

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2020-09, 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 2 SECTION 2.01.03 RESIDENTIAL ZONING DISTRICTS, AMENDING SECTION 2.02.03 TABLE OF USES RESIDENTIAL DISTRICTS AND AMENDING REQUIRED PARKING SPACES TABLE 6.06.09A

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

SECTION 1.

That the Code of Ordinances, Kennesaw, Georgia is hereby amended by adding three new definitions: "Purpose Built Student Housing", "Multifamily Dwelling Unit" and "Student Life Programming" to the existing Section 1.09.06 Definitions of the Unified Development Code which shall be read as follows and inserted alphabetically and the existing definition of "Family" and " Dwelling, Multifamily" be amended by deleting those words with a strike through and adding those words with an underline as follows:

Dwelling, Multifamily: A building designed for or occupied exclusively by three or more multifamily dwelling units families with separate housekeeping facilities for each family.

Multifamily dwelling unit: A multifamily dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for related and unrelated persons.

Purpose Built Student Housing: A multifamily residential development characterized by student housing apartments for adults attending universities and colleges wherein each student is under an independent lease with the landlord to rent on a per bedroom basis.

Student life programming: Programs to help facilitate learning and growth in Purpose Built Student Housing district that address each of the four themes of the programming model (community development; academic development; personal wellness and growth; and inclusivity) that help guide personal growth for the residents.

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, 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.

## **SECTION 2.**

That section 2.01.03 Residential Zoning Districts of the Code of Ordinances, Kennesaw, Georgia, is hereby amended by adding a new zoning district called "Purpose Built Student Housing" which shall be inserted between the existing RM-8 Multiple Family District and RM-12 Multiple Family District and shall read by deleting those paragraph headings with strike-through and adding those paragraph headings and words with an underline as follows:

See Exhibit "A".

## **SECTION 3.**

That the Code of Ordinances, Kennesaw, Georgia is hereby amended by adding "Purpose Built Student Housing" to Table 2.02.03 Table of Land Uses – Residential Districts which shall be accomplished as follows:

- 1) By adding a new column to the right of the RM-8 column and to the left of the RM-12 column and calling it "PBSH";
- 2) By adding a new row after Professional Office and before Radio and Television Stations and calling it "Purpose Built Student Housing";
- 3) By adding a "P" in the new column called "PBSH" as that column intersects with the new row called "Purpose Built Student Housing".

## **SECTION 4.**

That the Code of Ordinances, Kennesaw, Georgia is hereby amended by adding "Purpose Built Student Housing" to Table 6.06.09A Parking Requirements which shall be accomplished as follows:

- 1) By adding a new row after Professional Office and before Radio and Television Stations and calling it "Purpose Built Student Housing";
- 2) By adding the standard ".75 space per bedroom/.3 spaces per unit for visitors" in the column called "Parking Requirements" that corresponds with the new row called "Purpose Built Student Housing".

## **SECTION 5.**

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 6.**

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 7.**

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 17<sup>th</sup> day of August, 2020.

ATTEST:

  
\_\_\_\_\_  
Lea Addington, City Clerk

CITY OF KENNESAW:

  
\_\_\_\_\_  
Derek Easterling, Mayor



Exhibit "A"

## 2.01.03 – Residential Zoning Districts

The following residential zoning districts are established:

H. RM-8 *Multiple - Family district (Eight [8] units per acre)*. The RM-8 multiple-family residential district is established to provide locations for multi-family 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.

I. Purpose Built Student Housing ("PBSH" District) ~~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 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. 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/or 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.

2. 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

3. 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: Maximum allowable density is 100 bedrooms per acre, unless the PBSH development abuts (on any side) single family residentially zoned property. Any PBSH development abutting (on any side) single family residentially zoned property, the maximum allowable density is 50 bedrooms per acre for the entire development.
- 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. Bathroom requirement: There shall be at least one bathroom for every two bedrooms, unless there are an uneven number of bedrooms in the unit, in which case, the odd bedroom shall have a corresponding bathroom. A bathroom shall contain at a minimum:
  - (1) one wash basin
  - (2) one toilet
  - (3) One shower and/or bathtub.
- j. Minimum floor area for each unit:
  - (1) Efficiency units: 450 square feet (an efficiency unit shall be considered a one bedroom unit for purpose of calculating density and parking).
  - (2) One bedroom units: 600 square feet.
  - (3) Two bedroom units: 1,000 square feet.
  - (4) Three bedroom units: 1,189 square feet.
  - (5) Four bedroom units: 1,400 square feet.
  - (6) Five bedroom units: 1,700 square feet.
  - (7) Minimum floor area shall not include basement, garage or accessory buildings.
  - (8) Bedroom and living room size requirements shall at a minimum meet the square footage requirements of the International Property Maintenance Code, as amended from time to time.
- k. Each PBSH development shall include a common-use multi-purpose amenity area that accommodates a study area and an exercise/fitness room. Each development shall also feature green space that can be used by residents as a passive outdoor area. Said green space shall constitute at a minimum 5% of the gross acreage of the subject parcel. Buffers and setbacks can be utilized to accommodate said green space.
- l. Height and structure requirements.
  - (1) Maximum building height is fifty-five (55) feet, unless the PBSH development abuts (on any side) single family residentially zoned property. Any PBSH development abutting (on any side) single family residentially zoned property, the maximum building height is thirty-five (35) feet for the entire development. 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.
  - (2) The use of stucco shall be prohibited.
- m. Minimum set back requirements:
  - (1) 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.
  - (2) 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.

- n. Landscape buffer and screening requirements.
- (1) 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).
  - (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. 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.
  - (3) Objectives. Undisturbed, planted landscaped buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
    - (i) Screening to enhance aesthetic appeal;
    - (ii) Control or direction of vehicular and pedestrian movement;
    - (iii) Reduction of glare;
    - (iv) Buffering of noise;
    - (v) Establishment of privacy.
  - (4) Buffers. Landscaped 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, a buffer should maximize a 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 as approved by the Zoning Administrator.
    - (vi) 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.
    - (vii) Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards are met.
    - (viii) When topography and existing conditions allow, the required buffer should be an undisturbed buffer.
    - (ix) 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.

4. Access and Parking requirements:
  - a. 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.
  - b. 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.
  - c. Parking requirements: Sites shall be designed to accommodate on-site parking for at least 0.75 vehicles per bedroom with additional parking for visitors calculated at 0.30 vehicles per unit.
  - d. To the extent the nearby post-secondary college and/or university does not agree to provide regular shuttle service to and from the campus for residents, the development shall agree to provide regular shuttle service to and from the campus for residents;
  - e. The development shall have a dedicated pick-up drop-off space/lanes for a transportation network service (i.e. private shuttle, Uber, Lyft, taxi etc.).
  
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. The security system shall provide remote access to 911 operations;
  - f. All common area doors and access gates shall be secured with electronic locks;
  - g. All apartment units shall be equipped with a door that features a 180-degree peep hole;
  - h. 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.
  - i. 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.

6. 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.
7. In addition to any other required information, development proposals submitted for rezoning to the PBSH district shall be required to provide the following information:
  - a. Preliminary site plan that illustrates locations of access drives, privacy fencing with gates, bike racks (if any) and amenity areas, setback lines and landscaping buffer locations;
  - b. Executive summary of the project. Executive summary shall include: 1) contact and background information of the developer proposing to construct the project specific to the product proposed; 2) Project scope and market demand information; and 3) details regarding the proposed phasing of the construction of the project;
  - c. Floor plan of all the proposed unit types that demonstrates the location, dimensions and layout of bedrooms, bathrooms, kitchen and common living area in the units;
  - d. Elevations, building height information and proposed materials and facades.

J. 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 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~~K. 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~~ L. MHP. Mobile Home Park district. This district is established to provide areas where mobile home parks may be appropriate.