

2018 CODE AMENDMENTS

Official Code of Cobb County Part I. - Chapters 2, 50, 54, 58, 122 & 134

Package III
Approved Code Amendments
Strikethrough Version

Board of Commissioners Work Session
September 24, 2018 – 1:30 pm

Board of Commissioners Public Hearing Dates
September 25, 2018 – 7:00 pm
October 23, 2018 – 7:00 pm

Planning Commission Public Hearing Date
October 2, 2018 – 9:00 am

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PART 1. – OFFICIAL CODE OF COBB COUNTY, GA

Chapter 2 - ADMINISTRATION

ARTICLE V. – ECONOMIC DEVELOPMENT

Sec. 2-180. - Film permit.

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- (b) *Purpose.* This section, including its subsections, has been enacted based upon a recognized need for rules and procedures to govern the issuance of permits for filming activities on public property within unincorporated Cobb County or on any property owned by Cobb County. Film permits are issued to cover the cost for marketing the county as a potential film location, coordination with the state on specific film initiatives, providing assistance to film location scouts, administering the film permit process, and to cover the cost of services provided by the county at specific film locations.

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Chapter 50 - ENVIRONMENT

ARTICLE II. - CHATTAHOOCHEE RIVER CORRIDOR TRIBUTARY PROTECTION AREA

DIVISION 2. – LAND DISTURBANCE PERMIT

Sec. 50-52. - Violation.

In additional to the penalties identified in Section 50-78, individuals that violate this Article shall have a stop work order issued until recompense is installed for the protection area violation, such as replanting or other similar work, as determined by the county arborist. Additionally, the contractor who violated the protection area will not be able to obtain additional permits with Cobb County until recompense has occurred on the site where the violation has occurred.

Chapter 54 – FIRE PREVENTION AND PROTECTION

ARTICLE III. – FIRE SAFETY STANDARDS

Sec. 54.54.2 Operational Permits.

- (a) Any exposition, special event or parade shall be permitted in accordance with adopted codes and standards.
- (b) Carnivals and fairs shall be permitted in accordance with adopted codes and standards.

Chapter 58 - FLOODS

ARTICLE II. - FLOOD DAMAGE PREVENTION

DIVISION 1. - GENERALLY

Sec. 58-26. - Definitions.

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Building means any ~~See “structure”~~ structure built for support, shelter or enclosure for any occupancy or storage.

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Lowest floor means the lowest floor of the lowest enclosed area, including basement, crawlspace, or enclosure. 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 article.

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Sec. 58-32. - Lands to which this article applies.

This article shall apply to all ~~areas of special flood hazard in~~ unincorporated areas of the county and within the jurisdiction of the county ~~i.e. floodplain and floodprone areas as defined herein at or below the base flood elevation or the future conditions flood elevation, whichever is more restrictive (including A, AO, AH, AE, AI 30, or A 99 on the FIRM),~~ and all new or substantial improvement residential units, all subdivisions, nonresidential structures, manufactured home, recreational vehicles, and utilities located within these areas. In addition, all streams with a drainage area of 100 acres or more may have an area of special flood hazard.

No structure or land shall be located, used, occupied, developed, erected, extended, converted, reconstructed, moved or structurally altered without full compliance with the terms of this article and other applicable regulations or ordinances.

DIVISION 4. - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 58-70. - General standards.

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(b) Building standards for structures and buildings within the future-conditions floodplain.

(1) Residential buildings.

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b. Substantial improvement of any principal structure or manufactured home shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 58-66, 58-67, and 58-69 have been met. ~~If all the requirements of sections 58-66, 58-67, and 58-69 have been met, all substantial improvements shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 58-70(a)(5), "elevated buildings."~~

(2) Nonresidential buildings.

a. New construction. New construction of principal non-residential structures including ~~manufactured homes~~ shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 58-66, 58-67 and 58-69 have been met. ~~New construction (excluding manufactured homes) that has met~~ If all of the requirements of sections 58-66, and 58-67 and 58-69 have been met, all new construction shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 50-70(a)(5). New construction that has met all of the requirements of sections 58-66, 58-67, and 58-69 may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the

provisions above, and shall provide such certification to the director using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

- b. Substantial improvement of any principal non-residential structures shall not be allowed within the limits of the future conditions floodplain unless all requirements of sections 58-66, 58-67, and 58-69 have been met. If all of the requirements of sections 58-66, 58-67 and 58-69 have been met, all substantial improvements shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 50-70(a)(5). Substantial improvement that has met all of the requirements of sections 58-66, 58-67, and 58-69 ~~may structure located in zone A, zone AE, or AH zones, may be authorized by the director to be floodproofed in lieu of elevation.~~ The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher~~st~~, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A ~~registered~~ licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the director using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

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Chapter 122 - UTILITIES

ARTICLE II. - WATER AND WASTEWATER SYSTEMS

DIVISION 2. ENFORCEMENT

Sec. 122-41. - Violations.

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- (b) *Discharge violations.* Any violation of the wastewater discharge prohibitions set forth in section 122-181 or violations of the conditions contained in a discharge permit issued by the county pursuant to section 122-184 shall be ~~classified as major or minor as defined herein and~~ enforced as follows:

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Chapter 134 – ZONING

ARTICLE I. – IN GENERAL

Sec. 134-1. - Definitions.

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Eating and drinking establishment means any public place, including establishments referred to as a "sports bar," 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 20 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. A restaurant shall have 50 percent or more of its total annual gross sales of food and alcoholic beverage from the sale of prepared meals or food. Brewpubs as defined

by the Georgia Department of Revenue are also allowed under the definition of eating and drinking establishments.

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ARTICLE IV. – DISTRICT REGULATIONS

Sec. 134-206. - RM-12 residential multifamily district.

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- (3) *Permitted uses.* Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

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Single-family dwelling units (attached), ~~not to exceed five units to the acre.~~

Single-family dwelling units (detached), ~~not to exceed five units to the acre.~~

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- (4) *Lot size and setback requirements.* Lot size and setback requirements are as follows:

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MINIMUM BUILDING SETBACK REQUIREMENTS FOR RM-12 DISTRICT

Note: All setbacks shall be measured from future right-of-way. Setbacks for single-family attached and detached units are described in Section 134-206 (12).

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- (12) *Use limitations.*

- a. There shall be a maximum of 12 units per acre; however, the overall density of a development may be reduced due to topography, drainage, deforestation or sediment and erosion concerns.
- b. Where single-family attached and detached dwelling units are proposed to be constructed in areas zoned RM-12, the minimum house size shall be 950 square feet ~~and the minimum lot size for individual lots shall be 7,000 square feet. Setbacks applicable to the RA-5 zoning district (for detached residences) set forth in this chapter shall apply. When townhomes constructed to replace existing/demolished multifamily dwelling units are to be constructed in areas zoned RM-12, the minimum house size shall be 950 square feet and the applicable regulations within this chapter shall apply.~~
- c. For single-family detached dwelling in areas zoned RM-12 the following shall apply:
 1. A 20-foot perimeter building setback must be provided to all adjacent residentially zoned properties. This perimeter setback may include required buffers.
 2. A 20-foot setback shall be required adjacent to any public roadway. Units including rear entry garages may reduce the fifteen foot (15') front setback to zero feet (0').
 3. A minimum setback of 5 feet between buildings. Building less than five feet (5') from the property line shall include necessary fire separation requirements outlined in the International Building Code or Residential Building Code, as applicable.
 4. When the distance between buildings is less than ten feet (10'), all utilities meters, cable/internet boxes, air conditioning units, and other similar items shall be to the rear of the structure.
 5. Maximum building height of 35 feet.
 6. Any RM-12 attached or detached development shall be subject to the site plan submitted to and approved by the board of commissioners.
 7. Minimum setbacks may be increased by the board of commissioners based on existing conditions such as tract size, topographic conditions, or any other conditions on a case by

case basis in order to provide compatibility with adjacent uses during site plan/zoning approval.

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Sec. 134-217. - PVC planned village community district.

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(13)*Use limitations.* A PVC development shall meet at the minimum the following:

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- c. A PVC shall require twenty-five (25) ~~50~~ contiguous acres.