

2019 CODE AMENDMENTS

Official Code of Cobb County Part I. - Chapters 2, 6, 10, 58, 86, 90, 118, & 134

Package I

Version I - distributed on January 3, 2019

Board of Commissioners Work Session
January 21, 2019 – 1:30 pm

Board of Commissioners Public Hearing Dates
January 22, 2019 – 7:00 pm
February 26, 2019 – 7:00 pm

Planning Commission Public Hearing Date
February 5, 2019 – 9:00 am

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PART 1. – OFFICIAL CODE OF COBB COUNTY, GA

CHAPTER 2 – ADMINISTRATION

ARTICLE II. – BOARD OF COMMISSIONERS

DIVISION 2. – CODE OF ETHICS

Subdivision 1. – In General

Section 2-41 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-41. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agency means any entity which the county board of ethics board determines is subject to the legislative authority of the county with respect to the ethics code.

Board of ethics or ethics board means the county board of ethics board established pursuant to this division.

...

Public officer or officer or official means the members of the board of commissioners and their appointees to all boards, commissions and authorities, except the board of ethics board; provided, however, that only the members of the board of commissioners shall be subject to the financial disclosure and reporting requirements of subsection (b) of section 2-48 of the Ethics Code.

...

Section 2-45 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-45. - Compliance with applicable law.

No officer shall engage in any activity or transaction that is prohibited by law, now existing or hereafter enacted, which is applicable to the officer him by virtue of that person's his office. Other provisions of law or regulations relating to this division shall apply when any provisions of this division shall conflict with the laws of the state or the United States. The laws of the state or the United States shall apply when this division is silent.

Section 2-46 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-46. - Impartiality.

...

(b) Officers must not use their positions to induce, coerce or influence a person or employee, including subordinates, in a way that would provide any benefits, financial or otherwise, to themselves or to other individuals or to any for-profit organization of which they are a member. Notwithstanding the above, an officer may not vote upon any matter involving any organization of which the officer is a member, except boards or authorities on which the officer serves by virtue of holding his or her elected office or by appointment of the board of commissioners or the governor or an agency of the state.

Section 2-47 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-47. - Abstention to avoid conflicts of interest.

...

(b) Except as otherwise provided by law, no officer shall, in such capacity, participate in the discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any item before the officer him in which the officer has a conflict of interest as defined above.

(c) To avoid the appearance of impropriety, if any officer has a conflict of interest or has an interest that the officer he has reason to believe either violates this code of ethics or may affect the officer's his official acts or actions in any matter, the officer shall immediately leave the meeting room,

except that if the matter is being considered at a public meeting, the officer may remain in the area of the room occupied by the general public. In the event of such conflict of interest, the officer shall leave ~~the officer's his or her~~ regular seat as a member of the board, and not return to it until deliberation and action on the matter is completed. Nothing herein shall require the officer to leave while action is taken for any item for which the officer has a conflict of interest which is contained on a "consent agenda" and upon which there is no deliberation provided the officer's conflict has been disclosed and the officer abstains from voting on the item on the "consent agenda."

Section 2-50 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-50. - Incompatible employment.

No officer shall engage in or accept employment with or render services for any private business or professional activity when such employment is adverse to and incompatible with the proper discharge of ~~the officer's his~~ official duties. The prohibition of this section shall not apply to:

...

Section 2-51 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-51. - Interests and contracts involving officers.

- (a) During the officer's term, no officer shall acquire a property interest in any contract or transaction if a reasonable basis exists that such an interest will be affected directly by ~~the officer's his~~ official act or action or by official acts or actions of the county or otherwise constitute a violation of section 2-52.
- (b) No officer and no business in which an officer has an interest shall enter into any contract with the County involving services or property. Provided that such is disclosed to all parties involved, the prohibitions of this section shall not apply in the case of: ~~The county shall not enter into any contract involving services or property with an officer or with a business in which the officer has an interest.~~

...

Section 2-53 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-53. - Solicitation or acceptance of gifts.

- (a) Except as provided in this division, no ~~officer~~official, ~~either for himself or for any member of his immediate family, or for any other person,~~ may knowingly solicit, receive benefit from, accept or agree to accept any gratuity, gift, loan, favor, promise or thing of value for ~~the officer himself,~~ any other person or any member of the immediate family of such ~~officer~~official. In addition, it shall also be a violation of this ethics code for any gift as defined in this division to be received by any such person as specified in this section if:
 - (1) It tends to influence ~~the officer~~ him in the discharge of official duties or gives a reasonable basis for the impression of improper influence over him in the discharge of official duties; or
 - (2) The ~~officer~~ official has financial interest which may be substantially and materially affected, by performance or nonperformance of ~~that officer's his~~ official duties.
- (b) Unless impartiality and independence of judgment of the ~~officer~~official would be compromised, this section shall not apply to the following:
 - (6) Reasonable expenses of food, travel, lodging and scheduled entertainment of the ~~officer~~ official for a meeting which is given in return for participation in a panel or speaking engagement at the meeting.

...

- (7) Courtesy tickets or free admission extended to an officer ~~elected official~~ for an event as a courtesy or for ceremonial purposes.
- (8) Gifts from relatives or members of the officer's ~~his~~ household.

...

Section 2-55 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-55. - Disclosure to avoid appearance of partiality.

If a matter should come before the board in which an officer or an immediate relative does not have a financial, fiduciary, corporate or employment interest such as requires abstention as provided by section 2-47, but in which the officer in good faith determines that the officer's ~~his~~ professional representative/client has such an interest and which the officer in good faith believes could create an impression of partiality, such professional relationship should be disclosed by the officer prior to the officer's participating in any discussion or official action with respect to the matter.

Subdivision 2. – Board of Ethics

Section 2-65 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-65. - Created; composition.

There is hereby created a seven-member board of ethics, which shall consist of the following members:

- (1) One appointee of the Cobb County Board of Commissioners ~~Bar Association~~.
- (2) One appointee of the Cobb County Sheriff ~~homeowners' associations from commissioner districts two and three of the county~~.
- (3) One appointee of the Cobb County Solicitor General ~~homeowners' associations from commissioner districts one and four of the county~~.
- (4) One appointee of the Chief Judge of the Cobb County Magistrate Court ~~county board of elections and registration~~.
- (5) One appointee of the Chief Judge of the Cobb County Probate Court ~~board of commissioners~~.
- (6) One appointee of the Cobb County Tax Commissioner. ~~county employees~~.
- (7) One appointee of the Clerk of the Cobb County State Court. ~~civil service board of the county~~.

Section 2-66 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-66. - ~~Reserved Homeowners' association; procedure for appointment.~~

~~(a) In order to participate in the appointment of the members of the board as set forth in section 2-65, a homeowners' association must be a legally constituted homeowners' association representing no fewer than 25 residential parcels or housing units, or an "umbrella" organization comprised of at least five member homeowners associations.~~

~~(b) Prior to the expiration of the term or upon vacancy occurring in a position to be appointed by the homeowners' associations, public notice of the vacancy shall be provided by the filing clerk. A meeting shall be called and conducted by the chairman of the ethics board (or vice chairman in the event the chairman's position is vacant or the chairman is an appointee of homeowners associations), or that person's designee. The notice shall be published once a week for three weeks in the legal organ; and said notice shall notify the public of a public meeting to be held for the purpose of selecting the homeowners' associations representative to the board of ethics. Each homeowners' association shall be authorized to appear at the meeting to nominate and vote for the appropriate representative to the board of ethics. Each homeowners' association shall have one vote and the representative shall be selected by a majority of the votes of the homeowners' associations present and voting.~~

Section 2-67 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-67. - Terms; vacancies; quorum.

- (a) Each member of the board of ethics shall serve concurrently with and at the pleasure of that member's appointing official.
- (b) Subject to sub-section (a), Members of the board of ethics shall each serve a term of four years, without compensation, with a limit of two consecutive full terms per member, per position. Term limits shall become effective upon completion of the current term for each position. Additionally, those members having served two or more consecutive full terms shall not be eligible for reappointment to the Board of Ethics.
- (c) Any vacancy in the membership of the board of ethics shall be filled for the unexpired term in the same manner as the original appointment. If any vacancies occur, the remaining board members shall at that time choose an alternate member mutually agreed upon to temporarily serve until the position is permanently filled as provided in this division. Vacancies shall be filled by immediately requesting a an appointee nominee from the association entity or officeholder or group that originally appointed nominated the terminated board member.
- (d) Any five (5) members of the board of ethics shall constitute a quorum for a meeting. If a quorum is not present at the time of a scheduled meeting, after a reasonable period of time to allow for excusable delay, the board of ethics shall reschedule the meeting, providing time for proper public notice of same.

Section 2-69 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-69. - Removal of member.

The appointing authority/officeholder may remove its appointee, with or without cause, in accordance with Sec. 2-67(a). In addition, should the board of commissioners believe a member of the board of ethics has demonstrated neglect of duty, misconduct in office, conduct bringing disrepute upon the board of ethics, a situation or condition rendering the member unable to discharge the powers and duties of the office as specified in this division, or engaged in political activity in violation of section 2-74, the board of commissioners may make a recommendation to the appointing authority/officeholder for removal. is unable to discharge the powers and duties of the office specified in this division, The board of commissioners may remove a member of the board of ethics on the grounds of neglect of duty, misconduct in office, a disability situation or condition rendering the member unable to discharge the powers and duties of the office as specified in this division, or engagement in political activity in violation of section 2-74. Before initiating the removal of a member from the board of ethics, the board of commissioners shall give the member written notice of the reason for the intended action, and the member shall have an opportunity to reply. Thereafter, the board of commissioners shall afford such member an opportunity for a hearing.

Section 2-70 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-70. - Organization.

- (a) Members of the board of ethics shall not be compensated.
- (b) The board of ethics board shall elect one of its members to act as chairperson for a term of one year, or until a successor is duly elected. At the same time, the board of ethics board shall elect one of its members to act as vice-chairperson for the same term and to act for the chairperson in his-the chairperson's absence. because of disqualification or vacancy. If the office of chairperson or vice-chairperson is vacated in any manner before the expiration of the term, the board of ethics board shall elect a temporary successor. It shall elect a permanent chairperson or vice-chairperson only after any vacancy on the board of ethics board is filled.

- (c) ~~There shall be a~~ No regularly scheduled monthly or bimonthly meetings of the board of ethics ~~are required~~ ~~board~~. By majority vote, or by call of the chair~~person~~~~man~~, the board of ethics ~~board~~ may call a special meeting, if necessary. The board of ethics ~~board~~ shall have semi-annual meetings in May and October in the public hearing room utilized by the board of commissioners. All meetings of the board of ethics shall be open to the public, duly publicized as required by state law, and televised by TV 23, including those portions of meetings devoted to deliberation.

Section 2-71 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-71. - Staffing and expense.

The board of ethics shall be provided sufficient meeting space, staff and other supportive services to carry out its duties required under this division. The clerk of the board of commissioners shall serve as the filing clerk for the board of ethics and shall be authorized to receive all filings before the board of ethics, and to publish notices of all board of ethics ~~board~~ meetings and elections upon request of the board of ethics chair~~person~~~~man~~. The board of ethics ~~board~~ filing clerk shall not be required to serve as the recording clerk for the board of ethics.

Section 2-73 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-73. - Adherence to ethics code; disqualification of member.

The board of ethics and its attorney shall be governed by and subject to this division, except as to any requirements related to financial disclosure. If a member of the board of ethics has a conflict of interest or must disqualify him/herself under this ethics code or by law, the matter will be heard by the remaining members of the board of ethics, provided a quorum is present., ~~the remaining members shall at that time choose an alternate person mutually agreed upon to hear that matter.~~

Section 2-74 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-74. - Prohibition against political activity.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Member of the board of ethics* means an individual appointed to serve as ~~who occupies the position of~~ a member of the board of ethics ~~or a prospective member of the board of ethics.~~

...

- (b) *Permissible activities.* All members of the board of ethics are free to engage in political activity to the widest extent consistent with the restrictions imposed in this division. Each member of the board of ethics retains the right to:

...

(10) Otherwise participate fully in public affairs in a manner which does not materially compromise the member's ~~his~~ efficiency or integrity as a member of the board of ethics or the neutrality, efficiency or integrity of the board of ethics.

...

Section 2-77 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-77. - Advisory opinions.

The board of ethics shall render an advisory opinion based on a real or hypothetical set of circumstances when requested in writing by any officer subject to the provisions of this division, and it shall be a responsibility of the board of ethics for the interpretation of this division. Such advisory opinion shall be rendered pursuant only to a written request, fully setting forth the circumstances to be

reviewed by the board of ethics board. The proceedings of the board of ethics board pursuant to this section shall be held in public, as provided by Sec. 2-70(c) and Ga. law, and the opinions of the board of ethics board shall be made available to the public to examine ~~and for the press to publish.~~

Section 2-78 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-78. - Complaints.

The board of ethics shall be responsible for hearing and deciding any complaints filed regarding alleged violation of code sections 2-45 through 2-56 ~~this division~~ by any person. The following procedure shall be followed when filing a complaint:

...

- (2) A complaint must be filed within six months of the date the alleged violation is said to have occurred, or in case of concealment or nondisclosure within six months of the date the alleged violation should have been discovered after due diligence. As a threshold matter, prior to any other review of a complaint, the board of ethics shall dismiss a complaint which is untimely filed.
- (3) Subsequent to establishing the complaint has been timely filed, ~~in~~ the event the board of ethics board makes an initial determination that a complaint is technically deficient, the board of ethics shall submit a list of deficiencies to the complainant and offer the complainant the opportunity to correct the deficiencies within seven days prior to the board of ethics' board's investigatory review of the complaint.
- (4) Upon receipt of a complaint alleging misconduct, the public officer a the commissioner against whom the complaint was filed may reply to the complaint within 30 days, unless such time for reply is shortened or extended by the board of ethics board. The Such commissioner's public officer's response must be supported by affidavits based on personal knowledge, must set forth such facts as would be admissible in evidence, and must show affirmatively that the affiant is competent to testify to the matters stated therein. All documents referred to in an affidavit(s) should be attached to the affidavit(s).
- (5) Within 60 days of receipt of a complaint, the board of ethics board shall conduct an investigatory review to determine whether specific substantiated evidence from a credible source(s) exists to support a reasonable belief that there has been a violation of this division. If, after reviewing the complaint the board of ethics board by majority vote determines that no specific, substantiated evidence from a credible source(s) exists to support a reasonable belief that there has been a violation of this division or determines that no violation occurred, it may dismiss the complaint. In the event a complaint is dismissed on the basis of a deficiency in the form of the complaint, rather than upon the merits of the complaint, the complaint may be re-filed within 15 days of said dismissal if the deficiency in the form and pleading has been cured.
- (6) If the board of ethics board determines that specific, substantiated evidence from a credible source(s) exists to support a reasonable belief that there has been a violation of this division, certified written notice of a hearing, containing the time, date and place of such hearing, shall be given to each party by the board of ethics board, and a formal public hearing shall be conducted and both parties afforded an opportunity to be heard. Any formal public hearing shall be conducted in accordance with the requirements of due process. The board of ethics is authorized to swear witnesses. Any final determination resulting from the hearing shall include findings of fact and conclusions of law. The board of ethics shall determine if clear and convincing evidence shows any violation of this Code.
- (7) Nothing in this division shall be construed to limit or encumber the right of the board of ethics to initiate an investigation on its own cognizance as it deems necessary to fulfill its obligations under this division.

ARTICLE V. – ECONOMIC DEVELOPMENT

Section 2-167 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-167. - Division of economic development established; duties.

...

(b) The division of economic development shall have the following duties:

...

(6) Advise the district commissioner and seek the concurrence of the county manager, ~~district commissioner,~~ and chairman of the board of commissioners to extend ~~formal~~ conditional offers of incentives in accordance with this article.

Section 2-170 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-170. - Small business and new start incentives program.

...

(c) *Incentives.* Companies eligible for small business and new start incentives program may be eligible for a reduction of some or all of the following:

...

~~(7) Water systems incentives such as: water rates, flexible payment of sewer development fees, and reduction of sewer development fees, as reviewed by the water systems and approved by the county manager.~~

Section 2-171 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-171. - Business retention incentives program.

...

(c) *Incentives.* Companies eligible for business retention incentive program may be eligible for a reduction of some or all of the following:

...

~~(4) Water systems incentives such as: water rates, flexible payment of sewer development fees, and reduction of sewer development fees~~ Flexible payment of system development fees as reviewed by the water systems and approved by the county manager;

...

Section 2-172 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-172. - Targeted industry incentive program.

...

(c) *Incentives.* Companies eligible for targeted industry incentive program may be eligible for a reduction of some or all of the following:

...

~~(3) Water systems incentives such as: water rates, flexible payment of sewer development fees, and reduction of sewer development fees~~ Flexible payment of system development fees as reviewed by the water systems and approved by the county manager;

...

Section 2-173 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-173. - Special economic impact incentives program.

...

(c) *Incentives.* Companies eligible for special economic impact incentive program may be eligible for a reduction of some or all of the following:

...

(3) ~~Water systems incentives such as: water rates, flexible payment of sewer development fees, and reduction of sewer development fees.~~ Flexible payment of system development fees as reviewed by the water systems and approved by the county manager;

...

Chapter 6 – ALCOHOLIC BEVERAGES

ARTICLE I. – IN GENERAL

Section 6-1 of the Official Code of Cobb County, is amended to read as follows:

Section 6.1. - Definitions

...

Closed function means an event sponsored by a nonprofit organization not open to the general public which must have a written, limited guest list prepared at least 48 hours in advance of the date on which the closed function is to occur, and which occurs at the Cobb Civic Center, Jim R. Miller Park, East Cobb Park, Mable House Complex, the Cobb County Safety Village, Cobb County International Airport, Sewell Mill Library and Cultural Center, Hyde Farm, Stout Park, county community centers, senior facilities, or county art centers/theatres which are managed by the parks, recreation and cultural affairs department. No pay-at-the-door guests or drop-ins are to be permitted. Alcoholic beverages may be served without charge and consumed at closed functions, but the offer and sale of alcoholic beverages at such functions is prohibited, unless authorized in 6-184 and 6-185; except that a general admission fee permitting attendance at the closed function may be collected in advance.

...

Section 6-6 of the Official Code of Cobb County, is amended to read as follows:

Sec. 6-6. - Prohibited activities.

(a) *On school grounds; in parks.* No alcoholic beverage shall be sold, possessed or consumed by any person in any school building or on any school grounds. No alcoholic beverages shall be sold, possessed or consumed by any person in any county park except:

- (1) At a closed function as defined in this chapter and only at the locations specified in the definition; or
- (2) At any golf course facility owned, leased, or operated by the county or a board of commission of the county; or
- (3) ~~At the Mable House Amphitheater (beer and wine only) may be possessed, sold by a vendor licensed as provided in this chapter and consumed by persons 21 years of age or older during concerts and performing arts events, other than events which are primarily for children or are events at which the lessee or performer requests that the possession, sale, or consumption of alcohol be prohibited. An event that is primarily for children is an event that is so designated by the county department of parks, recreation and cultural affairs.~~ As authorized in section 6-184 of this Chapter.

[Section 90-53](#) shall permit the sale of alcoholic beverages consistent with this section.

- (b) *In vehicles.* It shall be unlawful for any person to consume while driving or operating any vehicle on any public road or street any alcoholic beverage in any open or unsealed original container or cup, can, bottle or other open or unsealed container.

ARTICLE IV. – OPERATING REGULATIONS FOR LICENSED ESTABLISHMENTS

DIVISION 1. – GENERALLY

The Official Code of Cobb County, Georgia, is amended by adding Section 6-184, to read as follows:

Section 6-184. – Requirements for the sale of alcoholic beverages at public facilities.

- (a) When a public facility, or a portion of a public facility, is rented to a private entity or individual and is not open to the general public, the private event occurring at the public facility may sell alcoholic beverages to its private party function participants. Alcoholic beverages shall not be removed from the public facility premises by the participants. Entities involved in the sale of alcohol at said private events shall be an alcoholic beverage caterer as described in section 6-180 and the caterer shall obtain a special event permit as defined in section 6-181.
- (b) Events at Jim R. Miller Park, Cobb County Civic Center, Jennie T Anderson Theatre, or the Mable House Barnes Amphitheatre may sell alcoholic beverages in areas that are open to the general public, but have been designated as adult concession areas on a plan that shall be approved by the parks and recreation director and the county manager. Areas designated as adult concession areas must have clearly defined entrance signage for adults only (and minors within their care who will not be served alcohol beverages) to include methods for verifying identification. No alcoholic beverages sold or dispensed in areas designated as adult concession areas may be removed from the facility. All operations and personnel associated with serving alcoholic beverages within adult concession areas must be in compliance with all applicable provisions of this Code. An entity wishing to sell alcohol at Jim R. Miller Park, Cobb County Civic Center, Jennie T Anderson Theatre, or the Mable House Barnes Amphitheatre shall be an alcoholic beverage caterer as described in section 6-180 and the caterer shall obtain a special event permit as defined in section 6-181.

Secs. ~~6-184-185~~—6-190. - Reserved

DIVISION 4. – HOURS OF OPERATION

Section 6-222 of the Official Code of Cobb County, is amended to read as follows:

Sec. 6-222. - Sundays.

A Sunday sales permit is required for the sale of alcoholic beverages on Sundays. The following conditions are applicable to such sales:

...

- (2) Alcoholic beverages may be sold and served for consumption on the premises on Sundays from ~~12:30 p.m.~~ 11:00 a.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food, and in any licensed establishment which derives at least 50 percent of its total annual gross revenues from the rental of rooms for overnight lodging; and must qualify as a restaurant or hotel with a valid unlimited health permit. ...

Chapter 10 – ANIMALS

ARTICLE III. – RABIES CONTROL

Section 10-96 of the Official Code of Cobb County, is amended to read as follows:

Sec. 10-96. - Rabies inoculation, tag requirement for dogs, cats and ferrets.

...

- (b) All dogs, cats and ferrets shall be vaccinated by three (3) ~~four~~ months of age and revaccinated as recommended by the current Compendium of Animal Rabies or a licensed veterinarian according to the type of vaccine and the duration of its effectiveness.

Chapter 58 – FLOODS

ARTICLE II. – FLOOD DAMAGE PREVENTION

DIVISION 1. - GENERALLY

Section 58-32 of the Official Code of Cobb County, is amended to read as follows:

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

...

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.

No land shall be used, occupied, developed, converted, or altered without full compliance with the terms of this article and other applicable regulations or ordinances.

CHAPTER 86 – OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. – IN GENERAL

DIVISION 1. - GENERALLY

Section 86-2 of the Official Code of Cobb County, is amended to read as follows:

Sec. 86-2. – Disorderly conduct.

...

- (h) No person shall congregate with another or others, or cause others to congregate, in or on any public way or place so as to halt or impede the flow of vehicular or pedestrian traffic after having been directed to clear such public way or place when ordered by the county police.

The Official Code of Cobb County, Georgia, is amended by adding Section 86-12, to read as follows:

Sec. 86-12. – Pedestrian Bridges.

(a) For the purpose of this section, a pedestrian bridge is defined as, an elevated structure designed for the use of pedestrians as a thoroughfare. The term pedestrian bridge includes all attached stairs, ramps, spans, aprons, landings, approach structures, parapets, and structural walls.

(b) On any pedestrian bridge where an official sign prohibits standing or stopping, no person shall stop or stand or cause any person to stop or stand as to obstruct the flow of pedestrian traffic.

CHAPTER 90 – PARKS AND RECREATION

ARTICLE III. – PARK RULES

DIVISION 1. - GENERALLY

Section 90-53 of the Official Code of Cobb County, is amended to read as follows:

Sec. 90-53. - Alcoholic beverages.

No alcoholic beverages shall be sold, possessed or consumed by any person upon the premises of any county park, ~~except as allowed in Chapter 6. at the Mable House Barnes Amphitheatre (beer and wine only) as provided in section 6-6(a)(3) and at a closed function as defined in chapter 6 of this Code and only at the locations specified in such section.~~

Chapter 134 – ZONING

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

DIVISION 4. – REZONING OR LAND USE PERMIT APPLICATIONS

Section 134-121 of the Official Code of Cobb County, is amended to read as follows:

Sec. 134-121. - Generally.

(a) Applications for rezoning. An application for a zoning change affecting any property or properties may be initiated by the owner of real property, an applicant with the consent of the owner of real property, or the board of commissioners (each may be referred to as “applicant” throughout the rest of this division).

(1) For applicant or owner initiated rezoning applications, the process set forth should be followed.

(2) For a county initiated rezoning, the board of commissioners shall adopt a resolution authorizing staff to prepare an application and submit it for consideration following the procedures in this Division, where applicable. The Community Development Agency shall notify all impacted property owners of the potential rezoning application in writing via certified mail, return receipt requested, no less than fifteen days prior to the board of commissioners’ consideration of the resolution authorizing staff to prepare and submit an application for a county initiated rezoning.

(b) ~~Prerequisites for processing; contents~~ Rezoning applications. Prior to processing of any application for rezoning or a land use permit from an applicant or owner, ~~the applicant shall be required to file documentation~~ an application containing the following documentation shall be filed and the follow following certain procedures as set forth in this section shall be followed. ~~The applicant shall be required to file an application with the zoning division containing the following:~~

...

ARTICLE V. – SUPPLEMENTAL REGULATIONS

Section 134-275.1 of the Official Code of Cobb County, is amended to read as follows:

Sec. 134-275.1. - Military airport hazard district.

...

(4) Permitted uses.

1. Three primary determinants are used in promoting compatibility between the airfield and nearby areas: accident potential to land users, aircraft noise, and hazards to operations from land uses (height, obstructions, etc.). The military airport hazard district establishes use restrictions, recommended noise reduction measures, and height limitations as necessary to produce compatible land uses in each of these three areas: Clear zones, Accident Potential Zone I, Accident Potential Zone II. No development in an accident potential zone shall be approved unless in accordance with the requirements of this section, including the land use compatibility standards chart; however existing adjoining uses, historical uses, and height may be taken into account when making decisions on land use cases before the Board of Commissioners.

...

Section 134-287 of the Official Code of Cobb County, is amended to read as follows:

Sec 134-287. – Donation drop boxes

(NOTE – WE NEED TO ADD THE LEGAL CHANGES TO THE DONATION DROP BOX ORDINANCE HERE)

The Official Code of Cobb County, Georgia, is amended by adding Section 134-289, to read as follows:

Sec 134-289. - Mableton Parkway/Veterans Memorial Highway Design Overlay District

(a). General Procedures

1. Intent

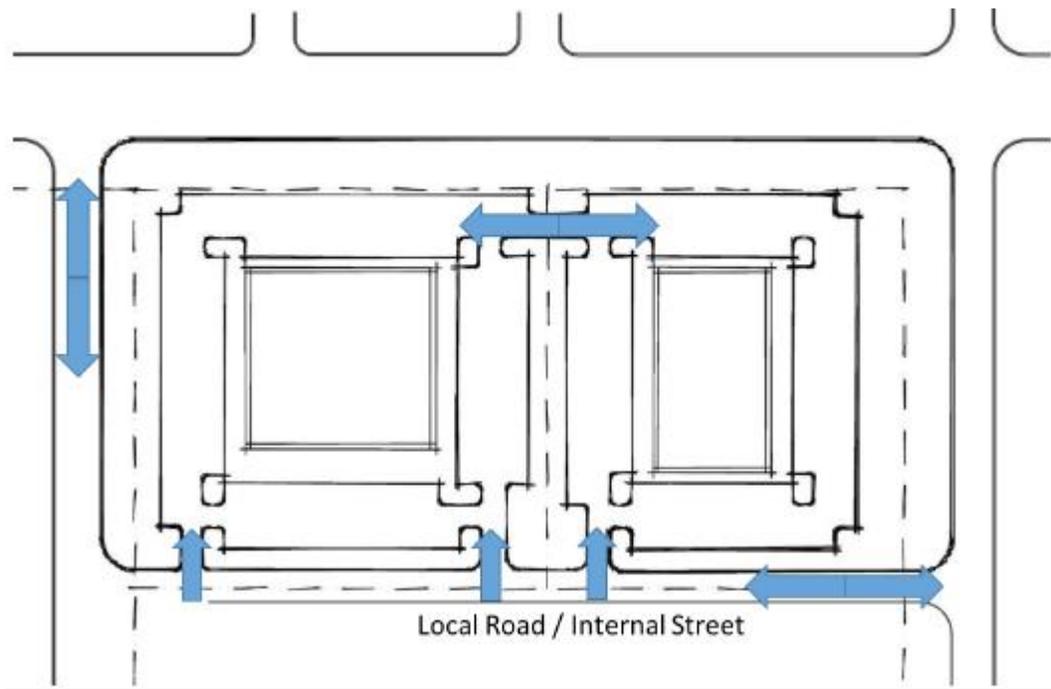
Mableton Parkway and Veterans Memorial Highway are two key thoroughfares in southern Cobb County. Both roads carry significant volumes of commuter vehicular traffic, and both contain multiple nodes of commercial activity and associated land uses. Over time, both corridors have seen a decline in their respective commercial markets. Additionally, more residential development, both single-family and multi-family, have moved into the general area. The purpose and intent of this Section is to enable and encourage the implementation of the *Design Guidelines for Mableton Parkway and Veterans Memorial Highway* (as adopted January 23, 2018) as depicted and expressly limited to the boundaries shown on Table (PLACEHOLDER). The following policies further clarify the intent for this Section:

- a. Affected Areas – The Overlay District covers the following areas:
 - i. Parcels with frontage along Mableton Parkway, from Veterans Memorial Highway to the Cobb/Fulton County line at the Chattahoochee River
 - ii. Parcels with frontage along Veterans Memorial Highway, from Austell Road/Maxham Road to the Cobb/Fulton County line at the Chattahoochee River
 - iii. Nodes – There are two types of development nodes along each of the two corridors
 - (1) Centers: focused development/redevelopment within a ½-mile radius around three intersections (identified in the Design Guidelines document)
 - (2) Villages: focused development/redevelopment within a ¼-mile radius around five intersections (identified in the Design Guidelines document)
2. Applicability – Design standards shall apply to each of the following aspects of building construction and site development:
 - a. Public Right-of-Way
 - b. Corridor Frontage Zone (applicable to uses that are not single-family residential in nature)
 - c. Landscaping
 - d. Signage – The following standards shall supplement the existing regulations outlined in Chapter 134, Article VI of this Code of Ordinances
 - i. Monument-based ground signs shall be constructed of durable materials that match those used in the facade of the primary structure(s) within a development; additionally, the use of materials on monument-based signage and the primary structure(s) shall be equally proportioned
 - ii. Within a development, all signage shall be consistent in style for each tenant
 - iii. For multi-tenant developments, signage for each tenant shall be limited to ten percent (10%) of the total window area per tenant space
 - iv. Reflective films or coating on windows, including mirrored glass, shall be prohibited
 - e. Street Furniture
 - f. Walls and Screening (excluding fencing)
 - g. Fencing
3. Architectural Standards
 - a. New buildings shall be constructed of predominantly brick, in combination with at least two of the following materials:
 - i. Additional brick (on primary façade, brick must be contrasted utilizing a varying shade of color or varied pattern of orientation)
 - ii. Stone

- iii. Stucco
 - b. Burglar bars, steel gates, metal awnings, and steel roll-down curtains are prohibited
 - c. Buildings with a façade greater than 100 feet in length (measured horizontally) shall incorporate recesses or projections having a depth of at least three percent (3%) of the length of the façade, and span at least twenty percent (20%) of the facade. No uninterrupted length of any façade shall exceed 100 feet horizontally
 - d. Ground floor facades that face public streets shall have arcades, display windows, entry areas, non-metal awnings, or other similar features along at least fifty percent (50%) of its length
 - e. Multi-tenant buildings shall include the following:
 - i. Recessed windows that include sills, shutters, or other similar framing/bordering
 - ii. Individual entrances that are delineated by non-metal awnings, columns, canopies or porticoes, arches, or other similar features
 - iii. Facades that consist of a repeating pattern through changes in color, texture and/or materials. At least one of these elements must repeat along the length of the façade at an interval of (PLACEHOLDER)
 - iv. Expression of architectural or structural bay through a change in plane no less than twelve inches (12") in width
 - f. Roof Lines
 - i. Buildings consisting of less than 5,000 square feet shall have a pitched roof with a minimum pitch of four and one half inches (4.5") of vertical elevation for every one foot (1') of horizontal run, except as otherwise provided herein. Roof shall be pitched with gables, dormer and other similar treatments
 - ii. Commercial building styles without a pitched roof shall have a detailed parapet and cornice
 - iii. All roofing materials shall be of a consistent style and pattern. Pitched roofs shall be finished in either architectural or dimensional shingles. Standing seam metal roofs are also permitted. Roofing consisting of reflective metal material is prohibited
 - iv. Roofing materials for pitched or mansard roofs shall be limited to the following:
 - (1) Metal standing seam of red, green, dark gray or silver in natural shades (no bright or pastel colors)
 - (2) Tile, slate or stone
 - (3) Shingles with a slate, tile or metal appearance
 - (4) Architectural shingles
4. Access Management
- a. Access shall exist between and among all adjoining commercial properties via internal access networks (see Figure 1 below). Such access shall be accomplished by the granting of an access easement as described in this subsection to each adjoining property. The purpose of the easement is to facilitate access not only between businesses, but also to provide connections to secondary streets and signalized intersections. The benefit of such access is reduced traffic congestion and enhanced traffic flow and safety on Mableton Parkway and Veterans Memorial Highway
 - i. Access easements: The recorded easements shall permit automobile access between adjacent, commercial properties intended for tenant or customer use. Respective parking areas may be restricted to use by the individual owner. The granting of such easement shall become effective only upon the granting of a reciprocal easement by the adjoining property owner. Consenting owners shall extend the pavement on their property to the point of access at the common property boundary

- ii. Relief: Whenever the adjoining land use would create a documented adverse impact on the property to which the easement requirement would pertain, and such adverse impact outweighs the benefit of the resulting reduced impact on the public street, the Cobb County Board of Commissioners may waive the requirement for such access
- b. Consolidation of driveways shall occur when owners of properties on which new buildings or substantial renovation of existing buildings occurs, and when said substantial renovation includes resurfacing of parking areas. Access points which exist on the property in excess of two (2) such locations for every two hundred (200) feet of frontage should be eliminated. Any access points so eliminated shall be replaced by landscaped areas and parking areas, as appropriate. For the purposes of this subsection, the term “substantial renovation” shall be defined as renovation exceeding fifty percent (50%) of the assessed value of the improvement

Figure 1 – Access Management



The Official Code of Cobb County, Georgia, is amended by adding Section 134-290, to read as follows:

Sec 134.290 - University Overlay District

(a) General Procedures

- (1) Purpose and Intent – The purpose of the University Overlay District (UOD) is to promote high-density development/redevelopment in the area near the Kennesaw State University main campus, to provide a mechanism for the creation of a livable, pedestrian friendly environment. Additionally, this district is intended to protect the character of the predominantly single-family residential neighborhoods adjacent to the district. Collectively, the intent is to promote building

and site design that will result in development which instills a sense of community, ownership, and safety to encourage the continuous use and renovation of said development.

- a. Affected Areas – The boundaries of the UOD are depicted on the map labeled Figure (PLACEHOLDER) and depicted in the Comprehensive Plan. The map may can be amended from time-to-time, by the board of commissioners.
- b. Applicability – Within the boundaries of the UOD, the standards outlined within this section shall apply to:
 1. All new building construction that includes, wholly or in-part, multi-family housing
 2. Renovation or expansion of multi-family housing structures exceeding 50% of the assessed value of the structure(s)
 3. Non-Conformity – All existing buildings that are not in conformance with the requirements of the underlying zoning district or the UOD at the time of adoption shall be governed by Sec. 134.31 – Nonconforming uses.

(b) Application Procedure

- (1) Applications for the UOD in which proposed (1) use conforms with the existing underlying zoning shall be accepted by the zoning division office. The filing fee for UOD shall be same as a standard zoning entitlement fee.
- (2) Submittal – Items for submittal to the zoning division upon initial filing of an application shall include:
 1. A current plot plan and boundary survey;
 2. The architect, engineer, or designer's name, address, and telephone number;
 3. Scale of plan and north arrow;
 4. Street address of site and vicinity map showing the relationship of the site to the surrounding area;
 5. Existing land lot(s), property lines, public right-of-way, dedications, and easements;
 6. Locations of existing and proposed structures, driveways, walks, recreation facilities, pools, amenities and any other nonpermeable entities;
 7. Delineation of floodplain and wetland areas;
 8. Locations of any known cemeteries or historic sites;
 9. Delineation and description of ground cover types and locations of specimen trees as defined in the county tree ordinance;
 10. Preliminary grading plan showing limits of grading, tree save areas, open space areas and other features to be excluded from land disturbance activities;
 11. Narrative site analysis describing how the objectives of the UOD will be achieved; and
 12. Preliminary layout utilizing existing and proposed zoning district and future land use designation.
- (3) Rezoning Applications – When an application for the UOD is filed in conjunction with an application for rezoning, it shall be processed in accordance with the procedures for all county rezoning applications, including all requisite posting and public hearing requirements.

(c) Review Criteria

- (1) Sites shall be designed to accommodate on-site parking for at least one vehicle for each bed.
- (2) Sites shall be designed with lighting that does not spill over into abutting properties and is the minimum to provide security for residents of multi-family housing developments.

- (3) Buildings and sites shall be designed to minimize the transfer of noise by the use of noise absorbing/blocking material such as rough surface building facades, site fencing and vegetation.
- (4) Minimum tract size shall be the greater of that required by the underlying zone or for accommodating the density prescribed or for the Future Land Use category in which the site is located.
- (5) No portion of floodplain, wetland area, cemetery or impervious community area (pools, clubhouses, tennis courts and parking facilities) may be used in calculating density.
- (6) Minimum pavement width on interior streets shall be 24 feet (from back-of-curb to back-of-curb).
- (7) Mass grading of the project tract is discouraged, unless being done to facilitate the clustering of buildings and parking away from abutting lower intensity development.
- (8) Pedestrian easements shall be a minimum of 15 feet wide and provided when necessary to allow access to common areas for all residents. Easements shall be signed as access points.
- (9) To enhance site security, applicants shall be required to establish fencing that is compatible with the architecture/landscaping/design of the structures within the development to discourage non-residents from entering private areas of buildings and sites.
- (10) To enhance building security, applicants shall be required to develop a security plan explaining the utilization of equipment, personnel, barriers, coordination with local law enforcement agencies.
- (11) A 10-foot landscape buffer shall be provided on any exterior property line that abuts an existing single-family residential subdivision. The buffer shall be natural, but may need to be enhanced with additional landscaping to provide sufficient screening between the new development and the existing neighborhood.
- (12) In areas where adjoining neighborhood lots back up to multi-family development within the UOD, a minimum 50-foot setback shall be required from the lot line to all buildings within the development.
- (13) Floodplain and wetlands preservation requirements – Any development must meet all county, state and federal requirements relating to floodplains and wetlands. The board of commissioners encourages preservation of wetland areas.
- (14) Projects within the Town Center Community Improvement District (TCCID) – When located within the TCCID, projects shall conform to the TCCID design guidelines to the extent that they do not conflict with the standards contained in this section. When the two conflict, this code shall supersede the TCCID design guidelines.

To encourage the use of alternative forms of transportation, sites shall provide secure bicycle storage, and be within one-half mile of bus service provided either by an institute of higher education or by the county, or in lieu thereof, provide shuttle service to a bus stop of either provider that offers service to an institute of higher education without the necessity of a transfer.

Section 134-~~289~~291 – 134-310. - Reserved

ARTICLE VI. – SIGNS

Section 134-312 of the Official Code of Cobb County, is amended to read as follows:

(d) It is the intent of the County that the content or message of a sign shall never be a factor in any County regulation of the sign. To any extent the text of this Article VI is intended to state or suggest that content should be a factor in determining whether a sign is to be permitted or allowed, that text is hereby overridden and such meaning is to be disregarded. County officials and staff shall not be allowed to consider sign content in any way. In the permitting of signs the County shall not inquire of the applicant what a sign will say or what message or content is to appear thereon. The message appearing on any existing sign may be changed without regard to content.