

2019 CODE AMENDMENTS

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

Package I (revised)
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Board of Commissioners Public Hearing Dates
May 28, 2019 – 7:00 pm
June 25, 2019 – 7:00 pm

Planning Commission Public Hearing Date
June 4, 2019 – 9:00 am

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Cobb County...Expect the Best!

PART 1. – OFFICIAL CODE OF COBB COUNTY, GA

CHAPTER 2 -- ADMINISTRATION

Article V. Economic Development

Section 2-166 of the Official Code of Cobb County, is amended to read as follows:

Sec. 2-166. - Definitions.

...

~~Economic impact requirement means that a target business shall generate sufficient governmental revenues to meet or exceed the net present value of incentives.~~

Fiscal impact shall mean any anticipated budgetary or other financial impact that may result from the proposed expenditure from the Cobb Business Innovation Grant Fund, decision, or undertaking related to an applicant seeking economic incentives from Cobb County.

Incentive period means a period of time, as determined by the division of economic development with the concurrence of the county manager and chairman of the board of commissioners or designee, to represent the period of time when the new jobs and ~~economic~~ fiscal impact requirements must be satisfied.

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

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

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Unless otherwise provided, no incentive shall be offered or made available to an eligible business for the targeted industry incentive program unless two of the following criteria are met:

- a. Add at least 25 new jobs;
- b. Pay an average salary at least 1.25 times the county average for that industry as determined by the state department of labor in the employment and wages annual report; or
- c. Have an estimated ~~economic impact~~ fiscal impact with a net present value of at least \$250,000.00 to the county during the incentive period.

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Chapter 6 – ALCOHOLIC BEVERAGES

ARTICLE I. – IN GENERAL

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

Section 6-1 of the alcohol ordinances.

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Food Hall means an area containing multiple Food Hall Cafes, as defined in this section that share a common area of seating and tables for their customers collectively, as provided in this section, within a building located in certain mixed-use developments identified in section 6-133

Food Hall Café means a restaurant located within a Food Hall. Although seating for a Food Hall Café may be shared with other Food Hall Cafes, the applicant can satisfy the minimum seating requirements for a restaurant by establishing that there are a sufficient number of total seats within its own premises and/or the common area of seating within the Food Hall such that each licensed café could independently meet the 20-seat requirement. This provision does not require seating to be contiguous or separately designated, but does require a sufficient amount of total seating to cover all establishments licensed as Food Hall Cafes within the Food Hall. A Food Hall Café may utilize one or more other Food Hall Cafes within the same food hall, by written agreement with any such other Food Hall Café, to satisfy the requirements of meal service and the alcohol/food sales ratio identified in section 6-1. In order to qualify for this inclusion, the other Food Hall Cafes must be (a) located in the same Food Hall as the Food Hall Café seeking to utilize the other Food Hall Café’s meal service and alcohol/food sales ratio; and (b) be available, open and prepared to serve food every hour that alcoholic beverages are offered for sale from any portion of the Food Hall premises.

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Sec. 6-130

(a) No license for the sale of alcoholic beverages by the drink shall be issued to any applicant who does not meet the requirements of a restaurant, food hall café, amusement park, hotel, or private club, lounge, bar, or nightclub as defined in this chapter.

Chapter 118 – TRAFFIC AND VEHICLES

ARTICLE VII. – BIKE SHARE INFRASTRUCTURE

DIVISION 1. – IN GENERAL

Chapter 118-350. – Purpose and intent

The purpose of this section is to establish a Bike Share permitting system in Cobb County for the general public by regulating the application, operation, and management of privately owned bike sharing rental services for use on Cobb County right-of-way, guiding the bicyclists’ behaviors in riding and parking, and specifying the allowable areas (operating zones) for bike sharing activities. Nothing in this chapter shall be construed in any way to abrogate or limit the immunities and protections provided to the County by the Constitution and laws, rules and regulations of the State of Georgia.

Chapter 118-351. – Definitions

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

Bike Sharing Rental Program (Program) means a system funded, managed and operated by one or more Bike Share Operators that provides the general public with non-electric and/or electric bikes that can be rented on a short-term basis from locations on both private and public property including the public right-of-way;

Bike Share Operator (Operator) means a private entity that owns, manages and operates a bike sharing rental service;

County means Cobb County;

Customer means a customer who rents and rides a shared bike from a Bike Share Operator;

Department means Cobb County Department of Transportation

Dockless Bike means a shared bike that does not require a fixed facility in the bike rental process;

Fleet means the total amount of shareable bikes for an Operator;

Furniture Zone means the section of the sidewalk between the curb and the through zone in which street furniture and amenities, such as landscape strips, benches, and signs are provided;

Kiosk means a structure containing self-service payment bikes located at a station at which bikes are rented;

Bike Share Station License means a license issued by the Department which allows for installation of self-service bike rental stations on county property;

Lock-to Bike Share Parking means parking which requires that shareable bikes be locked to a fixed object for permanent parking. Cobb County requires the lock-to-bike parking for all shareable bikes;

Operating Zone means the areas designated by the County that allow shareable bikes. The operating zone is based on the existing trails, greenways, Community Improvement Districts, and other bike-friendly areas. The Department reserves the right to make any changes to the operating zone;

Permanent Parking means parking when customers stop using and end the rental of the bikes, or parking when operators distribute or rebalance the bikes, or any parking longer than 60 minutes;

Bike Share Operating Permit (Permit) means a bike share permit issued by the Department pursuant to this ordinance which allows a Bike Share Operator to operate a Bike Share Program within Cobb County operating zones;

Relocate/Rebalance means the activity of the operator collecting and redistributing the bikes to certain locations, generally for the purpose of avoiding having too many bikes in one location;

Removal means the activity of the Cobb County staff removing a bike from any location in the public right-of-way and public property where a bike is prohibited by any regulation;

Ride means a customer's riding activity from one place to another during a trip;

Shareable Bike (Bicycle, Bike) means a self-service rental bike provided by an operator in the bike sharing rental program;

Station means a self-service bike rental station in the right-of-way or on private property where bikes are made available for rental without the requirement that employees or attendants be present to accept rental payments from customers, rent bikes to customers, or receive returned bikes. A Station may include bike parking facilities (racks, posts, corrals), kiosks, information boards, and operator identification;

Station-based Bike means a bike which requires fixed facilities (e.g. station, kiosk, racks, corrals, or poles) in the bike rental process;

Sub-Operating Zone means a subdivision of the operating zone. The subdivision is based on the jurisdictions, subdivision of trails, and Community Improvement Districts. Currently, there are four sub-operating zones in unincorporated Cobb: Town Center, Atlanta Street, Silver Comet, and Cumberland. The Department reserves the right to make any change to the sub-operating zones;

Temporary Parking means parking during a user's rental trip. Temporary parking is greater than 10 minutes but less than 60 minutes;

Trails means the existing multiple-use paths, tracks, or lanes designated by Cobb County Greenways & Trails Masterplan;

Transit Zone means the section of the sidewalk located sixteen (16) feet and six (6) inches from a bus stop location;

Trip means the overall bike activity of a customer during a bike rental. A trip includes rides and temporary parking; and

User means a user of a shareable bike.

DIVISION 2. – APPLICATION

Chapter 118-352. – Application.

- (a) Operating a Bike Share rental service in Cobb County requires a Bike Share permit. Any company interested in obtaining a Bike Share permit shall annually submit an application to the Department. The application must include the following items:
- (1) Table listing all the Bike Share policies and the applicant's responses;
 - (2) Insurance documentation;
 - (3) Escrow account documentation;
 - (4) Images and description of device, facility, and mobile application;
 - (5) Proposal of bike stations and kiosks, if there are any, including number of, height, size, locations and design;
 - (6) Size of fleet at launch, including any planned fleet expansions in the following 6 months;
 - (7) Plan for educating users on proper riding, parking, and operation;
 - (8) Plan for encouraging compliance with state and local law; and
 - (9) Staffing and operations plan.
- (b) If the application meets all the requirements, operators will need to submit the items below prior to issuance of the permit.
- (1) Proof of receiving a Cobb County business license;
 - (2) Indemnification agreement; and
 - (3) Bike Share Station license application for each station.
- (c) Permit requirements may be adjusted yearly to accommodate changing technology, needs, and priorities.

Chapter 118-353. – Escrow Account

- (a) Operators shall provide a payment of \$25 per bike into an escrow account, with a cap of \$10,000. The form of the escrow account shall be approved by the County. These funds shall be accessible to the County for future public property repair and maintenance costs that may be incurred for removing and storing bikes improperly parked, or if a company is not present to remove bikes if the license is terminated. If an operator increases the size of their fleet, the payment in escrow account shall be adjusted appropriately before deploying additional bikes.
- (b) Any fees arising from the need for removal by the County from any location where a bike is prohibited under this section shall equal the County crews' hourly rate plus fifty percent (50%).

DIVISION 3. – OPERATING REQUIREMENTS

Chapter 118-354. – Liability and insurance

- (a) All operators shall agree to utilize the licensed area for stations in the bike sharing rental program at its sole risk and expense and to release Cobb County expressly and specifically from any responsibility or obligation for damage to the operator's improvements resulting or occurring from the use of the right-of-way of Cobb County. The operator agrees to indemnify and hold the County, its Board of Commissioners, in both an individual and representative capacity, its agents, employees and representatives harmless from and against any and all claims, suits, damages, property damage, personal injuries or damage including death, judgements, causes of action, liens, costs and legal expenses including attorney's fees resulting from or alleged to have resulted from the installation, and/or existence, and/or maintenance operation or any other aspect of the operation and use of the stations and the bikes.

- (b) All operators shall procure and maintain, at their sole cost and expense, with an insurance company rated not less than "A", and authorized to do business in the State of Georgia, the following types of insurance:
- (1) Commercial General Liability Insurance: \$1,000,000.00 single limit per occurrence, \$2,000,000.00 in the aggregate for bodily injury, personal injury and property damage including products/completed operations coverage, and naming Cobb County, its officers, agents, and employees as an additional insured.
 - (2) Automobile Liability Insurance: \$ 1,000,000.00 combined single limit per occurrence for bodily injury and property damage.
 - (3) Workers' Compensation and Employer's Liability Insurance: Workers' Compensation limits as required by the laws of the State of Georgia and Employer's Liability limits of \$500,000.00 per accident, and naming Cobb County, its officers, agents, and employees as an additional insured.
- (C) Operators shall provide certificates of insurance and endorsements evidencing that these coverages shall not be cancelled by Operator or Insurer without at least thirty (30) days written notice to the Department, except ten (10) days' notice for non-payment of premium.
- (d) At any time, upon the County's request, Operator shall cause to be timely furnished a copy of declarations pages and schedules of forms and endorsements
- (d) Failure to maintain insurance shall be cause for revocation of permit.

Chapter 118-355. – Right-of-way

- (a) Operators must acquire a Bike Share Station License from the County for the installation of each station in the public right-of-way.
- (b) All operators must comply with all local, state, and federal laws.
- (c) All fixed objects installed by the Operators shall not be placed in a way that impedes the regular flow of travel in the public right-of-way, in a way that impedes the five (5) feet passing areas on the sidewalk for ADA compliance, or in a way that obstructs intersection or driveway sight lines.
- (d) All fixed objects installed by the Operators shall conform to the AASHTO Roadside Design Guide for clear zone requirements.
- (e) Use of the licensed area for bike stations and/or bike parking racks shall not interfere with the County's use of that right-of-way or with any other facilities or utility lines installed therein. If utility lines must be relocated for installation (subject to approval by the County), all costs related to relocation of said utilities shall be at the Operator's expense.
- (f) The County shall retain the right to utilize the licensed area for roadway, trail or utility purposes without compensation to operators for any improvements situated thereon should the licensed area be necessary for public roadway, trail or utility improvements.
- (g) Use of the public right-of-way and public properties in the bike sharing rental program shall in no way affect the validity of the County's title to such property, shall not in any way constitute the conveyance of any interest compensatory or otherwise in the subject real property, and shall in no way modify or restrict the use of rights of the County, in and to the subject property to be used by the operators as outlined herein.

Chapter 118-356. – Safety

- (a) All bikes used in the bike sharing rental program shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bikes.
- (b) Any electric bikes used in bike sharing rental program shall meet the National Highway Traffic Safety Administrations (NHTSA) definition of low-speed electric bikes, and shall be subject to the same safety

and speed requirements as non-electric bikes, including but not limited to travel at a top motor-powered speed of less than 20 miles per hour.

- (c) All bikes used in the bike sharing rental program must comply with all applicable Georgia and local laws, including but not limited to the Uniform Rules of the Road requirements set out in Title 40 of the Official Code of Georgia pertaining to front and rear lights, bell, and reflectors requirements including the requirement that every bike shall be equipped with a front light which shall emit a white light visible from a distance of 300 feet and a rear light which shall emit a red light visible from a distance of 300 feet.
- (d) Each bike shall be equipped with a locking mechanism and/or smart technology equipment to prevent theft, as well as GPS tracking to track ridership data, owned and provided by the operator.
- (e) All non-electric bikes shall have visible language that notifies the user that:
 - (1) The user shall yield to pedestrians at all times;
 - (2) The user shall not ride while under the influence of alcohol or drugs;
 - (3) Wearing a helmet while riding is encouraged.

All electric bikes shall have visible language that notifies the users of (1) and (2), and (3) shall be replaced by the following:

- (1) Wearing a helmet while riding is required.
- (a) All operators shall provide a mechanism for customers to notify the company that there is a safety or maintenance issue with any bike.
- (b) All bikes shall be used within the operating zone. The operating zone will be posted on a county GIS website. The operating zone will be updated every 6 months by the Department, or as needed.
- (c) All operators shall provide a mechanism to inform the users about the operating zone and remind the users when riding out of the operating zone.
- (d) Users of bikes in the bike sharing rental program must be 18 years old or older.
- (e) The County is not responsible for educating users regarding helmet requirements and other laws. Neither is the County responsible for educating users on how to ride or operate a bike. Permitted operators agree to educate users regarding laws applicable to riding and operating a bike in the County and to instruct users to wear helmets and otherwise comply with applicable laws.

Chapter 118-357. – Parking

- (a) For station-based operators, stations should be located primarily within the public right-of-way and the trails. Stations may also be located on other public property, including parks, parking lots/garages, events venues, etc., or be located on private property, provided that the property owner contractually agrees to allow 24/7 public access to the Bike Share station. The operators must work with the County to identify the desired area(s) and station(s) spacing for each implementation phase, including ongoing system refinement.
- (b) For permanent parking, lock-to bike share parking is required. Bikes must be parked in the parking stations operated by the same operator, with use of that operator’s parking racks, corrals, poles, or other designated parking areas for bikes.
- (c) For temporary parking, bikes shall be parked in the areas and locations designated by section 118-357(b), or may be parked in the furniture area of the sidewalk or trail.
- (d) Restrictions to eligible bike parking zones on sidewalks:
 - (1) Bikes shall not be parked at the corners of sidewalks or the trails.

- (2) Bikes shall not be parked in a way that impedes the regular flow of travel in the public way, or in a way that impedes the 5 feet clearance area on sidewalks needed for ADA compliance.
- (3) Bikes shall not be parked in a buffer zone between a road and the sidewalk or trail if the zone is less than five feet wide
- (4) Bikes shall not be parked on the improved surface of a multi-use trail
- (5) Bikes shall not be parked in transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bike parking facilities
- (6) Bikes shall not be parked in loading zones
- (7) Bikes shall not be parked in disabled parking zones
- (8) Bikes shall not be parked in any street furniture zone that requires pedestrian access to benches, parking pay stations, bus shelters, transit information signs, etc.
- (9) Bikes shall not be parked in curb ramps
- (10) Bikes shall not be parked in entryways
- (11) Bikes shall not be parked in driveways
- (12) Bikes shall not be parked in front of a fire hydrant or within a fire lane
- (e) Bikes shall be upright when parked. Bikes can only be parked on hard surfaces within the landscape/furniture zone.
- (f) The Department retains the right to create geo-fenced stations within certain areas where bikes shall be parked.
- (g) All permitted operators shall provide, on every bike, contact information for bike relocation requests.
- (h) All operators shall educate users regarding the bike parking regulations with information at the station, on the bikes, or in the App.
- (i) Any bike that is parked incorrectly shall be re-parked in a correct manner or shall be removed by the operator based on these times:
 - (1) 6am to 6pm on weekdays, not including holidays - within four hours of receiving notice.
 - (2) All other times – within 15 hours of receiving notice.
- (f) Operator shall be responsible for reimbursing the County for all costs associated with removal.
- (g) Any bike that is parked in one location for more than 14 consecutive days without moving must be evaluated and/or moved by the operator. If the bike remains in one location after 14 days, it may be removed by the County and taken to a County location for storage at the expense of the operator.

Chapter 118-358. – Operations

- (a) All operators shall have a 24-hour customer service phone number for customers to report safety concerns, complaints, or ask questions.
- (b) All operators shall provide the County with a direct contact for local staff.
- (c) All operators shall relocate or rebalance bikes based on the following time periods:
 - (1) 6am to 6pm on weekdays, not including holidays - within four hours of receiving notice.
 - (2) All other times – within 15 hours of receiving notice.
- (d) Any inoperable bike, or any bike that is not safe to operate shall be removed from the right-of-way or public property within 24 hours of notice by any means to the operator by any individual or entity, and shall be repaired before putting the bike into revenue service.
- (e) Bike Share operators shall rebalance bikes to keep the minimum and maximum requirement for each sub-operating zone.
- (f) Operators shall provide a map on each station to inform customers of the operating zone.

- (g) All operators shall have a minimum bike fleet of 50 bikes.
- (h) The minimum fleet size of standard bikes for Town Center, Cumberland, and Silver Comet sub-operating zones is 5 bikes for each operator. The maximum fleet size of each sub-operating zone in unincorporated Cobb County is 150 bikes for each operator and 500 bikes for all operators in total.
- (i) For each operator, fleets in the unincorporated Cobb are limited to 100 bikes during the first month of the operation, 200 bikes during the second month of the operation, and 300 bikes during the third month of the operation. If there is a need to exceed the maximum amount of bikes, approval must be granted by the County.
- (j) Operators shall meet the minimum fleet size and the minimum fleet size for each sub-operating zone within four weeks of initial launch date and within four weeks of this article taking effect.
- (k) All applicants for the bike sharing rental program shall include the fleet size in their application. Operators shall notify the County if they plan to change their fleet size two weeks before deployment.
- (l) If the County incurs any costs addressing or abating any violations of these requirements, or incurs any costs of repair or maintenance of public property, upon receiving written notice of the County costs, the operator shall reimburse the County for such costs within thirty days.
- (m) All bikes and bike stations and/or kiosks shall contain identifying company information.
- (n) All bikes shall have a unique identification number.
- (o) Stations must not display third party advertising**
- (p) Operators shall attend an onsite meeting with the County staff to discuss the program and show a demonstration bike that will be deployed prior to permit approval if requested by the County.

Chapter 118-359. – Data share.

- (a) Operators shall provide Cobb County with data for the entire fleet located within the County which does not violate the users’ privacy.
- (b) The County may publish real-time bike availability data to the public.
- (c) All operators shall provide the following anonymized data for each trip record to inform and support safe and effective management of the bike share system, and for transportation planning efforts every six months. Data will be submitted to the County via an Application Programming Interface or by email to be distributed by the County.

For trips:

<u>Field name</u>	<u>Format</u>	<u>Description</u>
<u>Company Name</u>		
<u>Type of devices</u>		<u>e.g. 1 for standard bike, 2 for electric bike, 9 for others</u>
<u>Trip ID</u>		<u>e.g. 2-digit company ID+date+4-digit consecutive #</u>
<u>Trip duration</u>	<u>minutes</u>	
<u>Trip distance</u>	<u>feet</u>	
<u>Start date</u>	<u>MM,DD,YYY</u>	
<u>Start time</u>	<u>HH:MM:SS</u>	
<u>End date</u>	<u>MM,DD,YYY</u>	
<u>End time</u>	<u>HH:MM:SS</u>	
<u>Start X</u>	<u>Lon</u>	<u>decimal degree</u>

<u>Start Y</u>	<u>Lat</u>	<u>decimal degree</u>
<u>End X</u>	<u>Lon</u>	<u>decimal degree</u>
<u>End Y</u>	<u>Lat</u>	<u>decimal degree</u>
<u>Device ID</u>		<u>determined by company</u>

For rides in each trip

<u>Field name</u>	<u>Format</u>	<u>Description</u>
<u>Ride ID</u>		<u>e.g. Trip ID + 01 + 2-digit consecutive #</u>
<u>Ride duration</u>	<u>minutes</u>	
<u>Ride distance</u>	<u>feet</u>	
<u>Start time</u>	<u>HH:MM:SS</u>	
<u>End time</u>	<u>HH:MM:SS</u>	
<u>Start X</u>	<u>Lon</u>	<u>decimal degree</u>
<u>Start Y</u>	<u>Lat</u>	<u>decimal degree</u>
<u>End X</u>	<u>Lon</u>	<u>decimal degree</u>
<u>End Y</u>	<u>Lat</u>	<u>decimal degree</u>

For temporary parking in each trip

<u>Field name</u>	<u>Format</u>	<u>Description</u>
<u>Parking ID</u>		<u>e.g. Trip ID + 02 + 2-digit consecutive #</u>
<u>Ride duration</u>	<u>minutes</u>	
<u>Start time</u>	<u>HH:MM:SS</u>	
<u>End time</u>	<u>HH:MM:SS</u>	
<u>X</u>	<u>Lon</u>	<u>decimal degree</u>
<u>Y</u>	<u>Lat</u>	<u>decimal degree</u>

(d) All permitted operators will provide the following bike availability data for oversight of parking compliance and bike distribution by minutes.

<u>Field name</u>	<u>Format</u>
<u>Device ID</u>	
<u>Availability Duration</u>	<u>minutes</u>
<u>Availability Start Date</u>	<u>HH:MM:SS</u>
<u>Availability Start Date</u>	<u>HH:MM:SS</u>
<u>X</u>	<u>Lon</u>
<u>Y</u>	<u>Lat</u>

(e) All operators shall keep a record of maintenance activities, including but not limited to device identification number, maintenance time, and maintenance performed monthly.

- (f) All operators shall keep a record of reported collisions monthly.
- (g) All operators shall keep a record of discard, theft, and vandalism, including but not limited to device identification number and date monthly.
- (h) All operators shall send a report every six months to the County about the overall operations, including but not limited to aggregated system usage, a summary of bike distribution, a summary of customer comments, a summary of user breakdowns, and a summary of rebalance activities.
- (i) All operators shall be willing to distribute a customer survey, to be provided by the County, to all users annually.
- (j) All operators agree to the County using a third-party researcher. Data will be shared with the third-party researcher only for the purposes of evaluation and/or enforcement of the requirements in this ordinance.

Chapter 118-360. – Termination, Suspension and Revocation.

- (a) Cobb County may terminate the program and/or revoke any permit upon sixty (60) days certified written notice to the Operator.
- (b) Causes for suspension may include, but are not limited to, the following:
 - (1) The County may suspend an Operator’s permit if Operator fails to comply with a request from the County to remove a dockless bike or a request to rebalance dockless bikes issued within the specified time period
- (c) Causes for revocation may include, but are not limited to the following:
 - (1) Operator’s permit may be revoked if it is determined that Operator has made a false statement as to a material matter in the permit application
 - (2) Operator’s permit may be revoked if Operator has failed to maintain insurance as required
 - (3) Operator’s permit may be revoked if Operator has operated bikes that were not authorized by the permit
 - (4) Operator’s permit may be revoked if Operator has failed to pay any fee required in this ordinance
- (d) Upon revocation of any permit, Operator shall remove entire fleet of bikes and shall remove all bike stations and improvements and restore the bike station and kiosk areas to the condition in which they existed prior to installation within thirty (30) days of permit revocation. All property not removed at the County’s request shall become the County’s property at no cost or expense to the County.
- (e) After revocation of a bike share permit, an Operator is not eligible for another permit for a period of up to two years, depending on the severity of the violation resulting in the revocation.

CHAPTER 134 -- ZONING

Sec. 134-1. - Definitions.

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

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Sec. 134-1. - Definitions.

Purpose Built Student Housing means a multi-family residential development marketed to affiliates of an academic or professional college or university, or other recognized institution of higher learning. These developments are typically located near college campuses and offer amenities such as individual leases for each occupant, fully-furnished units, and residence life programs specific to college students.

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Sec. 134-37. - Special land use permits.

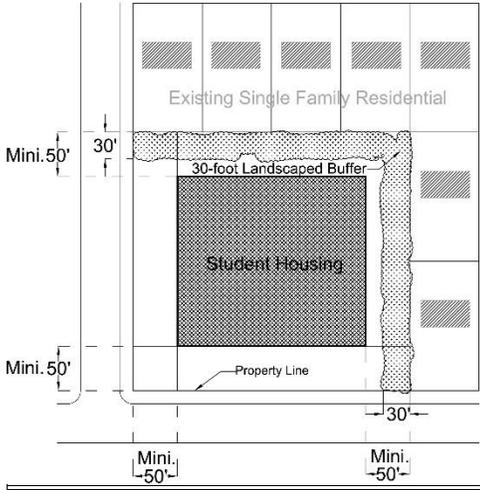
DIVISION 1. Generally

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(34) Purpose Built Student Housing

- a. Sites shall be located in areas under the Regional Activity Center (RAC), Community Activity Center (CAC), or High Density Residential (HDR) Future Land Use designations.
- b. Sites shall be designed to accommodate on-site parking for at least one (1) vehicle for each ~~unit bed~~. Additional parking shall be provided for visitors. Accommodation for rideshare pick up/drop off shall also be provided.
- c. Traffic impact study required per Sec. 134-121(a.)(8.) Traffic counts shall be within the last three years.
- d. 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.
- e. 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.
- f. Minimum tract size is 3 acres.
- ~~g. Maximum building height is 6 stories. When adjacent to single-family residential zoning districts, maximum building height is 3 stories.~~
- ~~h. Maximum impervious surface coverage: 70%~~
- i. No portion of floodplain, wetland area, or impervious community area (pools, clubhouses, tennis courts and parking facilities) may be used in calculating density.
- ~~j. If clearly defined parking lots or structures are provided, interior circulation driveways shall be 18 feet wide (from back of curb to back of curb).~~
- ~~k. Mass grading of the project tract is discouraged, unless being done to facilitate the clustering of buildings and parking away from adjacent, less-intense development.~~

- I. To enhance building/site security, applicants shall coordinate with local law enforcement to develop a security plan in accordance with the standards of Crime Prevention through Environmental Design (CPTED).
- m. A 30-foot landscaped buffer shall be provided on any exterior property line that abuts existing single-family residential uses. 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.



- ~~n. Structures associated with the use shall be located a minimum of 50 feet from any property line.~~
- o. 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.
- p. Density shall be calculated using equivalent apartment units rather than the actual number of units. There shall be 0.5 equivalent apartment units per bedroom.
- q. On-site management shall be required.

Sec. 134-206. - RM-12 residential multifamily district.
ARTICLE IV. District Regulations

...

(2) *Definitions.*

- e. *Purpose Built Student Housing* means a multi-family residential development marketed to affiliates of an academic or professional college or university, or other recognized institution of higher learning. These developments are typically located near college campuses and

offer amenities such as individual leases, fully-furnished units, and residence life programs specific to college students.

(3) *Permitted uses.*

Purpose built student housing (requires a Special Land Use Permit per Sec. 134-37(a)(34 a.- p-l.)).

...

Sec. 134-207. - RM-16 residential multifamily district.

ARTICLE IV. District Regulations

...

(2) *Definitions.*

e. *Purpose Built Student Housing* means a multi-family residential development marketed to affiliates of an academic or professional college or university, or other recognized institution of higher learning. These developments are typically located near college campuses and offer amenities such as individual leases, fully-furnished units, and residence life programs specific to college students.

(3) *Permitted uses.*

Purpose built student housing (requires a Special Land Use Permit per Sec. 134-37(a)(34 a.- p-l.)).

...

Sec. 134-216. - UVC urban village commercial district.

ARTICLE IV. District Regulations

...

(2) *Definitions.*

f. *Purpose Built Student Housing* means a multi-family residential development marketed to affiliates of an academic or professional college or university, or other recognized institution of higher learning. These developments are typically located near college campuses and offer amenities such as individual leases, fully-furnished units, and residence life programs specific to college students.

(3) *Permitted uses.*

...

Purpose built student housing (requires a Special Land Use Permit per Sec. 134-37(a)(34 a.- p-l.)).

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

ARTICLE IV. District Regulations

...

(2) *Definitions.*

- k. *Purpose Built Student Housing* means a multi-family residential development marketed to affiliates of an academic or professional college or university, or other recognized institution of higher learning. These developments are typically located near college campuses and offer amenities such as individual leases, fully-furnished units, and residence life programs specific to college students.

(3) *Permitted uses.*

...

Purpose built student housing (requires a Special Land Use Permit per Sec. 134-37(a)(34 a.- p l.)).

Sec. 134-228. - RRC regional retail commercial district.

ARTICLE IV. District Regulations

...

(2) *Definitions.*

- k. *Purpose Built Student Housing* means a multi-family residential development marketed to affiliates of an academic or professional college or university, or other recognized institution of higher learning. These developments are typically located near college campuses and offer amenities such as individual leases, fully-furnished units, and residence life programs specific to college students.

(3) *Permitted uses.*

...

Purpose built student housing (requires a Special Land Use Permit per Sec. 134-37(a)(34 a.- p l.)).

Sec. 134-287. – Unattended Donation Drop Boxes

ARTICLE V. Supplemental Regulations

The purpose of this chapter is to regulate the placement of unattended donation drop boxes within unincorporated areas of the county. The procedures and requirements of this chapter are intended to: promote the community's health, safety, and welfare by regulating unattended donation boxes for clothing or other salvageable personal property; ensure that unattended donation boxes do not pose a hazard to pedestrian and vehicular traffic; ensure that material is not allowed to accumulate outside of the unattended donation boxes where it can be scattered by adverse weather conditions, animal contacts

and human activities; and establish criteria that avoid attracting vermin, unsightliness, and public health hazards.

Definitions.

Donation drop boxes means any enclosed container or receptacle made of metal, steel, or a similar durable material and designed or intended for the donation and temporary storage of clothing or other materials.

Sec. 134-287.1. - Registration required; dates of issuance, expiration, response.

It shall be unlawful to erect, place, maintain or operate an unattended donation drop box (“UDDB”) without first registering with the community development agency and obtaining a registration sticker. UDDBs existing prior to February 23, 2016 that are relocated on any lot within unincorporated Cobb County shall register with the community development agency.

- (a) Registration of the UDDBs shall be accompanied by:
 - i. Physical location and parcel identification number of the proposed UDDB;
 - ii. Name of UDDB owner, physical address, contact name, phone number, email address (if applicable) and website address (if applicable);
 - iii. Name of property owner, physical address, contact name, phone number, email address (if applicable) and website address (if applicable);
 - iv. A statement by the property owner, lessee, or agent that the property owner, lessee, or agent owns or lawfully occupies the subject property and that the property owner, lessee, or agent has given permission in writing to operate a UDDB on the property owner’s lot, provided the UDDB owner or operator maintains a lawful county registration at all times to operate the UDDB. A duly authorized lessee or agent may provide the statement provided lessee’s or agent’s statement shall be under penalty of perjury that they have the authority to approve the UDDB placement. This shall not negate the property owner’s liability as provided in section 134-287.2.
 - v. Information identifying the organization(s) responsible for operation and maintenance of the UDDB including a physical address, contact name, phone number, email address (if applicable) and website (if applicable) for the organization(s).
 - vi. A site plan or drawing depicting the size (height, width, and length) and location of any and all donation drop boxes located on the property; and
 - vii. The registration shall be accompanied by the appropriate registration fee. This fee shall be set by a fee schedule adopted and approved by the county manager, as may be amended from time to time. The fee schedule for donation drop box registrations under this chapter shall be on file at the community development agency.
- (b) Upon receipt of a registration form that is complete and fulfills the requirements set forth in Section 134-287.1(a), the county shall examine and process the registration. An action by the county to approve or deny the registration shall be taken within 30 days. Any complete registration for which no action has been taken after 30 days or more shall be deemed to be approved.
- (c) If the registration is incomplete or fails to meet the requirements as set forth in Section 134-

287.1(a), the county shall notify the applicant of such deficiency within thirty (30) days of its submission.

- (d) Community Development's decision to deny a registration application may be appealed to the Board of Zoning Appeals in conformance with the process set forth in Section 134-95. Such appeal shall be taken within 30 days from the date of the final decision of the administrative officer, by filing with the county clerk a notice of appeal specifying the jurisdictional grounds for appeal; the decision being appealed; the relief desired; the reason(s) why such relief should be granted and the documents relative to the issues raised in the appeal. The county clerk shall forthwith transmit to the administrative officer whose decision is being appealed and the members of the board of zoning appeals the notice of appeal with all supporting documents received.
- (e) UDDBs not registered with the community development agency within the prescribed timeframe shall be removed at the expense of the property owner, and may be subject to enforcement and fines pursuant to section 134-287.7.
- (f) The registration of a UDDB shall be valid for a period of five three years after which the owner or operator of the UDDB shall be required to reregister with the county.

Sec. 134-287.2. – Responsibility and Liability of UDDB Owner, Operator and Property Owner

- (a) UDDBs shall not be placed on private property without the express permission from the property owner or duly authorized lessee or agent.
- (b) It shall be the responsibility of the UDDB owner, operator and the property owner identified in the registration application to comply with the provisions of this Section 134-287. Failure to comply shall constitute a violation of this section and shall subject the violator to the penalties provided herein.

Sec. 134-287.3. – Design of UDDB.

The maximum size for any UDDB shall be five feet in width by five feet in depth and seven feet in height. All UDDBs must be designed so that they are secured from unauthorized access.

Sec. 134-287.4. - Information and Label Requirement for UDDBs.

All UDDBs shall have the following clearly identified, in writing on the face of the box:

- (a) Specific items and materials requested for donation.
- (b) Information identifying the organization(s) responsible for the operation and maintenance of the donation drop box including a contact name, phone number, and website for the organization(s).
- (c) Statement that no items or materials may be left outside of the box
- (d) Statement that the box is not intended for refuse disposal and liquids are prohibited. Do not use for garbage, candy or food wrappers, drink bottles, etc.
- (e) In addition to the requirements above, the county issued registration sticker shall be affixed to the front face of the donation drop box.
- (f) Any additional information required by Georgia law as same may be amended from time to time.

Sec. 134-287.5. - Placement of UDDBs.

- (a) UDDBs shall not be allowed in any residential zoning district, except on properties for a place of worship allowed as a special exemption in section 134-271(4).
- (b) UDDBs are permitted only on properties where there is an active primary use.
- (c) UDDBs shall not be permitted on vacant lots or abandoned property.
- (d) UDDBs must be placed on a paved surface. The placement of the UDDBs must meet the minimum setback requirements for the lot and, if the setback is less, at least twenty (20) feet from any property line. Additionally, the boxes may not be placed in a location that would interfere with:
 - i. a fire lane;
 - ii. a loading zone;
 - iii. drive aisles;
 - iv. circulation areas;
 - v. ingress or egress from the property;
 - vi. any sidewalks;
 - vii. any "required" parking spaces such that the elimination of the parking space causes the on-site business to be in violation of the minimum required parking spaces for its zoning classification; or
 - viii. public or private rights-of-way.
- (e) UDDBs are not permitted to be located in a manner that obstructs visibility at intersections per the Cobb County Development Standards or at any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses.
- (f) When multiple UDDBs are located on an individual property, they must be adjacent to one another. When it is not feasible to place UDDBs adjacent to one another, then they must not be located within the same view shed.
- (g) The total allowable number of UDDBs depends on the size of the parcel on which the donation drop box is located with the following limitations:
 - i. Property equal to or less than one acre shall have a maximum of one donation drop box.
 - ii. Property greater than one acre shall allow one donation drop box per acre.

Sec. 134-287.6. - Management, Maintenance; Requirements.

The owner, lawful occupant, or operator must maintain the aesthetic presentation of each UDDB including fresh paint, readable signage and general upkeep. The owner or operator, as well as the property owner of the property, shall be responsible for maintaining the area around each UDDB so that is it free of litter, garbage, and any other undesirable material.

- (a) Each donation drop box must be regularly emptied of its contents so that it does not overflow.
- (b) All donated items must fit and be contained in the donation drop box. Donated items or materials shall not remain or be allowed outside of donation drop boxes and the areas around each box.
- (c) Removal of graffiti shall be within 48 hours following receipt of notice of its existence.
- (d) If the UDDB is damaged or vandalized, it shall be repaired, replaced or removed within five days of receipt of notice.
- (e) The owner, lawful occupant, or operator must provide the county and property owner or lawful

occupant a telephone number for requests to respond to UDDB maintenance complaints. The owner or operator must respond to complaints within 48 hours of receiving said complaint from the county by phone during regular business hours of 8:00 am through 5:00 pm, Monday through Friday. This response may be by phone and should include a time frame for resolving the complaint.

- (f) Failure to maintain the UDDB or the surrounding area may result in removal of the UDDB, at the expense of the owner, operator, or property owner and the prohibition of future UDDBs being allowed on the site for a period of five years.

Sec. 134-287.7. – Waiver as to Number of UDDBs.

A waiver of the total allowable size and number of UDDBs may be requested by submitting a letter to the community development director, or his/her designee, that demonstrates compliance with the following conditions:

- (a) The site is solely occupied by a public, educational, not-for-profit, or religious use or facility;
- (b) The UDDBs is otherwise in conformance with all other requirements of this section 134-287.

Sec. 134-287.8. - Violations and Penalties.

- (a) In addition to any other penalties or remedies authorized by law, if code enforcement personnel have reason to believe that a violation of any provision of this Section exists, a Notice of Violation shall be issued to the UDDB owner, operator and property owner and enforcement of this section shall proceed as set forth in Section 2-101 et seq.
- (b) If the UDDB owner, operator or property owner fails to correct the condition noted in the Notice of Violation, a citation shall issue and an arraignment shall be scheduled with the Cobb County Magistrate Court.
 - i. Upon the issuance of the first citation, the UDDB owner, operator, or property owner shall be required to provide a written plan to the community development agency director, or his or her designee, to ensure full compliance with the regulations contained in this section within five days. The UDDB owner, operator, or property owner shall be subject to a fine of up to \$100.00.
 - ii. Upon the issuance of a second citation within the preceding twelve-month period, the UDDB owner, operator, or property owner shall be required to show records and logs for compliance with all requirements of this section 134-287 and will be required to hire a private company to assist them in ongoing compliance with this section. The UDDB owner, operator, or property owner shall be subject to a fine of up to \$500.00.
 - iii. Upon the issuance of a third or any additional citation within the preceding twelve-month period, the UDDB owner, operator, or property owner shall be required to remove the UDDB from the property at the expense of the UDDB owner, operator, or property owner within 30 days of the citation. The UDDB owner, operator, and property owner shall be suspended from having a UDDB at this location for a period of five years and shall be suspended from operating any new donation drop boxes in unincorporated Cobb County for a period of five years. The UDDB owner, operator, or property owner shall be subject to a fine of up to \$1,000.00.

Sec. 134-287.9. - Liability; Protections.

The property owner may remove the UDDB from their property at any time regardless of a valid registration by the county, provided notice is given in conformance with Georgia law as same may be amended from time to time.