

CITY OF KENNESAW

ORDINANCE NO. 2024-, 2024

**AN ORDINANCE TO ADOPT THE OFFICIAL ZONING MAP OF THE
CITY OF KENNESAW**

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

WHEREAS, prior to 1994, the City of Kennesaw allowed residential development of subdivisions within the City which were developed to R-10 zoning standards; and

WHEREAS, in 1994, the City of Kennesaw created a hybrid rezoning classification that authorized such previously existing developed lots to be classified as R-15 zoning but provided for separate uses in order to bring the City classifications more in line with the zoning classifications of Cobb County, Ga.; and

WHEREAS, on March 18, 1996, the City of Kennesaw adopted a comprehensive amendment to the Zoning Ordinance which separated out the two zoning categories into R-15 and R-10 but apparently failed to amend the zoning map to recognize the use of those lots previously developed as R-10 and thus creating a situation whereby many homes were left in a nonconforming use; and

WHEREAS, the City of Kennesaw desires to adopt a text and map amendment to properly reflect the 289 lots of Woodland Acres subdivision as referenced on the Zoning Map in land lot 166 of the 20th district consisting of approximately 91.14 +/- acres which were developed R-10 to address and rectify this oversight;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City of Kennesaw hereby amends Section 2.01.03.06 by deleting the existing provisions of Section 2.01.03.06 and replacing same as follows:

2.01.03.06 The regulations for the R-10 Single-Family residential district (10,000-square-foot lot size) are as follows:

- A. *Purpose and intent.* The R-10 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, and as may be amended from time to time, with access to both public water and sewerage. The 289 parcels developed as a 10,000 square foot lot within the Woodland Acres subdivision which met the conditions of the Ordinance prior to 1994, shall be deemed to a lawful conforming use and the Official Zoning Map of the City of Kennesaw, shall be amended to reflect that these lots and homes thereon shall be rezoned as lawful and conforming and subject to the regulations contained herein.
- 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. 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, the standards in Section 4.04.01 shall control for purposes of developing a Special Exception use.

The following uses are permitted:

- Clubs or lodges
- Community Fairs
- Designated recycling collection locations
- Executive golf courses
- Golf courses (Par 3)
- Golf courses (18-hole regulation; private and public)
- Group homes
- Limited home occupation
- Nonprofit riding stables
- Nonprofit (seasonal use) fishing lakes
- Private parks
- Recreation grounds other than tennis courts and golf courses
- Religious assemblies
- Single family dwelling units (detached)
- Temporary uses

The following uses are permitted by special exception (refer to section 4.04.01):

- Cemeteries
- Mausoleums
- Private community centers
- Private schools of general and special education

The following uses are permitted by land use permit or special land use permit:

- Cottage food operators (refer to section 4.04.05 Standards for Home Occupation)
- Family child care learning home (refer to section 4.04.05 Standards for Home Occupation)
- Home occupation (refer to section 4.04.05)
- Manufactured Homes
- Radio, television and other communication towers and antennas (refer to section 4.04.06)

C. *Requirements for certain uses.* The following uses shall have the requirements as ascribed to them in this subsection.

1. *Cottage Food Operators:*

- (a) Cottage food operators shall adhere to all rules and regulations imposed by the Georgia Department of Agriculture.
- (b) There shall be no signage or other exterior evidence of the cottage food operator.
- (c) Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely deliver mail/internet order products to residents.
- (d) No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
- (e) There shall be no employees parking on the site unless approved by the Mayor and City Council in accordance with Section 4.04.05.
- (f) A home occupation land use permit shall be required.

2. *Limited Home Occupations:*

- (a) There shall be no exterior evidence of the home occupation, including but not limited to any type of identifying signs.
- (b) No article, product or service used or sold in connection with such activity shall be other than those normally found on the premises.
- (c) No mechanical equipment shall be used for such occupation except such equipment as is customary for purely household and hobby purposes.
- (d) Such use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed in such occupation.
- (e) No more than 25 percent of the dwelling unit may be used for the operation.
- (f) No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle, used exclusively by the resident may be parked in a carport, garage, or rear or side yard.
- (g) The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.
- (h) There shall be no deliveries of supplies for use in the home occupation or pickups of the items produced by the occupant by commercial carriers.
- (i) No clients or customers are allowed on the premises on a regular basis.
- (j) The limited home occupation shall not create a nuisance.

3. *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.

4. *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.
- (f) A group home shall comply with all applicable regulations by the Board of Behavioral Health and Developmental Disabilities and the Department of Behavioral Health and Developmental Disabilities.

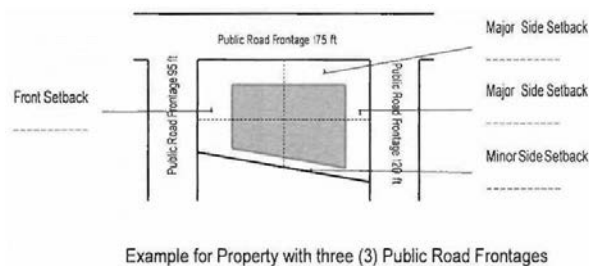
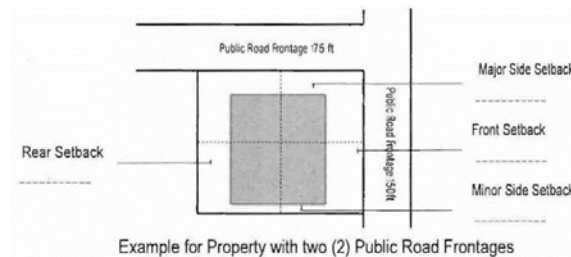
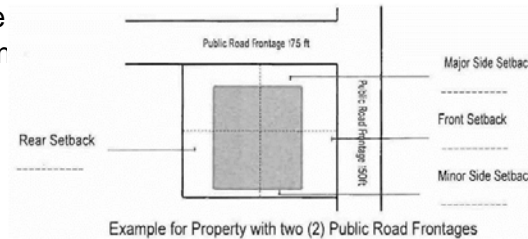
5. *Family childcare learning home:*

- (a) Maximum of six children under 13 years of age at one time for pay or not for pay;
 - (b) For purpose of this section only, children who are related by direct blood kin or adoption to the childcare provider shall not be included in the calculation of the six children limitation;
 - (c) The childcare shall not create a nuisance to immediately adjacent property owners;
 - (d) Off-street parking must be provided for childcare pick-up and drop-off; and
 - (e) No employees;
 - (f) Proof of a Family child care learning home license under O.C.G.A. § 20-1A-10(v), or as amended from time to time, by the Department of Early Care and Learning or its successor agency;
 - (g) A home occupation land use permit shall be required.
6. *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.

D. *Dimensional standards for Development.* Setback shall be measured from the property line of the parcel. The property with shortest amount of road frontage shall be the front setback for determining other setbacks (major side, side, rear).

- 1. *Minimum lot size:* 10,000 square feet. The Zoning Administrator shall not be authorized to recommend a variance for more than 25 percent of the minimum lot size.
- 2. *Minimum floor area:* 1,050 square feet.
- 3. *Minimum lot width at front setback line:* 75 feet; cul-de-sac, 60 feet.
- 4. *Minimum public road frontage:* 75 feet; cul-de-sac, 50 feet.
- 5. *Maximum cover:* 30%
- 6. *Maximum building height:* 35 feet.
- 7. 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.
- 8. *Minimum building setbacks:*
 - (a) Front yard as measured from arterial: 40 feet.
 - (b) Front yard as measured from collector: 40 feet.
 - (c) Front yard as measured from local: 35 feet.
 - (d) Side yard (aka minor side yard): 10 feet.
 - (e) Rear yard: 20 feet.
 - (f) Major side: 25 feet.
- 9. *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 adhering to the spirit and intent of the Ordinance.



PASSED AND ADOPTED by the Kennesaw City Council on this day of February 19, 2024.

Attest:

City of Kennesaw

Lea Alvarez, City Clerk

Derek Easterling, Mayor