housing development.

8. The referenced rezoning applications seek approval of a use that is inconsistent with the residential character of my neighborhood as well with the City of Kennesaw's land use plan and I believe that the proposed rezoning, if granted, would constitute an abuse of the City's zoning power.

9. Approval of this rezoning application would deprive me of the enjoyment of my property without due process (GA Const. Art. 1, § 1, ¶ I), deny me of my equal protection rights (GA Const. Art. 1, § 1, ¶ II), and further shall amount to a taking with compensation being first paid (GA Const. Art. 1, § 3, ¶ I).

FURTHER AFFIANT SAYETH NOT.

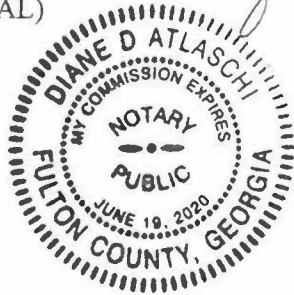
So sworn, this 12 day of June, 2020.

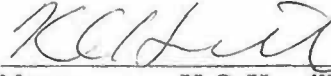


Notary Public

My commission expires: June 19, 2020

(SEAL)





Name:

K.C. Hamill

Address:

4008 Ayers Drive

EXHIBIT "A"



IN RE: Fountain Residential Partners, LLC
 City of Kennesaw Rezoning Application RZ 2020-01
 City of Kennesaw Variance Application ZV 2020-01
 +/- 4.4 acres at 1465 Shiloh Road, Kennesaw, Georgia

AFFIDAVIT

STATE OF GEORGIA
COBB COUNTY

1. My name is **Brendan Cosgrove**, and after personally appearing before the undersigned attesting officer duly authorized to administer oaths in the State of Georgia and after first being duly sworn, I state, under oath the following:

2. I am over the age of 21, competent in all respects to testify regarding the facts contained below and suffer no mental or physical infirmities. Unless otherwise stated below, all facts are based upon my personal knowledge.

3. I give this Affidavit freely and voluntarily for use in connection with the proposed rezoning and variances sought by Fountain Residential Partners, LLC for a certain +/- 4.4 acre tract of land specifically located at and known as 1465 Shiloh Road, Kennesaw, Georgia 30144 (the "Subject Property.")

4. I own and live at the property located at and known as 4028 Ayers Drive, Kennesaw, Georgia 30144. As shown on the GIS Map attached hereto as Exhibit A, my property is adjacent to the Subject Property.

5. I have examined the March 13, 2020 revised site plan and materials filed in connection with Fountain Residential Partners, LLC's rezoning and variance applications, which proposes the construction of a 3-story, 34.75' tall student housing apartment with 52 units and 241 beds on the Subject Property

6. In my experience, as a homeowner near the Subject Property, and based upon my proximity to Ayers Drive and Shiloh Road, the area experiences increasing problems due to Kennesaw State University students speeding past Ayers Drive, throwing trash, and parking on and around Ayers Drive. I am familiar with property values in the area of my home and it is my opinion that due to my home's location near the Subject Property, my home will be devalued by at least 15-20% if the proposed student housing apartment is allowed to be constructed on the Subject Property.

7. In addition to the problems referenced in Paragraph 6, a 3-story, 34.75' tall apartment building will tower over my house, causing it to further diminish in value due to its proximity to this proposed project. Considering the constant (and similar) problems U Club and West 22 already create for Kennesaw, there is no doubt there will be a substantial increase in lights, noise and other emanations from this project particularly at unusual hours, which will specifically damage and derogate from the reasonable use and enjoyment of my property.

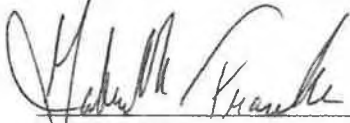
8. The referenced rezoning applications seek approval of a use that is inconsistent with the residential character of my neighborhood as well with the City of Kennesaw's land use plan and I believe that the proposed rezoning, if granted, would constitute an abuse of the City's zoning power. Further, the City of Kennesaw's development code does not permit it to grant at least one of the applicant's requested variances (density). Finally, the applicant has not shown any hardships to justify any variances from the City of Kennesaw's Code, least of all any variance increasing the density to one greater than that allowed by the City of Kennesaw's Code.

9. Approval of these rezoning and variance applications would deprive me of the enjoyment of my property without due process (GA Const. Art. 1, § 1, ¶ I), deny me of my equal

protection rights (GA Const. Art. 1, § 1, ¶ II), and further shall amount to a taking with compensation being first paid (GA Const. Art. 1, § 3, ¶ I).

FURTHER AFFIANT SAYETH NOT.

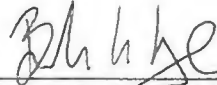
So sworn, this 15 day of June, 2020.



Notary Public

My commission expires: 11/20/2023

(SEAL)



Name: **Brendan Cosgrove**

Address: **4028 Ayers Drive**



EXHIBIT "A"



**IN RE: Fountain Residential Partners, LLC
 City of Kennesaw Rezoning Application RZ 2020-01
 City of Kennesaw Variance Application ZV 2020-01
 +/- 4.4 acres at 1465 Shiloh Road, Kennesaw, Georgia**

AFFIDAVIT

**STATE OF GEORGIA
COBB COUNTY**

1. My name is **Ryan Lee**, and after personally appearing before the undersigned attesting officer duly authorized to administer oaths in the State of Georgia and after first being duly sworn, I state, under oath the following:

2. I am over the age of 21, competent in all respects to testify regarding the facts contained below and suffer no mental or physical infirmities. Unless otherwise stated below, all facts are based upon my personal knowledge.

3. I give this Affidavit freely and voluntarily for use in connection with the proposed rezoning and variances sought by Fountain Residential Partners, LLC for a certain +/- 4.4 acre tract of land specifically located at and known as 1465 Shiloh Road, Kennesaw, Georgia 30144 (the "Subject Property.")

4. I am the CEO of R.A. Lee & Associates Architects, Inc. ("R.A. Lee"), which owns an office condominium located in the 75 Wade Green Business Center at 1301 Shiloh Road, Suite 321, Kennesaw, Georgia 30144, in which R.A. Lee operates its business. As shown on the GIS Map attached hereto as Exhibit A, R.A. Lee property is adjacent to the Subject Property.

5. I have examined the March 13, 2020 revised site plan and materials filed in connection with Fountain Residential Partners, LLC's rezoning and variance applications, which proposes the construction of a 3-story, 34.75' tall student housing apartment with 52 units and 241 beds on the Subject Property.

6. In my experience, as a business and property owner in the 75 Wade Green Business Center, adjacent to the Subject Property, and based upon my proximity to Shiloh Road, the area experiences increasing problems due to Kennesaw State University students throwing trash in our office park and on surrounding streets as well as parking in our office park. I am familiar with property values in the area and it is my opinion that due to my property's location adjacent to the Subject Property, my property will be devalued by at least 15-20% if the proposed student housing apartment is allowed to be constructed on the Subject Property.

7. In addition to the problems referenced in Paragraph 6, a 3-story, 34.75' tall apartment building will tower over my office, causing it, as well as my business, to further diminish in value due to its proximity to this proposed project. Considering the constant (and similar) problems U Club and West 22 already create for Kennesaw, there is no doubt there will be a substantial increase in lights, noise and other emanations from this project particularly at unusual and unregulated hours, which will specifically damage and derogate from the reasonable use and enjoyment of my property and will further negatively impact R.A. Lee's business.

8. The referenced rezoning and variance applications seek approval of a use that is inconsistent with the character of our business office park as well with the City of Kennesaw's land use plan and I believe that the proposed rezoning, if granted, would constitute an abuse of the City's zoning power.

9. Approval of this rezoning application would deprive me of the enjoyment of my property without due process (GA Const. Art. 1, § 1, ¶ I), deny me of my equal protection rights (GA Const. Art. 1, § 1, ¶ II), and further shall amount to a taking with compensation being first paid (GA Const. Art. 1, § 3, ¶ I).

[Signature Page Follows]

FURTHER AFFIANT SAYETH NOT.

So sworn, this 15th day of June, 2020

Rose Marie Martin

Notary Public

My commission expires: 06-04-2022

(SEAL)



Ryan Lee

R.A. Lee & Associates, Architects, Inc.
1301 Shiloh Road, Suite 320

EXHIBIT A



IN RE: Fountain Residential Partners, LLC
 City of Kennesaw Rezoning Application RZ 2020-01
 City of Kennesaw Variance Application ZV 2020-01
 +/- 4.4 acres at 1465 Shiloh Road, Kennesaw, Georgia

AFFIDAVIT

STATE OF GEORGIA
COBB COUNTY

1. My name is **Ricardo Zampatti**, and after personally appearing before the undersigned attesting officer duly authorized to administer oaths in the State of Georgia and after first being duly sworn, I state, under oath the following:

2. I am over the age of 21, competent in all respects to testify regarding the facts contained below and suffer no mental or physical infirmities. Unless otherwise stated below, all facts are based upon my personal knowledge.

3. I give this Affidavit freely and voluntarily for use in connection with the proposed rezoning and variances sought by Fountain Residential Partners, LLC for a certain +/- 4.4 acre tract of land specifically located at and known as 1465 Shiloh Road, Kennesaw, Georgia 30144 (the "Subject Property.")

4. I am the CFO of 75 Wade Green Business Center Association, Inc. (the "Association") as well as a board member, which was authorized by the record Declaration of Covenants for the 75 Wade Green Business Center in Kennesaw, Georgia, said covenants recorded in the Cobb County Real Estate Records at Deed Book 13071, Page 533 and Deed Book 13502, Page 1715, and are incorporated herein by reference. As shown on the GIS Map attached hereto as Exhibit A, the Association's property is adjacent to the Subject Property.

5. I have examined the March 13, 2020 revised site plan and materials filed in connection with Fountain Residential Partners, LLC's rezoning and variance applications, which

proposes the construction of a 3-story, 34.75' tall student housing apartment with 52 units and 241 beds on the Subject Property

6. In my experience, as a business and property owner in the 75 Wade Green Business Center adjacent to the Subject Property as well as CFO of the Association, and based upon the Association's proximity to Shiloh Road, the area experiences increasing problems due to Kennesaw State University students throwing trash in our office park and on surrounding streets as well as parking in our office park. I am familiar with property values in the area and it is my opinion that due to the Association's property's location adjacent to the Subject Property, the Association's property will be devalued by at least 15-20% if the proposed student housing apartment is allowed to be constructed on the Subject Property.

7. In addition to the problems referenced in Paragraph 6, a 3-story, 34.75' tall apartment building will tower over our office park, causing it, as well as the business I operate in the park, to further diminish in value due to its proximity to this proposed project. Considering the constant (and similar) problems U Club and West 22 already create for Kennesaw, there is no doubt there will be a substantial increase in lights, noise and other emanations from this project particularly at unusual and unregulated hours, which will further negatively impact my business and property value as well as the Association's property to a degree, and in a manner, not experienced by other members of the public.

8. The referenced rezoning and variance applications seek approval of a use that is inconsistent with the character of our business office park as well with the City of Kennesaw's land use plan and I believe that the proposed rezoning, if granted, would constitute an abuse of the City's zoning power.

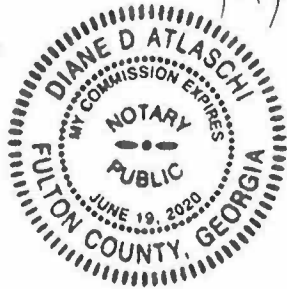
9. Approval of this rezoning application would deprive me of the enjoyment of my property without due process (GA Const. Art. 1, § 1, ¶ I), deny me of my equal protection rights (GA Const. Art. 1, § 1, ¶ II), and further shall amount to a taking with compensation being first paid (GA Const. Art. 1, § 3, ¶ I).

FURTHER AFFIANT SAYETH NOT.

So sworn, this 12 day of June, 2020.

Diane D. Atlaschi
Notary Public
My commission expires: 6/19/20

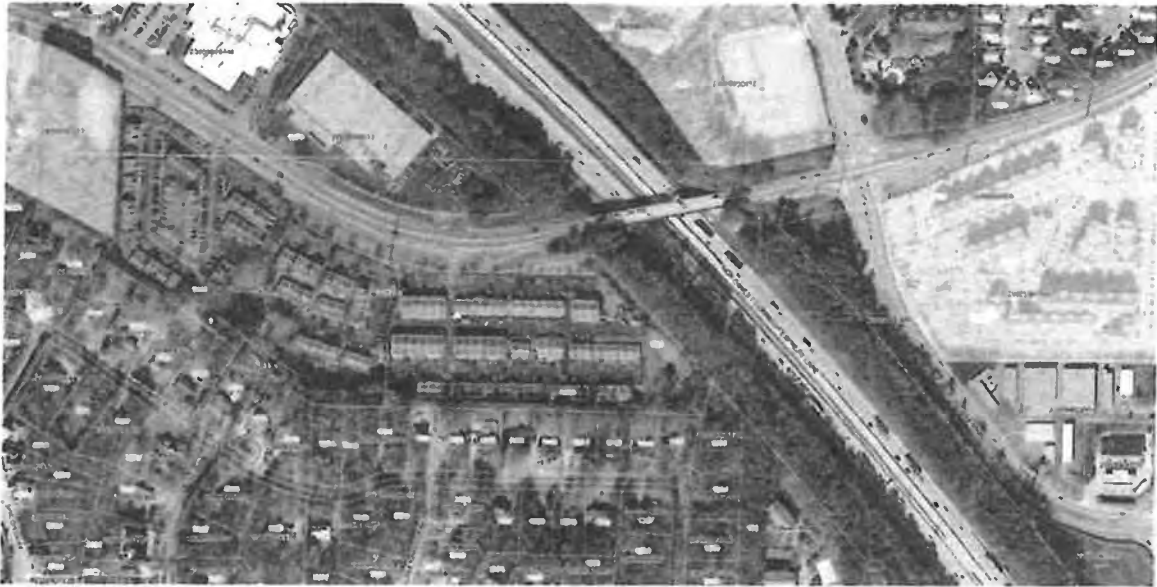
Center
(SEAL)



[Signature]
Name: **Ricardo Zampatti**
Board Member, 75 Wade Green Business

Association, Inc.
1301 Shiloh Road, Suite 1621

EXHIBIT A



IN RE: **Fountain Residential Partners, LLC**
 City of Kennesaw Rezoning Application RZ 2020-01
 City of Kennesaw Variance Application ZV 2020-01
 +/- 4.4 acres at 1465 Shiloh Road, Kennesaw, Georgia

AFFIDAVIT

STATE OF GEORGIA
COBB COUNTY

1. My name is **Kenneth Stavas**, and after personally appearing before the undersigned attesting officer duly authorized to administer oaths in the State of Georgia and after first being duly sworn, I state, under oath the following:

2. I am over the age of 21, competent in all respects to testify regarding the facts contained below and suffer no mental or physical infirmities. Unless otherwise stated below, all facts are based upon my personal knowledge.

3. I give this Affidavit freely and voluntarily for use in connection with the proposed rezoning and variances sought by Fountain Residential Partners, LLC for a certain +/- 4.4 acre tract of land specifically located at and known as 1465 Shiloh Road, Kennesaw, Georgia 30144 (the "Subject Property.")

4. I am the Secretary of 75 Wade Green Business Center Association, Inc. (the "Association"), which was authorized by the record Declaration of Covenants for the 75 Wade Green Business Center in Kennesaw, Georgia, said covenants recorded in the Cobb County Real Estate Records at Deed Book 13071, Page 533 and Deed Book 13502, Page 1715, and are incorporated herein by reference. As shown on the GIS Map attached hereto as Exhibit A, the Association's property is adjacent to the Subject Property.

5. I have examined the March 13, 2020 revised site plan and materials filed in connection with Fountain Residential Partners, LLC's rezoning and variance applications, which

proposes the construction of a 3-story, 34.75' tall student housing apartment with 52 units and 241 beds on the Subject Property.

6. In my experience, as a business and property owner in the 75 Wade Green Business Center adjacent to the Subject Property as well as Secretary of the Association, and based upon the Association's proximity to Shiloh Road, the area experiences increasing problems due to Kennesaw State University students throwing trash in our office park and on surrounding streets as well as parking in our office park. I am familiar with property values in the area and it is my opinion that due to the Association's property's location adjacent to the Subject Property, the Association's property will be devalued by at least 15-20% if the proposed student housing apartment is allowed to be constructed on the Subject Property.

7. In addition to the problems referenced in Paragraph 6, a 3-story, 34.75' tall apartment building will tower over our office park, causing it, as well as the business I operate in the park, to further diminish in value due to its proximity to this proposed project. Considering the constant (and similar) problems U Club and West 22 already create for Kennesaw, there is no doubt there will be a substantial increase in lights, noise and other emanations from this project particularly at unusual and unregulated hours, which will specifically damage and derogate from the reasonable use and enjoyment of my property as well as the Association's property.


8. The referenced rezoning and variance applications seek approval of a use that is inconsistent with the character of our business office park as well with the City of Kennesaw's land use plan and I believe that the proposed rezoning, if granted, would constitute an abuse of the City's zoning power.

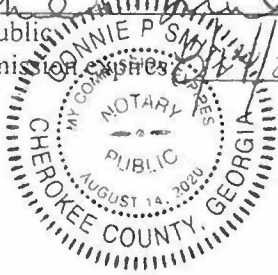
9. Approval of this rezoning application would deprive me of the enjoyment of my property without due process (GA Const. Art. 1, § 1, ¶ I), deny me of my equal protection rights

(GA Const. Art. 1, § 1, ¶ II), and further shall amount to a taking with compensation being first paid (GA Const. Art. 1, § 3, ¶ I).

FURTHER AFFIANT SAYETH NOT.

So sworn, this 12th day of June, 2020.


Notary Public
My commission expires 8/14/2020
(SEAL)



Name: **Kenneth Stavas**
Secretary, 75 Wade Green Business
Center Association, Inc.
1301 Shiloh Road, Suite 1730

EXHIBIT A



**IN RE: Fountain Residential Partners, LLC
 City of Kennesaw Rezoning Application RZ 2020-01
 City of Kennesaw Variance Application ZV 2020-01
 +/- 4.4 acres at 1465 Shiloh Road, Kennesaw, Georgia**

AFFIDAVIT

**STATE OF GEORGIA
COBB COUNTY**

1. My name is **Ty Kataja**, and after personally appearing before the undersigned attesting officer duly authorized to administer oaths in the State of Georgia and after first being duly sworn, I state, under oath the following:

2. I am over the age of 21, competent in all respects to testify regarding the facts contained below and suffer no mental or physical infirmities. Unless otherwise stated below, all facts are based upon my personal knowledge.

3. I give this Affidavit freely and voluntarily for use in connection with the proposed rezoning and variances sought by Fountain Residential Partners, LLC for a certain +/- 4.4 acre tract of land specifically located at and known as 1465 Shiloh Road, Kennesaw, Georgia 30144 (the "Subject Property.")

4. I own and live at the property located at and known as 1440 Shiloh Trail NW, Kennesaw, Georgia 30144. As shown on the GIS Map attached hereto as Exhibit "A", my property is adjacent to the Subject Property.

5. I have examined the March 13, 2020 revised site plan and materials filed in connection with Fountain Residential Partners, LLC's rezoning and variance applications, which proposes the construction of a 3-story, 34.75' tall student housing apartment with 52 units and 241 beds on the Subject Property.

6. In my experience, as a homeowner near the Subject Property, and based upon my proximity to Ayers Drive and Shiloh Road, the area experiences increasing problems due to Kennesaw State University students speeding past Ayers Drive, throwing trash, and parking on and around Ayers Drive. I am familiar with property values in the area of my home and it is my opinion that due to my home's location bordering the Subject Property, my home will be devalued by at least 15-20% if the proposed student housing apartment is allowed to be constructed on the Subject Property.

7. In addition to the problems referenced in Paragraph 6, a 3-story, 34.75' tall apartment building will tower over my house, causing it to further diminish in value due to its proximity to this proposed project. Considering the constant (and similar) problems U Club and West 22 already create for Kennesaw, there is no doubt there will be a substantial increase in lights, noise and other emanations from this project particularly at unusual hours, which will specifically damage and derogate from the reasonable use and enjoyment of my property.

8. The referenced rezoning applications seek approval of a use that is inconsistent with the residential character of my neighborhood as well with the City of Kennesaw's land use plan and I believe that the proposed rezoning, if granted, would constitute an abuse of the City's zoning power.

9. Approval of this rezoning application would deprive me of the enjoyment of my property without due process (GA Const. Art. 1, § 1, ¶ I), deny me of my equal protection rights (GA Const. Art. 1, § 1, ¶ II), and further shall amount to a taking with compensation being first paid (GA Const. Art. 1, § 3, ¶ I).

[Signature Page Follows]

FURTHER AFFIANT SAYETH NOT.

So sworn, this 13th day of June, 2020.



Notary Public

My commission expires: 9/9/23
(SEAL)



Name: **Ty Kataja**

Address: **1440 Shiloh Trail NW**

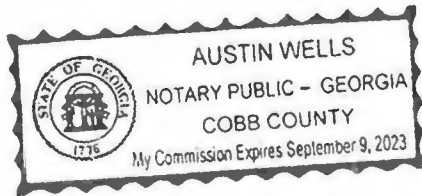


EXHIBIT A



**IN RE: Fountain Residential Partners, LLC
 City of Kennesaw Rezoning Application RZ 2020-01
 City of Kennesaw Variance Application ZV 2020-01
 +/- 4.4 acres at 1465 Shiloh Road, Kennesaw, Georgia**

AFFIDAVIT

**STATE OF GEORGIA
COBB COUNTY**

1. My name is **Lonnie Roberts**, and after personally appearing before the undersigned attesting officer duly authorized to administer oaths in the State of Georgia and after first being duly sworn, I state, under oath the following:

2. I am over the age of 21, competent in all respects to testify regarding the facts contained below and suffer no mental or physical infirmities. Unless otherwise stated below, all facts are based upon my personal knowledge.

3. I give this Affidavit freely and voluntarily for use in connection with the proposed rezoning and variances sought by Fountain Residential Partners, LLC for a certain +/- 4.4 acre tract of land specifically located at and known as 1465 Shiloh Road, Kennesaw, Georgia 30144 (the "Subject Property.")

4. I own and live at the property located at and known as 1432 Shiloh Trail NW, Kennesaw, Georgia 30144. As shown on the GIS Map attached hereto as Exhibit "A", my property is adjacent to the Subject Property.

5. I have examined the March 13, 2020 revised site plan and materials filed in connection with Fountain Residential Partners, LLC's rezoning and variance applications, which proposes the construction of a 3-story, 34.75' tall student housing apartment with 52 units and 241 beds on the Subject Property.

6. In my experience, as a homeowner near the Subject Property, and based upon my proximity to Ayers Drive and Shiloh Road, the area experiences increasing problems due to Kennesaw State University students speeding past Ayers Drive, throwing trash, and parking on and around Ayers Drive. I am familiar with property values in the area of my home and it is my opinion that due to my home's location near the Subject Property, my home will be devalued by at least 15-20% if the proposed student housing apartment is allowed to be constructed on the Subject Property.

7. In addition to the problems referenced in Paragraph 6, a 3-story, 34.75' tall apartment building will tower over my house, causing it to further diminish in value due to its proximity to this proposed project. Considering the constant (and similar) problems U Club and West 22 already create for Kennesaw, there is no doubt there will be a substantial increase in lights, noise and other emanations from this project particularly at unusual hours, which will specifically damage and derogate from the reasonable use and enjoyment of my property.

8. The referenced rezoning and variance applications seek approval of a use that is inconsistent with the character of our business office park as well with the City of Kennesaw's land use plan and I believe that the proposed rezoning, if granted, would constitute an abuse of the City's zoning power.

9. Approval of this rezoning application would deprive me of the enjoyment of my property without due process (GA Const. Art. 1, § 1, ¶ I), deny me of my equal protection rights (GA Const. Art. 1, § 1, ¶ II), and further shall amount to a taking with compensation being first paid (GA Const. Art. 1, § 3, ¶ I).

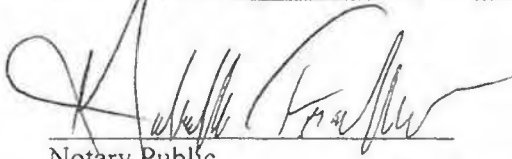
[Signature Page Follows]

EXHIBIT A



FURTHER AFFIANT SAYETH NOT.

So sworn, this 13 day of June, 2020.



Notary Public

My commission expires: 11/20/2023
(SEAL)



Name: **Lonnie Roberts**

Address: **1432 Shiloh Trail NW**



APPENDIX 4

MAYOR

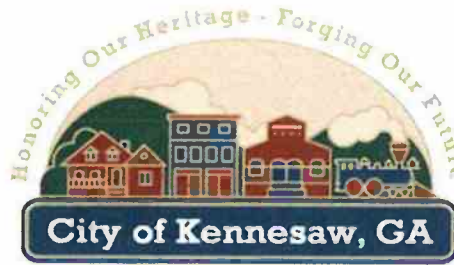
Derek Easterling

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 June 15, 2020 Mayor and Council Meeting Agenda with duplicate documents from the March 4, 2020 Planning Commission minutes and June 1, 2020 Mayor and Council meeting minutes omitted are true and correct copies 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



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

**City Council
Meeting Agenda
June 15, 2020 6:30 PM
Council Chambers**

I. INVOCATION

II. PLEDGE OF ALLEGIANCE

III. CALL TO ORDER

IV. ANNOUNCEMENTS

- A. Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center.

In addition to in-person public appearance, Mayor and Council will also be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link:
<https://www.facebook.com/CityofKennesaw/>

- B. If you are not able to attend a meeting in-person and would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.

V. PRESENTATIONS

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

VII. OLD BUSINESS

VIII. NEW BUSINESS

IX. COMMITTEE AND BOARD REPORTS

X. PUBLIC HEARING(S)

Swearing-in of any witnesses or individuals offering comments on any of the following items.

- A. Authorization for approval of ORDINANCE for rezoning request submitted by Fountain Residential Partners.

Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County. Said request to rezone property consisting of 4.4+/- acres. Project proposal is student housing with a rezoning request from City R-30 to City RM-12. The application was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 with property posting on February 18, 2020. The Mayor and Council meeting scheduled for June 15, 2020 was duly advertised through published legal ads run May 15 and May 22 2020. The property was reposted on May 19, 2020. The Planning Commission, at a meeting held on March 04, 2020, made recommendation (vote 3-0) to approve the rezoning with conditions. Staff Recommendation: Darryl Simmons, Zoning Administrator recommends approval of the RM-12 zoning district subject to staff's recommendation with the following item #9 added and referenced in the applicant's attorney letter dated March 13, 2020:

1. Reversionary clause that requires that construction permits and activity be initiated within 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.
2. 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.
3. All 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.
4. Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors total equals 263 parking spaces to be provided
5. 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 eight (8)-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.

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. No over flow of light onto/into the adjacent property.

6. All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards.

7. Maximum height of building will be 35 feet as per the adopted zoning ordinance chapter one that defines how building height is measured.

8. Maximum number of units allowed will be 52 units with a maximum of 241 beds.

9. Right side of property - minimum 5 foot buffer be installed.

- B. Authorization for approval of variance requests submitted by Fountain Residential Partners, LLC. for property located at 1465 Shiloh Road.

Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County. Said proposal is for purpose built student housing. The variance requests are for the following: (1) Increase the RM-12 zoning district max. density from 12 units/acre to 15.55 units/acre (68 units total); (2) Reduce the front yard setback along Shiloh Road from 40 ft. to 30 ft. on property consisting of 4.4+/- acres. The application was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 with property posting on February 18, 2020. The Planning Commission, at a meeting held on March 04, 2020, vote 2-1, made recommendation to deny the requested variances for density and front setback reduction. Staff recommendation: Darryl Simmons, Zoning Administrator, recommends the removal of the density and setback variance application due to the compliance of the RM-12 density and setback regulations presented in the revised site plan prepared by Kimley Horn dated 3-13-20.

XI. CONSENT AGENDA

- A. Approval of the June 1, 2020 Mayor and City Council meeting minutes.
- B. Approval of RESOLUTION authorizing an Intergovernmental Agreement For Ben King Road Between The City Of Kennesaw and Cobb County.

The City has a 2016 SPLOST project to make improvements to Ben King Road. These improvements require the need to acquire additional right of way and easements for construction. There are properties that front the project area that are not within the city limits of Kennesaw. In order to acquire property outside of the City's jurisdictional limits, an agreement between the City and Cobb County must first be in place. The agreement presented will satisfy this requirement. Legal has reviewed and approved. The Public Works Director recommends approval and for the Council to authorize the Mayor to sign the attached Intergovernmental Agreement.

- C. On May 29, 2020, Robert and Susan Strevens purchased two (2) cemetery lots in the Kennesaw City Cemetery. The lots are located in Section III, Plot 64, Lots G & H. Authorize Mayor to sign the supporting deed for purchase of the lots. City Clerk recommends approval.

DEPARTMENT REPORTS

XII. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

- A. Consideration for approval of an Alcohol License for Beer, Wine, Liquor and Sunday Sales for The Cigar Cellar, LLC d/b/a Cigar Cellar located at 2500 Cobb Parkway, Suite B-3, Kennesaw, GA 30152. Applicant: Eric Wilhelm.

The applicant has completed the required alcohol workshop per Sec. 6-69. Signs have been posted and it has been properly advertised per Sec. 6-36. Current application and background check are on file. Finance Director recommends approval.

100.0000.32.1100 Application Fee \$350.00

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
LINDA DAVIS, 911 Communications Director

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Operations Specialist
JOSHUA GUERRERO, Systems Administration Specialist

XV. PUBLIC WORKS

RICKY STEWART, Public Works Director
ROBBIE BALENGER, Facilities Manager

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum Director
STEVE ROBERTS, Parks and Recreation Director

ANN PARSONS, Smith-Gilbert Gardens Director

XVII. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director

DARRYL SIMMONS, Zoning Administrator

SCOTT BANKS, Building Official

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

XIX. CITY MANAGER'S REPORT (Jeff Drobney)

- A. City Manager reports, discussions and updates.

XX. MAYOR'S REPORT

- A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

- B. Approval of proposed slate of officers for the Georgia Municipal Association's District 3 West 2020-2022 election.

The following city officials have been nominated as Georgia Municipal Association's District 3 West Officers for 2020-2022: Al Thurman, Mayor of City of Powder Springs as President and Sam Davis, Councilmember of City of Douglasville as Vice President.

- C. DISCUSSION ONLY: Replacement of Georgia Confederate flag at Commemorative Park.

XXI. COUNCIL COMMENTS

XXII. EXECUTIVE SESSION - Land, Legal, Personnel

Pursuant to the provisions of O.C.G.A. 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters

XXIII. ADJOURN

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2020-06, 2020

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE
CITY OF KENNESAW, GEORGIA SO AS TO CHANGE THE ZONING DISTRICT
DESIGNATION FROM CITY R-30 TO CITY RM-12
PROPERTY LOCATED AT 1465 SHILOH ROAD
(LAND LOT 60 TAX PARCEL 31)**

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

WHEREAS, FOUNTAIN RESIDENTIAL PARTNERS, made application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designation from **CITY R-30 TO CITY RM-12** on property located at 1465 Shiloh Road, identified as Land Lot 60 Tax Parcel 31 (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 of a public hearing before the Kennesaw Planning Commission held on March 04, 2020 and the Mayor and Council on March 16, 2020; and

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal at a meeting held on March 04, 2020; and

WHEREAS, the Mayor and Council held a public hearing to consider this proposal at a meeting held on March 16, 2020; and

WHEREAS, the Mayor and Council have determined that the proposed amendment to the Official Zoning Map is in the public interest and meets the standards established in the Kennesaw Zoning Code.

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

SECTION 1. The Official Zoning Map of the City of Kennesaw, Georgia is hereby amended so as to change the zoning district designation from **CITY R-30 TO CITY RM-12** for the following described property

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 20TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, AS SHOWN BY PLAT OF SURVEY FOR PREPARED BY MERRITT & WELKER, ENGINEERS, DATED FEBRUARY, 1964, A COPY OF WHICH IS RECORDED IN PLAT BOOK 33, PAGE 41, COBB COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE:

BEGINNING AT A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD 296 FEET EAST OF THE INTERSECTION FORMED BY THE EAST RIGHT OF WAY OF AYERS DRIVE WITH THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD; THENCE RUNNING SOUTH 71 DEGREES 05 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT; THENCE RUNNING SOUTH 62 DEGREES, 58 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT AND CORNER; THENCE RUNNING SOUTH 03 DEGREES, 09 MINUTES WEST, FOR A DISTANCE OF 515.1 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 63 DEGREES, 40 MINUTES WEST, FOR A DISTANCE OF 408.7 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 1 DEGREE, 34 MINUTES EAST, FOR A DISTANCE OF 495 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD AND THE POINT OF BEGINNING.

SECTION 2. BE IT FURTHER ORDAINED THAT the amendment to the Official Zoning Map outlined in Section 1 above is adopted to change the zoning district designation from **CITY R-30 TO CITY RM-12 with conditions as noted:**

1. Reversionary clause that requires that construction permits and activity be initiated within 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.
2. 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.
3. All 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.
4. Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors total equals 263 parking spaces to be provided
5. 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 eight (8)-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 Kennesaw 911's 24-hour communications center and identify the phone location if the caller is unable to talk. 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. **No over flow of light onto/into the adjacent property.**
- 6. All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards.
- 7. Maximum height of building will be 35 feet as per the adopted zoning ordinance chapter one that defines how building height is measured.
- 8. Maximum number of units allowed will be 52 units with a maximum of 241 beds.
- 9. **Right side of property - minimum 5 foot buffer be installed**

SECTION 3. BE IT FURTHER ORDAINED THAT it is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, and phrase is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

SECTION 4. BE IT FURTHER ORDAINED THAT this Ordinance shall become effective 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 15th day of June, 2020

ATTEST:


Lea Addington, City Clerk



CITY OF KENNESAW:


Derek Easterling, Mayor



G. Douglas Dillard
404-665-1241

E-Mail
ddillard@dillardsellers.com

March 13, 2020

Via E-mail (dwrobleski@kennesaw-ga.gov)

Diane Wrobleski
Zoning Coordinator
Planning and Zoning
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Re: 1465 Shiloh Road Rezoning Request (RZ2020-01), Zoning Conditions

Dear Diane,

Please accept this letter on behalf of my client, Fountain Residential Partners, committing to the zoning conditions listed in the March 4, 2020 Planning Commission Summary (see attached for reference). As the Applicant in the above-referenced zoning request, Fountain Residential commits to fulfilling the conditions proposed by City Planning and Zoning Staff, pending request approval by City Council. Fountain Residential also commits to those additional conditions proposed by Planning Commission (including conditions related to site access, privacy fence height, overflow lighting, and property buffer), pending final approval by City Council.

Additionally, this letter confirms final submission of our revised site plan based on Planning Commission comments and recommendations. This current conceptual zoning site plan is submitted for review and consideration by City Council and includes 52 units (241 bedrooms).

Thank you for your consideration, and please let us know if you have any additional questions.

Sincerely,

DILLARD SELLERS

/s/ G. Douglas Dillard
G. Douglas Dillard
R. Baxter Russell

Enclosure

cc: Darryl Simmons (dsimmons@kennesaw-ga.gov)



Fountain Residential Partners

Shilo
Student

[illegible]

MARTI AZUCENA LOYD
 107 PROPERTY OF
 1415 WEST 10TH / F-104
 LOT 16, BLOCK 1, BEING THE REMAINING AND RESERVE
 (P.L. 89-10, P. 104-10-10)

DALE E & JUDITH A BURRELL
 107 PROPERTY OF
 1415 WEST 10TH / F-104
 LOT 16, BLOCK 1, BEING THE REMAINING AND RESERVE
 (P.L. 89-10, P. 104-10-10)

GROSS/UNIT	TOTAL NET	TOTAL GROSS
897	1,602	1,794
1,189	3,234	3,567
1,437	7,914	8,622
1,727	65,600	70,807
	78,350	84,790

BRENDAN COLBY CONGROVE et al.
 107 PROPERTY OF
 1415 WEST 10TH / F-104
 LOT 16, BLOCK 1, BEING THE REMAINING AND RESERVE
 (P.L. 89-10, P. 104-10-10)

KATAJA LINDA KAY
 107 PROPERTY OF
 1415 WEST 10TH / F-104
 LOT 16, BLOCK 1, BEING THE REMAINING AND RESERVE
 (P.L. 89-10, P. 104-10-10)

LONNIE N & KIMBERLY A ROBERTS
 107 PROPERTY OF
 1415 WEST 10TH / F-104
 LOT 16, BLOCK 1, BEING THE REMAINING AND RESERVE
 (P.L. 89-10, P. 104-10-10)

SITE PLAN 100
 SCALE = 1" = 30'

[illegible][illegible][illegible][illegible]

PROPERTY OF
MARTHA AZUCENA LOYD
1415 WEST 10TH STREET
LOS ANGELES, CALIFORNIA 90007
(213) 480-1111

PROPERTY OF
DALE E. & JUDITH A. BURRELL
1415 WEST 10TH STREET
LOS ANGELES, CALIFORNIA 90007
(213) 480-1111

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[illegible][illegible]

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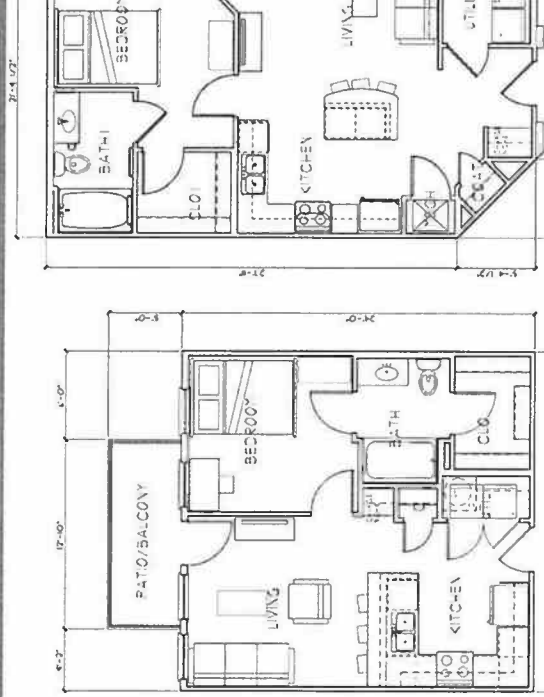
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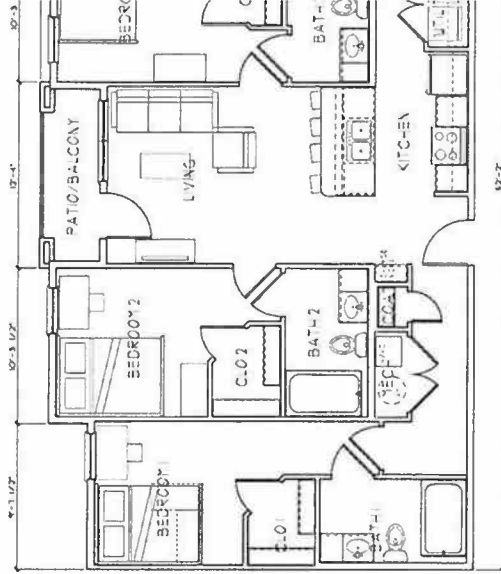
SITE PLAN 100
 SCALE = 1" = 30'

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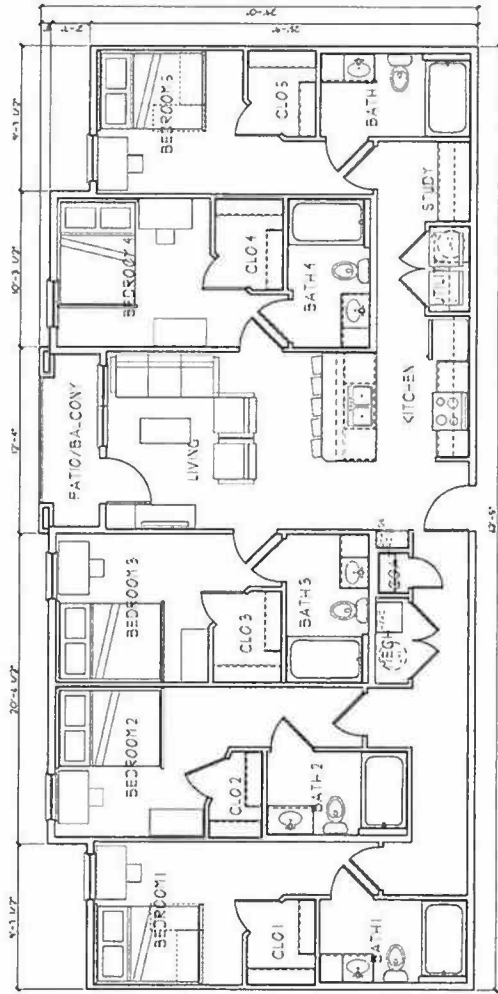
Architectural Unit Plans



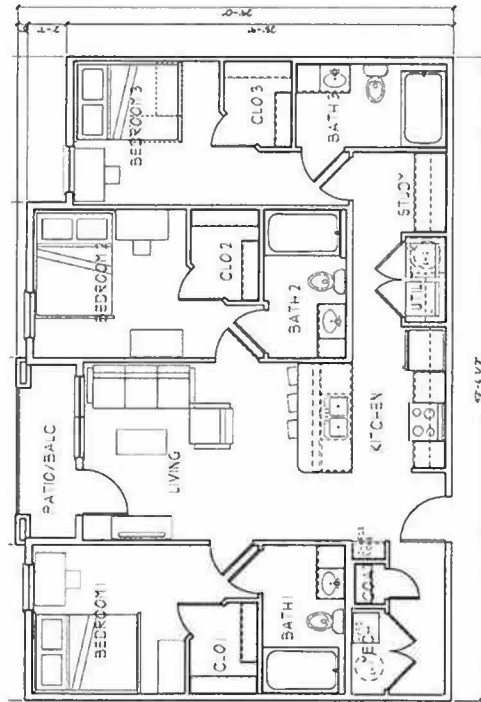
A1 ONE BEDROOM ONE BATH
 SCALE 1/8" = 1'-0"
 NET AREA 520 SF GROSS AREA 616 SF
 NET AREA



B2 TWO BEDROOM TWO BATH
 SCALE 1/8" = 1'-0"
 NET AREA 620 SF GROSS AREA 716 SF
 NET AREA



E1 FIVE BEDROOM FIVE BATH
 SCALE 1/8" = 1'-0"
 NET AREA 1600 SF GROSS AREA 1721 SF
 NET AREA



C1 THREE BEDROOM THREE BATH
 SCALE 1/8" = 1'-0"
 NET AREA 1018 SF GROSS AREA 1189 SF
 NET AREA

D1 FOUR BEDROOM FOUR BATH
 SCALE 1/8" = 1'-0"
 NET AREA 1391 SF
 NET AREA

Kennesaw State University Growth

- Kennesaw State University is the Third Largest University in the Georgia behind Georgia State and the University of Georgia
 - University enrollment grew by 6.7% for the 2019 school year to 38,000 students.
 - KSU enrolled about 6,500 new freshmen students for Fall 2019 a 30-percent increase from 2018.
 - U.S. News listed KSU 10th nationally and No. 1 in Georgia for a yield rate, meaning the percentage of students who choose to once accepted.
-

Purpose-Built Student Housing

- Professionally managed by a specialized student housing management company adept in the product type.
- Rents “per bedroom” versus “per unit” with only one resident all bedroom. Only one bed per bedroom is furnished. Rule is enforcement utility usage analysis and unit walks by management.
- Property will contain safety and security measures that will include be limited to security cameras throughout, fully gated, electronic full-time management/maintenance, including staff that live on site Emergency Blue Light Phones.
- Current site plan abides 100% by the to-be-adopted PBSP Code promulgated by the City of Kennesaw Planning Department, if adopted in the current form, without ANY request for variances.

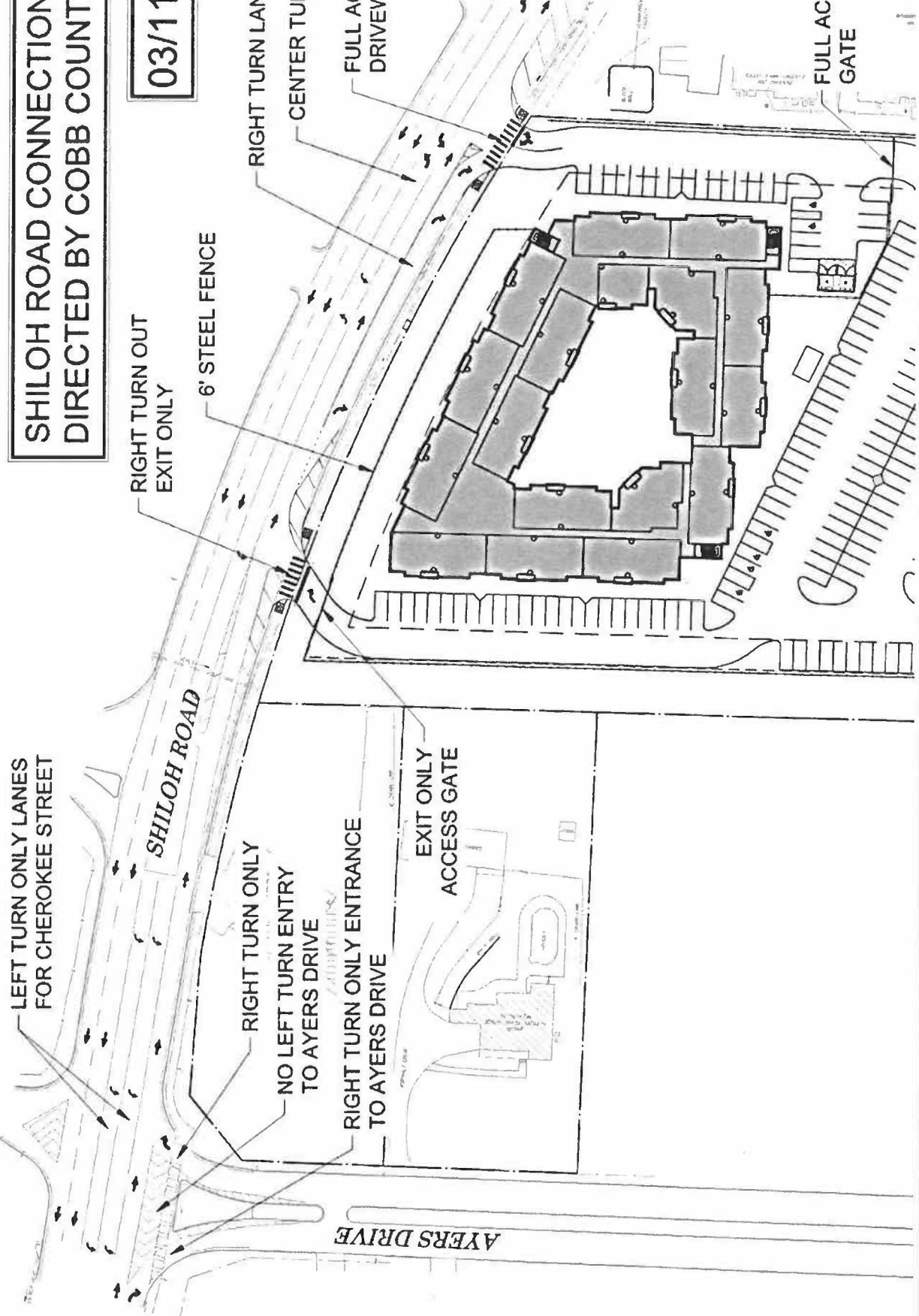
Salient Points of Discussion

- **Parking:** The site plan allows for 109% of parking spaces per bed including ample visitor parking. This is roughly 30% more parking than has been designed for the highest parked developments Fountain Residences. Partners has built in the last 6 years.
- **Traffic:** Site plan allows for abundant bicycle parking, ride sharing locations, and for a KSU shuttle. Shortest route of travel to the KSU parking garage is east down Shiloh Road and South on Frey Road. Google Maps below for reference.
- **Good Neighbors:** Fountain Residential Partners has offered the a single-family neighbors the opportunity to hand pick the species to go on the property as part of the landscape buffer. Furthermore, the lighting will be placed not at the property lines, but at the back of curb. Sight line will be zero foot candles at the property line. Please see exhibit below.

1 SITE PLAN 10-01-2017 VERSION J
SCALE: 1" = 40.0'

[illegible]

Shiloh Road Connections as Directed by Cobb County



Aerial of Site



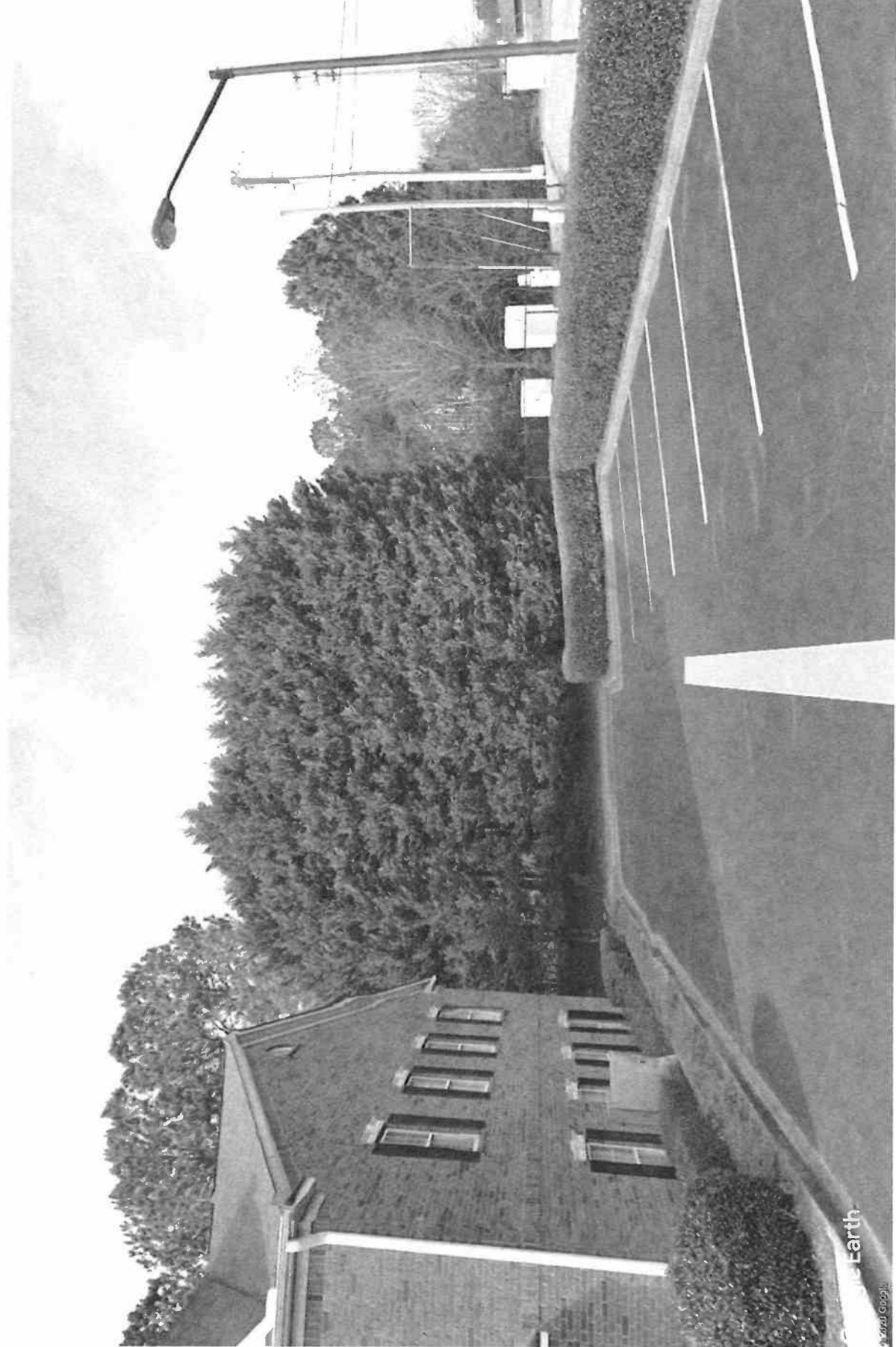
Office Park – View West – Towards Student Housing Project



Office Park – View South – South from Shiloh Rd



Office Park – View West – Near Shiloh Road

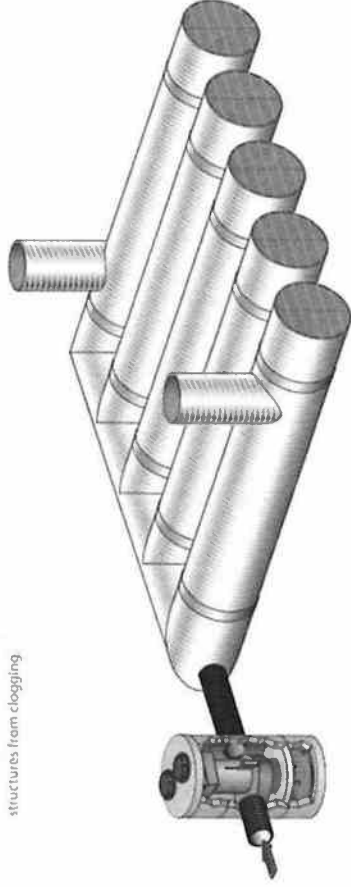


Stormwater Detention, Infiltration & Water Quality

The Need for Effective Pretreatment

Infiltration systems have multiple components, and one of the most important is pretreatment. The purpose of a pretreatment device is to prolong the life of the infiltration system by removing debris and sediment that can collect on the invert and within the stone backfill voids. Pretreatment will maintain the efficiency of an infiltration system as well as extend the life cycle, therefore preventing a premature replacement. Pretreatment also offers these additional benefits:

- Easier to clean and maintain compared to the infiltration system itself
- Cost savings due to the extended service life of the system
- Removing trash and debris protects downstream outlet control structures from clogging



CDS® Advantages

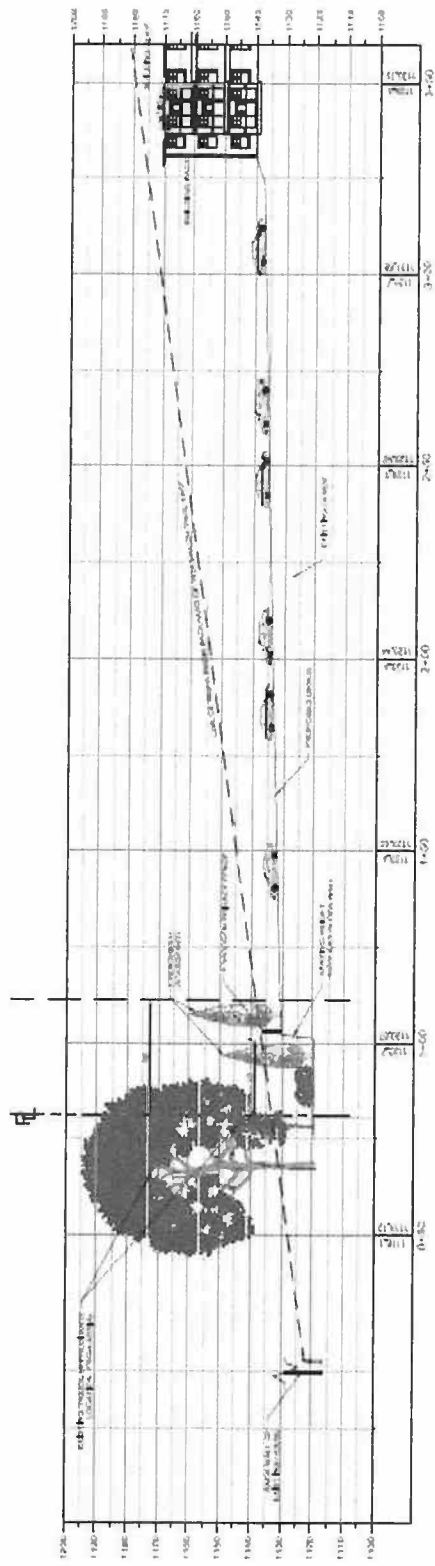
- Grate inlet option available
- Internal bypass weir
- Accepts multiple inlets at a variety of angles
- Advanced hydrodynamic separator
- Captures and retains 100% of floatables and neutrally buoyant debris 4.7 mm or larger
- Indirect screening capability keeps screen from clogging
- Retention of all captured pollutants, even at high flows
- Performance verified by NJCAT, WA Ecology, and ETV Canada



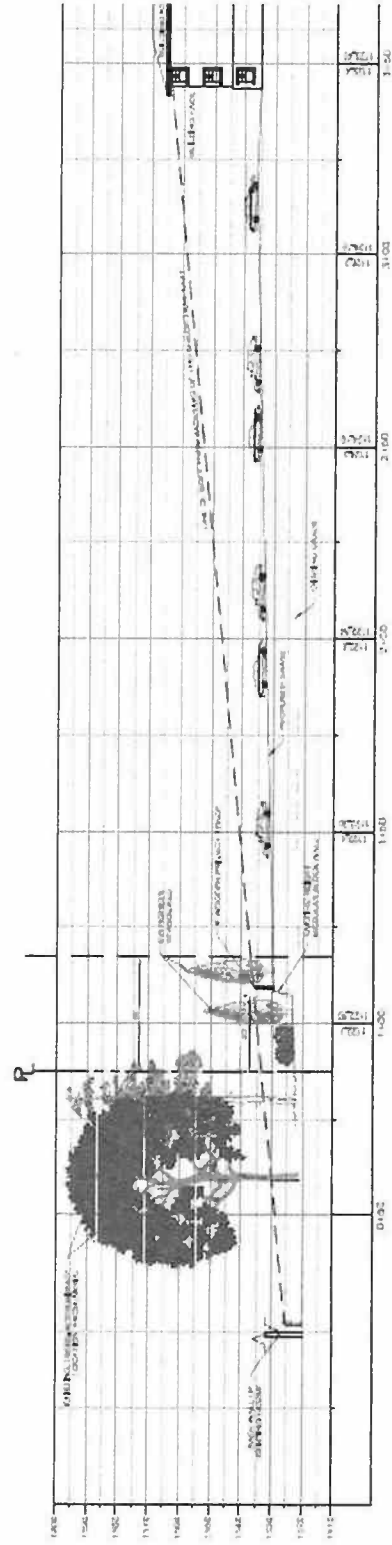
Stormwater Collection & Detention, Infiltration
Water Quality will be designed to meet the Georgia Blue book and will be appropriate for Kennesaw as typical done to meet the requirements of an LDP permit

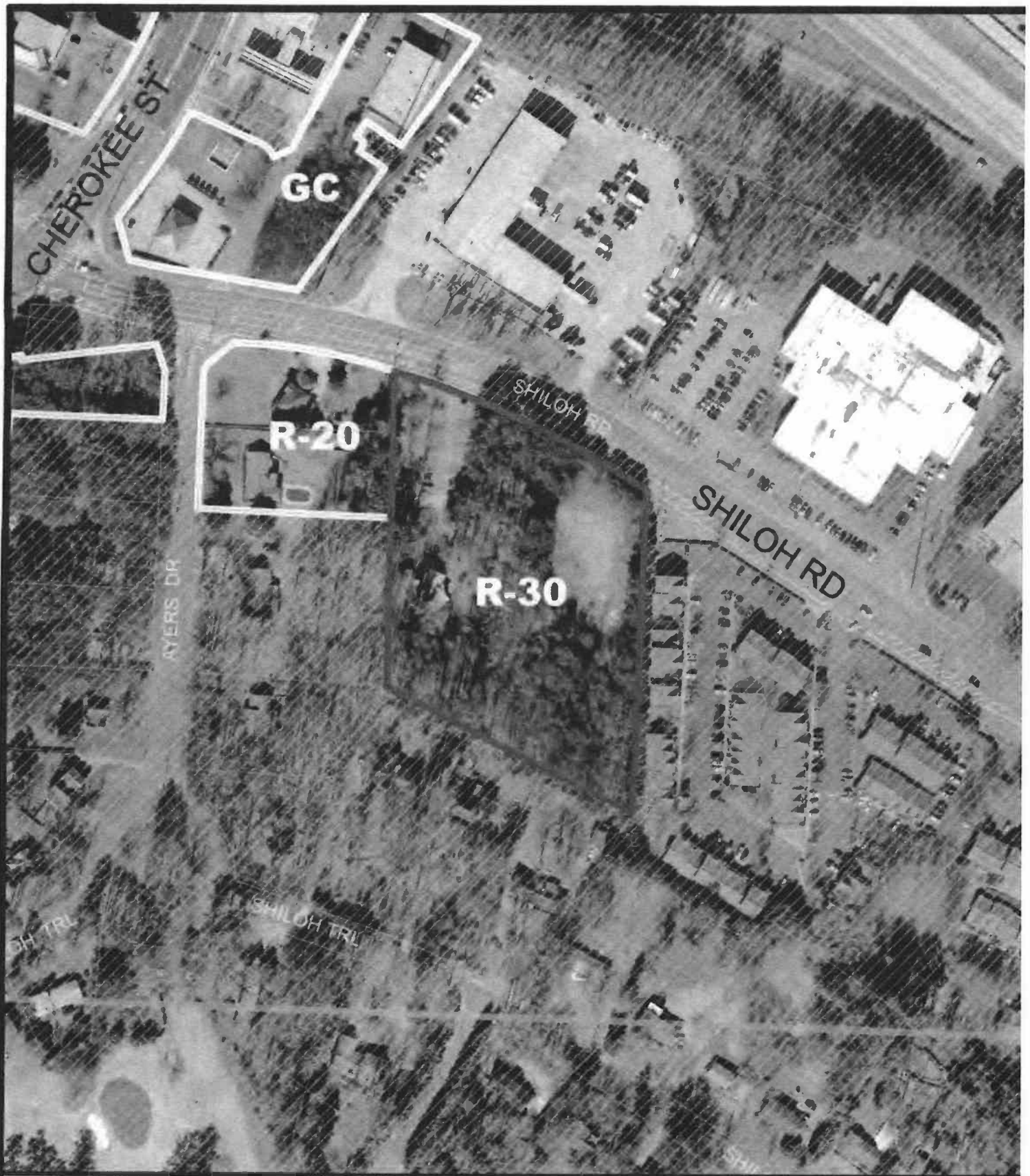
Directions shown are from Google Maps. Bing Maps provided the identical driving directions. Driving directions were generated at approximately 8:30am to account for rush hour.








Line of Sight Exhibit



PROFILE VIEW
 NEW BRIDGE ROAD TO TOTAL FALL
 1" = 20' HORIZ.
 1" = 20' VERT.





LAND CASES		LAND USE OR ZONING		1465 Shiloh Rd Land Lot 60, Tax Parcel 31  Subject Properties	 CITY OF KENNESAW PLANNING & ZONING DEPT. 770-520-6266	 COBB COUNTY CITY CLERK	Scale: 1" = 200' Print Date: 1/31/2020 RZ2020_01_Aerial_ap
		FROM	TO				
AV	LU			 ZONING  KENNESAW CITY LIMITS  COBB COUNTY  LAND LOT			
AX	RZ2020-01	R-30	RM-12				
DX	AV - Administrative Variance						
HBR	AX - Annexation						
SLUP	DX - De-annexation						
ZV 2020-01	HBR - Historic Board Review						
	LU - Land Use						
	RZ - Re-zoning						
	SLUP - Special Land Use						
	ZV - Variance						

G. Douglas Dillard
404-665-1241



E-Mail
ddillard@dillardsellers.com

February 18, 2020

Via E-mail (dwrobleski@kennesaw-ga.gov)

Diane Wrobleski
Zoning Coordinator
Planning and Zoning
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Re: 1465 Shiloh Road, Revised Site Plan Submission (RZ2020-001)

Dear Diane,

Please find enclosed the revised site plan for the above-referenced RM-12 rezoning application with concurrent variances. This updated site plan replaces the original site plan submitted with the complete application packet on January 21, 2020.

In submitting this revised plan, the Applicant reduces the density of the proposed development from 19.55 units/acre (86 units) to 15.55 units/acre (68 units total). Also, the Applicant increases on-site parking from 152 spaces to 262 spaces and provides additional front yard setback allowance. Based on these site plan modifications, the Applicant's rezoning and variance requests are now summarized as follows:

Rezoning the subject property from R-30 to RM-12, with two (2) concurrent variance requests:

- 1) Variance from Sec. 4.01.02, to increase the maximum density from 12 units/acre to ~~19.55 units/acre (86 units total)~~ 15.55 units/acre (68 units total).**
- 2) Variance from Sec. 4.01.02, to reduce the front yard setback along Shiloh Road from 40 ft. to ~~20 ft~~ 30 ft.**
- 3) ~~Variance from Sec. 6.06.09, to reduce the required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit).~~ [Omit Variance Request]**

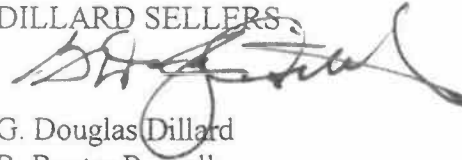
This revised site plan and updated application requests satisfy the standards governing the exercise of zoning power and the variance criteria, as set forth in the City's Unified Development Code. Additionally, the proposed student housing development is also consistent with the goals and objectives of the 2017 Kennesaw Comprehensive Plan Update. In order to reasonably develop the Property as shown on revised and updated site plan submission, the Applicant continues to seek approval of this rezoning request to RM-12 and the concurrent variance application as updated herein.

Diane Wroblewski
City of Kennesaw
February 18, 2020
Page 2

Thank you for your consideration, and please let us know if you have any additional questions. We will include this revised site plan submission with required property owner notifications.

Sincerely,

DILLARD SELLERS



G. Douglas Dillard
R. Baxter Russell

Enclosure

cc: Darryl Simmons (dsimmons@kennesaw-ga.gov)

Letter of Intent and Impact Analysis

City of Kennesaw

Rezoning Application
Concurrent Variance Application

Applicant:

Fountain Residential Partners
c/o G. Douglas Dillard, Esq.

Property:
1465 Shiloh Road
Parcel ID 20006000310

Submitted for Applicant by:

G. Douglas Dillard
R. Baxter Russell
DILLARD SELLERS
1776 Peachtree Street, Suite 390N
Atlanta, Georgia 30309
(404) 665-1241
ddillard@dillardsellers.com

I. INTRODUCTION

Fountain Residential Partners (the "Applicant") respectfully submits these rezoning and concurrent variance applications for property located at 1465 Shiloh Road consisting of approximately 4.4 acres, Parcel No. 20006000310 (the "Property"). Applicant requests approval of the requests in order to develop an upscale student housing community for the Kennesaw State University student population. In 2017, the Property was included in a similar rezoning request for a student housing development (the "2017 Application"). As described in the application materials now submitted, this current application presents significant modifications to the 2017 Application. The zoning requests and student housing community have been redesigned to reduce traffic and land use impacts upon the surrounding residences. Furthermore, the current application proposes a significant density reduction from the 2017 Application. Through these new applications and proposed development, the Applicant seeks to establish a high-quality student housing community that will positively impact the City of Kennesaw, including the City's Kennesaw State community partners, Kennesaw State students, and surrounding residential neighbors.

The Applicant seeks to construct an upscale student housing community, including one apartment style building, additional manor style housing buildings, and amenity features such as a pool, fitness facility, and student common area with study rooms. The development's design includes craftsman style architecture, ample parking for students and visitors, and extensive landscape screening and buffering from surrounding properties. The Applicant is coordinating with city officials to implement a detailed security program for development. Additionally, the Applicant is working with Kennesaw State representatives to provide shuttle bus service for students to the university campus.

In order to accomplish the proposed development, the Applicant submits a rezoning application to the City of Kennesaw, seeking to rezone the currently undeveloped Property from R-30 (Single Family Residential) to RM-12 (Multiple-Family District). The Applicant also submits a concurrent variance application, requesting the following three (3) variances from the Kennesaw Unified Development Code (the "UDC"):

- 1) Variance from Sec. 4.01.02, to increase the maximum density from 12 units/acre to 19.55 units/acre (86 units total).
- 2) Variance from Sec. 4.01.02, to reduce the front yard setback along Shiloh Road from 50 ft. to 20 ft.
- 3) Variance from Sec. 6.06.09, to reduce the required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit).

This application satisfies the standards governing the exercise of zoning power and the variance criteria, as set forth in the UDC and discussed below. The proposed student housing development is also consistent with the goals and objectives of the 2017 Kennesaw Comprehensive Plan Update. In order to reasonably develop the Property as shown on proposed

Zoning Site Plan, the Applicant seeks approval of this rezoning request to RM-12 and the concurrent variance application.

II. REZONING & VARIANCE ANALYSIS

As demonstrated below, the Applicant satisfies all standards for rezoning as described in the UDC, Sec. 10.01.02:

- 1) Would the proposed amendment be consistent and compatible with the city's land use and development plans, goals and objectives?**

The proposed rezoning and student housing community are consistent with the goals and objectives of the City's Comprehensive Plan. As discussed on pg. 27, the City recognizes the importance of Kennesaw State University and its student population to the City's growth and future development. The Comprehensive Plan also includes the evaluation of the City's student housing needs in the Short Term Work Program (pg. 57).

- 2) Would the proposed amendment tend to increase, decrease, or have no impact on traffic safety and congestion in the streets?**

The proposed rezoning and student housing development will minimally impact traffic along Shiloh Road and in the surrounding area. As demonstrated on the proposed site plan, the development is designed for safe ingress and egress with only one full access driveway and a right-out exit only driveway. The proposed site access has been evaluated by Cobb County traffic officials to insure compliance with county regulations and standards. With modifications to the site design from the 2017 Application, the development will not feature access to Ayers Drive, thus limiting traffic and congestion issues in the adjacent residential neighborhood.

- 3) Would the proposed amendment tend to increase, decrease, or have no relationship to safety from fire and other dangers?**

The proposed rezoning and student housing development will increase safety on the currently undeveloped Property. The proposal includes all appropriate fire and public safety features. Additionally, the Applicant is coordinating with city officials to implement a detailed security program for the community, including but not limited to, enhanced on-site security, cameras, and gated community access.

- 4) **Would the proposed amendment tend to promote, diminish, or have no influence on the public health and general welfare of the city?**

The proposed rezoning and student housing development will promote the public health and general welfare of the City and Kennesaw residents. Applicant's student housing community will provide high-quality housing for university students in a prime location situated near campus and adjacent to primary campus access routes. The proposed development will reduce and alleviate the burden on existing single-family neighborhoods to provide off-campus housing for students.

- 5) **Would the proposed amendment tend to increase, decrease, or have no influence on the adequate [provision] of light and air?**

The proposed rezoning and student housing development will have no burden or negative effect on the adequate provision of light and air. The Property and proposed development site are located on a major road within the City, closely located to other high-traffic uses and the overall intensity of the university.

- 6) **Would the proposed amendment tend to cause, prevent, or have no influence on the overcrowding of land?**

The proposed rezoning and student housing development will have no influence on the overcrowding of land. The Property is situated in a prime location for student housing, near the university as well as other student housing developments.

- 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?**

The proposed rezoning and student housing development will help prevent overcrowding and unbalanced population distribution within the City. The Applicant seeks to address and meet the City's demand for purpose-built student housing by providing a student housing community in close proximity to the university.

- 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?**

The proposed rezoning and student housing development will not burden existing city or county utilities, facilities, or other public services. The City's current infrastructure will adequately provide the necessary services needed by the development. With the Property's location near a university transit shuttle line, the Applicant is working with Kennesaw State representatives to provide shuttle bus service for students to the university campus.

- 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?**

The proposed rezoning and student housing development are compatible with current environmental conditions in light of development on surrounding properties. The Applicant's proposed student housing community will increase the value, use and enjoyment of surrounding properties by providing much needed, additional stormwater infrastructure at the Property.

- 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?**

The proposed rezoning and student housing development will not require the expenditures of public funds, beyond the reasonable use and enjoyment of currently available public utilities, facilities, and services.

- 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?**

The proposed rezoning and student housing development will promote the aesthetic effect of current and future development on the property and in the surrounding area. The Applicant will develop the community as high-quality, purpose-built student housing with craftsman style architecture and design features.

- 12) **Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?**

The proposed rezoning and student housing development will not have an adverse economic effect on the value of surrounding or adjacent properties. Applicant's proposed development will provide extensive landscape buffering and setbacks from surrounding properties. Furthermore, the proposed student housing development will deliver great benefit to surrounding properties and nearby single-family residential community by providing much needed student housing for university students and alleviating the burden to host student housing in dedicated single-family neighborhoods.

- 13) **Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?**

The proposed rezoning and student housing development will not create an isolated zoning district unrelated to nearby districts. The Property is located on a major road with direct access and in close proximity to the university campus. Additionally, the Property is located nearby other student housing developments and properties zoned RM-12.

Furthermore, the Applicant also satisfies all criteria for variance requests as described in the UDC, Sec. 9.02.03:

- A) **There is extraordinary and exceptional conditions pertaining to the property because of its size, shape or topography;**

Due to the size and depth of the Property, the Applicant requests only those front yard setback, parking and density variances required to develop the site as a high-quality student housing community and to provide the necessary landscape buffers and building setbacks from adjacent properties. The Applicant requests the minimum variances necessary to develop the Property for a reasonable economic use under the requested RM-12 zoning district.

- B) **The application of the UDC standards to property creates practical difficulty or unnecessary hardship;**

A strict application of the front yard setback, parking and density requirements creates an unnecessary hardship, such that the Applicant is unable to develop the property under the requested RM-12 zoning district regulations. The Applicant submits these variance request in order to overcome this difficulty and develop the proposed student housing community.

- C) **The practical difficulty and/or unnecessary hardship are conditions which are peculiar to the property involved; and**

The Property's size and depth require that the proposed student housing development be designed and located as shown on the submitted Zoning Site Plan in order to accommodate landscape buffering and building setbacks adjacent to surrounding properties. These conditions are peculiar to the Property, and the Applicant requests the minimum variances required to overcome these conditions and the hardship which they impose upon the Property.

- D) **Relief, if granted, would not cause substantial detriment to the public good or impede the purposes and intent of the UDC.**

The requested variances will not cause any detriment to the public or impede the purposes and intent of the UDC. As requested and shown on the Zoning Site Plan, the variances will allow development of a high quality student housing community and provide buffer and setback relief to surrounding property owners. Strict application of the subject regulations imposes an unnecessary hardship upon the Applicant. The Applicant has requested the minimum relief necessary to develop the Property for a reasonable economic use under the requested RM-12 zoning district.

III. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the City of Kennesaw approve the rezoning and grant the variances as requested by the Applicant. If there are any questions about this application, you may contact me at 404-665-1241 or ddillard@dillardsellers.com.

Sincerely,

DILLARD SELLERS



G. Douglas Dillard
R. Baxter Russell

Exhibit A

REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of the City of Kennesaw require us to raise Federal and State constitutional objections during the public hearing application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Kennesaw Unified Development Code (the "UDC"), facially and as applied to the Property, which restrict the Property to any uses, land use designations, conditions, development standards, or to any zoning districts other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

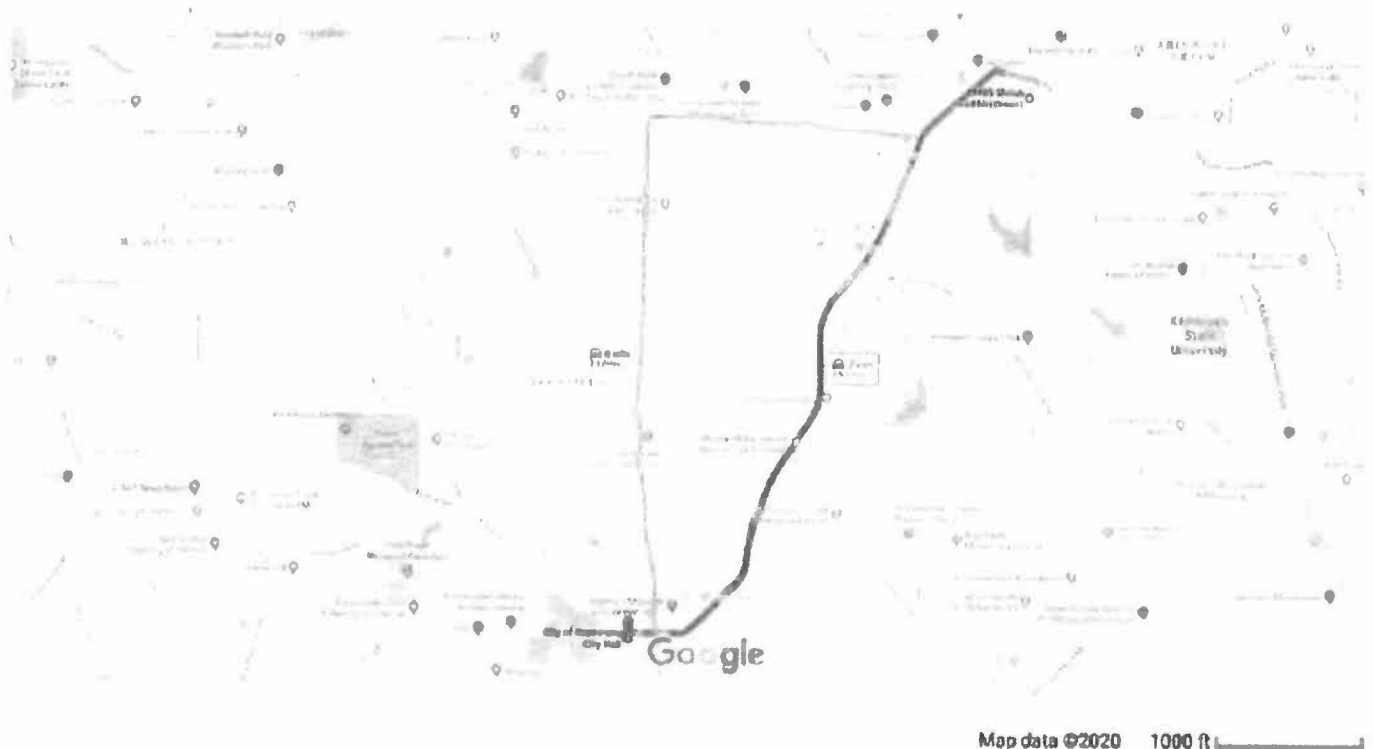
The application of the UDC, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning classifications other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking and inverse condemnation of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the City of Kennesaw to grant the application as requested would constitute a taking of the Applicant's property and inverse condemnation. Because of this unconstitutional taking, the City of Kennesaw would be required to pay just compensation to the Applicant.

A denial of this Application would constitute an arbitrary and capricious act by the Kennesaw Mayor and City Council, without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the requested rezoning and/or variances would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by Kennesaw Mayor and City Council, to grant the requested rezoning and/or variances in accordance with the criteria requirements as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Application, subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A denial of the requested rezoning and/or variances would be unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the City an opportunity to approve the applications as requested by the Applicant. If action is not taken by the City to approve the rezoning and/or variances within a reasonable time, a claim will be filed in the Superior Court of Cobb County demanding just and adequate compensation under Georgia law for the taking of the Property, inverse condemnation, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.



1465 Shiloh Rd NW

Kennesaw, GA 30144

- ↑ 1. Head northwest on Shiloh Rd NW toward Ayers Dr
0.1 mi
- ↙ 2. Use the left 2 lanes to turn left onto Cherokee St NW
 ● Pass by Bojangles' Famous Chicken 'n Biscuits (on the right)
1.0 mi
- ↑ 3. Continue straight to stay on Cherokee St NW
1.4 mi
- ↑ 4. Continue straight onto J.O. Stephenson Ave
0.1 mi
- ↙ 5. Turn left
 ● Destination will be on the left
89 ft

City of Kennesaw City Hall

2529 J.O. Stephenson Ave, Kennesaw, GA 30144

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to

J.C. Stephenson
Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

14-11

(Space Above This Line For Recording Data)

RETURN TO:
JOHN L. LARKIN, Esq.
Sams, Larkin & Huff, LLP
376 Powder Springs Street, Suite 100
MARIETTA GA 30064

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF Cobb

THIS INDENTURE, made the 29th day of February, in the year Two Thousand Eight, between

KEN B. SMATHERS

of the County of Cobb, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

BEAUCOUP PROPERTIES, LLC, a Georgia limited liability company

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of the sum of OTHER VALUABLE CONSIDERATION AND TEN AND NO/100 DOLLARS (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey, and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 20TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, AS SHOWN BY PLAT OF SURVEY FOR PREPARED BY MERRITT & WELKER, ENGINEERS, DATED FEBRUARY, 1964, A COPY OF WHICH IS RECORDED IN PLAT BOOK 33, PAGE 41, COBB COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE:

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the Grantee forever in FEE SIMPLE.

THIS CONVEYANCE IS MADE subject only to those matters set out on Exhibit "B" attached hereto and incorporated herein by this reference. Other than as to those matters set out on Exhibit "B" hereto, the Said Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever claiming by or through Grantor.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Sworn to and subscribed
before me this 29th day of
February, 2008.

Notary Public JOEL L. LARKIN

My Comm. Expires
February 27, 2012
PUBLIC
COBB COUNTY
(NOTARY SEAL)

Ken B. Smathers
Ken B. Smathers

EXHIBIT "A"
Legal Description

BEGINNING AT A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD 296 FEET EAST OF THE INTERSECTION FORMED BY THE EAST RIGHT OF WAY OF AYERS DRIVE WITH THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD; THENCE RUNNING SOUTH 71 DEGREES 05 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT; THENCE RUNNING SOUTH 62 DEGREES, 58 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT AND CORNER; THENCE RUNNING SOUTH 03 DEGREES, 09 MINUTES WEST, FOR A DISTANCE OF 515.1 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 63 DEGREES, 40 MINUTES WEST, FOR A DISTANCE OF 408.7 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 1 DEGREE, 34 MINUTES EAST, FOR A DISTANCE OF 495 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD AND THE POINT OF BEGINNING.

EXHIBIT "B"
Permitted Exceptions

1. All taxes for the year 2008 and subsequent years, not yet due and payable, and any additional taxes which may result from a reassessment of the subject property or re-billing of the taxes.
2. Right of way deed in favor of Cobb County, dated May 28, 1997, and recorded in Deed Book 10429, Page 382, Cobb County, Georgia Records.
3. Right of way easement in favor of Cobb County Marietta Water Authority, dated May 7, 1997, and recorded in Deed Book 10506, Page 144, Cobb County, Georgia Records.
4. All matters as shown on Plat of survey recorded in Plat Book 33, Page 41, Cobb County, Georgia Records.
5. All matters which are shown on that certain plat of survey for Beaucoup Properties, LLC dated January 10, 2008 by Centerline Surveying Systems, Inc., Charles C. Franklin, Georgia Registered Land Surveyor No. 2143.

J.C. Stephenson
Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

12-14
After recording, please return to:
Joel L. Larkin
Sams, Larkin & Hadd, LLP
Suite 100, 376 Powder Springs Street
Marietta, GA 30064

STATE OF GEORGIA

COUNTY OF COBB

QUITCLAIM DEED

THIS INDENTURE, made as of the 29th day of February, 2008, between KEN B. SMATHERS ("Grantor"), and BEAUCOUP PROPERTIES, LLC, a Georgia limited liability company ("Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors and assigns where the context requires or permits);

WITNESSETH, THAT:

GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, has remised, conveyed and quitclaimed, and by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee, all of Grantor's right, title and interest in and to that certain tract or parcel of land lying and being in Cobb County, Georgia, which is described as follows:

All that tract or parcel of land lying and being in Land Lot 60 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, and being more particularly described as follows:

Beginning at an iron pin located on the southern right of way of Shiloh Road (right of way varies), said point being located 1671.07 feet from the intersection of the southeasterly right of way of Shiloh Road and the southwesterly right of way of Interstate 75 (right of way varies), said point being the POINT OF BEGINNING; thence proceeding north 03 Degrees, 18 Minutes, 47 Seconds East 5.50 feet to a point on the southerly right of way of Shiloh Road; thence proceeding along said right of way along a curve to the left an arc distance of 416.26 feet, said curve having a radius of 1386.29 feet and being subtended by a chord of 414.70 feet having a bearing of North 64 Degrees 31 Minutes 46 Seconds West to an iron pin on said right of way; thence

leaving said right of way and proceeding South 02 Degrees 09 Minutes 28 Seconds West, 93.34 feet to an iron pin; thence proceeding South 02 Degrees 11 Minutes 55 Seconds West, 124.83 feet to an iron pin; thence proceeding South 02 Degrees, 11 Minutes, 24 Seconds West, 249.54 feet to an iron pin; thence proceeding South 02 Degrees, 02 Minutes, 09 Seconds West, 26.30 feet to an iron pin and corner; thence proceeding South 63 Degrees 02 Minutes 32 Seconds East, 104.72 feet to an iron pin; thence proceeding South 63 Degrees, 05 Minutes, 12 Seconds East, 152.84 feet to an iron pin; thence proceeding South 63 Degrees, 13 Minutes, 59 Seconds East, 150.77 feet to an iron pin and corner; thence proceeding North, 03 Degrees, 18 Minutes, 47 Seconds East, 500.71 feet to a point located on the southerly right of way of Shiloh Road, said point being the POINT OF BEGINNING.

Said tract or parcel of land contains approximately 4.41 acres and is shown on that certain Survey for Beaucoup Properties, LLC dated January 10, 2008 by Centerline Surveying Systems, Inc., Charles C. Franklin, Georgia Registered Land Surveyor No. 2143. Further, said property (the "Property") is conveyed together with all of the right, title and interest of Grantor, if any, in and to (a) any gaps and gores between the Property and tracts of land adjacent to the Property, and (b) any appurtenant easements and/or rights-of-way adjacent to the Property.

TO HAVE AND TO HOLD the said described property to the said Grantee, so that said Grantor shall not at any time, by any means or ways, have, claim or demand any right or title to the said described property.

IN WITNESS WHEREOF, the Grantor has duly signed and sealed this Quitclaim Deed on the day and year first above written.

Signed, sealed and delivered
in the presence of:


Witness

GRANTOR:

 [SEAL]
Ken B. Smathers

Notary Public
My Comm. Expires 12/31/2012

(NOTARIAL SEAL)

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 20TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, AS SHOWN BY PLAT OF SURVEY FOR PREPARED BY MERRITT & WELKER, ENGINEERS, DATED FEBRUARY, 1964, A COPY OF WHICH IS RECORDED IN PLAT BOOK 33, PAGE 41, COBB COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE:

BEGINNING AT A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD 296 FEET EAST OF THE INTERSECTION FORMED BY THE EAST RIGHT OF WAY OF AYERS DRIVE WITH THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD; THENCE RUNNING SOUTH 71 DEGREES 05 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT; THENCE RUNNING SOUTH 62 DEGREES, 58 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT AND CORNER; THENCE RUNNING SOUTH 03 DEGREES, 09 MINUTES WEST, FOR A DISTANCE OF 515.1 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 63 DEGREES, 40 MINUTES WEST, FOR A DISTANCE OF 408.7 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 1 DEGREE, 34 MINUTES EAST, FOR A DISTANCE OF 495 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD AND THE POINT OF BEGINNING.



REZONING APPLICATION

Required Fee \$375.00

Date Received 1.21.2020
Staff's Initials dlw

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

REZONING PROPERTY ADDRESS 1465 Shiloh Road

Land Lot 60 Tax Parcel 31 Lot Size 4.4 acres

Resident Population 0 Housing Units 1 Other Buildings 0

Zoning Request from:

Present Zoning R-30 To: RM-12

For the purpose of: Student Housing

APPLICANT Fountain Residential Partners

APPLICANT EMAIL blittle@fountainresidential.com

Applicant address 2626 Cole Ave., Suite 620, Dallas TX 75204

(Home#) _____ (Fax#) _____ (Work#) 972-861-5080

(Cell#) _____

Applicant Signature [Signature] Date _____

Signed, sealed and delivered in presence of: [Signature] James 01.15.20
Notary Date

REPRESENTATIVE G. Douglas Dillard, Dillard Sellers

(Fax #) _____ (Work#) 404-665-1241 (Cell#) _____

Representative Signature [Signature] Date _____

Signed, sealed and delivered in presence of: [Signature] 1-20-2020
Notary Date

TITLEHOLDER: Beaucoup Properties LLC Telephone: _____

Signature: _____ Address: [Address]

Signed, sealed and delivered in presence of: _____
Notary Date



REZONING APPLICATION

Required Fee \$375.00

Date Received 1.21.2020
Staff's Initials dlw

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

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APPLICANT EMAIL blittle@fountainresidential.com

Applicant address 2626 Cole Ave., Suite 620, Dallas TX 75204

(Home#) _____ (Fax#) _____ (Work#) 972-861-5080

(Cell#) _____

Applicant Signature _____ Date _____

Signed, sealed and delivered in presence of: _____
Notary _____ Date _____

REPRESENTATIVE G. Douglas Dillard, Dillard Sellers

(Fax #) _____ (Work#) 404-665-1241 (Cell#) _____

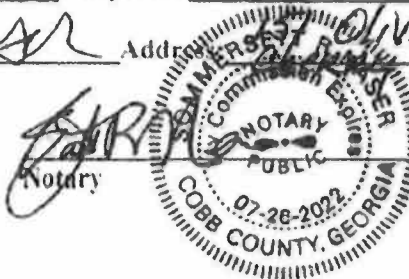
Representative Signature _____ Date _____

Signed, sealed and delivered in presence of: _____
Notary _____ Date _____

TITLEHOLDER: Beaucoup Properties LLC Telephone: 678 410 7420

Signature: Charles Nasr Address: 678 410 7420
Oliver's Pond
Reg. GA. 30522

Signed, sealed and delivered in presence of: _____
Notary _____ Date 1/21/20





Community Development Department
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144
770-590-8268

CAMPAIGN CONTRIBUTIONS

The undersigned Applicant herein certifies that they have ☐ have not ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of its knowledge, information, and belief, the Mayor, any member of the Planning Commission does ☐ does not ☒.

- 1) Have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property;
- 2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and
- 3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner:

CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT,
THIS 15th DAY OF January, 2020

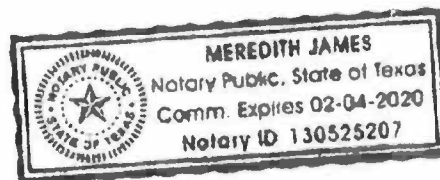
[Signature]
APPLICANT'S SIGNATURE

Applicant means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Notary [Signature]

01.15.20
Date

Commission expires: 02.04.20





Community Development Department
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144
770-590-8268

CAMPAIGN CONTRIBUTIONS

The undersigned Applicant herein certifies that they have ☐ have not ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of its knowledge, information, and belief, the Mayor, any member of the Planning Commission does ☐ does not ☒.

- 1) Have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property;
- 2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and
- 3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

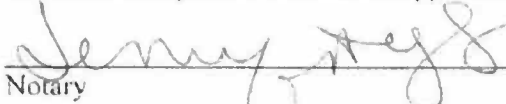
The undersigned Petitioner:

CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT,
THIS 20 DAY OF January, 20 20


APPLICANT'S SIGNATURE

G. Douglas Dillard, attorney and representative

Applicant means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.


Notary

1-20-2020
Date

Commission expires: 4-25-2021



Community Development Department
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144
770-590-8268

CAMPAIGN CONTRIBUTIONS

The undersigned Applicant herein certifies that they have ☐ have not ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of its knowledge, information, and belief, the Mayor, any member of the Planning Commission does ☐ does not ☒.

- 1) Have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property;
- 2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and
- 3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner:

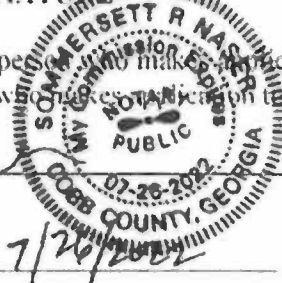
CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT,
THIS 15TH DAY OF JANUARY, 2020

APPLICANT'S SIGNATURE

Applicant means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Notary

Commission expires: 7/26/2022



1/15/2020
Date

Beaucoup Properties, LLC
1731 Dixie Avenue, S.E.
Smyrna, Georgia 30080

RE: Property located at 1465 Shiloh Road, more specifically described as Tax Parcel No. 20006000310, Land Lot 60, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia

To Whom It May Concern:

The undersigned is the owner of the above-referenced property. Pursuant to the signature below, Fountain Residential Partners and its representative, G. Douglas Dillard of Dillard Sellers, are authorized to file a Rezoning Application and a Variance Application with the City of Kennesaw, Georgia, for the subject property.

BEAUCOUP PROPERTIES, LLC

BY: Charles Naser

Title: Managing Partner

Printed Name: Charles Naser

Date: 01 02 20

Section 1908 Standards for Decisions- Rezoning

Section 1908 of the Kennesaw Zoning Code details thirteen zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. Please provide responses to the following using additional pages if necessary

	Comments
(1) Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals and objective?	Please see attached.
(2) Would the proposed amendment tend to increase, decrease, or have no impact on traffic safety and congestion in the streets?	Please see attached.
(3) Would the proposed amendment tend to increase, decrease, or have no relationship to safety from fire and other dangers?	Please see attached.
(4) Would the proposed amendment tend to promote, diminish, or have no influence on the public health and general welfare of the city?	Please see attached.
(5) Would the proposed amendment tend to increase, decrease, or have no influence on the adequate (provisions) of light or air?	Please see attached.
(6) Would the proposed amendment tend to cause, prevent, or have no influence on the overcrowding of land?	Please see attached.
(7) Would the proposed amendment tend to cause, prevent, or have no relationship on the population distribution within the city-creating any area so dense in population as to adversely affect the health, safety, and general welfare of the city?	Please see attached.
(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?	Please see attached.
(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?	Please see attached.
(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?	Please see attached.
(11) Would the proposed amendment tend to promote, diminish or have no influence upon the aesthetic effect of existing and future uses of property and the surrounding area?	Please see attached.
(12) Would the proposed amendment have measurable adverse economic effect on the value of the surrounding or adjacent property?	Please see attached.
(13) Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?	Please see attached.



Community Development
Planning & Zoning Department
2529 J.O. Stephenson Ave., Kennesaw, GA 30144

Date Received 1-21-2020
Staff Initials dlw

VARIANCE
Required Fee \$375.00

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

(Applicant or agent must be present at all public hearings)

Variance application is submitted with a rezoning application.

PURPOSE OF VARIANCE REQUEST requesting a rezoning from R-30 to RM-12 for the subject 4.4 ac. parcel.

(i) Increase the RM-12 zoning district max. density from 12 units/acre to 19.55 units/acre (86 units total)

(ii) Reduce the front yard setback along Shiloh Road from 40 ft. to 20 ft. (iii) Reduce required parking from 172 spaces

VARIANCE PROPERTY ADDRESS 1465 Shiloh Road (2 spaces/unit) to 152 spaces (1.76 spaces/u

Land Lot 60 Tax Parcel 31 Lot Size 4.4 acres Present Zoning R-30

APPLICANT Fountain Residential Partners

APPLICANT EMAIL blittle@fountainresidential.com

Applicant address 2626 Cole Ave., Suite 620, Dallas TX 75204

(Home#) _____ (Fax#) _____ (Work#) 972-861-5080

(Cell#) _____

Applicant Signature _____

Signed, sealed and delivered in presence of: _____

Notary

Date

REPRESENTATIVE G. Douglas Dillard, Dillard Sellers

(Fax #) _____ (Work#) 404-665-1241 (Cell#) _____

Representative Signature _____

Signed, sealed and delivered in presence of: _____

Notary

TITLEHOLDER: Beaucoup Properties LLC Telephone: _____

Signature: _____ Address: _____

Signed, sealed and delivered in presence of: _____

Notary

Date



Community Development
Planning & Zoning Department
2529 J.O. Stephenson Ave., Kennesaw, GA 30144

Date Received 1-21-2020
Staff Initials dlw

VARIANCE
Required Fee \$375.00

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

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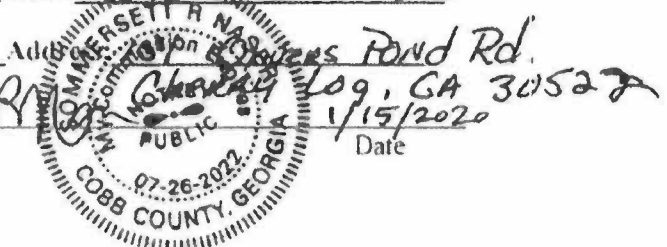
Notary

TITLEHOLDER: Beaucoup Properties LLC Telephone: 1-770-410-7420

Signature: Charles Naser

Signed, sealed and delivered in presence of:

Notary





Community Development
Planning & Zoning Department
2529 J.O. Stephenson Ave., Kennesaw, GA 30144

CAMPAIGN CONTRIBUTIONS

The Owner and Petitioner herein certify that they have ☐ have not ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of their knowledge, information, and belief, the Mayor, any member of the Planning Commission does ☐ does not ☒:

- 1) Have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property;
- 2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and
- 3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner: Brent Little

Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Owner/Applicant Certification

- The Owner/Petitioner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Petitioner's knowledge and belief. Should any portion not be true then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner/Petitioner hereby grants permission to enter on the property for inspection during the time application is pending.

[Signature]
Applicants Signature

Signed, sealed and delivered in presence of: Maudith James



Community Development
Planning & Zoning Department
2529 J.O. Stephenson Ave., Kennesaw, GA 30144

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- 3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner: G. Douglas Dillard G. Douglas Dillard, attorney and representative

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#

G. Douglas Dillard
Applicants Signature

G. Douglas Dillard,
attorney and representative

Signed, sealed and delivered in presence of:



Community Development
Planning & Zoning Department
2529 J.O. Stephenson Ave., Kennesaw, GA 30144

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The undersigned Petitioner: _____

Charles Naser

Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

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Signed, sealed and delivered in presence of _____

Charles Naser
Applicant's Signature
NOTARY PUBLIC
COBB COUNTY, GEORGIA
07-26-2016

Beaucoup Properties, LLC
1731 Dixie Avenue, S.E.
Smyrna, Georgia 30080

RE: Property located at 1465 Shiloh Road, more specifically described as Tax Parcel No. 20006000310, Land Lot 60, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia

To Whom It May Concern:

The undersigned is the owner of the above-referenced property. Pursuant to the signature below, Fountain Residential Partners and its representative, G. Douglas Dillard of Dillard Sellers, are authorized to file a Rezoning Application and a Variance Application with the City of Kennesaw, Georgia, for the subject property.

BEAUCOUP PROPERTIES, LLC

BY: Charles Naser

Title: Managing Partner

Printed Name: Charles Naser

Date: 01 02 20



Community Development
Planning & Zoning Department
2529 J.O. Stephenson Ave., Kennesaw, GA 30144

Attach to this document a copy of the property/s that have been served notification along with the documentation supplied in the certified mailing.

Section 1909, Part 4 Standards for Decisions – Variances

Zoning Variances may be granted in such individual cases of practical difficulty or unnecessary hardships as follows:

COMMENTS	
There is extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.	Please see attached.
The application of this chapter to this particular piece of property would create practical difficulty or unnecessary hardship.	Please see attached.
Such conditions are peculiar to the particular piece of property involved.	Please see attached.
Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.	Please see attached.



City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780
(770) 424-8274

2019 Property Tax Bill

Parcel ID	Tax District	Bill #							
20006000310	3/3-BOND - KENNESAW CITY	911784							
Property Owner/Location/Description		Fair Market Value	Taxable Value						
BEAUCOUP PROPERTIES LLC 1465 SHILOH RD		239,330	95,732						
Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
KENNESAW CITY	95,732		0		95,732		8.0000000		\$765.85
BOND	95,732		0		95,732		1.5000000		\$143.60

Exemptions:

<p>Interest will accrue monthly at a rate of .64% per month, based on an annual calculation of Federal Prime Rate (4.75) plus 3%. To arrive at the new monthly interest rate divide the 7.75% by 12. This annual interest rate will change when the Federal Reserve announces the new bank prime loan rate each January (House Bill 950).</p> <p>Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 950).</p> <p>Online payments are accepted at www.municipalonlinepayments.com/kennesawga</p> <p>Any questions concerning ownership changes or change of address should be directed to Cobb County Tax Commissioner's Office at (770) 528-8600.</p>	Current Year Tax	\$909.45
	Interest	\$0.00
	Penalty	\$0.00
	Other Fees	\$0.00
	Payments Received	\$909.45
	Other Amounts Due	\$0.00
	Total Due	\$0.00
Due Date		12/02/2019

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780



Please make check or Money Order Payable to
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.

For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX, VISA.
\$15.50 fee per transaction for online payments.
3% fee added to credit and debit card payments
processed at City Hall office.

Parcel ID: 20006000310
Amount Due: \$0.00
Bill #: 911784
Due Date: 12/02/2019

AMOUNT PAID

BEAUCOUP PROPERTIES LLC
1731 DIXIE AVE SE
SMYRNA, GA 30080 -

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780



Printed: 1/20/2020

Cobb County Online Tax Receipt

Thank you for your payment!

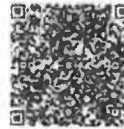
CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
Charles Naser

BEAUCOUP PROPERTIES LLC

Payment Date: 10/11/2019

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2019	20006000310	10/15/2019	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$2,905.46	\$0.00	



Scan this code with your
mobile phone to view
this bill!!

SITE NOTES:

- [illegible]

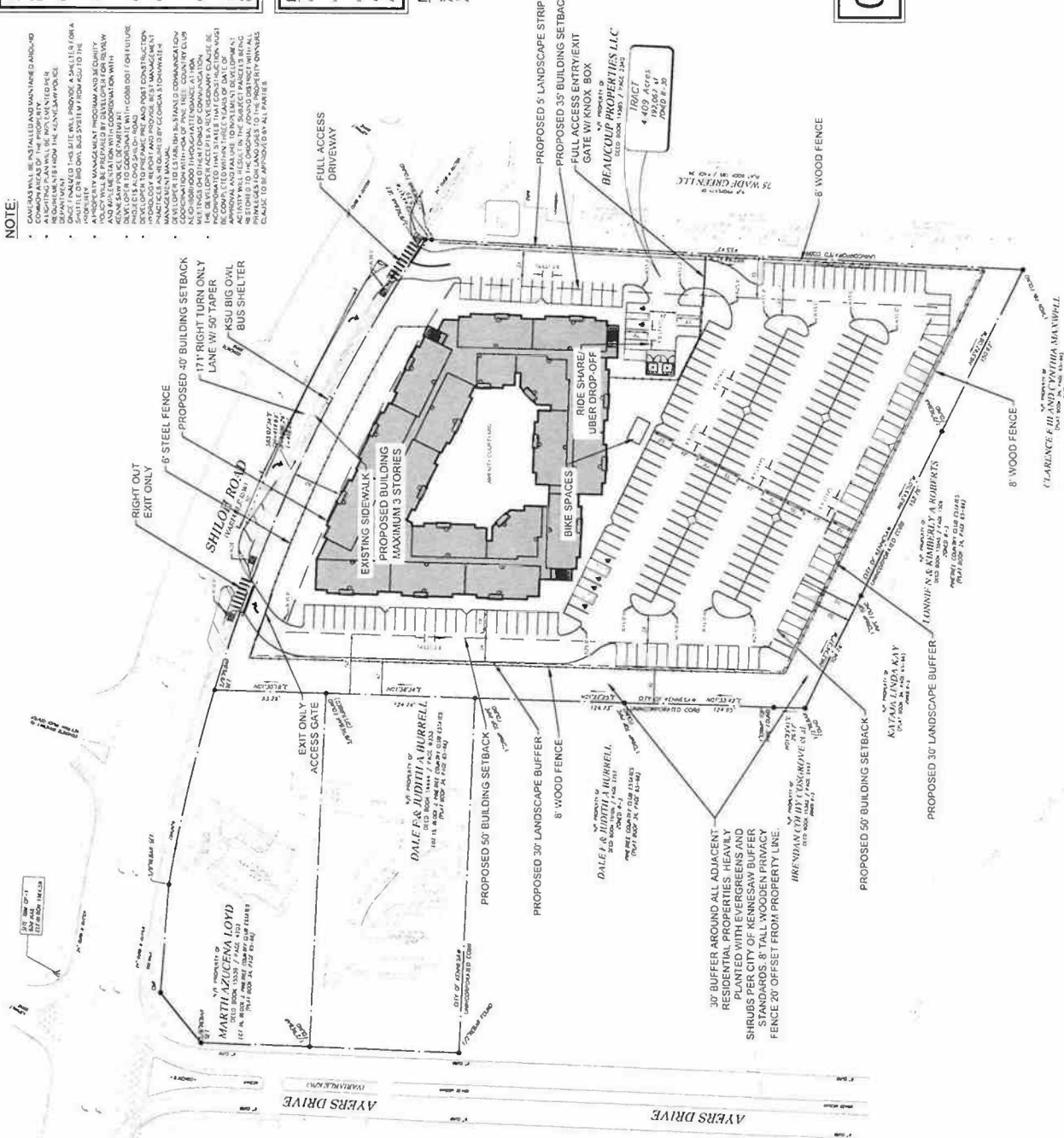
PARKING SUMMARY:

NO HOUSING UNITS (241 BEDROOMS)	257 SPACES (178 D + 241 UNITS + 0.5 UNITS) * 25	263 SPACES	8 SPACES (INCLUDING 1 VAN)	8 SPACES (INCLUDING 1 VAN)
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NOTE:

LOCK COMPUTERIZED ENTRY SYSTEMS WILL BE UTILIZED AT ALL PUBLIC ENTRY POINTS TO THE BUILDING AND UNIT ENTRANCES. THE COMPUTERIZED ENTRY POINTS WILL HAVE ACCESS GATES AND WITH A KNOB OF AT THE MAIN ACCESS GATE.

03/13/2020



CLARENCE ELLI AND CYNTHIA MAXWELL

© 2006 The Authors
Journal compilation © 2006 Blackwell Publishing Ltd

Campus Living

This character area is defined only by recent student apartment development near Kennesaw State University campus (less than one mile from the closest entry). This area is a good location for students, and for working adults as well. Located on Busbee Parkway south of Wade Green Road, the area is well situated for access to I-75, I-575 and Barrett Parkway. Sidewalks support pedestrian access along Wade Green Road, Busbee Parkway and Frey Road. Neighborhood office parks and retail stores and services are located along Wade Green Road.

Growth of this area is limited due to lack of available land and to its isolation from other areas in the City limits. This area is an "island" surrounded by land under Cobb County jurisdiction.

Future Land Use Categories

- CAC Community Activity Center
- RH High Density Residential

Campus Living



Cherokee Street Commercial Corridor

The Cherokee Street Commercial Corridor is an approximately 1 mile section of Wade Green Road and Cherokee Street extending from the Wade Green and I-75 Interchange south to Ben King Road. This corridor is comprised of neighborhood compatible retail and office developments intermixed with residential and institutional land uses. South of the McCollum Parkway intersection, many of the office and retail uses occur in older homes that have been rezoned to allow commercial use. North of McCollum Parkway to the I-75 interchange are several strip malls and free standing office developments. Sidewalks are frequently used by residents, but are possibly undersized as Cherokee Street and its right-of-way narrows approaching Ben King Road. Parking is often limited to the front or driveway side of the structure. Signage is generally more attractive and visible in the more recent strip developments north of McCollum Parkway.

Future Land Use Categories

- CAC Community Activity Center
- NAC Neighborhood Activity Center
- PI Public Service/Institutional



Cherokee Street Commercial Corridor



Cobb Parkway Industrial

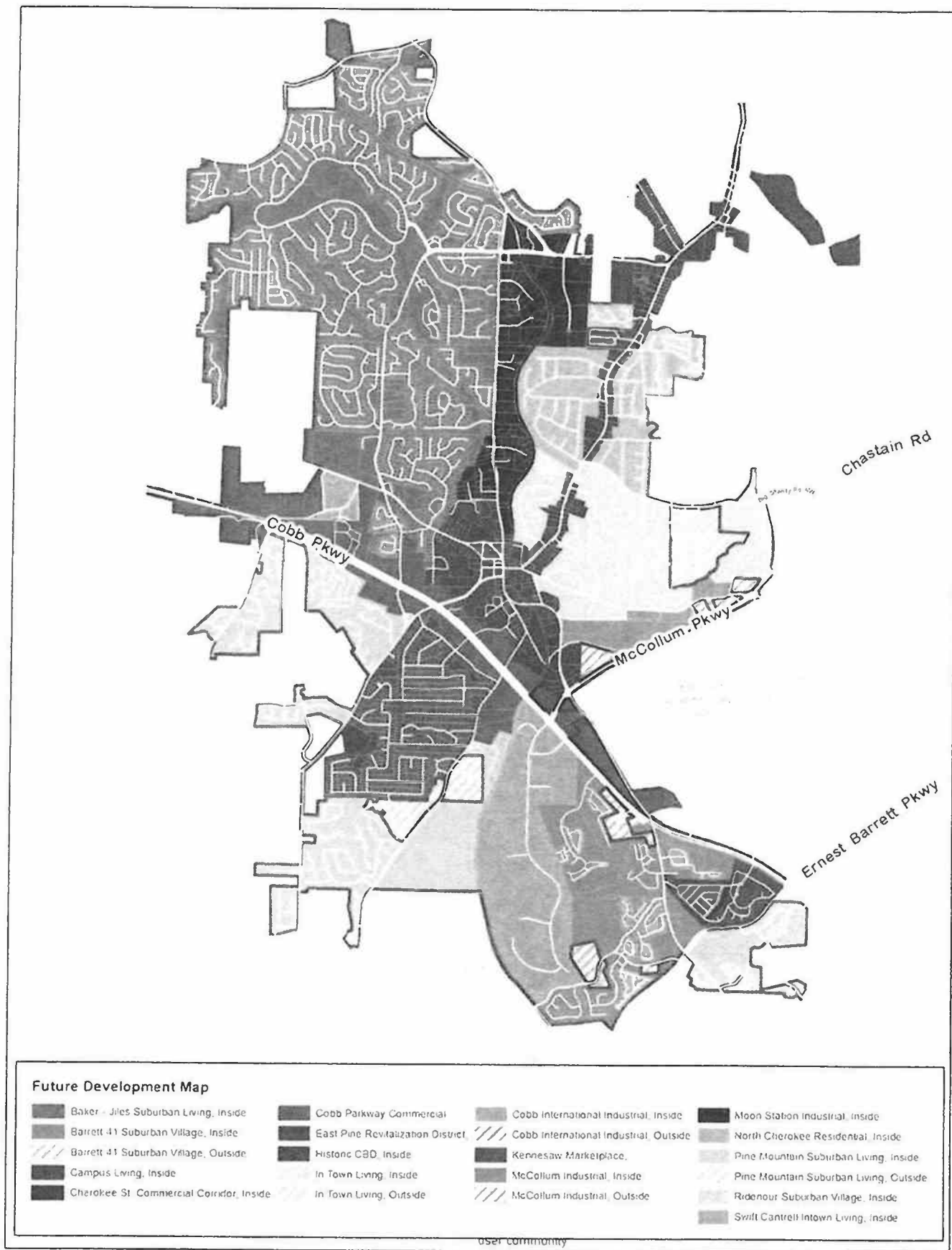
Cobb International Industrial

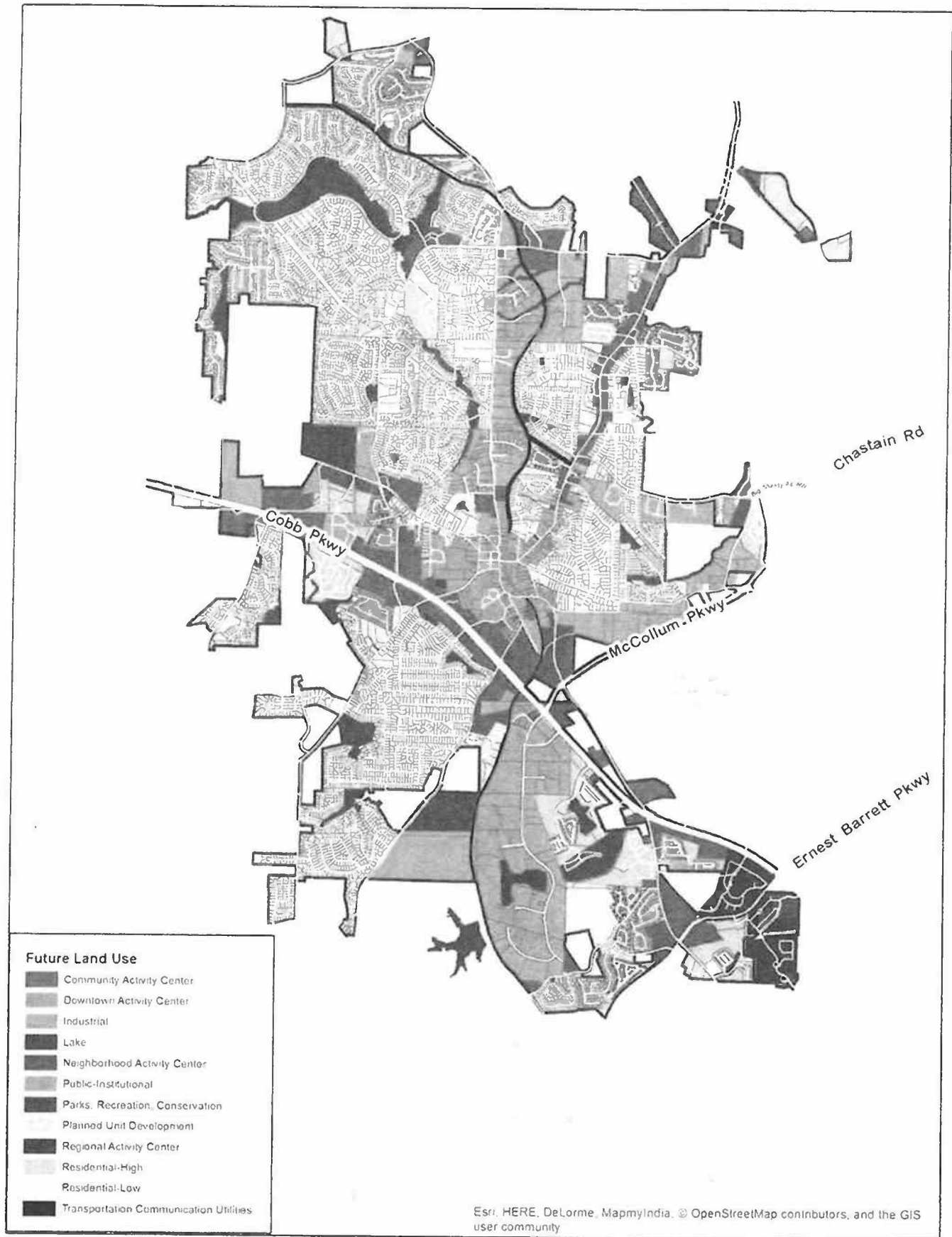
The Cobb International Industrial area is located across from the McCollum Parkway and Cobb Parkway intersection. In general, this area is characterized by large manufacturing and distribution warehouses, as well as smaller, retail and office warehouse operations.

The overall area is strategically located near McCollum Airport and the CSX rail line. It also has direct access to Cobb parkway and I-75 via McCollum Parkway. Structures are generally metal buildings with brick or stone facades on the front. Many structures have stone or brick facades on at least two or more sides. Pedestrian access is limited due to the heavy traffic volume of the area. No sidewalk access is provided along this segment of Cobb Parkway or in the industrial park.

Future Land Use Categories

- CAC Community Activity Center
- I Industrial





Our Future Land Use

As a built-out city, any new growth within the City of Kennesaw will be redevelopment. Currently within the city, 86% of the city's parcels are residential which is a challenge for any new development. The Future Land Use Map is a general guide for character of development within the city. A description of each category is provided below. Sample photos on the following pages, show options of what may be appropriate in each category. New development should be monitored for its impact on water quality within the city and region.

Activity Centers

Activity Centers are areas of commercial, office, and residential land uses. These are located along major transportation corridors. New development should reflect the character of the existing development within these areas.

Activity Center Types

Regional Activity Center

These are areas of large developments and serve as regional destinations for employment and retail.

Downtown Activity Center

This area is the traditional downtown of Kennesaw. For this area the City of Kennesaw completed an LCI study and that should be used as the guiding plan.

Community Activity Center

These areas provided services to the community but are not as intense as the Regional Activity Center

Neighborhood Activity Center.

These areas provide services to small areas within the community.

Transportation Communication and Utilities

Areas of Utilities and transportation

Public/Institutional

This category includes certain state, federal or local government uses, and institutional land uses. Government uses include government building complexes, police and fire stations, libraries, prisons, post offices, schools, military installations, etc. Examples of institutional land uses include colleges, churches, cemeteries, hospitals.

Industrial

These are areas intended for manufacturing facilities, processing plants, factories, warehousing and wholesale trade facilities.

Lake

Bodies of Water

Park/Recreation/Conservation

This category is for land dedicated to active or passive recreational uses. These areas may be either publicly or privately owned and may include playgrounds, public parks, nature preserves, wildlife management areas, national forests, golf courses, recreation centers or similar uses.

Planned Unit Development

Areas planned under a separate master plan

Residential High

Residential Medium

Residential Low

These are areas of residential land uses with the city. This may be single family or multi-family but new development should reflect the character of the surrounding development. The recommended densities are:

- Low/Medium 1-4 units per acre
- High 4-16 units per acre

IF YOU DID

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Know what's below.
Call before you dig.
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Or Call 800-282-7411

Hard W. Calhoun
rcalhoun@gdcrlaw.com

March 4, 2020

City of Kennesaw Planning Commission Members and
Mayor and City Council
2529 J. O. Stephens Avenue
Kennesaw, GA 30144

Re: Rezoning and Variance Request Z 2020-01; 1465 Shiloh Road

Dear Planning Commission Members and Mayor and Council:

This firm represents 75 Wade Green Business Center Association, Inc. (the "Association") with reference to the above rezoning and variance applications.

Our client is opposed to these applications for the following reasons:

- 1.) There have been several successful prior rezonings of this same property (from R-20 to CRC, CRC to O&I, and O&I to R-30) which suggest this property is suitable for a multitude of other uses less intrusive to the surrounding area than what amounts to a college dormitory.

The Mayor and Council's *unanimous* 2017 decision to deny a similar application was correct.¹ There is little in the present application which distinguishes it from the last application. In addition, the buffer previously shown adjacent to the Association's property has been removed from the present plan.

- 2.) The proposed multifamily use *conflicts* with the City's future land use plan, which shows the subject property as being located in a Community Activity Center on the City's future land use map. Recommended zoning classifications under the CAC designation do not include multifamily housing projects, whether labeled "student housing" or not. (See Exhibit "B")

¹ An appeal of the Council's decision was without merit and was later dismissed by the property owner. (See Exhibit "A")

- 3.) The applicant's requested "density variance" is an attempt to do indirectly what cannot be done directly, i.e., to allow a higher density than permitted under the City's zoning ordinance.

§ 9.02.02 of the City's UDC *specifically limits* variances to dimensional standards of building height, lot width, driveway spacing, yard setbacks and parking space dimensions. Density variances are simply *not* among the enumerated types of variances that the City can grant. (See Exhibit "C")

- 4.) A desire for greater density and therefore greater profit is *not a hardship* which will support a variance under the City's zoning ordinance. Local zoning authorities are not required to grant variances to eliminate hardships which are not inherent in the property or to allow expansion or correct planning errors of the property owner. Matheson v. Dekalb County 257 Ga. 48 (1987)
- 5.) The applicant's plans include four and five-bedroom units, some of which presumably may be occupied by four unrelated students. To the extent any of the 68 proposed dwelling units are occupied by more than three unrelated persons, such occupancy would constitute a violation of the City's RM-12 zoning district regulations. (See Exhibit "D")
- 6.) The proposed housing project is starkly out of character for this area, and will devalue surrounding properties with no corresponding benefit to anyone but the developer of this project.

The grant of the proposed rezoning and/or variances would amount to a manifest abuse of the City's zoning authority to the detriment of our client and other property owners in the 75 Wade Green Office Park, and would effect an uncompensated taking and damaging of their property without due process of law, as well as a denial of equal protection in violation of Ga. Const. Article 1, § 1, Paragraphs 1 and 2 and Article 1 § 3, Paragraph 1, and corresponding provisions of the U.S. Constitution.

Planning Commission Members
Mayor and City Council
City of Kennesaw
March 4, 2020
Page 3

For the foregoing reasons we respectfully submit that the requested rezoning and variance applications should be denied.

Sincerely yours,
GDCR ATTORNEYS AT LAW



Richard W. Calhoun
For the Firm

RWC/sws

cc: Derek Easterling, Mayor
James "Doc" Eaton, Council Post 1
Tracey Viars, Council Post 2
Pat Ferris, Council Post 3
Chris Henderson, Council Post 4
David Blinkhorn, Council Post 5
Doug Rhodes, Planning Commission Chairman
Cindi Michael, Planning Commission Vice-Chair
Dan Harrison, Planning Commission
Don Bergwell, Planning Commission
Phillip Jackson, Planning Commission
SaVaughn Irons, Planning Commission
Darryl Simmons, Planning and Zoning Administrator
Doug Dillard, Esq.
75 Wade Green Business Center Association, Inc.

A

Our Future Land Use

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Industrial

These are areas intended for manufacturing facilities, processing plants, factories, warehousing and wholesale trade facilities.

Lake

Bodies of Water

Park/Recreation/Conservation

This category is for land dedicated to active or passive recreational uses. These areas may be either publicly or privately owned and may include playgrounds, public parks, nature preserves, wildlife management areas, national forests, golf courses, recreation centers or similar uses.

Planned Unit Development

Areas planned under a separate master plan

Residential High

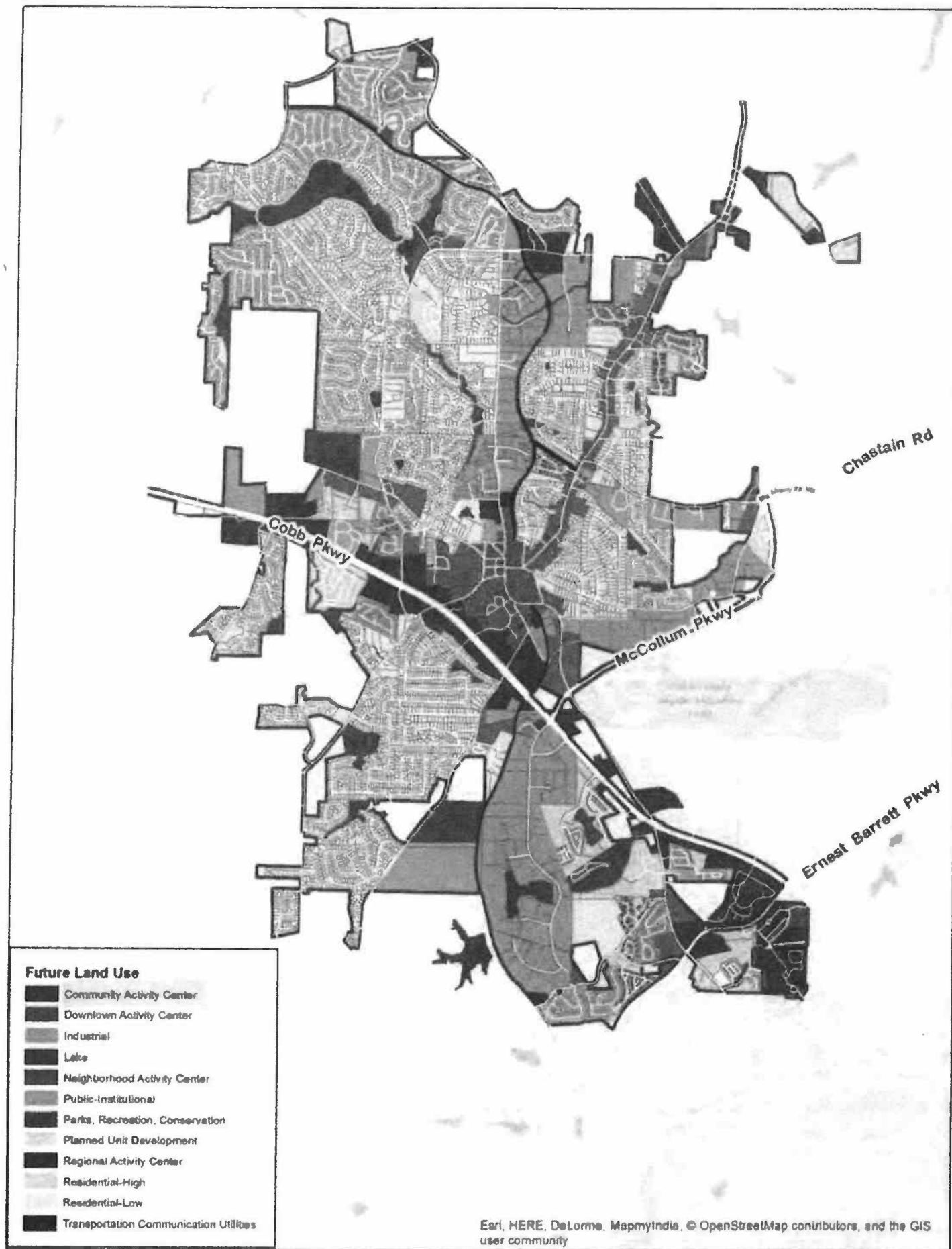
Residential Medium

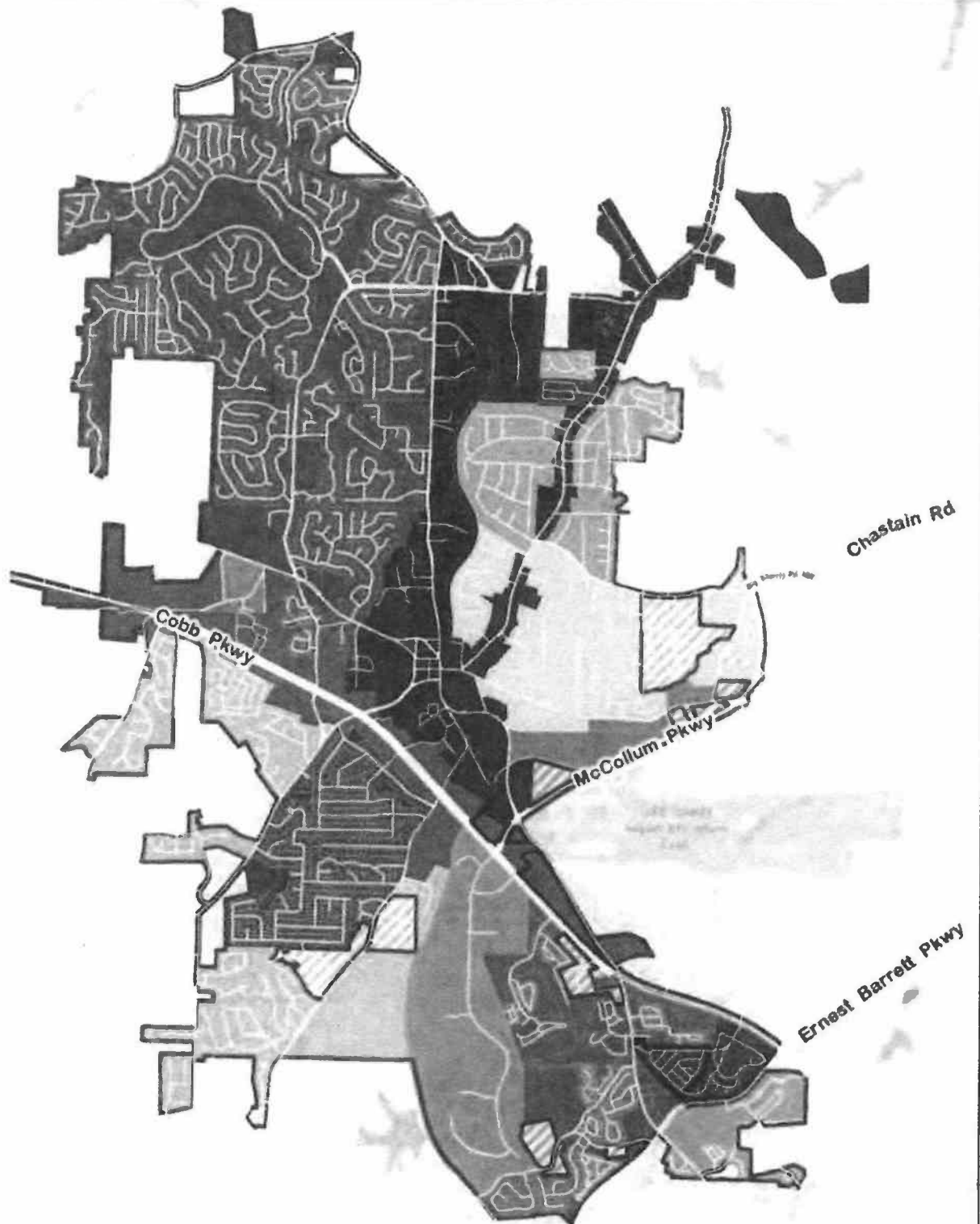
Residential Low

These are areas of residential land uses with the city. This may be single family or multi-family but new development should reflect the character of the surrounding development. The recommended densities are:

- Low/Medium 1-4 units per acre
- High 4-16 units per acre







Future Development Map

- | | | | |
|--|-------------------------------------|--|--|
| ■ Baker - Jiles Suburban Living, Inside | ■ Cobb Parkway Commercial | ■ Cobb International Industrial, Inside | ■ Moon Station Industrial, Inside |
| ■ Barrett 41 Suburban Village, Inside | ■ East Pine Revitalization District | ▨ Cobb International Industrial, Outside | ■ North Cherokee Residential, Inside |
| ▨ Barrett 41 Suburban Village, Outside | ■ Historic CBD, Inside | ■ Kennesaw Marketplace | ■ Pine Mountain Suburban Living, Inside |
| ■ Campus Living, Inside | ■ In Town Living, Inside | ■ McCollum Industrial, Inside | ▨ Pine Mountain Suburban Living, Outside |
| ■ Cherokee St. Commercial Corridor, Inside | ▨ In Town Living, Outside | ▨ McCollum Industrial, Outside | ■ Ridgeway Suburban Village, Inside |
| | | | ■ Swift Cartrell Intown Living, Inside |

user community

Cherokee Street Commercial Corridor

The Cherokee Street Commercial Corridor is an approximately 1 mile section of Wade Green Road and Cherokee Street extending from the Wade Green and I-75 Interchange south to Ben King Road. This corridor is comprised of neighborhood compatible retail and office developments intermixed with residential and institutional land uses. South of the McCollum Parkway intersection, many of the office and retail uses occur in older homes that have been rezoned to allow commercial use. North of McCollum Parkway to the I-75 interchange are several strip malls and free standing office developments. Sidewalks are frequently used by residents, but are possibly undersized as Cherokee Street and its right-of-way narrows approaching Ben King Road. Parking is often limited to the front or driveway side of the structure. Signage is generally more attractive and visible in the more recent strip developments north of McCollum Parkway.

Future Land Use Categories

- CAC Community Activity Center
- NAC Neighborhood Activity Center
- PI Public Service/Institutional



Cherokee Street Commercial Corridor



Cobb Parkway Industrial

Cobb International Industrial

The Cobb International Industrial area is located across from the McCollum Parkway and Cobb Parkway intersection. In general, this area is characterized by large manufacturing and distribution warehouses, as well as smaller, retail and office warehouse operations.

The overall area is strategically located near McCollum Airport and the CSX rail line. It also has direct access to Cobb parkway and I-75 via McCollum Parkway. Structures are generally metal buildings with brick or stone facades on the front. Many structures have stone or brick facades on at least two or more sides. Pedestrian access is limited due to the heavy traffic volume of the area. No sidewalk access is provided along this segment of Cobb Parkway or in the industrial park.

Future Land Use Categories

- CAC Community Activity Center
- I Industrial

9.02.01 - Generally

- A. The Mayor and City Council may authorize upon appeal in specific cases such variance from the terms of this UDC as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship.
- B. A variance shall be authorized only so that the spirit of this UDC shall be observed, public safety and welfare secured, and substantial justice done.
- C. A variance shall not be granted to allow a use of land that is otherwise prohibited in the zoning district applicable to the property.
- D. The existence of a nonconforming use on adjacent land, buildings, or structures in the same or in other districts shall not constitute a reason for a variance.
- E. The Mayor and City Council shall be responsible for consideration and a decision regarding requests for variances, pursuant to the notice and hearing requirements set forth in Chapter 10.

(Ord. No. 2018-23, § 2(Exh. B), 10-15-18)

9.02.02 - Types of Variances

A request for a variance shall be limited to vary the following : 1) maximum building height; 2) minimum lot width; 3) required spacing for driveways; 4) minimum front, side, or rear yard setbacks; or 5) dimensional standards for parking or loading spaces.

(Ord. No. 2018-23, § 2(Exh. B), 10-15-18)

9.02.03 - Requirements for Variances

Variances may be granted using the following criteria:

- A. There is extraordinary and exceptional conditions pertaining to the property because of its size, shape or topography;
- B. The application of the UDC standards to property creates practical difficulty or unnecessary hardship;
- C. The practical difficulty and/or unnecessary hardship are conditions which are peculiar to the property involved; and
- D. Relief, if granted, would not cause substantial detriment to the public good or impede the purposes and intent of the UDC .

(Ord. No. 2018-23, § 2(Exh. B), 10-15-18)



2.01.03 - Residential Zoning Districts

The following residential zoning districts are established:

- A. *R-30, Single-Family residential district (30,000 square feet).* The R-30 single-family residential district is established to provide locations for single-family detached dwellings or residentially compatible institutional and recreational uses at low to moderate densities, with access both to public water and sewerage.
- B. *R-20 Single-Family residential district (20,000 square feet).* The R-20 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time, with access to both public water and sewerage.
- C. *R-15, Single-Family residential district (15,000 square feet).* The R-15 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities as defined by the City of Kennesaw Comprehensive Land Use Plan, with access to both public water and sewerage.
- D. *R-12, Single-Family residential district (12,000 square feet).* The R-12 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities as defined by the City of Kennesaw Comprehensive Land Use Plan, with access to both public water and sewerage.
- E. *R-10, Single-Family residential district (10,000 square feet).* The R-10 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities, with access to both public water and sewerage within designated medium density areas on the comprehensive land use plan and future land use map.
- F. *PUD-R, Planned Unit Development-residential district.* The PUD-R planned unit development-residential district is established to encourage and provide flexible site plan and building arrangements under a unified plan of development rather than by lot-by-lot regulation. The PUD-R district is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment. The density should be consistent with the surrounding development.
- G. *RA-4, Residential District (Four [4] units per acre).* The RA-4 residential district is established to provide locations for the development of affordable single-family detached or attached residential dwelling units including the combination of duplexes, triplexes, and quadraplexes, with access to both public water and sewerage for medium to high density residential classifications as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time. The dwelling units are to be designed for placement on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall.
- H. *RM-8, Multiple-Family district (Eight [8] units per acre).* The RM-8 multiple-family residential district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses at high densities as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time, with access to both public water and sewer.
- I. *RM-12, Multiple-Family district (Twelve [12] units per acre).* The RM-12 multiple-family residential district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses at high densities as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time, with access to both public water and sewerage.



Extreme Flood Protection: Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

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

False Front: A front wall which extends beyond the sidewalls of a building to create a more imposing façade.

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 or hotel, 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.

Fanlight: A window, often semi-circular, over a door, with radiating muntins suggestive of a fan.

Farm Winery: A domestic manufacturer of wine in quantities of less than 100,000 gallons of wine per year, that is licensed by the state pursuant to O.C.G.A. 3-6-21.1, or as may be amended from time to time. Provided a license is issued as required by this chapter, a farm winery is authorized to sell wine by the package, by the drink and operate a wine tasting facility on the premises of the farm winery without additional license requirements, except as is required in the city zoning ordinance.

Fast food restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars, on the premises, or off the premises.

Fee Simple: The owner is entitled to the entire property with unconditional power of disposition during his life and which descends to his heirs and legal representatives upon his death intestate.

Fenestration: The arrangement and design of windows in a building.

Fill (as pertaining to earthwork): A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Final Plat: A finished drawing or drawings of the subdivision showing completely and accurately all legal and engineering information and certification necessary for recording. The finished drawing or drawings may consist of one or more drawings of the subdivision which together form the final plat, all of which must comply with the requirements of this chapter.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

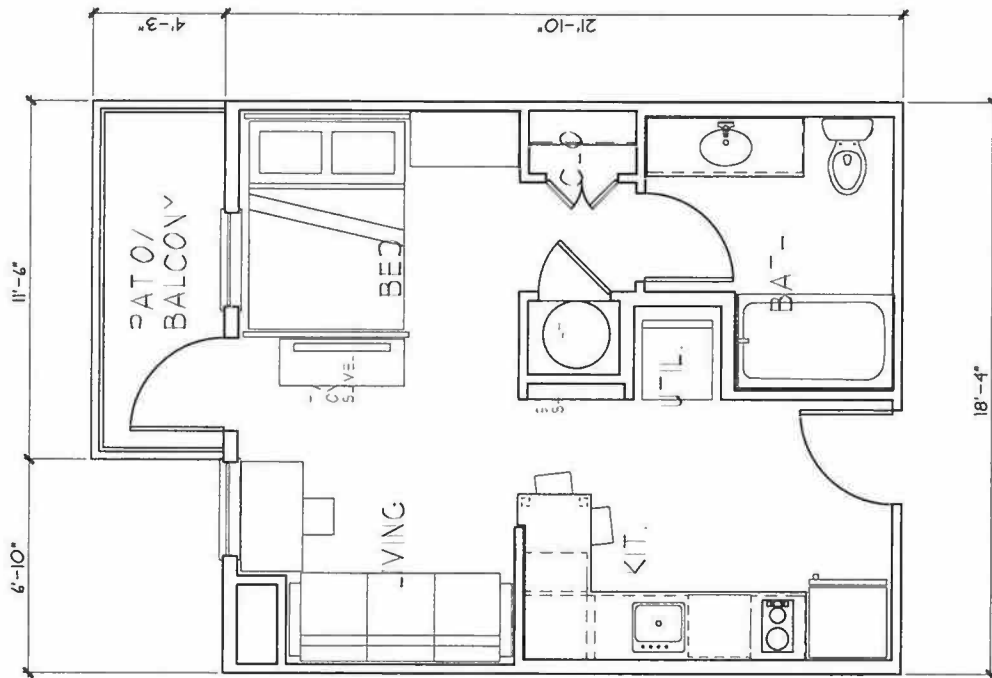
Flag: A piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words or emblems used as the symbol of an organization or entity.

Flashing (as pertains to lighting): Illumination which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects. The term "flashing" excludes illuminated signs which indicate only time and/or temperature, provided that such time/temperature signs do not change or alternate messages more than 12 times a minute.

Floatable Oil: Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

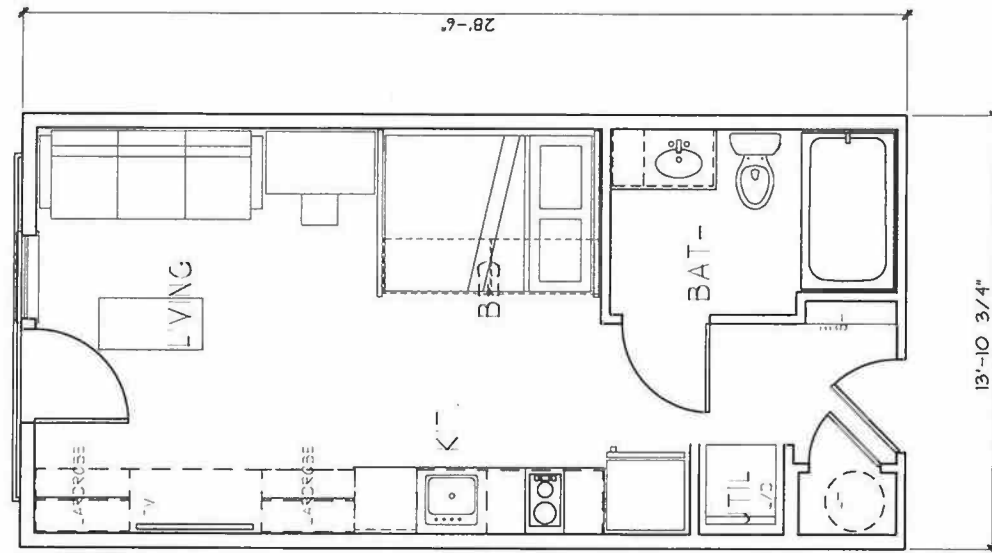
1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation or runoff of surface waters from any source.



EFFICIENCY

S2

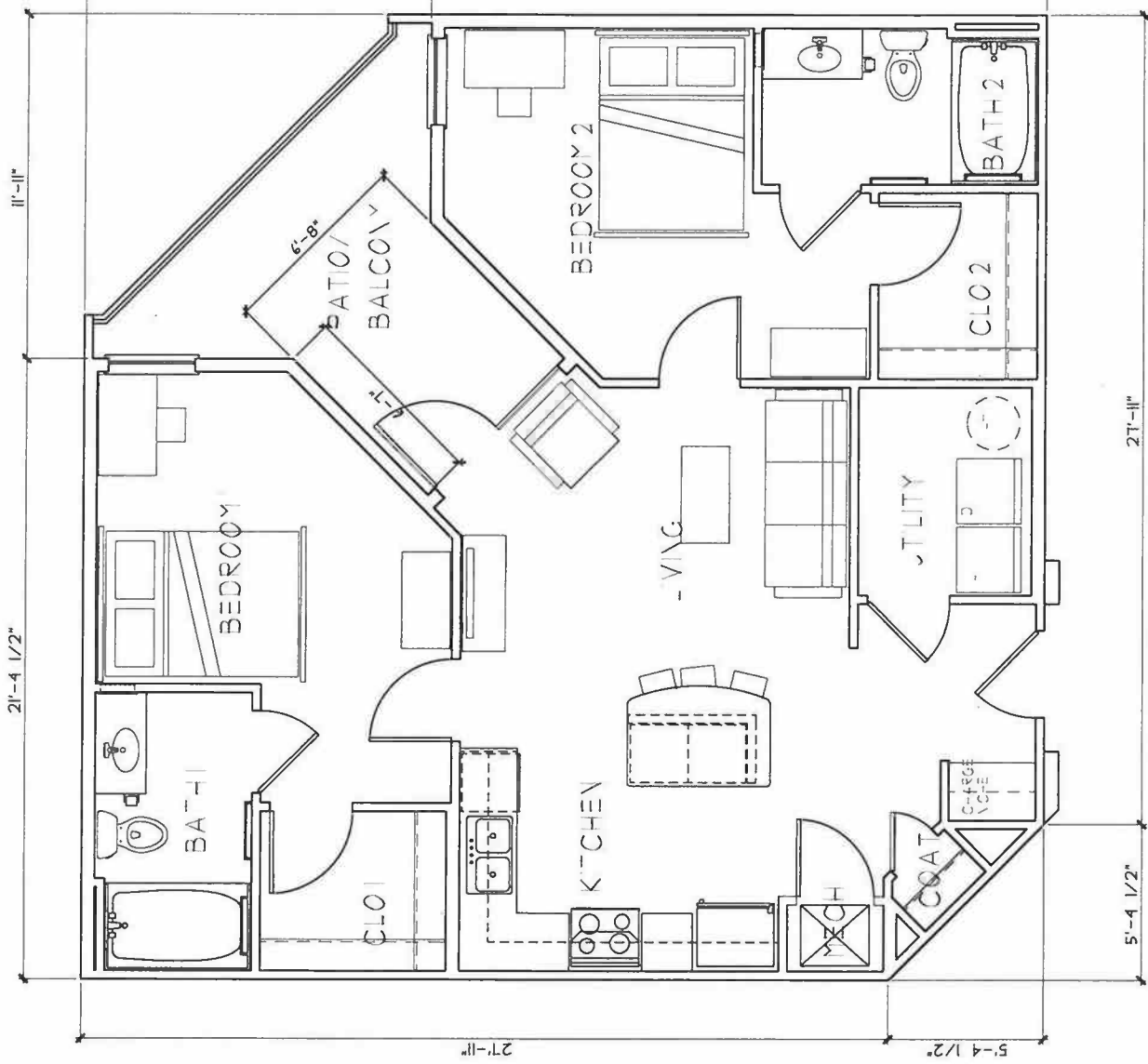
SCALE 1/4" = 1'-0" NET 371 SF GROSS 449 SF



EFFICIENCY

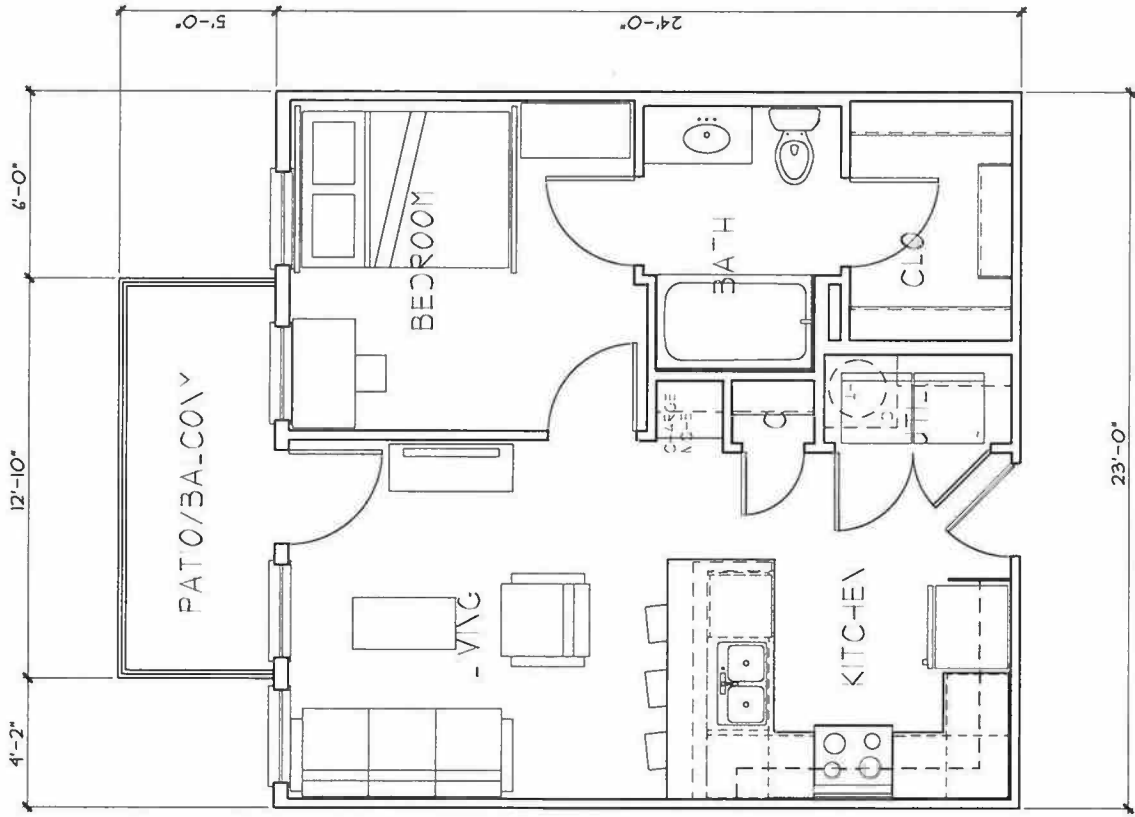
S3

SCALE 1/4" = 1'-0" NET 360 SF GROSS 396 SF



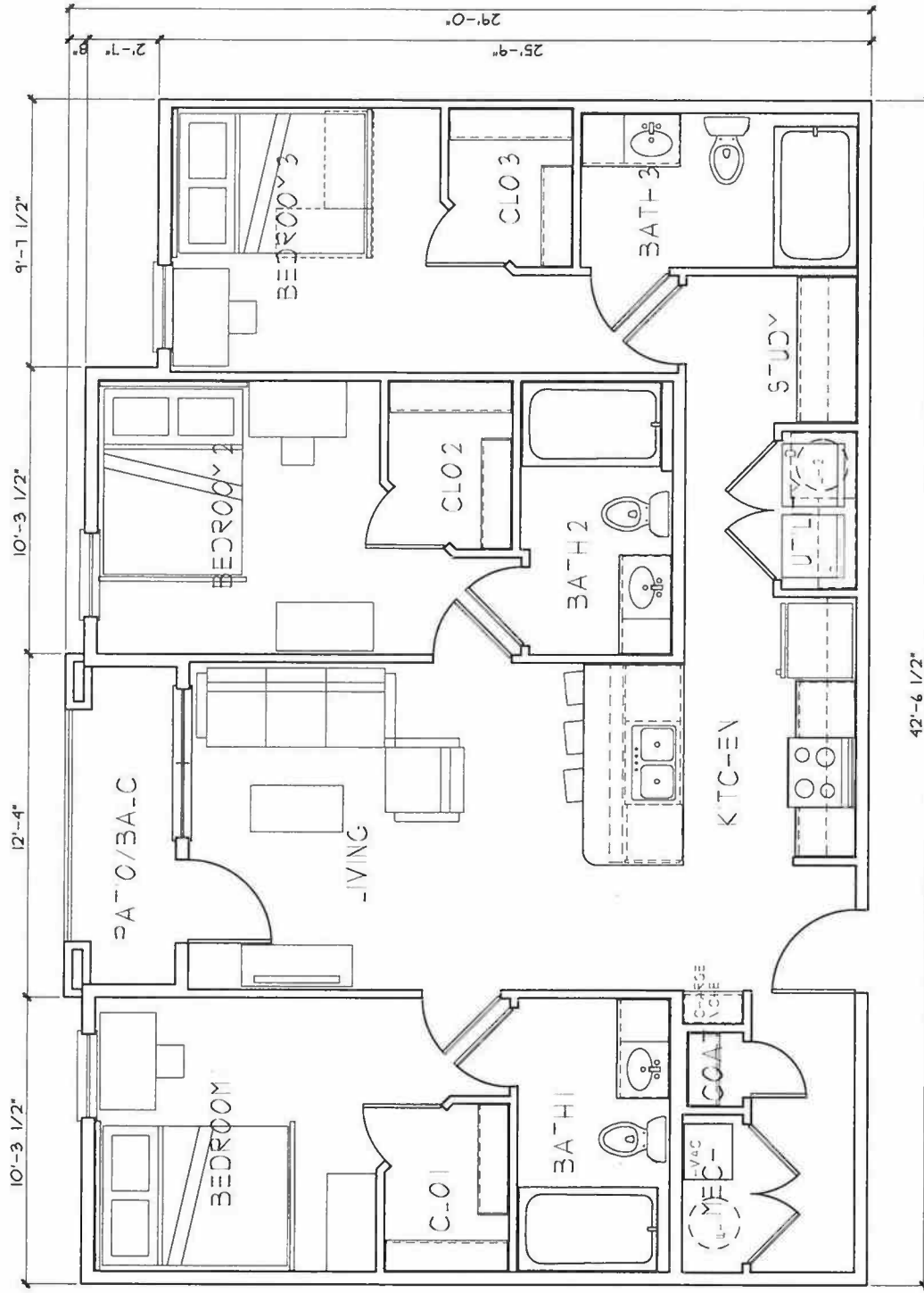
B2 TWO BEDROOM TWO BATH

NET AREA 862 SF GROSS AREA 1,033 SF



B1 ONE BEDROOM ONE BATH

NET AREA 520 SF GROSS AREA 616 SF

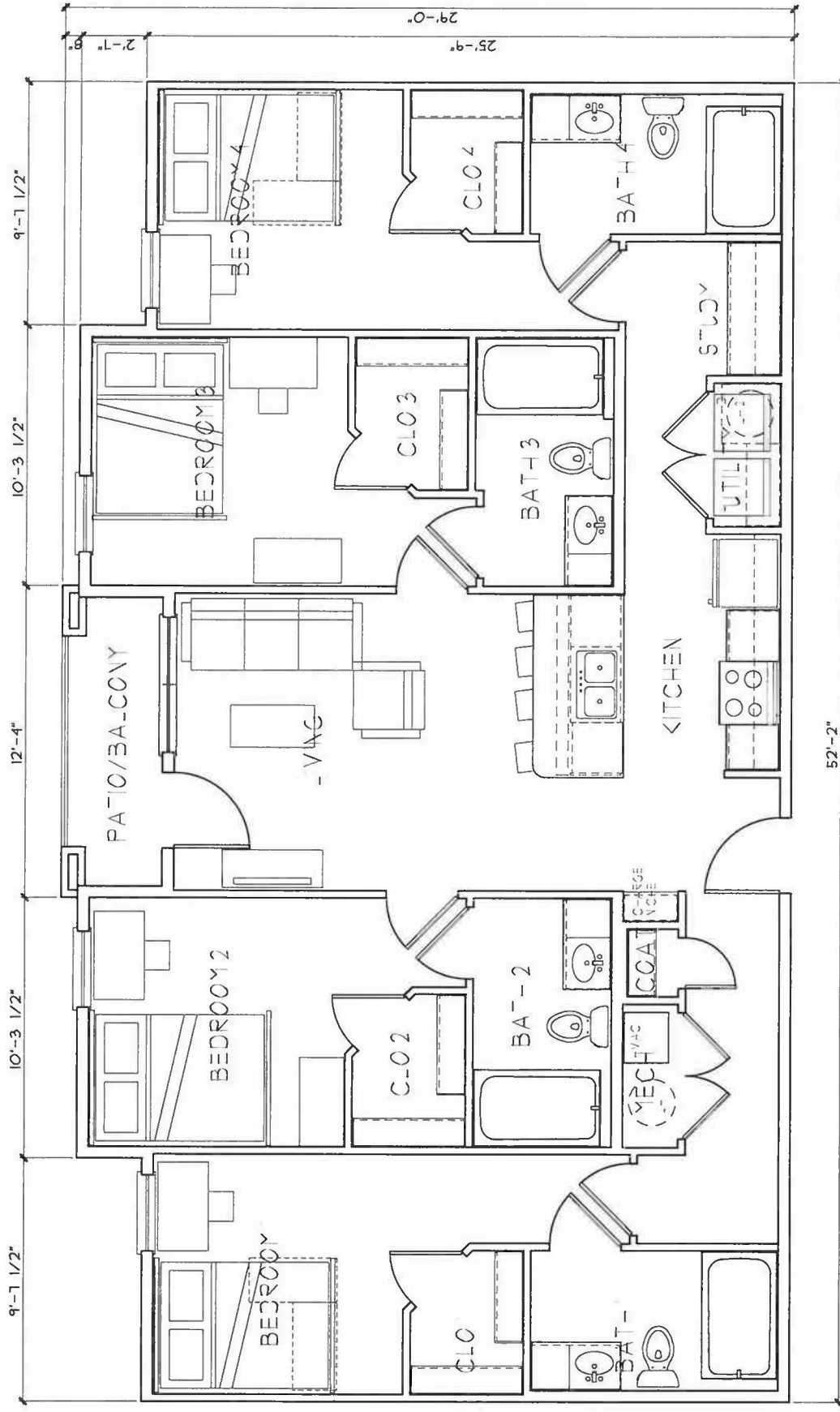


C1

THREE BEDROOM THREE BATH

SCALE: 1/4" = 1'-0"

NET AREA 1,078 SF GROSS AREA 1,189 SF

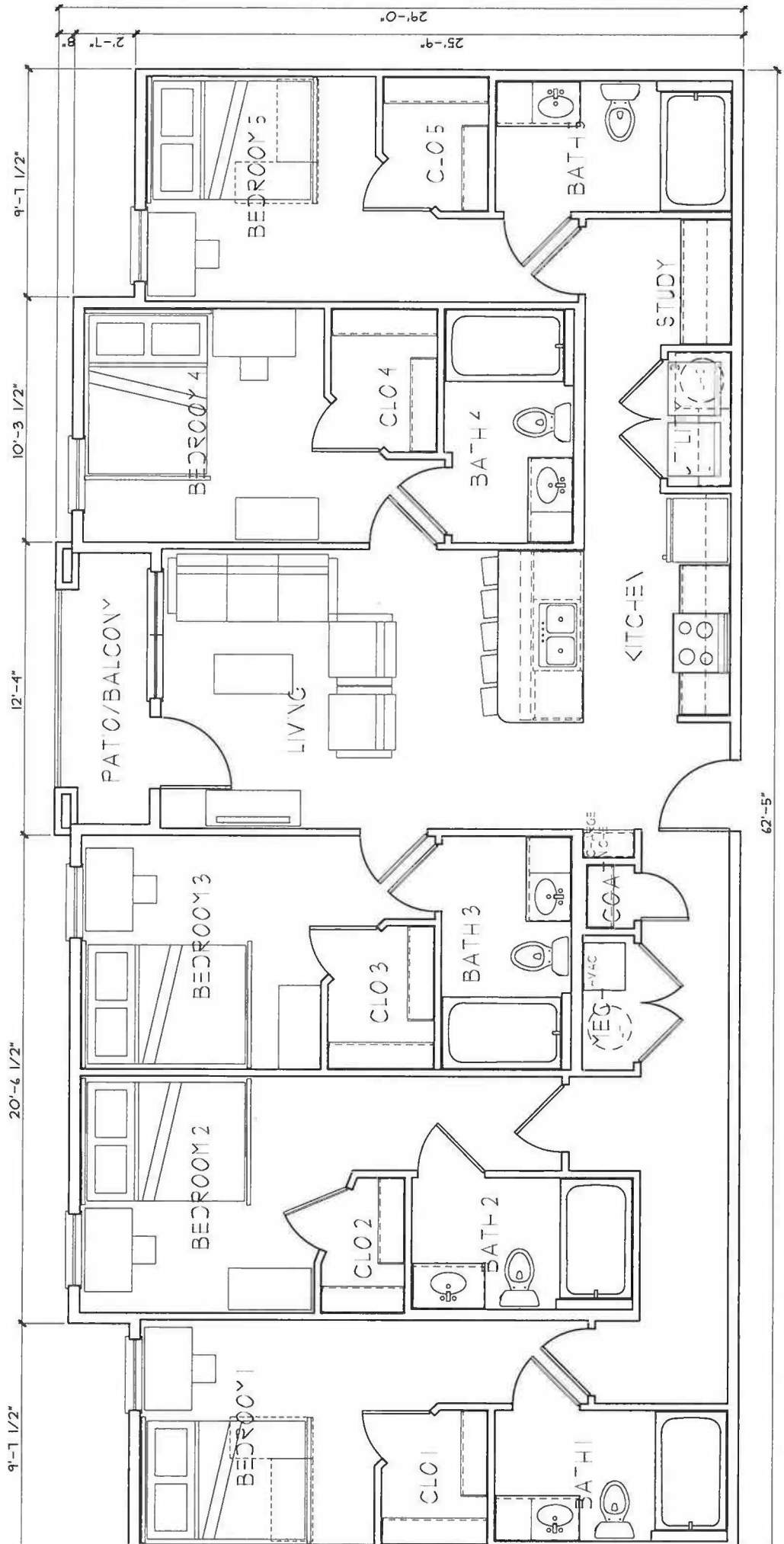


FOUR BEDROOM FOUR BATH

D1

SCALE: 1/4" = 1'-0"

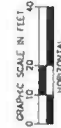
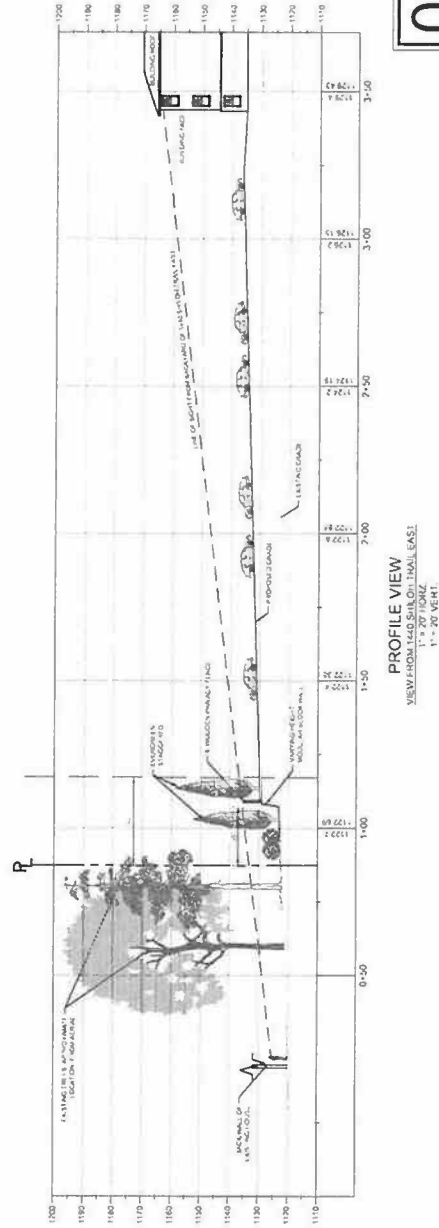
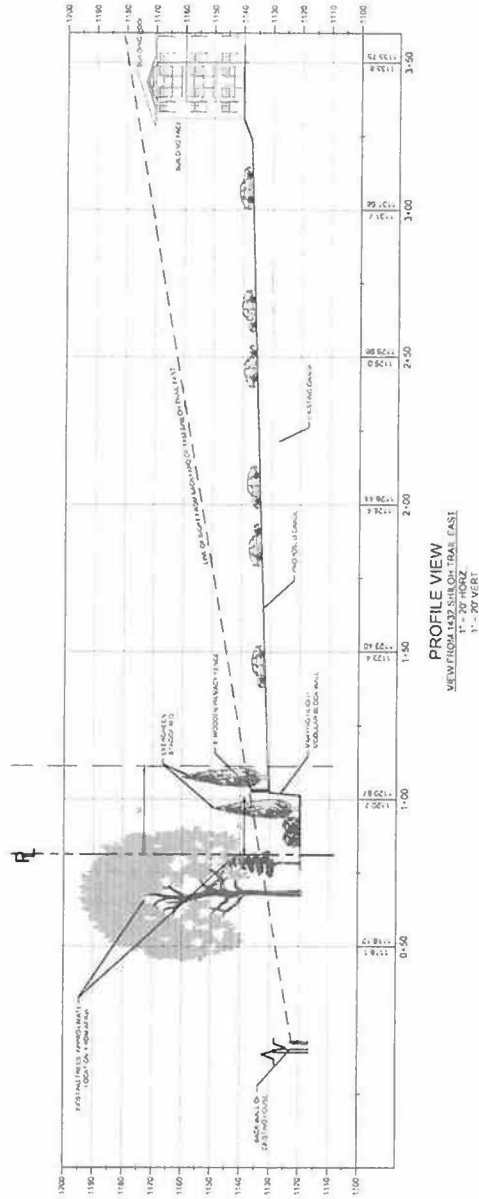
NET AREA 1,319 SF GROSS AREA 1,437 SF



FIVE BEDROOM FIVE BATH

SCALE: 1/4" = 1'-0"

NET AREA 1,600 SF GROSS AREA 1,727 SF

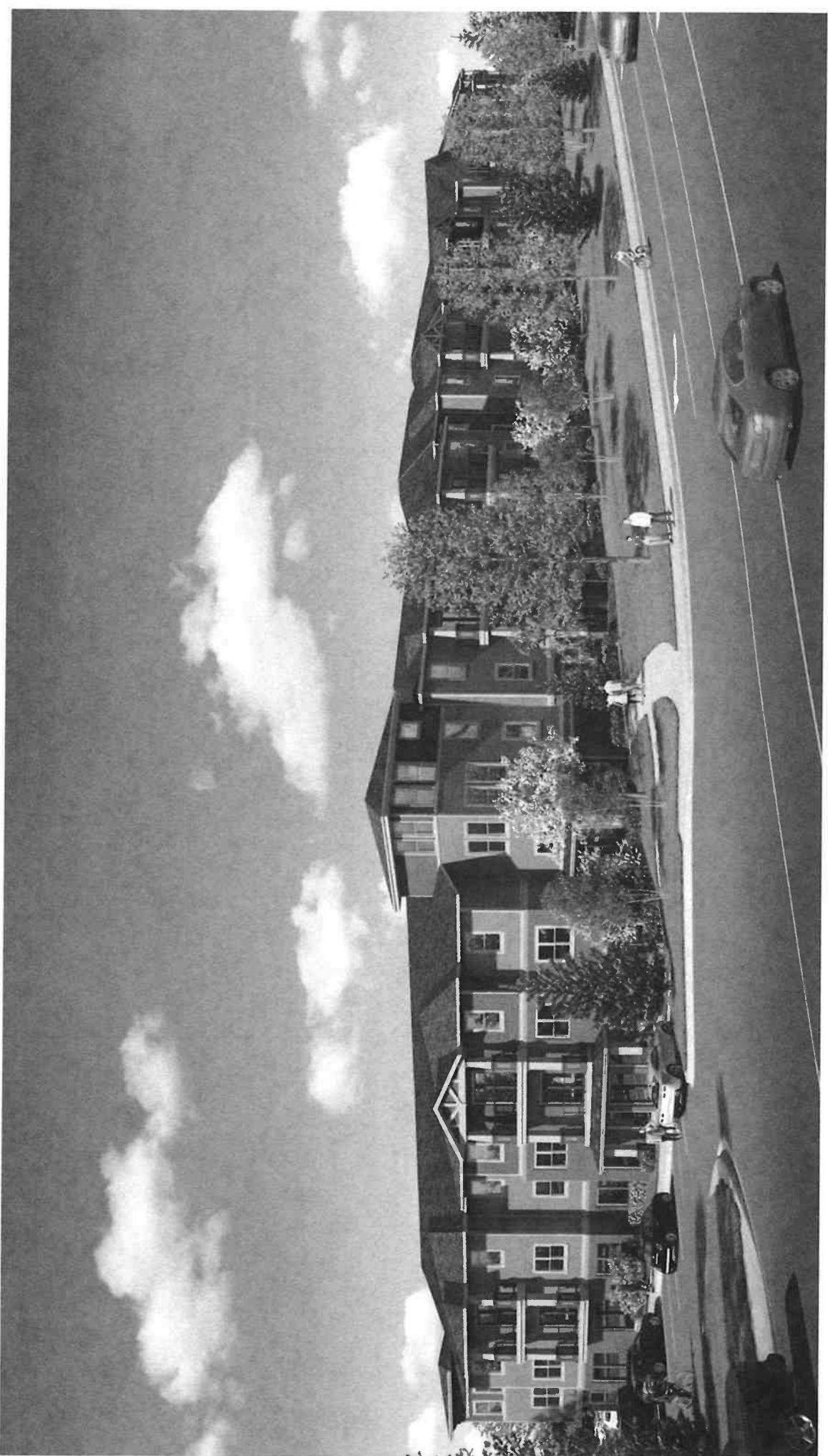


Kimley»Horn

SECTION VIEWS FROM 1432 AND 1440 SHILOH TRAIL EAST

02-27-2020

EX-4





G. Douglas Dillard
404-665-1241

E-Mail
ddillard@dillardsellers.com

June 12, 2020

Via E-mail

Mayor Easterling and City Council Members
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

**Re: RZ2020-01 - Rezoning Request for 1465 Shiloh Road
Fountain Residential Partners, LLC ("Fountain Residential")**

Dear Mayor Easterling and City Council Members,

As you are aware, our firm represents the Applicant, Fountain Residential, in the above-referenced rezoning application. We appreciate your diligence and attention in this matter, dating back to our original hearing date in March 2020. We look forward to presenting Fountain Residential's request at our hearing on June 15th, and I wanted to provide some clarifying information for your consideration in advance of that meeting.

Request Summary and Clarity

As described in the application materials before you, Fountain Residential requests the rezoning of 4.4 acres on Shiloh Road from R-30 to RM-12 in order to develop a student housing community. Despite continued misinformation from detractors, my client's rezoning request (i) does not include any variance requests and (ii) differs significantly from the 2017 rezoning request. Following comments by the Planning Commission, Fountain Residential submitted an updated site plan to reflect compliance with all RM-12 regulations and design standards. Based on the updated site plan now presented for your approval, variances are no longer necessary. In a letter dated June 8, 2020, we formally requested withdrawal of our previous variance requests.

Additionally, the current site plan and rezoning request demonstrate an important, productive departure from the 2017 rezoning application submitted by Fountain Residential. By significantly reducing available density and parking from the 2017 plan, my client's proposed development no longer includes two residential parcels on the corner of Ayers Drive and Shiloh Road. My client has greatly reduced exposure to surrounding single-family residential by eliminating any access to Ayers Drive from the proposed development. The current development has a much smaller footprint than proposed in 2017, and my client is providing substantial landscape buffering to separate activity on my client's property from surrounding uses. After extensive work and conversations with community members, Fountain Residential has gained the express support from the Pinetree Civic Association for the current request and site plan (as discussed and described in the attached Statement of Support).

Response to Wade Green Opposition

In advance of our March 16, 2020 hearing, Mr. Richard Calhoun submitted a letter in opposition to my client's rezoning on behalf of the 75 Wade Green Business Center Association, Inc. ("Wade Green"), an adjacent office park located in Cobb County. Mr. Calhoun also appeared to present his opposition at the March 16th hearing. We anticipate that Mr. Calhoun and Wade Green will file another letter and appear on June 15th with similar positions and arguments of opposition. This firm objects to Wade Green's standing to challenge and oppose Fountain Residential's rezoning request. We also disagree with Mr. Calhoun's position and written arguments as a general matter, based on Georgia law and the City's code. However, I did want to provide specific rebuttal for two wholly incorrect arguments and improper positions taken by Mr. Calhoun on behalf of his client.

(a) Fountain Residential's Zoning Request Does Not Qualify as "Spot Zoning"

My client's application and rezoning request for a residential student housing community with RM-12 zoning cannot be classified as "spot zoning." As described in Mr. Calhoun's March 16th Wade Green letter, interpretations for spot zonings must consider the use and zoning of the surrounding area. Unfortunately, Mr. Calhoun's description of the Shiloh Road area surrounding 1465 Shiloh Road and the Wade Green office park is inaccurate and misleading.

My client's property and the proposed RM-12 student housing community site are surrounded by a variety of land use and zoning districts, governed by different zoning maps and regulations for the City of Kennesaw and Cobb County. The immediately adjacent uses and zoning districts include single-family residential, office park, general commercial, and light industrial along the busy Shiloh Road arterial corridor. Fountain Residential's proposed residential community and rezoning to RM-12 provide an appropriate transition from the commercial and industrial uses on the north side of Shiloh Road to the single-family residential neighborhood located behind the subject property on the south side of Shiloh Road. Furthermore, student housing communities and RM-12 zoned properties exist in close proximity to the subject property, in this isolated corridor within the Kennesaw city limits.

Wade Green's depiction of the Shiloh Road area surrounding the subject property is facially inaccurate and misleading. For this reason and those stated above, my client's Shiloh Road property and the requested rezoning cannot be classified as spot zoning.

(b) Misinterpretation of "Family"

Fountain Residential's current site plan and request for RM-12 zoning is fully compliant with the City of Kennesaw zoning code and related definitions. Wade Green and Mr. Calhoun contend that the site plan and community design violate the zoning ordinance, because the definition of "family" does not allow more than three unrelated persons to live together in a unit. Mr. Calhoun's argument is a misinterpretation of "family" that is inapplicable to my client's proposed development and product design.

Fountain Residential's student housing model provide a unique housing and lease structure. Designed for student residents, Fountain Residential's lease structure is based on individual bedroom leases during a university or college academic year. Instead of a more traditional structure where a group of students lease an entire unit as a collective body, individual student lease a separate, individual bedroom and bathroom. Under this system, tenant-students in a unit are not required to share any interactions, responsibilities, or interactions with each other. Although units provide a common area and kitchen facilities, no requirement exists for interaction in these spaces. Herein, my client's unique, individual lease structure exempts the proposed development and site plan from the application of the definition of "family." Because the individual student tenants do not operate as a "single housekeeping unit" under the City's code definitions, the definition of "family" does not apply to the proposed development so as to limit the units to three bedrooms.¹

Mr. Calhoun's argument and interpretation do not consider the importance of the "single housekeeping unit" component of the "family" definition. Fountain Residential's interpretations of both "family" and "single housekeeping unit" under the City's current code are consistent with City Planning and Zoning Staff's interpretation. Additionally, my client's interpretation is consistent with those zoning approvals for previous student housing developments in the City. For these reasons and those stated above, I ask that you disregard Mr. Calhoun's misleading argument and misinterpretation of City code.

Conclusion

Based upon the statements above in addition to the site plan and supplemental materials previously submitted, we respectfully request approval of Fountain Residential's rezoning application and site plan. My client commits to those zoning conditions recommended by City Planning and Zoning Staff as amended by Planning Commission. In addition to formal recommendations of approval from the Planning Commission and City Planning and Zoning Staff, we have received support from the Pinetree Civic Association and other community representatives. My client's

¹ As described in the definitions contained in UDC Sec. 1.09.02, "single housekeeping unit" is a primary component in the definition of "family." Fountain Residential's student tenants do not operate as a single housekeeping unit and thus are not defined as a family.

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 or hotel, 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.

Single Housekeeping Unit: Means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, lease agreement or ownership of the property, expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit.

proposed rezoning to RM-12 will allow development of a high-quality, student housing community that will benefit the City and its residents for years to come.

Thank you for your consideration in this matter, and please let me know if you have any additional questions.

Sincerely,

DILLARD SELLERS

/s/ G. Douglas Dillard

G. Douglas Dillard

R. Baxter Russell

Enclosure

cc: Darryl Simmons (dsimmons@kennesaw-ga.gov)
R. Randall Bentley, Sr. (randall.bentley@bbandblaw.com)
Coleen Hosack (coleen@thebentleyfirm.com)



APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

ZV2020-01 Consideration to approve the requested rezoning to RM-12 and variances: (1) Increase the RM-12 zoning district max, density from 12 units/acre to 19.55 units/acre (86 units total); (2) Reduce the front yard setback along Shiloh Road from 40 ft. to 20 ft; (3) Reduce required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit). (Mayor and Council 03-16-2020)

SCHOOL COMMENTS

*School attendance zones are
subject to revision at anytime

NAME OF SCHOOL	ENROLLMENT	CAPACITY STATUS	NUMBER OF PORTABLE CLASSROOMS

Additional Comment

TRANSPORTATION COMMENTS

Site Visitation: No ___ Yes ___ (date _____) Signature _____

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MINIMUM RIGHT OF WAY REQUIREMENT
SHILOH ROAD	arterial	35 mph	cobb	100

Comments and Observation:

The road is under Cobb County Jurisdiction moreover, reducing front set back to 20 feet will not recommended. In this issue, it is prefer to get Cobb County's comment.

Recommendations



APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

DRAINAGE COMMENTS

Site Visitation : No ___ Yes ___ (date _____) Signature _____

(A) FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

(B) DRAINAGE BASIN: _____ FLOOD HAZARD INFORMATION

1. _____ FEMA Designated 100 year Floodplain Flood
2. _____ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD
3. _____ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements
4. _____ Dam Breach Zone from (upstream) (onsite) lake – need to keep residential buildings out of hazard

(C) WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

(D) STREAMBANK BUFFER ZONE: YES NO APPLICABLE YES NO

1. _____ Metropolitan River Protection Area (within 2000' of Chattahoochee River) Arc (review 35' undisturbed buffer each side of waterway).
2. _____ Chattahoochee River Corridor Tributary Area – County review (_____ undisturbed buffer each side).
3. _____ Georgia Erosion-Sediment Control Law and County Ordinance-County review/State review.
4. _____ Georgia DNR Variance may be required to work in 25-foot stream bank buffers.
5. _____ City Buffer Ordinance: 75' each side of creek measure from the point of wrested vegetation.

SPECIAL SITE CONDITIONS

ADDITIONAL COMMENTS/SUGGESTIONS



APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains and obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

Applicant will be responsible to meet all City of Kennesaw Development & Zoning Ordinance Standards, State, County and applicable Federal regulations as part of the plan review approval process. All conceptual representations submitted with the application and acted on by Mayor and Council does not relieve applicant and property owners from meeting all development standards.

PLANNING/ZONING COMMENTS
Property History

ZV2020-01 Consideration to approve the requested variances as noted for the proposed use for Purposed Student Housing construction of 68 units. (Mayor and Council 03-16-2020)

Variances requested:

- 1. Increase in density from 12 units per acre to 15.55 units per acre**
- 2.Reduce front yard setback from 40 feet to 30 feet**

The property was annexed into the City in 2000. There were a number of rezoning requests and approvals to the current zoning of R-30 with the request to RM-12. Past rezoning requests included UVC (Urban Village Commercial); O&I (Office & Intuitionl); CRC (Community Retail Commercial). 2017 same applicant requested rezoning of three properties (1465 Shiloh Rd., 4058 & 4068 Ayers Dr.) to proposed student housing that would be located on 6.02 acres and incorporate 125 units. Request for rezoning and associated variances was denied. Traffic implications to the entrance to Pinetree subdivision was cited.

Site Visitation : No ____ Yes ____ (date _____) Signature _____

STAFF MEMBER RESPONSIBLE: Darryl Simmons



APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

PROPOSED NUMBER OF UNITS 52 OVERALL DENSITY: 12 Units/Acre

PRESENT ZONING WOULD ALLOW _____ UNITS INCREASE OF: _____ Units/Lots

HISTORIC PRESERVATION: Not applicable

CEMETERY PRESERVATION No cemeteries on site

Land Use/development proposal Information:

- Subject property located in Future land Use category for CAC (Community Activity Center)
- The Character are as designated in the adopted comprehensive plan- Cherokee Street Commercial Corridor
- Purpose built student housing does not have an adopted zoning standard
- Similar approved developments within city limits were rezoned to RM-12 with variances and conditions
- Character area for university programming was included in the 2017 comprehensive plan update. University Living was included as a character area for both existing student housing developments- West 22 and UClub @Frey.
- Shiloh Rd contains Industrial, residential and retail uses.
- Proposing 52 units=2481 beds an increase in density from
- Three story building
- 262 parking spaces provided which allows one space per bedroom plus guest parking
- Building placement will be closer to Shiloh Road to allow adequate parking in rear yard area
- No variances required based on revised site plan that illustrates a 40 foot front setback from Shiloh Road

ZONING ADMINISTRATOR'S RECOMMENDATIONS/BASIS FOR RECOMMENDATION

The Zoning Administrator recommends approval of the rezoning request to RM-12 with the following conditions:

1. Reversionary clause that requires that construction permits and activity be initiated within 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.
2. 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.



APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

3. All 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.
4. Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors total equals 263 parking spaces to be provided

5 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 eight (8)-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.

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. **No over flow of light onto/into the adjacent property.**

6. All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards

7 Maximum height of building will be 35 feet as defined in our zoning ordinance chapter one that defines how building height is measured.

8. Maximum number of units allowed will be 52 units with a maximum of 241 beds

9. Right side of property - minimum 5 foot buffer be installed

Statement of Support for the Fountain Student Purpose Housing Project

Pinetree Civic Association

9 June 2020

Mayor Derek Easterling
Council Pat Ferri
Council James Eaton
Council Tracey Viars
Council Chris Henderson
Council David Blinkhorn
City Manager Jeff Drobney
Zoning Manager Darryl Simmons
City Clerk Lea Addington

The Pinetree Civic Association officially endorses the Fountain Student Purpose Housing Project.

We believe that Fountain has agreed to sufficient stipulations to insure that the problems of prior Student Purpose Housing projects will **NOT** be repeated. This include:

1. Locating the facility on an arterial street with minimum exposure to residential areas.
2. Agreeing to abide by the Cobb County and proposed City of Kennesaw Student Purpose Ordinance. This includes:
 - a. 24/7 on site management
 - b. Required annual police review before the City of Kennesaw annual business license renewal approval.
 - c. Fountain is required to coordinate with local law enforcement to develop a security plan in accordance with the standards of crime prevention through environmental design (CPTED).
 - d. Sufficient parking and fencing for residents and visitors to prevent parking in adjacent properties for residents and visitors.
 - e. A gated and secure facility.
3. Have scaled back the project to better isolate the residential area. The landscaping will provide sufficient buffering for the 4 adjacent residential properties.
4. Most importantly, Fountain has addressed the most significant issue with Student Housing....safety and traffic to/from campus.
 - a. Fountain will provide bus service
 - b. Fountain has been very active with PCA and Cobb DOT on addressing the resulting traffic. Pinetree has had a major problem with student traffic accessing the KSU campus and West Parking Deck through the 20 ft wide hilly Pinetree streets.

- i. The combination of a right turn out only from the facility and Cobb's decision to build a physical barrier to prevent left turns into Ayers.
- ii. Cobb DOT and our Cobb Commissioner (JoAnn Birrell) have agreed to work with Kimbly-Horn Engineering to document the traffic issues around KSU (13 locations) and specifically Frey Lake Road.
- iii. Cobb County has agreed to have Fountain establish a \$ 100,000 escrow fund for the survey, initial engineering and support of closing or restricting Frey Lake Road by Cobb County.

The Pinetree Civic Association charter includes just under 600 residential homes. The PCA Board of Directors have diligently evaluated the impact and tradeoffs regarding this project. We believe having the facility on an adjacent arterial street (Shiloh) minimizes the impact to the immediate community. By addressing the traffic issues, we believe this project will enhance the quality of life for residents of Pinetree Civic Association.

The final Board of Directors vote to approve of this endorsement of the Fountain project was 4-0 with 1 abstention.

Pinetree Civic Association

Post Office Box 1382

Kennesaw, GA 30156

info@pinetreecivic.org

Phil Anzalone

Phil Anzalone - President

(philanzalone12@comcast.net)

(770 330-6512)

David McSpadden - Vice President

Dean Student - Secretary

Todd BERQUIST - Security Chairman



June 8, 2020

Mayor, Council & Staff

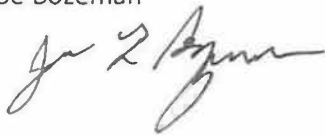
I'm writing to express my approval of the student housing project being considered at 1465 Shiloh Road. As a long-time community member and resident of Pinetree Country Club as well as the owner of (3) tax-paying properties within the City limits of Kennesaw, I feel this project will provide revenue to the city that is currently not being collected on an inactive property. It will also give students a place to live and will hopefully discourage them from renting houses within Pinetree and other subdivisions in Kennesaw where we see 4 to 5 students renting houses together within family neighborhoods.

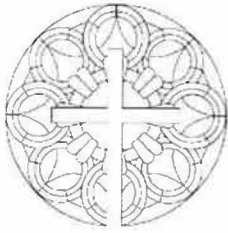
Furthermore, because the newest plans do not include an entry or exit on Ayers Drive, I'm not sure how residents of Pinetree have any authority in this decision. Equally, the business center next door who is concerned with traffic has created its own addition to the traffic and so I'm not understanding their opposition either. With this property being so close to campus, I believe the KSU bus system would be able to easily incorporate a stop on their route.

New residents in Kennesaw City limits means more revenue for the city.

Thanks,

Joe Bozeman

A handwritten signature in black ink, appearing to read "Joe Bozeman", written in a cursive style.



CHRIST CHURCH

Episcopal | Anglican | Kennesaw, GA

Growing a
Loving + Serving
Community
Centered in Christ

May 18, 2019
The Season of Easter

City of Kennesaw Mayor and City Council
c/o Darryl Simmons, Planning and Zoning Administrator
2529 J O Stephenson Avenue
Kennesaw, GA 30144

Subject: Student Housing in Kennesaw

Dear Honorable Mayor and Council:

My name is Father Ben Day, Rector of Christ Episcopal Church on Wooten Lake Road. We are not in the city of Kennesaw proper but our parish serves the greater Kennesaw area including citizens of the city of Kennesaw and Kennesaw State University. I write to you today to ask you to support the proposed student housing on Shiloh Road.

Just on a statistical basis the need for student housing at Kennesaw state is overwhelming. But on a more personal basis our parish and many other churches in the area are acutely aware of this housing shortage as we often find students sleeping in their cars in our parking lots. They come to churches late in the evening to find a safe place to stay and park for the night. I personally live on our church property and have met a number of them. They are good kids who are trying to go to school but there is no where for them to live. The neighborhoods prohibit them from sharing a house, traditional apartments are too costly and the dorms have a significant waiting list. I know from some of my pastoral work there are a number of houses throughout Pine Tree and other neighbor hoods in close proximity to KSU that have houses rented by college students.

I have asked for and had a chance to review the proposal and the location seems like a good fit given its closeness to campus, shopping and jobs that college students require these days. I also asked about the plans for security and was provided the details of onsite security, gated code access, call boxes and many other details. This is important not only for the safety of our children but for our neighbors and law enforcement. As one of the chaplains for the Kennesaw Police Department I know what an impact a good security plan has to the well being of a community.

I hope that you will support this project that will be a good edition to our community, and a needed inventory of beds.

Pax et Bonum! (*Peace and Blessing*)

the Rev'd Fr. Ben Day, Rector

1210 Wooten Lake Rd. Kennesaw, GA 30144

Phone—770.422.9114

Fax—770.422.8419

8065 Planning Commission

Commission

**MINUTES OF MAYOR & CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
Monday, June 1, 2020
6:30 p.m.**

Present: Mayor Derek Easterling
City Clerk Lea Addington
City Attorney Randall Bentley, Sr.

Zoom Meeting:
Mayor Pro Tem Pat Ferris
Councilmember James Eaton
Councilmember Tracey Viars
Councilmember Chris Henderson
Councilmember David Blinkhorn
City Manager Jeff Drobney

Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in compliance with O.C.G.A. §50-14-1, this meeting was only conducted via the use of Zoom Meeting and Facebook Live as the real-time telephonic technologies allowing the public simultaneous access to the public meeting.

The public had access to the Facebook Live via the following link:
<https://www.facebook.com/CityofKennesaw/>

I. INVOCATION

City Attorney Randall Bentley, Sr. led the invocation.

II. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Ferris led the Pledge of Allegiance virtually.

III. CALL TO ORDER

IV. ANNOUNCEMENTS

- A. Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is only being conducted via the use of real-time telephonic technologies allowing the public simultaneous access to the public meeting.

Mayor and Council will be conducting their meeting through Zoom Meeting and Facebook Live and you can access the meeting via the following link:
<https://www.facebook.com/CityofKennesaw/>

- B. If you would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.

[The City Attorney swore-in Assistant City Manager, Marty Hughes, to read public comments emailed to kennesawcouncil@kennesaw-ga.gov on specific items throughout the meeting].

V. PRESENTATIONS

No items.

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:41 PM Floor Open for Public Comments on agenda items

Assistant City Manager Marty Hughes entered two emails regarding opposition to the approval of Item X-B into the record. The first letter was sent by J. Nicholas Gaba, Attorney for GDCR Attorneys at Law representing the 75 Wade Green Business Association. This email, as well as an attached letter, raises multiple points of opposition regarding the proposed ordinance. Please see "Public Comment A."

The second email is from Ryan A. Lee, an Architect for RA Lee and Associates located at 1301 Shiloh Road. The email, as well as an attached letter, puts forth numerous points of objection regarding the adoption of the proposed ordinance. Please see "Public Comment B."

Assistant City Manager Marty Hughes entered an email into the record from Terry Bailey, an Attorney for Taylor Feil Harper and Lumsden Attorneys at Law representing Horned Owl Brewing, LLC located at 2765 South Main Street. Attorney Bailey assured Mayor and Council that the firm was prepared to address any comments regarding Item XII-B. Please see "Public Comment C."

6:44 PM Floor Closed to Public Comments on agenda items

VII. OLD BUSINESS

No items.

VIII. NEW BUSINESS

No items.

IX. COMMITTEE AND BOARD REPORTS

No items.

X. PUBLIC HEARING(S)

- A. FINAL PUBLIC HEARING: Approval of **RESOLUTION NO. 2020-18, 2020** adopting the updates to the Capital Improvement Element and Short Term Work Program (CIE/STWP) report covering the five- year period of 2020-2024. The City of Kennesaw is required to adopt an annual report for Capital Improvement Element and the Short Term Work Projects. The Atlanta Regional Commission and the Georgia Department of Community Affairs completed the regional review of the 2020 CIE Update for the City of Kennesaw. The Georgia Department of Community Affairs (DCA) has determined that the updates conform to the Development Impact Fee Compliance Requirements. Renewal of Qualified Local Government (QLG) status is contingent on local adoption of the update. This annual report review and adoption is required for all jurisdictions that collect development impact fees. The first public hearing was held May 18, 2020. This is the final required public hearing with adoption to be considered at the June 1, 2020 Mayor and Council meeting at 6:30 PM. City Staff recommends adoption of this resolution and report to maintain QLG status.

Zoning Administrator Darryl Simmons presented the final public hearing for the adoption of the Capital Improvement Element and Short Term Work Program (CIE/STWP) report covering the five-year period of 2020-2024. The adoption of this report is required for all jurisdictions that collect development impact fees and is necessary to maintain Qualified Local Government status.

[Mayor Easterling confirmed with Rebecca Graham, Communication and Engagement Manager, monitoring the Facebook Live, the kennesawcouncil@kennesaw-ga.gov address was posted on the Facebook Live for viewers to have access to public comment for the record. Ms. Graham responded the email address was posted].

6:45 PM Floor Open for Public Comments

No comment.

6:46 PM Floor Closed for Public Comments

Motion by Councilmember Eaton to approve **RESOLUTION NO. 2020-18, 2020** adopting the updates to the Capital Improvement Element and Short Term Work Program (CIE/STWP) report covering the five-year period of 2020-2024, as presented, seconded by Councilmember Henderson.

Roll call vote taken:

Post 1, James Eaton -- Yay
Post 2, Tracey Viars -- Yay
Post 3, Pat Ferris -- Yay
Post 4, Chris Henderson -- Yay
Post 5, David Blinkhorn -- Yay

Motion approved unanimously, 5-0. Motion carried.

[Councilmember Viars recused herself from the Zoom meeting for agenda item X-B.]

- B. FINAL PUBLIC HEARING: Approval of ORDINANCE to amend Appendix A "Unified Development Code," Chapter 1 "General Provisions," Section 1.09.02 "Definitions," adding a new section under Chapter 2, "Zoning Districts," Section 2.06.06 "Special Districts," amending Section 2.02.03 "Table of Land Uses-- Residential Districts" and amending "Required Spaces-- Table 6.06.09A." The proposed code amendments address the housing use that deals directly with purpose built student housing located within city limits. The proposed zoning district to be added to chapter two along with the associated definitions and standards were presented to the Planning Commission at their regularly scheduled meeting February 5, 2020. Don Bergwall motioned to adopt the code amendments and new zoning district as submitted, seconded by SaVaughn Irons. Vote 3-0. Legal reviewed and helped develop. This public hearing item was postponed from the February 17, March 2, and March 16 2020 Mayor and City Council meetings. Zoning staff and legal recommend postponing this item.

Mayor Derek Easterling shared because of information received and the need for additional work, it is proposed to postpone the hearing to the July 6, 2020 Mayor and Council meeting at 6:30 PM.

Motion by Mayor Pro Tem Ferris to approve the postponement of ORDINANCE to amend Appendix A "Unified Development Code," Chapter 1 "General Provisions," Section 1.09.02 "Definitions," adding a new section under Chapter 2, "Zoning Districts," Section 2.06.06 "Special Districts," amending Section 2.02.03 "Table of Land Uses-- Residential Districts" and amending "Required Spaces-- Table 6.06.09A" to the July 6, 2020 Mayor and Council meeting at 6:30 PM, seconded by Councilmember Blinkhorn.

Roll Call vote taken:

Post 1, James Eaton – Yay
Post 2, Tracey Viars – Recused
Post 3, Pat Ferris – Yay
Post 4, Chris Henderson – Yay
Post 5, David Blinkhorn – Yay

Motion approved, 4-0-1 *[Councilmember Viars recused herself]*. Motion carried.

[Councilmember Viars returned to the Zoom meeting after the vote was taken].

XI. CONSENT AGENDA

- A. Approval of the May 18, 2020 Mayor and City Council meeting minutes.
- B. Consideration for approval of a Temporary Use Permit for TNT Fireworks.
Applicants: Adam Jernigan/Kathy Roos

Motion by Councilmember Henderson to approve the Consent Agenda engross, seconded by Councilmember Blinkhorn.

Roll call vote taken:

Post 1, James Eaton – Yay
Post 2, Tracey Viars -- Yay
Post 3, Pat Ferris -- Yay
Post 4, Chris Henderson -- Yay
Post 5, David Blinkhorn -- Yay

Motion approved unanimously, 5-0. Motion carried.

XII. FINANCE AND ADMINISTRATION
GINA AULD, Finance Director

- A. Consideration for approval of an Alcohol License for Beer, Wine, Liquor and Sunday Sales for Tacos and Beer 3, LLC d/b/a Luna Maya Mexican Cantina located at 1575 Crater Lake Drive, BLDG 550, Kennesaw, GA 30152. Applicant: Rene Garcia. The applicant has completed the required alcohol workshop per Sec. 6-69. Signs have been posted and it has been properly advertised per Sec. 6-36. Current application and background check results are on file. Finance Director recommends approval.

Business License Supervisor Derek Cox presented the application for an Alcohol License for Beer, Wine, Liquor and Sunday Sales for Tacos and Beer 3, LLC dba Luna Maya Mexican Cantina. The applicant has completed the required alcohol workshop. The application and background check results are on file.

Motion by Councilmember Viars to approve an Alcohol License for Beer, Wine, Liquor and Sunday Sales for Tacos and Beer 3, LLC d/b/a Luna Maya Mexican Cantina, seconded by Councilmember Blinkhorn.

Roll call vote taken:

Post 1, James Eaton – Yay
Post 2, Tracey Viars -- Yay
Post 3, Pat Ferris -- Yay
Post 4, Chris Henderson -- Yay
Post 5, David Blinkhorn -- Yay

Motion approved unanimously, 5-0. Motion carried.

[Councilmember Viars recused herself from the Zoom meeting for agenda item XII-B.]

- B. Consideration for approval of a beer manufacturer license for Horned Owl Brewing, LLC located at 2765 South Main Street, Suite A, Kennesaw, GA 30144. Applicant: Joseph Uhl. The applicant has completed the required alcohol workshop per Sec. 6-69. Signs have been posted and it has been properly advertised per Sec. 6-36. Current application and background check results are on file. Sec. 6-42 refers to all locations within 300 feet of a private residence. This location is within 300 feet

of a private residence. Sec. 6-42 states the Mayor and Council may waive the distance requirement if the quiet enjoyment of the premises by the residents thereof shall not be adversely affected and the granting of such license shall not have any adverse effect on the private residence. This location is within 600 feet of a school. Sec. 6-43 refers to all locations within 600 feet of a school or college campus building. Sec. 6-43 states the Mayor and Council may waive the distance requirement if satisfactory evidence shall be produced that no adverse effect to property values or the use of the facilities for the aforesaid purposes would occur if a license was granted. Finance Director recommends approval.

Business License Supervisor Derek Cox presented the application for a beer manufacturer license for Horned Owl Brewing LLC. The current application and background check results are on file. The business is within 300 feet of a private residence and within 600 feet of a school. Approval of the license should not have a negative effect on the area. This application was duly advertised.

Motion by Councilmember Henderson to approve a beer manufacturer license for Horned Owl Brewing, LLC, seconded by Councilmember Eaton.

Roll call vote taken:

Post 1, James Eaton – Yay
Post 2, Tracey Viars – Recused
Post 3, Pat Ferris – Yay
Post 4, Chris Henderson – Yay
Post 5, David Blinkhorn – Yay

Motion approved, 4-0-1 [*Councilmember Viars recused herself*]. Motion carried.

[*Councilmember Viars returned to the Zoom meeting after the vote was taken*].

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
LINDA DAVIS, 911 Communications Director

No items.

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Co-Director
JOSHUA GUERRERO, Co-Director

No items.

XV. PUBLIC WORKS

RICKY STEWART, Director
ROBBIE BALENGER, Building & Facilities Manager

No items.

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum and Agency Director
STEVE ROBERTS, Parks and Recreation Director

ANN PARSONS, Smith-Gilbert Gardens Director

No items.

XVII. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director

DARRYL SIMMONS, Zoning Administrator

SCOTT BANKS, Building Official

No items.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:59 PM Floor Open for Public Comments

Assistant City Manager Marty Hughes entered two emails into the record regarding Wildman's Civil War Surplus owned by Dent Myers.

The first email is from Kayleigh Beaman and she writes to the Council in opposition to Wildman's Civil War Surplus store. Please see "Public Comment D."

The second email is from Shannon Strapp who writes at length regarding her opposition to Mr. Myers' business being within the City of Kennesaw. Please see "Public Comment E."

7:02 PM Floor Closed for Public Comments

XIX. CITY MANAGERS REPORT – Jeff Drobney

A. City Manager reports, discussions and updates.

No items.

XX. MAYOR'S REPORT

A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

No items.

XXI. COUNCIL COMMENTS

Councilmember Blinkhorn shared how Must Ministries is stepping in to help children who usually rely on schools' lunch programs have consistent access to meals this summer. If you go to Must Ministries' website, there are many ways to help including volunteer opportunities and donations.

Councilmember Henderson changed his background to celebrate the launching of American astronauts back into space. He said it was incredible to watch and over three million people viewed the livestream.

Mayor Pro Tem Ferris is pleased to see the recreational facilities reopening and knows many more are pleased as well.

Councilmember Viars wanted to shout out the Kennesaw Downtown Development Authority for opening the farmers market and the food trucks tonight. It was good to see everyone out and still social distancing.

Councilmember Eaton was incredibly proud of everyone and the peaceful protest that occurred over the weekend.

Mayor Easterling spoke about the officers of the Kennesaw Police Department and the protest that was held in downtown Kennesaw on Sunday afternoon. The officers had patience and listened to what the protestors needed to say. It is reflective of who are as Kennesaw but even more reflective of our police officers. He was grateful the protest was as peaceful as the protestors had planned.

XXII. EXECUTIVE SESSION –Land, Legal, Personnel

- A. Pursuant to the provisions of O.C.G.A. §50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

No items.

XXIII. ADJOURN

Mayor Easterling adjourned at 7:06 P.M. The next regularly scheduled meeting will be held Monday, June 1, 2020 at 6:30 p.m. in the Council Chambers.


Lea Addington, City Clerk

From: Nick Gaba <ngaba@gdcrlaw.com>
Sent: Monday, June 01, 2020 5:31 PM
To: kennesawcouncil; Suly Scriver; 'deasterling@kennesaw-ga.gov'; 'jeaton@kennesaw-ga.gov'; 'tviars@kennesaw-ga.gov'; 'pferris@kennesaw-ga.gov'; 'chenderson@kennesaw-ga.gov'; 'dblinkhorn@kennesaw-ga.gov'; Darryl Simmons; Lea Addington
Cc: Richard Calhoun; Ric Zampatti; Ryan Lee; KC Hamill
Subject: RE: Letter to Mayor & Council regarding Rezoning Z2020-01- 1465 Shiloh Road
Attachments: 20-05-28 Certified Letter to M&C regarding PBSH Z2020-01 (75WADE 200716).PDF

Dear Mayor and Council,

As the Mayor and Council is aware, our firm represents the 75 Wade Green Business Association, upon whose behalf we submitted a letter of opposition to the Mayor and Council, a copy of which is attached for tonight's hearing. In addition to those points of opposition stated therein, our client and many other neighboring property owners are opposed to the PBSH Ordinance for these other reasons:

- At the time of creating this Agenda, Executive Order No. 2 was still in effect. Any notice of a land use-related hearing published before the Mayor's "Rescission Notice" for Executive Order No. 2, including the May 21 and May 27 Notices for this PBSH Ordinance, is premature and effectively invalid.
- In addition to the May 21 and May 27 Notices being premature and invalid, the City failed to comply with the Zoning Procedures Act by giving at least fifteen (15) days' notice before a public hearing on a zoning decision. O.C.G.A. 36-66-4(a). Because the May 21 and May 27 Notices were noncompliant, any decision made related to the PBSH Ordinance on this Agenda is invalid, too. Hoechstetter v. Pickens Cnty., 341 Ga. App. 213 (2017); McClure v. Davidson, 258 Ga. 706 (1988).
- Although we appreciate the challenges of holding public meetings electronically, the Open Meetings Act allows for these. Accordingly, please consider this e-mail the equivalent of signing up to speak on behalf of our client for the public meeting on the PBSH Ordinance for tonight, or for any other time this ordinance may come before this Council for a hearing. Many jurisdictions now make provisions for audio/video participation by proponents and applicants in zoning matters requiring public hearings. It is our client's position that the City's failure to provide a minimum of ten minutes per side's presentation, either in-person or through electronic means, during a required hearing on a proposed zoning ordinance text amendment not only violates the Zoning Procedures Act, but also this City's ordinances.

Again, our clients oppose this PBSH Ordinance.

Thanks,

J. Nicholas "Nick" Gaba, Jr | Attorney at Law | 678.784.3516

From: Suly Scriver <sscriver@gdcrlaw.com>
Sent: Thursday, May 28, 2020 5:57 PM
To: 'deasterling@kennesaw-ga.gov'; 'jeaton@kennesaw-ga.gov'; 'tviars@kennesaw-ga.gov'; 'pferris@kennesaw-ga.gov'; 'chenderson@kennesaw-ga.gov'; 'dblinkhorn@kennesaw-ga.gov'; dsimmons@kennesaw-ga.gov; Lea Addington <laddington@kennesaw-ga.gov>; ddillard@dillardsellers.com
Cc: Richard Calhoun <rcalhoun@gdcrlaw.com>; Nick Gaba <ngaba@gdcrlaw.com>; Ric Zampatti <Ric@barterco.com>; Ryan Lee <rlee@Lifebuiltarch.com>; KC Hamill <KC.Hamill@aent.com>
Subject: RE: Letter to Mayor & Council regarding Rezoning Z2020-01- 1465 Shiloh Road

Good afternoon,

On behalf of Richard Calhoun, please see the attached letter and let us know if you have any questions or concerns.

Thanks,

Suly Scriver | *Paralegal*



49 Atlanta Street | Marietta, GA 30060
770.422.1776 office | 770.426.6155 facsimile
sscriver@gdcrlaw.com | www.gdcrlaw.com

Confidential / Attorney-Client Privilege

Note: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and/or e-mail.

Richard W. Calhoun
E-mail rcalhoun@gdcrlaw.com

RECEIVED

JUN 01 2020

CITY CLERK
CITY OF KENNESAW

May 28, 2020

VIA CERTIFIED MAIL#7011 2970 0003 2235 3418

City of Kennesaw Mayor and Council
2529 J.O. Stephens Avenue
Kennesaw, Georgia 30144

RE: Ordinance to amend Kennesaw's Code of Ordinance 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)

Dear Mayor and Council,

Our firm represents 75 Wade Green Business Center Association, Inc. regarding the above proposed Code amendments. Our client, and many other neighboring property owners, are opposed to these amendments for the following reasons:

1. Consideration of the above code amendments appears to have recently been rescheduled for a "final public hearing" on June 1, 2020 at 6:30 p.m. This is premature and improper for the following reasons:

- a. There has been no 15 – 45 day published notice of said hearing, as required by O.C.G.A. § 36-66-4(a); and
- b. A "final public hearing" on an amendment to the City's zoning ordinance is a "land use or zoning matter" which, by mayoral executive orders of March 25, 2020 and May 6, 2020, has been stayed pending official termination of the current declared state of emergency.

2. Various members of the 75 Wade Green Business Center Association, Inc., residents of the Pine Tree Country Club, and numerous other Kennesaw residents have signed the attached Petition opposing both the proposed PBSH Zoning Ordinance, as well as the pending rezoning application for 1465 Shiloh Road.

49 Atlanta Street
Marietta, Georgia 30060

2951 Flowers Road South, Suite 220
Atlanta, Georgia 30341

Gregory, Doyle, Calhoun & Rogers, LLC

3. Council member Viars' status as listing agent for *Beaucorp Properties, LLC*, which is an intended beneficiary of these proposed amendments, raises a factual issue of whether that conduct has tainted the adoption of these amendments. Such conduct renders the proposed amendments subject to invalidation. *Dunaway v. City of Marietta*, 251 Ga. 727 (1983)

4. The proposed PBSH ordinance, alone (and particularly in tandem with pending rezoning application for property located at 1465 Shiloh Road) amounts to spot zoning for the benefit of particular properties, to the detriment of surrounding landowners.

5. The adoption of these proposed amendments will effect a taking and damaging of our clients' (and surrounding property owners') properties without compensation, and a denial of equal protection in violation of Article 1 § 1 ¶ 1 and 2, and Article 1 § 3, ¶ 1 of the Georgia Constitution, and corresponding provisions of the U.S. Constitution.

6. Kennesaw's proposed PBSH ordinance has no customary protections found in similar ordinances, (such as the requirement of a special land use permit) and intentionally exempts itself from the definition of "family." The existing ordinance defines "family" as "one or more related persons by blood, legal adoption or marriage or *not more than three (3) persons not related...*" Any student housing *unit* with more than three bedrooms is designed to exceed this limit. This is an intentional evasion of a community and ordinance standard applicable to *every other* residential zoning category, arguably a violation of equal protection rights.


7. U Club and 22 West are constant problems for Kennesaw's Police Department. Creating a new zoning classification, free from reasonable density restrictions, will result in additional police calls and further drain Kennesaw's resources.

For example, between January 1, 2017 and March 27, 2020, Kennesaw's Police Department responded to 650 incidents at U Club and 699 incidents at 22 West. The incidents responded to included noise complaints, illegal parking, rape, vandalism, robbery, theft and illegal drugs, among many other types of incidents. See attached summaries of police calls.

If Kennesaw were to adopt this ordinance, then every adjacent or adjoining owner of any future PBSH development will suffer a significant detriment, damage or injury, and would, therefore, be deprived of the reasonable use and enjoyment of their property. This ordinance has no reasonable relationship to the public health, safety or welfare of Kennesaw's residents, and would deprive adjacent and adjoining owners of their due process and equal protection rights afforded to them under Georgia's (and the United States') Constitution.

For the foregoing reasons, and those stated in opposition to the 1465 Shiloh Road development, we respectfully submit that the Mayor and Council should reject this questionable and hastily conceived spot zoning ordinance.

Sincerely,
**GREGORY, DOYLE, CALHOUN
& ROGERS, LLC**


Richard W. Calhoun, Esq.
For the Firm

CC: Derek Easterling, Mayor
Tracey Viars, Council Post 2
Chris Henderson, Council Post 4
Darryl Simmons, Planning and Zoning Administrator
Doug Dillard, Esq.
75 Wade Green Business Association, Inc.

PETITION

01410000 7.00PM

254 have signed. Let's get to 500!

Kennesaw Neighbors of KSU started this petition to Kennesaw City Council and 6 others

We need to stop the out of control growth of High Density Housing in areas that it will harm existing residents safety, quality of life and home values.

PETITION TO THE MAYOR AND COUNCIL OF KENNESAW

For the following reasons, the undersigned residents ask that you vote "NO" on the proposed "Purpose Built Student Housing" zoning ordinance, and the related rezoning application by Fountain

Residential Partners for 1465 Shiloh Road.

1. Under the current Covid-19 circumstances, which may extend for an indefinite time, a proposal to create a special zoning classification for a student housing development on the perimeter of an established single-family subdivision such as Pinetree Country Club is simply a bad idea.

2. As shown by Kennesaw's own police department records, Kennesaw's two existing student housing projects, U Club and West 22, are extraordinary drains on the city's resources, each having accounted for an average of over 200 police calls every year for the last 3 years, for noise complaints, drunkenness, assaults, illegal drugs, thefts, robberies, burglaries, discharging firearms, rapes, and suicide attempts, and other incidents.

The wisdom of creating an additional venue for such irresponsible behavior, in these precarious times, and at the entrance to a stable single-family subdivision, is questionable.

3. Kennesaw's proposed "purpose built student housing" ("PBSH") ordinance fails to include even the most basic community protections found in Cobb County's PBSH ordinance, which Kennesaw's was purportedly modeled after:

(a) Kennesaw's proposed ordinance does not merely create a new permitted use, it creates an entirely new zoning district.

(b) Worse yet, under Kennesaw's proposed ordinance, no special land use permit is required, unlike Cobb County's PBSH ordinance.

(c) Under Cobb County's PBSH ordinance, a PBSH project can only be located in a regional activity center in a Regional Activity Center such as the Cumberland/Galleria or Town Center Mall areas.

(d) Under Kennesaw's proposed ordinance, a PBSH project can spring up in any of several land use categories, and answers to such questions as:

"whether or not there will be a significant adverse effect on the neighborhood";

"whether or not the use is compatible with the neighborhood";

"whether or not the quiet enjoyment of the surrounding property will be adversely affected"; and

"whether or not the property values of surrounding property will be adversely affected"

are not required as they are under Cobb County's Special Land Use Permit procedure.

4. Density under Kennesaw's proposed ordinance is also figured differently than it is in Cobb County. Under Kennesaw's density calculations, the project proposed for 1465 Shiloh Road would be the equivalent of 27 dwelling units per acre if calculated the same way density is calculated under Cobb County's ordinance.

5. Kennesaw and its neighbors have absorbed enough of KSU's housing issues and collateral damage to its communities. This proposed new zoning category and its related rezoning application for 1465 Shiloh Road are a terrible idea and should be voted down entirely.

Start a petition of your own

Start a petition of your own

This petition starter stood up and took action. Will you do the same?

Start a petition

Updates

1 week ago

250 supporters

1 month ago

Kennesaw Neighbors of KSU started this petition

Reasons for signing



Susan Munoz · 1 month ago

I live on Frey Lake Rd and cannot let my children play in the front yard out of fear for the careless driving for which the KSU Students are almost solely responsible. Our neighbor's mailbox was hit by a car one afternoon when the kids and I were outside. I watched as the car headed directly for the mailbox only to try to avoid it at the last second knocking... [Read more](#)

1.

Report



Brad Durham · 1 month ago

I live on Frey Lake Road and do not want additional student housing built. Our Pinetree Neighborhood streets has turned into a quick cut for traffic from units on Cherokee and we have seen speeders, illegal



David Munoz

3 weeks ago

As my wife mentioned below, Frey Lake RD has frequent speeders with little regard for the rules of the road. This past August my kindergarten son and I were on his practice bus ride before school began. When we returned to our stop his bus driver stopped the bus and extended the flashing... Read more

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Thanks for adding your voice.



Shari Brewer

4 weeks ago

I am a home owner in this area and chose this location because of its quaint "Southern small town" feel. We have enough student housing projects that continue to congest our area and the noise level has also increased. Kennesaw continues to lose its appeal as these type of housing projects... Read more

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Thanks for adding your voice.



Heather Corry

4 weeks ago

I live in Pinetree Country Club with 3 small children and do not like the KSU cut thru traffic.

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[Report](#)

Thanks for adding your voice.



Bob Zeman

4 weeks ago

High Density Housing is NOT a good idea for Kennesaw.

-
- 0

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[Report](#)

Thanks for adding your voice.



Anthony Taliercio

4 weeks ago

There is already too much traffic on our back streets. We don't have sidewalks. It's very dangerous to walk on the road due to the traffic. This will lead to an increase of traffic!

-
- 0

Share

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[Report](#)

Thanks for adding your voice.



Andrea Lyter

4 weeks ago

I moved to Kennesaw in 1997 and the expansion in my area in the last year is alarming! The small charm town is being over come by development where ever there is space. There is enough housing for KSU students and for other. We don't need or want anymore! Please stop destroying this beautiful town!

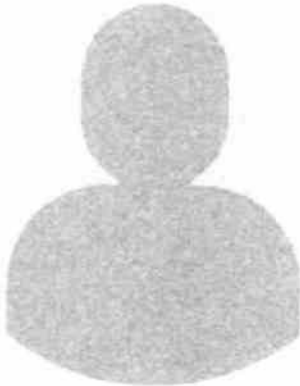
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Thanks for adding your voice.



Susan Munoz

4 weeks ago

I live on Frey Lake Rd and cannot let my children play in the front yard out of fear for the careless driving for which the KSU Students are almost solely responsible. Our neighbor's mailbox was hit by a car one afternoon when the kids and I were outside. I watched as the car headed directly... Read more

•
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Thanks for adding your voice.



Brad Durham

4 weeks ago

I live on Frey Lake Road and do not want additional student housing built. Our Pinetree Neighborhood streets has turned into a quick cut for traffic from units on Cherokee and we have seen speeders, illegal parking and running stop signs.

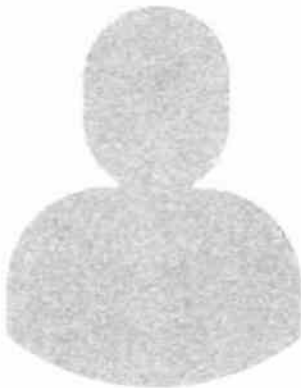
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Thanks for adding your voice.



Shanna Trahan

4 weeks ago

This development is unsafe for me, my neighbors and the students.

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Report

COMPANY

About

Impact

Signatures

Name	Location	Date
KC Hamill	US	2020-05-01
Lonnie Roberts	kennesaw, GA	2020-05-01
Shanna Trahan	Kennesaw, GA	2020-05-01
Helen Haugen	Kennesaw, GA	2020-05-01
Linda Morris	Kennesaw, GA	2020-05-01
Dianne Hunter	Atlanta, GA	2020-05-01
Joe PEARCY	Kennesaw, GA	2020-05-01
Cecile Richmond	Kennesaw, GA	2020-05-01
Brad Durham	Kennesaw, GA	2020-05-01
Rita Flynn	Kennesaw, GA	2020-05-01
Barry Miller	Acworth, GA	2020-05-01
Roger DePuy	Kennesaw, GA	2020-05-01
William Hicks	Kennesaw, GA	2020-05-01
Jessica Jones	Kennesaw, GA	2020-05-01
Ronald Richmond	Kennesaw, GA	2020-05-01
Karyn Stockwell	Kennesaw, GA	2020-05-01
Doug Waite	Marietta, GA	2020-05-01
Ricardo Zampatti	Acworth, GA	2020-05-01
KENNETH CHAMPION	Kennesaw, GA	2020-05-01
Ann Stiber	Marietta, GA	2020-05-01

Name	Location	Date
Sue Witzke	Acworth, GA	2020-05-01
William Heath	Kennesaw, GA	2020-05-01
Dennis McKeon	Kennesaw, GA	2020-05-01
Arthur Ward	Kennesaw, GA	2020-05-01
Sharitza Munoz	Kennesaw, GA	2020-05-01
John Isenhour	Kennesaw, GA	2020-05-01
Norman Conway	Kennesaw, GA	2020-05-01
Nevaeh Myers	US	2020-05-01
Craig O'Brien	US	2020-05-01
Justin Boggs	Kennesaw, GA	2020-05-01
yolanda matthews	phoenix, US	2020-05-01
Leximar Fernandez	San Juan, US	2020-05-01
Jane McHugh	Cleveland, US	2020-05-01
Aundrea Mozzone	Cornelius, US	2020-05-01
Andrea Rolando	La Salle, US	2020-05-01
Sheri Hann	Hidden Valley Lake, US	2020-05-01
Marnie Palang	Cedar City, US	2020-05-01
Yvette Scott	Chicago, US	2020-05-01
Brian Martin	Vail, US	2020-05-01
Srinivas Chavala	Maryville, US	2020-05-01
maya jameson	Stuttgart, US	2020-05-01
Skye Decker	Oshkosh, US	2020-05-01

Name	Location	Date
Darren Garcia	Los Angeles, US	2020-05-01
Martell Nelson	Toledo, US	2020-05-01
Karen Gonzales	Northridge, US	2020-05-01
Chenhao Li	Philadelphia, US	2020-05-01
Linda Serda	Fremont, US	2020-05-01
dawn Oleary	Saint Paul, US	2020-05-01
Roy Carver	Tshwane, US	2020-05-01
Justin Herrera	Los Gatos, US	2020-05-01
Jaden Smith	Albany, US	2020-05-01
Shari Sparrow	Quincy, US	2020-05-01
Brianna Olivas	Santa Fe, US	2020-05-01
Dina Lacugna	Fairfield, US	2020-05-01
Makeda Laurent	Brooklyn, US	2020-05-01
Phoebe Chase	Saratoga, US	2020-05-01
Hi Bai	Doha, US	2020-05-01
Symphony Robinson	Sylmar, US	2020-05-01
radia mechlih	Ypsilanti, US	2020-05-01
Jayla Graham	Orlando, US	2020-05-01
Riley Roy	Coventry, US	2020-05-01
Megan Hulsy	Torrance, US	2020-05-01
Fhsorb Ndjaoen	Arlington Heights, US	2020-05-01
Alanna Battle	Columbus, US	2020-05-01

Name	Location	Date
Emily Banana	Hi, US	2020-05-01
Jemel Hubbard	Washington, US	2020-05-01
Spencer Rich	Burbank, US	2020-05-01
Ron Sonesen	Ocala, US	2020-05-01
sammi a	sammi city, US	2020-05-01
john vacalopoulos	Orlando, US	2020-05-01
Christian Sanchez	Santa Fe, US	2020-05-01
Jessica Hernandez	Bronx, US	2020-05-01
Brenden Cabreja	Bronx, US	2020-05-01
Desiree Rieger	Mount Vernon, US	2020-05-01
Angelique Miles	Saint Paul, US	2020-05-01
MaKayla Chico	Overton, US	2020-05-01
Giratt Molina	Fleming Island, FL	2020-05-01
katie lunds	kenosha, US	2020-05-01
Annmarie Howell	Jacksonville, US	2020-05-01
Ian Mentzer	US	2020-05-01
Ana Aran	Tomball, US	2020-05-01
Dianne McPherson	Kennesaw, GA	2020-05-01
Laurie Bottino	Kennesaw, GA	2020-05-01
Tim Brown	Kennesaw, GA	2020-05-01
Ronda Porta	Kennesaw, GA	2020-05-01
Susan Munoz	Kennesaw, GA	2020-05-01

Name	Location	Date
Michael Tyrell	Acworth, GA	2020-05-01
Andrea Lyter	atlanta, GA	2020-05-01
Ryan Lee	Kennesaw, GA	2020-05-01
Nancy Hightower	Kennesaw, GA	2020-05-01
Suzanne Napolitano	Smithtown, NY	2020-05-01
Britt K Pearce	Kennesaw, GA	2020-05-01
Lorraine Tyrell	Marietta, GA	2020-05-01
James Musgrave	Kennesaw, GA	2020-05-01
Margaret Franklin	Kennesaw, GA	2020-05-01
Jean Myers	Kennesaw, GA	2020-05-01
Ostin Tan	Kennesaw, GA	2020-05-01
Jay and Julia Lauer	Kennesaw, GA	2020-05-01
James chang	Kennesaw, GA	2020-05-01
Shuwha Chang	Kennesaw, GA	2020-05-01
Anthony Taliercio	Smyrna, GA	2020-05-01
Claire Abdelshahid	Toronto, Canada	2020-05-01
Jo Ann Durham	Kennesaw, GA	2020-05-01
John Deveikis	Acworth, GA	2020-05-01
John Franks	Marietta, GA	2020-05-01
Phyllis Jones	Kennesaw, GA	2020-05-02
Patricia Campbell	Kennesaw, GA	2020-05-02
Marie Easley	Kennesaw, GA	2020-05-02

Name	Location	Date
Sherran Reeves	Kennesaw, GA	2020-05-02
Patricia Stamps	Kennesaw, GA	2020-05-02
Adam Kaluba	Burleson, TX	2020-05-02
Richard Easley	Kennesaw, GA	2020-05-02
Tim Pinder	Honolulu, HI	2020-05-02
Brenda Choi	Las Vegas, NV	2020-05-02
Shirley Stockton	Kennesaw, GA	2020-05-02

WEST 22
&
U-CLUB
POLICE CALLS

3995 Frey Rd

Record List - Total:650

Incident	Nature	Area	Agency	Reported	Disposition	Complainant
2003-0935	WELFARE CHECK	B	KENN	03:16:13 03/30/20	ACT	
2003-0640	THREATS	B	KENN	16:43:34 03/18/20	ACT	
2003-0623	CONTACT PERSON	B	KENN	02:43:21 03/18/20	ACT	
2003-0599	STOLEN VEHICLE	B	KENN	10:04:11 03/17/20	ACT	
2003-0597	DOMESTIC DISPUT	B	KENN	09:25:09 03/17/20	CLO	
2003-0428	VANDALISM/DAMAG	B	KENN	11:45:10 03/12/20	ACT	
2003-0374	AUTO ACCIDENT		KENN	22:34:32 03/10/20	CLO	
2003-0225	AUTO ACCIDENT	B	KENN	18:55:33 03/06/20	CLO	
2003-0134	CONTACT PERSON	B	KENN	13:22:19 03/04/20	ACT	
2002-0949	THEFT	B	KENN	13:31:02 02/27/20	CLO	
2002-0924	DOMESTIC DISPUT	B	KENN	18:35:13 02/26/20	ACT	
2002-0835	NOISE COMPLAINT		KENN	23:53:15 02/23/20	CLO	
2002-0806	NOISE COMPLAINT	B	KENN	02:57:47 02/23/20	ACT	
2002-0647	ILLEGAL PARKING		KENN	20:31:45 02/18/20	CLO	
2002-0515	NOISE COMPLAINT		KENN	00:45:42 02/15/20	CLO	
2002-0434	UNWELCOME VISIT	B	KENN	23:02:34 02/12/20	ACT	
2002-0237	AUTO ACCIDENT	B	KENN	15:44:22 02/07/20	CLO	
2002-0148	VANDALISM/DAMAG	B	KENN	11:47:50 02/05/20	ACT	
2002-0048	THEFT	B	KENN	16:31:33 02/02/20	ACT	
2001-1057	NOISE COMPLAINT	B	KENN	23:00:20 01/30/20	ACT	
2001-1051	NOISE COMPLAINT		KENN	20:36:25 01/30/20	CLO	
2001-0991	ILLEGAL PARKING		KENN	09:25:43 01/29/20	CLO	
2001-0979	NOISE COMPLAINT	B	KENN	23:17:41 01/28/20	ACT	
2001-0905	ILLEGAL DRUGS		KENN	02:07:24 01/27/20	UNF	
2001-0875	ROBBERY	B	KENN	00:04:50 01/26/20	ACT	
2002-0385	PERSON ARMED	B	KENN	00:04:00 01/26/20	ACT	WILLIAMS, MATTHEW EVAN
2001-0758	NOISE COMPLAINT	B	KENN	01:11:26 01/23/20	ACT	
2001-0757	NOISE COMPLAINT		KENN	00:17:14 01/23/20	UNF	
2001-0738	FORGERY	B	KENN	17:49:37 01/22/20	ACT	
2001-0699	THREATS	B	KENN	20:27:42 01/21/20	ACT	
2001-0616	ASSAULT	B	KENN	02:53:08 01/19/20	INA	
2001-0581	STOLEN VEHICLE	B	KENN	08:29:47 01/18/20	INA	
2001-0572	ALCOHOL VIOLATI	B	KENN	00:27:59 01/18/20	ACT	
2001-0569	NOISE COMPLAINT		KENN	23:58:30 01/17/20	CLO	
2001-0510	WELFARE CHECK	B	KENN	11:45:35 01/16/20	CLO	
2001-0509	AUTO ACCIDENT	B	KENN	10:40:23 01/16/20	CLO	
2001-0374	WELFARE CHECK	B	KENN	03:12:36 01/12/20	ACT	
2001-0372	BUSINESS DISPUT	B	KENN	01:34:10 01/12/20	ACT	
2001-0252	BUSINESS DISPUT	B	KENN	15:39:20 01/08/20	ACT	
2001-0231	ILLEGAL DRUGS	B	KENN	00:56:32 01/08/20	ACT	
2001-0223	HARASSING/OBSCE	B	KENN	18:07:59 01/07/20	CLO	
2001-0187	BUSINESS DISPUT	B	KENN	18:07:26 01/06/20	ACT	
2001-0066	FIGHT	B	KENN	01:01:10 01/03/20	INA	REFUSED,
1912-1014	VANDALISM/DAMAG		KENN	04:22:39 12/29/19	UNF	
1912-0858	CONTACT PERSON	B	KENN	10:51:05 12/24/19	CLO	
1912-0848	WELFARE CHECK	B	KENN	01:07:42 12/24/19	ACT	
1912-0737	PERSON SCREAMIN	B	KENN	02:09:48 12/21/19	ACT	
1912-0726	NOISE COMPLAINT		KENN	22:36:32 12/20/19	CLO	
1912-0718	MISSING PERSON	B	KENN	17:21:13 12/20/19	ACT	
1912-0606	Found Property	B	KENN	00:11:11 12/18/19	ACT	
1912-0506	WELFARE CHECK		KENN	06:05:06 12/15/19	UNF	
1912-0465	SICK CALL	B	KENN	05:23:25 12/14/19	ACT	
1912-0335	NOISE COMPLAINT		KENN	00:15:03 12/10/19	CLO	
1912-0218	NOISE COMPLAINT		KENN	01:44:41 12/07/19	CLO	
1912-0201	TRESPASSING	B	KENN	17:40:00 12/06/19	CAA	
1912-0180	UNWELCOME VISIT	B	KENN	10:30:51 12/06/19	ACT	

1912-0133	Found Property	B	KENN	10:06:36 12/05/19	CLO	WALKER, HANNAH VICTORIA
1912-0075	CONTACT PERSON	B	KENN	14:37:15 12/03/19	ACT	
1911-0986	CONTACT PERSON	B	KENN	10:13:11 11/26/19	CLO	
1911-0974	WELFARE CHECK	B	KENN	01:04:38 11/26/19	ACT	
1911-0962	CONTACT PERSON	B	KENN	16:30:06 11/25/19	ACT	
1911-0901	SUSPICIOUS PERS		KENN	21:41:20 11/23/19	UNF	
1911-0733	VANDALISM/DAMAG	B	KENN	15:45:42 11/19/19	ACT	
1911-0729	ILLEGAL PARKING		KENN	14:54:51 11/19/19	CLO	
1911-0726	VANDALISM/DAMAG	B	KENN	12:40:03 11/19/19	ACT	
1911-0710	ILLEGAL DRUGS		KENN	00:57:27 11/19/19	CLO	
1911-0648	CONTACT PERSON	B	KENN	16:17:15 11/17/19	ACT	
1911-0627	NOISE COMPLAINT	B	KENN	01:26:40 11/17/19	ACT	
1911-0593	ILLEGAL DRUGS		KENN	05:05:57 11/16/19	UNF	
1911-0284	BOLO		KENN	19:55:21 11/07/19	CLO	
1911-0087	NOISE COMPLAINT		KENN	01:58:49 11/03/19	CLO	
1911-0047	STEALING OF/FRO	B	KENN	04:11:00 11/02/19	INA	
1911-0044	DISCHARGING FIR	B	KENN	02:22:29 11/02/19	INA	
1911-0010	NOISE COMPLAINT		KENN	04:25:34 11/01/19	UNF	
1911-0007	WELFARE CHECK	B	KENN	03:25:47 11/01/19	ACT	
1911-0006	NOISE COMPLAINT		KENN	02:25:13 11/01/19	CLO	
1911-0004	NOISE COMPLAINT		KENN	01:17:09 11/01/19	CLO	
1911-0003	NOISE COMPLAINT		KENN	01:06:01 11/01/19	CLO	CALDWELL, CHLOE
1910-1069	NOISE COMPLAINT		KENN	23:18:53 10/30/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1910-0913	FIRE		KENN	17:15:34 10/26/19	CLO	LEVIN, DANA
1910-0872	FORGERY	B	KENN	18:41:14 10/25/19	CLO	
1910-0835	VANDALISM/DAMAG	B	KENN	14:04:11 10/24/19	ACT	BAILEY, MADISON TAYLOR
1910-0732	WANTED PERSON		KENN	17:16:03 10/21/19	CNL	BAGWELL, STEPHEN PAUL
1910-0728	UNWELCOME VISIT	B	KENN	15:51:19 10/21/19	CAA	BROWN, JAMILES ANTUANE
1910-0706	HARASSING/OBSCE	B	KENN	00:18:04 10/21/19	ACT	CONCERNED CITIZEN (DO NOT CHANGE), J
1910-0678	SUSPICIOUS PERS	B	KENN	04:20:37 10/20/19	ACT	
1910-0668	NOISE COMPLAINT		KENN	00:07:08 10/20/19	CLO	
1910-0649	PERSON DRUNK	B	KENN	03:39:49 10/19/19	ACT	CONCERNED CITIZEN (DO NOT CHANGE), J
1910-0503	SUSPICIOUS AUTO	B	KENN	00:34:52 10/15/19	ACT	
1910-0502	PERSON DRUNK	B	KENN	00:02:35 10/15/19	ACT	
1910-0500	NOISE COMPLAINT		KENN	23:32:33 10/14/19	CLO	COBB COUNTY DISPATCH, CONCERNED CITIZEN (DO NOT CHANGE), J
1910-0430	CONTACT PERSON		KENN	00:52:23 10/13/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1910-0392	ILLEGAL DRUGS		KENN	01:22:36 10/12/19	UNF	CONCERNED CITIZEN (DO NOT CHANGE), J
1910-0341	HIT AND RUN	B	KENN	17:01:54 10/10/19	CLO	SMITH, ALIYAH
1910-0290	DISCHARGING FIR		KENN	22:43:15 10/08/19	UNF	KENNESAW STATE UNIVERSITY,
1910-0244	ILLEGAL PARKING		KENN	15:24:53 10/07/19	CLO	
1910-0224	WELFARE CHECK	B	KENN	02:47:07 10/07/19	ACT	
1910-0216	ILLEGAL DRUGS		KENN	17:18:51 10/06/19	CLO	THOMPSON, LUKE
1910-0113	THEFT	B	KENN	20:35:03 10/03/19	INA	
1910-0084	VANDALISM/DAMAG		KENN	03:42:58 10/03/19	CLO	
1910-0072	DISCHARGING FIR		KENN	22:26:23 10/02/19	UNF	BURNS, T
1909-1147	NOISE COMPLAINT		KENN	00:39:08 09/29/19	CLO	
1909-1143	NOISE COMPLAINT	B	KENN	23:20:56 09/28/19	CAA	

3015 Frey Rd

1909-1106	WELFARE CHECK	B	KENN	02:13:38 09/28/19	ACT	
1909-1104	NOISE COMPLAINT		KENN	23:52:32 09/27/19	CLO	
1909-1090	SUSPICIOUS AUTO		KENN	18:49:19 09/27/19	CLO	PIERCE, MCKAYLA
1909-1062	NOISE COMPLAINT		KENN	01:21:24 09/27/19	UNF	
1909-1015	AUTO ACCIDENT	B	KENN	16:55:50 09/25/19	CLO	
1909-1011	AUTO ACCIDENT	B	KENN	13:41:28 09/25/19	CLO	COBB COUNTY DISPATCH,
1909-0999	AUTO ACCIDENT	B	KENN	06:37:20 09/25/19	CLO	COBB COUNTY DISPATCH,
1909-0918	THEFT	B	KENN	00:25:30 09/23/19	INA	
1909-0890	NOISE COMPLAINT		KENN	01:34:13 09/22/19	CLO	
1909-0686	NOISE COMPLAINT		KENN	23:27:49 09/16/19	CLO	COBB COUNTY DISPATCH,
1909-0673	CONTACT PERSON	B	KENN	17:21:32 09/16/19	CLO	
1909-0628	SUSPICIOUS PERS		KENN	17:30:43 09/15/19	CLO	PENLAND, TRAEVIN
1909-0625	VANDALISM/DAMAG		KENN	16:49:17 09/15/19	CLO	SMITH, ALEXIS DANASHIA REFUSED,
1909-0602	NOISE COMPLAINT		KENN	23:53:29 09/14/19	CLO	
1909-0567	VANDALISM/DAMAG	B	KENN	07:51:32 09/14/19	CLO	
1909-0544	VANDALISM/DAMAG	B	KENN	18:54:21 09/13/19	ACT	
1909-0519	VANDALISM/DAMAG	B	KENN	21:27:48 09/12/19	ACT	
1909-0500	CONTACT PERSON	B	KENN	10:44:49 09/12/19	CLO	KENT, SHANELLE ROSHELLE
1909-0391	VANDALISM/DAMAG	B	KENN	18:04:33 09/09/19	ACT	
1909-0331	HARASSING/OBSCE	B	KENN	15:10:57 09/08/19	INA	MCMULLEN, MYA
1909-0327	STEALING OF/FRO	B	KENN	13:12:59 09/08/19	INA	OVIEDO, SAMANTHA TIGREEN, TIM
1909-0306	NOISE COMPLAINT		KENN	00:19:13 09/08/19	CLO	
1909-0266	UNWELCOME VISIT	B	KENN	04:12:13 09/07/19	ACT	
1909-0129	VANDALISM/DAMAG	B	KENN	14:44:35 09/04/19	INA	WASHINGTON, ISAIAH
1909-0101	SUSPICIOUS PERS	B	KENN	22:19:39 09/03/19	ACT	
1909-0007	PERSON DRUNK	B	KENN	03:23:15 09/01/19	ACT	
1908-1236	NOISE COMPLAINT		KENN	01:34:11 08/31/19	CLO	KONKOV, ANTHONY MITCHELL
1908-1101	WELFARE CHECK		KENN	01:44:13 08/28/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1908-1002	VANDALISM/DAMAG	B	KENN	14:57:51 08/25/19	CLO	WHITE, BRIAN
1908-0986	NOISE COMPLAINT		KENN	03:36:33 08/25/19	UNF	
1908-0890	SUSPICIOUS PERS		KENN	00:54:29 08/23/19	CLO	PIERCE, MCKAYLA
1908-0888	SUICIDE ATTEMPT	B	KENN	22:27:16 08/22/19	ACT	
1908-0882	NOISE COMPLAINT		KENN	21:01:33 08/22/19	UNF	
1908-0666	NOISE COMPLAINT		KENN	02:30:58 08/18/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1908-0664	NOISE COMPLAINT		KENN	00:46:44 08/18/19	CLO	
1908-0592	AUTO ACCIDENT	B	KENN	11:43:00 08/16/19	CLO	EUBANKS, MACKENZIE
1908-0533	AUTO ACCIDENT	B	KENN	16:00:36 08/14/19	CLO	
1908-0426	NOISE COMPLAINT		KENN	23:56:37 08/11/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1908-0411	AUTO ACCIDENT	B	KENN	13:35:01 08/11/19	CLO	STURDIVANT, OCTAVIA E
1908-0039	SUSPICIOUS AUTO		KENN	01:20:19 08/02/19	CLO	
1907-1136	ILLEGAL DRUGS	B	KENN	17:51:52 07/31/19	ACT	WALKER, HANNAH VICTORIA
1907-0953	THEFT	B	KENN	16:24:41 07/26/19	INA	
1907-0915	DEMENTED PERSON	B	KENN	17:48:23 07/25/19	ACT	
1907-0621	DEMENTED PERSON	B	KENN	18:33:12 07/17/19	ACT	CONCERNED CITIZEN (DO NOT

3995 Hwy Rd

CHANGE), J

1907-0537	VANDALISM/DAMAG	B	KENN	15:42:26 07/15/19	INA	
1907-0458	NOISE COMPLAINT		KENN	01:38:10 07/13/19	CLO	
1907-0345	HARASSING/OBSCE	B	KENN	02:52:38 07/10/19	INA	SCHNEIDER, ARIEL WU
1907-0314	SUSPICIOUS PERS		KENN	01:26:55 07/09/19	CLO	MCGHEE, JEREMY QUANTEE
1907-0287	AUTO ACCIDENT	B	KENN	10:08:34 07/08/19	CLO	BELL,
1907-0281	NOISE COMPLAINT		KENN	04:03:02 07/08/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1907-0217	PERSON DRUNK	B	KENN	02:30:39 07/06/19	ACT	
1907-0191	ADMINISTRATIVE		KENN	15:41:58 07/05/19	CLO	FORSYTH COUNTY SO,
1906-1061	DOMESTIC DISPUT	B	KENN	00:39:04 06/28/19	ACT	
1906-0989	ILLEGAL DRUGS	B	KENN	23:32:04 06/25/19	CAA	MCGHEE, JEREMY QUANTEE
1906-0985	NOISE COMPLAINT		KENN	21:43:50 06/25/19	UNF	ARCHIE, TONI MICHELLE
1906-0834	SUSPICIOUS PERS		KENN	01:26:11 06/22/19	CLO	
1906-0771	BUSINESS DISPUT	B	KENN	18:45:33 06/20/19	ACT	PHILLIPS, MALIK
1906-0454	VANDALISM/DAMAG	B	KENN	14:43:50 06/12/19	ACT	
1906-0424	CONTACT PERSON	B	KENN	14:28:55 06/11/19	CLO	
1906-0204	WANTED PERSON	B	KENN	09:08:46 06/06/19	CAA	
1906-0108	NOISE COMPLAINT		KENN	23:54:42 06/03/19	CLO	REFUSED,
1906-0039	FIREWORKS		KENN	22:16:34 06/01/19	UNF	
1905-1236	BURGLARY	B	KENN	00:58:29 05/31/19	ACT	
1905-1152	ILLEGAL DRUGS	B	KENN	01:43:30 05/29/19	CAA	MCGHEE, JEREMY QUANTEE
1905-1148	ILLEGAL DRUGS	B	KENN	23:02:59 05/28/19	CLO	MORINARO, LOGAN
1905-1005	DEMENTED PERSON	B	KENN	12:36:27 05/25/19	CAA	KONKOV, ANTHONY
1905-0982	NOISE COMPLAINT		KENN	23:37:02 05/24/19	CLO	
1905-0910	NOISE COMPLAINT		KENN	21:54:23 05/22/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1905-0828	AUTO ACCIDENT		KENN	19:19:45 05/20/19	CLO	REYNOLDS, DERRICK
1905-0776	NOISE COMPLAINT		KENN	19:17:20 05/19/19	CLO	
1905-0744	NOISE COMPLAINT		KENN	20:45:11 05/18/19	CLO	REFUSED,
1905-0622	SUSPICIOUS PERS		KENN	04:39:57 05/16/19	CLO	
1905-0618	WELFARE CHECK		KENN	00:30:55 05/16/19	CLO	
1905-0615	ILLEGAL DRUGS	B	KENN	22:16:06 05/15/19	CAA	REFUSED,
1905-0599	WELFARE CHECK	B	KENN	17:01:10 05/15/19	ACT	KENNEDY, ALLISON
1905-0577	NOISE COMPLAINT		KENN	00:03:19 05/15/19	CLO	REFUSED,
1905-0571	WELFARE CHECK		KENN	21:48:34 05/14/19	UNF	
1905-0379	BUSINESS DISPUT	B	KENN	11:54:15 05/10/19	ACT	
1905-0318	ILLEGAL DRUGS	B	KENN	22:19:46 05/08/19	ACT	
1905-0288	NOISE COMPLAINT		KENN	00:30:13 05/08/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1905-0192	FIGHT	B	KENN	16:30:27 05/05/19	ACT	COURSHON, LAUREN
1905-0169	DEMENTED PERSON	B	KENN	05:05:55 05/05/19	ACT	
1905-0089	NOISE COMPLAINT		KENN	23:28:17 05/02/19	CLO	SALAKO, ADUNNI VASHTA
1904-1095	NOISE COMPLAINT		KENN	00:05:31 04/30/19	UNF	REFUSED,
1904-1083	AUTO ACCIDENT	B	KENN	18:47:42 04/29/19	CLO	
1904-0889	THREATS	B	KENN	08:56:41 04/25/19	CAA	SMITH, CASSIDY CAROLINE
1904-0881	SUSPICIOUS PERS	B	KENN	22:25:49 04/24/19	ACT	COBB COUNTY DISPATCH,

1904-0793	AUTO ACCIDENT	B	KENN	15:45:06 04/22/19	ACT	
1904-0747	THEFT	B	KENN	12:41:30 04/21/19	CLO	KEITH, JASMINE
1904-0721	MISSING PERSON	B	KENN	16:19:06 04/20/19	CLO	
1904-0697	CONTACT PERSON	B	KENN	21:41:03 04/19/19	ACT	
1904-0623	NOISE COMPLAINT		KENN	02:27:22 04/18/19	UNF	
1904-0573	DOMESTIC DISPUT	B	KENN	07:30:47 04/17/19	CAA	COBB COUNTY DISPATCH,
1904-0476	DEMENTED PERSON	B	KENN	15:44:00 04/14/19	ACT	BRIDGES, EVAN LAWRENCE
1904-0456	NOISE COMPLAINT	B	KENN	00:17:51 04/14/19	ACT	
1904-0420	NOISE COMPLAINT		KENN	02:07:02 04/13/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1904-0419	ASSAULT	B	KENN	01:30:02 04/13/19	ECV	GATES, AUDRIANNA
1904-0418	STRANDED MOTORI		KENN	00:54:29 04/13/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1904-0408	WELFARE CHECK		KENN	20:28:53 04/12/19	CLO	
1904-0369	SUSPICIOUS PERS	B	KENN	03:52:56 04/12/19	ACT	BRIDGES, EVAN LAWRENCE
1904-0325	NOISE COMPLAINT		KENN	23:11:47 04/10/19	CLO	MULIDA, MADISON
1904-0233	DOMESTIC DISPUT	B	KENN	10:21:27 04/08/19	CAA	
1904-0080	VANDALISM/DAMAG	B	KENN	20:05:47 04/03/19	ACT	JARRETTE, DESI DE
1904-0078	SICK CALL	B	KENN	19:12:07 04/03/19	ACT	
1903-0825	NOISE COMPLAINT		KENN	01:38:20 03/24/19	CLO	
1903-0821	WELFARE CHECK		KENN	22:46:25 03/23/19	CLO	
1903-0757	WELFARE CHECK		KENN	04:56:24 03/22/19	UNF	
1903-0628	VANDALISM/DAMAG	B	KENN	16:05:08 03/18/19	CLO	
1903-0596	NOISE COMPLAINT		KENN	23:47:42 03/17/19	UNF	
1903-0595	DOMESTIC DISPUT		KENN	22:52:35 03/17/19	CLO	STEKETEE, N J
1903-0594	SUSPICIOUS PERS		KENN	22:22:56 03/17/19	UNF	U CLUB,
1903-0262	NOISE COMPLAINT		KENN	01:52:10 03/09/19	CLO	
1903-0261	NOISE COMPLAINT		KENN	01:36:45 03/09/19	CLO	
1903-0233	NOISE COMPLAINT		KENN	00:08:57 03/08/19	CLO	
1903-0203	WELFARE CHECK	B	KENN	03:00:58 03/07/19	ACT	COBB COUNTY DISPATCH,
1903-0164	THEFT	B	KENN	17:23:17 03/05/19	INA	MASSIE, TOBIN
1903-0140	MISSING PERSON	B	KENN	19:59:28 03/04/19	CLO	COURSHON, LAUREN
1903-0114	SICK CALL		KENN	22:52:27 03/03/19	CLO	COBB COUNTY DISPATCH,
1903-0091	NOISE COMPLAINT		KENN	04:02:08 03/03/19	UNF	
1902-0850	ALARM-AUDIBLE	B	KENN	23:55:32 02/24/19	ACT	DIGITAL TECHNOLOGIES,
1902-0842	AUTO ACCIDENT	B	KENN	19:40:01 02/24/19	CLO	
1902-0657	BURGLARY	B	KENN	11:16:16 02/19/19	INA	ROSENBERG, JARED
1902-0512	ILLEGAL DRUGS		KENN	15:15:14 02/14/19	UNF	KONKOV, ANTHONY
1902-0442	THEFT	B	KENN	17:21:32 02/12/19	CAA	HODGES, CIARA L
1902-0403	NOISE COMPLAINT	B	KENN	22:47:12 02/11/19	ACT	UCLUB,
1902-0394	STEALING OF/FRO	B	KENN	18:19:36 02/11/19	ACT	SMITH, GABRIELLE CHRISTINE
1902-0171	BUSINESS DISPUT		KENN	11:54:54 02/05/19	CLO	RYDER, JACOB
1901-1032	SUSPICIOUS PERS		KENN	23:50:38 01/28/19	CLO	
1901-0999	ALARM-AUDIBLE		KENN	06:49:04 01/28/19	CLO	
1901-0965	SUSPICIOUS AUTO		KENN	01:37:25 01/27/19	CLO	BOBO, NICHOLAS L
1901-0964	NOISE COMPLAINT		KENN	01:08:29 01/27/19	CLO	COBB COUNTY DISPATCH,

1901-0939	WELFARE CHECK	B	KENN	09:31:19 01/26/19	CLO	
1901-0911	STEALING OF/FRO	B	KENN	16:42:45 01/25/19	ACT	BROCKMANN, LAURA M
1901-0867	NOISE COMPLAINT		KENN	19:51:50 01/24/19	CLO	COBB COUNTY DISPATCH, UCLUB,
1901-0764	ALARM-AUDIBLE		KENN	09:16:25 01/21/19	UNF	
1901-0757	ALARM-AUDIBLE	B	KENN	01:57:01 01/21/19	ACT	
1901-0678	ALARM-AUDIBLE		KENN	20:55:37 01/18/19	CLO	DIGITAL TECHNOLOGIES,
1901-0652	PERSON DRUNK	B	KENN	04:06:40 01/18/19	ACT	
1901-0617	HIT AND RUN	B	KENN	00:26:12 01/17/19	CAA	HWANG, GILYEON
3621	HIT AND RUN		MTTA	00:26:12 01/17/19	ACT	HWANG, GILYEON
1901-0616	SUICIDE ATTEMPT	B	KENN	23:28:32 01/16/19	ACT	KSU PD,
1901-0569	VANDALISM/DAMAG	B	KENN	22:26:10 01/15/19	ACT	
1901-0414	ALARM-AUDIBLE	B	KENN	18:09:56 01/11/19	ACT	DIGITAL TECHNOLOGY, BARBER, FARRELL
1901-0361	THEFT	B	KENN	11:38:49 01/10/19	INA	
1901-0344	NOISE COMPLAINT		KENN	00:58:15 01/10/19	CLO	
1901-0330	AUTO ACCIDENT	B	KENN	16:25:08 01/09/19	CLO	COBB COUNTY DISPATCH, COBB COUNTY DISPATCH,
1901-0311	WELFARE CHECK		KENN	22:59:28 01/08/19	CLO	
1812-1019	SUSPICIOUS AUTO	B	KENN	13:23:28 12/29/18	CLO	
1812-0820	ALARM-AUDIBLE	B	KENN	19:43:21 12/22/18	ACT	DIGITAL TECHNOLOGY, MOSES, TASHAYLA
1812-0805	STEALING OF/FRO	B	KENN	09:01:23 12/22/18	INA	ARROYO-ROIG, GABRIEL A
1812-0777	THEFT	B	KENN	15:00:32 12/21/18	ACT	COBB COUNTY DISPATCH, COBB COUNTY DISPATCH, WARD, SIRLANEY
3591	SICK CALL		CCPD	01:08:36 12/17/18	ACT	
1812-0598	SICK CALL	B	KENN	01:08:36 12/17/18	ACT	
1812-0401	DEMENTED PERSON	B	KENN	13:01:25 12/11/18	ACT	
3584	AUTO ACCIDENT		CCPD	10:29:03 12/11/18	ACT	
1812-0387	NOISE COMPLAINT		KENN	20:28:50 12/10/18	CLO	
1812-0273	SUSPICIOUS PERS	B	KENN	04:55:04 12/08/18	ACT	KONTE, MBARE
1812-0272	PERSON INJURED	B	KENN	04:15:24 12/08/18	CAA	DOTSON, CODY P
1812-0270	NOISE COMPLAINT		KENN	03:39:35 12/08/18	CLO	BASS, KLARK
1811-0973	WELFARE CHECK	B	KENN	01:40:12 11/28/18	ACT	COBB COUNTY DISPATCH,
3572	BUSINESS DISPUT		CCPD	15:05:08 11/26/18	ACT	
1811-0921	HARASSING/OBSCE	B	KENN	15:05:08 11/26/18	CLO	
1811-0893	BOLO		KENN	02:16:27 11/26/18	CLO	COBB COUNTY DISPATCH, MCDUFFIE, CHRISTINA
1811-0625	SUSPICIOUS PERS	B	KENN	23:14:36 11/16/18	ACT	JOACHIM, NASIR DAQUAN
1811-0459	CONTACT PERSON	B	KENN	02:39:30 11/13/18	ACT	
1811-0180	STREET HAZARD		KENN	10:57:52 11/05/18	UNF	
1811-0162	NOISE COMPLAINT	B	KENN	01:13:46 11/05/18	ACT	
1811-0139	SUSPICIOUS PERS		KENN	03:03:25 11/04/18	CLO	
1811-0048	PERSON SCREAMIN		KENN	23:35:09 11/01/18	CLO	COBB CO DISPATCH, COBB COUNTY DISPATCH, U CLUB, MCDUFFIE, CHRISTINA
1810-1016	BUSINESS DISPUT	B	KENN	03:18:31 10/28/18	ACT	
1810-1004	NOISE COMPLAINT		KENN	21:50:29 10/27/18	CLO	
1810-0902	STEALING OF/FRO	B	KENN	10:45:12 10/25/18	INA	
1810-0871	VANDALISM/DAMAG	B	KENN	09:54:34 10/24/18	ACT	
1810-0825	WELFARE CHECK	B	KENN	00:57:32 10/23/18	ACT	
1810-0799	CONTACT PERSON	B	KENN	11:38:44 10/22/18	ACT	
1810-0779	WELFARE CHECK		KENN	16:59:31 10/21/18	CLO	
1810-0739	VANDALISM/DAMAG	B	KENN	16:15:01 10/20/18	ACT	COBB COUNTY

3945 Fresh Rd

1810-0686	UNWELCOME VISIT	B	KENN	06:37:53 10/19/18	ACT	DISPATCH, COBB COUNTY
1810-0572	NOISE COMPLAINT		KENN	00:06:47 10/16/18	CLO	DISPATCH, MALONEY, FRANKLYN
1810-0571	NOISE COMPLAINT		KENN	23:45:58 10/15/18	CLO	TAYLOR, SARAH ELIZABETH
1810-0446	CONTACT PERSON	B	KENN	14:21:53 10/12/18	ACT	MEADE, MATTHEW G
1810-0444	CONTACT PERSON		KENN	13:56:37 10/12/18	CLO	
1810-0416	CONTACT PERSON		KENN	22:31:51 10/11/18	CLO	
1810-0391	STEALING OF/FRO	B	KENN	15:02:12 10/11/18	INA	FORLINI, CHASE
1810-0302	FIREWORKS		KENN	19:33:40 10/09/18	CLO	THORNE, MIRANDS
1810-0142	FORGERY	B	KENN	09:35:50 10/05/18	ACT	WIGGINS, MIYA
1810-0126	THEFT	B	KENN	20:18:14 10/04/18	UNF	BARRY, JACOB
1810-0109	DOMESTIC DISPUT	B	KENN	12:43:42 10/04/18	CAA	COBB COUNTY DISPATCH,
1810-0092	AUTO ACCIDENT		KENN	17:57:25 10/03/18	CLO	
1810-0064	VANDALISM/DAMAG	B	KENN	16:34:58 10/02/18	CLO	
1809-1117	PERSON SCREAMIN		KENN	04:11:28 09/30/18	UNF	CONCERNED CITIZEN (DO NOT CHANGE), J
1809-1054	DISORDERLY PERS	B	KENN	19:59:14 09/28/18	CAA	
1809-1029	VANDALISM/DAMAG	B	KENN	10:19:20 09/28/18	ACT	STARKS, ARRIEL
1809-0845	NOISE COMPLAINT		KENN	23:03:49 09/22/18	CLO	COBB COUNTY DISPATCH, WILLIS, KAITLYN
1809-0765	CONTACT PERSON	B	KENN	13:44:29 09/21/18	CLO	
1809-0440	SICK CALL	B	KENN	18:32:46 09/13/18	CLO	
1809-0420	VANDALISM/DAMAG	B	KENN	10:24:16 09/13/18	ACT	RUNEARE, SAVANAH MAE
1809-0418	VANDALISM/DAMAG	B	KENN	10:00:32 09/13/18	ACT	
1809-0409	CONTACT PERSON	B	KENN	23:45:44 09/12/18	ACT	LUCAS, DESTINY
1809-0336	WELFARE CHECK	B	KENN	00:44:05 09/11/18	ACT	
1809-0334	ALARM-AUDIBLE	B	KENN	23:36:10 09/10/18	ACT	U CLUB,
1809-0194	NOISE COMPLAINT		KENN	20:16:36 09/06/18	CLO	
1809-0030	UNWELCOME VISIT		KENN	00:43:28 09/02/18	CNL	
1809-0002	NOISE COMPLAINT		KENN	00:47:59 09/01/18	CLO	
1808-1185	ILLEGAL DRUGS	B	KENN	23:57:33 08/31/18	CAA	
1808-1175	HIT AND RUN	B	KENN	20:23:57 08/31/18	CLO	SNOWDEN, AARON MATTHEW
1808-0969	AUTO ACCIDENT	B	KENN	11:41:58 08/27/18	CLO	COBB COUNTY DISPATCH,
1808-0927	THEFT	B	KENN	15:35:56 08/26/18	INA	BELL, JESSICA DALLAS
1808-0654	BOLO		KENN	19:57:48 08/19/18	CLO	COBB COUNTY DISPATCH,
1808-0617	NOISE COMPLAINT		KENN	22:18:58 08/18/18	UNF	
1808-0519	AUTO ACCIDENT	B	KENN	15:22:22 08/16/18	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1808-0468	AUTO ACCIDENT	B	KENN	19:57:04 08/14/18	CLO	BASS, KLARKE
1808-0372	AUTO ACCIDENT	B	KENN	13:22:38 08/12/18	CLO	MARQUES, SYDNEY
1808-0225	WELFARE CHECK	B	KENN	00:32:01 08/08/18	CLO	
1808-0075	BUSINESS DISPUT	B	KENN	09:27:34 08/03/18	ACT	NAYLOR, KEION
1807-0896	ASSAULT	B	KENN	14:13:25 07/23/18	ACT	
1807-0814	NOISE COMPLAINT		KENN	17:50:39 07/21/18	CLO	
1807-0732	WELFARE CHECK		KENN	22:05:52 07/19/18	UNF	REFUSED,
1807-0549	ROBBERY	B	KENN	22:45:23 07/14/18	INA	
1807-0293	ILLEGAL DRUGS	B	KENN	00:02:17 07/08/18	CAA	
1807-0168	ROBBERY	B	KENN	10:14:15 07/05/18	CAA	JOSEPH, DODLEY CHON
1806-1026	BUSINESS DISPUT	B	KENN	02:26:14 06/26/18	ACT	CULLEN,

GABRIELLE

COBB COUNTY
DISPATCH,

LEDYARD, ANN

U CLUB,
DALTON, DYLANU CLUB,
WILLIAMS,
CHRISTOPHER
KING, AMBERJENKINS-OWENS,
BELINDACONCERNED
CITIZEN (DO NOT
CHANGE), JBOLES, SETH
MERRIMAN, LILY
JAY

U CLUB,

COBB COUNTY
DISPATCH,
REFUSED,DIGITAL
TECHNOLOGIES,
COBB COUNTY
DISPATCH,
NGALLEY, PAULCOBB COUNTY
DISPATCH,
NGALLE, PAUL NISAAK, MARTIN T
CARPIO, ANDREA
MOTON,
ALEXANDRIA
ELIZABETH-CARLL
COBB COUNTY
DISPATCH,
EGONA,
NICHOLASVARGAS, ARYANA
BROWN, SHAVON
MALONEY,
FRANKLYNCOBB COUNTY
DISPATCH,
ATLANTA POLICE
DISPATCH,

1806-0926	NOISE COMPLAINT		KENN	04:26:20 06/23/18	CLO
1806-0898	HARASSING/OBSCE	B	KENN	12:35:25 06/22/18	INA
1806-0785	CONTACT PERSON		KENN	14:33:45 06/19/18	CLO
1806-0695	ILLEGAL DRUGS	B	KENN	01:25:57 06/17/18	ACT
1806-0671	AUTO ACCIDENT	B	KENN	17:36:40 06/16/18	CLO
1806-0521	NOISE COMPLAINT	B	KENN	01:34:59 06/13/18	CLO
1806-0147	HIT AND RUN	B	KENN	12:13:14 06/04/18	CLO
1806-0127	NOISE COMPLAINT		KENN	22:58:39 06/03/18	CLO
1806-0051	THEFT	B	KENN	11:13:31 06/02/18	INA
1805-1176	UNWELCOME VISIT	B	KENN	22:17:57 05/30/18	ACT
1805-1121	FORGERY	B	KENN	20:11:18 05/29/18	CLO
1805-0938	UNWELCOME VISIT	B	KENN	03:20:12 05/24/18	CAA
1805-0512	WELFARE CHECK	B	KENN	10:10:47 05/13/18	ACT
1805-0325	VANDALISM/DAMAG	B	KENN	16:53:42 05/09/18	CLO
1805-0272	WELFARE CHECK		KENN	23:48:46 05/07/18	CNL
1805-0191	NOISE COMPLAINT		KENN	01:33:37 05/06/18	CLO
1804-1017	AUTO ACCIDENT	B	KENN	17:49:16 04/26/18	CLO
1804-0904	VANDALISM/DAMAG	B	KENN	19:15:44 04/23/18	INA
1804-0891	HIT AND RUN	B	KENN	14:20:11 04/23/18	CLO
1804-0868	WELFARE CHECK	B	KENN	17:53:20 04/22/18	CLO
1805434	WELFARE CHECK		AWTH	17:53:20 04/22/18	
1804-0843	CONTACT PERSON	B	KENN	22:48:48 04/21/18	ACT
1804-0698	AUTO ACCIDENT	B	KENN	18:36:39 04/18/18	CLO
1804-0530	UNWELCOME VISIT	B	KENN	14:48:47 04/14/18	ACT
1804-0487	DOMESTIC DISPUT		KENN	17:04:12 04/13/18	CLO
1804-0332	ILLEGAL DRUGS	B	KENN	21:36:18 04/09/18	CAA
1803-0967	ALARM-AUDIBLE	B	KENN	01:39:37 03/27/18	ACT
1803-0628	NOISE COMPLAINT	B	KENN	00:46:29 03/18/18	ACT
1803-0535	UNWELCOME VISIT	B	KENN	18:09:27 03/15/18	CLO
1803-0464	NOISE COMPLAINT		KENN	00:58:45 03/14/18	UNF
1803-0265	ANIMAL INVESTIG		KENN	01:03:02 03/08/18	UNF
1803-0259	HARASSING/OBSCE	B	KENN	22:22:04 03/07/18	INA
1803-0247	911 HANGUP		KENN	15:36:12 03/07/18	CLO
1803-0188	CONTACT PERSON		KENN	12:32:57 03/06/18	CLO
1803-0161	CONTACT PERSON		KENN	10:35:14 03/05/18	CLO
1803-0037	NOISE COMPLAINT		KENN	01:56:40 03/02/18	CLO
1802-0852	ALCOHOL VIOLATI	B	KENN	02:09:06 02/24/18	CAA
1802-0851	NOISE COMPLAINT		KENN	01:41:44 02/24/18	CLO
1802-0748	AUTO ACCIDENT	B	KENN	17:51:32 02/21/18	CLO
1802-0697	STEALING OF/FRO	B	KENN	10:15:55 02/20/18	CLO
1802-0694	STEALING OF/FRO	B	KENN	08:52:26 02/20/18	INA
1802-0677	DOMESTIC STANDB	B	KENN	16:14:40 02/19/18	ACT
1802-0610	FORGERY	B	KENN	11:16:40 02/17/18	CLO
1802-0556	DRUNK IN AUTO	B	KENN	02:11:42 02/16/18	ACT
1802-0546	DEMENTED PERSON	B	KENN	21:06:56 02/15/18	CLO
1802-0510	RAPE	B	KENN	01:39:30 02/15/18	UNF

1802-0448	WELFARE CHECK	B	KENN	16:42:34 02/13/18	ACT	WILSON, LATRICE LANAE
1802-0385	VANDALISM/DAMAG	B	KENN	14:30:08 02/11/18	INA	OUTHAVOUMG, AUSTIN
3446	ANIMAL INVESTIG		CCPD	13:48:50 02/10/18	ACT	COBB COUNTY DISPATCH,
1802-0349	ANIMAL INVESTIG		KENN	13:48:50 02/10/18	CLO	COBB COUNTY DISPATCH,
1802-0339	NOISE COMPLAINT		KENN	01:39:22 02/10/18	CLO	MULIDA, MADISON
1802-0066	AUTO ACCIDENT		KENN	11:59:16 02/02/18	CLO	
1802-0005	DOMESTIC DISPUT	B	KENN	04:11:30 02/01/18	ACT	WILLIAMS, OLIVIA
1801-0997	STRANDED MOTORI		KENN	08:53:21 01/29/18	CLO	COBB COUNTY DISPATCH,
1801-0949	DOMESTIC DISPUT	B	KENN	14:39:14 01/27/18	ACT	COBB COUNTY DISPATCH,
1801-0925	HIT AND RUN	B	KENN	22:12:17 01/26/18	INA	ROSS, JOHN
1801-0885	UNWELCOME VISIT		KENN	21:53:47 01/25/18	CNL	U CLUB,
1801091	UNWELCOME VISIT		AWTH	21:53:47 01/25/18		U CLUB,
1801-0884	BUSINESS DISPUT	B	KENN	21:53:21 01/25/18	ACT	BUCHANAN, KAYA
1801-0798	ILLEGAL PARKING		KENN	15:30:54 01/23/18	CLO	
1801-0740	UNWELCOME VISIT		KENN	22:22:14 01/21/18	CLO	BUCHANAN, TEHYA ISABELLA
1801-0592	ALARM-AUDIBLE	B	KENN	18:16:06 01/17/18	ACT	DIGITAL TECHNOLOGIES,
1801-0588	VANDALISM/DAMAG	B	KENN	15:21:30 01/17/18	INA	
1801-0471	DOMESTIC DISPUT	B	KENN	20:57:34 01/13/18	ACT	COBB COUNTY DISPATCH,
1801-0388	NOISE COMPLAINT		KENN	01:39:39 01/12/18	CLO	REFUSED,
3435	VANDALISM/DAMAG		CCPD	13:33:16 01/11/18	ACT	WILLIAMS, OLIVIA
1801-0358	VANDALISM/DAMAG		KENN	13:33:16 01/11/18	CLO	WILLIAMS, OLIVIA
1801-0347	SICK CALL	B	KENN	05:14:15 01/11/18	CLO	COBB COUNTY DISPATCH,
1801-0291	ILLEGAL DRUGS		KENN	16:31:24 01/09/18	UNF	SEYMOUR, JACOB
1801-0281	VANDALISM/DAMAG	B	KENN	11:09:08 01/09/18	ACT	WILLIAMS, OLIVIA JENTISE
1801-0189	UNWELCOME VISIT	B	KENN	11:09:44 01/06/18	ACT	UCLUB,
1712-1148	BUSINESS DISPUT		KENN	12:26:08 12/30/17	UNF	STARR, GLENN CURTISS
1712-1140	PERSON DOWN	B	KENN	04:03:21 12/30/17	ACT	COBB COUNTY,
1712-1133	SUSPICIOUS PERS		KENN	22:59:03 12/29/17	CLO	GATES, AUDRIANNA
1712-0944	FIGHT	B	KENN	10:36:25 12/23/17	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1712-0935	VANDALISM/DAMAG	B	KENN	05:10:19 12/23/17	CAA	HARRISON, TARONDA
1712-0925	DEMENTED PERSON	B	KENN	22:32:07 12/22/17	ACT	COBB COUNTY DISPATCH,
1712-0880	CONTACT PERSON		KENN	19:07:55 12/21/17	CLO	WORTHY, TAMARA*
1712-0532	STEALING OF/FRO	B	KENN	20:14:08 12/12/17	INA	COBB COUNTY DISPATCH,
1712-0498	WELFARE CHECK		KENN	18:42:33 12/11/17	CLO	COBB COUNTY DISPATCH,
1712-0380	DOMESTIC DISPUT	B	KENN	21:32:32 12/08/17	CAA	
1712-0279	ASSAULT	B	KENN	10:55:23 12/07/17	INA	BLACKSHEAR, DE'CHONTE MALIAH
1712-0150	HARASSING/OBSCE	B	KENN	12:27:49 12/04/17	ACT	
1712-0109	HARASSING/OBSCE	B	KENN	01:49:35 12/03/17	CLO	
1712-0105	NOISE COMPLAINT		KENN	00:24:36 12/03/17	UNF	COBB COUNTY,
1712-0056	NOISE COMPLAINT		KENN	01:39:03 12/02/17	CLO	COBB COUNTY DISPATCH,
1712-0049	UNWELCOME VISIT	B	KENN	21:42:14 12/01/17	CLO	CONCERNED

3995 Frey Rd

Case Number	Description	Category	Agency	Time	Date	Status	Officer
1711-1127	WELFARE CHECK		KENN	19:39:26	11/30/17	CLO	CITIZEN (DO NOT CHANGE), J
1711-0978	AUTO ACCIDENT		KENN	15:06:54	11/26/17	CLO	COBB COUNTY,
1711-0837	CONTACT PERSON		KENN	07:47:46	11/22/17	CLO	
1711-0833	SUSPICIOUS PERS	B	KENN	01:32:33	11/22/17	CLO	LINCH, SIERRA
1711-0809	STEALING OF/FRO	B	KENN	14:03:24	11/21/17	INA	
1711-0801	STEALING OF/FRO	B	KENN	10:15:27	11/21/17	INA	LYNCH, CIERA NICOLE
1711-0628	WANTED PERSON		KENN	23:12:00	11/16/17	CLO	POLICARPIO, LIGAYA SARBIDA
1711-0523	WANTED PERSON	B	KENN	14:48:36	11/14/17	CAA	
1711-0500	NOISE COMPLAINT		KENN	23:25:08	11/13/17	UNF	COBB COUNTY DISPATCH,
1711-0387	UNWELCOME VISIT	B	KENN	18:57:59	11/10/17	ACT	BLACKSHEAI, DESCHONTE
1711-0333	CONTACT PERSON	B	KENN	14:52:59	11/09/17	ACT	
1711-0332	DISORDERLY PERS	B	KENN	14:51:39	11/09/17	CAA	
1711-0318	PERSON DRUNK		KENN	07:29:01	11/09/17	CLO	COBB COUNTY DISPATCH,
1711-0294	BURGLARY	B	KENN	12:22:57	11/08/17	CAA	ERVIN, VINCENT
1711-0279	THEFT	B	KENN	20:50:34	11/07/17	INA	RASA, BRENTON
1711-0276	CONTACT PERSON		KENN	19:12:20	11/07/17	CLO	COBB COUNTY DISPATCH,
3413	STEALING OF/FRO		CCPD	16:48:33	11/07/17	ACT	HOWARD, LAYLA ROSE
1711-0270	STEALING OF/FRO	B	KENN	16:48:33	11/07/17	INA	HOWARD, LAYLA ROSE
3411	THEFT		CCPD	13:27:54	11/07/17	ACT	COBB COUNTY DISPATCH,
1711-0256	THEFT		KENN	13:27:54	11/07/17	CLO	COBB COUNTY DISPATCH,
1711-0250	STEALING OF/FRO		KENN	12:36:44	11/07/17	CLO	
1711-0174	ASSAULT	B	KENN	05:06:18	11/05/17	INA	
1711-0165	NOISE COMPLAINT		KENN	21:20:03	11/04/17	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1711-0131	FIGHT		KENN	00:22:50	11/04/17	CLO	
1711-0063	VANDALISM/DAMAG	B	KENN	15:47:48	11/02/17	ACT	JONES, NIGEL
1711-0042	SUSPICIOUS PERS		KENN	23:34:59	11/01/17	CLO	COBB COUNTY DISPATCH,
1710-1204	NOISE COMPLAINT		KENN	22:44:41	10/29/17	CLO	REFUSED,
3408	CONTACT PERSON		CCPD	19:42:03	10/29/17	ACT	HUFF, TONIKA
1710-1199	CONTACT PERSON	B	KENN	19:42:03	10/29/17	ACT	HUFF, TONIKA
1710-1149	NOISE COMPLAINT		KENN	04:09:11	10/28/17	CLO	ANONYMOUS,
3406	NOISE COMPLAINT		KSU	01:24:33	10/28/17	ACT	COBB COUNTY DISPATCH,
1710-1111	911 HANGUP	B	KENN	14:41:43	10/27/17	ACT	UCLUB,
1710-0997	WELFARE CHECK		KENN	21:57:17	10/24/17	CLO	U CLUB,
1710-0983	STOLEN VEHICLE		KENN	15:36:27	10/24/17	CNL	COBB COUNTY DISPATCH,
1710-0879	VANDALISM/DAMAG	B	KENN	23:11:08	10/21/17	ACT	
1710-0860	AUTO ACCIDENT	B	KENN	14:03:31	10/21/17	CLO	
1710-0857	ASSAULT	B	KENN	13:33:13	10/21/17	INA	Rawls Gardner, Antasia
1710-0777	SUSPICIOUS PERS		KENN	23:22:13	10/19/17	CLO	REFUSED,
1710-0737	AUTO ACCIDENT	B	KENN	22:55:22	10/18/17	CLO	PEARSON, JASMINE
1710-0699	CONTACT PERSON		KENN	00:05:55	10/18/17	CLO	COBB COUNTY DISPATCH,
1710-0658	ILLEGAL PARKING		KENN	22:17:26	10/16/17	CLO	U CLUB,
1710-0649	FIGHT	B	KENN	17:51:58	10/16/17	ACT	SKLAR, NICOLE DAWN
1710-0587	NOISE COMPLAINT		KENN	23:59:10	10/14/17	CLO	CONCERNED

3495 Frey Rd

Case Number	Description	Category	Agency	Time	Date	Status	Officer
1710-0548	WANTED PERSON	B	KENN	01:52:56	10/14/17	CAA	CITIZEN (DO NOT CHANGE), J
1710-0546	NOISE COMPLAINT		KENN	00:30:41	10/14/17	CLO	SBALDIGI, G
1710-0489	NOISE COMPLAINT	B	KENN	23:13:55	10/12/17	ACT	COBB COUNTY DISPATCH,
1710-0398	BURGLAR IN RESI	B	KENN	22:28:35	10/10/17	CAA	SILVERBERG, NIKOLAS
1710-0395	FIGHT		KENN	21:19:09	10/10/17	CLO	STEELE, KAIT
1710-0382	BUSINESS DISPUT	B	KENN	17:36:36	10/10/17	CLO	
1710-0309	CONTACT PERSON		KENN	22:50:51	10/08/17	CLO	LOCKAMY, SAMANTHA SHEA
1710-0245	SUSPICIOUS PERS		KENN	02:37:22	10/07/17	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1710-0244	NOISE COMPLAINT		KENN	00:57:06	10/07/17	CLO	THOMAS, GRAYSON
1710-0135	BUSINESS DISPUT	B	KENN	16:13:23	10/04/17	ACT	SPLENSKI, SIOMARA
1710-0115	HARASSING/OBSCE	B	KENN	21:23:27	10/03/17	CLO	TRIMIAR, TAYLOR NICOLE
1710-0096	DEMENTED PERSON	B	KENN	13:52:33	10/03/17	ACT	COBB COUNTY DISPATCH,
1710-0035	NOISE COMPLAINT		KENN	16:48:44	10/01/17	CLO	REFUSED,
1709-1258	ALCOHOL VIOLATI	B	KENN	17:57:54	09/30/17	CAA	JACKSON, ALISA
1709-1211	HARASSING/OBSCE	B	KENN	16:33:18	09/29/17	INA	HAUSBURG, VICTORIA
1709-1178	NOISE COMPLAINT		KENN	23:50:46	09/28/17	CLO	ASHTON
1709-1106	VANDALISM/DAMAG	B	KENN	09:09:03	09/27/17	ACT	ANONYMOUS, PHILLIPS, TYLER
1709-0989	NOISE COMPLAINT		KENN	23:42:27	09/23/17	UNF	CONCERNED CITIZEN (DO NOT CHANGE), J
1709-0863	ILLEGAL DRUGS	B	KENN	00:09:14	09/21/17	CAA	CONCERNED CITIZEN (DO NOT CHANGE), J
1709-0720	SUSPICIOUS PERS	B	KENN	21:24:02	09/17/17	CAA	BELLS, JENNIFER
1709-0684	NOISE COMPLAINT		KENN	00:57:33	09/17/17	CLO	PRICE, SHANISE
1709-0589	BURGLARY	B	KENN	04:07:31	09/15/17	CAA	PLASCENCIA, SIOMARA
1709-0267	VANDALISM/DAMAG	B	KENN	15:51:43	09/07/17	ACT	HOWARD, RACHEAL
1709-0143	BUSINESS DISPUT		KENN	01:18:18	09/04/17	CLO	BRYAN, SANI
3385	NOISE COMPLAINT		KSU	00:31:11	09/03/17	ACT	ANONYMOUS,
1708-1351	ILLEGAL DRUGS		KENN	16:05:55	08/31/17	CLO	SWANSON, JORDAN
1708-1331	PERSON SCREAMIN	B	KENN	04:31:15	08/31/17	CLO	U CLUB,
1708-1286	THREATS	A	KENN	20:19:18	08/29/17	INA	FLOWERS, EMILY
1708-1284	VANDALISM/DAMAG	B	KENN	18:14:08	08/29/17	ACT	SMITH, HANNA
1708-1042	VANDALISM/DAMAG	B	KENN	19:43:18	08/24/17	ACT	MOORE, JORDAN
1708-0997	ILLEGAL DRUGS		KENN	18:19:12	08/23/17	CLO	REFUSED,
1708-0821	ALCOHOL VIOLATI	B	KENN	02:12:36	08/19/17	ACT	MCCONNELL, DUSTIN MICHAEL
1708-0818	NOISE COMPLAINT		KENN	00:54:19	08/19/17	CLO	WARECH, BRETT
1708-0760	NOISE COMPLAINT		KENN	00:59:38	08/18/17	CLO	REFUSED,
1708-0570	THEFT	B	KENN	18:19:11	08/13/17	INA	SPEESE, ERIC
1708-0568	THEFT	B	KENN	17:49:33	08/13/17	INA	NOLAN
1708-0462	CONTACT PERSON		KENN	14:15:50	08/11/17	UNF	
1708-0455	FOUND PROPERTY	B	KENN	12:43:42	08/11/17	ACT	OXFORD, SHANA
1708-0228	SUSPICIOUS PERS	B	KENN	21:59:12	08/05/17	ACT	MCDONALD, CELESTE
3364	BUSINESS DISPUT		CCPD	20:37:30	07/29/17	ACT	GLENN, TENNA
1707-1269	BUSINESS DISPUT		KENN	20:37:30	07/29/17	CLO	GLENN, TENNA
1707-1262	THEFT	B	KENN	15:08:11	07/29/17	CLO	TERRY, REBECCA

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1707-1228	ILLEGAL DRUGS		KENN	17:48:52 07/28/17	UNF	THRELKELD, MARY
1707-1093	BOLO	B	KENN	19:58:09 07/25/17	CLO	COBB COUNTY DISPATCH,
3360	DISCHARGING FIR		KSU	22:35:15 07/22/17	ACT	COBB COUNTY DISPATCH,
3359	WELFARE CHECK		CCPD	21:38:56 07/22/17	ACT	COBB COUNTY DISPATCH,
1707-0977	WELFARE CHECK		KENN	21:38:56 07/22/17	CLO	COBB COUNTY DISPATCH,
1707-0897	UNWELCOME VISIT	B	KENN	02:11:47 07/21/17	ACT	O'BRIEN, M
1707-0894	UNWELCOME VISIT	B	KENN	01:03:13 07/21/17	ACT	TOWNSELL, KAITLYN
3355	TRESPASSING		CCPD	16:30:49 07/18/17	ACT	OXFORD, SHANA
1707-0807	TRESPASSING	B	KENN	16:30:49 07/18/17	ACT	OXFORD, SHANA
1707-0776	BUSINESS DISPUT	B	KENN	01:05:44 07/18/17	ACT	COBB COUNTY DISPATCH,
1707-0610	THEFT	B	KENN	23:44:15 07/13/17	CAA	
1707-0568	THEFT	B	KENN	10:44:47 07/13/17	ACT	TOWNSELL, KAITLYN
1707-0515	NOISE COMPLAINT		KENN	22:18:07 07/11/17	UNF	COBB COUNTY DISPATCH,
1707-0468	DISCHARGING FIR		KENN	00:10:25 07/11/17	CLO	COBB COUNTY DISPATCH,
1707-0351	DISCHARGING FIR	B	KENN	00:09:29 07/08/17	CAA	
1707-0078	ALARM-AUDIBLE		KENN	11:39:35 07/02/17	CLO	COBB COUNTY DISPATCH,
1707-0068	ILLEGAL DRUGS		KENN	00:31:08 07/02/17	UNF	
1707-0064	NOISE COMPLAINT		KENN	00:08:20 07/02/17	CLO	MANNING, CAROLINE
3343	AUTO ACCIDENT		CCPD	19:15:43 06/27/17	ACT	COBB COUNTY DISPATCH,
1706-1073	AUTO ACCIDENT	B	KENN	19:15:43 06/27/17	CLO	COBB COUNTY DISPATCH,
3341	NOISE COMPLAINT		KSU	00:35:55 06/24/17	ACT	ANONYMOUS,
1706-0794	AUTO ACCIDENT	B	KENN	11:57:24 06/21/17	CLO	COBB COUNTY DISPATCH,
1706-0707	NOISE COMPLAINT		KENN	00:45:48 06/19/17	CLO	PERKINS, JEREMY JAMES
1706-0520	THEFT	B	KENN	09:36:38 06/14/17	ACT	VANDIVER, CARL
1706-0463	BUSINESS DISPUT		KENN	18:35:07 06/12/17	UNF	COBB COUNTY DISPATCH,
1706-0422	NOISE COMPLAINT		KENN	18:45:25 06/11/17	CLO	KRONINGER, ALLIE
1706-0395	NOISE COMPLAINT		KENN	23:16:14 06/10/17	CLO	CLARK, TIMOTHY
1706-0299	ANIMAL INVESTIG	B	KENN	00:18:46 06/09/17	ACT	SHUMPERT, RICK C
1706-0298	NOISE COMPLAINT		KENN	23:48:56 06/08/17	CLO	FITZGERALD, MORGAN
1706-0281	DOMESTIC DISPUT	B	KENN	16:09:11 06/08/17	ACT	
3335	THEFT		CCPD	08:54:37 06/08/17	ACT	MONETTE, THOMAS
1706-0264	THEFT	B	KENN	08:54:37 06/08/17	INA	MONETTE, THOMAS
1706-0241	WANTED PERSON	B	KENN	15:45:54 06/07/17	CAA	HELTON, ROBERT D
1706-0112	NOISE COMPLAINT	B	KENN	22:30:59 06/03/17	ACT	U CLUB,
1706-0076	THEFT	B	KENN	21:27:31 06/02/17	ACT	MANNING, DANIEL JOSEPH
3332	NOISE COMPLAINT		CCPD	01:34:26 06/02/17	ACT	MOORE, CONNER
1706-0041	NOISE COMPLAINT		KENN	01:34:26 06/02/17	CLO	MOORE, CONNER
1706-0040	ALARM-AUDIBLE	B	KENN	00:30:32 06/02/17	ACT	BARBER, TAREN
1706-0014	DOMESTIC DISPUT	B	KENN	13:06:43 06/01/17	ACT	
3331	VANDALISM/DAMAG		CCPD	10:35:53 06/01/17	ACT	COBB COUNTY DISPATCH,
1706-0010	VANDALISM/DAMAG	B	KENN	10:35:53 06/01/17	ACT	COBB COUNTY

1705-1330	CONTACT PERSON		KENN	23:55:32 05/31/17	CLO	DISPATCH, EVANS, EMMA
1705-1129	FIGHT	B	KENN	23:06:39 05/26/17	CLO	
1705-1007	ILLEGAL DRUGS		KENN	14:38:44 05/24/17	UNF	REFUSED,
1705-0961	THEFT	B	KENN	16:36:58 05/23/17	INA	KARADE, NANIYA S
1705-0918	CONTACT PERSON		KENN	11:14:59 05/22/17	CLO	
1705-0901	ADMINISTRATIVE	B	KENN	01:17:33 05/22/17	ACT	COBB COUNTY DISPATCH,
1705-0741	BURGLARY	B	KENN	15:39:16 05/18/17	INA	
1705-0730	PERSON ARMED		KENN	08:19:12 05/18/17	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1705-0704	HIT AND RUN	B	KENN	16:45:09 05/17/17	INA	
1705-0687	STEALING OF/FRO	B	KENN	11:27:23 05/17/17	ACT	COBB COUNTY DISPATCH,
1705-0672	DISCHARGING FIR		KENN	23:35:00 05/16/17	CLO	
1705-0601	ALARM-AUDIBLE	B	KENN	07:16:23 05/15/17	CLO	DIGITAL TECHNOLOGIES, KING, JOSH
1705-0564	STEALING OF/FRO	B	KENN	09:03:27 05/14/17	INA	
1705-0510	ALARM-AUDIBLE	B	KENN	00:26:19 05/13/17	CLO	
1705-0471	ALARM-AUDIBLE	B	KENN	23:31:53 05/11/17	ACT	U CLUB,
1705-0341	NOISE COMPLAINT		KENN	01:13:23 05/09/17	CLO	COLE, CHRISTON
1705-0293	THEFT	B	KENN	01:13:53 05/08/17	INA	
1705-0246	NOISE COMPLAINT		KENN	02:16:54 05/07/17	UNF	CONCERNED CITIZEN (DO NOT CHANGE), J
1705-0243	NOISE COMPLAINT		KENN	01:13:48 05/07/17	UNF	REFUSED,
1705-0237	FIRE		KENN	21:31:16 05/06/17	CLO	
1705-0222	ASSAULT	B	KENN	16:30:26 05/06/17	INA	SUMMERVILLE, SARA NOELLE UCLUB,
1705-0002	NOISE COMPLAINT		KENN	00:58:07 05/01/17	CLO	
1704-1165	AUTO ACCIDENT	B	KENN	23:25:51 04/30/17	CLO	
1704-1161	PERSON ARMED		KENN	20:38:33 04/30/17	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1704-1148	VANDALISM/DAMAG	B	KENN	12:18:47 04/30/17	ACT	DOSSANI, NATASHA
1704-1088	NOISE COMPLAINT		KENN	02:05:59 04/29/17	CLO	
1704-1082	ALARM-AUDIBLE	B	KENN	23:26:43 04/28/17	ACT	COBB COUNTY DISPATCH,
1704-1034	ALARM-AUDIBLE	B	KENN	00:55:54 04/28/17	ACT	COBB COUNTY DISPATCH,
1704-1033	NOISE COMPLAINT		KENN	00:28:04 04/28/17	UNF	COBB COUNTY DISPATCH,
1704-0958	NOISE COMPLAINT		KENN	00:06:16 04/26/17	CLO	BARRETT, AMY
1704-0873	DOMESTIC DISPUT	B	KENN	19:47:58 04/23/17	ACT	
1704-0751	SUSPICIOUS PERS		KENN	22:24:51 04/20/17	UNF	ALVAREZ, MICHAEL
3312	DISCHARGING FIR		CCPD	21:17:59 04/19/17	ACT	WOOD, BRITTNEY
1704-0703	DISCHARGING FIR	B	KENN	21:17:59 04/19/17	ACT	WOOD, BRITTNEY
1704-0645	TRESPASSING	B	KENN	11:06:31 04/18/17	INA	WALKER, SHARONDA
1704-0558	UNWELCOME VISIT	B	KENN	00:35:55 04/16/17	ACT	RAY, BRITTANY NICOLE
1704-0543	AUTO ACCIDENT	B	KENN	17:01:46 04/15/17	CLO	DASTUR, KATY
1704-0537	THEFT	B	KENN	14:48:40 04/15/17	INA	
1704-0464	THEFT	B	KENN	14:04:26 04/13/17	INA	COBB COUNTY DISPATCH,
1704-0274	ALARM-AUDIBLE	B	KENN	23:57:33 04/07/17	ACT	COBB COUNTY DISPATCH,
1704-0264	BUSINESS DISPUT	B	KENN	18:28:37 04/07/17	ACT	DUDLEY, EDWARD A
1704-0077	CONTACT PERSON	B	KENN	19:54:04 04/02/17	ACT	

3995 Frey Rd

1704-0001	ALARM-AUDIBLE	B	KENN	00:18:34 04/01/17	ACT	BARBER, PAM
1703-1244	NOISE COMPLAINT		KENN	01:45:20 03/31/17	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1703-1234	ILLEGAL DRUGS		KENN	21:18:24 03/30/17	UNF	HAWKINS, QUANISHA
1703-1036	NOISE COMPLAINT	B	KENN	00:55:27 03/26/17	ACT	ALMOND, RACHEL
1703-1003	NOISE COMPLAINT		KENN	01:19:40 03/25/17	CLO	STEPHENS, KENNEDY
1703-0985	ADMINISTRATIVE		KENN	16:10:46 03/24/17	CLO	Knox, Jeffrey
1703-0972	AUTO ACCIDENT	B	KENN	12:03:58 03/24/17	ACT	ROBERTS, ELIZABETH
1703-0954	NOISE COMPLAINT		KENN	01:24:47 03/24/17	CLO	LEIGH, KATIE
1703-0942	RAPE	B	KENN	20:31:36 03/23/17	CLO	MARIETTA POLICE DEPT,
1703-0869	WANTED PERSON	B	KENN	12:23:06 03/22/17	CAA	WILSON, MATT
1703-0779	THEFT	B	KENN	23:09:18 03/19/17	ACT	JOHNSON, EARLY
1703-0757	ILLEGAL DRUGS	B	KENN	02:09:58 03/19/17	CAA	ALVAREZ, MICHAEL
1703-0751	NOISE COMPLAINT	B	KENN	23:17:00 03/18/17	ACT	REFUSED,
1703-0704	RAPE	B	KENN	00:55:36 03/18/17	CAA	YOUNG, TARA LYNN
1703-0673	AUTO ACCIDENT	B	KENN	13:49:37 03/17/17	CLO	BANKS, ROBERT BAILEY
1703-0650	ALARM-AUDIBLE	B	KENN	00:29:30 03/17/17	ACT	BARBER, PAM
1703-0527	WANTED PERSON	B	KENN	12:29:02 03/14/17	CAA	
1703-0524	UNWELCOME VISIT	B	KENN	11:23:43 03/14/17	ACT	TAYLOR, SARAH ELIZABETH
1703-0467	HARASSING/OBSCE	B	KENN	16:40:29 03/12/17	ACT	YOUNG, ESTER S
1703-0451	NOISE COMPLAINT		KENN	01:28:02 03/12/17	CLO	MCARVER, CHRISTINA
1703-0424	WELFARE CHECK		KENN	02:17:41 03/11/17	UNF	RICKS, RICHARD
1703-0262	DISCHARGING FIR		KENN	18:16:36 03/07/17	UNF	REFUSED,
1703-0219	NOISE COMPLAINT		KENN	02:14:07 03/07/17	CLO	TAYLOR, BRITTANI
1703-0198	VANDALISM/DAMAG	B	KENN	15:28:36 03/06/17	ACT	JOHNSTON, CHRISTY
1703-0155	NOISE COMPLAINT		KENN	00:50:51 03/05/17	CLO	AGUILA, SOCORRO HARO
1703-0152	ALCOHOL VIOLATI	B	KENN	00:26:16 03/05/17	ACT	COLE, CHRISTON
1703-0119	ILLEGAL DRUGS	B	KENN	01:13:31 03/04/17	CAA	
1703-0117	NOISE COMPLAINT		KENN	00:38:19 03/04/17	CLO	U CLUB,
1703-0115	ALARM-AUDIBLE	B	KENN	23:42:42 03/03/17	ACT	BARBER, TARRAN
1702-1102	VANDALISM/DAMAG	B	KENN	16:30:27 02/28/17	ACT	TROYE, BRYAN
1702-1096	ILLEGAL DRUGS	B	KENN	14:52:58 02/28/17	ACT	O'BRIEN, JUSTIN
1702-0994	ADMINISTRATIVE	B	KENN	18:28:09 02/25/17	CLO	BIHARI, ZACHARY T
1702-0919	SUSPICIOUS PERS	B	KENN	21:41:47 02/23/17	ACT	KSU PD,
1702-0821	STEALING OF/FRO	B	KENN	10:14:45 02/21/17	INA	SIUM, ARIAM
1702-0728	NOISE COMPLAINT		KENN	20:59:31 02/18/17	CLO	
1702-0650	WELFARE CHECK	B	KENN	23:32:17 02/16/17	ACT	COBB COUNTY DISPATCH,
1702-0598	VANDALISM/DAMAG	B	KENN	12:00:22 02/15/17	ACT	JOSEPH, KENDALL MONTGOMERY
1702-0583	WELFARE CHECK		KENN	21:18:15 02/14/17	UNF	COBB COUNTY DISPATCH,
1702-0535	BUSINESS DISPUT	B	KENN	15:04:56 02/14/17	ACT	SNYDER, JAMES FREDERICK
1702-0531	WANTED PERSON	B	KENN	12:13:26 02/14/17	CAA	HELTON, ROBERT D
1702-0408	NOISE COMPLAINT		KENN	01:05:43 02/11/17	CLO	ROBERTS, ELIZABETH
1702-0293	ALARM-AUDIBLE	B	KENN	23:25:38 02/08/17	ACT	DIGITAL TECHNOLOGIES,
1702-0226	ILLEGAL DRUGS	B	KENN	00:41:06 02/07/17	CAA	MARTIN, ZOE

3945 Frey Rd

1702-0205	ILLEGAL DRUGS		KENN	12:56:39 02/06/17	UNF	JOHNSON, PARIS
1702-0119	WELFARE CHECK		KENN	02:34:16 02/04/17	CLO	COBB COUNTY DISPATCH,
1702-0072	NOISE COMPLAINT		KENN	00:41:19 02/03/17	CLO	U CLUB,
1702-0066	NOISE COMPLAINT		KENN	22:45:43 02/02/17	UNF	COBB COUNTY DISPATCH,
1702-0044	VANDALISM/DAMAG	B	KENN	07:59:13 02/02/17	INA	JONES, AMANDA
1701-1236	VANDALISM/DAMAG	B	KENN	08:28:35 01/31/17	ACT	DOWNES, TAYLOR
1701-1230	THREATS	B	KENN	21:44:38 01/30/17	INA	
1701-1213	THEFT	B	KENN	15:59:14 01/30/17	INA	SMITH, CHRISTOPHER
1701-1133	THEFT	B	KENN	15:27:02 01/28/17	INA	COBB COUNTY DISPATCH,
1701-1094	ALARM-AUDIBLE		KENN	18:41:11 01/27/17	CNL	DIGITAL TECHNOLOGY,
1701-1073	ILLEGAL DRUGS		KENN	10:08:03 01/27/17	UNF	JOHNSON, PARIS
1701-1068	NOISE COMPLAINT		KENN	03:02:30 01/27/17	UNF	U CLUB,
1701-0911	ILLEGAL DRUGS		KENN	20:24:13 01/22/17	CLO	SALAKO, ADUNNI VASHTA
1701-0907	ILLEGAL DRUGS	B	KENN	19:22:06 01/22/17	ACT	JOHNSON, PARIS
1701-0653	911 HANGUP		KENN	10:14:02 01/17/17	CLO	ACC OP FREY - UCLUB POOL,
1701-0633	ILLEGAL DRUGS	B	KENN	20:13:54 01/16/17	ACT	SALAKO, ADUNNI VASHTA
1701-0570	NOISE COMPLAINT		KENN	23:38:15 01/14/17	CLO	STEVENS, KENNEDY
1701-0507	RAPE	B	KENN	11:49:14 01/13/17	INA	SMITH, TONYA
1701-0422	ILLEGAL DRUGS		KENN	10:30:53 01/11/17	CLO	
1701-0366	VANDALISM/DAMAG	B	KENN	18:14:23 01/09/17	ACT	LEONE, COURTNEY GAIL
1701-0331	ALCOHOL VIOLATI	B	KENN	01:49:50 01/09/17	CAA	AGUILA, SOCORRO HARO
1701-0317	AUTO ACCIDENT		KENN	19:25:39 01/08/17	CLO	BARNES, CORTNEY
3271	AUTO ACCIDENT		CCPD	19:10:40 01/08/17	ACT	BARNES, CORTNEY
1701-0312	AUTO ACCIDENT	B	KENN	18:01:51 01/08/17	CLO	SHAMLEY, JADA
1701-0301	AUTO ACCIDENT	B	KENN	14:17:37 01/08/17	CLO	KIRKLAND, TAYLOR
1701-0165	STOLEN VEHICLE	B	KENN	14:11:10 01/05/17	INA	LOCH, JOSEPH ANTHONY
1701-0085	VANDALISM/DAMAG	B	KENN	12:08:20 01/03/17	CLO	JONES, AMANDA

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Incident	Nature	Area	Agency	Reported	Disposition	Complainant
2003-0868	DOMESTIC DISPUT	B	KENN	14:57:18 03/27/20	ACT	
2003-0824	NOISE COMPLAINT		KENN	17:20:07 03/25/20	CLO	
2003-0786	SUSPICIOUS AUTO	B	KENN	11:25:33 03/23/20	ACT	
2003-0723	ASSAULT	B	KENN	01:55:52 03/21/20	CAA	
2003-0706	NOISE COMPLAINT		KENN	17:15:17 03/20/20	CLO	
2003-0694	PERSON SHOT	B	KENN	09:32:45 03/20/20	ACT	
2003-0684	NOISE COMPLAINT		KENN	21:57:18 03/19/20	CLO	
2003-0673	VANDALISM/DAMAG	B	KENN	16:42:05 03/19/20	ACT	
2003-0559	VANDALISM/DAMAG	B	KENN	16:11:56 03/15/20	ACT	
2003-0486	VANDALISM/DAMAG	B	KENN	17:39:21 03/13/20	ACT	
2003-0425	FORGERY	B	KENN	09:33:50 03/12/20	ACT	
2003-0377	NOISE COMPLAINT		KENN	01:38:54 03/11/20	CLO	
2003-0372	ILLEGAL PARKING	B	KENN	21:42:08 03/10/20	ACT	
2003-0367	ILLEGAL PARKING		KENN	19:02:29 03/10/20	CLO	
2003-0325	NOISE COMPLAINT		KENN	20:04:36 03/09/20	ACT	
2003-0286	DISORDERLY JUV	B	KENN	23:58:10 03/08/20	CJA	
2003-0278	VANDALISM/DAMAG	B	KENN	17:12:46 03/08/20	CLO	
2003-0269	PERSON SCREAMIN	B	KENN	03:24:18 03/08/20	ACT	
2003-0257	NOISE COMPLAINT	B	KENN	20:54:30 03/07/20	UNF	
2003-0028	THEFT	B	KENN	19:49:38 03/01/20	CAA	
2003-0018	THEFT	B	KENN	15:50:06 03/01/20	CLO	
2003-0013	DOMESTIC DISPUT	B	KENN	14:29:36 03/01/20	ACT	
2002-1014	NOISE COMPLAINT		KENN	00:15:26 02/29/20	CLO	
2002-0957	VANDALISM/DAMAG	B	KENN	16:03:32 02/27/20	CLO	
2002-0897	AUTO ACCIDENT	B	KENN	19:53:04 02/25/20	CLO	
2002-0691	NOISE COMPLAINT		KENN	01:28:59 02/20/20	CLO	
2002-0573	VANDALISM/DAMAG	B	KENN	23:16:15 02/16/20	ACT	
2002-0556	SUSPICIOUS PERS	B	KENN	02:19:43 02/16/20	ACT	
2002-0553	FIRE	B	KENN	00:26:32 02/16/20	ACT	
2002-0475	ILLEGAL PARKING		KENN	00:53:26 02/14/20	CLO	
2002-0437	SUSPICIOUS PERS		KENN	01:26:09 02/13/20	UNF	
2002-0294	NOISE COMPLAINT		KENN	02:21:36 02/09/20	CLO	
2002-0278	NOISE COMPLAINT		KENN	15:24:17 02/08/20	CLO	
2002-0258	SUSPICIOUS PERS		KENN	01:04:26 02/08/20	CLO	
2002-0257	NOISE COMPLAINT		KENN	00:27:07 02/08/20	CLO	
2002-0254	NOISE COMPLAINT		KENN	22:26:41 02/07/20	CLO	
2002-0207	SUSPICIOUS PERS	B	KENN	19:37:48 02/06/20	ACT	
2002-0172	WELFARE CHECK	B	KENN	23:09:56 02/05/20	ACT	
2002-0159	VANDALISM/DAMAG	B	KENN	15:44:11 02/05/20	ACT	
2002-0039	SUSPICIOUS PERS	B	KENN	05:33:01 02/02/20	ACT	
2002-0033	BURGLAR IN RESI	B	KENN	01:16:00 02/02/20	INA	
2001-1014	NOISE COMPLAINT		KENN	23:11:37 01/29/20	CLO	
2001-0981	TRAFFIC STOPKPD		KENN	01:17:37 01/29/20	CLO	
2001-0947	AUTO ACCIDENT	B	KENN	11:04:41 01/28/20	CLO	
2001-0941	ILLEGAL PARKING		KENN	08:28:42 01/28/20	CLO	
2001-0901	SUSPICIOUS AUTO		KENN	01:10:00 01/27/20	CLO	
2001-0881	NOISE COMPLAINT		KENN	03:48:42 01/26/20	CLO	
2001-0841	NOISE COMPLAINT		KENN	23:41:15 01/24/20	CLO	
2001-0840	NOISE COMPLAINT		KENN	23:08:36 01/24/20	CLO	
2001-0805	FIGHT	B	KENN	04:47:38 01/24/20	ACT	
2001-0755	NOISE COMPLAINT		KENN	00:04:41 01/23/20	CLO	
2001-0542	VANDALISM/DAMAG	B	KENN	08:05:38 01/17/20	ACT	
2001-0369	NOISE COMPLAINT		KENN	00:06:13 01/12/20	CLO	
2001-0295	DOMESTIC DISPUT		KENN	02:13:10 01/10/20	CLO	
2001-0277	AUTO ACCIDENT		KENN	13:45:39 01/09/20	CLO	
2001-0264	SUSPICIOUS PERS		KENN	23:39:55 01/08/20	CLO	
2001-0246	BOLO		KENN	13:16:45 01/08/20	CLO	

2001-0138	ILLEGAL PARKING		KENN	08:39:14 01/05/20	CLO	
2001-0134	PERSON SCREAMIN		KENN	01:45:47 01/05/20	CLO	
2001-0069	DISCHARGING FIR	B	KENN	02:57:07 01/03/20	ACT	
2001-0036	UNWELCOME VISIT	B	KENN	23:10:43 01/01/20	ACT	
1912-1007	BUSINESS DISPUT	B	KENN	22:45:15 12/28/19	ACT	
1912-0934	AUTO ACCIDENT	B	KENN	16:18:52 12/26/19	CLO	
1912-0871	911 HANGUP		KENN	15:56:46 12/24/19	CLO	
1912-0514	STEALING OF/FRO	B	KENN	12:15:24 12/15/19	INA	
1912-0509	STEALING OF/FRO	B	KENN	09:23:17 12/15/19	INA	
1912-0505	WELFARE CHECK		KENN	06:04:22 12/15/19	CLO	
1912-0461	NOISE COMPLAINT		KENN	00:23:08 12/14/19	CLO	
1912-0431	VANDALISM/DAMAG	B	KENN	00:03:48 12/13/19	INA	
1912-0367	NOISE COMPLAINT		KENN	23:39:29 12/10/19	CLO	
1912-0334	FIRE		KENN	00:04:54 12/10/19	CLO	
1912-0293	SUSPICIOUS PERS		KENN	21:42:48 12/08/19	UNF	
1912-0262	ILLEGAL PARKING		KENN	02:55:35 12/08/19	CLO	
1912-0254	ALCOHOL VIOLATI		KENN	22:31:54 12/07/19	CLO	
1912-0216	NOISE COMPLAINT		KENN	23:40:16 12/06/19	CLO	
1912-0212	DOMESTIC DISPUT	B	KENN	21:37:12 12/06/19	ACT	
1912-0172	ALARM-AUDIBLE		KENN	04:18:33 12/06/19	CLO	
1912-0171	BOLO		KENN	03:10:04 12/06/19	CLO	
1912-0135	WELFARE CHECK	B	KENN	10:36:43 12/05/19	CLO	AMICA, JAMES
1912-0090	WELFARE CHECK		KENN	01:10:39 12/04/19	CLO	
1912-0079	SUSPICIOUS PERS		KENN	17:46:53 12/03/19	CLO	
1912-0067	CONTACT PERSON	A	KENN	10:55:39 12/03/19	ACT	
1912-0028	ALARM-AUDIBLE	B	KENN	08:34:55 12/02/19	ACT	
1912-0012	ALARM-AUDIBLE	B	KENN	17:27:22 12/01/19	ACT	
1911-1063	TRESPASSING	B	KENN	17:00:13 11/28/19	CAA	
1911-0965	MISSING PERSON	B	KENN	17:41:47 11/25/19	CLO	
1911-0667	BURGLARY	B	KENN	01:29:58 11/18/19	INA	
1911-0631	PERSON DOWN		KENN	03:07:37 11/17/19	UNF	
1911-0623	ALCOHOL VIOLATI	B	KENN	23:19:45 11/16/19	CAA	
1911-0613	SUSPICIOUS AUTO		KENN	18:08:52 11/16/19	UNF	
1911-0547	TRESPASSING	B	KENN	05:28:53 11/15/19	ACT	
1911-0546	OPEN WINDOW/DOO	B	KENN	22:29:43 11/14/19	ACT	
1911-0525	BUSINESS DISPUT	B	KENN	09:24:31 11/14/19	ACT	
1911-0490	AUTO ACCIDENT	B	KENN	08:47:57 11/13/19	CLO	
1911-0484	FIRE	B	KENN	02:30:27 11/13/19	ACT	
1911-0425	AUTO ACCIDENT	B	KENN	14:35:22 11/11/19	CLO	
1911-0356	WELFARE CHECK	B	KENN	17:46:07 11/09/19	ACT	
1911-0230	WELFARE CHECK	B	KENN	17:35:57 11/06/19	ACT	COBB COUNTY DISPATCH, CONCERNED CITIZEN (DO NOT CHANGE), J
1911-0223	HIT AND RUN	B	KENN	15:16:44 11/06/19	CAA	
1911-0106	VANDALISM/DAMAG	B	KENN	16:52:08 11/03/19	ACT	
1917473	VANDALISM/DAMAG		AWTH	16:52:08 11/03/19	ACT	
1910-1115	SUSPICIOUS AUTO		KENN	22:34:13 10/31/19	CLO	
1910-1072	NOISE COMPLAINT		KENN	01:11:09 10/31/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1910-1034	NOISE COMPLAINT	B	KENN	01:02:50 10/30/19	ACT	
1910-0945	VANDALISM/DAMAG	B	KENN	12:04:45 10/27/19	ACT	
1910-0786	DISORDERLY PERS	B	KENN	01:42:20 10/23/19	ACT	
1910-0739	WELFARE CHECK		KENN	19:41:29 10/21/19	CLO	
1910-0690	VANDALISM/DAMAG	B	KENN	13:25:50 10/20/19	CLO	WEIR, RICHARD TYLER CONCERNED CITIZEN (DO NOT CHANGE), J
1910-0647	NOISE COMPLAINT	B	KENN	02:36:13 10/19/19	ACT	CONCERNED CITIZEN (DO NOT CHANGE), J
1910-0638	HARASSING/OBSCE	B	KENN	21:47:22 10/18/19	ACT	CONCERNED CITIZEN (DO NOT CHANGE), J

1910-0570	NOISE COMPLAINT		KENN	21:36:16 10/16/19	UNF	GRAHAM, ANDREW KIRKLAND
1910-0546	NOISE COMPLAINT		KENN	23:03:46 10/15/19	CLO	
1910-0514	WELFARE CHECK		KENN	11:13:35 10/15/19	UNF	CONCERNED CITIZEN (DO NOT CHANGE), J
1910-0501	NOISE COMPLAINT		KENN	23:36:44 10/14/19	CLO	
1910-0444	BUSINESS DISPUT	B	KENN	14:33:18 10/13/19	ACT	WALKER, BROOKE
1910-0388	NOISE COMPLAINT		KENN	21:45:08 10/11/19	CLO	
1910-0362	NOISE COMPLAINT		KENN	02:29:54 10/11/19	CLO	
1910-0361	ILLEGAL PARKING		KENN	02:00:50 10/11/19	CLO	
1910-0360	ILLEGAL PARKING		KENN	01:49:30 10/11/19	CLO	MCGHEE, JEREMY QUANTEE
1910-0359	CONTACT PERSON	B	KENN	01:40:16 10/11/19	ACT	
1910-0355	NOISE COMPLAINT		KENN	23:34:31 10/10/19	CLO	
1910-0258	NOISE COMPLAINT		KENN	01:37:48 10/08/19	CLO	
1910-0256	ILLEGAL PARKING		KENN	00:15:05 10/08/19	CLO	
1910-0206	STEALING OF/FRO	B	KENN	13:41:12 10/06/19	INA	ADAMS, ALLISON LOUISE
1910-0190	NOISE COMPLAINT		KENN	22:45:05 10/05/19	CLO	
1910-0117	Found Property		KENN	00:07:24 10/04/19	UNF	
1910-0114	SUSPICIOUS PERS	B	KENN	21:16:57 10/03/19	CAA	
1909-1198	VANDALISM/DAMAG	B	KENN	20:52:47 09/30/19	ACT	
1909-1184	AUTO ACCIDENT	B	KENN	12:29:21 09/30/19	CLO	COBB COUNTY DISPATCH, MCCRORY, JILLIAN SCOTT
1909-1128	ILLEGAL PARKING		KENN	16:02:45 09/28/19	UNF	
1909-0994	ILLEGAL PARKING		KENN	00:44:04 09/25/19	CLO	
1909-0988	NOISE COMPLAINT		KENN	22:10:53 09/24/19	CLO	
1909-0913	ILLEGAL PARKING		KENN	21:01:10 09/22/19	CLO	
1909-0842	NOISE COMPLAINT		KENN	23:44:47 09/20/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1909-0840	BOLO		KENN	22:34:21 09/20/19	CNL	COBB COUNTY DISPATCH,
1909-0807	CONTACT PERSON	B	KENN	23:23:00 09/19/19	ACT	
1909-0805	NOISE COMPLAINT		KENN	22:09:20 09/19/19	CLO	
1909-0286	AUTO ACCIDENT		KENN	14:48:59 09/07/19	CNL	SOWE, MAIMUNA
1909-0285	CONTACT PERSON	B	KENN	14:45:24 09/07/19	CLO	DAVLIN, LAUREN
1909-0207	ILLEGAL PARKING	B	KENN	00:22:31 09/06/19	ACT	
1909-0205	NOISE COMPLAINT		KENN	22:01:17 09/05/19	CLO	HALBROOKS, VELENA
1909-0163	ILLEGAL PARKING		KENN	22:19:31 09/04/19	CLO	FITZPATRICK, KAEMMERLE
1909-0140	DISCHARGING FIR		KENN	18:32:39 09/04/19	UNF	CONCERNED CITIZEN (DO NOT CHANGE), J
1909-0050	NOISE COMPLAINT		KENN	18:07:05 09/02/19	UNF	
1909-0049	ALCOHOL VIOLATI	B	KENN	17:20:39 09/02/19	ACT	
1908-1253	CONTACT PERSON		KENN	14:00:26 08/31/19	UNF	CHAPMAN, JOHN
1908-1244	STEALING OF/FRO	B	KENN	10:50:27 08/31/19	INA	AMMAN, LAUREN
1908-1243	ILLEGAL PARKING		KENN	08:53:29 08/31/19	CLO	BURNS, T
1908-1241	CONTACT PERSON	B	KENN	08:26:09 08/31/19	ACT	CANNON, TYSHON
1908-1238	FIGHT	B	KENN	02:57:53 08/31/19	ACT	CONCERNED CITIZEN (DO NOT CHANGE), J
1908-1197	WELFARE CHECK		KENN	01:32:07 08/30/19	CLO	
1908-1151	WELFARE CHECK		KENN	23:39:21 08/28/19	CLO	
1908-1097	ILLEGAL PARKING	B	KENN	22:13:03 08/27/19	ACT	
1908-1096	ILLEGAL PARKING		KENN	22:12:43 08/27/19	CNL	
1908-1095	ILLEGAL PARKING		KENN	22:11:55 08/27/19	CNL	
1908-1023	ILLEGAL PARKING		KENN	23:06:17 08/25/19	UNF	CONCERNED CITIZEN (DO NOT

1908-1018	PERSON DRUNK	B	KENN	20:48:14 08/25/19	ACT	CHANGE), J COBB COUNTY DISPATCH,
1908-1005	RECKLESS CONDUCT	B	KENN	15:54:31 08/25/19	CLO	BASS, CRYSTAL
1908-0966	TRAFFIC STOP	B	KENN	18:59:46 08/24/19	ACT	MCGHEE, JEREMY QUANTEE
1908-0783	NOISE COMPLAINT		KENN	21:58:40 08/20/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1908-0749	ILLEGAL PARKING		KENN	09:03:25 08/20/19	UNF	CONCERNED CITIZEN (DO NOT CHANGE), J
1908-0745	SUICIDE ATTEMPT	B	KENN	02:56:07 08/20/19	ACT	
1908-0742	ILLEGAL PARKING		KENN	00:13:01 08/20/19	UNF	CONCERNED CITIZEN (DO NOT CHANGE), J
1908-0665	NOISE COMPLAINT		KENN	02:10:11 08/18/19	CLO	
1908-0657	NOISE COMPLAINT		KENN	21:50:44 08/17/19	CLO	GRAHAM, ANDREW KIRKLAND
1908-0595	ILLEGAL PARKING		KENN	13:46:18 08/16/19	UNF	CONCERNED CITIZEN (DO NOT CHANGE), J
1908-0558	UNWELCOME VISIT	B	KENN	13:42:04 08/15/19	CLO	COBB COUNTY DISPATCH,
1908-0517	STEALING OF/FRO	B	KENN	06:52:37 08/14/19	INA	WHITAKER, MEGAN ASHLEIGH
1908-0513	ANIMAL INVESTIG		KENN	23:57:58 08/13/19	CLO	FITZPATRICK, KAEMMERLE
1908-0442	VANDALISM/DAMAG	B	KENN	12:12:06 08/12/19	ACT	SMITH, SUMMER
1908-0397	ILLEGAL PARKING		KENN	21:17:54 08/10/19	CLO	MCCRORY, JILLIAN SCOTT
1907-0896	THEFT		KENN	08:42:35 07/25/19	CNL	EGONA, OGHAE NICHOLAS
1907-0871	THEFT	B	KENN	17:46:20 07/24/19	INA	LICADA, CHET
1907-0619	BUSINESS DISPUT	B	KENN	16:30:50 07/17/19	CLO	
1907-0481	NOISE COMPLAINT		KENN	18:06:34 07/13/19	UNF	GRAHAM, ANDREW KIRKLAND
1907-0454	WELFARE CHECK	B	KENN	00:26:05 07/13/19	ACT	
1907-0407	WANTED PERSON	B	KENN	23:16:01 07/11/19	CAA	SBALDIGI, G
1907-0401	ADMINISTRATIVE		KENN	19:38:56 07/11/19	CLO	KSU PD,
1907-0316	AUTO ACCIDENT	B	KENN	07:21:20 07/09/19	CLO	ROBINSON, PARKER WINSTON
1907-0296	ASSAULT	B	KENN	13:58:52 07/08/19	CLO	HENEGAR, ZACHARY
1906-1146	PERSON DRUNK	B	KENN	21:20:36 06/30/19	ACT	
1906-1096	PERSON SCREAMIN		KENN	02:44:13 06/29/19	UNF	ANONYMOUS,
1906-0991	NOISE COMPLAINT		KENN	00:17:31 06/26/19	UNF	
1906-0636	ANIMAL INVESTIG		KENN	23:22:55 06/16/19	CNL	COBB COUNTY DISPATCH,
1906-0575	ALCOHOL VIOLATI	B	KENN	04:34:36 06/15/19	CLO	
1906-0510	NOISE COMPLAINT		KENN	00:01:42 06/14/19	UNF	WILKERSON, ELI
1906-0442	SUSPICIOUS PERS	B	KENN	09:33:05 06/12/19	CAA	
1906-0434	NOISE COMPLAINT		KENN	00:10:54 06/12/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1906-0410	VANDALISM/DAMAG	B	KENN	11:53:06 06/11/19	INA	NGUYEN, KELLY
1906-0374	HIT AND RUN	B	KENN	12:18:45 06/10/19	CAA	WERNER, JAYDE
1906-0200	NOISE COMPLAINT		KENN	03:56:59 06/06/19	CLO	
1906-0156	NOISE COMPLAINT		KENN	00:53:43 06/05/19	CLO	
1905-1225	VANDALISM/DAMAG	B	KENN	19:42:38 05/30/19	ACT	FIELDS, VICTORIA
1905-1156	SUSPICIOUS PERS		KENN	03:45:40 05/29/19	CLO	BOBO, NICHOLAS L
1905-1155	SUSPICIOUS PERS	B	KENN	03:10:39 05/29/19	ACT	

1905-1149	NOISE COMPLAINT		KENN	23:35:33 05/28/19	UNF	ANONYMOUS,
1905-1118	HIT AND RUN	B	KENN	10:07:21 05/28/19	CLO	JACKSON, CARTER LEE
1905-1095	THEFT	B	KENN	21:21:03 05/27/19	INA	
1905-1090	FIREWORKS		KENN	19:36:34 05/27/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1905-1089	ILLEGAL DRUGS		KENN	19:20:55 05/27/19	CLO	
1905-1087	FIGHT		KENN	19:08:52 05/27/19	CLO	
1905-1081	WELFARE CHECK		KENN	17:10:12 05/27/19	UNF	MOODY, JACOB THOMAS
1905-1053	DOMESTIC DISPUT		KENN	18:30:46 05/26/19	UNF	
1905-1003	WELFARE CHECK	B	KENN	11:08:41 05/25/19	ACT	KRAHL, DAVID PAUL
3707	WELFARE CHECK		METR	11:08:41 05/25/19	ACT	KRAHL, DAVID PAUL
1905-0928	SICK CALL		KENN	11:31:43 05/23/19	CLO	WEST 22,
1905-0819	CONTACT PERSON	B	KENN	15:33:25 05/20/19	ACT	
1905-0742	NOISE COMPLAINT		KENN	19:41:00 05/18/19	CLO	WEST 22,
1905-0735	WELFARE CHECK		KENN	16:06:52 05/18/19	UNF	REFUSED,
1905-0648	CONTACT PERSON	B	KENN	17:54:53 05/16/19	ACT	WEST 22,
1905-0629	THEFT	B	KENN	09:13:24 05/16/19	CLO	
1905-0617	DISCHARGING FIR		KENN	23:00:54 05/15/19	UNF	
1905-0516	STOLEN VEHICLE		KENN	14:35:49 05/13/19	CLO	BUGGS, ANDREA
1905-0497	ALARM-AUDIBLE	B	KENN	00:11:46 05/13/19	ACT	LOUD SECURITY,
1905-0495	PUBLIC INDECENC		KENN	22:40:48 05/12/19	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1905-0493	911 HANGUP		KENN	20:55:02 05/12/19	CLO	BUTLER, JONATHAN TRAVARIUS
1905-0466	PERSON SCREAMIN		KENN	00:08:57 05/12/19	UNF	
1905-0258	AUTO ACCIDENT	B	KENN	10:56:21 05/07/19	CLO	
1905-0047	NOISE COMPLAINT		KENN	23:24:59 05/01/19	CLO	
1905-0038	ADMINISTRATIVE	B	KENN	19:11:19 05/01/19	ACT	
1905-0020	WELFARE CHECK	B	KENN	13:40:11 05/01/19	ACT	
1905-0006	SUSPICIOUS PERS		KENN	03:56:42 05/01/19	CLO	
1904-1119	ASSAULT	B	KENN	13:23:13 04/30/19	CAA	JOHNSON, DEMEI LANEA
1904-1048	BURGLARY	B	KENN	00:40:56 04/29/19	CAA	
1904-1006	THEFT	B	KENN	21:35:31 04/27/19	INA	
1904-1005	ILLEGAL DRUGS	B	KENN	21:33:42 04/27/19	CAA	HALE, JOSHUA ALAN
1904-1003	DISORDERLY PERS	B	KENN	21:15:51 04/27/19	CAA	SBALDIGI, G
1904-1002	CONTACT PERSON	B	KENN	20:42:09 04/27/19	ACT	
1904-0999	WELFARE CHECK		KENN	19:46:26 04/27/19	CLO	WEST 22,
1904-0883	NOISE COMPLAINT		KENN	00:50:28 04/25/19	CLO	REFUSED,
1904-0818	VANDALISM/DAMAG	B	KENN	11:30:28 04/23/19	CLO	SANCHEZ, AYLIN ALEJANDRA
1904-0812	ADMINISTRATIVE		KENN	04:53:14 04/23/19	CLO	
1904-0750	WELFARE CHECK	B	KENN	16:50:14 04/21/19	ACT	
1904-0743	THREATS	B	KENN	03:18:55 04/21/19	ACT	
1904-0702	SUSPICIOUS PERS		KENN	00:26:29 04/20/19	CLO	
1904-0693	AUTO ACCIDENT	B	KENN	17:16:47 04/19/19	CLO	
1904-0649	BUSINESS DISPUT	B	KENN	21:16:36 04/18/19	ACT	STEKETEE, N J
1904-0646	ILLEGAL DRUGS	B	KENN	19:42:42 04/18/19	CAA	
1904-0621	NOISE COMPLAINT		KENN	23:25:15 04/17/19	CLO	
1904-0608	THEFT	B	KENN	18:34:06 04/17/19	INA	GOODAKER, SYDNEY KAY
1904-0546	HARASSING/OBSCE	B	KENN	15:26:31 04/16/19	INA	
1904-0533	NOISE COMPLAINT		KENN	01:37:58 04/16/19	CLO	
1904-0509	HARASSING/OBSCE	B	KENN	16:18:45 04/15/19	INA	JONES, JAKNAE
1904-0380	VANDALISM/DAMAG	B	KENN	09:33:46 04/12/19	ACT	
1904-0324	NOISE COMPLAINT		KENN	23:08:34 04/10/19	CLO	CONCERNED

1904-0320	NOISE COMPLAINT		KENN	22:28:54 04/10/19	CLO	CITIZEN (DO NOT CHANGE), J HALBROOKS, VELENA
1904-0312	DISORDERLY PERS	B	KENN	17:49:11 04/10/19	ACT	RADNEY, CARSON
1904-0104	SUSPICIOUS PERS	B	KENN	14:27:35 04/04/19	ACT	
1904-0088	ALCOHOL VIOLATI	B	KENN	01:45:31 04/04/19	ACT	REFUSED,
1904-0054	WELFARE CHECK	B	KENN	23:52:41 04/02/19	CAA	
1903-1066	HARASSING/OBSCE	B	KENN	19:47:40 03/30/19	ACT	
1903-1042	ILLEGAL DRUGS	B	KENN	23:41:23 03/29/19	CAA	BARTON, ADRIAN
1903-1010	ALCOHOL VIOLATI	B	KENN	03:12:07 03/29/19	CAA	MCGHEE, JEREMY QUANTEE
1903-0982	ILLEGAL DRUGS	B	KENN	09:22:58 03/28/19	ACT	Crime Stoppers Greater Atlanta,
1903-0954	THEFT	B	KENN	13:13:49 03/27/19	INA	
1903-0935	HARASSING/OBSCE	B	KENN	21:26:01 03/26/19	ACT	KNIPFER, PATRICK JAMES
1903-0931	NOISE COMPLAINT		KENN	19:35:44 03/26/19	CLO	TOWNS, KARLY
1903-0749	NOISE COMPLAINT		KENN	22:55:51 03/21/19	CLO	
1903-0637	NOISE COMPLAINT		KENN	23:06:11 03/18/19	CLO	
1903-0629	CONTACT PERSON		KENN	16:20:43 03/18/19	UNF	WEST 22,
1903-0618	THREATS	B	KENN	12:50:48 03/18/19	INA	IMUSE, JENNIFER
1903-0557	NOISE COMPLAINT		KENN	03:54:20 03/17/19	UNF	
1903-0481	ORDINANCE VIOLA	B	KENN	12:58:32 03/15/19	ACT	MEADE, MATTHEW G
1903-0386	NOISE COMPLAINT		KENN	22:47:18 03/12/19	CLO	HALBROOK, BELINA
1903-0288	NOISE COMPLAINT		KENN	23:26:37 03/09/19	CLO	
1903-0287	ALCOHOL VIOLATI	B	KENN	22:46:58 03/09/19	ACT	
1903-0247	THREATS	B	KENN	13:52:40 03/08/19	INA	
1902-0974	VANDALISM/DAMAG	B	KENN	18:37:02 02/28/19	ACT	
1902-0933	HARASSING/OBSCE	B	KENN	11:51:17 02/27/19	INA	ANDERSON, SHAWN KENYATTA
1902-0911	ILLEGAL DRUGS		KENN	18:36:52 02/26/19	CLO	
1902-0847	CONTACT PERSON		KENN	22:33:26 02/24/19	CLO	DOMINOS,
1902-0839	HARASSING/OBSCE	B	KENN	18:31:19 02/24/19	ACT	WEST 22,
1902-0787	PERSON SCREAMIN	B	KENN	00:00:04 02/23/19	CJA	
1902-0721	AUTO ACCIDENT	B	KENN	11:21:34 02/21/19	CAA	
1902-0696	THEFT	B	KENN	16:31:27 02/20/19	ACT	CAVENDER, KETHRYN
1902-0596	PERSON SCREAMIN		KENN	01:50:12 02/17/19	UNF	REFUSED,
1902-0549	SICK CALL	B	KENN	15:24:15 02/15/19	CLO	ROWAN, SHELBY REESE
1902-0528	CONTACT PERSON		KENN	23:38:31 02/14/19	CLO	
1902-0494	VANDALISM/DAMAG		KENN	21:54:08 02/13/19	UNF	WEST 22,
1902-0360	TRAFFIC STOP	B	KENN	02:16:30 02/10/19	ACT	MCGHEE, JEREMY QUANTEE
1902-0316	AUTO ACCIDENT	B	KENN	23:08:50 02/08/19	CLO	ARNOT, JUSTIN LOREN
1902-0230	NOISE COMPLAINT		KENN	21:46:29 02/06/19	CLO	
1902-0106	NOISE COMPLAINT		KENN	17:56:26 02/03/19	CLO	HALBROOKS, VELENA
1902-0104	HIT AND RUN	B	KENN	16:11:12 02/03/19	ACT	
1902-0088	ILLEGAL PARKING		KENN	01:05:47 02/03/19	CLO	
1902-0087	NOISE COMPLAINT		KENN	00:37:38 02/03/19	CLO	
1902-0071	BUSINESS DISPUT	B	KENN	19:21:35 02/02/19	ACT	WEST 22,
1902-0037	NOISE COMPLAINT		KENN	03:44:54 02/02/19	CLO	
1902-0027	ASSAULT	B	KENN	22:56:20 02/01/19	CAA	WEST 22,
1902-0024	FIREWORKS		KENN	22:01:09 02/01/19	UNF	ANONYMOUS,
1901-1124	UNWELCOME VISIT	B	KENN	20:01:43 01/31/19	CLO	
1901-1120	THREATS		KENN	17:31:38 01/31/19	CNL	
1901-1114	PERSON DRUNK	B	KENN	16:04:48 01/31/19	CAA	CONCERNED CITIZEN (DO NOT CHANGE), J

1901-1065	DOMESTIC DISPUT	B	KENN	22:38:44 01/29/19	ACT	
1901-1035	SUSPICIOUS PERS		KENN	00:45:18 01/29/19	CLO	
1901-1033	NOISE COMPLAINT		KENN	00:15:08 01/29/19	CLO	
1901-0845	AUTO ACCIDENT		KENN	01:42:55 01/24/19	CLO	
1901-0844	NOISE COMPLAINT		KENN	01:23:50 01/24/19	UNF	
1901-0813	ILLEGAL DRUGS		KENN	23:39:24 01/22/19	UNF	
1901-0768	BURGLARY	B	KENN	13:06:15 01/21/19	INA	PICKETT, CONNER
1901-0755	NOISE COMPLAINT		KENN	23:37:22 01/20/19	UNF	
1901-0472	CONTACT PERSON		KENN	04:43:12 01/13/19	CLO	
1901-0429	ILLEGAL PARKING		KENN	09:28:41 01/12/19	CLO	
1901-0400	CONTACT PERSON	B	KENN	13:48:12 01/11/19	CLO	JANIS, DYLAN
1901-0314	WELFARE CHECK		KENN	01:03:56 01/09/19	UNF	COBB COUNTY DISPATCH, WEST 22,
1901-0312	WELFARE CHECK		KENN	23:07:31 01/08/19	UNF	
1901-0251	CONTACT PERSON	B	KENN	22:57:02 01/07/19	ACT	
1901-0198	THEFT	B	KENN	12:04:55 01/06/19	INA	BROWN, DONALD TYLER
1901-0144	BUSINESS DISPUT	B	KENN	01:00:25 01/05/19	ACT	
1901-0123	ILLEGAL DRUGS	B	KENN	13:48:10 01/04/19	ACT	
1812-0669	SUSPICIOUS AUTO		KENN	14:02:58 12/18/18	CLO	MCGHEE, JEREMY QUANTEE WEST 22,
1812-0647	WELFARE CHECK		KENN	22:58:15 12/17/18	UNF	
1812-0584	WELFARE CHECK	B	KENN	17:20:33 12/16/18	ACT	
1812-0419	NOISE COMPLAINT		KENN	23:31:13 12/11/18	CLO	
1812-0397	VANDALISM/DAMAG	B	KENN	11:44:22 12/11/18	ACT	
1812-0336	ALARM-AUDIBLE		KENN	23:32:07 12/09/18	UNF	
1812-0305	FIRE		KENN	01:28:12 12/09/18	CLO	
1812-0303	ADMINISTRATIVE	B	KENN	01:19:18 12/09/18	ACT	
1812-0298	NOISE COMPLAINT		KENN	00:35:17 12/09/18	CLO	
1812-0243	VANDALISM/DAMAG	B	KENN	15:42:07 12/07/18	ACT	GARLAND, ROBERT
1812-0202	VANDALISM/DAMAG	B	KENN	14:36:47 12/06/18	CLO	
1812-0169	NOISE COMPLAINT	B	KENN	12:27:52 12/05/18	CLO	
1811-1028	CONTACT PERSON	B	KENN	14:59:58 11/29/18	ACT	ORTIZ, JUAN
1811-0934	AUTO ACCIDENT	B	KENN	20:15:44 11/26/18	CLO	DEWENDT, LUIS
1811-0553	NOISE COMPLAINT		KENN	14:40:54 11/15/18	CLO	COBB COUNTY DISPATCH, REDD, SABRINA
1811-0530	DOMESTIC DISPUT	B	KENN	18:24:40 11/14/18	CAA	
1811-0526	AUTO ACCIDENT		KENN	16:51:04 11/14/18	CLO	
1811-0500	NOISE COMPLAINT		KENN	01:42:27 11/14/18	CLO	
1811-0496	SUSPICIOUS PERS	B	KENN	21:32:39 11/13/18	CLO	
1811-0343	ILLEGAL PARKING		KENN	22:45:27 11/09/18	CLO	
1811-0341	BUSINESS DISPUT	B	KENN	21:31:42 11/09/18	ACT	OCONNER, LESA ARIES
1811-0106	THEFT	B	KENN	13:24:57 11/03/18	CLO	GRIGGS, BRITTANY
1811-0099	ILLEGAL DRUGS	B	KENN	09:47:12 11/03/18	CAA	
1811-0094	NOISE COMPLAINT		KENN	08:12:13 11/03/18	CLO	REFUSED,
1811-0029	STEALING OF/FRO	B	KENN	13:58:43 11/01/18	INA	LOWERY, KACIE
1811-0023	VANDALISM/DAMAG	B	KENN	12:17:52 11/01/18	ACT	HAYNES, JASMIN
1811-0016	WELFARE CHECK	B	KENN	08:56:47 11/01/18	ACT	
1811-0006	PERSON SCREAMIN		KENN	02:21:01 11/01/18	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1811-0001	STEALING OF/FRO	B	KENN	00:08:11 11/01/18	INA	SCHERER, KRISTEN LEIGH
1810-1153	NOISE COMPLAINT		KENN	20:53:22 10/31/18	UNF	
1810-1121	ILLEGAL PARKING		KENN	07:57:56 10/31/18	CLO	BRIGHT, ERIN NICHOLE
1810-1117	NOISE COMPLAINT		KENN	23:35:49 10/30/18	CLO	BOBO, NICHOLAS L
1810-1115	NOISE COMPLAINT		KENN	23:24:20 10/30/18	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J

1810-1116	SUSPICIOUS PERS		KENN	23:24:20 10/30/18	CLO	COBB COUNTY DISPATCH,
1810-1081	SUSPICIOUS AUTO		KENN	01:20:14 10/30/18	CLO	BRANTON, SAMUEL HUNTER
1810-1076	ILLEGAL DRUGS	B	KENN	22:03:55 10/29/18	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1810-1008	NOISE COMPLAINT		KENN	23:24:17 10/27/18	UNF	REFUSED,
1810-0683	SUSPICIOUS PERS		KENN	01:35:54 10/19/18	CLO	
1810-0628	VANDALISM/DAMAG	B	KENN	11:10:28 10/17/18	ACT	
1810-0530	BUSINESS DISPUT	B	KENN	21:34:48 10/14/18	ACT	
1810-0515	SUICIDE ATTEMPT	B	KENN	14:14:07 10/14/18	ACT	WILLIAMS, SEAN
1810-0453	CONTACT PERSON	B	KENN	18:27:56 10/12/18	INA	
1810-0429	ALARM-AUDIBLE		KENN	05:46:42 10/12/18	UNF	JACKSON, KAITLYN BROOKE
1810-0373	HIT AND RUN	B	KENN	10:28:19 10/11/18	ACT	BURGUM, WILL
1810-0324	STEALING OF/FRO	B	KENN	11:01:03 10/10/18	INA	ARREDONDO, HANNAH E
1810-0298	SUSPICIOUS PERS		KENN	18:04:28 10/09/18	CLO	SCRUGGS, TAYLOR
1810-0264	FIGHT	B	KENN	18:45:42 10/08/18	CAA	COBB COUNTY DISPATCH,
1810-0261	DOMESTIC DISPUT	B	KENN	17:31:53 10/08/18	CAA	
1810-0199	NOISE COMPLAINT		KENN	04:44:53 10/07/18	UNF	WEST 22,
1809-1032	VANDALISM/DAMAG	B	KENN	11:07:25 09/28/18	ACT	LICATA, CHET
1809-0993	AUTO ACCIDENT	B	KENN	10:41:21 09/27/18	CLO	
1809-0950	SUSPICIOUS PERS	B	KENN	01:05:06 09/26/18	ACT	
1809-0947	NOISE COMPLAINT		KENN	00:19:05 09/26/18	CLO	
1809-0905	PROWLER	B	KENN	18:23:30 09/24/18	CJA	WEST 22,
1809-0897	WELFARE CHECK	B	KENN	14:44:52 09/24/18	ACT	
1809-0872	STEALING OF/FRO	B	KENN	16:12:12 09/23/18	ACT	OSPINA, DANIELLA CHRISTINA
1809-0727	AUTO ACCIDENT	B	KENN	17:25:19 09/20/18	CLO	
1809-0715	WANTED PERSON	B	KENN	14:27:54 09/20/18	CAA	KIEFFER, MATT B
1809-0633	SUSPICIOUS PERS	B	KENN	09:52:04 09/18/18	CLO	
1809-0612	FIRE	B	KENN	21:36:16 09/17/18	CLO	
1809-0470	HIT AND RUN	B	KENN	10:03:50 09/14/18	ACT	RODRIGUEZ, ASHLEY
1809-0444	NOISE COMPLAINT	B	KENN	20:07:21 09/13/18	ACT	
1809-0437	WELFARE CHECK		KENN	17:59:49 09/13/18	UNF	CONCERNED CITIZEN (DO NOT CHANGE), J
1809-0425	VANDALISM/DAMAG	B	KENN	13:46:35 09/13/18	ACT	
1809-0384	SUSPICIOUS PERS		KENN	01:29:15 09/12/18	UNF	FIESTER, EMMA
1809-0304	SUSPICIOUS PERS		KENN	21:32:40 09/09/18	CLO	
1809-0255	ASSAULT		KENN	09:05:10 09/08/18	CLO	SEAY, SHELESA
1809-0254	ILLEGAL PARKING		KENN	08:35:37 09/08/18	CLO	BUCHANAN, DAVID THOMAS
1809-0247	BUSINESS DISPUT	B	KENN	02:35:05 09/08/18	CLO	
1809-0243	NOISE COMPLAINT	B	KENN	00:56:08 09/08/18	ACT	
1809-0190	VANDALISM/DAMAG	B	KENN	19:08:18 09/06/18	INA	ROBERTS, CHEYENNE KAYLA
1809-0188	SUICIDE ATTEMPT	B	KENN	18:27:18 09/06/18	ACT	WEST 22,
1809-0161	DEMENTED PERSON	B	KENN	22:32:50 09/05/18	ACT	MOODY, STEVE
1809-0112	VANDALISM/DAMAG	B	KENN	16:45:14 09/04/18	CLO	
1809-0097	STEALING OF/FRO	B	KENN	09:03:57 09/04/18	INA	
1809-0092	FIGHT	B	KENN	22:18:49 09/03/18	CLO	
1809-0042	FIGHT	B	KENN	11:25:52 09/02/18	ACT	CONCERNED CITIZEN (DO NOT CHANGE), J
1809-0031	ASSAULT	B	KENN	01:09:02 09/02/18	INA	
1809-0018	PERSON DRUNK	B	KENN	19:09:34 09/01/18	ACT	WEST 22,
1808-1128	SUSPICIOUS AUTO		KENN	23:08:02 08/30/18	UNF	REFUSED,

1808-1122	THEFT	B	KENN	20:10:34 08/30/18	CLO	HARRELL, CARSON
1808-1119	THEFT	B	KENN	19:13:44 08/30/18	CLO	OBRIEN, MICHAEL D
1808-0890	CONTACT PERSON		KENN	16:28:16 08/25/18	CLO	JONES, TYLER
1808-0835	DOMESTIC DISPUT	B	KENN	12:39:32 08/24/18	CLO	
1808-0812	NOISE COMPLAINT		KENN	00:52:39 08/24/18	UNF	REFUSED,
1808-0811	NOISE COMPLAINT		KENN	00:16:32 08/24/18	CLO	REFUSED,
1808-0768	NOISE COMPLAINT		KENN	23:15:43 08/22/18	CLO	SANCHEZ, ARMANDO
1808-0767	WELFARE CHECK		KENN	22:46:18 08/22/18	UNF	WEST 22,
1808-0732	NOISE COMPLAINT		KENN	22:15:00 08/21/18	CLO	HALBROOKS, VELENA
1808-0677	BUSINESS DISPUT	B	KENN	11:06:24 08/20/18	ACT	
1808-0661	DOMESTIC DISPUT	B	KENN	22:48:25 08/19/18	ACT	MCQUIGGE, MATTHEW
1808-0646	ILLEGAL DRUGS		KENN	16:19:41 08/19/18	UNF	REFUSED,
1808-0619	CONTACT PERSON		KENN	22:43:15 08/18/18	UNF	
1808-0608	AUTO ACCIDENT	B	KENN	14:33:06 08/18/18	CLO	
1808-0539	AUTO ACCIDENT	B	KENN	22:18:48 08/16/18	CLO	
1808-0478	THEFT	B	KENN	10:05:52 08/15/18	INA	
1808-0474	SICK CALL	B	KENN	03:11:39 08/15/18	CLO	COBB COUNTY DISPATCH,
1808-0398	ASSAULT	B	KENN	04:06:12 08/13/18	CAA	
1808-0397	ILLEGAL PARKING		KENN	02:53:37 08/13/18	CLO	COBB COUNTY DISPATCH,
1808-0396	AUTO ACCIDENT	B	KENN	23:43:17 08/12/18	CLO	MALONEY, FRANKLYN
1808-0395	ALCOHOL VIOLATI	B	KENN	23:42:31 08/12/18	ACT	MALONEY, FRANKLYN
1808-0393	NOISE COMPLAINT		KENN	23:21:37 08/12/18	CLO	
1808-0389	HIT AND RUN	B	KENN	22:28:34 08/12/18	CLO	
1808-0125	STEALING OF/FRO	B	KENN	14:23:11 08/04/18	INA	ANDERSON, SHAWN
1807-1135	NOISE COMPLAINT		KENN	23:34:33 07/29/18	CLO	
1807-1106	VANDALISM/DAMAG	B	KENN	10:34:43 07/29/18	ACT	SEAY, SHELESA
1807-0882	911 HANGUP		KENN	09:48:17 07/23/18	CLO	
1807-0864	UNWELCOME VISIT	B	KENN	20:14:35 07/22/18	CLO	WEST 22,
1807-0848	BUSINESS DISPUT	B	KENN	13:47:23 07/22/18	CLO	
1807-0844	PERSON SCREAMIN		KENN	12:42:02 07/22/18	UNF	CONCERNED CITIZEN (DO NOT CHANGE), J
1807-0725	NOISE COMPLAINT		KENN	19:24:20 07/19/18	UNF	HALBROOKS, VELENA
1807-0656	ILLEGAL DRUGS	B	KENN	20:44:03 07/17/18	CAA	
1807-0511	WELFARE CHECK	B	KENN	20:28:48 07/13/18	CLO	GENESIS ELEVATOR,
1807-0331	VANDALISM/DAMAG	B	KENN	10:12:00 07/09/18	INA	PASSOW, DONNA CHRISTINE
1807-0319	STOLEN VEHICLE	B	KENN	22:16:01 07/08/18	CAA	WEST 22,
1807-0221	CONTACT PERSON		KENN	12:10:47 07/06/18	CLO	
1807-0219	DEMENTED PERSON	B	KENN	11:50:32 07/06/18	ACT	COBB COUNTY DISPATCH,
1807-0203	UNWELCOME VISIT	B	KENN	00:11:30 07/06/18	ACT	
1807-0180	THEFT	B	KENN	15:40:10 07/05/18	INA	PADILLA, ALEXANDER CARLOS
1807-0169	THEFT	B	KENN	10:55:32 07/05/18	INA	
1807-0126	DISORDERLY PERS	B	KENN	22:02:09 07/03/18	CLO	WEST 22,
1807-0052	WELFARE CHECK	B	KENN	10:08:44 07/02/18	ACT	SMITH, AUSTIN
1806-1006	BUSINESS DISPUT	B	KENN	16:18:27 06/25/18	ACT	
1806-0742	DEMENTED PERSON	B	KENN	09:53:21 06/18/18	ACT	WEST 22,
1806-0732	SUSPICIOUS PERS		KENN	23:19:51 06/17/18	CLO	
1806-0682	ASSAULT	B	KENN	21:01:22 06/16/18	CLO	

1806-0678	BURGLARY	B	KENN	18:40:27 06/16/18	INA	KING, CHARLES
1806-0406	ALARM-AUDIBLE		KENN	03:23:53 06/10/18	CLO	SWORREI, ASIA
1806-0381	SUSPICIOUS PERS	B	KENN	15:24:10 06/09/18	ACT	RIGGINS, JACKIE
1806-0199	VANDALISM/DAMAG	B	KENN	14:40:15 06/05/18	ACT	
1806-0177	ASSAULT	B	KENN	23:37:59 06/04/18	INA	COBB COUNTY DISPATCH,
1806-0167	DEMENTED PERSON	B	KENN	20:16:12 06/04/18	CLO	
1806-0156	SUSPICIOUS PERS		KENN	16:07:52 06/04/18	CNL	COBB COUNTY DISPATCH,
1806-0150	DEMENTED PERSON	B	KENN	13:05:05 06/04/18	ACT	
1806-0144	SUSPICIOUS PERS	B	KENN	11:53:00 06/04/18	ACT	CONCERNED CITIZEN (DO NOT CHANGE), J
1806-0089	WELFARE CHECK	B	KENN	03:18:09 06/03/18	CLO	COBB COUNTY DISPATCH,
1806-0060	STREET HAZARD		KENN	12:46:50 06/02/18	CLO	COBB COUNTY DISPATCH,
1806-0031	NOISE COMPLAINT		KENN	23:18:17 06/01/18	CLO	WEST 22,
1805-1159	THEFT	B	KENN	15:46:01 05/30/18	INA	COBB COUNTY DISPATCH,
1805-1086	STEALING OF/FRO	B	KENN	16:33:02 05/28/18	CAA	MOORE, TYLER
1805-1052	PERSON DOWN	B	KENN	01:21:10 05/27/18	ACT	
1805-1045	SUSPICIOUS PERS		KENN	21:44:55 05/26/18	UNF	
1805-0969	NOISE COMPLAINT		KENN	00:27:12 05/25/18	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1805-0829	AUTO ACCIDENT	B	KENN	17:18:40 05/21/18	CLO	GREY, LUCAS
1805-0755	DOMESTIC DISPUT	B	KENN	12:37:46 05/19/18	ACT	VERHELLE, OLIVIA MARIE
1805-0647	NOISE COMPLAINT		KENN	21:26:10 05/16/18	UNF	CALDWELL, RILEY
1805-0588	DOMESTIC DISPUT	B	KENN	11:22:47 05/15/18	ACT	
1805-0559	DRUNK IN AUTO	B	KENN	16:43:37 05/14/18	CAA	
1805-0515	WELFARE CHECK	B	KENN	12:02:40 05/13/18	ACT	
1805-0513	AUTO ACCIDENT	B	KENN	10:29:07 05/13/18	CLO	WHITE, CAITLIN
1805-0471	UNWELCOME VISIT		KENN	05:39:54 05/12/18	UNF	COBB COUNTY DISPATCH,
1805-0364	FORGERY	B	KENN	15:41:19 05/10/18	ACT	ESCATTE, RAUL
1805-0317	BURGLARY	B	KENN	14:01:38 05/09/18	INA	
1805-0243	BUSINESS DISPUT	B	KENN	14:10:12 05/07/18	ACT	
1805-0114	NOISE COMPLAINT		KENN	02:41:41 05/04/18	UNF	COBB COUNTY DISPATCH,
1805-0110	NOISE COMPLAINT		KENN	00:45:38 05/04/18	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1804-1120	VANDALISM/DAMAG	B	KENN	20:37:20 04/28/18	ECV	PARKER, AMBER NICOLE
1804-1076	NOISE COMPLAINT		KENN	00:54:03 04/28/18	UNF	COBB COUNTY DISPATCH,
1804-1069	NOISE COMPLAINT		KENN	22:01:55 04/27/18	UNF	
1804-0918	STOLEN VEHICLE		KENN	10:22:30 04/24/18	UNF	
1804-0767	ILLEGAL DRUGS		KENN	12:36:13 04/20/18	UNF	ALVOEARAN, JIMMY
1804-0649	THEFT	B	KENN	16:33:43 04/17/18	INA	GLOVER, SAVANNAH GRAYSON
1804-0643	STEALING OF/FRO	B	KENN	10:50:54 04/17/18	ACT	COBB COUNTY DISPATCH,
1804-0562	PERSON DRUNK		KENN	01:37:44 04/15/18	CLO	
1804-0509	WELFARE CHECK	B	KENN	00:41:54 04/14/18	ACT	
1804-0475	CONTACT PERSON	B	KENN	12:41:48 04/13/18	ACT	COCHRAN, ASHLEY
1804-0474	FORGERY	B	KENN	12:28:20 04/13/18	INA	SANDERS, MEREDITH
1804-0463	DOMESTIC DISPUT	B	KENN	23:34:41 04/12/18	ACT	KNIPFER, PATRICK JAMES

2200 Benjamin Ln

1804-0427	AUTO ACCIDENT	B	KENN	08:09:21 04/12/18	CLO	COBB COUNTY DISPATCH,
1804-0386	NOISE COMPLAINT	B	KENN	23:05:09 04/10/18	ACT	CONCERNED CITIZEN (DO NOT CHANGE), J
1804-0171	STREET HAZARD		KENN	14:47:27 04/05/18	UNF	
1803-1067	NOISE COMPLAINT	B	KENN	00:31:16 03/30/18	ACT	LYLE, KIARA RENEE
1803-1033	ILLEGAL DRUGS	B	KENN	23:34:44 03/28/18	CLO	ANONYMOUS,
1803-0940	AUTO ACCIDENT	B	KENN	11:00:27 03/26/18	CLO	COBB COUNTY DISPATCH,
1803-0803	ILLEGAL DRUGS	B	KENN	14:42:08 03/22/18	CAA	WEST 22,
1803-0632	ILLEGAL PARKING	B	KENN	01:54:33 03/18/18	ACT	STEKETEE, N J
1803-0622	ILLEGAL PARKING	B	KENN	22:55:19 03/17/18	ACT	IRWIN, JOSHUA T
1803-0505	NOISE COMPLAINT		KENN	00:35:53 03/15/18	UNF	CONCERNED CITIZEN (DO NOT CHANGE), J
1803-0290	VANDALISM/DAMAG	B	KENN	18:45:48 03/08/18	CLO	FARNUM, ALEXANDRA L
1803-0043	THREATS	B	KENN	11:03:48 03/02/18	INA	ORE, ASIA NCHELLE
1803-0039	SUSPICIOUS PERS		KENN	04:20:10 03/02/18	UNF	MAPIER, MIRAH
1803-0009	ASSAULT	B	KENN	09:51:59 03/01/18	ECV	DARBY, GIANA
1802-0976	AUTO ACCIDENT	B	KENN	14:28:40 02/27/18	CLO	
1802-0908	BURGLARY	B	KENN	13:04:49 02/25/18	INA	FERREE, LAUREN
1802-0907	BURGLARY	B	KENN	12:37:43 02/25/18	INA	JONES, DOMONICK
1802-0681	TRAFFIC STOP	B	KENN	21:22:23 02/19/18	ACT	MALONEY, FRANKLYN
1802-0615	NOISE COMPLAINT	B	KENN	14:53:25 02/17/18	ACT	BOYD, BRANDON HOWARD
1802-0373	ILLEGAL DRUGS	B	KENN	01:02:09 02/11/18	INA	MOTON, ALEXANDRIA ELIZABETH-CARLL
1802-0304	THEFT	B	KENN	10:26:56 02/09/18	INA	
1801-0948	BUSINESS DISPUT	B	KENN	14:32:01 01/27/18	ACT	JONES, JALICIA ANAE
1801-0895	VANDALISM/DAMAG	B	KENN	10:14:44 01/26/18	INA	COBB COUNTY DISPATCH,
1801-0883	CONTACT PERSON		KENN	21:18:29 01/25/18	UNF	COBB COUNTY DISPATCH,
1801-0747	DOMESTIC DISPUT	B	KENN	09:24:09 01/22/18	ACT	BURNS, CAMERON ROBERT
1801-0608	VANDALISM/DAMAG	B	KENN	09:05:46 01/18/18	ACT	BALKCOM, ARIELLE
1801-0563	NOISE COMPLAINT		KENN	20:38:15 01/16/18	CLO	WRIGHT, RILEY
1801-0510	NOISE COMPLAINT		KENN	00:56:06 01/15/18	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1801-0387	WELFARE CHECK	B	KENN	00:46:39 01/12/18	CLO	BENJAMIN, MAIKELA MIANA
1801-0277	SUSPICIOUS AUTO		KENN	03:24:15 01/09/18	CLO	BOBO, NICHOLAS L
1801-0215	NOISE COMPLAINT		KENN	03:23:00 01/07/18	CLO	REFUSED,
1801-0197	DOMESTIC DISPUT	B	KENN	16:57:37 01/06/18	CAA	SMITH, EMILY
1801-0167	SNATCH THIEF	B	KENN	11:11:34 01/05/18	CLO	SEAY, SHELESA
1712-0945	SUICIDE ATTEMPT	B	KENN	10:39:48 12/23/17	ACT	BENJAMIN, MAIKELA
1712-0928	ALCOHOL VIOLATI	B	KENN	00:47:31 12/23/17	CAA	CONCERNED CITIZEN (DO NOT CHANGE), J
1712-0621	THEFT	B	KENN	02:27:24 12/15/17	INA	WEDDINGTON, CHARLES W
1712-0525	VANDALISM/DAMAG	B	KENN	16:10:01 12/12/17	ACT	OWENS, BRIANNA
1712-0480	AUTO ACCIDENT	B	KENN	23:26:52 12/10/17	CLO	MAYBEN, LUKE

CHANDLER

1712-0446	NOISE COMPLAINT		KENN	23:52:40 12/09/17	CLO	
1712-0281	HARASSING/OBSCE	B	KENN	12:31:10 12/07/17	CLO	
1712-0243	VANDALISM/DAMAG	B	KENN	11:16:09 12/06/17	ACT	NEWMAN, BRITTANY EMMA
1712-0101	THEFT	B	KENN	23:23:00 12/02/17	ACT	REDDING, DARED
1712-0053	PERSON DRUNK	B	KENN	22:53:41 12/01/17	CAA	ANDERSON, SHAWN
1712-0023	AUTO ACCIDENT	B	KENN	15:34:21 12/01/17	CLO	BASS, HUGH
1711-0927	CONTACT PERSON	B	KENN	01:07:23 11/25/17	ACT	AMBRO, MARY
1711-0925	NOISE COMPLAINT		KENN	23:57:26 11/24/17	CLO	WEST 22,
1711-0831	NOISE COMPLAINT		KENN	01:03:38 11/22/17	CLO	LASO, EMMIE
1711-0788	CONTACT PERSON		KENN	00:37:19 11/21/17	CLO	WEST 22,
1711-0675	PERSON ARMED		KENN	01:57:28 11/18/17	CLO	
1711-0615	BUSINESS DISPUT	B	KENN	18:40:45 11/16/17	CLO	
1711-0546	NOISE COMPLAINT		KENN	23:37:04 11/14/17	CLO	AMMAN, EMILY
1711-0486	THREATS	B	KENN	16:50:55 11/13/17	CLO	MOHAMMED, AMINA
1711-0462	WELFARE CHECK		KENN	23:14:53 11/12/17	CLO	DOWDA, JILL
1711-0449	AUTO ACCIDENT	B	KENN	16:17:45 11/12/17	ACT	
1711-0183	TRESPASSING	B	KENN	13:58:19 11/05/17	ACT	SMITH, TIANA
1711-0151	CONTACT PERSON		KENN	13:39:32 11/04/17	CLO	JADE HOLCOME, ANGELA
1711-0087	NOISE COMPLAINT		KENN	02:51:05 11/03/17	UNF	
1710-1047	ALARM-AUDIBLE	B	KENN	07:25:16 10/26/17	ACT	LOUD SECURITY,
1710-1016	BOLO		KENN	11:03:44 10/25/17	CLO	
1710-0999	ILLEGAL PARKING		KENN	22:47:14 10/24/17	CLO	WEST 22,
1710-0996	BUSINESS DISPUT		KENN	21:52:40 10/24/17	CLO	KALESHI, DEFINA
1710-0994	WELFARE CHECK	B	KENN	20:49:01 10/24/17	CLO	WALKER, DOMINIQUE
1710-0833	NOISE COMPLAINT		KENN	23:23:43 10/20/17	CLO	REFUSED,
1710-0794	ILLEGAL DRUGS	B	KENN	11:17:10 10/20/17	ACT	
1710-0772	DISCHARGING FIR	B	KENN	20:56:36 10/19/17	ACT	ANONYMOUS,
1710-0726	ILLEGAL DRUGS	B	KENN	18:09:45 10/18/17	CAA	MOON, BRIAN M
1710-0693	VANDALISM/DAMAG	B	KENN	20:26:30 10/17/17	ACT	JENSEN, MACKENZIE
1710-0592	WANTED PERSON	B	KENN	01:26:50 10/15/17	CAA	MOON, BRIAN M
1710-0588	ILLEGAL DRUGS	B	KENN	00:37:27 10/15/17	CAA	CONCERNED CITIZEN (DO NOT CHANGE), J
1710-0550	DRUNK IN AUTO	B	KENN	04:44:11 10/14/17	CAA	
1710-0442	NOISE COMPLAINT		KENN	00:17:03 10/12/17	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1710-0402	DOMESTIC DISPUT	B	KENN	23:10:01 10/10/17	CAA	CORREA, NICOLE
1710-0396	WELFARE CHECK		KENN	22:16:58 10/10/17	CLO	BASEL, CHRISTIANA YVONNE
1710-0369	CONTACT PERSON	B	KENN	14:22:27 10/10/17	CLO	
1710-0328	AUTO ACCIDENT	B	KENN	16:21:37 10/09/17	CLO	LACOURLY, JORDAN
1710-0285	SUICIDE ATTEMPT	B	KENN	00:31:00 10/08/17	ACT	CONCERNED CITIZEN (DO NOT CHANGE), J
1710-0240	SUSPICIOUS PERS		KENN	22:41:59 10/06/17	UNF	VAIN, EMILY
1710-0201	WELFARE CHECK	B	KENN	03:09:02 10/06/17	ACT	COBB COUNTY,
1710-0151	WELFARE CHECK		KENN	22:47:13 10/04/17	CNL	COBB COUNTY DISPATCH,
1710-0077	AUTO ACCIDENT	B	KENN	19:40:02 10/02/17	CLO	WEST 22,
1710-0074	THEFT	B	KENN	17:30:00 10/02/17	CLO	WILLETTS, VICTORIA
1710-0045	WELFARE CHECK		KENN	21:50:09 10/01/17	CLO	
1710-0040	AUTO ACCIDENT	B	KENN	20:23:32 10/01/17	CLO	KNIGHT, HUNTER

1709-1264	ALCOHOL VIOLATI	B	KENN	20:32:25 09/30/17	CAA	CONCERNED CITIZEN (DO NOT CHANGE), J
1709-1179	NOISE COMPLAINT		KENN	23:52:44 09/28/17	CLO	JONES, JALICIA ANAE
1709-1146	DISORDERLY PERS	B	KENN	01:27:35 09/28/17	ACT	
1709-1074	CONTACT PERSON	B	KENN	15:08:23 09/26/17	ACT	
1709-1035	AUTO ACCIDENT	B	KENN	16:10:56 09/25/17	ACT	KNIPFER, PATRICK JAMES
1709-0992	NOISE COMPLAINT		KENN	01:43:44 09/24/17	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1709-0914	NOISE COMPLAINT		KENN	22:39:26 09/21/17	UNF	SWORREI, ASIA
1709-0902	AUTO ACCIDENT	B	KENN	17:53:12 09/21/17	CLO	
1709-0630	SUSPICIOUS AUTO		KENN	21:11:41 09/15/17	CLO	WEST 22,
1709-0598	AUTO ACCIDENT	B	KENN	11:01:00 09/15/17	CLO	COBB COUNTY DISPATCH,
1709-0335	DOMESTIC DISPUT		KENN	03:58:46 09/09/17	UNF	ARNOLD, TYLER
1709-0328	WELFARE CHECK		KENN	21:08:59 09/08/17	UNF	
1709-0295	ALCOHOL VIOLATI	B	KENN	04:23:54 09/08/17	CAA	MOON, BRIAN M
1709-0152	ALCOHOL VIOLATI		KENN	16:47:12 09/04/17	CLO	
1709-0142	ALCOHOL VIOLATI	B	KENN	00:38:42 09/04/17	ACT	CONCERNED CITIZEN (DO NOT CHANGE), J
1709-0136	SUSPICIOUS PERS		KENN	22:22:54 09/03/17	UNF	BLAIR, EMMA EILEEN
1709-0099	ALCOHOL VIOLATI	B	KENN	23:20:42 09/02/17	CAA	ANONYMOUS,
1709-0070	VANDALISM/DAMAG	B	KENN	10:49:45 09/02/17	ACT	GATTONI, DANIELLE
1709-0050	SUSPICIOUS PERS		KENN	23:24:09 09/01/17	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1708-1246	SUSPICIOUS PERS		KENN	23:42:03 08/28/17	CLO	CROSS, SPENCER
1708-1241	PERSON DRUNK		KENN	21:46:37 08/28/17	CLO	CONCERNED CITIZEN (DO NOT CHANGE), J
1708-1181	VANDALISM/DAMAG	B	KENN	03:19:51 08/27/17	ACT	WEST 22,
1708-1169	PERSON DRUNK	B	KENN	00:08:05 08/27/17	ACT	COBB COUNTY DISPATCH,
1708-1101	AUTO ACCIDENT	B	KENN	18:54:04 08/25/17	CLO	YEARD, HAYDEN
1708-1056	ALCOHOL VIOLATI	B	KENN	01:37:02 08/25/17	CAA	SBALDIGI, G
1708-1052	ALCOHOL VIOLATI	B	KENN	00:06:43 08/25/17	CAA	CONCERNED CITIZEN (DO NOT CHANGE), J
1708-1009	ALCOHOL VIOLATI	B	KENN	02:24:04 08/24/17	CAA	ALVAREZ, MICHAEL
1708-0992	DOMESTIC DISPUT	B	KENN	16:20:26 08/23/17	ACT	COBB COUNTY DISPATCH,
1708-0780	AUTO ACCIDENT	B	KENN	14:01:26 08/18/17	ACT	CHENEY, EMILY
1708-0558	HIT AND RUN	B	KENN	13:37:57 08/13/17	CLO	MUNOZ, JACQUILINE
1708-0533	ILLEGAL PARKING		KENN	18:47:52 08/12/17	CNL	JOHNSON, CAMERON
1708-0529	AUTO ACCIDENT	B	KENN	17:47:33 08/12/17	CLO	CABRERA, RAUL
1708-0513	AUTO ACCIDENT	B	KENN	13:51:05 08/12/17	CLO	ENGLISH, ROBERT
1708-0502	TRESPASSING	B	KENN	07:40:44 08/12/17	ACT	WEST 22,
1708-0461	TRESPASSING		KENN	14:10:50 08/11/17	CLO	COBB COUNTY DISPATCH,
1708-0385	SUSPICIOUS PERS		KENN	22:03:44 08/09/17	CLO	
3370	NOISE COMPLAINT		KSU	00:27:26 08/05/17	ACT	REFUSED,
1708-0131	ROBBERY	B	KENN	21:09:36 08/03/17	INA	COBB COUNTY DISPATCH,
1707-1115	CONTACT PERSON	B	KENN	11:42:52 07/26/17	CAA	
1707-1102	SUSPICIOUS PERS		KENN	03:27:40 07/26/17	UNF	WEST 22,
1707-0928	DISORDERLY JUV	B	KENN	19:56:45 07/21/17	ACT	

1707-0891	SICK CALL	B	KENN	00:30:09 07/21/17	ACT	TRIMIAR, TAYLOR
1707-0723	VANDALISM/DAMAG	B	KENN	18:11:12 07/16/17	ACT	SAUNDERS, CATHERINE WEST 22,
1707-0669	DISCHARGING FIR		KENN	04:31:05 07/15/17	UNF	
1707-0396	WELFARE CHECK		KENN	05:18:05 07/09/17	CLO	
1707-0391	ILLEGAL DRUGS	B	KENN	00:47:55 07/09/17	CAA	
1707-0374	VANDALISM/DAMAG	B	KENN	16:06:15 07/08/17	ACT	STANDRIDGE, HALEY
1707-0358	SUSPICIOUS PERS		KENN	04:13:13 07/08/17	CLO	WATSON, BOB
1707-0352	BUSINESS DISPUT		KENN	00:46:55 07/08/17	CLO	EDWARDS, MADILYN
1707-0288	CONTACT PERSON		KENN	00:03:52 07/07/17	CLO	GRANT, NOAH
1707-0130	DOMESTIC DISPUT	B	KENN	16:03:08 07/03/17	CAA	COBB COUNTY DISPATCH,
1707-0129	AUTO ACCIDENT	B	KENN	15:50:50 07/03/17	CLO	COBB COUNTY DISPATCH,
1707-0105	ROBBERY	B	KENN	01:35:22 07/03/17	CAA	
1707-0072	UNWELCOME VISIT	B	KENN	04:19:37 07/02/17	ACT	
1707-0028	STOLEN VEHICLE		KENN	15:26:11 07/01/17	UNF	CARTER, JALEN TYWON
1706-1149	HARASSING/OBSCE	B	KENN	13:15:08 06/29/17	INA	GRESHAM, CHERISH A
1706-0962	PERSON ARMED		KENN	02:18:25 06/25/17	UNF	
1706-0925	ALCOHOL VIOLATI	B	KENN	02:03:42 06/24/17	CAA	FLOYD, KYLE
1706-0921	ALCOHOL VIOLATI	B	KENN	00:13:30 06/24/17	CAA	ANONYMOUS,
1706-0617	VANDALISM/DAMAG	B	KENN	16:11:32 06/16/17	INA	
1706-0462	CONTACT PERSON		KENN	18:30:03 06/12/17	CLO	BONHOMME, JUSTIN
1706-0390	FIREWORKS		KENN	21:49:29 06/10/17	CLO	
1706-0387	NOISE COMPLAINT		KENN	21:09:08 06/10/17	CLO	POLICARPIO, LIGAYA SARBIDA
1706-0357	NOISE COMPLAINT	B	KENN	03:42:34 06/10/17	ACT	STEPHENS, KALEI NICHOLE
1706-0257	NOISE COMPLAINT		KENN	00:28:04 06/08/17	CLO	WARFEL, ZACHARY JAMES
1706-0087	VANDALISM/DAMAG	B	KENN	07:24:28 06/03/17	ECV	GRAHAM, ASTISEEA
1705-0869	VANDALISM/DAMAG		KENN	12:15:44 05/21/17	CLO	BARNES, JAMES BRANDON
1705-0673	NOISE COMPLAINT		KENN	23:50:52 05/16/17	UNF	Pettit-Mcferrin, KATHERINE
1705-0666	CONTACT PERSON		KENN	22:11:57 05/16/17	CLO	WARFEL, ZACHARY JAMES
1705-0612	WELFARE CHECK	B	KENN	13:10:26 05/15/17	CLO	COBB COUNTY DISPATCH,
1705-0585	WELFARE CHECK		KENN	21:21:59 05/14/17	CLO	HOFFER, WENDY
1705-0443	ASSAULT	B	KENN	13:33:21 05/11/17	ECV	TENCH, ELIZABETH
1705-0336	WANTED PERSON	B	KENN	22:45:49 05/08/17	CAA	FLOYD, KYLE
1705-0334	THEFT	B	KENN	22:11:30 05/08/17	INA	WARFEL, ZACHARY JAMES
1704-1132	ILLEGAL DRUGS	B	KENN	02:27:34 04/30/17	CAA	MEADE, MATTHEW G
1704-1089	BUSINESS DISPUT	B	KENN	02:24:46 04/29/17	ECV	
1704-1079	WANTED PERSON	B	KENN	22:30:19 04/28/17	CAA	MEADE, MATTHEW G
1704-1031	SUICIDE ATTEMPT	B	KENN	23:19:50 04/27/17	CLO	PARKS, DEJON
1704-0847	PERSON DOWN	B	KENN	00:53:16 04/23/17	CAA	
1704-0826	CONTACT PERSON	B	KENN	14:01:51 04/22/17	ACT	COBB CO DISPATCH,
1704-0810	WELFARE CHECK	B	KENN	22:18:22 04/21/17	ACT	CLARK, HUNTER
1704-0714	ILLEGAL DRUGS	B	KENN	01:24:14 04/20/17	ACT	SQUIRES, ASHLEY
1704-0560	STOLEN VEHICLE		KENN	00:53:34 04/16/17	UNF	EVAN, SHANIA
1704-0482	NOISE COMPLAINT		KENN	00:54:53 04/14/17	UNF	COBB COUNTY DISPATCH,

1704-0088	SUSPICIOUS AUTO		KENN	00:15:08 04/03/17	CLO	ANONYMOUS,
1703-1184	ALCOHOL VIOLATI	B	KENN	20:00:38 03/29/17	CAA	SHUMPERT, RICKY
1703-1180	BUSINESS DISPUT	B	KENN	19:17:45 03/29/17	ACT	PUSHKOVA, ADRIANA
1703-1167	RAPE	B	KENN	17:55:38 03/29/17	INA	SQUIRES, ASHLEY
1703-0963	SUSPICIOUS PERS		KENN	03:48:45 03/24/17	UNF	OSTEEN, ABBY
1703-0948	AUTO ACCIDENT	B	KENN	22:54:05 03/23/17	CLO	WEST 22,
1703-0936	THEFT	B	KENN	18:00:27 03/23/17	ACT	AURINGER, TAYLOR
1703-0918	VANDALISM/DAMAG	B	KENN	11:36:53 03/23/17	ACT	GRINDLE, JAMES BRADY
1703-0709	NOISE COMPLAINT		KENN	03:18:47 03/18/17	CLO	VELERO, MARIA
1703-0707	NOISE COMPLAINT		KENN	02:11:10 03/18/17	CLO	CLARKE, BEBE
1703-0587	VANDALISM/DAMAG	B	KENN	16:22:11 03/15/17	CLO	TAARIQ, TAAHIRAT
1703-0449	NOISE COMPLAINT	B	KENN	23:27:47 03/11/17	ACT	HENESSY, ALEXANDER
1703-0391	FORGERY	B	KENN	16:42:22 03/10/17	ACT	KIEFFER, MATT B
1703-0316	PERSON INJURED	B	KENN	21:43:44 03/08/17	ACT	
1703-0300	AUTO ACCIDENT	B	KENN	15:38:46 03/08/17	CLO	URQUHART, JONAH
1703-0215	VANDALISM/DAMAG	B	KENN	22:58:26 03/06/17	CLO	RODRIGUEZ, ASHLEY
1703-0176	TRESPASSING	B	KENN	23:32:54 03/05/17	ACT	HALL, KATHRYN ADAIR
1703-0144	ALCOHOL VIOLATI	B	KENN	18:40:26 03/04/17	CAA	HENNESSEE, ALEXANDER P
1703-0142	NOISE COMPLAINT		KENN	17:44:01 03/04/17	CLO	COBB COUNTY DISPATCH,
1703-0099	VANDALISM/DAMAG	B	KENN	15:54:33 03/03/17	ACT	
1702-1070	SUSPICIOUS PERS		KENN	21:15:40 02/27/17	CLO	FASTO, RACHEL
1702-1010	BUSINESS DISPUT		KENN	03:02:45 02/26/17	CLO	OBRIEN, MICHAEL D
1702-1005	WELFARE CHECK		KENN	23:23:43 02/25/17	CLO	DAVIS, TONY
1702-0943	CONTACT PERSON		KENN	13:57:39 02/24/17	CLO	BUTLER, SHANTE
1702-0739	NOISE COMPLAINT		KENN	01:15:36 02/19/17	CNL	WEST 22,
1702-0740	NOISE COMPLAINT		KENN	01:14:43 02/19/17	CLO	AGUILA, SOCORRO HARO
1702-0699	DISORDERLY PERS	B	KENN	00:41:36 02/18/17	CAA	ROMEO, AUBREY
1702-0477	AUTO ACCIDENT	B	KENN	20:18:11 02/12/17	ACT	SQUIRES, ASHLEY
1702-0356	ALCOHOL VIOLATI	B	KENN	01:52:56 02/10/17	CAA	WEST 22,
1702-0255	SUSPICIOUS AUTO		KENN	01:26:16 02/08/17	UNF	COSTONA, BRANDON
1702-0179	ILLEGAL DRUGS		KENN	21:07:17 02/05/17	UNF	REFUSED,
1702-0114	DOMESTIC DISPUT		KENN	23:53:01 02/03/17	UNF	
1702-0086	BUSINESS DISPUT	B	KENN	11:57:16 02/03/17	ACT	SIMS, RASHANITA ADASHA
1702-0032	FORGERY	B	KENN	20:06:31 02/01/17	INA	WOMACK, DIDI
1701-0880	WELFARE CHECK		KENN	01:52:33 01/22/17	UNF	
1701-0881	FIGHT		KENN	01:51:28 01/22/17	CNL	
1701-0750	VANDALISM/DAMAG	B	KENN	15:58:00 01/19/17	ACT	SANCHEZ, YARICZA
1701-0706	ILLEGAL DRUGS	B	KENN	10:33:50 01/18/17	INA	CRIME STOPPERS,
1701-0677	BUSINESS DISPUT		KENN	17:46:05 01/17/17	CLO	CLEMONES, MASON
1701-0670	CONTACT PERSON	B	KENN	16:51:00 01/17/17	INA	HAGLUND, MATHEW CARTER
1701-0610	ASSAULT	B	KENN	01:12:41 01/16/17	CLO	HALL, WILLIAM
1701-0529	NOISE COMPLAINT		KENN	03:08:14 01/14/17	UNF	COBB COUNTY DISPATCH,
1701-0527	NOISE COMPLAINT		KENN	01:29:56 01/14/17	CLO	CLARK, LEAH M
1701-0446	ANIMAL INVESTIG	B	KENN	23:07:06 01/11/17	ACT	AGUILA, SOCORRO HARO

2200 Bensman Ln

1701-0367	SICK CALL		KENN	18:14:44 01/09/17	CLO	JAKE,
1701-0362	VANDALISM/DAMAG		KENN	17:46:01 01/09/17	CLO	ALVARAN, JIMMY
1701-0285	SICK CALL		KENN	11:33:00 01/08/17	CLO	FERRERO, MARIA
1701-0264	AUTO ACCIDENT	B	KENN	19:11:42 01/07/17	CLO	WILLIAMS, CARLTON JASON
1701-0256	CONTACT PERSON	B	KENN	16:21:17 01/07/17	ACT	DAVIS, MADELENE
1701-0249	HIT AND RUN		KENN	09:23:36 01/07/17	CLO	MCEVILLY, OLIVIA CHRISTINE
1701-0242	HIT AND RUN	B	KENN	01:50:36 01/07/17	CAA	BOSTIC, WILLIAM D
1701-0241	VANDALISM/DAMAG	B	KENN	01:25:32 01/07/17	ACT	NOLAN, WILLIAM
1701-0052	THEFT	B	KENN	14:06:33 01/02/17	INA	ARNOLD, DANIEL STEVEN
1701-0030	CONTACT PERSON		KENN	22:30:04 01/01/17	CLO	WATSON, BOB

From: rlee@raleearchitects.com
Sent: Monday, June 01, 2020 5:38 PM
To: kennesawcouncil
Subject: Final Public Hearing for the Approval to Amend Appendix A for Purpose Built Student Housing
Attachments: 2020 06-01 RA LEE LTR.pdf

To whom it may concern,

Please find attached a letter regarding the above topic. I submit this as an objection to change the zoning ordinance for Purpose Built Student Housing.

Sincerely,

Ryan A. Lee | Architect
R.A. Lee & Associates, Architects
1301 Shiloh Road, Suite 321
Kennesaw, Georgia 30144
(o) 678-903-8892 (c) 678-360-8171
www.raleearchitects.com

R.A. Lee & Associates, Architects

June 1, 2020

KENNESAW CITY COUNCIL

2529 J O Stephenson Avenue
Kennesaw, Georgia 30144

**RE: FINAL PUBLIC HEARING FOR THE APPROVAL OF AN ORDINANCE TO AMEND APPENDIX A
"UNIFIED DEVELOPMENT CODE" FOR PURPOSE BUILT STUDENT HOUSING**

To the honorable Mayor and City Council Members of the City of Kennesaw,

I've received word that the City of Kennesaw has brought forth on their agenda tonight the consideration of amending the Kennesaw code of Ordinances by amending appendix A "Unified Development Code" to allow the development of Purpose Built Student Housing. I further understand that per the agenda no public comment will be allowed except by way of real-time telephonic technology via Facebook Live or by providing emails prior to the meeting.

I was present at the previous meeting where both this amendment and the rezoning of 1465 Shiloh Road were to be considered (RZ2020-001) and at that meeting it was wisely adopted that both agenda items be tabled until after the COVID-19 crisis could be confirmed to be under control, the timeline was to be determined. I followed up with previous inquiries, via phone, about when this next meeting for either of these agenda items would be and I was informed that the city of Kennesaw would be tabling any agenda items regarding zoning until further notice.

I've currently been informed that now these items will be separated and tonight the amendment regarding the change of ordinance will be reviewed and on June 15th the rezoning of 1465 Shiloh Road will be heard. I'm writing to plea to the city to keep these agenda items on the same agenda, June 15th, so that the people of Kennesaw, in person, can hear and be heard about these significant zoning changes.

I believe the current actions are in direct contradiction to previous actions by the city council and pray that reason will push this amendment to the June 15th City Council meeting.

Should the City Council believe that a major change in the city's zoning ordinance be required without the people of the city of Kennesaw's direct input for the final public hearing I offer the following objections to the ordinance proposes.

My first objection – under the "Standards for Development" the new maximum allowable density to 100 bedrooms per acre equates to a 20 units per acre (five bed units maximum allowed divided into 100 beds per acre) zoning. The largest development density in the current standards is 12 units per acre. You are also providing, at a minimum in the new standard, one bathroom for every two bedrooms equating to a minimum of 50 bathrooms per acre allowable. Your current standards only allow three

bedrooms per unit, at twelve units per acre, assuming a maximum of one bath load per bedroom, that would be a maximum of 36 bathrooms per acre. That's a deficit of 14 bathrooms not covered under your current zoning or infrastructure plan. Your current infrastructure for all properties will be underserved and will put pressure on the current sewer and water system for the city without any revenue offset for new infrastructure of the new zoning.

My second objection – is in regards to the new maximum 5 beds per unit. There are discussions in the multifamily community that the COVID-19 outbreak will cause a fundamental shift in student teaching and student housing. The adoption of this ordinance is premature and should be postponed until a firm path is determined. The research for the original ordinance that is being used is now outdated by way of the COVID-19 outbreak and the city should step back for a moment to make sure the new zoning doesn't provide for a community of empty apartments in the future.

My third objection – you are increasing the allowable coverage on the property to 40% which exceeds anything in your current zoning for residential. More coverage means more storm water runoff which means more infrastructure to handle said water.

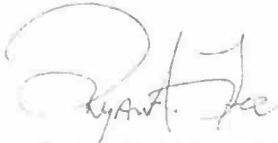
My fourth objection – adding the standard of 0.75 parking spaces per bedroom is wholly unrealistic. These developments at a minimum should have a standard of 1 parking space per bedroom as you must consider that these facilities could be 100% occupied during the school year. Failure to do this will put strain on surrounding communities fighting for parking.

My fifth objection – is in regards to the maximum building height of fifty-five (55) feet, this language is wholly broad and far exceeds the current standards under your current zoning which is at a maximum of four stories or 40'-0". You give no story requirements and no basis of building height. Example, can we do a five-story building, 8'-0" ceiling heights, with a split level? As currently written the answer would be yes. This will devalue the surrounding properties as the sales of such product would be a lower standard than the possible surrounding zoned properties.

My sixth objection – regards the landscape setbacks which has only be considered for abutting residential property (minimum of 30'-0"). I'm currently in an office complex where my window is 10'-0" away from our property line. My recommendation is that a minimum of 5'-0" landscape buffer should be used for any non-residential property.

In summary I write to object to this adoption of this ordinance to amend the unified development code for Kennesaw. It is my opinion that a "Purpose Built Student Housing" zoning classification is needed for the city of Kennesaw, but the proposed ordinance has not been well thought out and appears to only have been brought forth for spot zoning due to the rezoning of 1465 Shiloh Road. I ask that the council not approve this amendment and wait for the COVID-19 crisis to resolve itself prior to making any sweeping changes in the zoning code. After that, represent the ordinance with more of a tailored fit to the needs of the residence of Kennesaw and KSU, and it is my opinion it would be received more favorably.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ryan A. Lee". The signature is stylized with a large, looping "R" and a distinct "A".

Ryan A. Lee, Architect
RA Lee & Associates
1301 Shiloh Road, Suite 321
Kennesaw, Georgia 30144

APPENDIX 5

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 1 – "GENERAL PROVISIONS," 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 1 - GENERAL PROVISIONS

1.01.00 - TITLE

This code shall be known and cited as "The Unified Development Code City of Kennesaw, Georgia" and may be referred to as the "UDC."

1.02.00 - AUTHORITY

In pursuance of authority conferred by O.C.G.A. § 36-66 et seq., and Article IX of the Georgia Constitution and the amendments thereto, for the purposes of promoting the health, safety, morals, convenience, order, prosperity or the general welfare of the municipality; lessening congestion in the streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding inadequate light and air; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; improving the aesthetic appearance of the municipality; conserving the value of buildings and encouraging the most appropriate use of land and buildings throughout the municipality, all in accordance with a comprehensive plan, the governing body of the City of Kennesaw, Georgia, does hereby ordain, enact and thereby incorporate into the City Code of Kennesaw, Georgia, this article and the following articles and sections.

1.03.00 - APPLICABILITY

1.03.01 - Generally

This UDC shall apply only to the incorporated areas of the City of Kennesaw. No buildings, structures, or land shall be used or occupied; and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with the regulations of this UDC. A change of use shall conform to the standards, criteria, requirements, and procedures of this UDC.

1.03.02 - Exemptions and Exceptions

The following general conditions or circumstances are exempt from the provisions and requirements of the UDC:

1. Buildings or structures that are legally under construction on the date of adoption of the UDC;
2. Buildings or structures for which a building permit has been issued as of the effective date of this UDC, provided that construction commences prior to the expiration of the building permit, and continues until completed;
3. Development pursuant to an approved development plan or subdivision plat approved prior to the effective date of this UDC, provided that development commences not later than one (1) year after the effective date of this UDC; or
4. The proposed use of property lawfully approved as of the effective date of this UDC.
5. All building and construction codes and activity as set forth in Chapter 18 of the City of Kennesaw Municipal Code.

1.04.00 - PURPOSE AND INTENT

1. These regulations are enacted to promote the proper location, height, bulk, number of stories, and size of buildings and other structures, sizes of yards, courts, and the use of other open spaces, density and distribution of population, and the use of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, and public activities.
2. The purpose of these regulations is to:
 - a. Promote the health, safety, morals, convenience, order, prosperity or general welfare of the municipality;
 - b. Promote desirable living conditions and the sustained stability of neighborhoods;
 - c. Protect property against blight and depreciation;
 - d. Secure economy in government expenditures;
 - e. Lessen congestion in the streets;
 - f. Secure safety from fire, panic and other dangers;
 - g. Provide adequate light and air; preventing the overcrowding of land;
 - h. Avoid undue concentration of population;
 - i. Facilitate the adequate provision of transportation, water, sewerage, schools,

parks, and other public requirements;

- j. Protect the value of existing properties; and
- k. Promote the most appropriate use of land, buildings, and structures throughout the municipality in accordance with the Comprehensive Plan.

1.05.00 - RELATIONSHIP TO THE COMPREHENSIVE PLAN

The City of Kennesaw Comprehensive Plan is the official development policy and implementation guide for the City to coordinate and direct physical and economic development, related public investment, and, to provide reasonable regulations for the development of private property in the interest of public health, safety, and welfare. This UDC is designed to implement all provisions of that Plan for the development and use of land.

1.06.00 - ADMINISTRATION

The City Manager is the Chief Administrative Official of the City of Kennesaw. Throughout this UDC, the term "City Manager" is used to indicate the responsibility for specified actions, except where specified actions are reserved or specifically delegated by law to another official. In all instances, "City Manager" means the "City Manager or designee." The City Manager will assign authority to the appropriate staff personnel listed below in this section, to enforce, interpret, administer and implement all sections of the Unified Development Code.

1.06.01 - Building Official

Shall be the individual who serves as Director of the Construction and Development Division as designated by the Mayor and City Council in accordance with Section 101.4 of the Standard Building Code, 1991 Ed., and as may be amended from time to time.

1.06.02 - Public Works Director

Shall be the individual who serves as Director of Public Works Department who plans and directs the work of the department, supervises the work of personnel involved in street and drainage system, vehicle and equipment maintenance, and solid waste collection and disposal.

1.06.03 - Planning and Zoning Administrator

City of Kennesaw staff person authorized to interpret, amend and regulate the Zoning Ordinance, Historic Preservation Design Guidelines, Architectural Standards and to ensure consistent compliance to the adopted Comprehensive Plan, all adopted Master Plans and Studies for the City of Kennesaw and all other duties assigned by the City Manager.

1.06.04 - Plan Review Committee

The Kennesaw Development Plan Review committee comprised of representatives of internal departments to interface with outside agencies and private companies involved in the development process.

- Building Services
- Public Works
- City Engineer
- Planning and Zoning
- Economic Development
- Environmental

The duty of this committee is to provide review and regulatory oversight over all development regulations that involve development activity in the City of Kennesaw.

1.07.00 - DOCUMENTS ADOPTED BY REFERENCE

1.07.01 - City of Kennesaw Future Land Use Map

The City of Kennesaw Future Land Use Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this UDC.

1.07.02 - City of Kennesaw Character Area Map

The City of Kennesaw Character Area Map, together with all explanatory matter thereon and provided in the Comprehensive Plan, is hereby adopted by reference and declared to be a part of this UDC.

1.07.03 - City of Kennesaw Zoning Map

The City of Kennesaw Zoning Map, together with all explanatory matter thereon, is hereby

adopted by reference and declared to be a part of this UDC.

1.07.04 - Building and Construction Codes

- A. All building and construction codes are listed in Sections 18-15 and Section 18-16 of the City of Kennesaw Municipal Code.
- B. Availability for Review. (Sec 18-17)

A copy of each of the technical codes is on file in the office of the Building Official and is available for review upon request.

1.07.05 - (Reserved)

1.08.00 - RULES OF INTERPRETATION

1.08.01 - Generally

Specific provisions of this UDC shall be followed in lieu of general provisions that may be in conflict with the specific provision. In the interpretation and application of this UDC all standards, provisions, and requirements shall be liberally construed in favor of the objectives and purposes of the City and shall not be construed to limit nor repeal any other powers granted under State statutes. Where provisions of this UDC conflict with other regulations, the more stringent restrictions shall be applied.

• 1.08.02 - Responsibility for Interpretations

In the event that any question arises concerning the application of regulations, standards, definitions, development criteria, or any other provision of this UDC, the Planning and Zoning Administrator and/or his/her designee shall be responsible for interpretation. In the interpretation of this UDC, the Planning and Zoning Administrator shall be guided by the City of Kennesaw Comprehensive Plan and applicable State law.

Responsibility for interpretation by the Planning and Zoning Administrator as set forth in this section shall be limited to standards, regulations, and requirements of this UDC, and shall not be construed to include interpretation of any technical codes adopted by reference in this UDC. Interpretation shall not be construed to override the responsibilities assigned by the Mayor and City Council to any commission, board, or official named in other sections or chapters of this UDC.

1.08.03 - Rules for Boundary Interpretations

Interpretations regarding boundaries of zoning districts shall be made in accordance with the following:

1. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.
2. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.
3. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
4. Boundaries shown as following or approximately following the shoreline of a river, stream, lake or other water body shall be construed as following such shoreline.

1.08.04 - Fire District (Sec. 18-19)

The entire area of the city shall constitute the fire district of the city.

1.08.05 - Rules of Construction

1. Words used in the present tense include the future tense.
2. Words used in the singular number include the plural, and words used in the plural include the singular.
3. The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
4. The word "lot" includes the word "plot" or "parcel."
5. The word "building" includes the word "structure."
6. The word "shall" is mandatory not directory.
7. The word "may" is permissive.
8. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
9. The word "map," "zoning map" or "Kennesaw Zoning Map" shall mean the "Official

Zoning Map of the City of Kennesaw, Georgia."

10. "Or" may be read "and," "and" may be read "or," if the sense requires it.
11. The term "written" or "in writing" shall include any representation of words, letters, or figures, whether by printing or otherwise.
12. The term "day" means a calendar day.
13. The term "month" means a calendar month.
14. The word "week" shall mean seven (7) days.
15. The word "year" shall mean a calendar year.

1.08.06 - Computation of Time

When a number of days is prescribed for the exercise of any privilege or the discharge of any duty, the first or last day shall not be counted; and if the last day falls on Saturday or Sunday, the person having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as provided for in O.C.G.A., Section 1-4-1, the person having the privilege or duty shall have through the following day to exercise the privilege or to discharge the duty; however, when the following day is a Saturday or Sunday, the person shall have through the following Monday to exercise the privilege or to discharge the duty.

1.09.00 - ACRONYMS AND DEFINITIONS

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. Unless otherwise expressly stated, the following words shall have the meaning herein indicated. The following terms are defined for purposes of this UDC.

1.09.01 - Acronyms

"A"	A High Risk classification for a flood zone as defined by the Flood Insurance Rate Map (FIRM)
AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act

"AD"	A High Risk classification for a flood zone as defined by the Flood Insurance Rate Map (FIRM)
"AE"	A High Risk classification for a flood zone as defined by the Flood Insurance Rate Map (FIRM)
"AH"	A High Risk classification for a flood zone as defined by the Flood Insurance Rate Map (FIRM)
"AO"	A High Risk classification for a flood zone as defined by the Flood Insurance Rate Map (FIRM)
ARC	Atlanta Regional Commission
BCCMP	Bituminous-Coated Corrugated Metal Pipe
BMP	Best Management Practice
BOD	Biological Oxygen Demand
CADD	Computer Aided Design and Drafting
CBD	Central Business District
CCMWA	Cobb County Marietta Water Authority
CCWS	Cobb County Water System
CFR	Code of Federal Regulations
CLG	Certified Local Government
CLOMA	Conditional Letter of Map Amendment

CLOMR	Conditional Letter of Map Revision
CMP	Corrugated Metal Pipe
COD	Chemical Oxygen Demand
CRC	Community Retail Commercial District
CRZ	Critical Root Zone
CWA	Clean Water Act
DBH	Diameter Breast-Height
DCA	Department of Community Affairs
DFD	Density Factor Deficit
DRI	Developments of Regional Impact
DXF	Drawing Interchange File
DUA	Dwelling Units per Acre
EDF	Existing Density Factor
EPA	Environmental Protection Agency, United States
EPD	State Environmental Protection Division
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency

FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FST	Fee Simple Townhome District
GC	General Commercial District
GDOT	Georgia Department of Transportation
GFC	Georgia Forestry Commission
GI	Green Infrastructure
GIS	Geographic Information System
GUST	Georgia Underground Storage Tank
HDPE	High-density Polyethylene Pipe
HGB	Highway General Business District
HI	Heavy Industrial District
HIS	Kennesaw Historic District
HIS	Historic District
HPC	Historic Preservation Commission
HPV	Historic Preservation Village
HSG	Hydrologic Soil Group

HUD	Housing and Urban Development
ICC	International Code Council
IE	Invert Elevation
KHD	Kennesaw Historic District
l	Liter (metric volume of measurement)
LDP	Land Disturbance Permit
LEED	Leadership in Energy and Environmental Design
LF	Loading Factor
LI	Light Industrial District
LID	Low Impact Development
LOMR	Letter of Map Revision
LRO	Low-Rise Office District
Mg	Milligram
Mg/l	Milligrams per liter
MHP	Mobile Home Park District
MUTCD	Manual on Uniform Traffic Control Devices
NGVD	National Geodetic Vertical Datum
NPDES	National Pollutant Discharge Elimination System

NRC	Neighborhood Retail Commercial District
NS	Neighborhood Shopping District
NTU	Nephelometric Turbidity Unit
O&M	Operation and Maintenance
OCGA	Official Code of Georgia Annotated
OI	Office/ Institutional District
OSHA	Occupational Safety and Health Administration
P	Permitted (from land use table)
PD	Planned Development
PE	Professional Engineer
Plan	Comprehensive Plan
POTW	Publicly Owned Treatment Works
PSC	Planned Shopping Center District
PSI	Pounds per Square Inch
PUD-R	Planned Urban Development-Residential District
PVC	Planned Village Community District
RA-4	Residential District- 4 units/ acre
R-D	Residential Duplex District, 20,000 square feet lot/s

RDF	Replacement Density Factor
RM	Residential District- Multifamily
RM-8	Residential- Multifamily, 8 units per acre
RM-12	Residential- Multifamily, 12 units per acre
RR	Rural Residential District
RRC	Regional Retail Commercial District
SCS	Soil Conservation Services
SD	Sight Distance
SDF	Site Density Factor
SE	Special Exception
SIC	Standard Industrial Classification
SPDS	Semi Permanent Directional Signs
SSSF	Self Service Storage Facilities
SWDA	Solid Waste Disposal Act, <u>42</u> U.S.C. 6901 et seq.
T-LDS	Temporary-Local Directional Signs
TND	Traditional Neighborhood Development
TS	Tourist Services
TSS	Total Suspended Solids

UDC	Unified Development Code
USC	United States Code
USPS	United States Postal Service
UVC	Urban Village Commercial District
VOC	Volatile Organic Compounds
WEDS	Weekend Directional Signs

(Ord. No. 2012-03, 5-7-12)

1.09.02 - Definitions

1st Class Stream Boundary: All that land identified as Zone A on the effective "flood insurance rate map" prepared by the U.S. Department of Housing and Urban Development and/or all that land as identified on the Chattahoochee Tributary Map within the 1st Class Stream Boundary. Provided, however, a report prepared and sealed by a registered engineer defining the unaltered area of special flood hazard may be substituted in lieu of the above.

2nd Class Stream Boundary: The stream channel and all that land identified by the soil survey report of Cobb County, Georgia prepared by the United States Department of Agriculture, Soil Conservation Service classified as a young alluvium and more specifically as the following type series: Buncombe, Congaree, Chewacla, Wehadkee and/or all that land as identified on the Chattahoochee Tributary Map within the 2nd Class stream boundary. Provided, however, a report prepared and sealed by a registered engineer defining the unaltered area of special flood hazard may be substituted in lieu of the above.

Abandoned Sign: A sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkept, and for which no person accepts maintenance responsibility. Abandoned signs will be required to meet current sign ordinance regulations for height, square feet, location and material requirements.

Acceleration/deceleration lane. An additional lane provided along a major thoroughfare running from a private driveway or property entrance for a distance of the greater of 60 percent of the property frontage or 100 feet.

Accessory Building or Structure: A building or structure subordinate to the principal use or building on a lot or property and serving a purpose customarily incidental to the use of the principal building, provided any such structure or building is built with or after the construction of the principal building. Where an accessory building or structure is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building or structure shall be considered part of the principal building. An accessory building shall be located behind the principal building. The use of an accessory structure must be identical and accessory to the use of the principle building. Accessory structures include garages, decks, and fences.

Accessory Retail Uses: Retail sales and services accessory to the operation of an office building or institutional use, motel, hotel, high-rise apartment development, conducted wholly within the building housing the use to which such activities are accessory, provided that the floor space used or to be used for such secondary uses shall be limited to a total of 25 square feet per dwelling unit in a high-rise apartment development or 25 square feet per room in a hotel or motel, or ten percent of the net floor area in an office building or institutional use, and provided that:

1. Every public entrance to such a use shall be from a lobby, hallway or other interior portion of the primary use structure;
2. No show window, advertising, or display shall be visible from the exterior of the primary use structure; and
3. No merchandise shall be stored or displayed outside of the primary use structure.

However, the requirements of subsections 1. and 2. above shall not apply to restaurants and cafeterias secondary to a hotel or motel and office building or institutional use; these secondary uses may be located in a structure other

than the primary use structure. The following secondary uses are permitted: barber shops, beauty shops, laundry and dry cleaning pick-up and distribution stations and other similar personal service establishments; drugstores; bookstores; florists; convenience food stores; gift shops; cafeterias and restaurants; private clubs; laundry facilities for the convenience of residents; newsstands. However, the total net floor space for such secondary building or structure uses shall be limited to 6,000 square feet.

Accessory Uses: Uses subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building, provided any such use is built with or after the construction of the principal building. Such uses include: garbage pads, heating and air conditioning units, Jacuzzis, greenhouses, tennis courts, swimming pools (private), playhouses, playgrounds, and the like. A tower and/or antenna are considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure.

Accidental Discharge: A discharge prohibited by this article, which occurs by chance and without planning, thought or intention prior to occurrence.

Adaptive Use: Recycling an old building for a use other than that for which it was originally constructed.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered New Construction.

Administrator: A City of Kennesaw city engineer, zoning administrator, City or County Arborists or environmental specialist.

Adult bookstore or adult video store means a commercial establishment which, as one of its substantial business activities, offers for sale or rental for any form of consideration any one or more of the following items: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A "substantial business activity" exists where the commercial establishment meets any one or more of the following criteria:

- (1) At least 25 percent of the establishment's displayed merchandise consists of the foregoing items; or
- (2) At least 25 percent of the wholesale value of the establishment's displayed merchandise consists of the foregoing items; or
- (3) At least 25 percent of the retail value of the establishment's displayed merchandise consists of the foregoing items; or
- (4) At least 25 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of the foregoing items; or
- (5) The establishment devotes at least 25 percent of its interior business space or, if less than 25 percent, devotes at least 500 square feet of its interior business space to the display, sale, and/or rental of the foregoing items (aisles and walkways used to access said items shall be included in the term "interior business space"); or
- (6) The establishment regularly offers for sale or rental at least 1,000 of the foregoing items and limits access to the premises or to the portion of the premises occupied by said items to adults only; or
- (7) The establishment regularly advertises itself or holds itself out, using "adult," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests; or
- (8) Maintains an adult arcade, which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

Adult cabaret means a commercial establishment or facility which regularly features live dancers, performers or other persons who appear nude.

Adult motion picture theater means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration.

Adult movie house means any movie theater which on a regular, continuing basis shows films rated "X" by the Motion Picture Coding Association of America or any movie theater which presents for public viewing on a regular, continuing basis so-called "adult films" depicting sexual conduct.

Agricultural Produce Stand: A structure not greater than 1,000 square feet for the purpose of seasonal sales of products grown or produced on the premises on which it is located.

Alignment: The arrangement of objects along a straight line.

Alley or Service Drive: A public or private way permanently reserved as a secondary means of access to abutting property and which may be used for public utility purposes. Frontage on said alley shall not be construed as satisfying the requirements of this ordinance related to frontage on a dedicated street.

Altered or Alteration of Building: Any change in the supporting members of a building (such as bearing walls, columns, girders) except changes as may be required for its safety; any addition to a building; any change in use from that one district classification to another; or of a building from one location to another; any act or process that changes the exterior architectural appearance of a building.

Alternative Tower Structure: Structures utilized for antenna-mounting purposes that include, but are not limited to, simulated trees, clock towers, steeples, silos, light poles, electric transmission towers and other such structures that are compatible with the natural setting and surrounding structures, and effectively camouflage or conceal the presence of antennas or towers.

Ancillary Retail Sales (industrial districts): Retail sale of goods and services which is secondary in nature to the primary industrial use of the property in so much that the goods for sale have been produced on-site or are in storage at the site for planned distribution to other areas. The ancillary retail sale of goods shall only be conducted as part of the permitted industrial use and shall not be a freestanding business.

Animal Shows: Exhibitions of domestic or large animals for a maximum of seven days.

Animated Illumination or Effects: Illumination or effects with action, motion, moving characters or flashing lights. This may require electrical energy, but shall also include wind actuated devices. Specifically included is any motion picture or video mechanism used in

conjunction with any outdoor advertising structure in such a manner as to permit or allow the images to be visible from any public right-of-way. This definition does not include signs which indicate only time and/or temperature, provided that such time and/or temperature signs do not change or alternate messages more than 12 times a minute or electronic message signs as permitted within.

Antenna: Any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio, wireless, telecommunications signals or other communications signals. Such definition does not include, for purposes of this ordinance, radar antennas, amateur radio antennas, satellite earth stations, television receiving antennas and direct broadcast satellite dishes.

Antenna, Array: Any two or more antennas that operate as components of a complete antenna suite for a single wireless communication facility.

Antenna, Concealed: Any antenna designed and erected on or in a building or alternative structure in such a way that it blends in with the existing façade and/or is located such that it is not readily visible to a person at adjacent street level.

Apartment: A room or suite of two or more rooms occupied or suitable for occupancy as a dwelling unit for one family in a multiple dwelling or any other building not a single-family dwelling or two-family dwellings.

Apartment Building: A building designed for or occupied exclusively by three or more families with separate housekeeping facilities for each family.

Appeal: A request for a review of the City of Kennesaw's interpretation of or decision with respect to any provision of an ordinance or code to the applicable appeals body.

Applicant (as pertaining to storm water management): A person submitting a post-development storm water management application and plan for approval.

Appropriate: Suitable to or compatible with what exists. Proposed work on historic properties is evaluated for "appropriateness" during the design review process.

Arcade: A building or part of a building in which five or more pinball machines, video games, or other children's rides or other similar player-operated amusement devices are maintained, not including commercial recreation restaurant.

Architectural Style: Showing the influence of shapes, materials, detailing or other features associated with a particular architectural style.

Area of Shallow Flooding: A designated "AD" or "AH" Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: Refers to the land in the floodplain subject to a one percent or greater chance of flooding in any given year. This information is available from the FIS publication.

Ashlar: A dressed or squared stone and the masonry built of such hewn stone. It may be coursed, with continuous horizontal joints or random, with discontinuous joints.

Assisted Living Facilities: Housing units designed for dependent senior adults that require ongoing supportive services including but not limited to medical care, food preparation, daily living and the like.

Automobile Service Station (gas, filling station): A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto; facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building.

Automobile Storage Yard and Wrecker Service: An establishment used for the short-term storage of damaged or confiscated vehicles.

Automotive Paint and Body Repair Shops: An establishment for restoring auto bodies, painting or refinishing with all activities carried on entirely within an enclosed building.

Automotive Salvage and Wrecking Yards: Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

Auxiliary Water Supply: Any water supply on or available to the premises other than the city's approved public water supply. These auxiliary waters include, but are not limited to, water from another purveyor's public potable water supply or any natural source such as a well, spring, river,

stream, harbor, etc., or used waters or industrial fluids. These auxiliary waters may be contaminated, polluted or constitute an unacceptable water source over which the city does not have sanitary control.

Awning Sign: A sign, symbol, trademark or other message written on an awning attached to a wall. Awning signs are included in the definition of wall signs.

Baluster: A turned or rectangular upright supporting a stair handrail or forming part of a balustrade.

Balustrade: An entire railing system including a top rail and its balusters, and often a bottom rail.

Banner: A display made of a pliable material displaying a commercial or noncommercial message.

Bar: Shall be an establishment that does not meet the definition of a restaurant, nightclub, lounge, farm winery or hotel, and serves alcoholic beverages for consumption on premises. The establishment derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises. A licensee of a bar shall obtain and keep in force and affect a food service permit.

Base Flood: Refers to a flood having a one percent chance of being equaled or exceeded in any given year [i.e., the "100-year flood"].

Basal Area: The cross-sectional area of a tree trunk at diameter breast-height (DBH) expressed herein in terms of "units" per acre.

Base Flood Elevation: Refers to the highest water surface elevation anticipated at any given point during the base flood.

Basement: A portion of the building partly underground which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story unless the ceiling is six feet or more above the grade. A basement shall be counted as a story if subdivided or used for dwelling or business purposes.

Bathhouse and Massage Parlors: An establishment to which the public is permitted or invited and in which services offered include some form of physical contact between employee and patron and in which services offered are characterized or distinguished by an emphasis on specified sexual activities or specified anatomical areas.

Bay: One unit of a building that consists of a series of similar units; commonly defined as the number of vertical divisions within a building façade.

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.

Best Management Practices (BMPs): A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6 subsection (b).

Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Biomedical Waste Transfer and Disposal Facility: A facility engineered and designed for the collection and/or transfer of biomedical waste products such as used gauze, syringes, needles, bandages, test tubes, surgical wastes from a collector vehicle to a larger transport vehicle to another destination for incineration or disposal.

Block Out Zone: An area that is measured from the intersecting points of a public right-of-way, street, road, highway, railroad, at any entrance onto or exit from any public road or other location and extending 20 feet along the right-of-way in each direction and closed so as to form a triangle in the corner created by the intersection.

Board (as pertaining to environmental protection): The State Board of Natural Resources.

Boardinghouse: A building, house, or portion thereof, where persons reside and meals are provided for not more than 15 persons, who are not members of the operator's family, for compensation.

Bottle House: Any place of business open to the public or any private club providing food or entertainment in the normal course of business, which allows guest, patrons or members to bring in and to consume alcoholic beverages on the premises.

Brace: A diagonal stabilizing member of a building frame.

Bracket: A projecting support used under cornices, eaves, balconies, or windows to provide structural support.

Buffer: An area serving as a visual or physical barrier created by the use of planted or natural existing materials alone in combination with berms, decorative fencing or walls. Except for a water quality buffer as defined in the UDC, the following uses are permitted within an undisturbed perimeter buffer (after site plan approval and certificates of occupancy issue): public and private utilities, detention facilities, access drives, pools, decks, gazebos, and fences.

Buffer Area: An area set aside to give additional setback from adjacent structures or types of land use.

Buildable Area of Lot: Refers to the area of a lot within the building setback lines within which a principal building or structure may be erected.

Building: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals or property of any kind.

Building, Accessory: A building subordinate to the main building on a lot and used for purposes incidental to the main or principal building and located on the same lot therewith. An accessory building shall be located behind the principal building.

Building, Principal: A building in which is conducted the principal use of the lot on which said building is situated. In any residential district, any structure containing a dwelling unit shall be defined to be the principal building on the plot on which same is situated.

Building Form: The overall shape of a structure.

Building Height (height of structure or building): The vertical distance to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between eaves and the ridge of the gable, hip, and gambrel roofs, measured from the curb level if the building is not more than ten feet from the front lot line or from the grade in all other cases.

Building line means a line beyond which no foundation wall or part of the structure of any building shall project, with the exception of roof overhang and the subsurface projection of footings; provided however, that such overhang and footings do not encroach upon the adjacent property or right-of-way.

Building Mass: The physical size and bulk of a structure.

Building Official: Person authorized to enforce provisions of the technical construction codes.

Building Scale: The size of structure as it appears to the pedestrian.

Building Setback Line: A line establishing the minimum allowable distance between the walls of the building or accessory structure and any right-of-way, or other property line, when measured perpendicularly thereto. Covered porches, fireplace chases, decks, eaves or any building structure, whether enclosed or not, shall be considered as a part of the building and shall not project into the required yard.

Bunting: A long colored strip of cloth or other pliable material used for festive decorations and containing no commercial or noncommercial message, logo or emblem, and must be attached to the structure.

Business Announcement Signs: Wall mounted or freestanding signs that announce the future opening and location of a business prior to the issuance of City of Kennesaw Certificate of Occupancy and Business License.

Business Area: Any street length between intersections where 50 percent or more of such street length is in use for business purposes.

Caliper: The standard for trunk measurements of nursery stock. Caliper of the trunk shall be taken at six inches above the ground for trees up to and including four-inch caliper size, and 12 inches above the ground for trees larger than four-inch caliper.

Canopy: A roofed structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

Canopy Sign: A sign affixed to, imposed upon or painted on any permanent roof-like structure extending over a driveway or vehicle access area. Such signs may be mounted flush or suspended. A flush canopy sign is one that is mounted in such a manner that a continuous face with the canopy is formed. A hanging canopy sign is one suspended from or beneath the canopy.

Capital: The uppermost part of a column or pilaster.

Casement: A hinged window frame that opens horizontally like a door.

Car Wash: A building, or portion thereof, where vehicles are washed with the use of a chain conveyor and blower, automated or mechanized washers or hand-held steam-cleaning device.

Cellar: A portion of a building partly underground which has less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground and not deemed a story.

Centerline of Street: The line surveyed and monumented by the City of Kennesaw or the Georgia State Highway Department or if a centerline has not been surveyed and monumented, that line running midway between the outside curbs or ditches of the street.

Certificate of Appropriateness: A document evidencing approval by the Historic Preservation Commission of the proposal to make a material change in the appearance of a designated historic property, area, building, structure, monument, streetscape, square or neighborhood located within a designated historic property zone.

Certified Local Government (CLG): A program that is a mechanism to formally involve local governments in the national historic preservation program. Most states have procedures that extend CLG status to communities that adopt a preservation ordinance and establish a preservation commission.

Channel: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Character: Those individual qualities of buildings, sites and districts that differentiate and distinguish them from other buildings, sites and districts.

Characterized by means describing the essential character or quality of an item. As applied in this article, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

Chattahoochee River Tributary Protection Area hereinafter referred to as the "protection area;" is defined and established to be the stream channel and all the land within the 1st Class stream boundary and 2nd Class stream boundary of all 1st Class and 2nd Class flowing tributaries of the Chattahoochee River downstream from Buford Dam and upstream from Peachtree Creek as indicated on the Chattahoochee Tributary Map.

Chattahoochee Tributary Map: That map entitled "Chattahoochee Tributary Map" adopted January 3, 1984, as amended, by the Mayor and City Council which identifies all 1st Class, and 2nd Class flowing streams within the municipal limits of the City of Kennesaw, Georgia, and which may identify any affected land within the 1st Class stream boundary and the 2nd Class stream boundary.

Check cashing establishments means any business, company, corporation, establishment, organization, private enterprise, shop, or store whose primary service is that of a check casher, as defined by O.C.G.A, as may be amended from time to time.

Chemical Oxygen Demand (COD): A measure of oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.

Chevron: A V-shaped decoration generally used as a continuous frieze or molding that is typical of the Art Deco style.

Christmas Tree Sales: Retail sales of Christmas trees between Thanksgiving and December 26th.

Cigar shops, smoke shops and tobacco stores: Any establishment that provides tobacco, cigarette and specialized accessories used for smoking purposes for retail sale. All accessories and products are subject to State and local regulations.

Circuses and Carnivals: Provision of games, eating and drinking facilities, live entertainment, animal exhibitions or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility. Fire Code compliance is required.

Citizen Advisory Committee: A committee comprised of a diverse cross section of citizens serving as volunteers for the purpose of providing feedback and recommendations on proposals dealing with city policies, land use proposals and initiatives that affect the general public. This

committee is structured and will follow all the appropriate rules of conduct for committees and meeting structure including taking of minutes and submittal of findings to the City of Kennesaw Departments, City Manager and Mayor and Council.

City: City of Kennesaw.

City Council: Mayor and City Council for the City of Kennesaw.

City Engineer: The official or consulting engineer to whom the city has delegated the responsibilities normally associated with this title.

City of Kennesaw or City: Refers to a municipal corporation chartered pursuant to the laws of the State of Georgia, any department, board, or commission of such city, any elected or appointed official, or any employee or designee thereof.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Clapboard: A long, narrow board with one edge thicker than the other, overlapped to cover the outer walls of frame structures.

Classical: Of, or pertaining to, the architecture of ancient Greece and Rome.

Clinic: A building designed and used for the diagnosis and treatment of human patients, not containing overnight care facilities. A clinic shall include laboratory facilities in conjunction with normal clinic services.

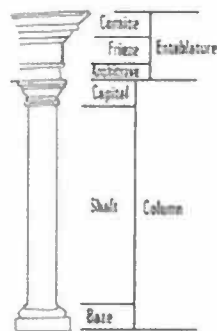
Closed Function: An event not open to the general public which must have a written, limited guest list prepared at least 48 hours in advance of the date on which the closed function is to occur, and which occurs on property owned and maintained by the city. No pay-at-the-door guest or drop-ins are to be permitted. Alcoholic beverages may be served without charge and consumed at closed functions, but the offer and sale of alcoholic beverages at such functions is prohibited; except that a general admission fee permitting attendance at the closed function may be collected in advance.

Club or Lodge (noncommercial): Building or facilities owned or operated by a corporation, association, person or persons for social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Co-location: The placement of additional antennas or antenna array on an existing or approved tower or alternative structures; or the sharing of a common location by two or more approved providers of wireless communication services.

Collector street: A street which is designated as such on the major thoroughfare plan and which is intended to collect traffic from residential streets and direct it safely to secondary or major streets.

Column: A slender upright structure, generally consisting of a cylindrical shaft, a base and a capital; pillar: It is usually a supporting or ornamental member in a building. Also, a vertical support of round section that in classical architecture consists of three parts: base, shaft, and capital.



Commercial Building Type: A definition based on the composition of a commercial building's primary façade. Most commercial façades are divided into major divisions or elements that are used to define the building type.

Compatible: Not detracting from surrounding elements, buildings, sites or structures; appropriate given what already exists.

Component: An individual part of a building, site or district.

Combiner: A device that allows two or more wireless service providers to share an antenna or an antenna array by combining signals to be transmitted and separating signals being received.

Commercial Filming, Limited: Commercial motion picture or video photography at the same location six or fewer consecutive days per quarter of a calendar year in residential districts or fewer than 15 days per quarter of a calendar year in nonresidential districts.

Commercial Indoor Recreation Uses: Indoor recreational uses such as bowling alleys, driving ranges, batting cages, shooting ranges, and the like.

Commercial Message: Any message that identifies, advertises, directs attention to or promotes a business; or any message that attempts to generate good will for a business; or any message that advertises a good, product, property or service or otherwise proposing a commercial transaction.

Commercial Outdoor Recreation Uses: Outdoor recreation uses such as baseball and softball batting cages, shooting ranges, miniature golf, putt-putt golf, driving range, and the like.

Commercial Recreation Restaurant: Any establishment which provides as a principal uses the combination of family-oriented recreation and on-premises dining where neither the recreation nor the on-premises dining is clearly accessory or incidental to the operation of the other with no adult entertainment. For the purpose of this definition, recreation may include but is not limited to:

1. Television and motion pictures;
2. Sound and sight systems;
3. Mechanical and/or electronic operated games;
4. Animated mechanical devices and/or rides; and
5. Live entertainment.

Commission (as pertaining to environmental protection): The state soil and water conservation commission.

Community Fair: A festival or fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line; any event shall not exceed 21 days.

Community Retail Uses: Retail commercial stores and services which are assigned to serve several neighborhoods making up a community such as: neighborhood retail uses larger than 6,000 square feet, department stores, discount houses, mini-malls, strip shopping centers, home improvement stores, wholesale outlets, clothing and apparel-marts, indoor flea markets, antique malls, sporting good stores, and the like.

Component: Any assembly, subassembly, or combination of parts for use as a part of a building, which may include structural, electrical, plumbing, mechanical, and fire protection systems and other systems affecting health and safety.

Condominium (building): Individual ownership of units in a multifamily structure, together

with joint ownership of common areas of the building and grounds.

Confined Animal Feeding Operation: A building or fenced enclosure designed and used for the holding or fattening of animals in preparation for market.

Conservation Easement: A portion of land set aside in its natural state and preserved as open space in perpetuity.

Construction Activity: Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in or involving land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Consumer Fireworks Retail Sales Facility: as defined by NFPA 1124, the structure is used primarily for the retail display and sale of consumer fireworks to the public. If the amount is greater than 1,000 (gross) pounds, then the occupancy must meet special sprinkler system and other special requirements for an H-3 occupancy under the 2012 International Fire Code (IFC) and International Building Code (IBC).

Contemporary: Of the current period; modern.

Context: The setting in which a historic element or building exists.

Contiguous: Next to, abutting, or touching and having a boundary, or portion thereof, which is common or coterminous.

Contributing: Contributes to the architectural or historic significance of a historic district. (A "contributing building" in a historic district is one that may be of limited individual significance but nevertheless functions as an important component of the district.)

Convenience Store: A retail establishment whose primary business is the sale of pre-packaged or unprepared food and grocery items which may sell fuel products, household items, or tobacco products and other goods commonly associated with the same.

Convenience Food Store with Self-service Fuel Sales: Any retail establishment offering for sale automotive fuels, pre-packaged food products, beverages, household items, and other goods commonly associated with the same. Further, there shall be no automotive repairs done on-site.

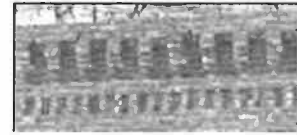
Conviction: Adjudication of guilt, plea of guilty, plea of "nolo contendere" or the forfeiture or a bond when charged with a crime, but shall not include a discharge under provisions of what is commonly called the State of Georgia First Offender Act.

Cooling Water: The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Copy: Refers to the wording, designs and other advertising display on the surface of a sign.

Corbel: A projection or one of a series of projections, each stepped progressively farther forward with increasing height; anchored in a wall, story, column, or chimney.

Corinthian Order: The slenderest and most ornate of the classical Greek orders of architecture, characterized by a slim fluted column with bell-shaped capital decorated with stylized acanthus leaves.



Cornice: The projection at the top of a wall. The top course or molding of a wall when it serves as a crowning member.

Corridor: All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed.

Cover: Vegetative or earth materials that provide natural shelter for animal life, or the factors that provide such shelter.

Critical Root Zone (CRZ): The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone (CRZ) will typically be represented by a circle centered on the tree's trunk with a radius equal in feet to one and a quarter the number of inches of the trunk diameter. Example: The CRZ radius of a 20-inch diameter tree is 25 feet.

Crosswalk: A right-of-way within a block dedicated to public use for pedestrian use only and is so designed as to provide access to adjacent streets or lots.

Cul-de-Sac: A street having one end open to traffic and being permanently terminated within

the plat by a vehicular turnaround.

Cultural Facility (private): Private building or facility such as art galleries, museums, legitimate theaters (other than motion picture or video), libraries, and other uses similar in character above.

Customer: Any owner of premises receiving any city utility system service or any end-user thereof, including any and all persons, natural or artificial, including any individual firm, association or trust and any municipal or private corporation organized or existing under the laws of this or any other state or country.

Cut (as pertaining to earthwork): A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface; also known as excavation.

Dam: Means any artificial barrier, including appurtenance works, which impounds or diverts water, and which either:

1. Is 25 feet or more in height from the natural bed of the stream or watercourse measured at the downstream tow of the barrier, or from the lowest elevation of the outside limit of the barrier if it is not across the stream channel or watercourse, to the maximum water storage elevation; or
2. Has an impounding capacity at maximum water storage elevation of 50 acre-feet or more; excepting the following:
 - a. Any artificial barrier which is not in excess of six feet in height, regardless of storage capacity, or which has a storage capacity at maximum water storage elevation not in excess of 15 acre-feet regardless of height;
 - b. Any artificial barrier constructed by the United States Soil Conservation Service, or any other department or agency of the United States Government when such department or agency has designed or approved plans, has supervised construction, maintained the program of inspection, provided however, that this exception shall cease when the supervising federal agency relinquishes authority for the operation or maintenance of such artificial barrier;
 - c.

Any artificial barrier licensed by the Federal Energy Regulatory Commission or for which a license application is pending with the Federal Energy Regulation Commission; or

- d. Any artificial barrier classified by the state soil and water conservation committee as a dam where improper operation or dam failure would not be expected to result in loss of human life.

Dam Break Flood Zone: The area within the flood contour elevations subject to flooding as designated by the city engineer based upon information obtained from the U.S. Corp of Engineers or other federal, state, or county agencies, or local hydraulic studies undertaken as a result of any seepage or failure of any dam.

Day Care Center: Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia and licensed by the City of Kennesaw as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than 24 hours per day, six or more children under 18 years of age.

Dead storage: Storage of goods partly not in use and not associated with any principal commercial or manufactory use.

Dead-end street. A street having only one end open for access to another street, the other end being abruptly terminated with no turnaround.

Deck: A roofless accessory attached or detached platform without exterior walls, generally constructed of wood, which adjoins a residence. Rails or safety features shall not be deemed to be exterior walls.

Demolition: Any act or process that destroys a structure in part or in whole.

Density:

1. The overall intensity of land use for the total project.
2. Residential density is the number of housing units permitted per acre in the zoning district involved in accordance with the terms of the zoning ordinance or as authorized under conditional zoning by the Mayor and City Council. The maximum residential density per developable acre authorized for R-30, R-20, R-15, R-12, R-10, PUD-R, RA-4, RM-8, RM-12, and FST zoning districts are set forth in Chapter Four of the Unified Development Code. These maximums

could be lowered by conditional zoning by the Mayor and City Council. A developable acre shall not include any part or parts of rivers, streams, floodplains and natural lakes which are not the result of manmade dams. The maximum allowable dwelling units per acre shall in no event exceed any of the following:

- a. The maximum set forth in article VIII of this appendix for such zoning district;
- b. The maximum dwelling units per acre which can be constructed without violating any other restrictions, limitations, and/or requirements of such zoning district or the maximum authorized under conditional zoning by the Mayor and City Council.

Density Factor: A unit of measure to prescribe the calculated basal area required for replacement or as existing tree coverage on a site.

Dentil: A small rectangular block used in a series below the cornice.

Department (as pertaining to environmental protection): The Georgia Department of Natural Resources.

Design Standards: The "design standards" manual provides specific development and rehabilitation standards for all new construction, as well as rehabilitation, reconstruction of historic properties within the Kennesaw Historic District. Also applies to the City-wide Design Standards.

Designation or Designated: A decision by the Mayor and City Council, wherein a property or district proposed for preservation is located, to designate such property or district as a "historic property" or as a "historic district."

Designated Recycling Collection Location: Metal or heavy-duty plastic containers, bins or dumpsters designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass, and paper (no perishable or food items allowed) for scheduled minimum monthly pickup with no on-premises sorting. The center must be maintained in a safe, clean, neat and sanitary fashion.

1. Such location shall be visually screened and maintained;
- 2.

Such location shall be within the building setbacks unless otherwise approved by the zoning administrator or his/her designee due to topography, safety, internal traffic flow, site distance, or for other site-related circumstances not created by the property owner.

Detention: The temporary storage of storm water runoff in a storm water management facility for the purpose of controlling the peak discharge.

Detention Facility: A detention basin or structure designed for the detention of storm water runoff and gradual release of stored water at controlled rates.

Developer: A person who undertakes land development activities.

Development: A land development or land development project.

Development or Single Development: Any project or group of related projects constructed or planned for construction on a single parcel or on contiguous parcels under single ownership.

Development Plan: Any plan as determined by the zoning administrator which shows substantial information and intent to develop the property affected in a specific manner.

Diameter: Diameter breast-height/DBH: The standard of tree size (for trees existing on a site). The tree trunk is measured at a height of four and a half feet above the ground. If a tree splits into multiple trunks below four and a half feet, measure the trunk at its most narrow point beneath the split.

Directional: Refers to providing instructions for travel to or indicating the location of a place or event, whether by words, arrows or other symbols.

Director (as pertaining to environmental protection): The director of the Environmental Protection Division of the Georgia Department of Natural Resources.

Distance: The measurement in lineal feet from the closest point of the sign to the nearest property line or to the closest point of another sign, as the case may be.

Division (as pertaining to environmental protection): The Environmental Protection Division of the Georgia Department of Natural Resources.

Doric Order: A classical order most readily distinguished by its simple, unornamented capitals and tablets with vertical grooving, called triglyphs, set at regular intervals in the frieze.

Dormer or Dormer Window: A window set upright in a sloping roof. The term is also used to refer to the roofed projection in which this window is set.

Double-Hung Sash Window: A window with two sashes, one above the other, arranged to slide vertically past each other.

Drainage Easement: An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge storm water runoff onto the tract or parcel of land subject to the drainage easement.

Drainage Structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

Drip Line: An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

Drive-in Establishment: An establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon the premises.

Dwelling: A building designed, arranged or used for permanent living and/or sleeping quarters (excludes mobile home).

Dwelling, Multifamily: A building designed for or occupied exclusively by three or more families with separate housekeeping facilities for each family.

Dwelling, Single-Family: A building designed or arranged to be occupied by one family only.

Dwelling, Two-Family (duplex): A building designed or arranged to be occupied by two families living independently of each other.

Dwelling Unit: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Easement: A grant by the property owner for the use by the public, a corporation, or persons of a strip of land for specific purposes.

Eating and drinking establishment: Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate on-site consumption.

Eave: The underside of a sloping roof projecting beyond the wall of a building.

Economically and Technically Feasible and Viable: Refers to the capability of being provided:

1. Through technology which has been demonstrated in actual applications (not simply through tests or experiments) to operate in a workable manner; and
2. In a manner which has a reasonable likelihood of generating a reasonable profit or other financial benefits, when measured over the term of the lease.

Electronic Display: Shall mean a message displayed through the use of LED, LCD, plasma, or other similar type of panels or screens.

Electronic Sign: A sign in which the message may be changed means a sign whose message may be changed at intervals by computer controller, microprocessor controller or by remote control, and whose message is displayed through the use of LED, LCD, plasma or other similar type of panels or screens, including devices known as commercial electronic message signs or similar devices.

Element: An individual defining feature of a building, structure, site or district.

Elevated Building: A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Elevation: A mechanically accurate, "head-on" drawing of a face of a building or object, without any allowance for the effect of the laws of perspective. Any measurement on an elevation will be in a fixed proportion, or scale, to the corresponding measurement on the real building.

Encounter Center or Rap Establishment: Any business, agency or person who, for any form of consideration of gratuity, provides a place where two or more persons may congregate, assemble or associate for the primary purpose of engaging in, describing or discussing specified sexual activities, or exposing specified anatomical areas.

Engaged Column: A column partially built into a wall, not freestanding.

Entablature: The horizontal part of an architectural order, supported on columns, composed of architrave, frieze, and cornice.

Environmental Protection Agency (EPA): The United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of such agency.

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and Sedimentation Control Plan: A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity.

Escort Bureau, Introduction Services: Any business, agency or persons who, for a fee, commission, hire, reward, profit or other consideration, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons who may accompany other persons to or about social affairs, entertainments or places of amusements, or who may consort with others about any place of public resort or within any private quarters.

Ex Parte Communication: Some form of communication between one party to a proceeding (e.g., an applicant for a permit) and a public official with some responsibility for making a decision affecting that proceeding occurring outside the formal decision-making process and without the knowledge of the other party to the proceeding.

Existing Construction: Refers to any structure for which the "start of construction" commenced before the current moment in time (Definition originated from UDC Chapter 3, "Flood Damage Control").

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before on or after June 7, 2004. (Definition originated from UDC Chapter 3, "Flood Damage Control").

Expansion to an Existing Manufactured Home Park or Subdivision: Refers to the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Explicit media outlet means any commercial establishment which has an inventory of goods that is composed of at least 50 percent of books, pamphlets, magazines, or other printed publications, films or other media which depict sexually explicit nudity or sexual conduct.

Extended Detention: The detention of storm water runoff for an extended period, typically 24 hours or greater.

Extended Stay Hotel or Motels: 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.

Exterior Architectural Appearance: Architectural character, general composition, and general arrangement of the exterior of the structure; including, but not limited to, the kind, color, and texture of the building material and type and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Exterior Environmental Features: All those aspects of the landscape or the development of the site including but not limited to walls, fences, signs, light fixtures, steps or appurtenant elements thereof including any improvement, grading or alteration of the land.

Exterior Environmental Features: All those aspects of the landscape or the development of the site including but not limited to walls, fences, signs, light fixtures, steps or appurtenant elements thereof including any improvement, grading or alteration of the land.

Extreme Flood Protection: Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

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

False Front: A front wall which extends beyond the sidewalls of a building to create a more imposing façade.

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 or hotel, 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.

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Fanlight: A window, often semi-circular, over a door, with radiating muntins suggestive of a fan.

Farm Winery: A domestic manufacturer of wine in quantities of less than 100,000 gallons of wine per year, that is licensed by the state pursuant to O.C.G.A. 3-6-21.1, or as may be amended from time to time. Provided a license is issued as required by this chapter, a farm winery is authorized to sell wine by the package, by the drink and operate a wine tasting facility on the premises of the farm winery without additional license requirements, except as is required in the city zoning ordinance.

Fast food restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars, on the premises, or off the premises.

Fee Simple: The owner is entitled to the entire property with unconditional power of disposition during his life and which descends to his heirs and legal representatives upon his death intestate.

Fenestration: The arrangement and design of windows in a building.

Fill (as pertaining to earthwork): A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Final Plat: A finished drawing or drawings of the subdivision showing completely and accurately all legal and engineering information and certification necessary for recording. The finished drawing or drawings may consist of one or more drawings of the subdivision which together form the final plat, all of which must comply with the requirements of this chapter.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Flag: A piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words or emblems used as the symbol of an organization or entity.

Flashing (as pertains to lighting): Illumination which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects. The term "flashing" excludes illuminated signs which indicate only time and/or temperature, provided that such time/temperature signs do not change or alternate messages more than 12 times a minute.

Floatable Oil: Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain: Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown in the current land use plan, or as may be defined from time to time by the Federal Emergency Management Agency (FEMA) and its successors.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Gross: The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

Floor Area, Net: The floor area within a building being heated by any equipment or appliance.

Floor Area Ratio: The ratio of floor area permitted on a zoning lot to the size of the lot:

Floor Area/Lot Area = Floor Area Ratio.

Foot Candle: A quantitative unit measuring the amount of light cast on to a given point, measured as one (1) lumen per square foot.

Footprint: The horizontal area as seen in plan, measured from the outside of all exterior walls and supporting columns. It includes residences, garages, covered carports, and accessory structures, but not trellises, patios, and areas of porch, deck, and balcony less than 30 inches from finished grade.

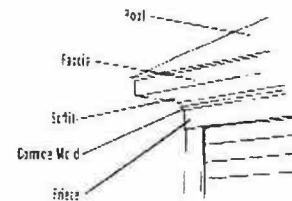
Fraternity or Sorority House: A dwelling maintained exclusively for members affiliated with an academic or professional college or university or other recognized institution of higher learning.

Freestanding Sign: A self-contained sign which is wholly independent of any building or other structure, including a portable display sign; but not including any off-premises outdoor advertising sign, any canopy sign, any residential subdivision/development sign, any sign for a nonresidential use in a residential zone.

Frieze: The middle horizontal member of a classical entablature, above the architrave and below the cornice.

Frontage, Lot: The distance for which the front property line of the lot and the street line are coincident.

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.



Functions (as pertaining to wetlands): The beneficial roles that wetlands serve, including: storage, conveyance and attenuation of floodwater and storm water; protection of water quantity and reduction of erosion; habitat for wildlife, including rare, threatened and endangered species; food chain support for a wide variety of wild life and fisheries; educational, historical and archeological value protection; and scenic, aesthetic and recreational amenities.

Gable: The portion, above eave level, of an end wall of a building with a pitched or gambrel roof. In the case of a pitched roof this takes the form of a triangle. The term is also used sometimes to refer to the whole end wall.

Garage: A structure or any portion thereof in which one or more automobiles are housed or kept, not including exhibition or showrooms, or storage of cars for sale.

Garbage (as pertaining to Utilities): The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

Generalized Wetland Map: A map showing the general locations of wetlands within the jurisdiction of the City of Kennesaw as shown on the National Wetlands Inventory (NWI) map.

Golf Course: A tract of land [of] not less than 115 acres dedicated for playing the game of golf which is open to the private club's membership and their guests and special events. The par shall not be less than 68 the men's tees as governed by the United States Golf Association (USGA). Further, the golf course shall not measure less than 5,550 yards as governed by the USGA.

Grade: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Grading Permit: A permit issued on-site by the site inspection staff to allow the commencement of any clearing, grubbing and/or grading. This building permit is issued only after a land disturbance permit has been issued and all erosion control and tree protection measures have been installed in accordance with the approved plan.

Green Infrastructure: Is an approach to wet weather management that is cost-effective, sustainable, and environmentally friendly. Green Infrastructure management approaches and technologies infiltrate, evapotranspire, capture and reuse stormwater to maintain or restore natural hydrologies.

Green Space or Open Space: Permanently protected areas of the site that are preserved in a natural state.

Grocery Store: A retail establishment whose primary function is the sale of packaged or unprepared food and grocery items for consumption off the premises and whose annual gross sales of alcoholic beverages do not exceed five percent of its total gross sales.

Ground Based Monument Sign: A self-contained sign permanently attached to the ground which is wholly independent of any building or other structure. The sign must be a solid structure. No open spaces which allow a direct line of sight from one side of the sign to the other are permissible in the area located beneath the widest part of the sign face where the message is located in a direct vertical plane to the ground. By way of example and without limitation the sign cannot be attached to, resting upon, or supported by any pillars, columns, pylons which allow for open spaces or direct line of sight from one side of the sign to the other beneath the widest area of the sign face in a direct vertical plane to the ground. Ground based monument signs do not include any off-premises outdoor advertising sign, any canopy sign, any wall sign, any sign designated under Chapter 5 or temporary signs.

Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

Group Home: A dwelling unit, operated by an affiliate of a national, regional, state or county organization with a philanthropic mission, shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities, under a structured and scheduled plan that must be provided to the city of Kennesaw, for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of the group home and available by telephone on a 24-hour basis in case of complaints. A copy of the home rules shall be provided to the City of Kennesaw as well as (if applicable) evidence of active enforcement under the Georgia Association of Recovery Residence standards. The schedule of activities may be verified via periodic inspection by community development staff. The term

"group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term "group home" shall also not allow the use of a dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders pursuant to O.C.G.A. § 42-1-12. A group home may include a home for the disabled. As used in this subsection, the term "disabled" shall mean:

- (1) Having a physical or mental impairment that substantially limits one or more of such person's major life activities;
- (2) Having a record of having such an impairment; or
- (3) Being regarded as having such impairment.

However, "disabled" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution of controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

Growing Season: A period of no less than 12 months during which there are at least three contiguous months of dormancy followed by a spring leafing.

Growler Establishment: A business establishment for the sale of and/or refilling of malt beverages, craft beers or hard cider in unbroken original containers or sealed growlers for consumption at a location other than the licensed premises.

Grubbing: The removal of understory vegetation from the site, provided that no trees greater than six inches in diameter as measured at the base shall be removed.

Halfway House: Any dwelling used as a residence by individuals on parole, probation, or serving a criminal sentence on condition of house arrest, for the purpose of rehabilitation of the individual while transitioning back into the community.

1.

Halfway Houses shall not be located within 1,000 feet of any child care facility, private or public school, religious assembly, school bus stop, public or private playground and parks or swimming pools, or other areas where minors congregate as defined in O.C.G.A. § 42-1-12(a)(3).

2. Halfway Houses are not allowed in any residential zoning districts (including any Planned Unit Development and Central Business District). Halfway houses are not allowed in mixed use districts (including UVC and PVC).

Hardwood Tree: Any tree that is not coniferous (cone bearing). This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

Hazardous Waste: Solid and liquid wastes or combinations thereof that may cause or contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness or which pose a substantial threat to human health when improperly handled.

Header: The end of a brick, sometimes glazed.

Health Department: Refers to the county health department.

Heavy Manufacturing Establishment: Manufacturing establishments, other than those classified as light manufacturing, including those involving the conversion of raw materials into usable finished products, provided that manufacturing that will generate liquid waste from the manufacturing process or air pollutants shall comply with anti-pollution standards by the state or county.

Height: The measure in linear feet from the highest point on an object to the unaltered elevation of the ground at the base of the object or directly beneath the object. At the election of the permit holder, the height of a sign may be measured from the highest point on the sign to the level of the nearest road from which the sign is intended to be viewed. When referring to a tower or other structure, a distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

High Style: A completely authentic or academically correct interpretation of an architectural style; a "textbook" example of one particular style and not a composition of several different styles.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic: Refers to a property or resource that must be at least 50 years old to be considered "historic". Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered "historic" nor eligible for the National Register of Historic Places. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

1. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
2. A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
3. A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or
4. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
5. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other buildings or structure with the same association has survived; or
6. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
7. A property achieving significance within the past 50 years if it's of exceptional importance.

Historic Building: A building, such as a house, barn, religious assembly, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as courthouse and jail or a house and barn. (Examples: houses, barns, stables, sheds, garages, courthouses, city hall, social halls, commercial buildings, libraries, factories, mills, train depots, stationary mobile homes, hotels, theatres, schools, stores, and religious assemblies).

Historic District: A zoning district which possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. (college campuses, central business districts, residential areas, commercial areas, large forts, industrial complexes, civic centers, rural villages, canal systems, collections of habitation and limited activity sites, irrigation systems, large farms, ranches, estate, or plantations, transportation networks, and large landscaped parks).

Historic Landmark or Property (ies) or historical landmark or property (ies): Any site (including significant trees or other plant life located thereon), building, or structure or particular historic or aesthetic significance to the city, the state or the nation. Landmarks include sites, buildings, or structures where cultural, political, spiritual, economic, social or artistic history of the community, state or nation is reflected or exemplified or which are identified with historic personages or with important events in local, state or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced his age, or as determined by the Historic Preservation Commission or Museum and Agency Director.

Historic Object: A term ("object") used to distinguish buildings and structures from those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. (Sculpture, monuments, boundary markers, statuary, and fountains).

Historic Preservation: Identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, and reconstruction, or any combination of the foregoing activities.

Historic Preservation Jurisdiction: All properties within but not limited to the properties, buildings or sites or districts as designated by the City of Kennesaw and/or further designated on the historic register of the city, state or nation.

Historic Restoration: Requires that the re-creation duplicate the appearance at some previous point in time as closely as current scholarship allows.

Historic Significance: The importance of a property to history, architecture, archeology, engineering, or culture of a community, state, or the nation. It is achieved through association with events, activities or patterns; association with important persons; distinctive physical characteristics of design, construction, or form; potential to yield important information.

Historic Site: Refers to the location of a significant event, a prehistoric or historic occupation or activity, or a 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).

Historic Structure: Refers to any structure that is:

1. Listed individually in the National Register of Historic Places or that has been determined eligible for individual listing on the National Register of Historic Places as determined by the Secretary of the Interior of the United States, for significance at the local, state or national level.
2. Determined to be a contributing building, site, structure, or object in a historic district listed on the National Register of Historic Places or a contributing building, site, structure, or object in a historic district that has been determined eligible for listing on the National Register of Historic Places as determined by the Secretary of the Interior of the United States for significance at the local, state, or national level.
3. Listed on the Georgia Register of Historic Places either individually or as a contributing element in a historic district. The Georgia Register of Historic Places uses the same criteria and documentation procedures as the National Register of Historic Places. Properties listed in the National Register are automatically listed in the Georgia Register. Conversely, properties in the Georgia Register are not included in the National Register unless they are separately nominated. The Georgia Register is the state designation referenced by state laws and regulations regarding state grants, property tax abatements, the Georgia Environmental Policy Act, the State-owned Historic Properties Act, and other state preservation and environmental programs.

4. Listed on a Local Inventory of Historic Places either individually or as contributing element in a historic district. The City of Kennesaw uses the same criteria and documentation procedures as the National Register of Historic Places.

Historic or Scenic Views: Geographic areas in the City of Kennesaw which have been formally designated on the National Historic Register; have been included in any nature preserve or scenic preservation efforts; have been identified in the City of Kennesaw Comprehensive Plan; or have sufficient historic or scenic merit as determined by the Mayor and Council or by the Kennesaw Historic Preservation Commission. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway or path.

Holding Tank Waste: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Home Occupations: Occupying a portion of residence for non-residential uses. A Land Use permit approval is required.

Hookah: A water pipe of Middle Eastern origin used to smoke tobacco and fruit flavorings. The apparatus utilizes a glass base with a hose and grommet assembly.

Hookah Bars: Similar in use to traditional bar serving alcohol. The hookah bar sells flavored tobacco that is smoked in hookahs. Subject to State and local laws regulating bar operations and smoking and tobacco use.

Hospital: A building or portion thereof designed or used for therapeutic treatment of bed patients who are physically or mentally ill.

Hotel: A facility offering transient lodging for at least 15 guests, and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.

Hotspot: An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

Housing Official: The building official or his or her authorized representative.

Human Excreta: The bowel and kidney discharges of human beings.

Hydric Soils: Soils that form as a result of saturated soil conditions. A list of these soils is

maintained by the Soil Conservation Service.

Hydrologic Soil Group (HSG): A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group "A" soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

Hydrophytic Vegetation: Macrophytic plants tolerant of or dependant on saturated soil conditions.

Illicit Discharge: Any direct or indirect non-storm water discharge to the (municipal) separate storm sewer system, except as exempted in Chapter 3.

Illegal Connection: Refers to either of the following:

- (1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any pipe, open channel, drain or conveyance connected to the (municipal) separate storm sewer system which has not been documented in plans, maps, or equivalent records and has not been approved by an authorized enforcement agency.

Impervious Cover or Surface: A manmade structure or surface that prevents the infiltration of storm water into the ground below the structure or surface. Examples include buildings, roads, driveways, parking lots, decks, swimming pools, and patios.

Includes: Denotes a partial definition.

Indirect Discharge: The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the POTW, including holding tank waste discharged into the system.

Indoor Entertainment Hall: A publicly or privately owned commercial establishment that:

1. Provides professional, live musical entertainment or concerts, performed on site indoors, at least three nights a week on average over the course of a calendar year;
2. Regularly serves prepared food, with a full service kitchen, consisting of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator, all of which must be approved by the health and fire departments;
3. Is prepared to serve food every hour it is open;
4. Derives at least 25 percent of its total annual gross sales from the sale of prepared meals or foods, admission charges, ticket sales, sale of merchandise, vending sales, attendance fees, or other recreational, promotional, or operational activities;
5. Does not ever provide sexually related adult entertainment;
6. Has at least 40,000 square feet of enclosed heated space;
7. Has an occupant capacity of at least 3,500;
8. Is located on a major thoroughfare;
9. Does not provide the sale of alcohol on Sundays, unless such establishment qualifies for Sunday sales under state law and the provisions of this chapter of the Kennesaw Code of Ordinances; and
10. Does not allow the admission of persons under the age of 21 during hours when alcohol is served, except in accordance with the provisions of section 6-90 hereunder. Indoor entertainment halls shall be allowed to sell alcoholic beverages through concession sales.

Industrial Activity: Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b) (14).

Industrial Fluids System: Any system containing a fluid or solution, which may be chemically, biologically or otherwise contaminated or polluted, in a form or concentration such as would constitute a health, system or pollutional hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; process waters and "used waters" originating from the public potable water system, which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies, circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; oils, gases, glycerin, paraffin's, caustic and acid

solutions and other liquid and gaseous fluids used in industrial or other purposes or for firefighting purposes; or contaminated natural waters emanating from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems.

Industrial Storm Water Permit: A National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies on-site pollution control strategies.

Industrial User: A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to section 402 of the Act (33 U.S.C. 1342).

Industrial Waste Surcharge: The charge made in excess of the sewer service charge for all wastewater over and above normal wastewater.

Industrial Wastes: The wastewater from industrial processes as distinct from domestic or sanitary wastes.

Industrialized Building: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

Infill: New construction within a historic district generally situated on the site of a demolished structure but possibly on a site never previously developed.

Infill Development: The construction of a building on a vacant parcel located in a predominantly built up area.

Infiltration: The process of percolating storm water runoff into the subsoil.

Inflatable Advertising Devices: Refers to air or gas filled signs and figures used for advertising purposes. The term "inflatable advertising devices" excludes latex and similar balloons of less than two feet in diameter.

In-home Day Care: Child care provided within single-family districts subject to the following limitations:

1. Maximum of six children for whom compensation is received;
- 2.

For [the] purpose of this section only, children who are related by direct blood kin or adoption to the child care provider shall not be included in the calculation of the six children limitation;

3. The child care shall not create a nuisance to immediately adjacent property owners;
4. Off-street parking must be provided for child care pick-up and drop-off; and
5. No employees.

Inoperative or Junk Condition: means and includes, but shall not be limited to, any automobile, vehicle, trailer of any kind or type, or contrivance or part thereof, the condition of which is one or more of the following:

- (1) Wrecked.
- (2) Dismantled.
- (3) Partially dismantled.
- (4) Inoperative.
- (5) Abandoned.
- (6) Discarded.
- (7) Does not have a valid license plate attached thereto or is otherwise in bad repair.

(Code 1986, § 8-5-171; Ord. No. 2006-17, 8-7-06)

Inspection and Maintenance Agreement: A written agreement providing for the long-term inspection and maintenance of storm water management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Installation: The assembly of an industrialized building on-site and the process of affixing the industrialized building, component, or system to land, a foundation, footings, or an existing building.

Interference (as pertaining to water and sewerage treatment): The inhibition or disruption of the POTW treatment processes or operations which contribute to a violation of any requirement of the county's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the

Toxic Substances Control Act, or more stringent state criteria, including those contained in any state sludge management plan prepared pursuant to title IV of SWDA, applicable to the method of disposal or use employed by the POTW.

Interior Sign: A sign intended to be placed in and viewed from the interior of a building.

Interpretive Restoration: Less scholarly than a historic restoration, it involves keeping all of the original architectural features intact and reconstructing missing elements as faithfully as budget allows.

Interstate Highway: Refers to any road of the state highway system which is a portion of the National System of Interstate and Defense Highways, as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to 23 USC 103, or any limited access highway as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to the provisions of 23 USC 103. Includes Interstate 75.

Ionic Order: A classical order distinguished by a capital with spiral scrolls, called volutes.

Jurisdictional Wetland: A wetland area that meets the definitional requirements for wetlands as determined by the U.S. Army Corp of Engineers.

Keystone: The central voussoir of an arch shaped in a wedge form.

Kitchenette: An area for preparation of foods limited to a refrigerator, sink, stovetop unit, microwave unit or portable oven and shall not include a built-in oven.

Knee Brace: A non-structural diagonal member used as exterior ornamentation, extending from the façade to the eave of a building.

Lake: A body of water one acre or more in surface area, created either by a manmade or natural dam or other means of water impoundment.

Land Development: Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land Development Activities: Refers to those actions or activities which comprise, facilitate or result in land development.

Land Development Project: Refers to a discrete land development undertaking.

Land Disturbance: Means any land change intentionally brought about by any person as a result of activities which include, but are not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

Land-Disturbing Activity: Scraping, plowing, clearing, dredging, grading, excavating, transporting, or filling of land or placement of any structure or impervious surface, dam, obstruction, or deposit, except that grubbing or ordinary landscape maintenance shall not be considered as a land disturbing activity.

Land Use Permit: A time limited privilege permit for allowing compatible business uses in residentially zoned property.

Landfill (private): A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of the operating day.

Landmark: A building, structure, object or site worthy of preservation, designated as historic for its historic, archaeological, architectural or aesthetic value.

Large Quantity Generator of Hazardous Waste: Any person, corporation, partnership, association or other legal entity defined as a "large quantity generator" by the Georgia Department of Natural Resources pursuant to O.C.G.A. 12-8-60 et seq. and regulated by the State of Georgia under that section.

Legal Lot of Record: A lot which meets the legal requirements set forth for the applicable zoning district.

Light (architectural): A section of window, the pane or glass.

Light Automotive Repair Establishment: An indoor repair establishment (no outside storage) for performing light auto and small truck repair (under one ton) such as oil changes, lubrication, transmission, belts, hoses, inspections, brakes, and the like.

Light Manufacturing Establishment: An establishment for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of material, goods or products; however, the manufacturing and production of any product which emits noxious noise, odor or fumes, bulk storage of flammable materials for resale, and other heavy manufacturing uses listed herein, shall not be permitted.


Limited Development Area: The portion of the water supply watershed not included in the water quality area.

Limited Home Occupations: Those occupations which are customarily performed in a small area of a residence due to the low intensity nature of such uses subject to the following requirements:

1. There shall be no exterior evidence of the home occupation, including but not limited to any type of identifying signs.
2. No article, product, or service used or sold in connection with such activity shall be other than those found on the premises.
3. No mechanical equipment shall be used for such occupation except such equipment as is customary for purely household and hobby purposes.
4. Such use shall be conducted entirely within the dwelling unit and only persons living in the dwelling unit shall be employed in such occupation.
5. No more than 25 percent of the dwelling unit may be used for the operation.
6. No materials, equipment, or business vehicles may be stored or parked on the premises except that one business vehicle (with a manufacturer's towing and/or carrying capacity rating of less than one and one-half tons) used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the limited home occupation.
7. The limited home occupation shall not create a nuisance.

Limited Retail Uses: Commonly found specialized low scale and/or low intensity retail uses (square footages not to exceed 5,000 square feet unless noted below) that offer basic services and frequently purchased goods to the immediate surrounding residential areas such as: antique shop, bakery, barber and beauty shops, beverage shop, bookstore (but not including adult bookstore), bridal shop, camera shop, china and pottery store, clothing store, craft and hobby

shop, delicatessen, dog grooming shop, draperies and interior decorating supplies, drug store or hardware store with no permanent outside display (provided that the gross floor area does not exceed 10,000 square feet total), dry goods store, florist, furniture store, gifts and stationery store, jewelry store, manicurist shop, meat market/butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, pedicurist shop, shoe repair shop, shoe store, market or grocery store (provided that the gross floor area does not exceed 35,000 square feet), and tailor shop.

<p><i>Lintel:</i> A horizontal structural or ornamental member over an opening, which generally carries the weight of the wall above it.</p>	
<p><i>Live Entertainment:</i> Music, comedy, readings, dancing, acting or other entertainment, excluding adult entertainment, performed on-site. This classification includes dancing by patrons to live or recorded music.</p>	

Livestock, Nondomestic and Wild Animals, and Poultry: Animals, nondomestic and wild animals, and species of the aviary family which are or may be raised for the purpose of providing food, transportation, or being resold or bred (excluding only dogs, cats, rabbits, fish, pet mice, hamsters, gerbils, parrots and parakeets):

1. Shall only be permitted on a lot containing not less than two acres;
2. All buildings used for animals shall be set back not less than 200 feet from any property line;
3. All animals shall be maintained at least 25 feet from any residential property line;
4. There shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm.

Local Issuing Authority (pertaining environmental permitting): The City of Kennesaw Environmental Specialist or a designated and qualified representative of either the City of Kennesaw or the environmental specialist, who shall be responsible for administering this article and has been certified by the director of environmental protection division of the department of natural resources, pursuant to subsection (a) O.C.G.A. § 12-7-8.

Local Governing Authority: The Mayor and Council of the City of Kennesaw.

Local Permitting Authority: Refers to the City of Kennesaw to include without limitation, individuals from public works, zoning, or building departments, environmental specialist or code enforcement as applicable.

Lot: Contiguous parcels of land legally platted and recorded as a legal lot of record, in single or common ownership, and not divided by a public street. Also, a portion of a subdivision, or any other parcel of land and identified by a tract number, lot number or symbol of an approved subdivision plat properly recorded, and which is or may in the future be offered for sale, conveyance, transfer or improvement. In determining the area and dimensions of a lot, no part of the right-of-way of a road or crosswalk may be included.

Lot, corner: A lot fronting on two streets at their intersection. When the frontage of one street exceeds the frontage of the other, the one with the least frontage shall be deemed the front of the lot.

Lot, double frontage: Any lot, other than a corner lot, which has frontage on two streets.

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

Lot Depth: The average horizontal distance between the front and rear lot lines.

Lot Frontage: The distance for which the front property line of the lot and the street line are coincident.

Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the records of the Clerk of Superior Court of Cobb County; or a parcel of land, the deed of which has been recorded in the same office as of the effective date of this ordinance.

Lot Width: The distance between side lot lines measured at the front building line.

Lounge: A separate room, in which alcoholic beverages are sold, connected with a part of an adjacent to a restaurant or located in a hotel as defined in this section with all booths, stools and tables being unobstructed and open to view. All lounges shall be air conditioned and have a seating capacity of at least 50. A lounge, as defined in this section, which is operated on a different floor in the premises, or in a separate building, or is not connected to or adjacent to a restaurant, shall be considered a separate establishment and shall pay an additional license fee therefore.

Low Impact Development: Is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

Major Street: An existing or proposed street or highway designated as a major street on the official zoning map of the City of Kennesaw, Georgia.

Maintenance: Routine care for a building, structure or site that does not involve design alterations.

Major Thoroughfare: A street which is designated as such on the major thoroughfare plan and which is intended to provide swift movement of traffic through the community.

Manufacture: The process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished, or semi-finished materials.

Manufactured Home: A single-family dwelling unit that is constructed in accordance with the Federal Manufactured Home Construction and Safety Standards of 1974 and bears an insignia issued by the U.S. Department of Housing and Urban Development (HUD), or one, if constructed in conformity with the Georgia State Standards in effect on the date of manufacture.

Massage Therapy: The application of a system of structured touch, pressure, movement, and holding to the soft tissue of the body in which the primary intent is to enhance or restore health and well-being. The term includes complementary methods, including without limitation the external application of water, superficial heat, superficial cold, lubricants, salt scrubs, or other topical preparations and the use of commercially available electromechanical devices which do not require the use of transcutaneous electrodes and which mimic or enhance the actions possible by the hands; the term also includes determining whether massage therapy is appropriate or contraindicated, or whether referral to another health care provider is appropriate. Massage therapy shall not include the use of ultrasound, fluidotherapy, laser, and other methods of deep thermal modalities.

Master Plan: A comprehensive plan for the city approved by the planning commission which may consist of the major thoroughfare plan, general land use plan, street and road classification plan and other maps, data and descriptive matter for the physical development of the city of any portion thereof, including any amendments, extensions or additions thereto as recommended by the planning commission.

Material Change in Appearance: A change that will affect the exterior environmental feature or the exterior architectural appearance of a historic property including, but not limited to, any one or more of the following:

1. A reconstruction or alteration affecting any exterior architectural appearance of a historical property;
2. Excavation or significant land disturbance of a historic property;
3. The erection, demolition, restoration or removal of any building or other structure;
4. The construction or alteration of any exterior environmental features including but not limited to: driveways, walkways, parking lots, fences, accessory buildings, accessory structures, lighting fixtures, and permanent yard signs;
5. The removal of exterior environmental features including trees ten inches in diameter or circumference of 32 inches measured at a point 54 inches above the ground.

Maximum Residential Occupancy: Maximum occupancy for a residential dwelling unit will be calculated by the number of residents per square foot of floor space as per adopted the currently adopted International Property Maintenance Code

Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD).

Microcell: A wireless communication facility comprising an antenna extending no more than four feet above the structure to which it is attached, and with an area no larger than 576 square inches (e.g. 3" × 1 1/2" panel antenna or 2" diameter parabolic antenna) as viewed from any one point.

Mining: A process involving the removal or extraction of dirt, sand, soil, rock, gravel, minerals, petroleum, natural gas, or other natural resources.

Minor: Generally, a person less than 18 years of age; for the purposes of Adult Entertainment ordinances, any person who has not attained the age of 21 years.

Mobile Food Vending Unit: Any motorized vehicle, designed to be portable and not permanently attached to the ground from which food is peddled, vended, sold for sale or given away.

Mobile Home: A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974. Removal of the wheels and the placement on a foundation does not change its classification. A travel trailer is not a mobile home.

Mobile Home Park: A parcel of land which has been planned and improved for the placement of mobile homes for non-transient use.

Modillion: A small curved and ornamented bracket used to support the upper part of the cornice.

Modular Building: A factory-manufactured single-family dwelling which is constructed in one or more sections and complies with the definition of "industrialized building."

Modular Home: A factory-fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes.

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

Mothballing: The process of stabilizing and securing a historic building against further deterioration due to weather and/or vandalism.

Motor Vehicle: An automotive vehicle not operated on rails for use on highways.

Mullion: A vertical member separating and often supporting windows, doors, or panels in a series.

Muntin: A secondary framing member to hold panes within a window, window wall, or glazed door.

National Geodetic Vertical Datum (NGVD): As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

National Categorical Pretreatment Standard or Pretreatment Standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

National Pollution Discharge Elimination System or NPDES Permit: A permit issued pursuant to section 402 of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq. (33 U.S.C. 1342). (The "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.)

Natural Outlet: Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

Natural Vegetated Area: An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. Activities specifically allowed in such an area include:

1. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife;
2. Outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting;
3. Education, scientific research and nature trails;
4. Maintenance or repair of lawfully located roads, structures and utilities used in the service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the pervious nature of the land shall be minimized;
5. Limited excavating, filling and land disturbance necessary for the repair and maintenance of structures necessary to the permissible uses.

Neglect: The failure to care for a property in such a manner as to prevent its deterioration. Neglect is often not intentional, but may lead to very serious deterioration of materials and even structural systems.

Neighborhood Activity Center: The purpose of the neighborhood activity center (MAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail, and grocery stores.

Neighborhood Retail Uses: Commonly found low scale and low intensity retail uses (square footages not to exceed 6,000 square feet unless noted below) that offer basic services and frequently purchased goods to the immediate surrounding residential areas such as but not limited to: auto parts store, antique shop, appliance store (home use), bakery, barber and beauty shops, beverage shop, bookstore (but not including adult bookstore), bridal shop, camera shop, china and pottery store, clothing store, dance studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drug store or hardware store (provided that the gross floor area does not exceed 20,000 square feet total), dry goods store, florist, furniture store, gifts and stationery store, jewelry store, manicurist shop, meat market/butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery (provided that the gross floor area does not exceed 70,000 square feet), tailor shop, toy store, variety shop, and video stores.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

New Construction: Refers to any structure for which the "start of construction" will commence after a specified date in time including any subsequent improvements to the structure after a specified date in time. (Definition originated from UDC Chapter 3, "Flood Damage Control.") Also, the construction of a new element, building, structure or landscape component; new construction involves the introduction of designs not original to the building, structure or site.

New Development: A land development activity on a previously undeveloped site.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 7, 2004. (Definition originated from UDC Chapter 3, "Flood Damage Control.")

Nightclub: An establishment having a seating capacity of at least 100 people with all booths and tables being unobstructed and open to view, deriving its primary income from the sales of alcoholic beverages, and providing to its patrons a band and/or other professional live entertainment performed onsite, including, but not limited to, music, comedy, readings, dancing or acting. All nightclubs shall be equipped with air conditioning and shall maintain an adequate kitchen with a sufficient number of servants and employees for cooking, preparing and serving food and meals for their patrons, provided that nightclubs located in hotels having dining room and kitchen facilities may be excluded from the requirement of maintaining a kitchen in connection with such nightclub. The principal business of such nightclubs shall be entertainment, and the serving of food and spirituous liquors shall be incidental thereto.

Nonautomotive Repair Uses: Commonly found low intensity repair shops such as, but not limited to, jewelry, camera, home appliance, televisions, and video cassette recorders.

Nonprofit Riding Stable: A building for the shelter and feeding of domestic animals, especially horses.

Noncommercial Message: A copy that does not contain a commercial message and specifically included in the definition of noncommercial message is copy whereby the public is to be informed regarding a political event or candidate or issue.

Nonconforming Sign: Any lawfully erected sign which, on the effective date of the ordinance from which this article is derived, fails to comply with the requirements of this article, including by reason of annexation into the city.

Nonconforming Use: Any building or land lawfully occupied by a use at the time of passage of the ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the regulation of the district in which it is situated. A use merely contemplated for the future but unrealized of the effective date of an amendment to this UDC does not constitute a nonconforming use. Existing improvements which did not meet required parking and loading regulation, height regulations, area regulations, and residential floor regulations at the time they were constructed in the district in which they are located are not nonconforming uses as defined above.

Noncontributing: Does not contribute to the architectural or historic significance of a historic district. (Some noncontributing resources are not yet fifty years of age, and therefore do not meet the age requirement for contributing resources. Other noncontributing resources may be historic but have lost their architectural integrity due to extensive changes or alterations.)

Nonpoint Source Pollution: A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, storm water runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstructural Storm Water Management Practice or Nonstructural Practice: Any natural or planted vegetation or other nonstructural component of the storm water management plan that provides for or enhances storm water quantity and/or quality control or other storm water management benefits, and includes, but is not limited to, riparian buffers, open and green space areas, overland flow filtration areas, natural depressions, and vegetated channels.

Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water. See [Chapter 6.08.02](#) for exceptions.

Non-Supportive Facilities: Individual housing units designed for independent senior adults that do not include or provide any type of supportive services such as transportation, medical care, food preparation and the like. See also Supportive Facilities and Senior Citizen Housing.

Normal Maintenance and Repair: Activities related to the reasonable and customary upkeep of structures or property including painting and cleaning. However, normal maintenance or repair conclusively does not include any structural alteration, any modification that requires a building permit or any alteration that costs in excess of 50 percent of the value of the sign prior to such maintenance and repair, as established in the initial sign permit application. The city shall consider updated evidence of value by means of qualified appraisal subsequent to the initial application.

Normal Wastewater: Wastewater discharged into the sanitary sewers in which the average concentration of total suspended solids and BOD is not more than 300 mg/l, total phosphorus is not more than 15 mg/l, total Kjeldahl nitrogen is not more than 18 mg/l; and total flow is not more than 25,000 gallons per day.

Novelty store: Any establishment that provides unique products for sale not previously defined in this chapter or under any retail use definition. This definition and use does not involve any uses defined under the Sexually Oriented Business ordinance or cigar shop, smoke shop and tobacco store definitions adopted in the code of ordinances.

Nudity or a state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Nursery or Kindergarten School: Any building used routinely for the daytime care or education of preschool age children and including all normal accessory and play areas.

Nursing Home: A home for aged or ill persons in which three or more persons not of the immediate family are provided with food, shelter and care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment.

Off-premises Outdoor Advertising Sign: Means a sign with a commercial message which identifies, advertises or promotes a product, service, person, place, activity, event, idea or any other thing not sold, offered or conducted on the lot where the sign is located or which may be sold, offered or conducted only incidentally, if at all, on the premises where this sign is located. This shall include those signs commonly referred to as a billboard. For purposes of this UDC, "off-

premises outdoor advertising sign:" shall not include any sign not requiring a permit or any sign requiring a temporary permit under this UDC. Changing the sign face on an off-premises outdoor advertising sign from a commercial message to a noncommercial message will not change the grandfathered or non-conforming status of the sign under this UDC.

Off-site Facility: A storm water management facility located outside the boundaries of the site.

Office Park: Two or more buildings which are clustered together in which professional services are primarily engaged.

Office Service and Supply Establishments: Wholesale and retail commercial establishments that sell, service and supply small office equipment and supplies such as, but not limited to, stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers, and other general office equipment.

On-site Facility: A storm water management facility located within the boundaries of the site.

On-premises Sign: Means a sign which identifies advertises or promotes a product, service, person, place, activity, event, idea or any other thing which is the principal product, service, person, place, activity, event, idea or any other thing sold, offered or conducted on the premises where the sign is located. "On-premises sign" shall be classified for the purposes of this section as canopy, freestanding, wall, residential subdivision/development signs and signs for nonresidential uses in residential zones. For purposes of this section, "on-premises sign" shall not include any sign not requiring a permit or any sign requiring a temporary permit under this section.

Open Space: Any front, side or rear yards, courts, usable open space provided about a building in order to meet the requirements of this Code.

Open Space, Landscaped: That portion of a given lot, not covered by buildings, parking, access and service areas, that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening and buffering for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to, grass lawns, decorative planting, berms, walls and fences, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural and manmade objects, wood areas, and watercourses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

Order: A definite arrangement of column, capital, and entablature, each having its own set of rules and ornamental features. The five classical orders are Tuscan, Doric, Ionic, Corinthian, and Composite.

Other Consumer Goods and Services: Businesses which cater to consumers such as awning shops and sales, burglar alarm systems, clothing (secondhand), exhibition house, furniture, home furnishings, equipment, and appliances (secondhand), glass, mirror, lawn mower and small motor, trading stamp redemption center, and the like.

Other Service Establishment: Businesses or locations catering to specialty services such as auction house or store, cabinet maker, caterer, delivery and express service, driving school (private), fur repair and storage, gunsmith shop, locksmith shop, safe and vault repair, scientific instrument repair, taxidermist, tool sharpener, and the like.

Overbank Flood Protection: Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

Overlay District: A district that applies supplementary regulations to land previously classified as belonging to a specific zoning district or land-use category.

Owner: The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Package Store: A business establishment whose primary business activity is the retail sale of alcoholic beverages by the package.

Pain Management Clinic: Means an entity or business which fulfills all of the following criteria: 1) A privately owned clinic, business, or office; 2) That is not affiliated with any facility for the treatment of the terminally ill; or any facility for the treatment of drug addiction; or any hospice; or any hospital and; 3) Which employs one or more physicians who are primarily engaged in the treatment of pain by prescribing Pain Medications; and, 4) Which fills or dispenses those Pain Medications either at the same or a different location.

Palladian Window: A window of large size, characteristic of neoclassical styles, divided by columns or piers, resembling pilasters, into three lights, the middle of which is taller and wider than the others, and is round-headed.

Par 3 Golf Course: A tract of land not less than 40 acres dedicated for playing an 18 hole game of golf which is open to the general public or private club use. The par shall not be less than 27 for nine holes or 54 for 18 holes from the men's tees as governed by the United States Golf Association (USGA). Further, the golf course shall not measure less than 1,750 or greater than 3,500 yards, respectively.

Parapet: A low wall or railing often used around a balcony or along the edge of a roof.

Parcel: Any plot, lot or acreage shown as a unit on the latest county tax assessment records.

Park means any lands or facility owned, operated, controlled or managed by any county, city or federal government or any governmental entity in and upon which recreational activities or places are provided for recreation and enjoyment to the general public.

Parking for Vehicles: Shall mean to provide a location for on-site parking for automobiles, trucks, and recreational vehicles (with a manufacturer's towing and/or carrying capacity rating of less than 1 1/2 tons). This restriction shall not apply to vehicles parked on religious assembly property which are operated exclusively for religious assembly use.

Parking Space: An area which has for its exclusive purpose the parking of a vehicle which complies with the adopted design standards.

Pawn or Pledge means a bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the power of sale upon default.

Pawn Stores/Shops: Any establishment which offers in the regular course of business "a pawn transaction" as defined in O.C.G.A. 44-12-139 as it exists or as it may be amended.

Pawn transaction means any loan on the security of pledged goods or any purchase of pledged goods on the condition that the pledged goods may be redeemed or repurchased by the pledger or seller for a fixed price within a fixed period of time.

Pawnbroker means any person engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed

period of time, or in the business of purchasing tangible personal property from persons or sources other than manufactured or licensed dealers as part of or in conjunction with the business activities described in this ordinance.

Pawnshop means any business wherein a substantial part thereof is to take or receive, by way of pledge, pawn, consignment or exchange, any goods, wares, merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon. "Pawn shop" does not include banks, savings and loan institutions, credit unions, or other banking organizations regulated by state or federal law.

Payday loan establishment means any establishment whose business includes the making of deferred deposit transactions, commonly referred to as "payday loans."

Pediment: The triangular gable end of the roof above the horizontal cornice.

Perennial Stream: A stream that flows throughout the year, as indicated by a solid blue line on United States Geological Survey (USGS) seven-minute topographic series maps (scale of 1/24,000).

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person: Any natural person, corporation, or unincorporated association.

Person in Charge: The person or persons possessed of a freehold of an improvement or improvement parcel or a lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person directly or indirectly in control of an improvement or improvement parcel.

Personal Property Sales: Sales of personal property under a permit from the city, such as estate sales, yard sales, bakery sales, garage sales, bazaars, and the like; three weekends per calendar year, not to exceed three days per sale.

pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pilaster: A flat-faced representation of a column projecting from a wall.

Planning and Zoning Administrator: City of Kennesaw staff person authorized to interpret, amend and regulate the Zoning Ordinance, Historic Preservation Design Guidelines, Architectural Standards, ensure consistent compliance to the adopted Comprehensive Plan, all adopted Master Plans and Studies for the City of Kennesaw and all other duties assigned by the City Manager.

Plan Review Committee: The Kennesaw Development Plan Review Committee comprised of representatives of internal departments as well as interface with outside agencies and private companies involved in the development process.

- Building Services
- Public Works
- City Engineer
- Planning and Zoning
- Economic Development
- Environmental

The duty of this committee is to provide review and regulatory oversight over all development regulations that involve development activity in the City of Kennesaw.

Planned Development: A tract of land developed initially under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas. Such development shall be based on a plan which allows for flexibility of design not available under normal zoning district requirements.

Planning Commission: The City of Kennesaw Planning Commission.

Plat: A map indicating the subdivision or re-subdivision of land, intended to be filed for record.

Pollutant: Anything, which causes or contributes to pollution and diminished water or air quality. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind. Any dredge, spoil,

solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pollution or pollutants: The manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water or air. The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Pond: A body of standing water less than one acre in surface area, created either by a natural dam, or other means of water impoundment.

Porch: A covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes.

Portable Display Sign: Means any sign not permanently affixed to the ground, including signs mounted or designed to be mounted on a trailer-type frame or portable wood or metal frame. Portable display signs are included in the definition of freestanding signs.

Portico: A porch or covered walk consisting of a low-pitched roof supported on classical columns and finished in front with an entablature and a pediment.

Porte Cochere: A large covered entrance porch through which vehicles can pass.

Post-development: The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development: The time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the city. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Preliminary Plat: A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability, but is not in final form for recording and the details are not completely computed.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Premises [of Sexually Oriented Business] means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

Preservation: The process of taking steps to sustain the form, details and integrity of a property essentially as it presently exists. Preservation may involve the elimination of deterioration and structural damage, but does not involve reconstruction to any significant degree.

Pressed Metal: Thin sheets of metal molded into decorative designs and used to cover interior walls and ceilings and on the exterior of some 20th century commercial structures.

Pretreatment or Treatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes or other means, except as prohibited by 40 CFR 403.6(d).

Projecting Sign means a sign securely fastened to the building surface by metal supports which suspend the sign over the public sidewalk.

Properly Shredded Garbage: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Primary Highway: Means any road of the state highway system which is a portion of connected main highways, as officially designated or as may hereafter be so designated by the State Department of Transportation and approved by the United States Secretary of Transportation pursuant to 23 USC 103.

Primary Permittee: Owners, general contractors and operators of a project having day-to-day operational control of a facility or site.

Principal Use: The primary use and chief purpose of a lot or structure.

Private Club: A nonprofit association organized and existing under the laws of the state, actively in operation within the city, which has been in existence at least one year prior to the filing of its application for a license to be issued under this chapter, having at least 75 members regularly paying monthly, quarterly, or semiannual dues, organized and operated exclusively for pleasure, recreation and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any shareholders or members, and owning, hiring or leasing a building or space therein for the reasonable use to its members with suitable kitchen and dining room space and equipment and maintaining and using a sufficient number of servants and employees for cooking, preparing and serving meals for its members and guest; provided, that no member or officer, agent or employee of the club is paid, directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of spirituous liquors to the club or its members or guest beyond the amount of such salary as may be fixed by its members at any annual meetings or by its governing board out of the general revenue of the club.

Private Community Center: A place, structure, area, or other private or non-publicly owned facility used for and providing fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Private Party Function: An event held by an organizer, private party where alcoholic beverages are provided. The licensee must submit to and have the private party function approved by the supervisor of the city's business license office provided such function does not threaten the health, safety and welfare of the participants or public. In the event the private party function is not approved by the business license supervisor the licensee may appeal said decision to the Mayor and Council. The Mayor and City Council shall have authority to approve the private party function provided the function does not threaten the health, safety and welfare of the participants or public.

Private Residence: A house or dwelling wherein not less than one or more than two families customarily reside and shall not include a mobile home, an apartment house having facilities for housing more than two families, a boardinghouse or rooming house where there are five or more boarders or roomers, any residence which has been unoccupied for a period of six consecutive months immediately prior to the filing of any application for license, or any residence that shall be a nonconforming use in a commercial zone.

Pro Shop: An ancillary structure or area provided for sale or supply of equipment associated with the primary permitted or accessory use.

Professional Office: Structure wherein services are performed involving predominately administrative, professional or clerical operations including but not limited to law, doctor, optician, audiologist, accounting, tax preparation, real estate, stock broker, architect, engineer, manufacturer representative, professional counselor, dentist, investigative services, photographer, insurance, contractor, land surveyor, telephone sales, political campaign, veterinarian, travel bureau, chiropractors office.

Prohibited Sign: Means any sign, other than a non-conforming sign, not conforming to the Chapter.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Projecting Sign: Means a sign securely fastened to the building surface by metal supports which suspend the sign over the public sidewalk.

Pub: Means any premises at which a retailer licensed pursuant to this chapter to sell alcoholic beverages derives between 50 percent and 75 percent of its total annual gross revenue from the sale of alcoholic beverages for consumption on the premises. A licensee of a pub shall obtain and keep in force and affect a food service permit.

Public Service Information: Means time, temperature, notice of public meetings, special events, road/traffic directional signs, etc.

Public Park: Any public lands owned or controlled and operated by this city, any county of this state, any municipality of the state, the state, the United States of America or any property owned or managed by a nonprofit organization, in and upon which facilities are provided for the recreation and enjoyment of the general public.

Publicly Owned Treatment Works (POTW): A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the county or the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

Qualified Personnel (pertaining to environmental protection): Any person who meets or exceeds the educational and training requirements of specified by O.C.G.A. 12-7-19. (Soil Erosion and Control certification)

Quasi Judicial: The action, discretion, etc., of public administrative officers or bodies, who are required to investigate facts, or ascertain the existence of facts, hold hearings, and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature.

Quoins: Heavy blocks, generally of stone or wood, cut in emulation of stone and used at the corners of buildings to reinforce and ornament walls.

Real Estate Marketing Sign: A temporary real estate sign located at the entrance to a subdivision/real estate development that shows the name of the project or development, name and phone number of real estate agent or agency that is handling the listing or sales, price range and hours of sales, and not to exceed 16 square feet in area.

Rear of the Principal Building: Shall be that point where the main portion of the building ends without consideration of wings or annexes which are not parallel to the main portion of the building.

Reconstruction: The process of reproducing the exact form of a component, building, structure or site that existed at some time in the past.

Recreational Vehicle: Refers to a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently tow able by light duty truck;
and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling (architectural): The process of restoring, rehabilitating, renovating, remodeling, or

adapting an old building so that it can be used by another generation.

Recycling Center: A center or location designed for sorting or collection of recyclables from designated recycling collection locations and other private entity sources.

Redevelopment: A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate storm water runoff, or cause additional nonpoint source pollution.

Regional Activity Center: The purpose of the regional activity center (RAC) category is to provide for areas that can support a high intensity of development. Typical land uses in these areas include high-rise office buildings and regional malls.

Regional Shopping Center: A group of commercial enterprises offering a range of commercial goods and services in an aggregate of 500,000 square feet or more of net floor area which:

1. Are designed as a single commercial group, whether or not located on the same lot;
2. Are under one-common ownership or management, or having one common arrangement for the maintenance of the grounds;
3. Are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure;
4. Share a common parking area; and
5. Otherwise present the appearance of one continuous commercial area.

Regional Storm Water Management: Facility or regional facility referring to storm water management facilities designed to control storm water runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Regulatory Flood: The flood standard equal to or higher than the base flood. The regulatory flood is defined as the flood having a one percent chance of being equaled or exceeded in any given year assuming the drainage basin is fully developed as shown on the current land use plan. Only structural storm water control facilities that can be shown on the plans will remain on the final plat copies and are large enough to be included in the hydrograph routings shall be considered when determining the flood peak.

Regulatory Flood Elevation: The flood standard equal to or higher than the base flood elevation. The regulatory flood elevation is defined as the highest water surface anticipated at any given point during the regulatory flood.

Rehabilitation: The process of returning a building to a state of utility while retaining those elements essential to its architectural, historical and/or aesthetic significance.

Religious Assembly: A site or facility maintained by a bona fide religious group for the primary purposes of religious worship. Religious assemblies include but are not limited to churches, mosques, synagogues and temples.

Remodeling: Changing the appearance and style of a structure by removing or covering over original details and substituting new materials and forms.

Renovation: The process of making a structure usable again where there is a greater proportion of new materials and elements introduced into the building.

Repair: Any minor change to a property that is not construction, removal, demolition or alteration and that does not change exterior architectural appearance.

Replacement Tree: A new tree planted on a site to meet minimum site density factor requirements (regardless of whether trees existed prior to any development).

Reservoir Boundary: The edge of a reservoir, defined by its normal pool level.

Residence means a house, apartment, boardinghouse or rooming house, duplex, or other multifamily housing, for human dwelling, or any property zoned therefore.

Residential Street: A street which is designated as such on the major thoroughfare plan and which is used for local circulation in residential areas providing access to abutting property.

Rest Home: A health facility where persons are housed and furnished with meals and continuous nursing care for compensation.

Restaurant: 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 50 or more people, and holding a certificate of approval from the county health department. A restaurant shall maintain a full-service kitchen which consists of, at a minimum, a three-compartment pot sink, a stove or grill permanently installed and a refrigerator. A restaurant serves meals every hour that they are open

and the serving of such meals shall be the principal business conducted, with the serving of distilled spirits, beer and/or wine to be consumed on the premises as only incidental thereto. In order to be classified as a restaurant under this chapter, the licensee must derive a minimum of 50 percent of its total annual gross food and beverage sales, over any 12-month period of time, from the sale of prepared meals or food. In the case of an audit, the relevant time period shall be the 12 months immediately preceding the commencement of the audit. If the restaurant being audited has been in operation as a restaurant for less than 12 months, the audit period shall be the period of time the entity has operated as a restaurant, and the restaurant must derive a minimum of 50 percent of its total annual gross food and beverage sales for that audit period from the sale of prepared meals or food. If the restaurant previously operated as another type of business, e.g., a bar as that term is defined in this section, total annual gross food and beverage sales for the time period it has been operated as a restaurant shall be the only data relevant to the audit and the data for the period it operates as another type of business shall not be examined during the audit.

Restoration: The process of returning a building to its appearance at an earlier time (though not necessarily to its original appearance). Restoration involves the removal of later additions and the replacement of missing components and details.

Retail Activities (limited): See limited retail uses.

Retail Sales, Outdoor: Retail sales of new merchandise on the site of a legally established retail business which has a direct relationship to the existing businesses.

Retaining Wall: A wall or similar structure device used at a grade change to hold the soil on the up-hillside from slumping, sliding, or falling.

Right-of-Way: The real property owned and controlled by a governmental agency for maintaining public infrastructure, including streets, sidewalks, pathways, mass transit rail lines, drainage ditches and structures, shoulders, traffic control devices, and vegetative buffers. The width of the right-of-way outside the pavement of any given street or road can be determined by the City Public Works department.

Riparian: Belonging to or relating to the bank of a river, stream, lake, pond, or impoundment.

Riser: The vertical part of a step or stair.

Road Classifications: All roads in Kennesaw and the width of such rights-of-way shall be as

follows:

1. Arterial — 100-foot right-of-way width.
2. Major collector — 80-foot right-of-way width.
3. Minor collector — 60-foot right-of-way width.
4. Local — 40-foot right-of-way width.

Roadway Drainage Structure: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Roof: The top covering of a building. Following are some types:

1. Gable roof has a pitched roof with ridge and vertical ends.
2. Hip roof has sloped ends instead of vertical ends.
3. Shed roof (lean-to) has one slope only and is built against a higher wall.
4. Jerkin-head (clipped gable or hipped gable) is similar to gable but with the end clipped back.
5. Gambrel roof is a variation of a gable roof, each side of which has a shallower slope above a steeper one.

Roof Sign: A sign erected, constructed or maintained above the roof of any building. The sign or copy area shall not extend beyond the pitch boundaries or extremities of the roof line. The sign shall be mounted flush as depicted in the illustrations in the UDC sign section. Square footage is to be calculated the same as wall signage. Permit applications shall be accompanied by a site plan which shall be stamped by a registered engineer or architect as to dimensions, above requirements and structural integrity.

Rooming House: A building where lodging only is provided for compensation to three or more, but not exceeding 15 persons. A building which has accommodations for more than 14 persons shall be defined as a hotel under the terms of this ordinance.

Runoff: Storm water runoff.

Sanitary Water Closet: Any flush toilet properly connected with the city sanitary sewer system, or a septic tank of approved construction and condition.

Sash: A window frame that opens by sliding up or down.

School means only such state, county, city, church or other schools as teach the subjects commonly taught in the common schools and colleges and universities of this state and which are public schools or private schools as defined in subsection (b) of O.C.G.A. § 20-2-690, or as may be amended from time to time, including any public or private location that teaches the Georgia Pre-kindergarten Program and shall not include private schools where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught and shall not include residences where home study programs are located.

Secondary Permittee: Individual builders, utility companies and utility contractors within common developments.

Secondary Street: A street which is designated as such on the major thoroughfare plan and which is intended to provide easy and convenient traffic movement within the community.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Self-Service Storage Facility (SSSF): Fully enclosed facility containing independent bays, which are leased to individuals exclusively for dead storage of goods or personal property.

Semi-Permanent Directional Signs (SPDS): Signs which convey directions to a specific place under construction or to specific real estate for sale or to a noncommercial event, and are not intended to be permanent but rather are intended to provide direction to a place or event for a limited period of time.

Senior Citizen: Citizens that are 55 years of age or older as defined by the Fair Housing Act as amended from time to time.

Senior Citizen Housing or Senior Housing: Residential units that are part of a Senior Living development that may be rented or owned by the resident for occupancy. Residential units may be Supportive or Non-supportive.

Senior Living: Site location, site planning and architectural design that provides a safe, functional live, work, and play environment for residents 55 years of age or older as defined by the Fair Housing Act as amended from time to time.

Separate Storm Sewer System (Municipal): Any facility designed or used for collecting and/or conveying storm water, including but not limited to any roads with drainage systems, highways, city streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural storm water controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

- (1) Owned or maintained by the city;
- (2) Not a combined sewer; and
- (3) Not part of a publicly-owned treatment works.

Septic Tank: An underground cavity with watertight walls into which flows the effluent of sanitary water closets and from which effluent does not come to the surface of the ground.

Service Station: Any building, structure or land use for the retail sale of motor vehicle fuel, oil, accessories and motor vehicle servicing, except that major repairs, body repairs and painting of motor vehicles shall not be considered motor vehicle servicing.

Setback: The distance that defines the width of a protective buffer, measured from the boundary of the feature of the landscape (e.g., a wetland or stream bank) that the buffer is designed to protect.

Setting: The immediate physical environment of a building, structure, site or district.

Sexual conduct means acts of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is female, breast, which, to the average person, applying contemporary community standards, taken as a whole, lacks serious literary, artistic, political, or scientific value and predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity or sex.

Sexual device means any three-dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical

representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sexual device shop means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services, nor shall this definition be construed to include commercial establishments which do not restrict access to their premises by reason of age.

Sexually oriented business means an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, an explicit media outlet, or a sexual device shop.

Shelter (homeless): Charitable, nonprofit, short-term housing and/or room and board accommodations for poor, transient, or needy individuals which must meet the following minimum criteria:

1. Adequate showers and restroom facilities must be provided at the location to meet the needs of the overnight guests;
2. Beds must be provided for all overnight guests excluding staff and volunteer workers;
3. No shelter shall be located closer than 1,000 feet to the nearest single-family residence;
4. Guests of the shelter shall be required to leave the shelter premises no later than 7:00 a.m.;
5. All premises shall be maintained in a clean, safe, and sanitary fashion;
6. Adequate provisions for transporting and parking guests shall be submitted to and approved by the zoning administrator or his/her designee.

Shopping Center: A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area which the unit serves.

Side Lights: A vertical line of small glass panes flanking a doorway.

Sign: Any name, identification, description, display, illustration, banner, string of lights or device which is affixed to or represented directly or indirectly upon a building, structure, vehicle or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

Sign, Business: Any notice or advertisement, pictorial or otherwise which directs attention to goods, commodities, products, services or entertainment sold or offered upon the premises where such sign is located.

Significant: Possessing importance to a particular building, structure, site or district; essential to maintaining the full integrity of a particular building, structure, site or district.

Silviculture: A branch of forestry which deals with the establishment, development, care and reproduction of stands of timber.

Single Housekeeping unit: Means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, lease agreement or ownership of the property, expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit.

Site: A plot of land intended or suitable for development; also the ground or area on which a building has been built.

Slope: A degree of deviation of surface from the horizontal usually expressed in percent or degree.

Soffit: The underside of a structural part, as of a beam, arch, etc.

Soffit Sign means a sign which hangs or is suspended beneath the cover of a walkway or beneath a support extending from a building.

Softwood Tree: Any coniferous (cone bearing) tree. This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

Soil and Water Conservation District Approved Plan: An erosion and sedimentation control plan approved in writing by the Cobb Soil and Water Conservation District.

Special Exception Use: A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval of the Mayor and City Council, and subject to special requirements, different from those usual requirements for the district in which the special exception use may be located.

Specified anatomical areas means and includes:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activity means any of the following:

- (1) Intercourse, oral copulation, masturbation, sodomy, bestiality, flagellation or torture in the context of sexual relations, or excretory functions in the context of sexual relations, anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism or zooerasty; or
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.

Specimen Tree: Any tree that qualifies for special consideration for conservation, due to its size, type, condition, or historical value, according to criteria set forth in this ordinance.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Staff: Personnel to include, but not limited to, the Planning and Zoning Administrator, Building Official, and Director of Public Works.

Start of Construction: Refers to the date a permit was issued to begin a construction project, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land

preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are not exempt from any ordinance requirements.) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State General Permit (pertaining to environmental permits): The National Pollution Discharge Elimination System general permit or permits issued for the control of storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of O.C.G.A. § 12-5-30.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Storefront: The street level façade of a commercial building, usually having display windows.

Storm Water or Storm Water Runoff: Any surface flow, runoff, and drainage resulting from any form of natural precipitation and consisting entirely of water from such precipitation.

Storm Water Better Site Design: Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural storm water management. Storm water better site design includes conserving and protecting natural areas and green space, reducing impervious cover and using natural features for storm water management.

Storm Water Management: The collection, conveyance, storage, treatment and disposal of storm water runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Storm Water Management Facility: Any infrastructure that controls or conveys storm water

runoff.

Storm Water Management Measure: Any storm water management facility or nonstructural storm water practice.

Storm Water Management Plan: A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this article.

Storm Water Management System: The entire set of structural and nonstructural storm water management facilities and practices that are used to capture, convey and control the quantity and quality of the storm water runoff from a site.

Storm Water Retrofit: A storm water management practice designed for a currently developed site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

Storm Water Runoff: The flow of surface water resulting from precipitation.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining exterior walls of such story, or if it is used for business or dwelling purposes.

Stream: Any state waters, beginning:

- (1) At the location of a spring, seep, or groundwater outflow that sustains stream flow; or
- (2) At a point in the stream channel with a drainage area of 25 acres or more; or,
- (3) Where evidence indicates a drainage area of less than 25 acres that the environmental specialist has verified its existence through field study.

Stream Bank: The sloping land that contains the stream channel and begins where vegetation is rested by normal flow.

Stream Channel: The portion of a watercourse that contains the base flow of the stream.

Streamer: Strips of fabric or other flexible material combined together and used as a wind activated device.

Street: A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties.

Streetscape: All physical elements that may be viewed along a street.

Street Fairs: Provision of games, eating and drinking facilities, live entertainment, or similar, temporary activities not requiring the use of roofed structures.

Structural Alteration: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any structural change in roof, or dimension of the rooms therein.

Structural Erosion and Sedimentation Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Structural Storm Water Control: A structural storm water management facility or device that controls storm water runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

Structure: Anything constructed or erected which has, or the use of which requires, permanent or temporary location on or in the ground, or which is attached to something having a permanent location on the ground, including, but not limited to, the following: buildings, gazebos, signs, billboards, tennis courts, radio and television antennae and satellite dishes (including supporting towers), swimming pools, light fixtures, walls, fences and steps.

Subdivider: A person providing or developing land so as to constitute subdivision.

Subdivision: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or a new street or a change in an existing street, and includes existing subdivisions, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; however, the term

does not include combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the local issuing authority.

Substantial Damage: Refers to damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Refers to any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a continuous, uninterrupted five-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or building code specifications which are solely necessary to ensure safe living conditions, which have been pre-identified by the building official, and not solely triggered by an improvement or repair project.

Substantially Improved Existing Manufactured Home Park or Subdivision: Refers to repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Supportive Facilities: Individual housing units designed for independent senior adults that include or provide supportive services such as transportation, medical care, food preparation and the like. See also *Non-Supportive Facilities* and *Senior Citizen Housing*.

Suspended Solids: The total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater, and referred to as non-filterable residue.

Swap Meets, Nonrecurring: Retail sale or exchange of new, handcrafted, or secondhand merchandise for maximum period of 48 hours, conducted by a single sponsor no more than twice in any year.

System: Structural, plumbing, mechanical, electrical, or fire safety elements, materials, or components used separately or combined for use in a building.

Take-out restaurant: An establishment where food and or beverages are sold in a form ready for consumption, here all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

Temporary-Local Directional Signs (T-LDS): Short-term signs which convey directions to a specific place or event.

Temporary Uses: Specialized and intermittent uses of property such as animal shows, Christmas tree sales, circuses and carnivals, commercial filming limited, live entertainment, personal property sales, religious assemblies, retail sales outdoor, street fairs, and swap meets (nonrecurring) not to exceed 30 days or the time period set forth in these definitions, whichever is lesser. Adequate off-street parking shall be provided for all such uses.

Tent: A temporary or permanent structure having a roof and/or walls of fabric.

Thoroughfare Plan: That plan designated "thoroughfare plan," prepared under the direction of the Public Works Department, and as may be amended from time to time. Thoroughfare Plan may also refer to the Cobb County Thoroughfare Plan as amended from time to time if a City-wide thoroughfare plan is not available.

Title loan establishment means any establishment whose business includes providing a short-term loan in which the borrower's car title is used as collateral. The borrower must be the lien holder (i.e. own the car outright). Loans are usually for less than 30 days. If the loan is not repaid, the lender can take ownership of the car and sell it to recoup the loan amount.

Topography: The physical land surface relief describing the terrain elevation and slope.

Townhouse: An attached or detached house in a row or group, each house separated from adjoining houses in the same row or group by architectural style, changing of façade, offsets and by fire walls or fire separations. Ownership is in fee simple.

Toxic Pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA.

Trailer, Camping: Any portable structure or vehicle designed for highway travel which is used or intended to be used for either living, sleeping, cooking or eating purposes, and which does not include all of the following facilities: a flush water closet, a lavatory, a bath or shower, and kitchen sink.

Transom Window: A small window or series of panes above a door, or above a casement or double hung window.

Tree: Any living, self-supporting, woody perennial plant which normally obtains a trunk diameter of at least two inches and a height of at least ten feet and typically has one main stem or trunk and many branches.

Tree Bank: A fund in the City of Kennesaw's Comprehensive Annual Budget, which holds monies for the sole purpose of purchasing, planting and maintaining trees and landscaping materials on public property. This fund receives contributions made as an alternative compliance means of tree replacement during a land development process. Voluntary contributions may also be made to this fund.

Tree-Save Area: All areas designated for the purpose of meeting tree density requirements, saving specimen or significant trees, and/or conserving natural buffers.

Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 etc. seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Tower: Means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including but not limited to self-supported or monopole towers and lattice-framed towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, and cellular telephone or PCS towers and all other non-alternative towers and structures.

Understory Tree: Any tree which typically grows to a mature height of less than 40 feet.

Unlawful Structure: A structure found in whole or in part to be occupied by more persons than permitted under the adopted building and safety codes, or was erected, altered or occupied contrary to law.

Unsafe Equipment: Any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Unsafe Structure: A structure that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn the occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

User (pertaining to water and sewerage treatment): Any person, who contributes, causes or permits the contribution of wastewater into the POTW.

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads.

Variance: A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the Publication Manual for Erosion and Sediment Control in Georgia.

Vernacular: Based on regional tradition and utilizing regional materials.

Village Design: A mixed use corporate, commercial, office or residential district.

Violation: Any breach of the provisions of this article, including failure to obtain a land disturbance permit when required, failure to follow best management practices, and violating NTU levels when BMPs were not followed.

Visual Continuity: A sense of unity or belonging together that elements of the built environment exhibit because of similarities among them.

Wall Sign: A sign, including an awning sign, permanently attached to the exterior wall of a building.

Wastewater: The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Water, non-potable: Water which is not safe for human consumption or which is of questionable potability.

Water, potable: Any water which, according to recognized standards, is safe for human consumption.

Water, used: Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

Water Purveyor: A supplier of water, including property owners supplying water for their own use.

Water Quality Buffer: A designated area of adequate width to provide for protection of the stream bank, channel soils and vegetative cover, as determined by the community development department, that is adjacent to any state waters, watercourses, or drainage areas, and in which no land disturbing activities shall be undertaken unless approved in the site plan. Such activities

may include stream crossings for transportation routes or utilities construction, sewer and water line construction and minor landscaping or channel improvement activities to stabilize critical areas.

Water Quality Critical Area: The portion of the water supply watershed nearest the public water intake, where the most stringent land-use limitations of this article apply. Alternative ways to define the boundaries of the water quality critical area are provided in section 46-152(a).

Watershed: The land area that drains into a particular stream.

Water Supply Watershed: The drainage area (watershed) of lands upstream of a governmentally-owned public drinking water intake or water supply reservoir.

Water Table: A sloping horizontal surface, of brick or stone, on an exterior wall, usually at the foundation level.

Weekend Directional Signs (WEDS): WEDS shall convey directions through the use of words, symbols, arrows or otherwise to a specific place, wherein the sign provides direction and attention to a temporary or non-permanent event or happening, such as the sale or lease of real property, to a religious assembly or community gathering, yard sales, moving sales or estate sales.

Wetland: An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetland Delineation: The establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the Corps.

Wetland Protection District: All wetlands within the jurisdiction of the City of Kennesaw and shown on the generalized wetland map.

Window Parts: The moving units of a window are known as sashes and move within the fixed frame. The sash may consist of one large pane of glass or may be subdivided into smaller panes by thin members called muntins or glazing bars.

Window Sign: A sign painted upon or affixed so as to be visible through a window.

Wireless Transmission Facilities: All equipment at a single location used by a private business user, governmental user, or commercial wireless service provider to transmit, receive or relay electromagnetic waves, digital signals, analog signals, radio waves, microwave or any other wireless communication signals. Such a facility may include antennas, arrays of antennas, telecommunication towers, support structures, transmitters, receivers, base station, combiners, amplifiers, repeaters, filters or other electronic equipment; together with all associated cabling, wiring, equipment enclosures and other improvements.

Wireless Communication Facility, concealed: A wireless communication facility with all the antennas camouflaged to match or complement the color and architectural treatment of the surface upon which they are mounted, or which has all facility components concealed behind landscaping or a façade or parapet wall.

Yard: A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings, structures, uses, and decks are expressly permitted. When private roads are involved, the orientation and location of the building itself shall determine the front, back and side yards.

Yard, front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street and the front setback line and projected to the side lines of the lot.

Yard, rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the rear line of the lot and the line representing the minimum rear yard requirements.

Yard, side: An open, unoccupied space on the same lot with the principal building, situated between the side line of the lot and the minimum required side yard and extending from the rear line of the front yard to the front line of the rear yard.

Zoning Buffer: Any area that is required to remain undisturbed as a condition of zoning.

Zoning District: Refers to the zoning designation of parcels of land as per the Chapter 2 of this UDC.

Zoning Ordinance: The zoning regulations enacted by the Mayor and Council and set forth in the UDC.

(Ord. No. 2012-03, 5-7-12; Ord. No. 2012-15, § 1, 12-17-12; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-05, § 1, 4-20-15; Ord. No. 2015-07, § 1, 8-17-15; Ord. No. 2015-11, 11-16-15; Ord. No. 2016-04, 3-7-16; Ord. No. 2016-18, § 4, 8-15-16; Ord. No. 2018-21, § 2(Exh. C), 10-15-18; Ord. No. 2018-23, § 1(Exh. A), 10-15-18; Ord. No. 2018-24, § 1(Exh. A), 10-15-18)

APPENDIX 6

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

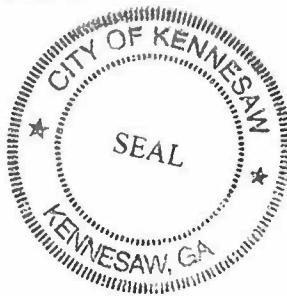
CITY OF KENNESAW
GEORGIA, COBB COUNTY

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 2 – "ZONING DISTRICTS," 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 2 - ZONING DISTRICTS

2.00.00 - GENERALLY

The use of buildings, structures, and land in accordance with the comprehensive plan shall comply with the use requirements for zoning districts set forth in Chapter 2. Buildings, structures, or land shall be occupied or used only in conformity with all of the regulations set forth herein for the district in which it is located. The regulations contained in this article, are intended to: promote the orderly future development of Kennesaw in accordance with the official comprehensive plan; discourage the size and generally type of development which would create excessive requirements and costs for public services; discourage uses which because of its size or type would generate abnormal amounts of traffic on minor streets; and protect and promote a suitable environment for family life.

2.01.00 - ESTABLISHMENT AND PURPOSE OF ZONING DISTRICTS

2.01.01 - Official Zoning Map

- A. The boundaries of the districts are hereby established as shown on a map entitled "Official Zoning Map, City of Kennesaw, Georgia," adopted by the Kennesaw City Council from time to time, and certified by the city clerk. Said map and all explanatory matter, including the adopted zoning resolution, thereon accompanies and is hereby made part of this ordinance.
- B. Said map shall represent as close as possible the actual zoning, but in the event of a discrepancy the explanatory material shall prevail.
- C. Said map shall be retained in the office of the city clerk.
- D. If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other subject matter portrayed on the zoning map, such change shall be made on the official zoning map promptly after the amendment has been approved by the City Council.
- E. Whenever any street, alley or other public way is vacated or abandoned by official action of the Mayor and Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same.

2.01.02 - District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines or such lines extended, such centerlines, street lines or highway right-of-way lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets or highways, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map. However, the explanatory matter shall be the determining factor.
- D. Where a district boundary line divides a lot in single ownership at the time of enactment of this ordinance, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such lot more than thirty five (35) feet beyond the district boundary line.
- E. Where any dispute exists, the metes and bounds legal description shall control.

2.01.03 - Residential Zoning Districts

The following residential zoning districts are established:

- A. *R-30, Single-Family residential district (30,000 square feet).* The R-30 single-family residential district is established to provide locations for single-family detached dwellings or residentially compatible institutional and recreational uses at low to moderate densities, with access both to public water and sewerage.

- B. *R-20 Single-Family residential district (20,000 square feet).* The R-20 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time, with access to both public water and sewerage.
- C. *R-15, Single-Family residential district (15,000 square feet).* The R-15 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities as defined by the City of Kennesaw Comprehensive Land Use Plan, with access to both public water and sewerage.
- D. *R-12, Single-Family residential district (12,000 square feet).* The R-12 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities as defined by the City of Kennesaw Comprehensive Land Use Plan, with access to both public water and sewerage.
- E. *R-10, Single-Family residential district (10,000 square feet).* The R-10 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities, with access to both public water and sewerage within designated medium density areas on the comprehensive land use plan and future land use map.
- F. *PUD-R, Planned Unit Development-residential district.* The PUD-R planned unit development-residential district is established to encourage and provide flexible site plan and building arrangements under a unified plan of development rather than by lot-by-lot regulation. The PUD-R district is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment. The density should be consistent with the surrounding development.
- G. *RA-4, Residential District (Four [4] units per acre).* The RA-4 residential district is established to provide locations for the development of affordable single-family detached or attached residential dwelling units including the combination of duplexes, triplexes, and quadraplexes, with access to both public water and sewerage for medium to high density residential classifications as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time. The dwelling units are to be designed for placement on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall.
- H. *RM-8, Multiple-Family district (Eight [8] units per acre).* The RM-8 multiple-family residential district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses at high densities as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time, with access to both public water and sewer.
- I. *RM-12, Multiple-Family district (Twelve [12] units per acre).* The RM-12 multiple-family residential district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses at high densities as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time, with access to both public water and sewerage.
- J. *FST, Fee-Simple Townhouse district (multifamily).* The FST fee-simple townhouse district is intended to provide suitable areas for single-family attached or detached dwellings at high densities as defined by the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time, of two (2) to twelve (12) dwelling units per acre with access to both public water and sewerage. Each unit shall be individually metered. Each attached dwelling unit shall be separated by a fire wall from foundation to roof decking.
- K. *MHP, Mobile Home Park district.* This district is established to provide areas where mobile home parks may be appropriate.

2.01.04 - Commercial, Office and Institutional Districts

The following commercial, office and institutional districts are established:

- A. *OI, Office/Institutional district.* The OI Office/Institutional district is established to provide locations for nonretail commercial uses such as offices and financial institutions. The OI district is designed primarily to provide for four story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step down nodal zoning away from more intensive commercial uses.
- B. *NS, Neighborhood Shopping district.* The NS district is established to provide locations for specialized and/or limited low intensity shopping facilities which are on properties delineated within a neighborhood activity center, community activity center, or regional activity center as defined and shown on the City of Kennesaw Comprehensive Plan, and as may be

amended from time to time. These convenience shopping facilities should have low intensity retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require purchasing with a minimum of consumer travel.

Areas zoned for the NS district are appropriately located at or adjacent to intersections as opposed to the edge of a NAC. The NS district may also be used to provide step down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NS district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NS should be architecturally compatible with other nonresidential uses permitted within an NS district as defined by the comprehensive plan and the neighborhood residences they serve.

- C. *NRC, Neighborhood Retail Commercial district.* The NRC neighborhood retail commercial district is established to provide locations for retail commercial and service uses which are designed and oriented to Neighborhood Activity Center as defined by the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time.
- D. *CRC, Community Retail Commercial district.* The CRC community retail commercial district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. The CRC district is aimed to provide for planned developments, one destination shopping and service locations to serve the community and to minimize traffic congestion.
- E. *GC, General Commercial district.* The GC district is established to provide locations for retail commercial and service uses which are oriented toward diverse range businesses that are service and product intensive with a need for major road access and visibility.
- F. *HGB, Highway General Business district.* The HGB highway general business district is established to provide locations for commercial and service uses which are oriented toward general and specialty service businesses and interstate and state highway travelers.
- G. *UVC, Urban Village Commercial district.* The UVC urban village commercial district is established to provide locations for planned mixed-use development of low intensity, low scale commercial, office, and residential uses not subdivided into customary streets and lots and which will not be subdivided.
- H. *PVC, Planned Village Community district.* The PVC planned village community district is established to provide locations and encourage flexible site plans and building arrangements under a unified plan of development rather than a lot by lot regulation for retail commercial and service uses which are designed and oriented to be self-sufficient neighborhoods making up a community. The developer benefits from better land utilization and economy in the provision of roads and utilities and overall site design.
Projects within the PVC should be designed to compact unified retail centers within the center of the community. Projects developed within the PVC should occupy a quadrant of an intersection and only ingress and egress from a major or collector street or state highway. Additionally, the desired quadrant location will provide for planned developments, one destination shopping, and service locations to serve [the] community, and to minimize traffic congestion.
- I. *PSC, Planned Shopping Center district.* The PSC planned shopping center district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. The PSC district is aimed to provide for planned developments, one destination shopping and service locations to serve the community and to minimize traffic congestion.

2.01.05 - Industrial Zoning Districts

The following Industrial zoning districts are established:

2.01.05.01 LI Light Industrial district:

- A. *Purpose and Intent:* The LI light industrial district is established to provide locations for light industrial uses such as low intensity automobile repair and service, commercial greenhouses, distribution centers, warehouse and storage, transportation terminals. When located on the perimeter of an industrial node, the LI district should provide for uses that are low in intensity and scale such to ensure compatibility with surrounding properties.
- B.

Uses. Any use not permitted, or not permitted by Special Exception, or not permitted by Land Use Permit is prohibited. To the extent there is a conflict between the Table of Land Uses and this district as set forth herein, this district shall control for purposes of determining whether and how the use is allowed. See [Section 4.04.01](#) for standards associated with Special Exception uses. Any conflict between the standards set forth in this district and those set forth in [Section 4.04.01](#) (as amended from time to time), the standards in [Section 4.04.01](#) (as amended from time to time) shall control for purposes of allowing a Special Exception use. Certain uses marked with an asterisk (*) must ascribe to the specific regulations as set forth in this district. Particular uses may need to comply with a combination of special regulations (*), special exception regulations, and special land use permit requirement.

The following uses are permitted:

- Accessory retail sales and services
- Agriculture produce stands
- Ambulance services
- Ambulance services, if accessory to hospitals or funeral homes
- Amphitheaters
- Ancillary retail sales
- Animal hospitals
- Appliance repair (major)
- Assembly halls
- Automotive paint and body repair services
- Automotive parking lots and garages
- Automotive repair and maintenance facilities
- Automotive upholstery shops
- Aviation airports (private)
- Boat sales and service establishments
- Breeding and boarding kennels
- Building materials stores
- Bus stations
- Bus stations for freight
- Car washes
- Clinics
- Clubs or lodges (noncommercial)
- Colleges and universities (private), including but not limited to research and training facilities
- Commercial greenhouses and plant nurseries
- Commercial indoor recreation uses
- Commercial outdoor recreation uses
- Community fairs

Contractors (general, heavy, special) (office/warehouse)

Corporate or administrative offices for any permitted use

Dairies

Designated recycling collection locations*

Dry cleaning plants

Electrical supply stores

Emissions/inspection stations

Executive golf courses

Exterminating facilities (insect and/or rodent)

Farm and garden supply stores

Farm equipment stores/repair

Fast food restaurant

Freight terminals

Fuel and ice dealers

Full service gasoline stations

Funeral homes

Golf courses (Par-3)

Golf courses (18-hole regulation; private and public)

Group homes*

Halfway houses

Heavy automotive repair establishments

Helicopter landing areas

Hospitals

Laundry and dry cleaning pick-up establishments

Light automotive repair

Light manufacturing establishments

Linen and diaper services

Livestock sales pavilions

Machine shops

Medical and dental laboratories, provided that no chemicals are manufactured on site

Mobile food vending unit

Newspaper publishing facilities

Nonautomotive repair service establishments

Nonprofit riding stables

Office service and supply establishments

Other service establishments

Outdoor golf driving ranges

Pain management clinic

Parking for vehicles

Plumbing and/or heating equipment dealers

Poultry hatcheries

Printing, publishing, and lithography establishments

Pro shops (accessory to driving ranges/golf courses)

Professional offices

Radio and television stations

Rail stations (commuter)

Railroad car classification yards

Railroad stations

Recreation grounds other than tennis courts and golf courses

Religious assemblies

Medical research centers

Research testing laboratories

Re-upholstery and furniture repair establishments

Sawmills (temporary)

Self-service storage facilities

Sexually Oriented Businesses*

Shelters (homeless)*

Taxi stands and dispatching agencies

Temporary Uses*

Tire retreading and recapping facilities

Transportation equipment storage and maintenance facilities

Truck terminals

Utility facilities (private)

Vending machine sales, service, rental, or repair establishments

Vocational schools (commercial)

Warehouse and storage facilities

Wholesale sales offices

Wholesale trade and distribution facilities

Wholesale trade offices in conjunction with office showrooms

Zoos

The following uses are permitted by special exception:

Amusement centers

Automobile, truck, and trailer lease and rental facilities (accessory use)

Automobile, truck, and trailer lease and rental facilities (principal use)

Automobile and truck sales and service facilities

Automotive storage yards and wrecker service

Cemeteries

Crematories, human or animal

Drive in theaters

Flea markets

Mausoleums

Motorcycles, ATV, and three-wheel vehicle sales and service facilities (need SE standards)

Private community centers

Private schools of general and special education

The following uses are permitted only by special land use permit:

Coliseums, stadiums, and conventions centers (privately owned) (SLUP)

Radio, television and other communication towers and antennas (SLUP)

Wireless telecommunications facilities (SLUP)

C. Requirements for certain uses. The following uses shall have the requirements as ascribed to them in this subsection.*

1. Designated Recycling Collection Locations:

- (a) Must be maintained in a safe, clean, neat, and sanitary fashion;
- (b) Such location shall be visually screened and maintained;
- (c) Such location shall be within the building setbacks unless otherwise approved by the zoning administrator or his/her designee due to topography, safety, internal traffic flow, site distance, or for other site-related circumstances not created by the property owner.

2. Group Home:

- (a) A group home shall be shared by four or fewer persons, excluding resident staff;
- (b) the group home must provide the City of Kennesaw with a copy of its scheduled activity plan, a copy of the group home rules, and, if applicable, evidence of active enforcement under the Georgia Association of Recovery Residence standards;
- (c) the group home must be under the direction and guidance of a designated managing caregiver that resides at the group home;
- (d) the designated managing caregiver or his or her designee shall be available on a 24-hour basis in the event of emergencies or complaints; and
- (e) a group home must submit to random inspections by the City Code Enforcement.

3. Halfway House:

- (a) Halfway Houses shall not be located within 1,000 feet of any day care center, school, religious assembly, school bus stop, public or private playground, park or swimming pool, or 'areas where minors congregate' as defined in O.C.G.A. § 42-1-12(a)(3).
 - (b) Measurement: For the purpose of measuring the distance required under this subparagraph, measurement shall be made in a straight line in all directions without regard to intervening structures or objects, from the primary point of pedestrian entry of the structure in which the applicant is located to the primary point of pedestrian entry of the structure of the sensitive use. If there is no structure on the parcel comprising the sensitive use, then the point of measurement is to the closest point on a boundary line of any parcel comprising the sensitive use.
- 4. Temporary Uses:
 - (a) An approved temporary use shall not exceed 30-days and may be renewed for not more than one additional 30-day period.
 - (b) Adequate off-street parking shall be provided.
 - (c) Application for a temporary use shall be made with the City Business License division.
- 5. Shelters (homeless):
 - (a) Adequate showers and restroom facilities must be provided at the location to meet the needs of the overnight guests;
 - (b) Beds must be provided for all overnight guests excluding staff and volunteer workers;
 - (c) No shelter shall be located closer than 1,000 feet to the nearest single-family residence;
 - (d) Guests of the shelter shall be required to leave the shelter premises no later than 7:00 a.m.;
 - (e) All premises shall be maintained in a clean, safe, and sanitary fashion;
 - (f) Adequate provisions for transporting and parking guests shall be submitted to and approved by the zoning administrator or his/her designee.
- 6. Sexually oriented business:
 - (a) Measurement. For the purpose of measuring the distance required under this subparagraph, measurement shall be made in a straight line in all directions without regard to intervening structures or objects, from the primary point of pedestrian entry of the structure in which the applicant is located to the primary point of pedestrian entry of the structure of the sensitive use. If there is no structure on the parcel comprising the sensitive use, then the point of measurement is to the closest point on a boundary line of any parcel comprising the sensitive use.
 - (b) It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city, unless said sexually oriented business is at least 250 feet from another sexually oriented business.
 - (c) It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city, unless same is at least 500 feet from a religious assembly building, school building, governmentally owned and operated building, library building, civic center building, public park, hospital building, community club building, prison building or any residence (sensitive uses).
 - (d) It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city, unless said sexually oriented business is at least 500 feet from a business licensed to sell alcohol on the premises (sensitive use).
 - (e) Sexually oriented businesses are also subject to licensing requirements as set forth in Chapter 22 of the Kennesaw City Code, as may be amended from time to time.
- D. Dimensional standards for Development. Setback shall be measured from the property line of the parcel. The property with the shortest amount of road frontage shall be the front setback for determining other setbacks (major side, side, rear).
 - 1. Minimum lot size: 40,000 square feet
 - 2. Minimum lot width at front setback line: 75 feet
 - 3. Maximum height: 50 feet (4 stories maximum)

4. A basement shall be counted as a story if the ceiling is six feet or more above the grade and is either subdivided or used for dwelling or business purposes. A basement is a portion of the building partly underground which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground.
5. Minimum building setbacks:
 - (a) Front yard as measured from arterial: 50 feet.
 - (b) Front yard as measured from collector: 50 feet.
 - (c) Front yard as measured from local: 50 feet.
 - (d) Side yard (aka minor side yard): 20 feet.
 - (e) Rear yard: 40 feet.
 - (f) Major side: 25 feet.
6. Maximum cover: 80%
7. Measuring building setbacks: The number and type of setbacks is determined based on the number and type of public road frontages for the lot as follows and as shown on the following diagram:
 - (a) One public road frontage: The front yard setback is measured from the one public road frontage (arterial, collector, or local). The yard opposite the front yard is the rear yard and the other two yards are side yards.
 - (b) Two public road frontages: The front yard setback is measured from the road with the shortest frontage (arterial, collector, or local). The major side yard setback is measured from the road with the longer frontage (arterial, collector, or local). The yard opposite the front yard is the rear yard and the yard opposite the major side yard is the minor side yard.
 - (c) Three public road frontages: The front yard setback is measured from the road with the shortest frontage (arterial, collector, or local). The two major side yard setbacks are measured from the other two road frontages (arterial, collector, or local). The remaining yard is a minor side yard.
 - (d) Building setbacks apply to both principal and accessory buildings and structure except where it explicitly states otherwise.
 - (e) Irregular shaped lots: The Planning and Zoning Administrator will determine setbacks for irregular shaped lots adhering to the spirit and intent of this section.
- E. Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an LI district which abuts a residentially zoned property shall have a minimum 50-foot landscaped screening buffer adjacent to all residentially zoned property. The buffer shall be subject to approval by City staff. The City discourages locating LI districts and developments adjacent to single-family residential districts, unless in a planned mixed use project. 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 as set forth in the UDC.
 1. 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 direction of vehicular and pedestrian movement;
 - (c) Reduction of glare;
 - (d) Buffering of noise; and
 - (e) Establishment of privacy.
 2. Standards. Buffers and berms shall be required when an LI district is located adjacent to a residential district; a minimum 50-foot buffer is required.
 - (a) Buffers. Landscape buffers are subject to review and approval by the Zoning Administrator 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 the site and appropriate for the design situation.
 - (iii) Unless public safety concerns dictate otherwise, buffers should provide a 100 percent visual barrier to a height of six feet within two years of planting.
 - (iv) Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
 - (v) Fencing or walls are to be a minimum of six feet in height.
 - (vi) Trees included in buffer plantings may be counted toward site density calculations as required by Chapter 3 of the UDC pertaining to tree preservation and replacement, subject to review and approval of the Zoning Administrator.
 - (vii) Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
 - (viii) When topography and existing conditions allow, the required twenty-foot buffer should be an undisturbed buffer.
 - (ix) Any appeals from a determination by the Zoning Administrator shall be to the Mayor and City Council.
- (b) Berms. Berms are subject to review and approval by the Zoning Administrator 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.
 - (iv) Berms shall be regularly maintained by the property owner.
- F. Floodplain, wetlands preservation, and water supply and watershed requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Development and design shall first take into account the protection of environmental and natural resources as set forth in Chapter 3 regarding floodplain, soil erosion and sedimentation control, water supply and watersheds, river corridors, and stream buffers. Any development shall comply with Chapter 46 of the Kennesaw Code of Ordinance. Any development shall be designed to avoid unnecessary impervious surface cover; provide adequate access to lots and sites; avoid adverse effects of shadow glare, noise, odor, traffic, drainage, and utilities on surrounding property. No floodplains and/or wetlands may be used in calculating the overall density of the development.
- G. Chattahoochee River Tributary Protection: Any property located within the "protection area" as defined and established to be the stream channel and all the land within the 1st Class stream boundary and 2nd Class stream boundary of all 1st class and 2nd class flowing tributaries of the Chattahoochee River downstream from Buford Dam and upstream from Peachtree Creek as indicated on the Chattahoochee Tributary Map shall comply with Chapter 3.06.1 of the UDC, and as amended.
- H. Landscaping and Tree Requirements: Any development must meet the landscaping and tree requirements and specifications as set forth in Section 3.07.00, and as amended.
- I. Site Design standards: Any development must meet the applicable site design standards, including but not limited to site design standards for specific uses, conventional subdivision, and architectural design standards as set forth in Section 4.00.00, and as amended.
- J. Accessory and temporary structures: Any development must meet the accessory and temporary structure requirements and specifications as set forth in Section 5.00.00, and as amended.
- K. Signs: Standards for signs used as accessory structures or principal use on a parcel are regulated in Section 5.03.00, and as amended.
- L. Wireless Telecommunication Facilities: Standards for wireless telecommunication facilities, which may be located on a lot or parcel with a principal use, are located in Section 5.04.00, and as amended.
- M.

Infrastructure requirements: Any development must comply with all applicable infrastructure requirements as set forth in Chapter 6 of the UDC, and as amended from time to time, including but not limited to those requirements and standards relating to streets, transportation, parking facilities, street lights, major thoroughfares, access, off-street parking facilities, parking lot design and driveway standards, sidewalks and pathways, bus shelters, easements, storm drainage systems, water and sewer, fences, buffers and berms, mailboxes, and irrigations systems, structural retaining walls, dams, cemeteries, utilities, condominiums and gated communities.

- N. Special land use permits: Any development that requires a special land use permit must meet the specifications as set forth in Section 4.04.06 of the UDC, and as amended.
- O. Use limitations:
 - 1. Maximum floor area ratio is .50 for office uses and 0.75 for industrial uses
 - 2. All refuse collection and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - 3. No uses that exceed state and federal guidelines for allowable emissions and discharge of effluents into the air, water and soil are permitted.
 - 4. No uses that create an unabated noise creating a nuisance as defined under state law are permitted.
 - 5. If potentially hazardous material or chemicals are used on the premises or pollutants result from the operation under this section, a spill containment plan shall be approved by City staff.
 - 6. Any outside storage shall be set back a minimum of 35 feet from any public right-of-way. In other cases, the setbacks as required for accessory buildings, structures, uses and decks shall apply.
 - 7. No drive-in establishments are permitted.
 - 8. No uses that emit noxious odors, fumes or sounds are permitted.
 - 9. No outside runs are permitted with any veterinary office use permitted within this district.
 - 10. Maximum impervious surfaces (80%-RAC, 70%-CAC and NAC) shall be established within activity centers as identified by the City of Kennesaw Comprehensive Plan, as may be amended from time to time.

2.01.05.02 HI Heavy Industrial district:

- A. Purpose and intent. The HI heavy industrial district is established to provide locations for heavy industrial uses such as intensive automobile repair and service, heavy manufacturing, chemical manufacturing and storage, petroleum and petrochemical storage, warehousing. When located on the perimeter of an industrial node, the HI district should provide for uses that are lower in intensity and scale such to ensure compatibility with surrounding properties.
- B. Uses. Any use not permitted, or not permitted by Special Exception, or not permitted by Land Use Permit is prohibited. To the extent there is a conflict between the Table of Land Uses and this district as set forth herein, this district shall control for purposes of determining whether and how the use is allowed. See Section 4.04.01 for standards associated with Special Exception uses. Any conflict between the standards set forth in this district and those set forth in Section 4.04.01 (as amended from time to time), the standards in Section 4.04.01 (as amended from time to time) shall control for purposes of allowing a Special Exception use. Certain uses marked with an asterisk (*) must ascribe to the specific regulations as set forth in this district. Particular uses may need to comply with a combination of special regulations (*), special exception regulations, and special land use permit requirement.

The following uses are permitted:

- Agriculture produce stands
- Ambulance services
- Ambulance services, if accessory to hospitals or funeral homes
- Ancillary retail sales
- Animal hospitals
- Assembly halls

Automotive paint and body repair services

Automotive parking lots and garages

Automotive repair and maintenance facilities

Automotive upholstery shops

Aviation airports (private)

Boat sales and service establishments

Breeding and boarding kennels

Building materials stores

Bus stations

Bus stations for freight

Car washes

Clinics

Clubs or lodges (noncommercial)

Colleges and universities (private), including but not limited to research and training facilities

Commercial greenhouses and plant nurseries

Community fairs

Consumer fireworks retail sales facility

Contractors (general, heavy, special) (office/warehouse)

Corporate or administrative offices for any permitted use

Dairies

Designated recycling collection locations*

Dry cleaning plants

Electrical supply stores

Emissions/inspection stations

Executive golf courses

Exterminating facilities (insect and/or rodent)

Farm equipment stores/repair

Freight terminals

Fuel and ice dealers

Full service gasoline stations

Golf courses (Par-3)

Golf courses (18-hole regulation; private and public)

Halfway houses

Heavy automotive repair establishments

Heavy repair service and trade shops

Helicopter landing areas

Laundry and dry cleaning pick-up establishments

Light automotive repair

Light manufacturing establishments

Linen and diaper services

Machine shops

Medical and dental laboratories, provided that no chemicals are manufactured on site

Newspaper publishing facilities

Nonautomotive repair service establishments

Nonprofit riding stables

Office service and supply establishments

Outdoor golf driving ranges

Parking for vehicles

Plumbing and/or heating equipment dealers

Printing, publishing, and lithography establishments

Private parks

Pro shops (accessory to driving ranges/ golf courses)

Radio and television stations

Rail stations (commuter)

Railroad car classification yards

Railroad stations

Recreation grounds other than tennis courts and golf courses

Religious assemblies

Medical research centers

Research testing laboratories

Re-upholstery and furniture repair establishments

Sawmills (temporary)

Self-service storage facilities

Sexually Oriented Businesses*

Shelters (homeless)*

Taxi stands and dispatching agencies

Temporary uses*

Tire retreading and recapping facilities

Transportation equipment storage and maintenance facilities
Truck terminals
Utility facilities (private)
Vending machine sales, service, rental, or repair establishments
Vocational schools (commercial)
Warehouse and storage facilities
Wholesale sales offices
Wholesale trade and distribution facilities
Wholesale trade offices in conjunction with office showrooms
Zoos

The following uses are permitted by special exception:

Amusement centers
Asphalt plants
Automobile, truck, and trailer lease and rental facilities (accessory use)
Automobile, truck, and trailer lease and rental facilities (principal use)
Automobile and truck sales and service facilities
Automotive storage yards and wrecker service
Biomedical waste transfer and disposal facilities
Cemeteries
Chemical plants or storage facilities
Coliseums, stadiums, and conventions centers (privately owned)
Composting plants*
Concrete plants
Crematories, human or animal
Drive in theaters
Hazardous waste sites
Heavy manufacturing establishments
Landfills (private)*
Mausoleums
Mining operations*
Outdoor commercial racing (motorcycle, automobile, truck, tractor and motorized vehicles)
Motorcycles, ATV, and three-wheel vehicle sales and service facilities
Petroleum or bulk storage stations*
Private community centers

Private schools of general and special education

Quarry or mining operation

Recycling centers*

Waste transfer station

The following uses are permitted only by special land use permit:

Asphalt plants

Automotive salvage and wrecking yards

Biomedical waste transfer and disposal facilities

Chemical plants or storage facilities

Coliseums, stadiums, and conventions centers (privately owned)

Composting plants

Concrete plants

Hazardous waste sites

Landfills (private)

Outdoor commercial racing (motorcycle, automobile, truck, tractor and motorized vehicles)

Petroleum or bulk storage stations

Quarry or mining operation

Radio, television and other communication towers and antennas

Recycling centers

Waste transfer station

Wireless telecommunications facilities

C. Requirements for certain uses. The following uses shall have the requirements as ascribed to them in this subsection.

1. Designated Recycling Collection Locations:

- (a) Must be maintained in a safe, clean, neat, and sanitary fashion;
- (b) Such location shall be visually screened and maintained;
- (c) Such location shall be within the building setbacks unless otherwise approved by the zoning administrator or his/her designee due to topography, safety, internal traffic flow, site distance, or for other site-related circumstances not created by the property owner.

2. Temporary Uses:

- (a) An approved temporary use shall not exceed 30-days and may be renewed for not more than one additional 30-day period;
- (b) Adequate off-street parking shall be provided;
- (c) Application for a temporary use shall be made with the City Business License division.

3. Shelters (homeless):

- (a) Adequate showers and restroom facilities must be provided at the location to meet the needs of the overnight guests;
- (b) Beds must be provided for all overnight guests excluding staff and volunteer workers;
- (c) No shelter shall be located closer than 1,000 feet to the nearest single-family residence;

- (d) Guests of the shelter shall be required to leave the shelter premises no later than 7:00 a.m.;
 - (e) All premises shall be maintained in a clean, safe, and sanitary fashion;
 - (f) Adequate provisions for transporting and parking guests shall be submitted to and approved by the zoning administrator or his/her designee.
4. Sexually oriented businesses:
- (a) Measurement. For the purpose of measuring the distance required under this subparagraph, measurement shall be made in a straight line in all directions without regard to intervening structures or objects, from the primary point of pedestrian entry of the structure in which the applicant is located to the primary point of pedestrian entry of the structure of the sensitive use. If there is no structure on the parcel comprising the sensitive use, then the point of measurement is to the closest point on a boundary line of any parcel comprising the sensitive use.
 - (b) It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city, unless said sexually oriented business is at least 250 feet from another sexually oriented business.
 - (c) It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city, unless same is at least 500 feet from a religious assembly building, school building, governmentally owned and operated building, library building, civic center building, public park, hospital building, community club building, prison building or any residence (sensitive uses).
 - (d) It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city, unless said sexually oriented business is at least 500 feet from a business licensed to sell alcohol on the premises (sensitive use).
 - (e) Sexually oriented businesses are also subject to licensing requirements as set forth in Chapter 22 of the Kennesaw City Code, as may be amended from time to time.
5. Mining
- (a) Removal or extraction of dirt, sand and soil is subject to the following: (1) the removal area shall be completely enclosed with a fence not less than six feet in height when considered necessary by the Zoning Administrator; (2) Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a development permit; (3) such uses shall not be established within 500 feet of a residential use or 200 feet of any other use; (4) this subsection shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes.
 - (b) Removal or extraction of rock and gravel is subject to the following: (1) The removal area shall be sealed by fencing or grading or some other device from general public access; (2) all entrances shall be fenced and locked during nonbusiness hours; (3) drainage plans and plan for development of the site when the removal is completed shall be submitted with the application for a development permit; (4) the operational and removal area of such uses shall not be established within 4,000 feet of a residential use or 2,000 feet of any other use.
 - (c) No mining shall be allowed except after notice of a public hearing and public hearing by the Mayor and City Council for the purposes of evaluating and considering the adverse effects and impacts (if any) that may result to surrounding property owners and whether or not a nuisance, as defined by state law, would be created by allowing the use.
6. Petroleum or bulk storage facilities or chemical plants or storage facilities
- (a) A special land use permit is required
 - (b) Compliance with all applicable state and federal laws is required
 - (c) All necessary state and federal permits shall be obtained
 - (d) A spill containment plan shall be approved by City staff
 - (e) Minimum acreage is five acres
 - (f) No use shall be located closer than 1,000 feet to any residential dwelling or school building
 - (g) Hours of operation shall be limited to daylight hours

- (h) Noise abatement and air pollution abatement plans shall be approved by City staff
- (i) A fire prevention, evacuation and safety plan shall be approved by the County fire marshal
- 7. Private landfills, composting centers or recycling centers
 - (a) A special land use permit is required
 - (b) All necessary state and federal permits shall be obtained
 - (c) Compliance with all applicable state and federal laws is required
 - (d) Such facilities shall only be allowed in heavy industrial zoning district, provided that the Mayor and City Council may grant a variance for filling of a specific natural land depression provided such fill shall not include garbage or other material subject to decomposition
 - (e) Such facilities shall be approved by the Mayor and City Council after public hearing. Both a development permit from the community development department and written approval of the County health department shall be issued before any landfill operation may begin
 - (f) Such facilities shall be allowed only in areas incapable of development without landfill operations as determined by the community development department
 - (g) No hazardous wastes as defined by state and federal law shall be disposed or discharged into a landfill site
 - (h) No garbage shall be disposed of within 2,000 feet of the public highway, a residence, or any gathering place unless approved by the Mayor and City Council
 - (i) Truck traffic routes and entrances to the facility shall be approved by a traffic engineer
 - (j) The sanitary landfill site must be accessible without travel through properties developed for residential use
 - (k) All sanitary landfills shall have and keep on their premises in good working order a crawler-type tractor equipped with either a straight blade bulldozer, an angel blade bulldozer, a scraper (eight cubic yards or larger), a front end loader, a bull clam, or other attachments of a similar nature. The combined weight of such tractor and accessories as set forth in this subsection shall be not less than 18,000 pounds.
 - (l) All sanitary landfills hereafter established or operated shall be enclosed with a fence at least six feet high with openings therein not more than those in two-inch mesh wire, or some other similar fencing materials or device. Such fencing shall be adequate to prevent paper and similar or related refuse from blowing from the landfill onto neighboring property
 - (m) All sanitary landfills shall have an operator in attendance at all times when the fill is in use, and such fill must be barricaded when closed to the public
 - (n) Any changes in the normal drainage of the property upon which the sanitary fill is located shall be accommodated by storm sewers as necessary to properly care for drainage. Such storm sewers shall be installed at the expense of the user
 - (o) All operators of sanitary landfills must pack and cover daily all materials placed thereon with at least six inches of earth in such a manner as to prevent fires and meet any and all other requirements of the fire code. All completed landfills must be covered with a least two feet of earth. Burning of any kind of refuse on the landfill is prohibited
 - (p) This section shall not prohibit the dumping for disposal by burial of dry waste building materials concurrently with and on the same property as a structure under construction. Such waste shall be covered with at least two feet of earth before occupancy of the structure, but no such waste may be buried within 20 feet of any structure, drainage easement or drain field.
- D. Dimensional standards for Development. Setback shall be measured from the property line of the parcel. The property with the shortest amount of road frontage shall be the front setback for determining other setbacks (major side, side, rear).
 - 1. Minimum lot size: 40,000 square feet
 - 2. Minimum lot width at front setback line: 75 feet
 - 3. Maximum height: 50 feet (4 stories)
 - 4.

A basement shall be counted as a story if the ceiling is six feet or more above the grade and is either subdivided or used for dwelling or business purposes. A basement is a portion of the building partly underground which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground.

5. Minimum building setbacks:
 - (a) Front yard as measured from arterial: 50 feet.
 - (b) Front yard as measured from collector: 50 feet.
 - (c) Front yard as measured from local: 50 feet.
 - (d) Side yard (aka minor side yard): 20 feet.
 - (e) Rear yard: 40 feet.
 - (f) Major side: 25 feet.
6. Maximum cover: 80%
7. Measuring building setbacks: The number and type of setbacks are determined based on the number and type of public road frontages for the lot.
 - (a) One public road frontage: The front yard setback is measured from the one public road frontage (arterial, collector, or local). The yard opposite the front yard is the rear yard and the other two yards are side yards.
 - (b) Two public road frontages: The front yard setback is measured from the road with the shortest frontage (arterial, collector, or local). The major side yard setback is measured from the road with the longer frontage (arterial, collector, or local). The yard opposite the front yard is the rear yard and the yard opposite the major side yard is the minor side yard.
 - (c) Three public road frontages: The front yard setback is measured from the road with the shortest frontage (arterial, collector, or local). The two major side yard setbacks are measured from the other two road frontages (arterial, collector, or local). The remaining yard is a minor side yard.
 - (d) Building setbacks apply to both principal and accessory buildings and structure except where it explicitly states otherwise.
 - (e) Irregular shaped lots: The Planning and Zoning Administrator will determine setbacks for irregular shaped lots adhering to the spirit and intent of this section.
- E. Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an HI district which abuts a residentially zoned property shall have a minimum 50-foot landscaped screening buffer adjacent to all residentially zoned property. The buffer shall be subject to approval by City staff. The City discourages locating HI districts and developments adjacent to single-family residential districts, unless in a planned mixed use project. 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 as set forth in the UDC.
 1. 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 direction of vehicular and pedestrian movement;
 - (c) Reduction of glare;
 - (d) Buffering of noise; and
 - (e) Establishment of privacy.
 2. Standards. Buffers and berms shall be required when an LI district is located adjacent to a residential district; a minimum 50-foot buffer is required.
 - (a) Buffers. Landscape buffers are subject to review and approval by the Zoning Administrator 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 the site and appropriate for the design situation.
 - (iii) Unless public safety concerns dictate otherwise, buffers should provide a 100 percent visual barrier to a height of six feet within two years of planting.
 - (iv) Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
 - (v) Fencing or walls are to be a minimum of six feet in height.
 - (vi) Trees included in buffer plantings may be counted toward site density calculations as required by Chapter 3 of the UDC pertaining to tree preservation and replacement, subject to review and approval of the Zoning Administrator.
 - (vii) Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
 - (viii) When topography and existing conditions allow, the required twenty-foot buffer should be an undisturbed buffer.
 - (ix) Any appeals from a determination by the Zoning Administrator shall be to the Mayor and City Council.
- (b) Berms. Berms are subject to review and approval by the Zoning Administrator 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.
 - (iv) Berms shall be regularly maintained by the property owner.
- F. Floodplain, wetlands preservation, and water supply and watershed requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Development and design shall first take into account the protection of environmental and natural resources as set forth in Chapter 3 regarding floodplain, soil erosion and sedimentation control, water supply and watersheds, river corridors, and stream buffers. Any development shall comply with Chapter 46 of the Kennesaw Code of Ordinance. Any development shall be designed to avoid unnecessary impervious surface cover; provide adequate access to lots and sites; avoid adverse effects of shadow glare, noise, odor, traffic, drainage, and utilities on surrounding property. No floodplains and/or wetlands may be used in calculating the overall density of the development.
- G. Chattahoochee River Tributary Protection: Any property located within the "protection area" as defined and established to be the stream channel and all the land within the 1st Class stream boundary and 2nd Class stream boundary of all 1st class and 2nd class flowing tributaries of the Chattahoochee River downstream from Buford Dam and upstream from Peachtree Creek as indicated on the Chattahoochee Tributary Map shall comply with Chapter 3.06.1 of the UDC, and as amended.
- H. Landscaping and Tree Requirements: Any development must meet the landscaping and tree requirements and specifications as set forth in Section 3.07.00, and as amended.
 - I. Site Design standards: Any development must meet the applicable site design standards, including but not limited to site design standards for specific uses, conventional subdivision, and architectural design standards as set forth in Section 4.00.00, and as amended.
 - J. Accessory and temporary structures: Any development must meet the accessory and temporary structure requirements and specifications as set forth in Section 5.00.00, and as amended.
 - K. Signs: Standards for signs used as accessory structures or principal use on a parcel are regulated in Section 5.03.00, and as amended.
 - L. Infrastructure requirements: Any development must comply with all applicable infrastructure requirements as set forth in Chapter 6 of the UDC, and as amended from time to time, including but not limited to those requirements and standards relating to streets, transportation, parking facilities, street lights, major thoroughfares, access, off-street

parking facilities, parking lot design and driveway standards, sidewalks and pathways, bus shelters, easements, storm drainage systems, water and sewer, fences, buffers and berms, mailboxes, and irrigations systems, structural retaining walls, dams, cemeteries, utilities, condominiums and gated communities.

- M. Special land use permits. Any development that requires a special land use permit must meet the specifications as set forth in Section 4.04.06 of the UDC, and as amended.
- N. Wireless Telecommunication Facilities. Standards for wireless telecommunication facilities, which may be located on a lot or parcel with a principal use, are located in Section 5.04.00, and as amended.
- O. Use limitations:
 - 1. Maximum floor area ratio is .50 for office uses and 0.75 for industrial uses
 - 2. All refuse collection and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - 3. No uses that exceed state and federal guidelines for allowable emissions and discharge of effluents into the air, water and soil are permitted.
 - 4. No uses that create an unabated noise creating a nuisance as defined under state law are permitted.
 - 5. If potentially hazardous material or chemicals are used on the premises or pollutants result from the operation under this section, a spill containment plan shall be approved by City staff.
 - 6. Any outside storage shall be set back a minimum of 35 feet from any public right-of-way. In other cases, the setbacks as required for accessory buildings, structures, uses and decks shall apply.
 - 7. No drive-in establishments are permitted.
 - 8. No uses that emit noxious odors, fumes or sounds are permitted.
 - 9. No outside runs are permitted with any veterinary office use permitted within this district.
 - 10. Maximum impervious surfaces (80%-RAC, 70%-CAC and NAC) shall be established within activity centers as identified by the City of Kennesaw Comprehensive Plan, as may be amended from time to time.

(Ord. No. 2018-24, § 2(Exh. B), 10-15-18)

2.01.06 - Special Districts

The following special zoning districts are established:

- A. *HIS, Historic District.* The historical and architectural heritage of Kennesaw is among its most valued and important assets. The purpose of the Kennesaw Historic District (HIS) 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.
 - 1. Boundary. 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 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 Properties Map of the City of Kennesaw," which shall be as adopted by the Mayor and Council, and the same required boundaries to be shown on the "Official Zoning Map of the City of Kennesaw."
 - 2. Relationship to Zoning District.
 - a) 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.

- b) 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 HIS (Historic Kennesaw District).

3. Classification of historic properties and development standards.

- a) The Historic Preservation 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. All properties so designated shall be classified as one of the following categories:
 - i. Historic: More than 50 years old and contributing to the community's historic character;
 - ii. Historic-obscured: More than 50 years old but not contributing to the historical character of the community due to unsympathetic but not irreparable alterations;
 - iii. Non-historic: Less than 50 years old and contributing to the historic character of the community by possessing architectural character;
 - iv. Intrusion: Structures of any age which detract from the historic character of the district; and
 - v. Vacant.
- b) 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 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 his property, the Mayor and Council may reclassify the property or any portion thereof as they determine.

Refer to Chapter 10 of this UDC for information regarding the appeals process.

- 8. *HPV, Historic Preservation Village.* 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 Council in June, 1995. 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.
- C. *CBD, Central Business District.* The 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. The classification is primarily intended for a focal point for upscale retail trade, tourism, and financial and public uses. The intent of the CBD is to develop a compact core to encourage and facilitate pedestrian movement and provide convenient access to the amenities of Historic Downtown Kennesaw. The CBD is designed to achieve the following:
 - 1. Create an environment where residents and visitors can live, work, meet, and play.
 - 2. Promote a balanced mix of retail, office-professional, entertainment, residential, civil, and cultural uses in the core downtown area.
 - 3. Allow for growth of a healthy economic business district.
 - 4. Incorporate aesthetically compatible design from gateway points to the core of the city to improve the aesthetics of street and built environments.
 - 5. Ensure compatibility with the historic district to achieve architectural and design integrity and consistency.
 - 6. Provide accessible and sufficient parking that is unobtrusive by encouraging shared, underground, and deck parking

and alternative modes of transportation including pedestrian and bicycles.

7. Promote a pedestrian environment through sidewalk-oriented buildings and attractive street-facing façades that encourage pedestrian activity.
8. Provide safe and accessible parks and public and private open space.

D. *Conservation Subdivision/Open Space development.* The purposes of the Conservation Subdivision/Open Space development are:

1. To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
2. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
3. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
4. 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.
5. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
6. To promote interconnected greenways and corridors throughout the community.
7. To promote contiguous greenspace with adjacent jurisdictions.
8. 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.
9. To encourage street designs that reduces traffic speeds and reliance on main arteries.
10. 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.
11. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
12. To preserve important historic and archaeological sites.
13. To encourage the development of residential communities designed to preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes.
14. To reduce infrastructure impact as a result of efficient community design.

E. *SLO, Senior Living Overlay district.* The purpose of this overlay zoning district is:

1. Establish high quality living standards for senior oriented housing
2. Create a self sufficient development that addresses transportation and service delivery issues specific to the area.
3. Create a unique site plan design that accomplishes the housing goals as adopted under the City of Kennesaw Comprehensive Plan.

F. *Civilian Airport Hazard District*

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

- a. Above Ground Level ("AGL") means a reference of elevation above ground level.
- b. Airport means Cobb County Airport-McCollum Field and Fulton County Airport - Charlie Brown Field and other civilian use public-owned airfields, including heliports as recognized by the State of Georgia.
- c. Airport Manager means the administrative representative of each Airport.
- d. Runway Elevation means height limitations originate from the nearest Airport's runway Mean Sea Level. Runway Elevations are documented in the Airport's Master Plan.
- e. Airport Impact Zones means the Six (6) areas closest to Airport under which Airport operations regularly occur, as shown on the Airport Impact Zones Land Use Map.
- f. Airport Operations means take off, climb out, approach, landing, and traffic pattern operations that may vary for

each aircraft.

- g. Airport Impact Zones Land Use Map means map describing compatible land uses within the vicinity of each Airport.
 - h. Airspace Surfaces means the same areas as stated in the Federal Aviation Regulations ("FAR") Part 77 Airspace Surfaces as amended from time-to-time.
 - i. Federal Aviation Administration ("FAA") means the federal agency titled "Federal Aviation Administration" which is charged with oversight and regulation of civil aviation to promote safety, including that of most publicly-owned airports.
 - j. Federal Aviation Regulations ("FAR") Part 77 Airspace Surfaces means regulated airspace surfaces promulgated in 14 Code of Federal Regulations (CFR) Part 77, *Objects Affecting Navigable Airspace*.
 - k. TERPS means Terminal Instrument Procedures, which is the standard instrument approach procedures and takeoff minimums and obstacle departure procedures based on the criteria contained in FAA Order 8260.3 U.S. Standard for Terminal Instrument Procedures
 - l. Mean Sea Level ("MSL") means the elevation reference for objects above sea level.
 - m. Non-conforming Use means any structure, natural growth or use of land which does not conform to a regulation prescribed in this chapter or an amendment thereto, as of the effective date of such regulations.
 - n. Obstruction to Air Navigation means an object of greater height than any of the heights or surfaces presented in Federal Aviation Regulations Part 77 Airspace Surfaces. (Obstructions to air navigation are presumed to be hazards to air navigation until an FAA aeronautical study has determined otherwise.)
 - o. Hazard to Air Navigation means an object which, as a result of an aeronautical study, the FAA determines will have a substantial adverse effect upon the safe and efficient use of navigable airspace by aircraft, operation of air navigation facilities, or existing or potential airport capacity.
 - p. Runway means an airport's paved or cleared strip on which planes land and take off.
2. Height Zoning—Height limitation zoning applies to structures and natural growth objects within the airspace as defined by the Federal Aviation Regulations Part 77 Airspace Surfaces and TERPS.
- a. Construction or Alteration Requiring Notice to the FAA. Except for construction less than Twenty-five (25) feet AGL or as provided in FAR Part 77.15, any construction or alteration that meets or exceeds the height criteria established in FAR Part 77.13 as amended from time to time, shall complete the FAA notification process as provided in FAR Part 77.17 as amended from time-to-time, using the FAA Notice of Proposed Construction or Alteration form 7460-1 as amended from time-to-time.
 - b. Height Limitation. The Civilian Airport Hazard District Ordinance does not preclude approval of obstructions to air navigation with heights in excess of those height limitations prescribed in FAR Part 77 and/or TERPS, if either of the following is met:
 - i. A determination of "No Hazard to Air Navigation" is issued from a FAA Airspace Study resulting from the Notice Requirement of FAR part 77.17 and the Airport Manager supports the determination.
 - ii. A variance is granted when such action is considered advisable to effectuate the purposes of this section and reasonable in the circumstances when considering the results of the determination of an FAA Airspace Study and the input from the Airport Manager.
3. Land Use Zoning Recommendations—Land use zoning recommendations prescribes land uses and zoning designations that are deemed compatible within the Airport Operations areas, as shown on the Airport Impact Zones Land Use Map. Table 1 presents recommended conforming land uses within each Airport Impact Zone.

TABLE 1
AIRPORT IMPACT ZONES LAND USE RECOMMENDATIONS

Land Usage	Runway Protection Zone	Inner Safety Zone	Turning Zone	Outer Safety Zone	Side Line Safety Zone	Traffic Pattern Zone

Residential	N	N	Y (1)	Y	N	Y
Commercial	N	N	Y	Y	N	Y
Industrial	N	Y	Y	Y	N	Y
Schools/Institutional	N	N	N	N	N	Y
Day Care Center	N	N	N	N	N	Y
Place of Worship	N	N	N	N	N	Y
Parks/Open Space	N	N	N	N	N	Y
Passive Parks	Y	Y	Y	Y	Y	Y
Nursing Home	N	N	N	N	N	Y
Hospital	N	N	N	N	N	Y
Solid Waste Landfill	N	N	N	N	N	N

a. Low density residential

- i. Generally. Notwithstanding any other provisions of this chapter, no use may be made of land within the zones listed in this section in such a manner as to create electrical interference with radio communication between the Airport and any aircraft, make it difficult for flyers to distinguish between airfield lights and other lights, result in glare in the eyes of flyers using the airfield, impair visibility in the vicinity of the airfield, attract birds, or otherwise endanger the landing, takeoff or maneuvering of any aircraft.
4. Existing Non-Conforming Uses or Heights. This Ordinance shall not be construed to require the removal, lowering, change or alteration of any previously-approved nonconforming use or structure, or otherwise interfere with the continuance of any previously-approved nonconforming use or structure, except as otherwise provided by this section, including those previously-approved nonconforming uses or structures under construction.
 - a. Nothing in this Section shall contradict the limitations placed on Non-conforming Uses of a building, structure or land as described in Section 134-31 of the City Ordinances—Non-conforming Uses.
 - i. Notwithstanding the preceding section, this Ordinance shall provide the right to require the owner of any existing nonconforming structure to mark and/or light any structure as deemed necessary by Cobb County.
 - ii. Notwithstanding the preceding section, no existing non-conforming natural growth may become higher, or become a greater hazard to air navigation than it was on the effective date of this ordinance.
5. Conflicting Regulations. In case of conflict between the regulations of this Chapter and other regulations, unless otherwise stated, the more stringent regulations shall control.

(Ord. No. 2012-03, 5-7-12)

2.02.00 - LAND USES PERMITTED IN EACH ZONING DISTRICT

2.02.01 - Generally

The tables describe those uses that are permissible in each base zoning district. Buildings, structures, or land shall be occupied or used only in conformity with all of the regulations set forth herein for the district in which they are located. The zoning districts for the City of Kennesaw are shown on the "Official Zoning Map, City of Kennesaw, Georgia."

2.02.02 - How to Read the Table of Uses

- A. The table is provided for the convenience of the user; however, please consult the permitted uses (P) or special exception use (SE) sections of the specific zoning district(s) for possible use limitations for specific permitted uses or special exception uses.
- B. Within the following table the letter "P" indicates that the land use is permissible, subject to compliance with the standards of the zoning district.
- C. The letters "SE" indicates that the land use is permissible as a special exception use, subject to compliance with the standards of the zoning district, and the supplemental standards specified for the use. Supplemental standards are contained in Chapter 4.
- D. A blank cell indicates the land use is prohibited.
- E. Any land use that is not identified in the table is prohibited unless it is found to be substantially similar by the Planning and Zoning Administrator.
 1. A requested use shall be considered substantially similar when the characteristics of the requested use are equivalent in type, intensity, degree, or impact when compared to a use named in the table. Such characteristics include, but are not limited to:
 - a. Typical hours of operation;
 - b. Use of outdoor storage;
 - c. Trip generation rates;
 - d. Generation of noise, light pollution, odor, smoke, electromagnetic interference, or vibration; and
 - e. Customary functions of the use.
 2. The administrative interpretation shall be subject to appeal, as set forth in Chapter 10 of the UDC.

2.02.03 - Table of Land Uses — Residential Districts

CBD - Central Business District Uses to be found under Chapter 4.02.03(C)

TYPE OF USE	HPV	CBD	R-30	R-20	R-15	R-12	R-10	PUD-R	RA-4	RM-8	RM-12	FST	MHP	SLO
Accessory retail sales and services		P												
Agricultural produce stands														
Ambulance services														
Ambulance services, if accessory to hospitals or funeral homes														
Amphitheaters		P												
Amusement centers														

Ancillary retail sales		P												
Animal hospitals		P												
Appliance repair (major)														
Arcades														
Asphalt plants														
Assembly halls														
Associated low intensity offices and limited retail uses	P													
Athletic and health clubs		P												
Automobile, truck, and trailer lease and rental facilities (accessory use)														
Automobile, truck, and trailer lease and rental facilities (principal use)														
Automobile and truck sales and service facilities														
Automotive paint and body repair shops														
Automotive parking lots or garages														
Automotive repair and maintenance facilities														
Automotive salvage and wrecking yards														

Automotive storage yards and wrecker service														
Automotive upholstery shops														
Aviation airports (private)														
Banks/financial institutions with drive-in establishments and/or automated transfer machines														
Billiards and pool halls														
Biomedical waste transfer and disposal facilities														
Boat sales and service establishments														
Breeding and boarding kennels														
Building materials stores														
Buildings of historic significance	P	P												
Bus stations														
Bus stations for freight														
Car washes														
Cemeteries	SE		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		
Chemical plants or storage facilities														

Clinics														
Clubs or lodges (noncommercial)			P	P	P	P	P	P						
Coliseums, stadiums, and convention centers (privately owned)														
Colleges and universities (private), including but not limited to research and training facilities														
Commercial greenhouses and plant nurseries														
Commercial indoor recreation uses														
Commercial outdoor recreation uses														
Commercial recreation restaurant														
Community fairs			P	P	P	P	P	P	P	P	P	P	P	
Community retail uses														
Composting plants														
Concrete plants														
Condominiums										P				
Contractors (general, heavy, special)														
Convenience food stores with self- service fuel sales														

Corporate or administrative offices for any permitted uses														
Crematories, human or animal														
Cultural facilities														
Dairies														
Designated recycling collection locations			P	P	P	P	P	P	P	P	P	P	P	
Drive-in theaters														
Dry cleaning plants														
Eating and drinking establishments (including drive-in fast food restaurants)														
Electrical supply stores														
Emissions/inspection stations (not to exceed five months)														
Executive golf courses			P	P	P	P	P	P	P	P	P	P		
Exterminating facilities (insect and/or rodent)														
Farm and garden supply stores														
Farm equipment stores/repair facilities														
Farmers markets (fully enclosed)		P												

Field crops														
Film developing and printing facilities														
Flea markets														
Fraternity and sorority houses/residence halls		P								P	P			
Freight terminals														
Fruit Trees, Nuts and Vegetables			P	P								P		
Fuel and ice dealers														
Full service gasoline stations														
Funeral homes														
Golf courses (Par 3)			P	P	P	P	P	P	P	P	P	P		
Golf courses (18-hole regulation; private and public)			P	P	P	P	P	P	P	P	P	P		
Group homes			P	P	P	P	P		P			P		
Halfway houses														
Hazardous waste sites														
Heavy automotive repair establishments														
Heavy manufacturing establishments														
Heavy repair service and trade shops														

Helicopter landing areas														
High rise apartments														
Hospitals														
Hotels														
Hotels—Historic	P								P	P	P	P		
In-home day care			P	P	P	P	P	P						
Landfills (private)														
Laundry and dry cleaning pick-up establishments														
Light automotive repair establishments														
Limited home occupations			P	P	P	P	P	P	P	P	P	P	P	
Light manufacturing establishments														
Limited retail uses														
Linen and diaper services												P		
Livestock, nondomestic and wild animals, and poultry														
Livestock sales pavilions														
Machine shops														
Manufactured homes			P	P	P	P	P	P	P					
Mausoleums	SE		SE	SE	SE	SE	SE	SE						

Medical and dental laboratories, provided that no chemicals are manufactured on site														
Mining operations														
Motels														
Motorcycle, ATV, and three-wheel vehicle sales and service facilities														
Multifamily dwelling units		P								P	P			
Museums	P	P												
Neighborhood retail uses														
Newspaper publishing facilities														
Nightclubs														
Nonautomotive repair service establishments														
Nonprofit riding stables			P	P	P	P	P	P	P	P	P	P		
Nonprofit (seasonal use) fishing lakes			P	P	P	P	P	P	P	P	P	P		
Nursery schools and child day care centers														
Offices not elsewhere classified														

Office service and supply establishments														
Other consumer goods and services														
Outdoor commercial racing (motorcycle, automobile, truck, tractor and motorized vehicles)														
Outdoor golf driving ranges														
Overnight travel trailer parks														
Pain Management Clinic														
Parking for vehicles		P												
Pawn shops														
Petroleum or bulk storage stations														
Photography studios														
Plumbing and/or heating equipment dealers														
Poultry hatcheries														
Printing, publishing, and lithography establishments														
Private community centers	SE		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		
Private parks	P		P	P	P	P	P	P	P	P	P	P	P	P

Private schools of general and special education	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		
Pro shops (accessory to driving ranges/golf courses)														
Professional offices														
Radio and television stations														
Radio, television, and other communication towers and antennas			SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	
Rail stations														
Railroad car classification yards														
Railroad stations for freight														
Recreation grounds other than tennis courts and golf courses			P	P	P	P	P	P	P	P	P	P		P
Recycling centers														
Religious Assemblies	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Research and development centers														
Research testing laboratories														
Rest/personal care/convalescent homes														

Restaurants—sit down dining		P												
Re-upholstery and furniture repair establishments														
Rooming houses and boardinghouses														
Sawmills (temporary)														
Self-service laundry facilities														
Self-service storage facilities														
Shelters (homeless)														
Signs and outdoor advertising facilities														
Single-family dwelling units (attached)		P						P	P	P	P	P		P
Single-family dwelling units (detached)		P	P	P	P	P	P	P	P	P	P	P		P
Studios and supplies														
Taxi stands and dispatching agencies														
Telephone business offices														
Temporary uses			P	P	P	P	P	P	P	P	P	P		
Theaters														
Tire retreading and recapping facilities														

Townhouse dwelling units (attached)								P				P		
Trailer salesrooms and sales lots														
Transportation equipment storage and maintenance facilities														
Truck terminals														
Two-family dwelling units								P		P	P	P		P
Utility facilities (private)														
Vending machine sales, service, rental, or repair establishments														
Vocational schools (commercial)														
Warehouse and storage facilities														
Wholesale sales offices														
Wholesale trade and distribution facilities														
Wholesale trade offices in conjunction with office showrooms														
Zoos														

This chart is provided for the convenience of the user; however, please consult the permitted uses (P) or special exception use (SE) sections of the specific zoning district(s) for possible use limitations for specific permitted uses or special exception uses.

(Ord. No. 2012-03, 5-7-12; Ord. No. 2015-05, § 2, 4-20-15)

2.02.04 - Table of Land Uses — Non-Residential Districts

CBD - Central Business District Uses to be found under Chapter 4.02.03(C)

TYPE OF USE	CBD**	OI	NS	NRC	PSC	GC	HGB	CRC	UVC	PVC	LI	HI
Accessory retail sales and services	P	P									P	
Agricultural produce stands											P	P
Ambulance services						P	P				P	P
Ambulance services, if accessory to hospitals or funeral homes		P			P	P	P	P		P	P	P
Amphitheaters						P	P			P	P	
Amusement centers						SE	SE				SE	SE
Ancillary retail sales	P										P	P
Animal hospitals		P			P	P	P	P		P	P	P
Appliance repair (major)											P	
Arcades					SE	SE	SE	SE				
Asphalt plants												SLUP/SE
Assembly halls		P				P	P	P			P	P
Associated low intensity offices and limited retail uses	P											
Athletic and health clubs	P			P	P	P	P	P		P		
Automobile, truck, and trailer lease and rental facilities (accessory use)						SE	SE				SE	SE

Automobile, truck, and trailer lease and rental facilities (principal use)						SE	SE				SE	SE
Automobile and truck sales and service facilities						SE	SE				SE	SE
Automotive paint and body repair shops						P	P				P	P
Automotive parking lots or garages	P			P	P	P	P	P	P	P	P	P
Automotive repair and maintenance facilities						P	P				P	P
Automotive salvage and wrecking yards												SLUP
Automotive storage yards and wrecker service											SE	SE
Automotive upholstery shops						P	P	P			P	P
Aviation airports (private)										P	P	P
Banks/financial institutions with drive-in establishments and/or automated transfer machines	P	P	P	P	P	P	P	P	P	P		
Bar	P				P	P	P	P		P		
Billiards and pool halls				SE	SE	SE	SE	SE				

Biomedical waste transfer and disposal facilities												SLUP/SE
Boat sales and service establishments						P				P	P	
Breeding and boarding kennels						P				P	P	
Building materials stores				P	P	P	P		P	P	P	
Bus stations					P	P				P	P	
Bus stations for freight										P	P	
Car washes			P	P	P	P	P		P	P	P	
Cemeteries	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Check cashing establishments						P	P					
Chemical plants or storage facilities												SLUP/SE
Cigar, smoke shops, tobacco stores			SLUP	SLUP	SLUP							
Clinics		P		P	P	P	P	P	P	P	P	P
Clubs or lodges (noncommercial)		P		P	P	P	P	P	P	P	P	P
Coliseums, stadiums, and convention centers (privately owned)				SLUP/SE			SLUP/SE			SLUP/SE	SLUP/SE	
Colleges and universities (private), including but not limited to research and training facilities		P		P	P		P		P	P	P	

Commercial greenhouses and plant nurseries					P	P	P	P		P	P	P
Commercial indoor recreation uses					P	P	P	P		P	P	
Commercial outdoor recreation uses					P	P	P	P		P	P	
Commercial recreation restaurant						P	P	P				
Community fairs	P	P	P	P	P	P	P	P	P	P	P	P
Community retail uses					P	P	P	P				
Composting plants												SLUP/SE
Concrete plants												SLUP/SE
Condominiums												
Consumer fireworks retail sales facility						P	P					P
Contractors (general, heavy, special) (office/warehouse)											P	P
Convenience food stores with self-service fuel sales						P	P					
Corporate or administrative offices for any permitted uses		P					P	P		P	P	P
Crematories, human or animal						SE	SE	SE			SE	SE
Cultural facilities (Private)	P	P	P	P	P	P	P	P	P	P		
Dairies											P	P

Designated recycling collection locations	P	P	P	P	P	P	P	P	P	P	P	P
Drive-in theaters						SE	SE				SE	SE
Dry cleaning plants											P	P
Eating and drinking establishments	P			P		P	P	P	P	P		
Electrical supply stores						P	P				P	P
Emissions/inspection stations						P	P	P			P	P
Executive golf courses					P	P	P	P	P	P	P	P
Exterminating facilities (insect and/or rodent)						P	P				P	P
Farm and garden supply stores					P	P	P	P			P	
Farm equipment stores/repair facilities						P	P				P	P
Farmers markets (fully enclosed)	P					P	P				P	
Fast food restaurant					P	P	P	P		P		
Film developing and printing facilities	P		P	P	P	P	P	P		P		
Flea markets					SE	SE	SE				SE	
Fraternity and sorority houses/residence halls	P	P			P	P	P	P		P		
Freight terminals											P	P
Fruit stores, markets				P	P	P	P	P				

Fuel and ice dealers											P	P
Full service gasoline stations						P	P	P			P	P
Funeral homes					P	P	P	P			P	
Golf courses (par 3)		P			P	P	P	P	P	P	P	P
Golf courses (18-hole regulation; private and public)				P	P	P	P	P	P	P	P	P
Group Homes		P				P					P	
Growlers	P			P	P	P	P	P	P	P		
Halfway Houses		P				P					P	P
Hazardous waste sites												SLUP/SE
Heavy automotive repair establishments											P	P
Heavy manufacturing establishments												SE
Heavy repair service and trade shops												P
Helicopter landing areas					P	P	P	P		P	P	P
Hookah Bar				P		P	P					
Hospitals		P			P	P	P	P		P	P	
Hotels					P	P	P	P	P	P		
Instant cash loan establishments						P	P					
Landfills (private)												SLUP/SE

Laundry and dry cleaning pick-up establishments				P	P	P	P	P		P	P	P
Light automotive repair establishments						P	P				P	P
Light manufacturing establishments											P	P
Limited retail uses	P		P	P								
Linen and diaper services						P	P				P	P
Livestock sales pavilions											P	
Machine shops											P	P
Manufactured homes												
Massage Therapy	P		P			P	P					
Massage Therapy associated with medical, chiropractic and sports medicine establishments	P	P	P									
Mausoleums		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Medical and dental laboratories, provided that no chemicals are manufactured on site		P			P	P	P	P			P	P
Mining operations												SE
Mobile food vending unit	P			P		P	P				P	
Motels					P	P	P	P	P	P		

Motorcycle, ATV, and three-wheel vehicle sales and service facilities						SE	SE				SE	
Multifamily dwelling units	P								P	P		
Museums	P	P				P	P	P	P			
Neighborhood retail uses				P	P	P	P	P	P*	P		
Newspaper publishing facilities						P	P				P	P
Nightclub						P	P					
Nonautomotive repair service establishments				P	P	P	P	P		P	P	P
Nonprofit riding stables						P					P	P
Nonprofit (seasonal use) fishing lakes		P	P	P	P	P	P	P	P	P		
Nursery schools and child day care centers		P	P	P	P	P	P	P	P	P		
Office service and supply establishments				P	P	P	P	P	P	P	P	P
Other service establishments					P	P	P				P	
Outdoor commercial racing (motorcycle, automobile, truck, tractor and motorized vehicles)												SLUP/SE
Outdoor golf driving ranges						P	P				P	P

Overnight travel trailer parks						P						
Pain Management Clinic		P				P	P				P	
Parking for vehicles	P	P	P	P	P	P	P	P	P	P	P	P
Pawn shops						P	P					
Payday loan establishments						P	P					
Petroleum or bulk storage stations												SLUP/SE
Photography studios					P	P	P	P		P		
Plumbing and/or heating equipment dealers											P	P
Poultry hatcheries											P	
Printing, publishing, and lithography establishments					P	P	P	P		P	P	P
Private community centers	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Private parks	P	P	P	P	P	P	P	P	P	P		P
Private schools of general and special education	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Pro shops (accessory to driving ranges/golf courses)					P	P	P	P		P	P	P
Professional offices	P	P	P	P	P	P	P	P	P	P	P	
Pub	P				P	P	P	P		P		
Quarry or mining operation												SLUP/SE

Radio and television stations					P	P	P	P			P	P
Radio, television, and other communication towers and antennas		SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP
Rail stations (Commuter)						P	P	P			P	P
Railroad car classification yards											P	P
Railroad stations for freight											P	P
Recreation grounds other than tennis courts and golf courses	P			P	P	P	P	P			P	P
Recycling centers												SLUP/SE
Regional shopping center						P	P	P				
Religious Assemblies	P	P	P	P	P	P	P	P	P	P	P	P
Medical Research Centers		P			P	P	P				P	P
Research testing laboratories						P					P	P
Rest/personal care/convalescent homes	P	P		P	P	P	P	P	P	P		
Restaurant	P			P	P	P	P	P	P	P		
Re-upholstery and furniture repair establishments						P	P	P			P	P
Rooming houses and boardinghouses						P	P					

Sawmills (temporary)											P	P
Self-service laundry facilities				P	P	P	P	P	P	P		
Self-service storage facilities						P	P	P			P	P
Sexually Oriented Business											P (subject to <u>22- 393</u> , as may be amended from time to time)	P (subject to <u>22-393</u> as may be amended from time to time)
Shelters (homeless)						P	P				P	P
Sports/Medical Physical Therapy	P	P										
Take-Out Restaurant				P		P	P	P		P		
Tattoo Business						P	P					
Taxi stands and dispatching agencies						P	P				P	P
Theaters (movies, live performing arts)	P				P	P	P	P				
Tire retreading and recapping facilities											P	P
Title loan establishments						P	P					
Townhouse dwelling units (attached)	P											
Trailer salesrooms and sales lots						P	P					

Transportation equipment storage and maintenance facilities											P	P
Truck terminals											P	P
Utility facilities (private)											P	P
Vending machine sales, service, rental, or Repair establishments						P					P	P
Vocational schools (commercial)					P	P	P				P	P
Warehouse and storage facilities											P	P
Waste Transfer Station												SLUP/SE
Wholesale sales offices											P	P
Wholesale trade and distribution facilities											P	P
Wholesale trade offices in conjunction with office showrooms						P					P	P
Wireless Telecommunications Facilities											SLUP	SLUP
Zoos						P					P	P

(Ord. No. 2012-03, 5-7-12; Ord. No. 2012-15, § 1, 12-17-12; Ord. No. 2015-05, § 3, 4-20-15; Ord. No. 2015-07, § 3, 8-17-15; Ord. No. 2015-11, 11-16-15; Ord. No. 2016-05, 3-7-16; Ord. No. 2016-18, § 5, 8-15-16; Ord. NO. 2018-24, §§ 3, 4(Exh. C), 10-15-18)

2.03.00 - PUBLIC ART EXHIBITS

2.03.01 - Purpose

It is the intent of the City of Kennesaw to permit and encourage public art exhibits on a content-neutral basis. Public art exhibits are a unique medium of expression which serves the public interest. Public art exhibits have purposes distinct from signs and confer different benefits, including improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; and community building through the presence of and identification with original works of art, particularly those of cultural, historic or social significance.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2015-03, 2-16-15)

2.03.02 - Definitions

City of Kennesaw Art and Culture Commission ("Commission"). Comprised of seven (7) individuals that are appointed by the mayor and council whose duty is to provide review and regulatory oversight over all public art exhibits submitted for approval to the City of Kennesaw.

Murals. For purposes of this section, an original art mural exhibit means an original work of visual art which is tiled or painted directly upon or affixed directly to an exterior wall of a building. A mural is not a "sign" as defined by and regulated by the City of Kennesaw Sign Regulations.

Public Art Exhibits ("The Exhibit"). Visual art which can be in the form of sculptured works, paintings, wall murals and any art arrangement located on public or private property that can be viewed by the general public on a permanent or temporary basis.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.03 - General Regulations

1. Permitted locations: Public Art Exhibits are allowed in all zoning districts within the corporate limits of the City of Kennesaw as well as publicly owned buildings and property approved by the city.
2. Public art exhibits are subject to any and all additional zoning regulations in the district in which the exhibit will be located.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.04 - Artist/Sponsor Acknowledgements and Title of Work

An incorporate image or attached plaque identifying the artist, financial sponsor(s) and title of work of the public art exhibit will be allowed. The plaque or image of acknowledgements and titles will be an appropriate scale to the public art exhibit, shall not exceed 6"x6" and will not be incorporated into the artwork.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.05 - Review and approval process of public art exhibits

- A. All public art exhibits shall be required to submit a written application on forms provided by the City of Kennesaw Planning and Zoning Department for a site plan permit. A complete permit application will include an artist rendering or visual representation of the art work proposed, owners affidavits, photos of existing conditions on the property including location on permanent structures or buildings, description of materials to be used in association with art work, maintenance agreement and schedules of maintenance, a rendering or visual representation of the plaque or image of acknowledgements and titles, and permit fee as adopted in the City of Kennesaw fee schedule. A complete application packet will be submitted to the Planning and Zoning Administrator or designee.
- B. The Planning and Zoning Administrator or designee will process the application and forward for review to the City of Kennesaw Art and Culture Commission on their prepared agenda within thirty days of receipt of application. The Planning and Zoning Administrator upon receipt of application, will review property for issues dealing with traffic issues and other city ordinances prior to processing for Art and Culture meeting agenda. The Planning and Zoning Administrator or designee will implement the following procedures for public notification: 1) Post a sign at the property at least ten days before the first public meeting alerting public of the time, date and location of the meeting where application will be considered; 2) Post application information and meeting information on the City of Kennesaw website; 3) Mailing of letters at least ten days prior to the first public meeting to property owners listed on the Cobb County Tax assessors records whose property are adjacent or abut the property that is referenced on the application. Said letter will provide application information, time, date and location of the Art and Culture

Commission and Mayor and Council meetings. After the application has been reviewed, a written recommendation is rendered by the Art and Culture Commission. The application will then be forwarded to the Mayor and Council for final review and action by vote.

- C. The commission will review and render written recommendations to the Mayor and Council by vote on all submitted site plan permit applications during a scheduled meeting. The property owner(s) or an official representative must be present at all meetings. The commission will provide a findings document in the form of minutes that will provide the basis of decisions. Permit applications will reflect the recommendation of the commission to the Mayor and Council with the appropriate signature from the chairperson of said commission.
- D. Any proposed locations in the Central Business District, Historic Preservation District or other historic districts will require a written recommendation from the Historic Preservation Commission.
- E. The applicant shall be required to attend all scheduled meetings of the commission and all scheduled meetings of the Mayor and Council.
- F. All approved site plan permits for permanent art exhibits will be in effect for seven years from the date of approval. The commission will accept a renewal application if art exhibit is to continue.
- G. All site plan permits for temporary and rotating exhibits shall have expiration dates based on the time period scheduled for the exhibit.
- H. All proposed changes to public art exhibits, including acknowledgement and titles, shall be submitted to the commission for review and approval.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15; Ord. No. 2017-08, 6-19-17)

2.03.06 - Denial of site plan permit applications

- A. In any instance where the application is denied by the Mayor and Council, the applicant may file an appeal to the Superior Court.
- B. When an application for a permit under this chapter is denied by the Mayor and Council, the city shall not accept or consider an application for a permit under this chapter from that applicant or for the same exhibit within ninety (90) days of the denial.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.07 - City of Kennesaw Art and Culture Commission

- A. Duties
 - 1. Provide review, recommendations and regulatory oversight over all public art exhibits submitted for approval to the City of Kennesaw Mayor and Council.
 - 2. Provide recommendations to Mayor and Council, city departments and boards regarding programs and community outreach activities that promote local cultural and artistic awareness and education.

- B. Structure

The commission will be comprised of seven (7) individuals appointed by Mayor and Council. The members will include:

- 1. A practicing architect licensed in the State of Georgia;
 - 2. An active participant in local or state art councils or member of art/cultural foundations with professional background in art programs or art culture education;
 - 3. An active student or professor from a college, university, technical school or other educational institution;
 - 4. A business owner within the city limits of Kennesaw;
 - 5. A current Cobb County resident; and
 - 6. Of the seven (7) members, four shall be residents of the City of Kennesaw.
- C. The commission will have staggered term limits as approved by the Mayor and Council. The commission will have annual elections to elect a Chairperson, Vice Chairperson and Secretary. All meetings will follow the Roberts Rules of Order latest edition.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.08 - Prohibited public art exhibits

Prohibited public art exhibits include:

- A. A "sign" as defined and regulated by the City of Kennesaw adopted sign ordinance.
- B. The exhibit contains sexually explicit conduct or sexually explicit nudity, as defined in the Code of Ordinances, Article XIV, section 22-393.
- C. The exhibit contains gang affiliation symbols.
- D. The exhibit contains content or images which violate the criminal laws of the State of Georgia.
- E. The exhibit is distracting enough to create a public safety issue by impeding traffic flow.
- F. The exhibit incorporates materials that are not weather resistant or may be toxic in any way that may endanger the general public.
- G. The exhibit incorporates any materials in violation of the citywide architectural standards or the historic district standards.
- H. Art objects that are mass produced of standard design such as playground equipment, benches, statuary objects or fountains.
- I. Reproductions of original works of art.
- J. Existing works of art offered for sale or donation to the City which does not have an established and recognized significance as public art among art professionals and art appraisers.
- K. Logos or corporate identity.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.09 - Items not applicable to this ordinance

- A. Decorative or functional elements or architectural details, which are designed solely by the building architect as opposed to an artist commissioned for this purpose working individually or in collaboration with the building architect.
- B. Decorative displays located on single family attached and detached zoning districts including Planned Unit Development districts.
- C. Landscape architecture and landscape gardening except where these elements are designed by an artist and are an integral part of the work of art by the artist.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.10 - Non-Conforming exhibits

- A. All exhibits that are in existence at the time of the adoption of this ordinance that meet the definitions of this chapter shall continue until there are improvements or physical change in the exhibit of 50% or more or if deterioration is identified as per section 2.03.11.
- B. All exhibits that do not meet the definitions of this chapter shall be reviewed for further action as set forth in section 2.03.11.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.11 - Maintenance and violations

- A. The Planning and Zoning Department shall be charged with authority to order the painting, repair, alteration or removal of public art exhibits which violate the requirements of this chapter, become dilapidated or are abandoned. A public art exhibit shall be deemed to be dilapidated when 25% or more of the display surface area contains peeling or flaking paint, deteriorated components or parts, or is otherwise not preserved in the manner in which it was originally created.
- B. Violation of this ordinance will result in the City of Kennesaw issuing a written notice to address the violation of this chapter. Notice of violation will be sent certified mail to the applicant and property owner of record. The applicant and property owner shall be granted 30 days from the date of said notice to comply with this ordinance or remove the exhibit. Failure to comply with this ordinance shall result in the revocation of the approved site plan permit requiring the removal of the approved art exhibit at the applicant and the property owner's expense.

- C. If the public art exhibit is not brought into compliance or removed, the public art exhibit in violation shall be deemed a nuisance under section 46-31 and enforcement procedures defined under sections 46-32, 46-33 and 46-34 of the Code of Ordinances of Kennesaw. Abatement of the nuisance may involve the painting, repair, alteration or removal of the public art exhibit at the applicant and property owner's expense. The property owner shall be responsible for any and all costs and fees associated with the painting, repair, alteration or removal of the public art exhibit as set forth in section 46-33.
- D. All costs and fees, including reasonable attorney fees, shall be a lien against the real property upon which such cost was incurred in the same manner as set forth in section 46-33.

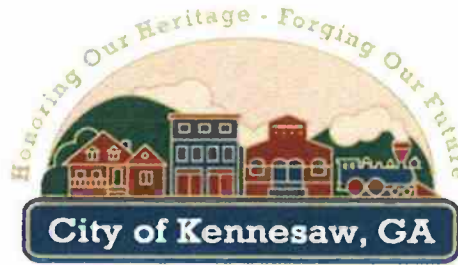
(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

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

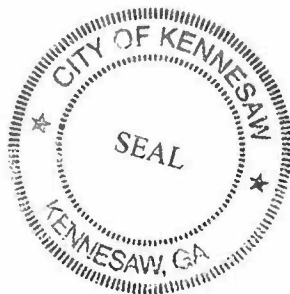
CITY OF KENNESAW
GEORGIA, COBB COUNTY

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.

- xi. No building may be placed within 300 feet of any residentially zoned property, inclusive of the required buffer.
 - xii. These restrictions shall apply to all facilities permitted or expanded after the date of enactment of this ordinance.
 - xiii. 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 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


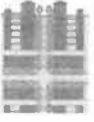
- a. The design of buildings shall conform to Section 4.08.01 City-Wide Architectural Design Standards and to the requirements below. Where the standards do not agree, the standards below shall govern.
- b. Buildings less than 3,000 sf may elect to follow the standards of 4.15.4 or 4.15.5
- c. Materials.
 - 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.










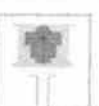


<div style="display: flex; align-items: center;"> <div style="background-color: black; color: white; padding: 2px 5px; margin-right: 5px;">T3</div>  </div>	T-3 SUB-URBAN		
T-3 Sub-Urban Zone consists of low density residential areas, adjacent to higher zones that have some mixed use. Home occupations 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.



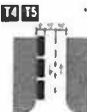
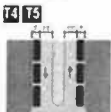
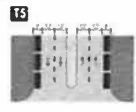
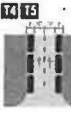
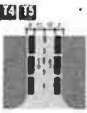
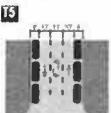
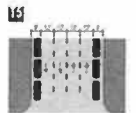
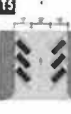
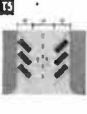
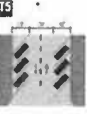
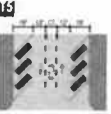
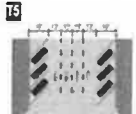


DESIGN SPEED	TRAVEL LANE WIDTH	T3	T4	T5	
25—35 mph	10 feet	■	■	■	■ BY RIGHT

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.	
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.	
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.	
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.	
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.	
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.	
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.	

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

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	Raised Curb
Radius	10—30 feet	10—30 feet	5—20 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	Sidewalk
Width	n/a	4—8 feet	5—8 feet	5—8 feet	12—20 feet	12—30 feet	12—30 feet
d. Planter: The layer which accommodates street trees and other landscape materials.							
Arrangement	Clustered	Clustered	Regular	Regular	Regular	Opportunistic	Opportunistic
Species	Clustered	Clustered	Alternating	Single	Single	Single	Single
Planter Type	Continuous Swale	Continuous Swale	Continuous Planter	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	4 feet—6 feet

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



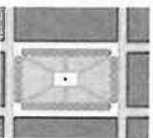
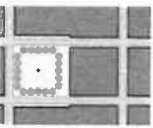
TABLE 4C: Thoroughfare Assemblies: These Thoroughfares are assembled from the elements that appear in Tables 3A: Vehicular Lane Dimensions and 3B: Vehicular Lane/Parking Assemblies and incorporate the Public Frontages of table 4A: Public Frontages - General. The key gives the Thoroughfare type followed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

<div><div>KEY</div><div>ST-57-20-BL</div><div><div>Thoroughfare Type</div><div>Right-of-way width</div><div>Pavement Width</div><div>Transverse</div></div><div><div>THOROUGHFARE TYPES</div><div><div>Highway</div><div>Main road</div><div>Arterial</div><div>Commercial Road</div><div>Local</div><div>Residential</div><div>Alley</div><div>Private Lane</div><div>Multilane Drive</div><div>Circular Loop</div><div>Access Road</div><div>Path</div><div>Passage</div></div><div><div>HV</div><div>DV</div><div>AV</div><div>CV</div><div>LH</div><div>RH</div><div>AL</div><div>PL</div><div>MD</div><div>CL</div><div>AR</div><div>PT</div><div>PG</div></div></div></div> <div><div><div>ST-50-2L</div><div>ST-50-2R</div></div><div><div>EXAMPLE ASSEMBLIES</div></div></div> <tr><td>Thoroughfare Type</td><td>Street</td><td>Street</td></tr> <tr><td>Transect Zone Assignment</td><td>T4, T5</td><td>T4, T5</td></tr> <tr><td>Right-of-Way Width</td><td>50 feet</td><td>50 feet</td></tr>	Thoroughfare Type	Street	Street	Transect Zone Assignment	T4, T5	T4, T5	Right-of-Way Width	50 feet	50 feet
Thoroughfare Type	Street	Street							
Transect Zone Assignment	T4, T5	T4, T5							
Right-of-Way Width	50 feet	50 feet							

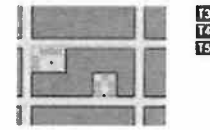
Pavement Width	26 feet	28 feet
Movement	Slow Movement	Yield Movement
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	7.4 seconds	7.6 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	One side @ 8 feet marked	Both sides @ 8 feet unmarked
Curb Radius	10 feet	10 feet
Walkway Type	5 foot Sidewalk	5 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.



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

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.

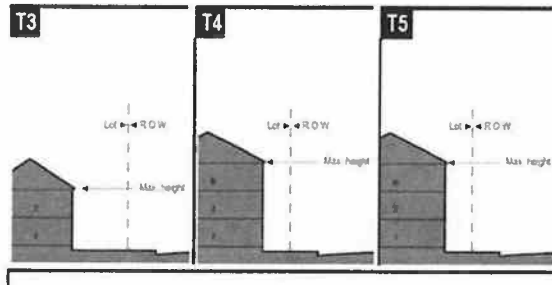
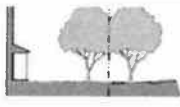
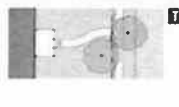
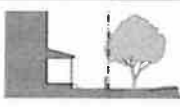
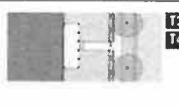
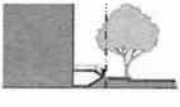
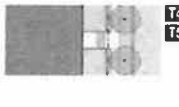
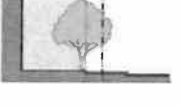
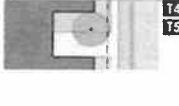
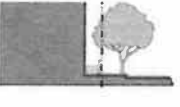
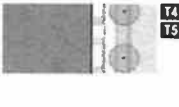

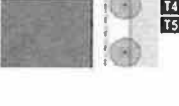


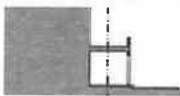



TABLE 7: Building Placement. This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone.

<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				

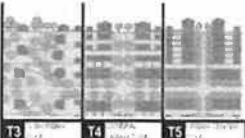
Recycling—Small Collection Facility				
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g. OTHER: EDUCATION	T3	T4L	T4O	T5
Colleges and universities (private), including research and training facilities			SE	SE
Driving School (including automobile & commercial licenses)			P	P
In-home day care	P	P	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



1- to 2-Story

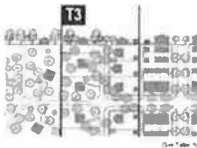
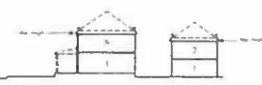
By Right	T-3	T-4	T-5
1. RESIDENTIAL, TRANSIT (See Section 11)			
2. OFFICE			
3. SERVICE			
4. RETAIL (See Table 11)			
5. FOOD SERVICE (See Table 11)			
6. HOTEL			
7. APARTMENT			
8. CAR WASH			
9. CAR REPAIR			
10. CAR WAX			
11. CAR DETAILING			
12. CAR POLISHING			
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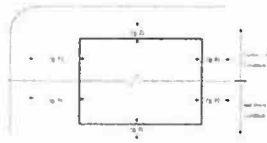
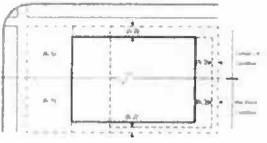
ARTICLE 11

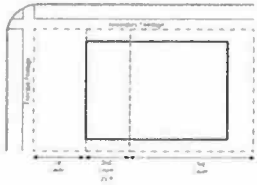
CHAPTER 11

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

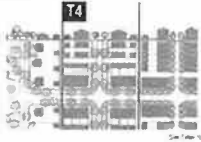
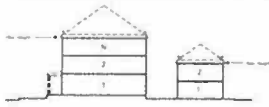
	<p>BUILDING CONFIGURATION</p> <ol style="list-style-type: none"> 1. Building height shall be measured in number of Stories, excluding Attics and above ground portions of basements. 2. Stories may not exceed 14 feet in height from finished floor to finished ceiling. 	
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l. 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		
Sidyard	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.	

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

TABLE 11B: Code Graphics - T4


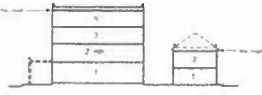
	BUILDING CONFIGURATION 1. Building height shall be measured in number of Stories, excluding Attics and above ground portions of basements. 2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft 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.		

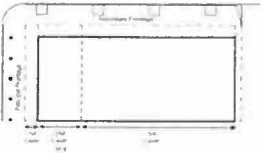
j. PRIVATE FRONTAGES (See Table 8)		PARKING PLACEMENT 1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 12 section d). 2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 12 section d). 3. Trash containers 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.	
Edgeward	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							
Sideyard							
Rearyard							
Courtyard							
h. PRIVATE FRONTAGES							
Common Yard							
Porch & Fence							
Terrace, Dooryard							
Forecourt							
Stoop							

BUILDING
PLACEMENT

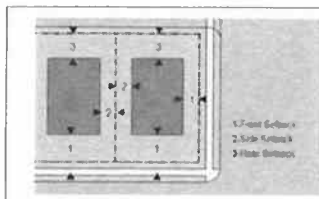
BUILDING
FORM

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.

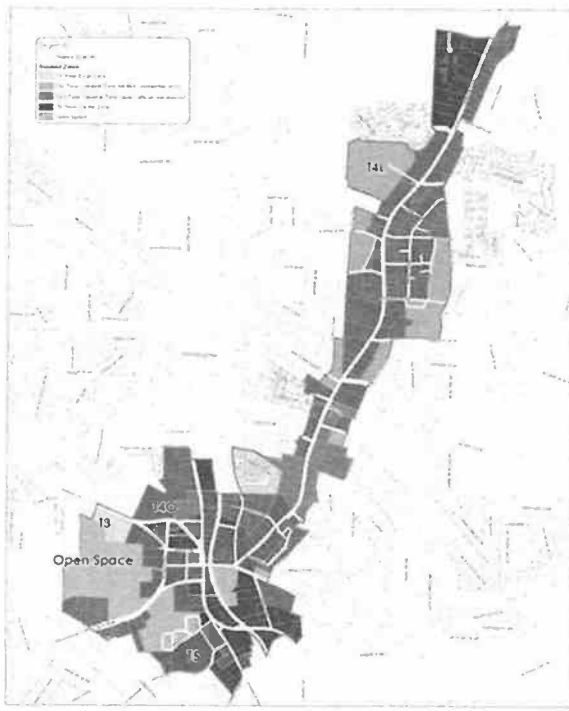
Urbanized: generally, developed. Specific to this code, developed at T3 (Sub-Urban) Density or higher.

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

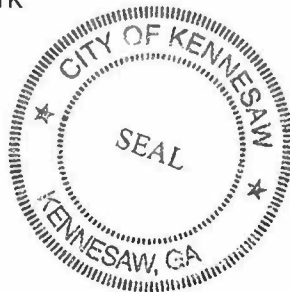
CITY OF KENNESAW
GEORGIA, COBB COUNTY

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 ____
-----------	-------------

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.



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.



**Regular Meeting Agenda
7/20/2020 6:30 PM
Council Chambers**

Title of Item:	City Manager reports, discussions and updates.
Agenda Comments:	
Funding Line(s)	



**Regular Meeting Agenda
7/20/2020 6:30 PM
Council Chambers**

Title of Item:	Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Board Liasons	5/4/2020	Backup Material
911 Advisory Board	3/6/2020	Backup Material
Art & Culture	4/8/2020	Backup Material
Cemetery Preservation	5/8/2020	Backup Material
City Sports Association	1/7/2020	Backup Material
Construction Board of Appeals	1/7/2020	Backup Material
Depot Park Amphitheatre	1/7/2020	Backup Material
Ethics Committee	1/7/2020	Backup Material
Historic Preservation Commission	1/23/2020	Backup Material
KCAC/KKB	1/28/2020	Backup Material
Kennesaw Development Authority	4/17/2020	Backup Material
Kennesaw Downtown Development Authority	3/24/2020	Backup Material
License Review Board	1/28/2020	Backup Material
Planning Commission	4/21/2020	Backup Material

Public Art Commission	1/7/2020	Backup Material
Recreation Center Development	1/7/2020	Backup Material
Urban Redevelopment Agency	1/7/2020	Backup Material

2020 Mayor's Appointments

COUNCIL LIAISON TO BOARDS
ART & CULTURE COMMISSION
James Eaton
CITY SPORTS EXECUTIVE
Chris Henderson
Tracey Viars
CEMETERY PRESERVATION
David Blinkhorn
Pat Ferris
HPC
Pat Ferris
KDA
David Blinkhorn
KDDA
Tracey Viars
PLANNING COMMISSION
Chris Henderson
YOUTH COUNCIL
Nimesh Patel
Chris Henderson
COUNCIL APPT OF MAYOR PRO TEM

COURTS (term indefinite):

H. LUKE MAYES, Chief Judge/Probably Cause Judge

CHARLES CHESBRO, Associate Judge

RICHARD BLEVINS, Associate Judge

BENTLEY, BENTLEY & BENTLEY, Law Firm and Solicitor

MAULDIN & JENKINS, LLC, Auditor

CROY ENGINEERING, City Engineer

JEFF DROBNEY, City Manager

LEA ADDINGTON, City Clerk

2020 KENNESAW/ACWORTH 9-1-1 ADVISORY BOARD

Members ratified by the City Council

Meet as needed

MEMBERS	PHONE, FAX, EMAIL
Jeff Drobney Kennesaw City Manager	770-424-8274(w) jdrobney@kennesaw-ga.gov
Brian Bulthuis Acworth City Manager	770-974-3112 (w) bbulthuis@acworth.org
Bill Westenberger Kennesaw Chief of Police	770-422-2505 (w) 678-414-9651 (c) wwestenberger@kennesaw-ga.gov
Wayne Dennard Acworth Chief of Police	770-974-1232 (w) 770-652-9948 (c) wdennard@acworth.org
Pat Ferris, Primary Kennesaw Councilmember	404-599-5761 (c) pferris@kennesaw-ga.gov
Chris Henderson, Alternate Kennesaw Councilmember	404-599-6189 (c) chenderson@kennesaw-ga.gov
Tim Richardson Acworth Alderman	770-974-3112 (City Hall) trichardson@acworth.org
Brent North Acworth Alderman	770-974-3112 (City Hall) bnorth@acworth.org
Linda Davis Kennesaw 911 Director	404-664-3665 (c) ldavis@kennesaw-ga.gov
Randy Crider Cobb County Fire	770-528-8000 (w) randal.crider@cobbcounty.org
Destiny Davidson Cobb 911	770-499-4105 Destiny.davidson@cobbcounty.org
Metro Ambulance	Devan Seabaugh 770-693-8402 (w) Devan.Seabaugh@MAAS911.com

2020 ART AND CULTURE COMMISSION

Est. by Ordinance 2013-15; 7 members (1 architect, 1 art council or foundation member, 2 residents, 1 college/university professor or student, 1 City business owner, 1 KDA member); staggered 2-year and 3-year terms; Commission meets 3rd Thursday of each month at 6:30 PM in the Council/Court Chambers.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Karen Backus	2985 Downing Ln, NW Kennesaw 30144 backuskaren@gmail.com 404-229-7592	2021 [2 yr term]
Clemens Bak	13 Boones Ridge Parkway Acworth 30102 crbakdesign@yahoo.com 770-676-4156	2022 [3 yr term]
Daniel Barnard	3365 Fawn Trail Marietta, GA 30066 Danielbarnard68@att.net (c) 678-551-3823	2022 [3 yr term]
Valerie Dibble	3000 N. Main Street Kennesaw 30144 vdibble@kennesaw.edu 404-702 2960 (cell)	2021 [2 yr term]
Madelyn Orochena	2981 N. Main Street Kennesaw 30144 madelynorochena90@gmail.com 770-851-7099	2022 [3 yr term]
Carol Sills	1514 Barksdale Court NW Kennesaw 30152 csills2859@att.net 678-290-9199	2022 [3 yr term]
Lance A. Lewin	1026 Peace Drive Kennesaw, 30152 lance.visualizingart@gmail.com 678-294-0502	2021 [2 yr term]
Staff Liaison: Darryl Simmons	(770) 424-8274 ext 3121 dsimmons@kennesaw-ga.gov	---
Council Liaison: James Eaton	jeaton@kennesaw-ga.gov 404-496-2565	---
P&R Staff Liaison: Amanda Glass	aglass@kennesaw-ga.gov 770-424-8274 ext 3205	

Kennesaw Council Chambers
2529 J. O. Stephenson Avenue, Kennesaw 30144

2020 CEMETERY PRESERVATION COMMISSION

Cemetery Preservation Commission Members – 7 members - 4 year staggered terms. Created by Ordinance No. 2001-03, updated by Ord. No. 2002-33, 2007-28 and 2014-06. Meets every 2nd Thursday at 4:00 p.m. in City Hall Training Room.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Joe Bozeman, Jr.	Jboz807349@aol.com 1510 Wimbledon Dr., NW Kennesaw, GA 30144 (c) 404-444-2018 (h) 770-428-1607	Dec. 2021
Mickey Bozeman	3359 Kimberly Road Kennesaw 30144 charlesbozeman@comcast.net (c) 770-315-7505	Dec. 2020
Andrew Bramlett	Honorary Commission Member ajbramlett@outlook.com	
Lewis P. Bramlett	2990 Summerfield Court Kennesaw 30152 lpbramlett@hotmail.com (c) 770-235-5888 (h) 770-794-1622	Dec. 2020
Linda Davis	ldavis@kennesaw-ga.gov 779-4248274 ext 3051	Dec. 2020
Mary Helyn Hagin	mhhagin@gmail.com (h) 770-427-5563 (c) 404-316-2154 1459 Ridgeway Drive Acworth, GA 30102	Dec. 2020
Loriann White	5355 Orchard Place Douglasville, GA 30135-2525 (404) 406-0617 loriannwhite83@gmail.com	Dec. 2021
<i>Vacant</i>		Dec. 2017
<i>Vacant</i>		Dec 2021
Council Liaison: David Blinkhorn, Primary	(c) 404 599-6185 dblinkhorn@kennesaw-ga.gov	---
Council Alternate: Pat Ferris	(c) 404 599-5761 pferris@kennesaw-ga.gov	

Staff Liaison: Jeff Drobney City Manager	jdrobney@kennesaw-ga.gov	---
Staff Liaison: Lea Addington, City Clerk	laddington@kennesaw-ga.gov	---
Staff Liaison: Ricky Stewart Public Works Director	rstewart@kennesaw-ga.gov	---
Staff Liaison: Rod Bowman, Public Works Sexton	rbowman@kennesaw-ga.gov	

2020
CITY/SPORTS ASSOCIATION EXECUTIVE COMMITTEE

Committee meets the 3rd Tuesday of January, April, July and October @ 7:30 AM
at the Ben Robertson Community Center, Administrative Conference Room.
Ordinance No. 2007-07 Establishing.

MEMBERS	PHONE, FAX, EMAIL
Jeff Drobney	jdrobney@kennesaw-ga.gov
Steve Roberts, Parks & Recreation Director	sroberts@kennesaw-ga.gov 770 422-9714 ext 3210
Deann Aldridge (President, Kennesaw Futbol Club)	Ahight15@gmail.com cell: 678 428-2636
Brandi Miller (President, Kennesaw Girls Softball)	bmiller.masondev@gmail.com cell: 770 329-8741
Zack Typher (Kennesaw Baseball), Chair	presidentofkba@gmail.com cell: 678 749-8018 home:
Kenny Phillips (President, Kennesaw Youth Football Association)	phillipskenn@gmail.com Cell: 404 396-9181
Bill McNair P&R Assistant Director	bmcnair@kennesaw-ga.gov 770 422-9714 ext 3013
Chris Henderson, Council Liaison	chenderson@kennesaw-ga.gov 404 599-6189
Tracey Viars, Alternate Council Liaison	chenderson@kennesaw-ga.gov 404-599-6189
Trici Styles, P&R, Program Coordinator/Committee Secretary	tstyles@kennesaw-ga.gov 770 422-9714 ext 3211

2020 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

Board formed by Ordinance No. 2006-06 and Resolution No. 2006-31, 2006. 7 members, will include an architect/engineer, building contractor, electrical contractor, mechanical contractor, plumbing contractor, and two (2) at-large positions. 4-year terms. Board meets on an as-needed basis. Bylaws adopted by Resolution 2006-51.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Mike Graham	Mike Graham Construction Inc. 3481 Canton Road Marietta, GA 30066 mgci89@yahoo.com Phone: 770-928-6036	Dec. 2022
Don Massaro	Integrity Fire Extinguisher LLC 1606 Donovans Ridge Kennesaw, GA 30152 integrityextg@gmail.com Phone: 404-680-3328	Dec. 2022
Keith McCowen		
Dennis McKeon, Sr. Vice-Chairman	D. McKeon Heating & Air Conditioning Inc. 2260 Moon Station Court Bldg 300 Kennesaw, GA 30144 dennis@dmckeon.com Phone: 770-425-8779	Dec. 2022
Jim Quigley Chairman	North Cobb Electrical Services, Inc. P.O. Box 613 Kennesaw, GA 30156 jquigley@ncobbelectrical.com Phone: 678-449-6028	Dec. 2022
Greg Teague	Croy Engineering 200 Cobb Parkway North #413 Marietta, GA 30062 gteague@croyengineering.com Phone: 770-971-5407	Dec. 2022
Jason Willis		Dec. 2022
Scott Banks, Building Official	City of Kennesaw 2529 J.O. Stephenson Avenue Kennesaw 30144 sbanks@kennesaw-ga.gov 404-964-3298	---

2020 DEPOT PARK AMPHITHEATRE COMMITTEE

Meets as needed. Established April 15, 2019

MEMBERS	PHONE, FAX, EMAIL
Mike Everhart	michael@greatgigdance.com 678-793-8435
Bob Fox	rfox@kennesaw-ga.gov 770-424-8274 ext.3101
Gary Hasty, KDDA rep.	ghasty@kennesaw-ga.gov (c) 404-219-1801
Dale Hughes	dale@jeremiah360.com 678-575-4396
Marty Hughes	mhughes@kennesaw-ga.gov 770-424-8274 ext. 3017
Keith Perissi	keithperissi@mindspring.com 678-575-4396
Steve Roberts	sroberts@kennesaw-ga.gov 770-424-8274 ext 3210
Tracey Viars	tvians@kennesaw-ga.gov 404-822-8589
Candice Wharton	candicewharton@gmail.com 770-596-2594
Joyce Yung	joycekyung@bellsouth.com 404-987-9181

2020 ETHICS BOARD MEMBERS

5 members, 2-year terms - Board meets 3rd Tuesday of April & October, 6:30 p.m. in the Ben Robertson Community Center. Qualifications: City resident with residency of 12 months prior to serving as a member. Shall not be a member of any other board or commission. Established by Ordinance dated December 19, 1994.

MEMBERS	PHONE, FAX, E-MAIL	TERM EXPIRES
Brian Boughner	3150 Kirkwood Drive, Kennesaw 30144 bkboughner@bellsouth.net 678 595-5759	Dec. 2021
Ron Davis	2619 Winterthur Main NW Kennesaw, GA 30144 Rodavis57@gmail.com 404 909-9157	Dec. 2020
Chelsey Kinsinger, Chair	3153 Kirkwood Drive NW Kennesaw, GA chelsey.kinsinger@gmail.com 404 543-4970	Dec. 2021
Shannon Ortiz	2803 Fullers Alley Kennesaw, GA 30144 s.ortiz7078@gmail.com 678 576-7898	Dec. 2020
Karen Whipple, Secretary	3748 Park Trace, Kennesaw Ga 30144 kwhipple@bellsouth.net 404 538-8085	Dec. 2021

2020 HISTORIC PRESERVATION COMMISSION

7 members, 2-year terms - Board meets 3rd Tuesday @ 8:00 a.m. in Council Chambers. Qualifications: City and County residents with a majority being City residents. Members serve 2 year terms.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Mary Baldwin	3846 Maybreeze Road Kennesaw 30144 marykb@gmail.com (c) 770-401-2121	Dec 2020
Rachel Butler Secretary	4192 Gramercy Main Kennesaw 30144 rachelzmadrid@gmail.com 770-842-9902	Dec 2021
Mike Ferguson Treasurer	3939 Jim Owens Road Kennesaw 30152 Mferguson3939@gmail.com (c) 770-235-2302	Dec. 2020
Patrick Gallagher	2575 Fairlawn Downs NW Kennesaw 30144 pgallagher@partneresi.com patgallagher2019@gmail.com 404-661-2420	Dec. 2020
Brandi May Chair	4318 Brighton Way Kennesaw, GA 30144 (c) 770-500-0598 maybrandi@att.net	Dec. 2021
Robert Sterling	3843 Nowlin Road Kennesaw 30144 bsterling@dot.ga.gov (c) 770-885-5669	Dec 2020
Kevin Whipple Vice Chair	1261 Wynford Colony NW Marietta 30064 whipple.kevin@gmail.com (c) 404-309-4988	Dec. 2021
Council Liaison: Pat Ferris	404-599-5761 pferris@kennesaw-ga.gov	---
Staff Liaison: Darryl Simmons	(w) (770) 424-8274 dsimmons@kennesaw-ga.gov	
Staff Liaison: Jeff Drobney	(w) (770) 424-8274 jdrobney@kennesaw-ga.gov	---

**2020 KENNESAW CITIZENS ADVISORY COMMITTEE &
KEEP KENNESAW BEAUTIFUL SUBCOMMITTEE**

Meets the 4th Thursday of each month (except Nov. & Dec. then they meet on 3rd Thursday) at 6:30 p.m. in the Council Chambers, established March 30, 2011. An advisory committee to the City Manager; 2-year terms.
Merged with Keep Kennesaw Beautiful January 2020.

MEMBERS	PHONE, EMAIL, ADDRESS	TERM EXPIRES
Aaron Budsock (+ KKB)	3214 Shirley Drive NW Kennesaw 30144 aaron.m.budsock@gmail.com (c) 404-987-3783	Dec. 31, 2020
Annette Clark (+ KKB)	2931 Stilesboro Ridge Court Kennesaw 30152 annetteclark4116@att.net (c) 770-597-4116	Dec. 31, 2020
Jacque Cullins	P. O. Box 475, Kennesaw 30156-0475 770-422-7667 Jc7667@aol.com	Dec. 31, 2020
Glenn Dawkins	2641 Ives Way NW Kennesaw 30152 dawkinsg@gmail.com (c) 954-247-8573	Dec. 31, 2020
Carlene Fregeolle	2549 Park Drive NW Kennesaw 30144 carlenefregeolle@yahoo.com 678-464-4146	Dec. 31, 2021
Antonio Jones	1870 Grant Court NW Kennesaw 30144 Antoniojones89@gmail.com 267-625-3379 (c)	Dec. 31, 2021
Bill Maxson	2500 S. Main Street Kennesaw, GA 30144 (c) 404-823-3177 (w) 770-423-1969 wamaxson@aol.com	Dec. 31, 2021
Doug McMichen (+ KKB)	2652 Allyn Way NW Kennesaw 30152 Springcleanpowerwashing@gmail.com 706-587-3993	Dec. 31, 2020
Dave Peeples	4010 Palisades Main Kennesaw 30144 pdpeeples@gmail.com (c) 706 537 7005	Dec. 31, 2021
Kathy Rechsteiner	3291 McGarity Lane Kennesaw 770-330-3297 (c) chlorinemom@yahoo.com	Dec. 31, 2020
David Shock	2010 Jebbs Ct. NW Kennesaw 30144 Davidshock30144@outlook.com 770-425-0590	Dec. 31, 2020
Trent Trees (+ KKB)	3423 Owens Pass Kennesaw, GA 30152 (h & w) 770-917-8699 trenttrees@aol.com	Dec. 31, 2020

Candice Wharton	1957 Barrett Knoll Circle Kennesaw 30152 candicewharton@gmail.com (c) 770-596-2594	Dec. 31, 2020
Grey Won, Public Works Staff Liaison	(c) 470-651-8610 gwon@kennesaw-ga.gov	
Marty Hughes, Assistant City Manager Staff Liaison	770-424-8274 ext. 3017 mhughes@kennesaw-ga.gov	

2020 KENNESAW DEVELOPMENT AUTHORITY

7 members 4-year terms created by Resolution 1995-15 - Board meets the 3rd Wednesday of each month at 6:00 p.m. in Council Chambers. Qualifications: The directors shall be taxpayers residing in the county or municipal corporation for which the authority is created, and their successors shall be appointed as provided by the resolution provided for in Code Section 36-62-4. The governing authority of a county or municipality may appoint no more than one member of the governing authority as a director.

MEMBERS	PHONE, FAX, EMAIL	TERM EXP.
Richard Blevins, Jr.	3895 Collier Trace Kennesaw 30144 richardblevins@cobbcountylaw.com (w) 678-354-2290 (c) 678-428-2264	Dec. 2021
Jay Brimberry	4225 Highcroft Main NW Kennesaw 30144 jbrimberry@kennesaw-ga.gov (c) 678-794-5332	Dec. 2023
<i>Vacancy</i>		Dec. 2023
Keith Palmer	2318 Holden Way Kennesaw 30144 kpalmer@kennesaw-ga.gov 404-983-4099	Dec. 2021
Nimesh Patel	4154 Havenwood Court Kennesaw, GA 30144 npatel@kennesaw-ga.gov (H & cell) 404-597-1063	Dec. 2021
Matt Riedemann	4111 Kentmere Main NW Kennesaw 30144 mriedemann@kennesaw-ga.gov (c) 678-231-4579	Dec. 2021
Kevin Tidwell	2865 Shillings Chase Court Kennesaw, GA 30152 (c) 404-273-4517 ktidwell@kennesaw-ga.gov	Dec. 2023
Miranda Jones Taylor (Staff)	(w) 770-424-8274 ext 3147 mjones@kennesaw-ga.gov	
Council Liaison: David Blinkhorn	(c) 404-599-6185 dblinkhorn@kennesaw-ga.gov	
Staff Liaison: Bob Fox	(w) 770-424-8274 rfox@kennesaw-ga.gov	---

2020 KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY

7 members, 4-year terms - Board meets 2nd Tuesday at 7:30 am in the Council/Court Chambers.

Qualifications are: (a) City resident, and/or (b) Owner/Operator of business in Downtown Development Area and resident of County, or (c) Owner/Operator of a business in the Downtown Development Area and a resident of the State of Georgia (1 member only); 8 hours of training in downtown development and redevelopment programs within 12 months. Created by Resolution 1995-16, OCGA 36-42-7

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Mark Allen	2950 Moon Station Road NW Kennesaw 30144 mallen@kennesaw-ga.gov (w) 770-485-0081 (c) 678-480-9740	Dec. 2021
Britt Doss	4416 Black Hills Drive NW Acworth 30101 bdoss@kennesaw-ga.gov (w) 770-793-9286 (c) 770-355-9441	Dec. 2023
Gary Hasty	2887 Boone Dr., NW Kennesaw, GA 30144 (w) 404 216-7299 (c) 404-219-1801 ghasty@kennesaw-ga.gov	Dec. 2023
Chad Howie	3008 Cherokee Street NW Kennesaw 30144 chowie@kennesaw-ga.gov (w) 770-702-1223 (c) 770-789-3350	Dec. 2021
Anne Langan	4243 Sheffield Court NW Kennesaw 30144 alangan@kennesaw-ga.gov 910-233-3586	Dec 2021
David Lyons	3573 Bramwell Crossing Kennesaw, GA 30144 (cell) 678-300-6302 dlyons@kennesaw-ga.gov	Dec. 2023
Leslie Steinle	3895 Greensward View NW Kennesaw 30144 lsteinle@kennesaw-ga.gov (w) 678-581-6567 (c) 205-706-7999	Dec 2021
Council Liaison: Tracey Viars	(c) 404-822-8589 tvians@kennesaw-ga.gov	
Staff Liaison: Bob Fox	(w) 770-424-8274 ext 3101 rfox@kennesaw-ga.gov	
Staff: Miranda Jones-Taylor (recording secty)	(w) 770-424-8274 mjones@kennesaw-ga.gov	

2020 LICENSE REVIEW BOARD

Effective October 1, 2002. 3 members. Board meets as necessary to consider Due Cause Hearings. Qualifications: Either a resident of the City or have an ownership interest as principal shareholder, general partner or sole proprietor in at least one business located in the City of Kennesaw. A maximum of 1 alcoholic beverage license holder, if any, may serve on the Board. Post 1 and 2 serve 2-year terms, Post 3 serves 1 year terms. No term limits.

MEMBERS	PHONE, FAX, E-MAIL	TERM EXPIRES
Post 1 Nimesh Patel, Chair	3951 Bellingrath Main NW Kennesaw, GA 30144 nimeshrpatel@hotmail.com (404) 597-1063	Dec. 2021
Post 2 Trey Sinclair	1500 Lockhart Drive Kennesaw 30144 trey@drycountybrewco.com (678) 910-0113	Dec. 2021
Post 3 Jim Watts	3984 Palisades Main Kennesaw 30144 jim.watts@shawinc.com (770) 655-9794	Dec. 2020

For hearings, also contact:		
Attorney Jamie Wingler	Bentley, Bentley & Bentley 272 Washington Avenue Marietta, GA 30060 jamie.wingler@bbandblaw.com	770-422-2300 770-424-5820 (fax)
Attorney Sam Hensley	Bentley, Bentley & Bentley 241 Washington Avenue, NE Marietta, GA 30060 sphensleyjr@hotmail.com	770-422-2300 770-424-5820 (fax)

2020 PLANNING COMMISSION MEMBERS

7 members, 3-year terms - Board meets 1st Wednesday at 7:00pm in Council Chambers.
Qualifications: City resident, registered voter.

MEMBERS	PHONE, FAX, EMAIL	TERMS EXPIRES
Donald Bergwall	3140 Brookeview Lane NW Kennesaw dbergwall@kennesaw-ga.gov (c) 937-243-2673	Dec. 2020
SaVaughn Irons	2167 Del Lago Cir NW Kennesaw 30152 sirons@kennesaw-ga.gov (c) 678-558-0089	Dec. 2022
Dan Harrison, III	1487 Shoup Court NW Kennesaw 30152 (h + cell) 954-560-6924 dharrison@kennesaw-ga.gov	Dec. 2022
Phillip Jackson	4260 Revere Walk Kennesaw pjackson@kennesaw-ga.gov (c) 404-219-3578	Dec. 2022
Cindi Michael Vice Chair	2998 North Main Street Kennesaw 30144 (c) 770-422-0463 cmichael@kennesaw-ga.gov	Dec. 2020
Lacey Ragus	2756 Fuller's Alley Kenesaw, GA 30144 babylacey78@yahoo.com (c) 404-314-4164	Dec. 2022
Doug Rhodes Chair	5670 Deerfield Place Kennesaw, GA 30144 (w) 770-684-0102 (c) 770-362-5181 drhodes@kennesaw-ga.gov	Dec. 2020
Council Liaison: Chris Henderson	404-599-6189 chenderson@kennesaw-ga.gov	
Staff Liaison: Darryl Simmons, Zoning Administrator	(w) 770-590-8268 ext 3121 (cell) 404-392-0870 dsimmons@kennesaw-ga.gov	
Diane Wrobleski, Staff/Secretary	(w) 770-590-8268 ext 3120 dwrobleski@kennesaw-ga.gov	

2020 PUBLIC ART COMMISSION

Est. April 17, 2017; 5 members (1 KDDA, 2 Art & Culture Commissioners, Zoning Administrator, 1 Downtown Development Coordinator); 2-year terms; Commission meets as needed.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Art & Culture: Karen Backus	2705 Windsor Ct NW Kennesaw 30144 backuskaren@gmail.com 404-229-7529	Dec 2021
Art & Culture: Madelyn Orochena	2981 N. Main Street Kennesaw 30144 madelynorochena90@gmail.com 404-229-7529	Dec 2021
KDDA: Gary Hasty	2887 Boone Dr., NW Kennesaw, GA 30144 ghasty@kennesaw-ga.gov (w) 404 216-7299 (c) 404-219-1801	Dec 2021
Zoning Administrator Darryl Simmons	dsimmons@kennesaw-ga.gov 770-424-8274 ext. 3121	
Downtown Development Coordinator Miranda Jones-Taylor	mjones@kennesaw-ga.gov 770-424-8274	

Kennesaw Council Chambers
2529 J.O. Stephenson Avenue, Kennesaw 30144

2020 RECREATION CENTER DEVELOPMENT COMMITTEE

**Temporary Committee – Committee meets as-needed in the
Ben Robertson Community Center, 2753 Watts Drive, Kennesaw
Established April 16, 2018**

MEMBERS	PHONE, FAX, E-MAIL
Tom Bills	Cobb County Parks & Recreation Tom.Bills@cobbcountry.org
Mike Dixon	Michaeldixon6560@gmail.com
Jeff Drobney, Chair	City Manager, City of Kennesaw jdrobney@kennesaw-ga.gov
Jacee Garrett	jaceegarrett@gmail.com
Jimmy Gisi	Parks & Recreation Director, Cobb County jgisi@cobbcounty.org
Chris Henderson	Councilmember, City of Kennesaw chenderson@kennesaw-ga.gov
Brianca Louis	Student, Kennesaw Mountain High Sch. briancamlouis17@gmail.com
Samuel McGlashan	samuelmcglashan@gmail.com
Catherine Mockalis	catherinemockalis@gmail.com
Cindi Michaels	Vice Chair, Planning Commission cmichaels@kennesaw-ga.gov
David Shock	Secretary, Kennesaw Citizens Advisory Committee dshock@kennesaw.edu

Steve Roberts	Parks & Recreation Director, Kennesaw sroberts@kennesaw-ga.gov
Robbie Ballinger	Building Facilities Manager, Kennesaw rballinger@kennesaw-ga.gov
Halli Watson	

2020 URBAN REDEVELOPMENT AGENCY

**Appointed August 18, 2003. Urban Redevelopment Agency shall consist of three members who shall serve terms of office of three years.
Activated through Resolution #2003-13 (9/02/03)**

Board meets on an as-needed basis.

MEMBERS	PHONE, FAX, E-MAIL	TERM ENDS
Sharon Pell	2807 Amhurst Way Kennesaw, GA 30144 PellSharon0@gmail.com	09/03/22
Arthur Hunt, Chair	770-423-0137 (w) 770-423-0020 (h) 6065 Woodland Court, 30152 huntrube@bellsouth.net	09/01/20
Herb Richardson, Secretary	2025 Dobbins Drive Kennesaw 30144 68herb@gmail.com 770-265-9734 (cell)	09/01/21

11/15/04: Mayor Church appointed Arthur Hunt to complete the term of Charles Respert who moved out of the area.

11/15/04 Mayor Church reappointed Steve Zimba for another 3 year term.

01/18/05 M+C appointed Tom Headlee to replace Steve Shelton for term ending 9/01/06

07/18/06: Accepted letter of resignation from Steve Zimba

10/02/06: Appointed Mike Sesan and Theresa Ledford

10/11/06: Accepted resignation from Tom Headlee Jr.

11/05/07: Reappointed Mike Sesan to another 3 year term ending 9/1/10

01/05/09: Reappointed Arthur Hunt to another 3 year term ending 9/1/11

01/20/09: Accepted resignation from Theresa Ledford

03/02/09: Appointed Herb Richardson to fill term of Theresa Ledford ending 9/1/09

09/08/09: Reappointed Herb Richardson for another 3 year term ending 9/1/12

09/30/10: Mike Sesan did not want to be reelected to the URA committee

09/07/10: Tim Evans appointed by M&C to replace Mike Sesan for 3 year term ending 9/1/13

11/07/11: Arthur Hunt reappointed with term ending 2014

02/20/12: Tim Evans resigned and moved out of state

08/20/12: Herb Richardson reappointed with term ending 2015

01/07/13: Cindy Giles appointed to complete the term of Tim Evans

09/08/15: Herb Richardson reappointed with term ending 2018

09/06/16: Cindy Giles reappointed with term ending 2019

09/05/17: Arthur Hunt reappointed with term ending 2020

08/20/18 Herb Richardson reappointed with term ending 2021

2019: City Giles left URA

09/16/19 Sharon Pell appointed to fulfill vacancy with term ending 2022