




COBB COUNTY MANAGER'S OFFICE

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Rob Hosack
County Manager

MEMORANDUM

TO: Board of Commissioners

FROM: Rob Hosack 

DATE: February 6, 2020

RE: Attached Draft Amendment Package I (Version 2)

Attached please find Version 2 of proposed amendments to the Cobb County Code. This version contains revisions based on feedback and input received via the first public hearing on the amendments that occurred on January 28, 2020.

The revised amendments contained in the version will be considered during our second public hearing on February 11, 2020 at 9:00 am; after which the Board of Commissioners may consider adopting the revisions and amendments.

A summary of the revisions contained in Version 2 is as follows:

Code Amendments Summary of Revisions

Sec. 10-1: Definitions

- The term Director was added. (Page 3)
- Definition of Feral Cat "That has no owner" was added to better clarify the meaning. (Page 3)

Sec. 10-11: Control of Animals

- The lease length was changed to "ten" feet. (Page 4)
- A clarification was added related to dogs participating in sporting, herding or agility competitions. (Page 4)

NOTE: If the Board decides to remove sec. 10-135 from consideration, pursuant to a pending motion, a number of the new definitions will no longer be necessary. Those definitions are as follows:

"Animal rescue organization," "private breeder," "broker," and "pet shop." (currently included on pages 2, 3, and 4 of the attached draft version 2). The proposed definition for "animal rescue organization" references "breeder" and "broker," and so if "breeder" and "broker" are coming out, we need to also take out "animal rescue organization."

Sec. 10-37: Fees

- The original change allowing for an assessed fee when pets were relinquished has been removed because CCAS can accept donations without an ordinance. (was previously on Page 5)

Sec. 54-55: Appeals of Decisions

- Make up of Appeals Board revised to mirror language in Section 109, Appendix A of the 2018 International Fire Code. (Page 9)

Sec. 90-63: Restricted or Prohibited Uses of Park Facilities

- The length of a leash/lead was changed from six feet to ten feet. (Page 17)
- "Except for Law enforcement personnel carrying out their duty" was added to the discharging of firearms in the parks. (Page 18)

Sec. 134-37: Limited Impact Professional Services

- After discussion with the sponsoring Commissioner, this section is being moved to Section 134-39 and will be a special exception, rather than a Special Use Permit. (Page 23)

Sec. 134-134: Exterior Building Surface Maintenance

- Added "roofs" per Planning Commission recommendations. (Page 24)

Sec. 134-213: NRC neighborhood retail commercial district

- Changed "secondhand store" to "consignment store" per BOC direction. (Page 24)

Sec. 134-272: Traffic and parking

- Removed "and the property is used for agricultural, equestrian or other farm type uses" per Planning Commission recommendation. (Page 25)
- Changed "gravel" to "non-hardened surface" per sponsoring Commissioner. (Page 25)
- Added "no vehicles shall be parked within 50 feet of the public right-of-way unless on a treated and hardened surface" per BOC direction. (Page 25)

Sec. 134-291: Short Term Rentals

- (a)2.- removed "or non-vacation type rental...". (Page 28)
- (c) removed definition for "Managing agency or agent" due to redundancy/interchangeability with "short term rental agent". (Page 28)
- (c) clarified that "owner" is "a person that holds legal and/or equitable title to private property, as shown on Cobb County tax records". (Page 28)
- (c) added "or persons" to "short term rental occupants" definition. (Page 28)
- (c) added "or agency" to short term rental agent definition to clarify that the agent may be an agency rather than an individual. (Page 28)
- (d) changed name of subsection to "Occupational tax certificate required" for clarity. (Page 28)
- (e) changed name of subsection to "Application for occupational tax certificate for short term rental" for clarity. (Page 29)
- (f)1.- removed requirement for short term rental agent to be over the age of 21. (Page 29)
- (f)2.- removed "vacation" and "property" for clarity. Changed response requirement for short term rental agent from 30 minutes to 1 hour. (Page 29)
- (f)3.- removed "property" for clarity. (Page 30)
- (g) removed "short term rental certificate" language and replaced with "occupational tax certificate for short term rental" (change was made throughout document for clarity. (Page 30)
- (h) added 1. and 2. to clarify that short term rentals are permitted in all R zoning districts and only permitted in residential structures with a valid certificate of occupancy. This eliminates tents, sheds, recreational vehicles, etc. from being used as a short term rental. (Page 30)
- (h)4.- changed allowable occupancy of short term rental to "one adult per 390 square feet, as shown on Cobb County tax records". (Page 30)

- (h)5. Added “or short term rental agent” to clarify that short term rental agent may be designated to maintain and inspect property in addition to the owner. (Page 31)
- (i)3. Changed “responsible person” to “short term rental occupant” to reflect language in the definitions section. (Page 31)

Note: Short-term rentals are being discussed at the General Assembly (HB 523). Given this information, it may be appropriate to hold this amendment for the time being.

The Planning Commission recommended on February 5 that the Board of Commissioners hold this amendment to consider limitations on where short-term rentals would be allowed and potential limitations on the allowable time that at home could be used as a short-term rental.

These proposed revisions have been distributed and posted in accordance with established procedures and will be posted again on the county’s web page.

Please feel free to contact subject matter expert staff members (cc’d on this memo) who have coordinated these proposed revisions. Have a great day.

Cc: Bill Rowling
Pam Mabry
Planning Commission
Randy Crider
Jessica Guinn
Jimmy Gisi
Michael Brantley

2020 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapters 2, 10, 18, 54, 66, 78, 90, and 134

Package I (version 2)
Draft Code Amendments
Strikethrough Version

Board of Commissioners Public Hearing Dates
January 28, 2020 – 7:00 pm
February 11, 2020 – 9:00 am

Cobb County Government
P. O. Box 649
Marietta, GA 30061
www.cobbcounty.org



Cobb County...Expect the Best!

PART 1. – OFFICIAL CODE OF COBB COUNTY, GEORGIA

CHAPTER 2 – ADMINISTRATION

ARTICLE III. – CODE ENFORCEMENT

Section 2-103 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 2-103. – Authority.

Employees of the code enforcement division have enforcement authority to issue citations for violations of this Code in accordance with section 1-10. Employees of code enforcement shall have citation authority over the following portions of this Code, unless specific authority is given exclusively to another agency or department within a Code section or such exclusivity is otherwise determined by federal or state law or by agreement with another jurisdiction. Personnel from the Cobb County Stormwater Management Division of the Cobb County Water System shall have citation authority for chapter 50, articles IV and V; chapter 58; section 102-92 and section 110-61(f). Personnel from the code enforcement division shall have enforcement authority to issue citations for violations of chapter 50, articles IV and V for the community development agency. Personnel from the environmental compliance division of the Cobb County Water System shall have citation authority over chapter 122, article II, sections 122-181 through 122-193:

- (1) Chapter 2, article V, Sec. 2-180. (film permit);
- (~~12~~) Chapter 18, article II (permits required);
- (~~23~~) Chapter 18, article III (building code);
- (~~34~~) Chapter 18, article IV (electrical code);
- (~~45~~) Chapter 18, article V (gas code);
- (~~56~~) Chapter 18, article VI (housing code);
- (~~67~~) Chapter 18, article VII (mechanical code);
- (~~78~~) Chapter 18, article VIII (one- and two-family dwelling code);
- (~~89~~) Chapter 18, article IX (plumbing code);
- (~~910~~) Chapter 18, article X (swimming pool code and wastewater discharge);
- (~~1011~~) Chapter 18, article XI (energy code);
- (~~1112~~) Chapter 18, article XII (excavating and trenching);
- (~~1213~~) Chapter 26, article II (cemetery preservation);
- (~~1314~~) Chapter 50, article II (Chattahoochee River corridor tributary protection area);
- (~~1415~~) Chapter 50, article III (land disturbing activities);
- (~~1516~~) Chapter 50, article IV (stormwater management);
- (~~1617~~) Chapter 50, article V (stormwater quality/illicit discharge and illegal connections);
- (~~1718~~) Chapter 50, article VI (tree preservation and replacement);
- (~~1819~~) Chapter 54 (fire prevention and protection);
- (~~1920~~) Chapter 58, article II (flood damage prevention);
- (21) Chapter 66, article IV, Sec. 66-81 (approval of alterations in historic districts or involving landmarks)

(~~2022~~) Chapter 78 (licenses, permits and businesses);
(~~2123~~) Chapter 83 (nuisances);
(~~2224~~) Chapter 102 (solid waste);
(~~2325~~) Chapter 106 (streets, sidewalks and other public places), article II, section 106-10(c)
(obstructions on right-of-way);
(~~2426~~) Chapter 110 (subdivisions);
(~~2527~~) Chapter 122, article II (water and wastewater systems);
(~~2628~~) Chapter 134 (zoning);
(~~2729~~) Volumes 1 and 2 of the Cobb County Development Standards, as may be amended from time to time.
...

CHAPTER 10 – ANIMALS

ARTICLE 1. – IN GENERAL

Section 10-1 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 10-1. – Definitions

...

Animal care facility means any licensed animal control/services shelter that is either maintained by or under contract with any state, county, or municipality whose mission and practice is the rescue and placement of animals in permanent homes or animal rescue organizations.

~~Animal control facility/shelter~~ means those facilities designated by the board of commissioners for the housing and care of animals pursuant to this chapter.

Animal rescue organization means any not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, that possesses all required federal, state, and local licenses and registrations, and that has a mission and practice, in whole or in significant part, to rescue and place homeless animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

~~Animal control services~~ officer means an individual authorized by local law or by the governing authority of the county or the covered municipality to carry out the duties imposed by this chapter.

~~Animal shelter~~ means an entity that possesses a shelter license from the Georgia Department of Agriculture.

~~Animal control services~~ unit means, collectively, the animal ~~control services~~ managers and employees who, under the direction of the Cobb County Animal Services Director, operate as a unit of the Cobb County Department of Public Safety ~~Cobb County Police Department~~, its successor department(s), or other entity selected by the board of commissioners to carry out the duties of animal ~~control services~~ for Cobb County pursuant to this chapter and federal/state laws.

...

Breeder means a person or entity that owns an animal and allows it to reproduce, whether planned or unplanned.

Broker means a person that transfers dogs or cats from a commercial breeder for resale by another person.

...

CCAS shelter means the facility operated by the Cobb County Animal Services Unit for the purpose of providing shelter and care for dogs, cats, or other animals taken into custody under the provisions of this chapter.

Cobb County Animal Control Services means the Cobb County Animal Control Services Unit and Shelter sometimes referred to in this chapter as "CCAC" CCAS.

...

Director means the Director of the Cobb County Animal Services Unit.

Humane society means a licensed organization that rescues, assists, and provides care for animals, educates the public in humane care of animals, initiates/facilitates programs to improve the quality of life for animals.

...

Dog control officer means the ~~manager~~ Director of the Cobb County Animal ~~Control~~ Services and/or his or her designee who is responsible for the administration and enforcement of the enforcing the state dangerous dog laws. "Responsible Dog Ownership Law," set forth in O.C.G.A. § 4-8-20, et seq. This term "dog control officer" is utilized by state law with regard to the state dangerous dog law.

...

Feral cat means a cat that has no owner and was either born in the wild and lacks socialization or was returned to the wild and became untrusting of humans. A feral cat is typically untamed and evasive.

...

Manager means the a manager of the Cobb County Animal ~~Control~~ Services Unit and/or his/ or her designee.

...

Offer for sale means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away, or otherwise dispose of a dog or cat.

...

Pet store means any retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include the CCAS shelter.

an animal care facility, an animal rescue organization, a private breeder, or a retail establishment that sells only non-feline or non-canine animals.

...

Private breeder means any person or entity who breeds animals that they own for the purpose of sale to the public provided that the animals are sold on the premises where such animals were bred and reared.

Section 10-11 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 10-11. - Control of animal.

(a) General control.

- (1) It shall be unlawful for the owner of any animal, with the exception of cats, to permit such non-feline animal to be out of his or her immediate control and restraint, or to be left unattended off the premises of the owner, or to be upon the property of another person without the permission of the owner or person in possession of such other property. For the purposes of this chapter, condominium and apartment common property shall not be considered to be the premises of the animal owner. Voice control does not constitute control of an animal.
- (2) Restraint of dogs and/or animals shall be maintained as follows:
 - a. When upon the premises of the owner, all animals, with the exception of cats, shall be kept indoors or in a primary enclosure as defined by this chapter in such a manner as to contain the animal within the bounds of the owner's premises, or on a leash in the hands of a person that possesses the ability to restrain the animal.
 - b. When off the premises of the owner, all animals, with the exception of cats, shall at a minimum be maintained on an appropriate chain, leash or tie not exceeding six ten feet in length, and in the hands of a person who possesses the ability to restrain the animal.
 - c. It shall be unlawful for any owner of a dog to chain, tie, fasten or otherwise tether the dog to a stationary object or pulley run as a means of confinement, except that the dog may be temporarily confined by a tether while attended by its owner, notwithstanding subsections (2)a. and (2)b. of this section.
- (3) The requirements for subsection (2) of this section shall not apply (i) in the areas zoned for agricultural purposes where the owner of the dog is using the dog for hunting or working purposes and has the dog in his possession or control; or (ii) to dogs participating in a sporting, herding or agility competition. ~~If the dog is being used for hunting purposes, the owner shall have on his person a valid hunting license.~~ Dogs, while hunting, or show dogs, while being shown, are not required to wear a collar or dog tag; but however, the owner shall have the dog tag in his possession where it may be shown upon demand of a representative of CCAC CCAS.
- (4) No person shall tie, stake or fasten any animal within any street, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, alley, sidewalk or other public place.
- (5) Every female dog and cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with an intact male of the same species except for planned breeding.
- (6) Every animal shall be restrained and controlled so as to prevent it from causing property damage, harassing pedestrians or bicyclists, molesting passersby, chasing vehicles, or attacking persons or other animals.

- (7) Exception: Section 10-11(a)(2)b. shall not apply to the areas contained within the Sweat Mountain Dog Park or within any other county or city dog park designated as such by the applicable governing authority, provided that all other rules, regulations and ordinances connected to the use of that area are followed. All owners must possess the ability to restrain their dog(s) and must be present in the off-leash area of said park with any dog(s) they brought into the park, to adequately control or restrain them if needed, so as to prevent injury to other people or dogs in the off-leash area.
- (b) Control of attacking or biting animal, vicious animals, potentially dangerous dogs and dangerous dogs.
- (1) The above provisions concerning general control and contained in subsection (a) of this section are applicable to attacking or biting animals, vicious animals and dangerous dogs and potentially dangerous dogs.
- (2) When upon the premises of the owner, attacking or biting animals, vicious animals, potentially dangerous dogs and dangerous dogs shall be kept indoors or in a proper enclosure as defined by this chapter. Permanent or temporary tethering as a means of enclosure is not permissible.
- (3) The owner of a dangerous dog shall not permit the dog to be outside of a proper enclosure unless the dog is muzzled in a manner that will prevent it from biting any person. The dog must be restrained by a substantial chain or leash not more than six feet in length and under the physical control of a person who possesses the ability to restrain the dog.
- (4) The owner of a potentially dangerous dog, vicious animal or attacking or biting animal shall not permit the dog or animal to be outside a proper enclosure unless the dog or animal is restrained by a substantial chain or leash not more than six feet in length and is under the physical restraint of a person who possesses the ability to restrain the dog or animal.
- (c) In any prosecution under this Code section, any animal found running at large may be held by CCAC as evidence of a violation of this Code section. Such holding is at the discretion of the prosecuting attorney, and the animal may be released at the conclusion of the prosecution.
- (d) In lieu of paying a fine or serving jail time under this section, a violator may, at the discretion of the judge, relinquish the animal to CCAC for placement or disposal as determined by CCAC.

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

Division 1. – Generally

Section 10-37 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 10-37. – Fees

(a) The fees with respect to all services performed in connection with enforcement of this chapter shall be set by the board of commissioners from time to time. A copy of such fee schedule shall be posted at the headquarters of ~~the CCAC CCAS~~ and may be changed at any time and from time to time as determined by the board of commissioners.

(b) The fees established and collected under this chapter and /or pursuant to the state dangerous dog control law the Responsible Dog Ownership Law set forth at O.C.G.A. § 4-8-20, et seq., are not penalties but are imposed for the sole purpose of defraying expenses borne by the county for such animal control and welfare under this chapter or under state law and are subject to change at any time.

(c) ~~The CCAC CCAS~~ may waive any part of the normally required fees at ~~his~~ its discretion.

...

DIVISION 3. – ANIMAL IMPOUNDMENT, REDEMPTION AND ADOPTION

Section 10-67 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 10-67. - Period of impoundment or confinement.

- (a) All periods specified in this section shall be deemed to commence at 12:01 a.m. of the day following the day of impoundment or confinement.
- (b) ~~Other than those dogs~~ With the exception of those animals confiscated under sections 10-13(b), 10-13(c), 10-97, ~~or 10-121 through 10-121.18~~, 10-121.2(d), and/or 10-121.7, all impounded animals shall be kept at the animal shelter for a period of not less than five working days unless redeemed within such period.
- (c) Notwithstanding subsection (b) of this provision, other than feral cats confiscated pursuant to sections 10-13(b), 10-13(c), 10-97, and/or 10-121.7, any impounded feral cats shall be eligible for immediate release from the animal shelter for the purpose of returning such cats to the area from which they were found provided such feral cats are sterilized, ear-tipped, and vaccinated for rabies. CCAS has discretion to determine whether to keep an eligible feral cat at the shelter or release it pursuant to this provision.
- (ed) Wildlife or wild animals as defined by this chapter which have been captured by or come to be in the custody of CCAC shall not be deemed impounded and need not be retained for any minimum length of time. Wildlife and wild animals received by CCAC will be disposed of in accordance with federal and state guidelines.
- (de) Any animal which is voluntarily surrendered to CCAC shall be deemed permanently relinquished to CCAC and may be immediately adopted, destroyed or otherwise disposed of as though it had been impounded.

ARTICLE V. – MISCELLANEOUS OFFENSES

Section 10-135 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 10-135 – ~~Selling/giving away of animals; use of animals as prizes~~

~~Selling or giving away animals in front of or on private property or public property, other than the animal owner's property, without the owner's permission, is prohibited. A licensed rescue group, licensed animal shelter, licensed veterinarian, licensed pet dealer, or licensed humane society, which has all required governmental licenses, registrations, and has obtained permission from the owner of the business or property, may sell or give away animals on private or public property, including but not limited to: retail stores, businesses, flea markets, yard sales, and CCAC property.~~

Sec. 10-135 – Prohibition on the Sale of Dogs and Cats at Pet Stores

- (a) No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer dogs or cats.
- (b) Nothing in this section shall prevent the owner, operator, or employees of a pet store, retail business, or other commercial establishment located in Cobb County from providing space and appropriate care for dogs and cats owned by CCAS, a rescue group (licensed), an animal care facility, or

an animal rescue organization for the purpose of promoting public adoption of dogs and cats, provided the pet store, retail business, or other commercial establishment shall not have any ownership interest in the dogs and cats offered for adoption and shall not receive a fee for providing space for the adoption of any such dogs and cats.

(c) Any pet store that is currently engaged in the business of selling, delivering, offering for sale, bartering, auctioning, giving away, or otherwise transferring of cats or dogs will have ninety (90) days from the enactment of this ordinance to cease engaging in such activities.

The Official Code of Cobb County, Georgia, is amended by adding a section numbered 10-135.1 to read as follows:

Sec. 10-135.1 – Violations and Penalties.

A pet store that violates Section 10-135(a) shall be subject to a fine of (\$1000) for each separate violation. Each dog or cat sold, delivered, offered for sale, bartered, auctioned, given away, adopted, or otherwise transferred or disposed of in violation of Section 10-135(a) shall constitute a separate violation.

...

CHAPTER 18 – BUILDING REGULATIONS
ARTICLE III. - BUILDING CODE

Section 18-122 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 18-122. - Amendments.

The following shall be considered amendments, additions to, changes in or exceptions to the building code adopted in section 18-121:

...

(3) Adopt Appendix B, Board of Appeals, in its entirety.

Adopt Appendix C, Agricultural Buildings, in its entirety.

Adopt Appendix G, Flood Resistant Construction, in its entirety.

Adopt Appendix J, Grading, in its entirety.

Adopt Appendix K, Administrative Provisions, in its entirety.

Adopt Appendix N, Replicable Buildings, in its entirety.

ARTICLE VI. - HOUSING CODE

Section 18-186 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 18-186. Adopted.

The edition of the International Property Maintenance Code, promulgated pursuant to O.C.G.A. § 8-2-25, as amended from time to time, is adopted by reference, subject to all exceptions, amendments and modifications contained in this article, which in the event of conflict shall supersede and take priority over the adopted housing code or any published amendments thereto. Amendments contained in this article shall be construed as superseding only that part of the section with which there is a conflict. The county further adopts sections 101 through 112 of chapter 1 of such International Property Maintenance Code for administration of such code except as expressly amended in Sec. 18-187 of this chapter.

State law reference—O.C.G.A. §§ 8-2-20(9)(B)(i)(X), 8-2-25.

CHAPTER 54 – FIRE PREVENTION AND PROTECTION

ARTICLE III. – FIRE SAFETY STANDARDS

The Official Code of Cobb County, Georgia, is amended by adding a section numbered 54-52.1 to read as follows:

Sec. 54-52.1 – Life Safety Code Amendment adopted.

The following amendment and the State Fire Marshal's interpretation of compliance and allowances under said amendment to National Fire Protection Association 101, 2018 Edition, or updated editions approved for use by the State of Georgia, Life Safety Code shall be utilized by Cobb County Fire Marshal Staff in the determination of occupancy load calculations.

- Where substantial evidence and documentation is provided, the authority having jurisdiction may decrease the occupancy load for some occupancy use areas. The determined occupant load capacity shall be posted at an obvious location indicating the total occupant load capacity.

...

Section 54-55 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 54-55. – Enforcement; establishment and duties of bureau of fire prevention; authority of fire marshal; appeals of decisions.

- (a) The state minimum fire safety standards shall be enforced by the fire marshal in the fire department of the county which is hereby established and which shall be operated under the supervision of the chief of the fire department. The fire marshal shall have the duties of the chief of the bureau of fire prevention.
- (b) The chief of the fire department may detail such members of the fire department, or other county employees, as shall from time to time be necessary.
- (c) A report of the bureau of fire prevention shall be made annually and transmitted to the chairman of the board of commissioners. Such report shall contain all proceedings under the adopted codes, with such statistics as the chief of the fire department may wish to include therein. The chief of the

fire department shall also recommend any amendments to the fire prevention code which, in his judgment, shall be desirable.

- (d) The county fire marshal is hereby authorized to enforce the state minimum fire safety standards of the cities of Acworth, Kennesaw, and Powder Springs, being municipalities within this county, and to conduct fire inspections in accordance therewith; provided however, that citations for violations of such municipal codes shall be returnable to the appropriate courts of such municipalities; provided further, that the county fire marshal shall not enforce such municipal codes unless they are and remain substantially similar to the county's state minimum fire safety standards, as amended; and provided further, that the county fire marshal shall not enforce such codes in any of such municipalities unless and until the governing authority of such municipality shall have entered into a written contract with the county pursuant to Ga. Const. art. IX, § II, permitting the county fire marshal to enforce such municipal codes and to conduct fire inspections within such municipality; and to this end, the chairman of the board of commissioners is hereby authorized to affix his signature and seal to any such contract, and to do any and all acts necessary to carry out the intent of this subsection.

(e) In accordance with Section 109, Appendix A (Section A101) of the 2018 International Fire Code, there is established a Fire Prevention and Protection Safety Ordinance Appeals Board. Said board shall be composed of a Design Professional, Fire Protection Engineering Professional, Industrial Safety Professional, General Contractor and General Industry or Business Representative. Said Appeals Board may consider appeals from any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the fire marshal. The Appeals Board should be provided notice of 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.

...

CHAPTER 66 – HISTORIC PRESERVATION

ARTICLE I. – IN GENERAL

Section 66-1 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-1. 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:

Building means a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. The term "building" may include to a historically related complex such as a courthouse and jail or a house and barn.

Certificate of appropriateness means a document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Commission means the county historic preservation commission created by this chapter.

Exterior architectural features means the architectural style, general design and general arrangement of the exterior of a building or other structure, including but not limited to the kind or

texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features means all those aspects of the landscape or the development of the site which affect the historical character of the property.

Historic district means a geographically definable area which contains structures, sites, works of art or a combination thereof which exhibit a special historical, architectural or environmental character as designated by the board of commissioners.

Material change in appearance means a change that will affect either the exterior architectural or environmental features of an historic property or any structure, site or work of art within an historic district, and may include any one or more of the following:

- (1) A reconstruction or alteration of the size, shape or facade of an historic property, including any of its architectural elements or details.
- (2) Demolition of an historic structure.
- (3) Commencement of excavation for construction purposes.
- (4) A change in the location of advertising visible from the public right-of-way.
- (5) The erection, alteration, restoration or removal of any building or other structure within an historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

Site means the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

Structure means a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

...

ARTICLE III. – HISTORIC DISTRICT AND LANDMARK DESIGNATION PROCEDURE

Section 66-57 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-57. Designation of an historic district

- (a) Criteria for selection. An historic district is a geographically definable area which contains buildings, structures, sites, works of art, or a combination thereof, which:
- (1) Have special character or special historic or aesthetic value or interest;
 - (2) Represent one or more periods or styles of architecture typical of one or more eras in the history of the county, state or region;
 - (3) Cause such area, by reason of such factors, to constitute a visibly perceptible section of the county.

...

Section 66-58 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-58. Designation of a landmark.

- (a) Criteria for selection. An historic landmark is a building, structure, site, work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the county, state or region for one or more of the following reasons:
- (1) It is an outstanding example of a structure representative of its era.
 - (2) It is one of the few remaining examples of past architectural style.
 - (3) It is a place or structure associated with an event or person of historic or cultural significance to the county, the state or the region.
- ...

Section 66-59 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-59. Requirements for designation of historic districts and landmarks.

- (a) Application. Application for designation of an historic district or landmark shall be made by the following:
- (1) Historic district: An historical society, neighborhood association, or group of property owners may apply for designation.
 - (2) Landmark structure: An historical society or property owner may apply for designation.
- (b) Public hearings. The commission and the board of commissioners shall hold a public hearing on the proposed ordinance for designation. Notice of the hearing shall be published in at least three ~~consecutive~~ issues in the legal organ of the county, and written notice of the hearing shall be mailed by the commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than ~~ten~~ 15 days nor more than ~~230~~ 45 days prior to the date set for public hearing. A letter sent via the United States mail to the last-known owner of the property shall constitute legal notification under this chapter.
- ...

ARTICLE IV. – CERTIFICATES OF APPROPRIATENESS

Section 66-81 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-81. Approval of alterations in historic districts or involving landmarks.

After the designation by ordinance of an historic property or of an historic district, no material change in the appearance of such historic property, or of a building, structure, site or work of art within such historic district, shall be made or permitted to be made by the owner or occupant thereof unless or until an application for a certificate of appropriateness has been submitted to and approved by the commission.

...

Section 66-82 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-82. Approval of new construction within designated districts.

The commission shall issue certificates of appropriateness ~~to~~ for new buildings or structures constructed within designated historic districts. These ~~buildings or~~ structures shall conform in ~~design, scale, building materials, setback and landscaping to the character of the district specified in the commission's design guidelines to the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* and to any design guidelines adopted by the commission as to design, scale, building materials, setback and landscaping.~~

...

Section 66-83 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-83. ~~Guidelines and criteria~~ Approval of changes to existing buildings within designated districts.

When considering applications for certificates of appropriateness to existing buildings, the ~~s~~Secretary of the ~~i~~nterior's *Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings* shall be used as a guideline along with any other criteria or design guidelines adopted by the commission.

...

Section 66-85 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-85. Approval or denial.

- (a) The commission ~~shall~~ may approve the application as proposed or approve the application for a certificate of appropriateness with any modifications or stipulations it deems necessary and issue a certificate of appropriateness if it finds that the proposed material changes in the appearance would not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangements, texture and material of the architectural features involved, ~~and the~~ if the property is located within a historic district, the relationship thereof to the exterior architectural style and pertinent features of the other structures in the historic district shall be considered. ~~immediate neighborhood.~~

...

CHAPTER 78 – LICENSES, PERMITS AND BUSINESSES

ARTICLE III. – SPECIAL LICENSES AND REGULATORY FEES

DIVISION 7. – HEALTH SPAS

SUDIVISION I. – IN GENERAL

Section 78-273 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 78-273. - List of employees to be filed with county.

It shall be the duty of all licensees under this division to file with the county, through its business license office, the names of all employees and designated managers, and their home addresses, home telephone numbers, places of employment, date of birth, their duties and services performed, a copy of their Georgia State Massage Therapy License (when applicable), and any other descriptive information that the business license division or police department requires in its investigation of the establishment and its employees, within 72 hours of employment. Any changes in information furnished shall be filed within 72 hours of the change.

...

SUDIVISION II. – License

Section 78-292 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 78-292. - Qualifications and investigation of applicant(s), licensee, and employees.

(a) The applicant and licensee must be a U.S. Citizen or a legal resident alien ~~for at least one year~~ prior to making application.

(b) The licensee is required to be a resident of the State of Georgia and a Georgia State Licensed Massage Therapist.

(c) Where the applicant for a license under this chapter is a corporation, any license for the operation of a health spa shall be applied for by and shall be issued to the corporation and either the majority shareholder thereof, or a person deemed the licensee by the corporation.

(d) Where the applicant for a license under this chapter is a partnership, any license for the operation of a health spa shall be applied for by and shall be issued to the partnership and either the managing general partner thereof, or a person deemed the licensee by the partnership.

(e) Where the applicant for a license under this chapter is a sole proprietor, license for the operation of a health spa shall be applied for by and shall be issued to the sole proprietor if he is working full-time in a managing capacity on the premises, and if not, then the sole proprietor and a person deemed the licensee by the sole proprietor.

(f) The county police department shall investigate the background of both the applicant(s) and the licensee, and ~~his/her~~ their spouses, and employees and independent contractors, except for Georgia State licensed massage therapists, of the establishment and report its recommendation to the business license division manager for a health spa license.

...

Section 78-294 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 78-294. - Grounds for denial, suspension or revocation.

In addition to the causes for denial, suspension or revocation of a license specified in section 78-45(c), due cause for denial, suspension or revocation of a license for a massage practitioner or health spa shall include the following:

(1) The applicant or licensee is or has been guilty of fraud.

(2) The applicant or licensee is or has been engaged in business under a false or assumed name, or is impersonating another person of a like or different name.

(3) The applicant or licensee is addicted to the habitual use of intoxicating liquors, narcotics or stimulants to such an extent as to incapacitate such person to the extent that he is unable to perform his professional duties.

(4) The applicant, ~~or licensee, shareholder, partner, agent, employee or independent contractor~~ has violated or is guilty of criminal attempt or conspiracy to violate any laws relating to racketeer-influenced and corrupt organizations as defined in the Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act (O.C.G.A. § 16-14-1 et seq.), crimes against the person as defined in O.C.G.A. tit. 16, ch. 5 (O.C.G.A. § 16-5-1 et seq.), sexual offenses as defined in O.C.G.A. tit. 16, ch. 6 (O.C.G.A. § 16-6-1 et seq.), gambling offenses as defined in O.C.G.A. tit. 16, ch. 12, art. 2 (O.C.G.A. § 16-12-20 et seq.), obscenity and related offenses as defined in O.C.G.A. tit. 16, ch. 12, art. 3 (O.C.G.A. § 16-12-80 et seq.), or contributing to the delinquency of a minor, all as defined by state law as it presently exists or may be hereafter amended, or has been convicted of any felony under the laws of this state or any other state or of the federal government.

(5) Failure of the applicant or licensee to have or maintain initial qualifications for obtaining the license.

(6) The applicant, ~~or licensee, shareholder, partner, agent, employee or independent contractor~~ ~~is guilty of employing~~ has employed any person who is not a licensed massage practitioner and allowing or permitting such person to administer massage in ~~the~~ an establishment except as may be allowed by state law.

(7) The premises in which the business is located are in violation of any of the federal, state, county or municipal laws designed for the health, protection and safety of the occupants.

(8) Failure of the applicant or licensee to actively supervise and monitor the conduct of the employees, customers and others on the premises in order to protect the health, safety and well-being of the general public and the customers.

...

CHAPTER 90 – PARKS AND RECREATION

ARTICLE I. – IN GENERAL

The Official Code of Cobb County, Georgia, is amended by adding a section numbered 90-1 to read as follows:

Sec. 90-1. – County PARKS Department

The county PARKS Department, formerly known as parks, recreation and cultural affairs, is the administrative department within the county which is responsible for county parks and recreational facilities.

... ARTICLE III. – PARK RULES

DIVISION 1. - GENERALLY

Section 90-52 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-52. - Hours of operation.

Normal operating hours for parks are from 6:00 a.m. until 11:00 p.m. for "active" parks and from sunrise until sunset for "passive" parks. The designation of parks as "active" or "passive" shall be the responsibility of the ~~recreation board~~ board of commissioners, in conjunction with the PARKS department director. Where passive parks have anticipated public use after dark with installed lighting, the regular 6:00 a.m. to 11:00 p.m. hours will apply. Only authorized county employees or persons engaged in activities authorized by the PARKS director are permitted in any park outside of normal operating hours.

...

Section 90-54 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-54. - Ejection of persons causing disturbances or violating law.

Any person causing a disturbance or engaging in any activity which shall unreasonably interfere with the use and enjoyment of the park by citizens or who shall violate any ordinance of the county or law of the state shall leave the park upon notification by any authorized park employee or any law enforcement officer, ~~and he shall not return to such park for a period of 24 hours.~~ Where there has been a violation of any provision of this article, or of the policies, procedures, rules and regulations adopted and ratified under this article, or of any other applicable law, authorized officials may, in addition to any warning or citation that may be issued, also bar or suspend a person from the use of any or all county parks or recreation facilities.

...

Section 90-55 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-55. - Commercial activity.

No person shall sell, offer to sell, operate a concession or engage in any commercial activity in any county park without the approval and consent of the ~~board of commissioners~~ PARKS director.

...

Section 90-56 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-56. - Swimming, bathing, wading.

It shall be unlawful for any person to swim, bathe or wade in any body of water or portion thereof owned by the county ~~or subject to the supervision of the county recreation board~~ unless designated for such use, during specified hours of the day, by the board of commissioners upon recommendation of the recreation board. It shall be the duty of the ~~recreation board~~ PARKS department, through its agents, employees and other life safety personnel, to maintain and supervise the use of all bodies of water or portions thereof so designated, and to post signs, markers and other appropriate devices giving notice of the places so designated.

...

The Official Code of Cobb County, Georgia, is amended by adding two sections numbered 90-58 and 90-59, respectively, to read as follows:

Sec. 90-58. – Golfing regulated

It shall be unlawful for any person to practice, play or otherwise participate in the game of golf in any county park, except at a recreation facility designated by the county for such use and only in accordance with the rules, regulations and restrictions established by the board of commissioners or the PARKS director. For the purposes of this section, the game of golf does not include disc golf.

Sec. 90-59. - Damaging or removal of any park property or vegetation

It shall be unlawful for any person to deface, vandalize with graffiti, harm or damage any park properties, buildings or facilities; or dig up, damage or remove any trees, shrubbery, flowers, landscaping items or historical or cultural artifacts in a park or recreation facility without the approval of the board of commissioners in conjunction with the PARKS director.

Secs. 90-58, 58-59. – Reserved.

Section 90-60 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-60. - Closure of recreation areas.

It shall be the duty of the ~~director of the parks, recreation and cultural affairs department~~ Cobb PARKS director or the director's designee, in conjunction with the department of public safety, to cause signs specifying the prohibited use of any recreation area, ball field, tennis court, building, pavilion, parking lot, or any other area within any property under the supervision of the department to be placed at the entrance of each such park or at the appropriate places within such parks so as to afford notice to the public of such prohibited use. Fields and/or facilities may be temporarily closed and posted due to weather, maintenance and/or other conditions.

...

Section 90-61 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-61. - Failure to obey officially posted signs.

It shall be unlawful for any person to utilize any recreation area, ball field, tennis court, building, pavilion, parking lot or any other area within any park under the supervision of ~~county parks, recreation and cultural affairs department~~ PARKS department, where posted signs prohibit the use of such area.

...

Section 90-62 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-62. - Violations and enforcement.

- (a) The violation of section 90-61 shall be punishable by a fine of ~~\$35.00~~ \$100.00.
- (b) If any person shall remain upon or return to any property closed pursuant to section 90-60 after being cited for violating section 90-61 by a public safety officer while that property remains closed, each such additional violation shall be punishable by a fine of ~~\$100.00~~ \$250.00 per occurrence.
- (c) After being found guilty of violating section 90-61 and/or having pled guilty to a violation of section 90-61, each subsequent violation occurring within a 12-month period from the date of the violation shall be punishable by a fine of ~~\$100.00~~ \$250.00 per occurrence.

...

The Official Code of Cobb County, Georgia, is amended by adding a section numbered 90-63 to read as follows:

Sec. 90-63. – Restricted or Prohibited Uses of Park Facilities

a) Pyrotechnics prohibited.

It shall be unlawful for any persons to attempt to or to possess, display, use, set off or ignite any firecracker, fireworks, smoke bombs, rockets, or other pyrotechnics.

b) Animals restricted.

(1) It shall be the duty of every animal owner or custodian of such animal to have physical control of the animal by leash or lead line no longer than ten feet at all times and under the immediate physical control of a person capable of preventing the animal from engaging any other human or animal when necessary within a park or recreation facility where animals are permitted, except in fenced areas designated by the county where animals are expressly permitted to be off of a leash.

(2) Other than service animals as necessary, or unless authorized by permit, it shall be unlawful for any person with a domestic animal to access areas of a park or recreation facility which are restricted to such animals.

(3) It shall be the duty of every animal owner or custodian of such animal in a park or recreation facility to have in his or her possession proof of a current rabies vaccination for the animal.

(4) It shall be the duty of every animal owner or custodian of such animal in a park or recreation facility to immediately remove such animal from the park or recreation facility upon such animal exhibiting aggressive behavior toward any person or toward any other

domesticated animal. For the purposes of this subsection, aggressive behavior includes, but is not limited to growling, baring of teeth or fangs, biting or attempts to bite, or any other behavior that could reasonably be expected to scare or intimidate any person or domestic animal.

(5) It shall be the duty of every animal owner or custodian of any animal whose animal is in a park or recreation facility to immediately dispose of solid waste deposited by the animal, except for horses on designated equestrian trails.

c) Dogs in off leash areas or dog parks.

Notwithstanding b)(1) above, an owner or custodian of a dog is not required to have the dog on a leash in a park or portion of a park which has been designated as an "off-leash area" with the following restrictions:

(1) No owner or custodian of a dangerous, vicious or guard/protection canine, as defined in Section 10-10 of the Animal Control Ordinance, shall permit the canine to be in an off-leash area at any time.

(2) No person shall allow an animal other than a canine to enter or remain in an area that has been designated as an "off-leash area."

(3) The owner or custodian of a canine in an "off-leash area" shall ensure that such dog is under control at all times.

(4) An animal control officer or other officer empowered to act by law may order that a canine be put on a leash and/or order that a canine be removed from an off-leash area at any time.

d) Discharging of firearms in parks –

It shall be unlawful for any person to discharge a firearm in any park or recreation facility except for law enforcement personnel carrying out their duty.

e) Camping prohibited.

It shall be unlawful for any person to camp overnight in any park or recreation facility unless such person has first obtained a permit to camp in the park or recreation facility from the Cobb PARKS director, or the director's authorized assignee, at sites or areas specifically designated by the county for camping within the park or recreation facility and then only in accordance with such rules, regulation and restrictions established by PARKS department.

f) Use of detection devices prohibited.–

It shall be unlawful for any person to use any electronic device for the detection of metals, minerals, artifacts, lost articles, or for treasure hunting in any park or recreation facility without written authorization from the Cobb PARKS director or the director's authorized designee.

g) Improper personal conduct prohibited.

It shall be unlawful for any person to engage in any violent, abusive, lewd, profane, vulgar, wanton, obscene or otherwise disorderly speech or conduct that is or may be disturbing or annoying to other persons, or that could cause injury to other persons while in a park or recreation facility, which conduct may include, but is not limited to loitering, fighting, throwing or breaking articles, indecent exposure, inappropriate sexual acts, urinating or defecating in public, or public drunkenness.

h) Use or possession of controlled substances prohibited.

No person shall possess or use any drug or any other controlled substance, as defined in the laws of this state, except as permitted by the laws of this state, in any park or recreation facility.

i) Use of e-bikes on trails –

An e-bike is defined as an "electronic assisted bicycle", so long as the e-bikes motor is under 1,000w, has a maximum speed of 20mph and has operable pedals.

No person shall use a Class II e-bike (Bicycle equipped with a throttle-actuated motor, that ceases to provide assistance when the e-bike reaches 20 mph) or Class III e-bike (Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 28 mph) on any hard surface or soft surface trail in a county park or facility that is managed by Cobb County PARKS department.

Class I e-bikes (Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 20mph) will only be allowed on the Silver Comet Trail, Bob Callan Trail and Noonday Creek Trail.

Secs. 90-634—90-65. - Reserved.

DIVISION 2. – TRAFFIC

Section 90-66 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-66. – Driving vehicles on roadways; speed limit.

- (a) It shall be unlawful for any person to drive any vehicle upon or across any part of any public park of the county except upon roadways laid out and maintained for vehicular travel. This section shall not apply to ~~park~~ PARKS employees whose duties require them to drive park maintenance equipment over such park areas. The director of the ~~parks, recreation and cultural affairs~~ PARKS department shall coordinate with the department of public safety to assure proper, appropriate and adequate signage is in place to aid the implementation of this section.
- (b) It shall be unlawful for any person operating a motor vehicle upon any road within any park under the supervision of the county ~~parks~~ PARKS department to exceed the speed of 15 miles

per hour. It shall be the duty of the director of the ~~parks, recreation and cultural affairs~~ PARKS department to cause signs specifying such limit to be placed at the entrance of each such park and at appropriate places within such parks so as to afford notice to the public of such limit.

Section 90-67 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-67. - Parking of vehicles—Generally.

The parking of automobiles shall be permitted in the public parks of the county as long as such parking is in accordance with the traffic laws, rules and regulations of ~~the parks, recreation and cultural affairs department~~ Cobb PARKS department, and the occupants of automobiles do not create a disturbance or violate any law or ordinance of the county or the state.

...

Section 90-68 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-68. - Same—Prohibited during closed hours.

It shall be unlawful for any automobiles or trucks to be parked on any of the drives, avenues or parking lots in any public park or recreational facility between the hours of ~~12:01 a.m. 11:01 p.m.~~ and ~~7:00 a.m. 6:00 a.m.~~ daily. It shall be unlawful for any automobile or trucks to be parked on any of the drives, avenues or parking lots in any "passive" park between sunset and sunrise.

...

The Official Code of Cobb County, Georgia, is amended by adding a section numbered 90-70 to read as follows:

Sec. 90-70. – Severability

If any part of this article is for any reason held to be void or invalid, the validity of the remaining parts of this article or its application to other persons or set of circumstances shall not be affected thereby.

...

CHAPTER 134 – ZONING

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

DIVISION 1. – GENERALLY

Section 134-36 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 134-36. – Temporary land use permits.

...

(d)

....

~~(5) Poultry on less than two acres subject to the following minimum requirements:~~

- ~~a. There shall be a maximum ratio of one poultry per 5,000 square feet of lot area on any lot less than two acres;~~
- ~~b. Only hens are kept on the property;~~
- ~~c. The poultry shall be kept/maintained within a fenced area to the rear of the house;~~
- ~~d. Coops, or other buildings used for the poultry shall be located at least 30 feet off any property line. Coops are considered an accessory structure and all conditions for accessory structures in that zoning district shall also apply. Where a conflict exists, this section shall control;~~
- ~~e. The owner(s) of the poultry shall keep the property maintained in a fashion that eliminates the potential negative effects resulting from the poultry, including but not limited to, odors, pollution, noise, insects, rodents and other wild animals;~~
- ~~f. The poultry shall not cause a nuisance, as defined by state law;~~
- ~~g. The slaughter of any hen on site is prohibited;~~
- ~~h. The fee for the land use permit for backyard poultry shall be \$75.00 with renewal fees being \$50.00; and~~
- ~~i. The duration of any land use permit approved for poultry as pets or food source shall not exceed two years, renewable for up to two year terms thereafter.~~
- ~~j. At least two weeks prior to the hearing before the planning commission, applicant shall notify all contiguous property owners in writing.~~

...

Section 134-37 of the Official Code of Cobb County, Georgia, is amended to read as follows:

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

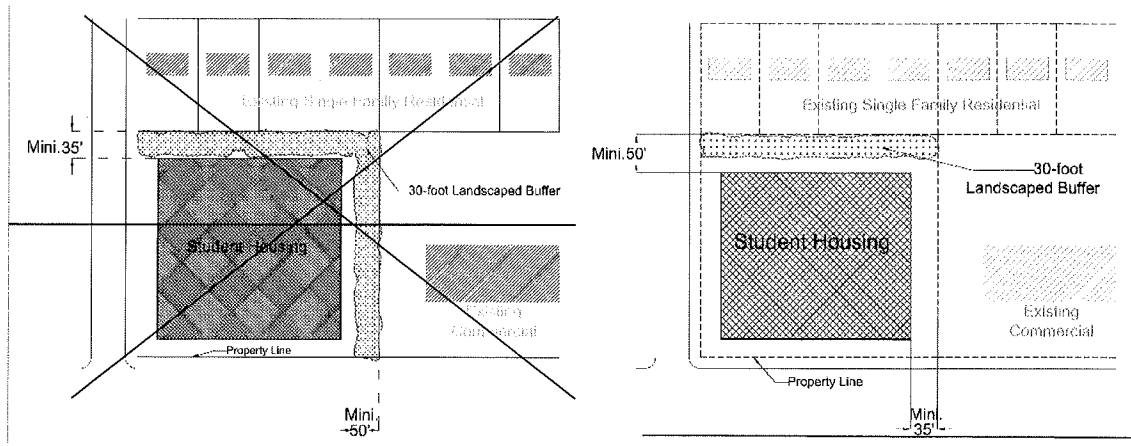
- (a) A special land use permit shall be required for the following types of uses of property regardless of the zoning classification or district for the realty:

...

(34) Purpose Built Student Housing

...

- 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. Privacy fencing shall be required on a case-by-case basis.



m. is hereby amended to replace the graphic previously added by amendment of 08-27-2019
...

35) Limited Impact Professional Services means a low intensity commercial use that reuses a single family detached dwelling for a commercial purpose. This use may be located on residential property subject to the following criteria:

- a. The existing single family house is to be reused.
- b. No ground disturbance requiring a Land Disturbance Permit, and/or creating more than an additional 5,000 square feet of impervious surface is permitted.
- c. Site plan, architectural plan, landscape plan, use, signage plan, parking plan and lighting plan to be approved by the Board of Commissioners.
- d. No outdoor displays or outdoor storage is permitted unless approved by the Board of Commissioners.
- e. Hours and days of operation to be approved by the Board of Commissioners.
- f. This use is only permitted on arterial roadways, as defined by the Cobb County Department of Transportation.
- g. Any application under this section approved by the Board of Commissioners shall be for a specific use.
- h. The Board of Commissioners may approve applications with or without ending timeframes depending on specific use, impact on adjacent and nearby properties, impact on residentially zoned & used properties, or other criteria that may impact public health, safety, or welfare.
- i. If the occupational tax certificate lapses for more than one year, the Special Land Use Permit shall terminate.

...

Sec. 134-39. Limited Professional Services Permit (LPSP)

Purpose and Intent

Limited Impact Professional Services means a low-intensity commercial use that reuses a single-family detached dwelling for a commercial purpose; thereby discouraging demolition and permitting uses which do not generate large volumes of traffic, noise or other harmful effects. This use may be located on residential property subject to the following criteria:

Permitted Uses

This is use is only permitted on arterial roadways, as defined by the Cobb County Department of Transportation.

Permitted uses as follows:

Health practitioners; Professional offices; and Specialized education and training/studios such as computer and electronics training schools, drama schools, drivers education schools, language schools, music schools, and studio facilities including, but not limited to dance/ballet, art, photography, yoga, martial arts, and fitness studios.

Parking, signage and lighting to be approved by the Board of Commissioners.

Use limitations

1. The existing single-family detached dwelling shall be reused. The residential façade shall be maintained and any new construction shall be architecturally similar to the existing building.
2. No outdoor displays or products that are actively available for sale or lease.
3. New lighting to be installed shall be established so that no direct light shall cast over any property line.
4. No ground disturbance over 5,000 square feet is permitted.
5. Limited Professional Service Permit shall be for a specific user and use only.
6. A commercial certificate of occupancy must be obtained prior to any occupational tax certificate being issued.
7. Applications for Special Exception for Limited Professional Services permit shall be subject to the requirements and process for rezoning applications, as specified in Sec. 134-121 through 134-127.

DIVISION 5. – PROPERTY MAINTENANCE

Section 134-133 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 134-133. - Gutters and shutters.

Gutters and shutters and all appurtenances attached thereto, of buildings shall be maintained so that they are structurally sound, in good repair with proper anchorage and attachment. Gutters shall be kept free from obstructions.

...

The Official Code of Cobb County, Georgia, is amended by adding a section numbered 134-134 to read as follows:

Sec. 134-134 – Exterior Building Surface Maintenance

All exterior building surfaces, including but not limited to, doors, door and window frames, cornices, soffits, porches, trim, balconies, roofs, and decks, shall be maintained in good condition and without rot. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. Secs. 134-1345—134-160. - Reserved.

ARTICLE IV. – DISTRICT REGULATIONS

Section 134-213 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 134-213. - NRC neighborhood retail commercial district.

(2) *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:

...

f. *Neighborhood retail uses* means commonly found low scale and low intensity retail uses (with square footages in accordance with the use limitations established within the individual zoning districts of this chapter) that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as, but not limited to, an auto parts store, antique shop, appliance store (home use), bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstore), bridal shop, camera shop, china and pottery store, clothing store, dance studio, martial arts, pilates, yoga and the like studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore, hardware store, dry goods store, florist, furniture store, gifts and stationery store, gym and fitness facility, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, pet store and pet supply store, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, thrift store (or consignment store), toy store, variety shop or video store.

...

ARTICLE V. – SUPPLEMENTAL REGULATIONS

Section 134-272 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 134-272. - Traffic and parking.

...

(5)...

c. Surfacing. The parking of any vehicle on any lot in any district other than a surface treated and hardened with concrete, asphalt, tar and gravel mix, or the like, to accommodate such vehicle, is prohibited except as provided in this section. (All tires of vehicle must be on hardened surface.) The required number of surface treated and hardened parking spaces for any use or number of separate uses may be reduced via an administrative variance per [section] 134-35, if: a) the reduced number of spaces is provided on pervious surface; or: b) documentation is submitted and approved by community development staff that indicates a reduced number of spaces is sufficient for the use or combination of uses provided that the area remains in a natural state or is landscaped. This reduction shall not allow for any increase in square footage of any use or number of separate uses. In addition, parking of vehicles within the front yard setback or in front of the principal building line in an R district shall be prohibited except on a hardened surface with concrete, asphalt, tar and gravel mix, or the like, driveway or in a carport or garage. (For the purpose of this section only, the use of concrete blocks, pavers, runners or the like, used as a treated and hardened surface, must be installed flush with the ground and capable of supporting all vehicle/equipment tires without driving onto or over an unapproved parking surface.) Additionally, in any R district in which the lot is greater than five-acres, , the maneuvering and parking surface may be a non-hardened surface provided no vehicles shall be parked within 50 feet of the public right-of-way unless on a treated and hardened surface, and any access to a public road has a 25-foot paved or asphalt apron at the public road. In heavy industrial (HI) zoning districts, parking may be provided on gravel for heavy equipment (such as but not limited to dozers, loaders, compactors, cranes and the like in excess of 12,500 pounds) or semi tractor trailers as long as there is a paved apron from the right-of-way 75 feet into the property that is at least 20 feet wide; said parking must be screened with a combination of landscaping and/or fencing subject to county approval when visible from an adjacent property zoned in a more restrictive category or a local or minor collector roadway as defined on the Cobb County Major Thoroughfare Plan, as may be amended from time to time. In certain HI zoning districts, those properties with sole access to a major collector or arterial roadway as defined on the Cobb County Major Thoroughfare Plan, may request that this screening may be waived by the zoning division manager or his/her designee upon presentation of a written petition signed by all adjacent property owners. Any required parking based on building size or use for vehicles under 12,500 pounds shall be paved and striped to county standards.

...

Section 134-289 of the Official Code of Cobb County, Georgia, is amended 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 Figure 1. The following policies further clarify the intent for this section:

- a. *Affected areas.* The overlay district covers the following areas:
 1. Parcels with frontage along Mableton Parkway, from Veterans Memorial Highway to the Cobb/Fulton County line at the Chattahoochee River.
 2. Parcels with frontage along Veterans Memorial Highway, from Austell Road/Maxham Road to the Cobb/Fulton County line at the Chattahoochee River.
 3. *Nodes.* There are two types of development nodes along each of the two corridors:
 - i. *Centers.* Focused development/redevelopment within a one-half-mile radius around three intersections (identified in the design guidelines document).
 - ii. *Villages.* Focused development/redevelopment within a one-fourth-mile radius around five intersections (identified in the design guidelines document).

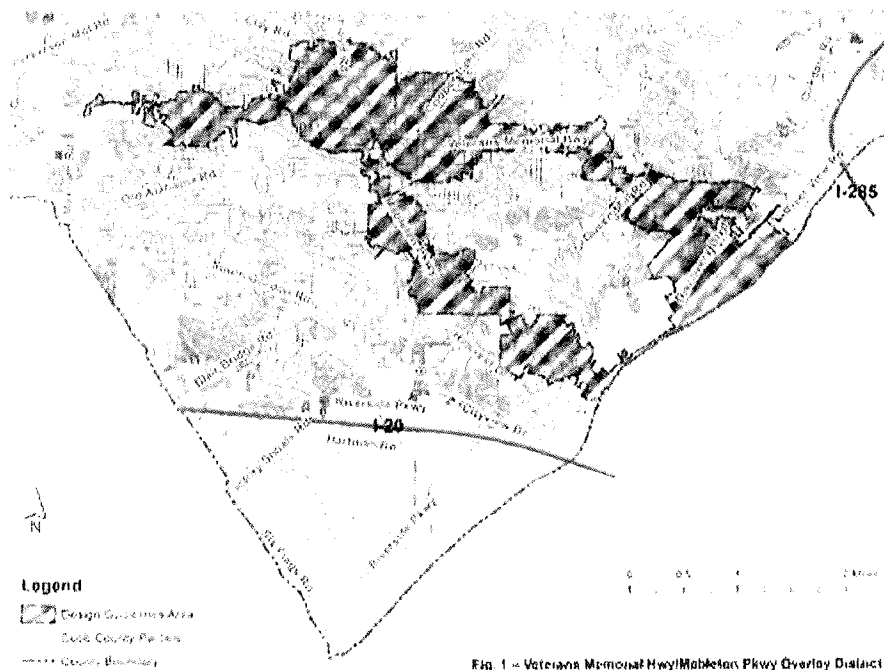


Fig. 1 – Veterans Memorial Hwy/Mableton Pkwy Overlay District

Figure 1—Mableton Parkway/Veterans Memorial Highway Design Overlay District

- (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.
 1. Monument-based ground signs shall be constructed of durable materials that match those used in the façade 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.

2. Within a development, all signage shall be consistent in style for each tenant.
3. For multi-tenant developments, signage for each tenant shall be limited to ten percent of the total window area per tenant space.
4. Reflective films or coating on windows, including mirrored glass, shall be prohibited.
- e. Street furniture.
- f. Walls and screening (excluding fencing).
- g. Fencing.
- h. Additional Information: These design standards shall be applicable in the following instances:
 1. Exterior rehabilitation or modifications to existing buildings or structures that require building or land disturbing permits.
 2. New construction, including additions to existing structures and buildings within the overlay district.
 3. Installation and/or modification of signs requiring a sign permit.

...

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

Sec. 134-290. – Backyard chickens for properties under 80,000 square feet.

- a. There shall be a maximum ratio of one Backyard Chicken per 5,000 square feet of lot area on any lot less than 80,000 square feet;
- b. Only hens may be kept on the property;
- c. The Backyard chickens shall be kept/maintained within a fenced area to the rear of the house;
- d. Coops, or other buildings used for the poultry shall be located at least 25 feet off any property line. Coops are considered an accessory structure and all conditions for accessory structures in that zoning district shall also apply for any coop over 144 square feet;
- e. The owner(s) of the poultry shall keep the property maintained in a fashion that eliminates the potential negative effects resulting from the poultry, including but not limited to, odors, pollution, noise, insects, rodents and other wild animals;
- f. The Backyard Chickens shall not cause a nuisance, as defined by state law;
- g. The slaughter of any hen on site is prohibited; and
- h. This section does not authorize persons to violate applicable restrictive covenants and/or homeowners' association rules and regulations. Property owners are solely responsible for compliance with all applicable restrictive covenants and homeowners' association rules and regulations.

The Official Code of Cobb County, Georgia, is amended by adding a section numbered 134-291 to read as follows:

Section 134-291. – Short term rentals

(a). Purpose.

1. The purpose of this section is to establish standards for short term rentals of privately owned residential structures rented to transient occupants, minimize adverse effects of short term rental uses on surrounding residential neighborhoods, and preserve the character of neighborhoods in which short term rentals occurs.
2. This section is not intended to regulate hotels, motels, inns, boardinghouses, lodging houses, or rooming houses.

(b). Applicability.

1. It shall be unlawful for any owner of any property within the unincorporated areas of Cobb County to rent or operate a short term rental of residential property contrary to the procedures and regulations established in this section, other provisions of this Code, or any applicable state law.
2. The restrictions and obligations contained in this section shall apply to short term rentals at all times during which they are marketed and used as short term rentals.
3. The allowance of short term rentals pursuant to this section shall not prevent private enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements.

(c). 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:

Noise ordinance: Those regulations contained in the official code of Cobb County, Georgia, chapter 50, article VII.

Owner: A person that holds legal and/or equitable title to private property, as shown on Cobb County tax records.

Private: Intended for or restricted to the occupants and/or guests of his or her short term rental; not for public use.

Property: A residential lot of record on which a short term rental is located.

Rental term: The period of time a responsible person rents or leases a short term rental.

Short term rental occupants means guests, tourists, lessees, vacationers or any other person or persons who, in exchange for compensation, occupy a dwelling unit for lodging for a period of time not to exceed 30 consecutive days.

Short term rental means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days.

Short term rental agent means a person designated by the owner of a short term rental on the short term rental certificate application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location within the county for purposes of transacting business.

(d). Occupational tax certificate required.

1. An occupational tax certificate is required to be obtained from the business license division for each short term rental property.

2. No person shall rent, lease or otherwise exchange for compensation all or any portion of a property as short term rental without first obtaining an occupational tax certificate from the county.
 3. A separate occupational tax certificate shall be required for each short term rental.
 4. The occupational tax certificate may not be transferred, assigned, or used, for any location other than the one for which it is issued.
- (e). Application for occupational tax certificate for short term rental.
1. Applicants for an occupational tax certificate for a short term rental shall submit the following information, in addition to documentation specified by Chapter 78:
 - a. The name, address, telephone and email address of the owner(s) of record of the property for which a certificate is sought. If such owner is a corporate entity or similar legal entity, the application shall identify all partners, officers and/or directors of any such entity, including personal contact information;
 - b. The address of the property to be used as a short term rental;
 - c. The name, address, telephone number and email address of the short term vacation rental agent, which shall constitute his or her 24-hour contact information;
 - d. The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it, and understands its requirements;
 - e. The number and location of parking spaces allotted to the premises;
 - f. The owner's agreement to use his or her best efforts to assure that use of the premises by short term rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
 - g. Any other information that this section requires the owner to provide to the county as part of an application for an occupational tax certificate for a short term rental. The community development agency director, or his or her designee, shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this section.
 2. Attached to and concurrent with the occupational tax certificate application, the owner shall provide:
 - a. Proof of the owner's current ownership of the short term rental property;
 - b. A written certification from the short term rental agent that he or she agrees to perform the duties subscribed as specified in section; and
 3. If the short term rental agent changes, the property owner shall notify the county within five business days.
- (f). Short term rental agent.
1. The owner of a short term rental shall designate a short term rental agent on his or her application for a short term rental certificate. An owner may serve as the short term rental agent. Alternatively, the owner may designate a person or agency as his or her agent.
 2. The duties of the short-term rental agent are to:
 - a. Be reasonably available to handle any problems arising from use of the short term rental;
 - b. Appear on the premises of any short term rental within one hour following notification from the county of issues related to the use or occupancy of the property. Failure of the short term rental agent to timely appear to two or more complaints regarding violations may be grounds for penalties as set forth in this section. This is not intended to impose a

- duty to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation;
- c. Receive and accept service of any notice of violation related to the use or occupancy of the short term rental; and
 - d. Monitor the short term rental property for compliance with this section.
3. An owner may change his or her designation of a short term rental agent temporarily or permanently; however there shall only be one such agent for a short term rental at any given time. To change the designated agent, the owner shall notify the community development agency in writing of the new agent's identity, a new written certification from the short term rental agent that he or she agrees to perform the duties subscribed to her or her as specified in section, and proof that adjacent property owners have been notified about the name and contact information for the new rental agent.
- (g). Grant or denial of application.
- 1. All of-record property owners adjacent to a proposed short term rental shall be notified of the initial issuance of the occupational tax certificate for a short term rental. Notification shall be issued by the short term rental applicant and proof of notification shall be provided to the county. The notification to the property owners shall include:
 - a. Street address of the proposed short term rental;
 - b. Location of any on-site parking for short term rental occupants;
 - c. Maximum occupancy requirements;
 - d. Name of the owner(s); and
 - e. Name of the short term rental agent and his or her contact information.
 - 2. Review of an application shall be conducted in accordance with due process principles and shall be issued within thirty days of all required information being received. Any false statements or information provided in the application are grounds for denial of the application, citations and/or imposition of penalties.
- (h). Standard conditions.
- All short term rentals established pursuant to this section are subject to the following standard conditions:
- 1. Short term rentals are permitted in all Residential (R) zoning districts.
 - 2. Short term rentals shall only be permitted in residential structures with a valid Certificate of Occupancy.
 - 3. Parked vehicles. Off-street automobile parking shall be provided in accordance with Sec. 134-272.
 - 4. Life safety and sanitation.
 - a. Short term rental occupancy shall be limited to one adult per 390 square feet, as shown on Cobb County tax records.
 - b. Short term rentals shall meet all applicable building regulations, as required by Chapter 18.
 - c. Short term rentals shall meet all applicable fire prevention and protection regulations, as required by Chapter 54.
 - d. Short term rentals shall meet applicable Health and Sanitation regulations, as required by Chapter 62.

5. The short-term rental must be properly maintained and regularly inspected by the owner or short term rental agent to ensure continued compliance with applicable zoning, building, health and life safety code provisions.
6. Any advertising of the short term rental shall include notification of the maximum occupancy, maximum number of vehicles allowed, and provisions regulating noise.

(i). Enforcement

1. The complaining party shall first attempt to communicate with the short term rental agent and describe the issues with the short term rental occupants;
2. If the complaint is not resolved with the short term rental agent, then the complaining party may provide a written complaint to the code enforcement division, which shall include a description of the complaint, the attempts to resolve the complaint, and the complaining party's contact information.
3. Complaints shall result in a notice of the complaint being directed to the short term rental agent and owner. The short term rental agent shall be responsible for contacting the short term rental occupant to correct the problem within one hour. This short term rental agent is required to visit the property to confirm compliance with this section, unless compliance can reasonably be confirmed without visiting the property.
4. If non-compliance with provisions of this section occurs, the code enforcement division shall conduct an investigation whenever there is reason to believe that an owner and/or short term rental agent has failed to comply with the provisions of this section. The investigation may include an inspection of the premises, review of law enforcement/security reports, online searches, citations, or neighbor documentation consisting of photos, sound recordings and video all of which may constitute evidence of a violation. Should the investigation support a finding that a violation occurred, the code enforcement division shall issue a written notice of the violation and intention to impose a penalty to the owner and/or short term rental agent. The written notice may be served either by first class mail, by commercial overnight delivery, by personal service on the owner and/or short term rental agent, or by any other reasonable means of delivery, including email, and shall specify the facts which, in the opinion of the code enforcement division, constitute grounds for imposition of the penalties.
5. To ensure the continued application of the intent and purpose of this section, the community development agency shall notify the owner of a short term rental property of all instances in which nuisance behavior of the rental guest or the conduct of his or her short term rental agent results in a citation for a code violation or other legal infraction.
6. The community development agency shall maintain, in each short term rental location file, a record of all code violation charges, founded accusations, and convictions occurring at or relating to a short term rental property.
7. The code enforcement division is also hereby authorized and directed to establish such procedures for issuing citations for violations of this section. The Cobb County Police Department shall also have authority to enforce this section and issue citations.
8. Citations resulting from the enforcement of this section shall be heard by Magistrate Court.

(j) Penalties.

1. The penalties for violations specified in this section shall be as follows:
 - a. For the first violation within any 12-month period, the penalty shall be a fine of \$500.00;
 - b. For a second violation within any 12-month period of the first violation, the penalty shall be a fine of \$750.00;

- c. For a third violation and any subsequent violations within any 12-month period of the second violation, the penalty shall be \$1,000.00.
- d. For any violation that occurs when more than a 12-month period has transpired, it shall start again as a first violation.
- 2. A short term rental that is determined to be operating without the necessary occupational tax certificate shall subject the owner to a penalty of \$500.00. Each day the short term rental is marketed or rented for overnight accommodation shall constitute a separate violation.
- 3. Failure of the owner or short term rental agent to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short term rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this section. It is not intended that an owner or short term rental agent act as a peace officer or place himself or herself in an at-risk situation.
- 4. In addition to the penalties described above, any person violating the provisions of this section by operating a short term rental without a valid occupational tax certificate may be prosecuted according to the general penalties described in Chapter 78 of the this Code.

(k). Taxes.

The short term rental property owner shall be responsible for collection of all required hotel/motel taxes, tourism fees, or other state and local fees/taxes relating to the lodging of individuals. These payments shall be paid to the state and county as prescribed by state law and county code. The county may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

Secs. 134-290-292—134-310. - Reserved.