

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2012-15, 2012

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE
UNIFIED DEVELOPMENT CODE
CHAPTER 1 SECTION 1.09.00; CHAPTER 2 SECTION 2.02.00;
CHAPTER 4 SECTION 4.02.03**

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

WHEREAS, the Mayor and City Council of the City of Kennesaw are charged with the protection of the public health, safety and welfare of the citizens of the City of Kennesaw; and

WHEREAS, the State of Georgia authorizes the Mayor and City Council of the City of Kennesaw to exercise their power as they see fit to protect and maintain the safety and welfare of the citizens and the property located in the City of Kennesaw; and

WHEREAS, the Mayor and Council find that the consolidation of all certain City Ordinances into a single standalone document entitled the Kennesaw Unified Development Code is beneficial to the City and the citizens and property owners in the City of Kennesaw as originally adopted on April 18, 2011, Ordinance No. 2011-06; and

WHEREAS, an Ordinance to amend the Unified Development Code is being approved by the Mayor and council of the City of Kennesaw;

WHEREAS, the Unified Development Code will in the Ordinances referenced below.

NOW THEREFORE, to accomplish the foregoing, the Mayor and City Council of the City of Kennesaw, pursuant to their authority, do adopt the amendments to the Unified Development Code, which shall include the following:

SECTION 1. The Mayor and City Council of the City of Kennesaw adopt the amendments to the Unified Development Code, which shall be comprised of the following corresponding sections:

CHAPTER ONE-GENERAL PROVISIONS, SECTION 1.09.00 Acronyms and Definitions (1.09.02)

CHAPTER TWO-ZONING DISTRICTS, SECTION 2.02.00 Land Uses Permitted in each Zoning District (Table of Land Uses 2.02.03 and Table of Land Uses 2.02.04)

CHAPTER FOUR- DESIGN STANDARDS, SECTION 4.02.00 Site Design Standards for Overlay Districts (4.02.03)

SECTION 2. The amendments set forth as set in Exhibit "A" is and will be incorporated into the adopted Unified Development Code.

SECTION 3. **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 4. 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 17th day of December 2012.

ATTEST:

CITY OF KENNESAW:

Debra Taylor, City Clerk

Mark Mathews, Mayor

EXHIBIT “A”

UDC – CHAPTER 1:

1.02.02 Definitions

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.

Massage Therapy Means 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.

UDC – CHAPTER 2:

See attached separate document

UDC – CHAPTER 4:

4.02.03 Site Design Standards for the Central Business District

4.02.03 C 1, 2

Massage Therapy Establishments

Massage Therapy associated with Spa and Salon Establishments

- As part of a salon services establishment
- As part of a medical, chiropractic or sports medicine establishment

Sports/Medical Physical Therapy

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

4.02.03 C 2 (h)

Pawn Shop

4.02.03 - Site Design Standards for the Central Business District

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.~~ r. Garden supplies
- ~~s.~~ s. Gift shop/glassware
- t Growler Establishments
- ~~t.~~ u. Hardware store
- ~~u.~~ v. Home/office furnishings
- ~~v.~~ w. Ice cream shop
- ~~w.~~ x Jewelry store
- ~~x.~~ 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
- ~~y.~~ bb. Medical and surgical equipment
- ~~z.~~ cc. Music shop
- ~~aa.~~ dd. Nautical supplies
- ~~bb.~~ ee. Office supplies
- ~~cc.~~ ff Pets and pet supplies
- ~~dd.~~ gg. Pharmacy
- ~~ee.~~ hh. Photographic equipment/supplies
- ii Spa and Salon Establishments

- ff. jj. Sporting goods
- gg. 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. Pawnbrokers~~
- h. Sports Medical Physical Therapy

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

Revising the following Use Limitations within the CBD language in section 4.02.03 (E)

#32 – No Funeral Homes allowed

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		
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
Check Cashing business						P	P					
Cemeteries	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Chemical plants or storage facilities												SLUP/SE
Churches, chapels, temples, synagogues, and other places of worship	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	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
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					P	P	P	P		P	P	

recreation uses												
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												
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 (including drive-in fast food restaurants)				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	
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		
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					

Massage Therapy associated with medical, chiropractic and sports medicine establishments	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
Nightclubs						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	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	
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				
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		
Restaurants/sit down dining	P											
Re-upholstery and						P	P	P			P	P

[illegible]

Zoos						P					P	P
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