

## **Sec. 134-221.2. Redevelopment overlay district (ROD)**

The regulations for the ROD are as follows:

1. Purpose and intent. The ROD is established to provide locations for redevelopment of commercial, office and residential uses which are pedestrian oriented and developed at a community or regional activity center scale and intensity, as identified for each specific site or corridor via the Cobb County comprehensive plan, as may be amended from time to time. This is intended to encourage compatible mixed uses within the boundaries of these properties. The district may be overlaid upon the LRO, LRC, NRC, O&I, CRC, RMR, OMR, RHR, OHR, NS, PSC, TS and GC zoning districts within these redevelopment corridors and specific redevelopment sites. The district may also be overlaid upon the RM-12 and RM-16 districts that are adjacent to commercially zoned properties within these redevelopment corridors and specific redevelopment sites. The board of commissioners has determined that any redevelopment project approved within a ROD shall not establish any type of precedent for land use recommendations or future rezoning proposals outside of the boundaries of the ROD project. Those properties outside of the boundaries of a ROD project must provide uses compatible with other surrounding properties that are outside of the ROD. This ROD may be applied to properties within the corporate limits of Marietta and Smyrna, at the discretion of the respective city councils.
2. Transit/land use guidelines.
  - a. Transit stations are not merely bus stops. A transit station would have considerable parking for vehicles, and perhaps other mechanisms for gathering riders at the location, other than just pedestrians in the immediate area. A transit station would be a major collector point for collecting and distributing riders primarily for regional commutes, but would also serve as a connecting point for local commutes. It would have a building, as well as a large amount of parking, and might also be served by satellite parking and shuttles, circulators, and local bus routes. Transit stations would support intense residential and commercial land uses adjacent to the transit station. Transit stations would be unsuitable in locations where the result would be an increase in vehicular traffic through existing neighborhoods, or where it would intensify land uses within existing stable low-density neighborhoods. Transit stations should be located adjacent to, or very close to interstate highways, and only in locations where it will not increase vehicular traffic within nearby low-density neighborhoods, and where it will not intensify land uses within existing low-density neighborhoods.
  - b. Transit exchanges are significantly less intense than transit stations, but they are more than just bus stops. Transit exchanges may provide limited parking for vehicles. Transit exchanges would be collector points, and provide opportunities for interconnection and transfer of various transit routes. When transit exchanges are located in relatively intense commercial or mixed-use areas, transit exchanges can support moderate intensification of land uses. Transit exchanges should not be located in low-density residential areas, but may be located within high-density

residential areas. When transit exchanges are located near areas that are primarily single-family homes, land uses near the transit exchange should be of a limited "neighborhood-intensity". In areas characterized by high-density residential, more intense future land uses can be supported. Transit exchanges should be located only along major arteries (at least four lanes), and only in locations where it will not increase vehicular traffic within nearby neighborhoods, and where it will not intensify land uses within existing neighborhoods. A transit exchange may share a tract of land with another land use or building and its parking. A transit exchange may utilize shared parking facilities.

c. Transit stops are a designated place where a local transit vehicle would stop for passengers from the immediate area. There would be no parking in the vicinity designated for transit riders. There should be no increase in the intensity of land uses near a transit stop. Land uses would not be changed or intensified based on the existence of a transit stop.

d. Satellite parking facility would be similar in some ways to a transit exchange. Satellite parking facilities should only be located near major corridors, and if possible should have multiple access points. They should be designed for efficient ingress and egress. They could be located in areas near low-density single-family homes, but if located in such areas, adjacent land uses would have to be limited to low-or-medium density residential, and limited neighborhood-compatible retail. Land uses on all properties not adjacent to the satellite parking facility would remain consistent with any low-density single-family land uses in the area. Satellite parking would be served by shuttles that would take commuters to nearby employment centers and transit stations. In some cases satellite parking facilities could be served by BRT transit that would proceed from satellite parking facilities and go directly into an established BRT route. A satellite parking facility can facilitate transit serving more than one transit route (destination). The difference between a satellite parking facility and a transit exchange is that a transit exchange has limited parking and facilitates transfers between transit vehicles, while a satellite parking facility facilitates community parking and an access point to access transit to get to other destinations. A satellite parking facility may share a tract of land with another land use or building and its parking. A satellite parking facility may utilize shared parking facilities.

3. Permitted uses. Permitted uses are as follows:

Athletic and health clubs.

Automotive parking lots or garages.

Banks and financial institutions with automated transfer machines; however, no drive-in establishments are permitted.

Clinics, clubs or lodges.

Commercial indoor recreation uses.

Community fairs.

Commercial retail uses.

Condominiums.

Convenience food stores with self service fuel sales, provided that the building

shall not exceed 3,000 square feet in gross floor area and that no automotive repairs shall be done on site.  
Corporate or administrative office for any permitted uses.  
Cultural facilities.  
Designated recycling collection locations.  
Eating and drinking establishments.  
Film developing and printing facilities.  
Full service gasoline stations.  
Group homes.  
Hotels.  
In-home day care.  
Laundry and dry cleaning pickup establishments.  
Medical and dental laboratories provided no chemicals are manufactured on-site.  
Multi family dwelling units.  
Neighborhood retail uses.  
Non-automotive repair service establishments.  
Nursery schools and child day care centers.  
Office service and supply establishments.  
Parking for vehicles.  
Photograph studios.  
Printing, publishing and lithography establishments.  
Private parks.  
Professional offices.  
Radio, television and other commercial towers and antennas, subject to section 134-273.  
Rest homes, personal care homes and convalescent homes.  
Single-family dwelling units (attached and detached).  
Studios and supplies.  
Self service laundry facilities.

4. Lot size and setback requirements. See use limitations.
5. Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an ROD which abuts residentially zoned property shall have a minimum 25-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to county staff approval. 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 under section 134-126.
  - a. Objectives. Maintained, natural buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
    1. Screening to enhance aesthetic appeal;

2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;
4. Buffering of noise; and
5. Establishment of privacy.

b. Standards. Buffers or berms shall be required when a ROD is located adjacent to a residential district; a minimum 25-foot buffer is required.

6. Buffers. Landscape buffers are subject to review and approval by county staff 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 minimum 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 county staff.
  - vi. Trees included in buffer plantings may be counted toward site density calculations as required by chapter 50, article VI, pertaining to tree preservation and replacement, subject to review and approval of county staff.
  - 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 25-foot buffer should be an maintained, natural buffer.
  - ix. Any appeals from a determination by county staff shall be to the board of zoning appeals.
7. Berms. Berms are subject to review and approval by county 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.
  - iv. Berms shall be regularly maintained by the property owner.

6. Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of section

134-283, regarding mountain and river corridor protection act areas, and section 134-284, regarding metropolitan river protection act areas. No floodplains and/or wetlands may be used in calculating the overall density of the development.

7. Building and structure requirements. See use limitations.
8. Parking requirements. See section 134-272 for paved parking specifications. Parking for non-residential or multifamily uses may be granted a 20 percent reduction in required parking when parking is shared between adjacent uses within the project. An additional ten percent reduction may be administratively approved by the director of community development, or his/her designee. Final parking design plans shall be subject to review and approval of the director of community development, or his/her designee.
9. Lighting requirements. Any project permitted within the ROD district which proposes a lighted facility must have a county department of transportation approved lighting plan in accordance with the minimum conditions listed in section 134-269.
10. Procedures for ROD overlay utilization. As the ROD is overlaid upon an existing zoning district, the project will be reviewed and approved or denied in a streamlined manner. Staff will accept applications, then review and recommend approval or denial. A schedule of application submittal deadlines, concept plan review meetings, and projected planning commission and board of commissioners zoning dates will be made available to the public. Even though the underlying zoning will not change, staff recommendations will be taken to the planning commission and board of commissioners as a regular zoning item on the next available zoning agenda.  
ROD proposals are required to be posted for 30 days prior to the planning commission and board of commissioners meeting. In addition, public hearings will be held at the time the planning commission and board reviews and decides each proposal. If the project is denied by the board of commissioners, no prejudice period will apply. Further, upon gaining approval of an ROD overlay plan, the applicant maintains the option to develop the property according to the requirements of the underlying zoning.  
The following procedure will apply:
  - a. Application. Applications for ROD overlay district utilization with an existing zoning will be accepted in the planning division of the county community development agency. The application fee is \$100.00.
  - b. Concept plan review. There will be a regularly scheduled ROD review meeting of the county staff scheduled twice monthly. Conceptual approval must be obtained prior to placing the property on an agenda.

1. Purposes.

- i. Familiarize sponsors of projects with county regulations and the

- concerns of county agencies prior to expenditure for preparation of final development plans.
- ii. Familiarize agency representatives with proposed project and provide an opportunity for an exchange of views and ideas on project characteristics that are of concern to the goals of the ROD ordinance.
2. Participants. The county staff to be present include one representative from the following agencies and divisions:
    - i. Cobb County community development, planning division and zoning division.
    - ii. Cobb County water system.
    - iii. Stormwater management.
    - iv. Cobb County department of transportation.
    - v. Site plan review/county arborist.
    - vi. Cobb County fire marshall's office.
  3. Initiation of concept plan review. Concept plan review shall be initiated by the filing of the following items with the appointed representative of the planning division:
    - i. A completed application form stating that the applicant is the property owner or authorized agent.
    - ii. A letter of intent that specifies the types of uses desired within the redevelopment proposal.
  4. The following plans and materials shall be submitted to the planning division both in electronic and paper form:
    - i. A current plot plan and boundary survey showing:
      - (a) The architect, engineer, or designer's name, address, and telephone number,
      - (b) Scale of plan and north arrow,
      - (c) Street address of site and vicinity map showing the relationship of the site to the surrounding area,
      - (d) Existing land lot, property lines, right-of-ways, dedications, and easements,
      - (e) Locations of existing and proposed structures, driveways, walks,
      - (f) Delineation of floodplain and wetland areas,
      - (g) Locations of any known cemeteries or historic sites,
      - (h) Conceptual architectural elevations,
      - (i) All ROD projects shall be governed by an approved Concept Plan.Upon approval of the Concept Plan, individual pods of the redevelopment project may be undertaken thru the county's normal plan and plat review process. ROD projects may be constructed as a single phase, or may be constructed in multiple phases, in accordance with the approved Concept Plan.

## 11. Use limitations.

- a. In order to encourage pedestrian oriented mixed use development, traditional lot by lot restrictions such as minimum lot sizes and setbacks shall not apply. Rather, all projects must be consistent with the concept plan, as approved by the board of commissioners.
- b. Minimum acreage of five acres. Smaller tracts may be considered appropriate if within 200 feet of existing or proposed redevelopment project, within the designated redevelopment corridors.
- c. Design of entire project must be consistent with section 427 of the Cobb County development standards (urban design standards) as may be amended from time to time.
- d. Building height to be designed to provide compatibility with adjacent uses. Building orientation towards the public street with emphasis on pedestrian entrances and orientation.
- e. Development/redevelopment proposals must demonstrate a mixture of residential and non-residential land uses. At least 20 percent of the proposal's land uses must be non-residential. Higher residential densities should be located adjacent to or within close proximity to interstate highways and interchanges.
- f. Loading and service areas should be located within the interior of the project, or screened through the use of building elements, opaque walls or fences.
- g. Proposed setbacks should create a contiguous and consistent building edge along a public sidewalk (which exists or is proposed).
- h. Surface parking should be minimized by the use of a parking deck that is designed to resemble a building, or surface parking is located parallel to local streets to enhance pedestrian safety.
- i. Public plazas should be integrally connected to the proposal by pedestrian zones including porches, covered awnings, sidewalk cafes, storefront shops and street furniture.
- j. Public plazas should include a significant community gathering place such as a stage, garden, monument or educational feature.
- k. If transit service is available, transit stop should be integrally connected to the proposal by pedestrian zones including porches, covered awnings, sidewalk cafes, storefront shops and street furniture.
- l. If BRT service is available, BRT station should be integrally connected to the proposal by pedestrian zones including porches, covered awnings, sidewalk cafes, storefront shops and street furniture.

m. In a mixed-use scenario, ten percent of the proposed residential units must be designed as "workforce" housing. For the purpose of this section, "workforce" housing shall mean units intended for occupancy (rental or ownership) by household earnings no more than 80 percent of the Atlanta Metropolitan Statistical Area's (MSA) median household income, as may be adjusted from time to time.

n. Development/redevelopment proposals must comply with the administrative standards of the Cobb County tree preservation and replacement ordinance. These standards may be reduced up to ten percent (RDF-replacement density factor) if xeriscaping is implemented.

o. Development/redevelopment proposals must include a property owner's association with bylaws or covenants containing the following minimum provisions:

1. Governance of the association by the Georgia Property Owner's Association Act (O.C.G.A. 44-3-220 et seq.) or a successor to that Act that grants lien right to the association for maintenance expenses and tax obligations.
2. Responsibility for maintenance of common areas, buffers and recreation areas.
3. Responsibility for insurance and taxes.
4. Automatic compulsory membership of all property owner and subsequent lot purchasers and their successors; and compulsory assessments.
5. Conditions and timing of transferring control of the association from the developer to the property owners.
6. Guarantee that the association will not be dissolved without advance approval of the board of commissioners.
7. Restriction of time of commercial deliveries and dumpster pickup.

p. If there is a specific corridor plan, the provisions of the ROD cannot cause less restrictive criteria to apply to the corridor plan, if the corridor plan has criteria that are more restrictive. (Ord. of 1-24-06)