

2022 CODE AMENDMENTS

Official Code of Cobb County Part I. - Chapters 6, 18, 50, 54, 78, 90, 106, 110, 118, & 134

Package I

Version I - distributed on December 16, 2021

Board of Commissioners Work Session
January 25, 2022 – 1:30 pm

Board of Commissioners Public Hearing Dates
January 25, 2022 – 7:00 pm
February 8, 2022 – 9:00 am

Planning Commission Public Hearing Date
January 4, 2022 – 7:00 pm

Cobb County Community Development
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PART I. – OFFICIAL CODE OF COBB COUNTY, GA

Chapter 6 – ALCOHOLIC BEVERAGES

ARTICLE I. – IN GENERAL

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

Section 6-1. – Definitions.

Approved container means a tamper evident container that:

(a) Does not contain openings or straw holes;

(b) Is sealed in a manner that is visibly apparent if the container has been subsequently opened or tampered with; and

(c) Has an affixed label or marking that identifies the licensee that prepared and sold the mixed drink.

Beer bomber means a glass bottle containing 22 U.S. ounces of craft or draft beer.

Brewery means a domestic manufacturer of malt beverages that is licensed by the state. Provided a license is issued as required by this chapter, a brewery is authorized to sell malt beverages by the package, by the drink and operate flight tastings on the premises of the brewery pursuant to appropriate state law, without additional license requirements, except as is required in chapter 78. A licensed brewery may fill Growlers, Howlers, or Crowlers on premises so long as the container is sealed upon its furnishing or return to the customer and is not opened on the licensed premises.

Crowler means a sealed aluminum can containing 32 U.S. ounces of craft or draft beer filled from a tap and sealed at a licensed brewery.

Curbside pick-up means when a licensee delivers purchased goods to a customer's vehicle within a clearly designated pick-up area located within a paved parking area adjacent to the licensed premises.

Distance means the measurement in lineal feet from the center of any door of customer entry of the proposed premises of a licensee to the nearest property line of any church, library, school, college, park, public housing, public hospital or private residence as defined in this section. A radius shall be measured from the center of any door of customer entry of the proposed premises of any licensee to the nearest property line of any church, library, school, college, park, public housing, public hospital or private residence as defined in this section.

Flight means the service of several small samples of a single type of alcoholic beverage served at one time to an individual for a fee and intended to allow the sampling of different flavors.

Growler means a reusable glass, ceramic, or stainless-steel bottle or jug intended for the transport of craft or draft beer poured from a tap which shall not exceed 128 U.S. ounces.

Howler means a reusable glass, ceramic, or stainless-steel bottle or jug intended for the transport of craft or draft beer which shall not exceed 32 U.S. ounces.

Mixed drink means a beverage prepared by combining distilled spirits with nonalcoholic liquid or liquids and that:

(a) Is prepared on the day of sale by an employee of the licensee;

(b) Contains no more than 3 ounces of distilled spirits; and

(c) If sold for off-premises consumption, is sealed in an approved container.

Package means an alcoholic beverage bottled, canned, or otherwise assembled for retail sale by the bottle, box, can or case by a licensed manufacturer or wholesaler.

Sample means a small amount of any malt beverage, wine, or distilled spirits served as a single serving.

ARTICLE III. – LICENSES

DIVISION 1. – GENERALLY

Section 6-87 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 6-87. - Keeping or storing alcoholic beverages.

It shall be unlawful for any person or licensee ~~operating places licensed for the sale of any alcoholic beverages to keep, possess or store at such licensed place of business any alcoholic beverage without appropriate, valid and current state and local licenses for such beverage.~~

Section 6-104 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 6-104. –Reserved.

~~Sec. 6-104. – Display of license.~~

~~Each licensee for the sale of alcoholic beverages by the package at retail under this chapter shall have printed on the front window of the licensed premises the inscription, "Cobb County Retail License No. _____" in uniform letters not less than three inches in height. The license itself shall be prominently displayed so as to be visible to the public inside the premises.~~

DIVISION 3. – FEE, SUSPENSION, REVOCATION OR TRANSFER

Section 6-147 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 6-147. – Procedure for fee, suspension and revocation.

(a) It is determined that the following are violations:

- (1) When for any single offense, a licensee or anyone in the employ of the business holding the license is charged with, arrested for, or convicted of selling alcoholic beverages to an underage person or persons or on Sunday without necessary Sunday sales license; or
- (2) When for any single offense, a licensee or anyone in the employ of the business holding the license is charged with, arrested for, or convicted of selling alcoholic beverages to an intoxicated person pursuant to O.C.G.A. § 3-3-22.

- (b) The police department shall notify the business license division manager of any violation of section 6-147(a).
- (c) Upon notice of a violation of section 6-147(a), the business license department shall notify the license holder of the pending suspensions as follows:
 - (1) First offense—One day suspension;
 - (2) Second offense occurring within the 12-month period immediately preceding the violation—Three (3) day suspension;
 - (3) Third offense occurring within the 12-month period immediately preceding the violation—Seven (7) day suspension;
 - (4) Fourth offense occurring within the 12-month period immediately preceding the violation—Ten (10) day suspension;

Such notice to the licensee shall also provide rights of appeal and other rights under this section.

- (d) The license holder that has been provided notice of a violation of section 6-147(a) may, within ten days of receipt of notice, appeal the suspension set out in subsection (c) of this section and request a hearing by the license review board which will be set down within 60 days of request for appeal. The hearing shall proceed as any due cause hearing and the board may consider mitigating and aggravating circumstances in reaching its determination.
- (e) Pursuant to section 6-147(d), if at any time, the business license department becomes aware of a fifth or subsequent violation of section 6-147(a), the matter shall be set down for hearing by the license review board.
- (f) For businesses with multiple physical locations under a single licensee, the suspension periods in section 6-147(c) are imposed per physical location.
- (g) No alcoholic beverage license which has been issued or which may hereafter be issued shall be suspended or revoked except for due cause as defined in this section, after a hearing and upon written notice to the holder of such license of the time, place and purpose of such hearing and a statement of the charge or charges upon which such hearing shall be held.
 - (1) Once the business license manager becomes aware of any reason for a possible suspension or revocation, he/she shall place the matter for hearing by the license review board. A minimum of three days' notice of the hearing date shall be provided to the licensee.
 - (2) Due cause for the suspension or revocation of such license shall consist of one or more of the following:
 - a. The violation of any laws or ordinances regulating such business or for the violation of any state or federal law;
 - b. Any change in the area where such business is located, which change is deemed by the board of commissioners to cause such business in such area to be undesirable;
 - c. Any reason which would authorize the board of commissioners to refuse the issuance of a license;
 - d. Any violation of this chapter;

- e. A determination by the Business License Division or the Police Department that the applicant for the license was used as a guise or dummy for a person prohibited by this chapter from obtaining such license; or
 - f. A second offense of any violation of section 6-147(a).
- (3) Due cause hearing. The license review board at such hearing shall hear evidence of the circumstances of the possible due cause and after said hearing may recommend that the license to sell alcoholic beverages be suspended for a maximum of 12 months or revoked. The license review board, and the board of commissioners, if applicable, may consider mitigating and aggravating circumstances in considering sanctions, including but not limited to, attendance of a responsible alcohol sales and service (RASS) workshop, implementation and components of written policies, that employees have or do not have alcoholic beverage work permits, implementation and results of mystery shopper program, implementation and components of a training program, number of violations of business, number of violations of licensee, number of stores, length of time in business, compliance check was due to a complaint, identification was not checked, and any other facts deemed relative by the fact finder.
- (4) Affirmation by board of commissioners. If the license review board recommends suspension or revocation and the owner of the alcoholic beverage license, the licensee or both should fail to appeal such suspension or revocation recommendation, then the suspension or revocation shall become effective upon affirmation by the board of commissioners of such suspension or revocation recommendation and the owner of the alcoholic beverage license and the licensee shall be deemed to have acquiesced to such suspension or revocation. The board of commissioners shall, within 60 days of the license review board action, review a summary of the hearing before the license review board wherein the alcoholic beverage license was considered for suspension or revocation (the summary shall be prepared by the business license division manager) and the board of commissioners after such review may place the matter down for a hearing or affirm or alter the decision of the license review board. Should the board of commissioners place the matter down for hearing, the board of commissioners may suspend, for a maximum of 12 months, or revoke the alcoholic beverage license.
- (5) Appeal.
- a. In the event the license review board recommends that the alcoholic beverage license be suspended or revoked, the owner of the alcoholic beverage license, the licensee or both may file an appeal with the business license division manager of such recommendation within ten days to the board of commissioners. The board of commissioners shall conduct a de novo review and any additional evidence may be presented at the appeal hearing.
 - b. If a hearing occurred before the board of commissioners, such decision is final unless appeal is made to the superior court of the county. Any aggrieved party may appeal a decision of the board of commissioners by filing a petition for writ of certiorari to the superior court within 30 days of the decision of the board of commissioners.
- (h) In all hearings held pursuant to this section, the proceedings shall be as informal as compatible with justice, the hearing shall be expedited and normally shall not exceed 30 minutes in length, and the following procedures shall prevail:

- (1) The charges and specifications against the licensee and the response as filed by the licensee shall be read.
 - (2) The county representative shall present evidence, and then the licensee shall present his evidence, with opportunity for each party to present rebuttal evidence, examination and cross examination of witnesses, and interrogation by the board of commissioners. No evidence shall be presented which is not relevant to the charges.
- (i) In the event a license to sell alcoholic beverages is suspended a sign issued by the business license office shall be placed at each entrance to the facility wherein alcoholic beverages were sold with the sign providing, "THE LICENSE TO SELL ALCOHOLIC BEVERAGES ISSUED TO THE OWNER AND LICENSEE OF THIS BUSINESS HAS BEEN SUSPENDED FROM _____ TO _____ AS A RESULT OF SELLING ALCOHOLIC BEVERAGES TO AN UNDERAGE PERSON, AN INTOXICATED PERSON OR AN UNAUTHORIZED SUNDAY SALE." In the event a license to sell alcoholic beverages is revoked a sign issued by the business license office shall be placed at each entrance to the facility wherein alcoholic beverages were sold with the sign providing, "THE LICENSE TO SELL ALCOHOLIC BEVERAGES ISSUED TO THE OWNER AND LICENSEE OF THIS BUSINESS HAS BEEN REVOKED AS A RESULT OF SELLING ALCOHOLIC BEVERAGES TO AN UNDERAGE PERSON, AN INTOXICATED PERSON OR AN UNAUTHORIZED SUNDAY SALE." The sign shall stay in place for the period of suspension or in the case of a revocation for a period of 30 days.

ARTICLE IV. – OPERATING REGULATIONS FOR LICENSED ESTABLISHMENTS

DIVISION 1. – GENERALLY

Section 6-176 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 6-176. – Sale or delivery to unlicensed premises or unlicensed caterers and distilled spirits to go.

(a) A packaged goods retailer may deliver malt beverages, wine and distilled spirits in unbroken packages lawfully sold to and purchased by an individual for personal use and not for resale to an address designated by such individual subject to the requirements of O.C.G.A. 3-3-10 and any other applicable state law.

~~(b) It shall be unlawful for any licensee under this chapter to allow the sale or delivery of any alcoholic beverage by the drink to any area other than the premises covered by the license. Any restaurant which is licensed to sell distilled spirits for consumption on the premises may sell mixed drinks for off-premises consumption in approved containers, provided that such mixed drinks are:~~

(1) Sold to an individual 21 years of age or older who shall be limited to two mixed drinks per entree ordered;

(2) Accompanied by a food order and a sales receipt with a time stamp that indicates the date and time of such purchases;

(3) Sold for personal use and not for resale and picked up in person by the same individual customer to whom the mixed drinks and entrees were sold and from whom the restaurant received payment;

provided, however, that such individual customer shall not include a delivery service or third-party agent; and

(4) Furnished with the accompanying food order to the customer on the premises or by way of curbside pick-up.

(5) If transported in a motor vehicle, the customer shall place the mixed drink in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(6) Sales of mixed drinks for off-premises consumption shall be taxed in accordance with O.C.G.A. § 3-4-130 through 3-4-133.

(c) It shall be unlawful for unlicensed individuals or caterers to sell alcoholic beverages.

(d) Notwithstanding the provisions of subsection (b), The Cobb Coliseum and Exhibit Hall Authority, as alcoholic beverage licensee, may sell and deliver alcoholic beverages by the drink and package to the garden area between 1 Galleria Parkway, 100 Galleria Parkway, 200 Galleria Parkway and 300 Galleria Parkway, commonly known as the Galleria garden, or any other property owned or controlled by the Cobb Coliseum and Exhibit Hall Authority. Sales by the package will only be allowed during special and temporary events approved by the Cobb County Business License Division Manager.

Section 6-179 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 6-179. – Requirements for sale of alcoholic beverages at an amusement park.

(a) When an amusement park is not open to the general public, the amusement park may sell or dispense alcoholic beverages to its private party function participants. Alcoholic beverages shall not be removed from the amusement park premises, which premises shall not include the parking areas of the amusement park.

(b) When the amusement park is open to the general public, the amusement park may sell or dispense alcoholic beverages at a private party function in restricted areas, which areas are not open to the general public; and have a fence or barrier which limits access to the restricted area.

~~(c) The amusement park may sell or dispense alcoholic beverages in areas that are open to the general public, but have been designated as adult concession areas on a plan that shall be approved by both amusement park management and the board of commissioners. Areas designated as adult concession areas must have a clearly defined entrance for adults only (and minors within their care who will not be served alcohol beverages) to include methods for verifying identification as well as an exterior barrier or partition that reasonably deters minors (not within the care of an adult visiting the concession area) from entering the area. All operations and personnel associated with serving alcoholic beverages within adult concession areas must be in compliance with all applicable provisions of this Code.~~

The amusement park may sell or dispense alcoholic beverages in areas of the park that are open to the general public, in particular at designated food and beverage locations in the park. Alcoholic beverages

purchased in the park may not leave the premises of the park. The park will have methods for verifying identification of patrons purchasing alcohol and alcohol will not be served to anyone under the age of 21 or to a patron who does not possess a valid picture identification. The park has the right to refuse alcoholic beverage service to any patron at any time for any reason. All food and beverage operations personnel associated with serving alcoholic beverages at the park must be in compliance with all applicable provisions of this Code.

DIVISION 3. – EMPLOYEES

Section 6-206 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 6-206. – Employment of persons with prior convictions.

- (a) No licensee shall employ, for compensation or otherwise, in any premises for the sale of alcoholic beverages, or the operation of a bottle house under this chapter, any person in a capacity requiring a work permit as defined in section 6-207 who meet any of the following:
- Is not a citizen of the United States, not an alien admitted for permanent residence, or does not otherwise possess employment authorization from the United States Citizenship and Immigration Services;
 - ~~Is not an alien admitted for permanent residence;~~
 - ~~Is not a person who has otherwise been granted employment authorization by the United States Citizenship and Immigration Services;~~
 - Any person who has been convicted within five years immediately prior to the application for employment of the following:
 - Any felony;
 - Two or more convictions of driving under the influence;
 - Two or more convictions of possession, consumption, or attempt to purchase alcohol by an underage person;
 - One or more under 21 DUIs;
 - Any conviction relating to the sale or furnishing of alcoholic beverages to an underage person;
 - Any conviction relating to the unlawful possession, use or manufacturing of an authentic or fraudulent driver's license or ID; or
 - Any person on parole, probation, or convicted and released from incarceration, for any sexual related crimes, including but not limited to child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders pursuant to O.C.G.A. § 42-1-12.
- (b) The omission or falsification of any material information in an application for an alcoholic beverage permit shall be a violation of this chapter and grounds for the denial, suspension or revocation of any such permit; however, any employees excluded from employment under the terms of this section shall have the right to appeal such exclusion to the license review board.

- (c) Section 6-206 shall not apply to private clubs as defined in this chapter.

Section 6-207 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 6-207. – Work permits.

- (a) *For whom required.* It is the responsibility of the licensee and designee as stated in section 6-92(g) to ensure that the employees required under this Code section obtain and possess the required work permit issued by the county police department prior to working. Employees for the purposes of this section shall include independent contractors. Failure of an employee to possess a work permit while selling or serving alcoholic beverages, as required by this section, shall be unlawful and will subject the employee and licensee to prosecution as provided in this chapter and shall be grounds for suspension or revocation of the license. A permit to work in any of the following establishments shall be required of the following:
- (1) All employees of package stores.
 - (2) All employees of convenience stores.
 - (3) All employees of businesses with a pouring license who serve or sell alcohol, which shall include waitresses, waiters, and bartenders.
 - (4) In all businesses for which an alcohol license has [been] issued, except as provided in section 6-207(b), all managers, employees serving in a managerial capacity, and any employee providing security whether or not any such persons sell or serves alcohol.
- (b) *Not required.* A work permit is not required of the following:
- (1) The licensee to whom an alcoholic beverage license has been issued under this chapter.
 - (2) An approved substitute licensee, as approved by the business license division.
 - (3) Any person authorized by law to serve alcoholic beverages and is working at a temporary, non-profit fundraising event for which an alcoholic beverage license has been issued under this chapter.
 - (4) Any person authorized by law to serve alcoholic beverages and is working at a temporary trade show event for which a temporary alcoholic beverage license has been issued under this chapter.
 - (5) Any peace officer employed by the licensee for security, so long as the officer is certified by the Georgia Peace Officer Standards and Training Council, possesses arrest powers under the laws of this state, and is actively employed by a recognized public law enforcement agency.
- (c) *Application, issuance, denial.* Except as otherwise provided, no person requiring a work permit may be employed by an establishment holding a license under this chapter until such person has been issued a work permit from the county police department indicating the person is eligible for employment. All applications required by this section shall be filed with and investigated by the police department, and such investigation shall include, among other things, an investigation of the criminal record, if any, of the applicant. No work permit shall be issued by the police department if the applicant has violated any of the provisions of section 6-206 hereof. Any applicant who is denied an alcoholic beverage work permit shall have the right to appeal such decision to the license review board. Appeals to the license review board regarding the denial of an alcoholic beverage work permit must be filed with the business license division within 30 days of the denial. After a hearing, the

license review board may approve or deny the work permit. The decision shall be final unless appealed in accordance with 6-207(i). In addition, after the hearing, the license review board may approve or recommend to the board of commissioners approval of a work permit to an employee whose application was originally denied based upon any conditions deemed appropriate by the license review board, pursuant to section 6-207(i). Denied applicants who fail to file a timely appeal shall not be authorized to reapply for an alcoholic beverage work permit for 12 months from the date of the denial.

(d) *Training of permit holders.*

- (1) Licensees are required to provide ~~information~~ training to all permit holders on provisions of the law of this state and ordinances regarding the sale of alcoholic beverages to intoxicated and underage persons and the penalties for violating such laws and ordinances within 10 days of employment.
- (2) Licensees shall provide ~~regular information, annual training regarding~~ company alcohol sale/service policies, state laws and county ordinances, and training to all permit holders on the methods, procedures and measures to be taken in order to request, obtain and examine proper identification of patrons to be certain that such patrons are of legal age to purchase alcoholic beverages. Training shall include the methods, procedures and measures to be taken in order to refuse sale/service to underage or intoxicated patrons. Training shall provide permit holders with the opportunity to demonstrate and practice skills required in order to comply with company policies for responsible alcohol sale/service. Training shall include a discussion of how permit holder's alcohol sale/service practices shall be monitored and enforced by management as well as law enforcement. Training shall include a discussion of the management and law enforcement consequences for violations. Training shall include a pre/posttest to determine whether training objectives were met and by whom. Evidence of such training records shall be made available upon request for inspection by the county Police Department or Business License Division.
- (3) Detailed records of such training, including the content, date, time, persons attending and copy of any ~~pre/post test~~ post test(s), shall be maintained for a minimum of 36 months after the training. Evidence of such training records shall be made available upon request for inspection by the county Police Department or Business License Division.
- (4) The failure of the licensee to comply with this subsection regarding the training of permit holders shall be grounds for due cause to suspend and/or revoke the license to sell alcoholic beverages.

(e) *Permit term and physical characteristics.* ~~Any~~ A work permit issued under this section shall contain the permit number issued by the county Police Department, the permit holder's first and last name, a photograph of the permit holder and contain security features to inhibit unauthorized duplication. Permits shall expire 12 months from the date of issuance unless earlier suspended or revoked as provided in this section. Nothing herein shall prohibit the Police Department from issuing temporary permits, for a period not to exceed 30 days, when the applicant is unable to appear in order to be photographed, or as otherwise necessary for the Police Department to complete a thorough background investigation of the applicant.

(f) *Possession of permits by employees.* Employees holding permits issued pursuant to this section shall at all times during their working hours have the permits available for inspection.

(g) *Exclusion.* This section shall not apply to private clubs.

- (h) *Work permit requirement.* At all times that the business is open the licensee shall have at least one person on the premises who has a valid work permit.
- (i) *Grounds for suspension, revocation.* No permit which has been issued or which may hereafter be issued under this section shall be suspended or revoked except for due cause as defined in this subsection, and after a hearing and upon written notice to the holder of such permit of the time, place and purpose of such hearing and a statement of the charge or charges upon which such hearing shall be held. A minimum of three days' notice shall be provided to the applicant or permit holder. "Due cause" for the suspension or revocation of the permit shall consist of the violating of any laws or ordinances regulating the sale of alcoholic beverages or for the violation of any state, federal or local ordinances set out in section 6-206; or for the omission or falsification of any material in any application; or for any reason which would authorize the refusal of the issuance of a permit; or any violation of this chapter. All hearings shall be before the license review board and shall be conducted in the manner provided in section 6-147.

After the hearing, the license review board may decide to:

- (1) Approve the work permit by an affirmative vote by a supermajority of the license review board. In such cases, the approval shall be final;
- (2) Approve the work permit by an affirmative vote of less than a supermajority of the license review board. In such cases the board of commissioners shall, within 60 days of the license review board's decision, review a summary of the appeal or show cause hearing before the license review board wherein the work permit was considered for issuance and the board of commissioners after such review will either concur with recommendations of the license review board or choose to place the matter down for a hearing; or
- (3) Deny, suspend or revoke the work permit, when it is determined that due cause exists. The employee whose work permit was denied, suspended, or revoked may appeal the license review board decision to the board of commissioners. The board of commissioners shall, within 60 days of the license review board's decision, review a summary of the appeal or show cause hearing before the license review board wherein the work permit was considered for issuance, suspension or revocation (the summary shall be prepared by the business license division manager) and the board of commissioners after such review will either concur with recommendations of the license review board or choose to place the matter down for a hearing.

Should the board of commissioners place the matter down for hearing the board of commissioners, after such hearing, may issue or deny the work permit, or suspend or revoke the work permit. After the final determination by the license review board or board of commissioners, a representative of the business license office will notify the Cobb County Police Department Permits Unit of the decision. If the permit was approved for issuance, the Cobb County Police Department Permits Unit will notify the applicant that the permit has been approved. The employee whose work permit was not issued or whose work permit was denied, probated, suspended or revoked may appeal the board of commissioners' decision pursuant to section 6-147 hereof. The decision of the board of commissioners may be appealed by filing a petition for writ of certiorari to the Superior Court of Cobb County within 30 days of the decision of the board of commissioners.

- (j) Notwithstanding any of the provisions in this section, any permits issued through administrative error or an error in the completion of a background investigation may be terminated by the director of public safety or his/her designee.

Section 6-209 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 6-209. – List of employees to be filed with county.

Within 72 hours of employment, it shall be the duty of all licensees under this division to file with the county, through the Police Department and Business License Division, the names of all employees required to possess a work permit under Sec. 6-207, and their date of birth, home address, phone number, place of employment, their duties and services performed, and any other descriptive information that the Business License Division or Police Department may require in its investigation of the establishment and its employees. All changes in information shall be filed, in writing, via email or the online portal, by the licensee within 72 hours of the change.

Section 6-209~~210~~ –6-220. -Reserved.

DIVISION 5. – ON-PREMISES CONSUMPTION

Section 6-236 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 6-236. – Pricing of alcoholic drinks.

- (a) This section shall be construed to cover, include and apply to every type of alcoholic beverages licensed to be sold in the county, including beer, wine, malt beverages and spirituous liquors.
- (b) Each licensee under this chapter shall maintain a daily schedule of the prices to be charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The licensee shall not vary the prices from hour to hour within a single day. The schedule of prices shall be maintained in a manner so as to be available to the paying public and law enforcement officers or agents of governmental authority. Such schedule shall be effective for not less than a 24-hour period beginning at 12:01 a.m. and ending at midnight and shall show thereon the date for which the schedule is effective.
- (c) No licensee or holder of any license to sell alcoholic beverages for consumption on the premises or in any part thereof, or employee or agent of a licensee, shall:
- (1) Offer or deliver any free alcoholic beverage to the general public. This subsection shall not apply to tasting rooms of farm wineries, distilleries, or breweries where wine, spirituous liquors, and malt beverages are offered in a quantity to only taste the product or for persons in compliance with appropriate state law and section 6-131 of this chapter.
 - (2) Deliver more than two alcoholic beverages to one person at one time or allow any patron to possess more than two alcoholic beverages at one time. The sale or service of flights of alcoholic beverages shall be permitted provided that a single flight does not exceed six (6) individual servings, subject to the following limitations:

(A) Individual servings of beer and malt beverages in a flight shall not exceed five (5) fluid ounces;

(B) Individual servings of wine in a flight shall not exceed three (3) fluid ounces; and

(C) Individual servings of spiritous liquors in a flight shall not exceed one-half (0.5) fluid ounce.

- (3) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same 24-hour period for which the price schedule required by this section is in effect, except at private functions not open to the public.
 - (4) Sell, offer to sell, or deliver to any person or group of persons two or more or an unlimited number of alcoholic beverages during any set period of time at a fixed price, except at private functions, not open to the public.
 - (5) Sell, offer to sell, or deliver alcoholic beverages, by the pitcher or carafe, except to two or more persons at any one time.
 - (6) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same 24-hour period for which the price schedule required by this section is in effect.
 - (7) Encourage or permit on the licensed premises any game or contest or promotion which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.
 - (8) Sell two or more alcoholic beverages for a price substantially the same as is charged for one such alcoholic beverage.
 - (9) Require or encourage the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased.
 - (10) Knowingly allow an alcoholic beverage purchased on the premises to be removed from the premises, except as provided in O.C.G.A. § 3-6-4 and O.C.G.A. § 3-3-11, without having been consumed. "Premises," for the purpose of this subsection, shall be construed to mean the entire area under the supervision, management or control of the licensee, excluding areas for parking of motor vehicles; a patio shall be part of the premises only when the patio is in compliance with the zoning ordinance and zoning of the location. The patio must be in compliance with the building and fire and life safety code. In the case of licensees whose licensed location is located on a portion of the premises of club, organization, establishment or entity offering outdoor recreation (for instance, golf or tennis), the word "premises" shall extend to cover all areas operated as a part of the club or entity excluding areas for parking of motor vehicles.
- (d) There shall be no advertisement or promotion in any way, whether within or without the licensed premises, of any of the practices prohibited under this section.
- (e) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, or to prohibit licensees from including an alcoholic beverage as a part of a meal package; however, this subsection shall not be construed to allow a licensee to circumvent the intent of this section by offering meals which include an alcoholic beverage as a device or scheme to promote drink sales at a price per beverage less than the daily listed price.

Chapter 18 – BUILDING REGULATIONS

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

Division 1. –Generally

Section 18-27 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 18-27. – Permits Required.

- (a) Any contractor, owner or authorized representative, doing any electrical, mechanical, plumbing, gas or building construction, shall obtain a permit for same through proper application to the development and inspections division of the community development agency of Cobb County, Georgia, before performing such work. If work requiring a permit is started without proper permitting, an after-the-fact permit may not be granted if the work is not compliant with all other federal, state and local codes and ordinances. Regardless whether or not an after-the-fact permit is obtainable the contractor and the owner will be in violation of this ordinance if work is started without proper permitting as required.
- (b) Notwithstanding any other provision contained within the specific building codes adopted by Cobb County, residential remodeling permits or any permit for the remodeling of a residential house shall expire after 180 days. Furthermore, residential remodeling permits shall expire if work is discontinued for a period of 60 days. Work is considered to have been discontinued, suspended or abandoned when a passing inspection has not been recorded on any required electrical, mechanical, plumbing, gas or building construction permit during any 60-day period. The building official shall be authorized to issue one or more extensions of time, for a period of not more than 180 days each, after the expiration of a residential remodeling permit if it can be demonstrated that the remodeling is being conducted in an efficient and expedient manner while minimizing the impact of such remodeling on the surrounding neighborhood. All other residential permits expire one year from date of issuance regardless of progress.
- (c) Excluding permits covered in paragraph (b) of this section, every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is discontinued, suspended or abandoned for a period of 180 days after the time the work is commenced. Work is considered to have been discontinued, suspended or abandoned when a passing inspection has not been recorded on any required electrical, mechanical, plumbing, gas or building permit during any 180-day period. The building official is authorized to grant one or more extensions of time, for periods not more than 180 days each. To receive an extension, justifiable cause must be demonstrated.
- (d) Each building permit issued shall contain the certification number of company or individual responsible for design, installation, and maintenance of erosion sediment control devices. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection of any land disturbing activity shall meet the education and training certification requirements as developed by the commission pursuant to O.C.G.A. § 12-7-20.

~~(e) Any building permit for a residential structure that is issued to a lot, parcel or property that has an existing structure that will be or has been removed or demolished and proposes increasing the existing topographic elevation by greater than four feet, shall require an authorized demolition permit and site plan approved by Cobb County staff to include consultation with the district commissioner representing the district where the property is located. The site plan shall be reviewed as to the effect it may have on adjacent properties, including but not limited to topographic alteration, building height and stormwater runoff. Appeals to section 18-27(e) shall be made to the board of zoning appeals within 30 days from the date of such decision or action.~~

Chapter 50 – ENVIRONMENT

ARTICLE III. – LAND DISTURBING ACTIVITIES

Section 50-76 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 50-76. – Application; plan requirements; permit process.

- (a) *General.* The landowner, developer and designated planner, architects and engineers shall review the general development plans and detailed plans of the unincorporated areas of the county that affect the tract to be developed and the area surrounding it. They shall review and comply with the zoning regulations set forth in chapter 134, the subdivision regulations set forth in chapter 110, the flood damage prevention regulations set forth in chapter 58, the stormwater management concept and design requirements set forth in article IV (stormwater management) of this chapter, the inspection and maintenance agreement requirements set forth in section 50-161, division 3 of article IV (stormwater management) of this chapter, and other county ordinances which regulate the development of land within the boundaries of the unincorporated areas of the county. All design related to stormwater management under this article and all subsequent articles set forth in chapter 50 shall conform with the technical guidelines and requirements set forth in the latest edition of the Georgia Stormwater Management Manual (Volumes 1, 2 and 3) and any relevant local addenda.
- (b) *Application requirements.*
 - (1) No person shall conduct any land disturbing activity within the confines of the unincorporated areas of the county without first obtaining a permit, where required, from the issuing authority of the unincorporated areas of the county to perform such activity and providing a copy of the notice of intent submitted to the Georgia EPD, if applicable. A land disturbance permit for clearing and grading projects may only be obtained if such projects are part of a complete site/project plan review and approval (allowing for clearing and grading only phases, including a timetable for final completion). Any clearing and grading activities permitted under this section shall comply with the provisions found in article VI of this chapter. In no event shall any portion of this section be interpreted in any manner to reduce or diminish the use or density of any project where the county board of commissioners has approved such use or density.
 - (2) The application for a permit shall be submitted to the local issuing authority. Applications for permits will not be accepted unless accompanied by nine copies of the applicant's soil erosion and sedimentation and pollution control plan. These plans shall include, as a minimum, the data specified in subsection (c) of this section. Soil erosion and sedimentation and pollution control plans shall conform to the provisions of section 50-75. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD rule 391-3-7-10

or that such a visit was not required in accordance with rules and regulations established by the board.

(c) *Plan requirement.*

- (1) *Standards and specifications.* Plans for land disturbing activities shall contain soil erosion and sedimentation control measures and practices which conform to the publication entitled Manual for Erosion Control in Georgia or equivalent publication which is on file in the office of the issuing authority. The publication is hereby incorporated by reference in this article. The plan for the land disturbing activity shall consider the interrelationship of the soil types, geological, and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances, and state laws.
- (2) *Data required.* The applicant's erosion and sedimentation control plan shall include, as a minimum, the following information for the entire tract of land to be disturbed, whether or not the tract will be developed in stages:
 - a. Name, address, fax number, and phone number of applicants.
 - b. Name, phone number, and fax number of the 24-hour project manager and an alternate, who can be served with notice.
 - c. Name, phone number, and fax number of 24-hour erosion sediment control company or individual.
 - d. Certification number of company or individual responsible for design, installation, and maintenance of erosion sediment control devices. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection of any land disturbing activity shall meet the education and training certification requirements as developed by the commission pursuant to O.C.G.A. § 12-7-20.
 - e. Certification must be renewed and an approved course taken every two years.
 - f. A narrative description of the overall project. This narrative shall include:
 1. Description of existing land use of project site and description of proposed project, including size of project, or phase under construction, in acres. An anticipated starting and completion date of each sequence and stage of land disturbing activities and the expected date the final stabilization will be completed.
 2. A description of the sediment control program and sediment control practices.
 3. An adequate description of the general topographic and soils conditions of the tract as available from the district conservationist or the county soil and water conservationist of the county soil and water conservation district.
 4. Activity schedule showing anticipated starting and completion dates for the project, including a statement in bold letters that "the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land disturbing activities."
 5. A description of the maintenance program for sedimentation control facilities, including inspection programs, vegetative establishment of exposed soils, etc.

6. Engineer's erosion control certification in a form as prescribed by the director of Cobb County Community Development.
 7. All information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land disturbance permit was issued.
- (3) *Visual materials and computations.* Maps, drawings and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection of any land disturbing activity shall meet the education and training certification requirements, as developed by the commission pursuant to O.C.G.A. § 12-7-20. Materials and computations documents shall provide the following:
- a. A site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, residential areas, jurisdictional boundaries, streams and rivers, limits of stream buffers and property setbacks, detailed plans of all proposed land development in the stream buffer, limits and square footage areas of all proposed impervious cover within the setback, description of all proposed land development within the stream buffer and setback, 100-year floodplains and designated trout streams, any other documentation that Cobb County Community Development may reasonably deem necessary for review of the application and to insure that the stream buffer ordinance is addressed in the approval process.
 - b. A boundary line survey of the site on which the work is to be performed including graphic scale and north point or arrow indicating magnetic north.
 - c. A topographic map containing contours at an interval and scale that will depict the existing and finished grades (in accordance with a one-foot contour interval for tracts with a zero to two percent ground slope, 1:100 or larger scale; a one-foot or two-foot contour interval for tracts with a two to eight percent ground slope, 1:100 or larger scale; a two-foot, five-foot, or ten-foot contour interval for tracts with an eight percent or greater ground slope, 1:100 or larger scale), existing and proposed watercourses, location and delineation of all buffers and proposed features of the development.
 - d. Vegetative plans for all temporary and permanent vegetative measures, including species, planting date, seeding, fertilizer and mulching rates. The vegetative plan should show options for year-round seeding.
 - e. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.
 - f. Stormwater management plan prepared in accordance with section 50-130(d); a certification that the development will be performed in accordance with the stormwater management plan once approved; a preliminary determination of infeasibility, as applicable, prepared in accordance with the practicability policy, and an

acknowledgement that the applicant has reviewed Cobb County's form of inspection and maintenance agreement and that the applicant agrees to sign and record such inspection and maintenance agreement prior to the final inspection or issuance of a certificate of occupancy.

- g. Major topographic features, streams, existing soil types and vegetation.
- h. Delineation of disturbed areas within project boundary.
- i. Location identified by appropriate coding symbols as shown in the Manual for Erosion and Sedimentation Control in Georgia or other appropriate publication.
- j. Details should describe installation procedures.
- k. Computations, timing schedules and other supportive data required for review of applicant's plan.
- l. Sediment and stormwater, where applicable, management systems including storage capacity, hydrologic study and calculations, including off-site drainage areas.
- m. Proposed structures or additions to existing structures and paved areas.
- n. Any application for a rezoning involving a development expected to generate more than 3,000 vehicle trip ends during a single day and/or more than 250 vehicle trip ends during a single hour shall be required to submit a traffic impact study (prepared in accordance with industry accepted standards, including at a minimum, level of service impacts for adjacent roadways and intersections), the scope of which shall be determined by the Director of the Cobb County Department of Transportation or his/her designee and shall at a minimum address conditions and impacts resulting from the project. Said applicant shall also be required to coordinate and fund any recommended mitigation measures limited to project related improvements with applicable federal, state and local agencies including the Georgia Regional Transportation Authority and the Atlanta Regional Commission.

The applicant shall prepare an assumptions technical memorandum for approval by the county department of transportation before proceeding with the traffic study.

- o. All plans must contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-10 or that such a visit was not required in accordance with rules and regulations established by the board.

(4) *Maintenance.*

- a. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the owner. It shall be the responsibility of the owner or his/her designee to post a maintenance log on site at all times. Said log will be posted on site with the land disturbance permit from the issuing authority. Said log must also be initialed on a weekly basis by the owner or

his/her designee to indicate compliance with best management practices and the approved maintenance schedule.

- b. All plans must contain the following maintenance statement: "Erosion control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sedimentation control measures will be installed if deemed necessary by on-site inspection. On-site inspectors may add items to plans as necessary. On-site inspectors may delete items from plans subject to approval by the director of Cobb County Community Development or his/her designee."

(d) *Permits.*

- (1) *Permits issuance or denial.* A permit is issued after the issuing authority has determined that the plan for erosion and sedimentation control complies with the requirements of section 50-75, the stormwater management plan complies with article IV and after the issuing authority has affirmatively determined that the plan complies with all ordinances, rules and regulations in effect within the unincorporated areas of the county. Permits will be issued or denied as soon as practical after the permit is filed with the issuing authority. If the permit is denied, the reasons for the denial shall be furnished to the applicant.
- (2) *Staged developments.* If the tract is to be developed in stages, then a separate permit shall be required for each phase.
- (3) *Suspensions, revocation or modification of permit.* The permit may be suspended, revoked or modified by the issuing authority, as to all or any portion of the land affected by the plan, upon a finding that the holder or his successor in title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this article or any ordinance, resolution, rule or regulation adopted or promulgated pursuant to this article. The holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- (4) *Responsibility.* Neither the issuance of the permit nor compliance with the conditions thereof, nor with the provisions of this article, shall relieve any person of any responsibility otherwise imposed by law for damage of persons or property; nor shall the issuance of any permit pursuant to this article serve to impose any liability upon the county, its officers, board members or employees, for injury or damage to persons or property. The permit issued pursuant to this article does not relieve the applicant of the responsibility of complying with any other county ordinance or state law.
- (5) *Special conditions.* A permit issued by the issuing authority shall specify any special conditions under which the land disturbing permit may be undertaken.
- (6) *Fees.* In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed \$80.00 per acre of land disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to OCGA § 12-7-8(a), half of such fees levied shall be submitted to the division; except that any and

all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) and (10) shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

ARTICLE VII. – NOISE

Section 50-256 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 50-256. – Violations and penalty.

- (a) It shall be unlawful and punishable as provided in section 1-10 for any person within the unincorporated areas of the county to violate any of the provisions of this article.
- (b) Except as otherwise provided herein, ~~it~~ shall be unlawful for any person to make, continue or cause to be made or continued any loud noise which either disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the unincorporated areas of the county which ~~is plainly audible 100 feet from the sound's point of origination, except as otherwise provided herein.~~
 - (1) From 7:00 a.m until 11:00 p.m exceeds 65 dBA measured from the complainant location;
 - (2) From 11:00 p.m until 7:00 a.m. exceeds 60dBA measured from the complainant location.
- (c) dBA means the sound level measured in decibels using the “A’ weighting network on a sound level meter. dBA levels closely match the perception of loudness by the human ear.

Section 50-257 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 50-257. – Enumeration of prohibited noises.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this article; but this enumeration shall not be deemed to be exclusive:

- (1) *Horns, signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the unincorporated areas of the county, except as a danger warning; the creation of any unreasonably loud or harsh sound by means of any signaling device and the sounding of any device for an unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
- (2) *Radios, phonographs, musical instruments.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants ~~or at any time with a volume louder than the convenient hearing of a person, not hearing impaired, who is within 40 feet of the device if outdoors, or in the room, vehicle or chamber in which the machine or device is operated, and who is a voluntary listener thereto. The operation of any set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at a distance of 50 feet from the device if outdoors, or 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this article.~~

- (c) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (d) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, ~~particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place,~~ so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence or of any persons in the vicinity.
- (e) *Animals, birds.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity. This section shall not apply to horses, livestock, poultry or other farm animals, provided they are maintained in accordance with county zoning regulations or ordinances.
- (f) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, internal-combustion engine or motorboat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (g) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in such manner as to create loud grating, grinding, rattling or other noise.
- (h) *Construction or repair of buildings.* The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, electric saws, drills or any other equipment attended by loud noise, other than between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday.
- (i) *Streets adjacent to schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which interferes with the normal operation of that institution, or which disturbs patients in the hospitals, provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
- (j) *Hawkers, peddlers, vendors.* The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- (k) *Noises to attract attention.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (l) *Landscaping equipment.* The operation of any noise-creating equipment including but not limited to lawnmowers, weed eaters, chainsaws, and blowers either gas powered or electric which causes noise that would annoy or disturb the peace, quiet and comfort of the neighboring inhabitants shall not be used in residentially-zoned parcels between the hours of 9:00 p.m. and 7:00 a.m. on any day of the week.
- (m) *Sound trucks.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles during hours and in places and with such volume as would constitute this use as a public nuisance; provided, that the provisions of this section shall not apply to or be enforced against:
 - a. Any vehicle in the unincorporated areas of the county while engaged in necessary public business.

- b. Excavations or repairs of streets by or on behalf of the city, county or state at night when public welfare and convenience renders it impossible to perform such work during the day.
- c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.
- (n) *Motorcycles, go-carts and other motor vehicles.* The operation of a motorcycle, motorized scooter, go-cart or other motorized vehicle in a manner which creates excessive noise, including the continuous riding of any such vehicle past, around or near an inhabited dwelling place so as to disturb its inhabitants.
- (o) *Consumer fireworks.* The use or exploding of consumer fireworks between the hours of 9:00 p.m. and 10:00 a.m., except on the dates, and at the times, explicitly specified in chapter 10 of title 25 of the O.C.G.A. (O.C.G.A. § 25-10-1 et seq.).

Section 50-258 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 50-258. – Exceptions to article.

- (a) Any person whose operations or business within the unincorporated areas of the county is currently licensed under an existing county ordinance which prohibits the creation of disturbances or creation of nuisances on or emanating from the premises shall be exempt from the provisions of this article so long as the license under the previously existing ordinance remains valid.
- (b) This article shall not apply to projects funded in whole or in part by Cobb County or to activities conducted upon county property with the prior permission of the county or by a licensee of the county for the use of county facilities so long as the license to use the property remains valid.
- (c) This article shall not apply to school-sponsored activities conducted upon school grounds. "School" for the purpose of this section means a private, parochial or public kindergarten, elementary, middle, junior high or high school or college which teaches subjects commonly taught in the public schools and colleges of this state.
- (d) This article shall not apply to any activity otherwise permitted by state or federal law.

Chapter 54 – FIRE PREVENTION AND PROTECTION

ARTICLE III. – FIRE SAFETY STANDARDS

The Official Code of Cobb County, Georgia, is amended by adding Section 54-51.1, to read as follows:

Section 54-51.1. – Expiration of approval; Inactivity; Renewal; Inspections.

- (1) Any approvals issued by the Cobb County Fire Marshal shall expire if work is not commenced within 180 days of such issuance or approval, or if a permit is not issued by the respective building official within 90 days of Fire Marshal's approval.
- (2) If approval expires or not issued as described in (1), applicant will be required to reapply for said project under the most current applicable state laws and county ordinances. The project must meet current and locally adopted codes and standards at the time of the reapplication.

- (3) Inactivity – The Fire Marshal approval shall be voided if inspections are not requested within 180 days of the issuance of the building permit. Occupancy of the construction area is prohibited until commissioning is completed.
- (4) Voided approvals – Appeals for voided approvals shall be made in accordance with Article IX if Chapter 54.
- (5) Work Progress Inspection or Review – Meeting with the Cobb County Fire Marshal’s office for a work progress inspection or review before dates listed about is required to avoid expiration of permits or approvals.

The Official Code of Cobb County, Georgia, is amended by adding Section 54-51.2, to read as follows:

Section 54-51.2. – Pre-construction meetings.

Prior to approval of certain project plans, mandatory pre-construction meetings may be required by the Fire Marshal due to the project’s complexity, size, scope and/or uniqueness.

Section 54-54.2 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 54-54.2. – Operational Permits.

- (a) Any exposition, special event or parade shall be permitted in accordance with adopted codes and standards.
- (b) Carnivals and fairs shall be permitted in accordance with adopted codes and standards.
- (c) Outdoor social gatherings with projected crowds exceeding one thousand persons shall require a permit from the Fire Marshal’s Office. Such permit may require, including but not limited to, EMS services, hydration stations, fire watch, crowd management techniques or messaging upon consideration of fire and life safety factors and in accordance with Section 54-62.

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

Section 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.~~

Section 54-56 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 54-56. – Definitions in fire prevention code.

The following definitions shall apply to the International Fire Code adopted in this article:

- (1) Wherever the word "municipality" is used in the International Fire Code, it shall be held to mean the unincorporated areas of the county and the cities of Acworth, Kennesaw, and Powder Springs.
- (2) Wherever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the attorney for the county.
- (3) Wherever the words "chief of the bureau of fire prevention" are used in the International Fire Code, they shall be held to mean the county fire marshal.
- (4) "Fire code official" shall mean county fire marshal.
- (5) "Authority having jurisdiction" shall mean county fire marshal.
- (6) "Private fire main" shall include all piping and appurtenances on the customer side of the master meter.
- (7) The term "Fire Code" means the most recent published edition or the edition referenced by State Fire Marshal, NFPA 1 The Fire Code or the International Fire Code. Both shall be adopted and if an administrative challenge or code conflict exists, the conflict shall be resolved by the State Fire Marshal.

ARTICLE V. – FIRE PROTECTION CONTRACTORS

Section 54-81 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 54-81. – Definitions.

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

Certificate or certificate of competency means the document issued by the commissioner to a certificate holder which authorizes a fire protection sprinkler contractor to engage in the business of installation, repair, alteration, addition, maintenance or inspection of fire protection sprinkler systems or water-spray systems.

Certificate holder means an individual who has satisfactorily met the requirements to obtain a certificate from the commissioner, or from the county, and who is the owner, partner or officer of the company or corporation or such employee who performs or supervises the installation, repair, alteration, addition, maintenance or inspection of a fire protection sprinkler system or water-spray system.

Commissioner means the state safety fire commissioner.

County modified system means any system not required by any other code, which does not comply with NFPA 13, but is approved for use in buildings not required to be sprinklered under the Life Safety Code or the International Building Code.

Fire marshal means the county fire marshal.

Fire protection contractor means an individual, partnership, corporation, association, limited liability company, limited liability partnership, joint venture or other business entity that supervises, performs, or supervises and performs the installation, repair, alteration, addition, maintenance, or inspection of fire protection systems. Such term does not include local building officials, fire inspectors, or insurance inspectors when acting in their official capacities.

Fire protection sprinkler contractor means an individual, partnership, corporation, association, joint venture or other entity operated for profit that supervises or performs the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems or water-spray systems as per NFPA 13, NFPA 13R, NFPA 13D, NFPA 15, NFPA 25, and county modified systems, and who has a valid certificate from the commissioner.

Fire protection sprinkler system or water-spray system means an NFPA 13, NFPA 13R, NFPA 13D, or the county modified sprinkler system standard.

NFPA means the National Fire Protection Association.

Section 54-84 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 54-84. – Certificate of fitness and demonstration of competency.

(a) All Fire Protection Contractors shall be in accordance of NFPA 1 and obtain an operational permit issued by the Cobb County Fire Marshal at no charge. The minimum information to obtain such certificate shall be:

- i. Proof of business and insurance;
- ii. Provide training records showing competency for services offered; and
- iii. Cobb County Acknowledge waiver.

Contractor List will be maintained and displayed by the Cobb County Fire Marshal.

(b) Prior to obtaining a sprinkler permit, the applicant shall demonstrate his competence and knowledge of fire protection sprinkler systems or water-spray systems by providing proof of certificate of competency issued by the commissioner.

(c) No fire protection sprinkler contractor shall permit any person under his employ or control to install, repair, alter, maintain or inspect any fire protection sprinkler system or water-spray system unless such person is under the direct supervision of the fire protection sprinkler contractor.

The Official Code of Cobb County, Georgia is amended by adding a new article and sections to read as follows:

ARTICLE IX. FIRE PREVENTION AND PROTECTION SAFETY ORDINANCE BOARD OF APPEALS

Sec. 54-119. - Created; membership, terms, appointments and voting.

(a) In accordance with Section 109, Appendix A (Section A101) of the 2021 International Fire Code, as amended and adopted from time to time, there is hereby created the Fire Prevention and Protection Safety Ordinance Board of Appeals ("fire code appeals board"), which shall be composed of five (5) voting members.

The board of commissioners shall appoint five members to the fire code appeals board with the full board of commissioners approving the appointments. The membership of the fire code appeals board shall be comprised of persons who are qualified by experience and training to pass on matters pertaining hazards of fire, explosions, hazardous conditions or fire protection systems and shall not be employees of the local jurisdiction.

Of the members appointed to create the initial fire code appeals board, two (2) members shall be appointed for an initial term of only one (1) year, another two (2) members shall be appointed for an initial term of only two (2) years, and the final member shall be appointed for an initial term of only three (3) years. Thereafter, each member appointed shall be appointed for a term of four (4) years.

(b) Any vacancies on the fire code appeals board shall be filled for the unexpired term in the manner in which original appointments are made. No board member shall be eligible for reappointment earlier than one year following the end of such member's previous term, with the exception of appointments immediately following any initial appointment under this section.

(c) The fire code appeals board shall annually select one of its members to serve as chairperson. Such selection shall be made by a majority vote of the members of the entire board.

- (d) Members shall be removed from the fire code appeals board prior to the end of their terms. Continued or unreasonable absences of any member from regular meetings of the fire code appeals board shall, upon the discretion of the board of commissioners, render any such member liable to immediate removal from the fire code appeals board.
- (e) The presence of any three members of the fire code appeals board shall constitute a quorum; and all decisions of the board shall require affirmative votes of a majority, but not less than three members shall be required.
- (f) Compensation of members of the fire code appeals board shall be determined by the board of commissioners.
- (g) A member shall not participate on an appeal in which that member has a personal, professional, or financial interest. Such conflict of interest shall be declared by the member who shall refrain from participating in discussions, deliberations, and voting on such appeal. The secretary shall note and record such conflict.

Sec. 54-120. - Records and procedure.

- (a) The fire marshal or his or her designee shall be an ex officio member and shall serve as secretary of the fire code appeals board, but shall not vote on any matter before the board. The secretary shall maintain a detailed record of all its proceedings, which sets forth reasons for the fire code appeals board decisions, the votes of each member participating therein, the absences of members, and any failure of a member to cast a vote, and other matters, as necessary.
- (b) The fire code appeals board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Code, and shall meet at least quarterly or from time to time as needed and at such times as may best serve the needs of the business of the county fire department. In case of a dispute or conflict as to times of meetings, the decision of the chairman of the fire code appeals board shall be final.
- (c) The fire code appeals board shall meet upon notice from the chairperson, within ten (10) days of the filing of an appeal or at regularly scheduled meeting. Said appeals must be filed with the County Clerk received at least ten days prior to the next scheduled meeting date of the fire code appeals board otherwise said appeal shall be heard at a specially called meeting as set by the chairperson of the fire code appeals board.
- (d) All hearings before the fire code appeals board shall be open to the public. The appellant, appellant's representative, the fire marshal or his or her designee and any person whose interests are affected shall be given an opportunity to be heard.

Sec. 54-121. - Jurisdiction and appeals.

- (a) The fire code appeals board shall have the jurisdiction to hear and decide appeals of orders, decisions or determinations made by the fire marshal relative to the application and interpretation of the

international fire code as adopted in this chapter (the "fire code"). The fire code appeals board shall be authorized to hear evidence from appellants and the office of the fire marshal pertaining to the application and intent of the fire code for the purpose of issuing orders pursuant to these provisions.

(b) The fire code appeals board shall have the authority to affirm, modify, or reverse the decision of the fire marshal arising from his or her interpretation of the fire code when a disagreement arises between the fire marshal and an applicant.

(c) Decisions by the fire code appeals board shall be provided in writing to the office of the fire marshal within three (3) days of the hearing and shall be open to the public for inspection. A certified copy of the decision shall be furnished to the appellant or the appellant's representative and to the fire marshal.

(d) The fire marshal must take immediate action in accordance with the decision of the fire codes appeals board.

(e) All decisions of the fire code appeals board are final, and may only be reviewed by certiorari to the superior court of the county. Any person, whether or not a previous party to the appeal may seek review of the decision of the fire code appeals board.

Chapter 78 – LICENSES, PERMITS AND BUSINESSES

ARTICLE I. – IN GENERAL

Section 78-1 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 78-1.- Definitions.

Gross receipts shall not include the following:

a. Sales, use or excise tax.

b. Sales returns, allowances and discounts.

c. Interorganizational sales or transfers between or among the units of a parent-subsidary controlled group of corporations as defined by 26 USC 1563(a)(1), or between or among the units of a brother-sister controlled group of corporations as defined by 26 USC 1563(a)(2), or between or among wholly owned partnerships or other wholly owned entities.

d. Payments made to a subcontractor or an independent agent for services which contributed to the gross receipts in issue.

e. Governmental and foundation grants, charitable contributions or the interest income derived from such funds received by a nonprofit organization which employs salaried practitioners otherwise covered by this chapter, if such funds constitute 80 percent or more of the organization's receipts.

~~f. The first \$25,000.00 annually of gross receipts from the rental of real property which is owned by an entity, a natural person, his spouse, and his minor children collectively.~~

g.f. Receipts from the rental of detached single-family residential real property.

h.g. Proceeds from sales of goods or services which are delivered to or received by customers who are outside the state at the time of delivery or receipt.

ARTICLE II. – BUSINESS LICENSE AND OCCUPATION TAX

Section 78-43 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 78-43.- Change of location or ownership of business.

...

(b) A new business registration certificate will be issued upon payment of a change of location fee, if the new location conforms to the county's zoning regulations. The amount of this fee shall be available as part of the schedule of fees in the business license office. When a change of ownership occurs, the new owners shall notify the business license office and pay an occupation tax and pay a change of ownership fee, as established in the schedule of fees.

(c). When a change of ownership occurs, the new owners shall notify the business license office and ~~pay a change of ownership fee, as established in the schedule of fees.~~ apply for and obtain a business registration certificate.

ARTICLE III. – SPECIAL LICENSES AND REGULATORY FEES

DIVISION 7. – HEALTH SPAS

SUBDIVISION 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~~ division and police department, the names of all employees required to have a work permit and designated managers, 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 may require in its investigation of the establishment and its employees, within 72 hours of employment. All changes in information shall be filed in writing, via email or via online portal within 72 hours of the change.

Section 78-275 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 78-275.- Hours and places of operation.

The owner of the health spa shall provide in writing to the Cobb County Business License Division the hours of operation of the health spa. No licensee under this division shall operate a health spa except during the hours of 6:00 a.m. and 10:00 p.m. The licensee or a designated manager shall be on the premises at all hours that the establishment is engaged in or open for business. No employee shall remain in the establishment between the hours of midnight and 5:00 a.m.

SUBDIVISION 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 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 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.
- (g) Due cause for the suspension or revocation of such license shall consist of one or more of the following:
 - (1) The violation of any laws or ordinances regulating such business or for the violation of any state or federal law.
 - (2) Any change in the area where such business is located, which does not conform with the existing zoning at the new location.
 - (3) Any reason which would authorize the board of commissioners to refuse the issuance of a license.
 - (4) Any violation of this chapter.

Section 78-293 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 78-293.- Location and premises requirements.

- (a) An applicant for a health spa license under this subdivision, prior to making application for a license, must have a location in unincorporated Cobb County where the health spa is a permitted use in the underlying zoning district.
- (b) The establishment shall be subject to inspection at any time during business hours by the business license division manager or his or her designee and/or by the police department to ensure compliance with this article.

- (c) All employees and other persons on the premises, with the exception of customers receiving a massage from a state licensed massage therapist, shall be completely clothed at all times when administering a massage. For the purposes of this article, the term "completely clothed" means having on the upper portion of the body appropriate undergarments and either blouse or shirt which shall cover all the upper body save the arms and neck, and shall mean having on the lower body appropriate undergarments plus either pants or skirt, and said pants or skirt must cover from the waist down to a point at least two inches above the knee. All clothes worn in compliance with this article shall be entirely non-transparent.
- (d) Ordinary beds or mattresses shall not be permitted in any health spa establishment.
- (e) No licensee under this division shall operate a health spa except during the hours of 6:00 a.m. and 10:00 p.m.
- (f) The licensee or a designated manager shall be on the premises at all hours that the establishment is engaged in or open for business.
- (g) A sign or lettering shall be posted at the main entrance identifying the business as a health spa. Said sign shall have lettering a minimum of 5" in height and shall identify the premises as a health spa business. The sign and the front of the business shall not be illuminated by strobe or flashing lights.
- (h) The hours of operation must be posted on the front door or window, clearly visible from the outside. Any massage or services begun before 10:00 PM must conclude on or before 10:00 PM. Patrons of the health spa may not be permitted to remain on the premises outside these hours of operation.
- (i) A list of services available and the cost of such services font size 12 or larger letters shall be posted in a conspicuous public place within the premises. Only those services listed may be performed. Nothing in this subsection shall preclude the Operator from posting additional signs in other languages as long as at least one sign in English is posted pursuant to this subsection.
- (j) No person shall enter, be in or remain in any part of the health spa while in possession of, consuming, using, or under the influence of any alcoholic beverage or controlled substance. The Operator(s) and on-duty manager shall be responsible to ensure that no such person shall enter or remain upon the premises.
- (k) All front, reception, hallway or front exterior doors (except back or exterior doors used solely for employee entrance to and exit from the massage business) shall be unlocked during business hours. No massage may be given within any cubicle, room, booth or any area within a massage business which is fitted with a lock of any kind (such as a locking door knob, padlock, dead bolt, sliding bar or similar device), unless the only door is an exterior door. Entry doors to any room shall not be obstructed by any means.

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, licensee, shareholder, partner, agent, employee or independent contractor has violated or is guilty of~~ No license for a health spa shall be issued to any person where any individual having an interest either as owner, partner, principal shareholder, or licensee, directly or indirectly, beneficial or absolute, shall have been convicted within ten years immediately prior to the consideration of a health spa license 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, licensee, shareholder, partner, agent, employee or independent contractor has employed any person who is not a licensed massage practitioner and allowing or permitting such person to administer massage in 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.

The Official Code of Cobb County, Georgia, is amended by adding Section 78-298, to read as follows:

Section 78-298. – Employment of persons with prior convictions.

- (a) No licensee shall employ, for compensation or otherwise, in any health spa, any employee requiring a work permit as defined in section 78-299 who meet any of the following:
 - Any person who is not a citizen of the United States; is not an alien admitted for permanent residence, or does not otherwise possess employment authorization from the United States Citizenship and Immigration Services;
 - Any person who has been convicted within five years immediately prior to the application for employment of the following:
 - 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;

- Any felony; or
 - Performs any immoral or indecent act to or in the presence of a person with the intent to arouse or satisfy the sexual desires of either the employee or another person on the premises.
 - Any person on parole, probation, or convicted and released from incarceration, for any sexually related crimes, including but not limited to child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. 16-6-4 or individuals required to register as a sex offender pursuant to O.C.G.A. 42-1-12.
- (b) The omission or falsification of any material information in an application for a health spa work permit shall be a violation of this chapter and grounds for the denial, suspension or revocation of any such work permit; however, any employees excluded from employment under the terms of the section shall have the right to appeal such exclusion to the license review board.

The Official Code of Cobb County, Georgia, is amended by adding Section 78-299, to read as follows:

Section 78-299. – Work permits.

- (a) *For whom required.* It is the responsibility of the licensee and designee to ensure that the employees required under this Code section obtain and possess the required work permit issued by Cobb County Police Department Regulatory Services Unit prior to working. Employees for the purpose of this section shall include independent contractors. Failure of an employee to possess a work permit as required by this section, shall be unlawful and will subject the employee and licensee to prosecution as provided in this chapter and shall be grounds for suspension or revocation of the license. A permit to work in any of the following establishments shall be required of the following:
- (1) All employees of the health spa who are not State of Georgia Licensed Massage Therapists ;
 - (2) All independent contractors of the health spa who do not hold a State License.
- (b) *Permit term.* Any work permit issued under this section shall expire 12 months from the date of issuance unless suspended or revoked as provided in this section.
- (c) *Possession of permit by employees.* Employees holding permits issued pursuant to this section shall at all times during their working hours have the permits available for inspection.

The Official Code of Cobb County, Georgia, is amended by adding Section 78-300, to read as follows:

Section 78-300. – Violations of this chapter.

The violation of any of the provisions of this chapter by the holder of a license under this chapter or the licensee's agents or employees, whether compensated or not, shall subject the holder of such license to revocation, suspension or probation of the license.

The Official Code of Cobb County, Georgia, is amended by adding Section 78-301, to read as follows:

Section 78-301. – Hearings and appeals.

(a) Hearing

- (1) *Due cause hearing.* The license review board shall hear evidence of the circumstances of the possible due cause and after said hearing may recommend that the health spa license to be suspended for a maximum of 12 months or revoked. The license review board, and the board of commissioners, if applicable, may consider mitigating and aggravating circumstances in considering sanctions, including but not limited to, implementation and components of written policies, that employees have or do not have health spa work permits, components of a training program, number of violations of business, number of violations of licensee, number of stores, length of time in business, compliance check was due to a complaint, identification was not checked, and any other facts deemed relative by the fact finder.
- (2) *Affirmation by board of commissioners.* If the license review board recommends suspension or revocation and the owner of the health spa license, the licensee or both should fail to appeal such suspension or revocation recommendation, then the suspension or revocation shall become effective upon affirmation by the board of commissioners of such suspension or revocation recommendation and the owner of the health spa license and the licensee shall be deemed to have acquiesced to such suspension or revocation. The board of commissioners shall, within 60 days of the license review board action, review a summary of the hearing before the license review board wherein the health spa license was considered for suspension or revocation (the summary shall be prepared by the business license division manager) and the board of commissioners after such review may place the matter down for a hearing or affirm or alter the decision of the license review board. Should the board of commissioners place the matter down for hearing, the board of commissioners may suspend, for a maximum of 12 months, or revoke the health spa license.

(b) Appeal.

- (1) In the event the license review board recommends that the health spa license be suspended or revoked, the owner of the health spa license, the licensee or both may file an appeal with the business license division manager of such recommendation within ten days to the board of commissioners. The board of commissioners shall conduct a de novo review and any additional evidence may be presented at the appeal hearing.
- (2) If a hearing occurred before the board of commissioners, such decision is final unless appeal is made to the superior court of the county. Any aggrieved party may appeal a decision of the board of commissioners by filing a petition for writ of certiorari to the superior court within 30 days of the decision of the board of commissioners.
- (3) In all hearings held pursuant to this section, the proceedings shall be as informal as compatible with justice, the hearing shall be expedited and normally shall not exceed 30 minutes in length, and the following procedures shall prevail:
 - (a) The charges and specifications against the licensee and the response as filed by the licensee shall be read.
 - (b) The county representative shall present evidence, and then the licensee shall present his evidence, with opportunity for each party to present rebuttal evidence, examination and cross examination of witnesses, and interrogation by the board of commissioners. No evidence shall be presented which is not relevant to the charges.

Section 78-298302 –78-319. -Reserved.

DIVISION 11. – SHORT TERM RENTALS

Section 78-407. – Short-term rentals

(a). Purpose.

1. The purpose of this section is to protect the public health, safety and general welfare of individuals and the community at large; 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 or agency designated by the owner of a short-term rental on the short term rental certificate application. Such person or agency 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.

Short-term rental certificate means a certificate issued by the business license division to owners or the designated rental agent of short-term rental units who have submitted the required documentation and met the requirements set forth in this chapter for operation of a short-term rental.

(d). Short-term rental certificate required.

1. A short-term rental 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 a short-term rental certificate from the county.
2. A separate short-term rental certificate shall be required for each short-term rental.
3. The short-term rental certificate may not be transferred, assigned, or used, for any location other than the one for which it is issued.

(e). Application for short-term rental certificate.

1. Applicants for short-term rental certificate shall submit, on an annual basis, an application for a short-term rental certificate to the business license division. The application shall be accompanied by a non-refundable application fee in the amount of \$55.00. Such application shall include:
 - 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 rental agent, which shall constitute his or her 24-hour contact information;
 - d. The short-term rental agent'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 short-term rental agent'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 a short-term rental certificate. The community development agency director, or his or her designee, shall have the authority to request and obtain additional information from the applicant as necessary to achieve the objectives of this section.
2. Attached to and concurrent with the short-term rental certificate application, the owner or short-term rental agent 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. Keep his or her name and emergency contact phone number posted in a readily visible place in the short-term rental unit;
 - c. Receive and accept service of any notice of violation related to the use or occupancy of the short-term rental;
 - d. Monitor the short-term rental for compliance with this section; and
 - e. List the short-term rental certificate number on each online listing.
 - 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 business license division 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 the name and contact information for the new rental agent has been posted in the short-term rental unit.
- (g). Grant or denial of application.
- 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. This information should also be posted at the rental property.
7. A legible copy of the short-term rental certificate shall be posted within the unit and include all of the following information:
 - a. The name, address, telephone number and email address of the short-term rental agent;
 - b. The short-term rental unit certificate number;
 - c. The maximum occupancy of the unit; and
 - d. The maximum number of vehicles that may be parked at the unit.

(i). Enforcement

1. Complaints regarding a short-term rental may be provided in writing 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.
2. 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.
3. 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. 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.

4. 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.
5. 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.
6. 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.
7. 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. When a short-term rental agent has accumulated three violations for a particular property within a 12-month period of the first violation, the county shall revoke any pending certificates, the existing certificate for the subject property, and reject all applications for the subject premises for a period of 12 consecutive months.
 - 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 short-term rental certificate shall subject the owner to a penalty of \$500.00. Each day the short term rental is rented for overnight accommodation without a certificate is a separate violation.

(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. 78-~~407-408~~—78-410. - Reserved.

Chapter 90 – PARKS AND RECREATION

ARTICLE III. – PARK RULES

Division 1.—Generally

Section 90-63 of the Official Code of Cobb County, Georgia, is amended 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) ~~Reserved~~ *Smoking in county owned or maintained parks.* Smoking or vaping shall be prohibited within the boundaries of any park, sports complex, recreation area or facility owned, leased, or operated by Cobb County, including any open area within such park sports complex, recreation area or facility. Cobbstone Golf Course and Legacy Links Golf Course are exempt from section (b) of this Section 90-63.
- (c) *Dogs in off-leash areas or dog parks.* 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 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 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-bike's motor is under 1,000w, has a maximum speed of 20 miles per hour 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 miles per hour) 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 miles per hour) on any hard surface or soft surface trail in a county park or facility that is managed by 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 20 miles per hour) will only be allowed on the Silver Comet Trail, Bob Callan Trail and Noonday Creek Trail.

Chapter 106 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE III. – SIDEWALKS

DIVISION 1. – GENERALLY

Section 106-91 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 106-91.- Definitions.

Local street means a street or road whose primary function is to provide access to abutting land while also providing for local traffic circulation. Local streets include any public street or road not classified as a freeway, arterial, or collector in the county's thoroughfare plan. ~~Local streets within residential subdivisions are further classified into functional subcategories, residential collectors and residential subdivision streets.~~

~~*Residential collector* means one or more principal streets in a subdivision whose function is to provide access to abutting land, while also conducting traffic to and from the subdivision's local streets to a higher classification street in the county's major street system, and having an average daily traffic count in excess of 1,000 trips per day.~~

~~*Residential subdivision street* means a street in a subdivision whose function is to provide access to abutting land and carry traffic to a residential collector.~~

Section 106-96 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 106-96.- Where required.

(a) Paved sidewalks shall be required in all new developments after May 23, 1989, along the following types of roads:

(1) *Arterials, major collectors and minor collectors.* Sidewalks are required on both sides of thoroughfares. Before final acceptance is made by the county, all sidewalks shall be installed as shown on the approved set of plans unless a performance security is in place prior to acceptance, unless the applicant/developer chooses alternative compliance, as specified in section 106-98.

~~(2) *Residential collectors.* Sidewalks shall be required on both sides of streets and shall be built when curb and gutter is installed throughout the development. Before final acceptance is made by the county, all sidewalks shall be installed as shown on the approved set of plans unless a performance security is in place prior to acceptance.~~

(23) *Industrial and commercial streets.* Developer shall provide for earth shoulders/sidewalks on both sides of streets located within a planned industrial or commercial development, that are not classified as arterial, major or minor collector, or ~~residential~~-collector and in compliance with county standards.

(34) *Residential subdivision streets.* It is the intent of this article to require paved sidewalks on the north and east side of the residential streets in the county.

- a. Sidewalks shall be required on the north and east sides of all residential subdivision. Sidewalks shall be required on all abutting external streets (abutting side), unless determined unnecessary by the director based upon a demonstrated hardship including and/or similar to extreme topography, utility hardships, stormwater management issues, presence of existing healthy specimen trees, etc.
- b. It shall be at the discretion of the director to have the sidewalks shifted to the south and west of the streets to fit special situations.
- c. Amenities shall be served by a sidewalk and this sidewalk tied to the closest sidewalk in the subdivision.
- d. Before final acceptance is made by the county, all sidewalks shall be installed as shown on the approved set of plans, unless a performance security is in place prior to acceptance.

(b) 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:

Paved means to cover uniformly with a hard concrete surface or other rigid pavement surface excluding asphalt for the bearing of traffic.

Section 106-98 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 106-98. –Alternative compliance.

The intent of this article is to coordinate the construction of publicly planned and funded sidewalks with the construction of new sidewalks required from developers as a result of new development. To provide alternatives in these such cases, applicants/developers may contribute to a sidewalk development fund fee in lieu of sidewalk construction.

Section 106-98.1 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 106-98.1. –Cobb County ~~sidewalk development fund~~ developer contributions.

- (a) In accordance with the Cobb County master sidewalk plan, (as may be amended from time to time), applicants/developers may contribute funds to construct sidewalks (planned and programmed per the Cobb County master sidewalk plan) along arterial, major and minor collector roadways, onto which their projects do not abut/access, but are in the same county commission district, unless a roadway serves as a district commission boundary. Any portion of the roadway serving as a boundary shall be eligible for funding. This contribution is considered a fee in lieu of constructing sidewalks along roadways onto which their projects do abut/access.

- (1) *Calculation contribution amounts.* Contribution calculations will be based upon a site specific, project cost calculation of the linear distance that would otherwise be constructed. Alternatively, the developer may submit an estimate for the construction cost to be reviewed by the county department of transportation, to be prepared by the applicant and subject to review and approval by the director of the Cobb County department of transportation, or his/her designee.
- (2) Except where specified by zoning stipulation, the final contribution amounts are subject to review and approval by the director of the Cobb County department of transportation, or his/her designee.
- (b) This article may also refer to other roadway improvements required from developers as a result of new development that must be coordinated with the county. These roadway improvements include but are not limited to: traffic signal installation and upgrades, reconstructing roadways to county design standards, constructing auxiliary turn lanes, installation of curb and gutter, and installation of traffic calming measures.
- Developer contributions for other roadway improvements are to be based upon a site-specific project cost estimation approved by the county department of transportation.
- (c) ~~Fund administration.~~ Contribution management. ~~The Cobb County sidewalk developer development fund contribution will be administered-managed by the Cobb County department of transportation. In the case of sidewalk and/or curb and gutter contributions, a~~ bi-annual report shall be submitted to the county manager showing amounts collected, amounts spent and the sidewalk projects enhanced per these funds. When programming sidewalk projects using these funds, the county department of transportation shall coordinate with the district commissioner. The report will be made available to the board of commissioners upon their request.

ARTICLE IV. – CURB AND GUTTER

DIVISION 1. – GENERALLY

Section 106-136 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 106-136. – Definitions.

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

~~Curb and gutter means a concrete structure 24 inches or 30 inches wide from edge of pavement to back of curb. Curbs are the vertical element of a monolithic curb and gutter section; and all curbs shall not be separate from the gutter, i.e., curbstones placed adjacent to edge of pavement.~~

Curb and gutter construction means and includes acquisition of right-of-way, clearing and grubbing, drainage, grading, pavement, and/or pavement widening (excluding additional lanes), and/or sidewalks as well as the construction of the curb and gutter itself.

~~Curbs means a vertical face structure which can be either classified as barrier or mountable.~~

- (1) ~~Barrier curbs/vertical face curbs shall be used when determined appropriate by the department.~~

~~(2) Mountable curbs/roll back curbs will be used in residential areas unless barrier curbs are requested by the department.~~

Department means the county Department of Transportation.

Director means the director of the department.

GDOT means the Georgia Department of Transportation.

Lot means a parcel of land, whether or not platted, in single ownership, and not divided by a street.

Raised curb and gutter means a concrete structure 24 inches or 30 inches wide from edge of pavement to back of curb. Curbs are the vertical element of a monolithic curb and gutter section; and all curbs shall not be separate from the gutter, i.e., curbstones placed adjacent to edge of pavement.

Raised curb means a vertical face structure which can be either classified as barrier or mountable.

(1) *Barrier curbs/vertical face curbs* shall be used when determined appropriate by the department.

(2) *Roll-back curb* is not permitted by Cobb County DOT. Exceptions may be made on a case by case basis for small-lot residential developments that have frequent driveways breaking the curb line on a very low-volume road or for roadways designated as requiring rollback curb by the Cobb County Fire Marshal Office. Any resulting drainage concerns must be addressed as part of this design exception.

Chapter 110 – SUBDIVISIONS

ARTICLE III. – SUBDIVISION DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

DIVISION 1. – GENERALLY

Section 110-59 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 110-59. – Lots.

Lots in subdivisions shall comply with the following:

- (1) *Arrangement.* Side lot lines should be at right angles (90 degrees) to straight street lines or radial to curved street lines. Side lot lines should be radial to the radius points of all cul-de-sacs. Each lot shall front upon a dedicated public street having a right-of-way of not less than 50 feet.
- (2) *Building lines.* Building lines shall conform with the county zoning regulations.
- (3) *Corner lots.* All corner lots, regardless of zoning, shall have no less than 100 feet of road frontage on each street and shall meet the requirements in the county zoning regulations. The street side yard shall not be less than 25 feet as measured from the street right-of-way. ~~No driveway shall be located within 80 feet of the street intersection.~~ Driveways shall be located according to county development standards.
- (4) *Double frontage lots.* Access to double frontage lots shall be restricted to the interior street.
- (5) *Septic tanks and sewage disposal systems* (see section 122-242).

DIVISION 2. – STREETS

Section 110-79 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 110-79. – Curves.

- (a) *Super-elevated curves.* Super-elevated curves shall be provided in accordance with state highway design for arterial and collector type streets.
- (b) *Horizontal curves.* See standard engineering (AASHTO) design specifications for horizontal curves. ~~Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced.~~
 - ~~(1) On streets with a right-of-way of 60 feet or more in width, the centerline radius of curvature shall be no less than 300 feet, and on other streets shall be no less than 100 feet.~~
 - ~~(2) A tangent of 100 feet shall be introduced between curves.~~
- ~~(c) Vertical curves. See standard design specifications for vertical curves.~~

Section 110-82 of the Official Code of Cobb County, Georgia, is amended to read as follows:
Section 110-82. – Intersections.

- (a) Street intersections shall be as nearly at right angles as is possible.
- (b) No intersection shall be at an angle of less than 60 degrees.
- (c) Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corners shall include a miter ~~be round or otherwise set back sufficiently~~ to permit such construction.
- (d) Sight distance at intersections shall meet the requirements of standard Cobb DOT design specifications for the number of lanes and posted speed limit of the roadway ~~the county major thoroughfare plan, and the zoning regulations.~~
- (e) Islands at intersections shall be subject to standard Cobb DOT design specifications and approval by the county department of transportation ~~individual approval by the traffic engineer of the county.~~ In no case shall anything extend more than three feet above the back of the curb within the right-of-way of the intersecting street.
- (f) Adjoining street intersections shall meet or exceed a minimum spacing per standard county design specifications for the classification of the roadway ~~be spaced at least 250 feet apart measured from edge of right-of-way to edge of opposing right-of-way.~~

Section 110-83 of the Official Code of Cobb County, Georgia, is amended to read as follows:
Section 110-83. – Jogs.

Street jogs shall have centerline offsets as detailed in standard county development specifications ~~of a minimum of 125 feet.~~

Section 110-89 of the Official Code of Cobb County, Georgia, is amended to read as follows:
Section 110-89. –Minimum pavement widths.

The minimum width of right-of-way, as measured from the lot line, shall be as shown on the major thoroughfare plan, and/or as described for the roadway classification within the county development standards ~~if not as shown on such plan, shall be no less than as follows:~~

Street Type	Minimum Right-of-Way (feet)	Pavement Width (feet)
Arterial	100—300	Varies
Major collector	80	Varies
Minor collector	60	24*
Local	50	20*
Alleys	50	15

~~*Note: Pavement width does not include curbing width.~~

Section 110-90 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 110-90. –Curbs and gutters.

- (a) Developers of subdivisions abutting and located on existing county streets and roads shall be required to provide curbing and guttering along the public road frontage of the property at points of ingress and egress to and from the subdivision to the existing public street or road for a distance of 150 feet in each direction from the point of ingress or egress; provided, that the rear of the structure erected on the lots face the existing street or road and that there are no points of egress or ingress other than as provided for in this section. Further provided that no other portions of the existing street or road have existing curb and gutter to which to coordinate with.
- (b) This section shall apply only to subdivisions to be constructed on existing public streets or roads in the county. "Existing public streets or public roads" as used in this section means those that are of record on the official public street or road registry in the community development department and other appropriate county departments as of the date of the enactment of this section, or public streets or roads which are hereafter constructed and maintained by the county after dedication and acceptance as provided by law.

Chapter 118 – TRAFFIC AND VEHICLES

ARTICLE IV. – STOPPING, STANDING AND PARKING

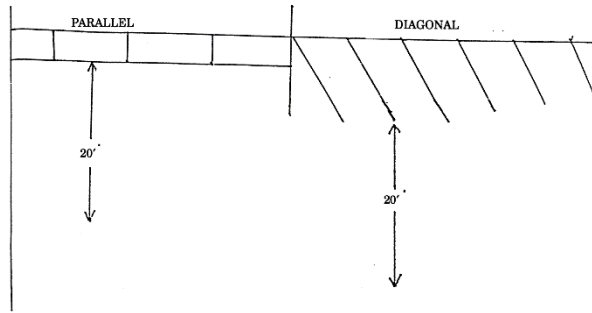
DIVISION 3. – FIRE LANES

Subdivision III. – Indemnification, Approval and Maintenance

Section 118-231 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 118-231. - Required access for fire apparatus; identification.

- (a) Every existing building, built after the 1971 adoption of section 54-52, as amended, and all new buildings shall be accessible to fire department apparatus and other emergency vehicles by way of designated fire lanes with an all-weather driving surface of not less than 20 feet of unobstructed width. There shall be adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a vertical clearance of 13 feet six inches. During construction, when combustibles are brought onto the site in such quantities as deemed hazardous by the fire official, access roads and a suitable temporary supply of water acceptable to the fire department shall be provided and maintained.



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- (1) The fire official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.
- (2) For all buildings, parking lots, driveways, private and public roads and rights-of-way, the fire official shall have the authority to require the designation, creation, deletion or modification of a fire lane and/or the installation of signs designating the same.
- (b) The areas designated as fire lanes in all areas other than one-family and two-family dwelling complexes shall have signs posted meeting the following criteria:
 - (1) Signs shall be a minimum of 12 inches wide by 18 inches high, have red letters on a white background. Signs shall read "No parking, fire lane". "No Parking" may be replaced by:



provided the "P" is a minimum of six inches in height.

- (2) Letters shall not be less than two inches in height.
 - (3) One sign shall be posted at the beginning of the fire lane and one at the end of the fire lane. Intermittent signs shall be erected such that signs should not be more than approximately 100 feet apart.
 - (4) Fire lanes less than 40 feet in length may have one sign posted in the middle of the fire lane.
 - (5) For fire lanes 20 to 28 feet, signs and markings are required on both sides. For fire lanes 29 to 37 feet, signs and markings are required on one (either) side. For fire lanes in excess of 37 feet, no signs or markings are required.
 - (6) Curbing or lineage delineating fire lanes shall be painted red. The top and face of the curb shall be painted. Every existing building shall conform to this subsection when repainting is necessary. New buildings shall conform prior to a certificate of occupancy being issued. Red curbing or lineage will be permitted on private property only and will not be approved on roadways maintained by the county department of transportation.
- (c) The areas designated as fire lanes in one-family and two-family dwelling complexes shall have signs posted meeting one of the following criteria:
 - (1) Curbing or lineage delineating fire lanes shall be painted red. The top and face of the curb shall be painted. "NO PARKING FIRE LANE" shall be stenciled on the curb every 100 feet. Letters shall not be less than three inches in height, and white in color. Red curbing or

lineage will be permitted on private property only and will not be approved on roadways maintained by the county department of transportation. Not less than one "NO PARKING FIRE LANE" sign shall be posted within each complex; or

- (2) Curbing shall not be required to be painted red. One sign shall be posted at the beginning of the fire lane and one at the end of the fire lane. Additional signs shall be erected such that signs are spaced not more than 100 feet apart. Signs shall be a minimum of 12 inches wide by 18 inches high, have red letters on a white reflective background, letters shall be not less than two inches in height. Signs shall be single-faced with directional arrow(s).
- (3) Fire lanes shall be required as specified in section (b)(5) when parking on the road causes access problems for emergency vehicles.



FIRE LANE NO PARKING SIGNS

Chapter 134 – ZONING

ARTICLE I. – IN GENERAL

Section 134-1 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-1. – Definitions.

Automobile broker office means a sales office in a building at which a permanent business of bartering, trading, offering, selling, or buying used motor vehicles or parts is carried on, or the place at which the books, records, and files necessary to conduct such business are kept. Under no circumstance shall any used cars or parts be physically delivered, stored, or sold from an auto brokers office.

Business vehicle means a vehicle used as commercial transportation with a manufacturer's gross vehicle weight of less than 12,500 pounds gross vehicle weight rating as shown on the door of said vehicle, or on the tag receipt. If said vehicle has been modified such as a limo or tow truck, proof of modified gross vehicle weight rating must be provided.

...Other consumer goods and services means businesses which cater to consumers, providing goods and services such as the following: awning shops and sales, automobile broker office, burglar alarm systems, clothing (secondhand), exhibition houses, furniture, home furnishings, equipment and appliances (secondhand), glass, mirrors, lawn mowers and small motors, precious metal and/or gem buying as a primary use, tattoo and body piercing shops, trading stamp redemption centers, thrift store, psychic reading and fortune telling, and the like...

...Community retail uses means commonly found low scale and low intensity retail uses that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as the

following: auto parts store, antique shop, appliance store (home use), bakery, barber shop or beauty shop, beverage shop, bookstore (but not including adult bookstores), bridal shop, camera shop, china and pottery store, clothing store, dance studio, martial arts, pet store and pet supply store, pilates, yoga and the like studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drug store, dry goods store, florist, furniture store, gifts and stationery store, gym and fitness facility, hardware store, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, Semi-permanent cosmetic make-up practitioner, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store..

...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, Semi-permanent cosmetic make-up practitioner, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store...

Parking for vehicles means to provide a location for on-site parking of automobiles and trucks with a manufacturer's gross vehicle weight rating of less than 12,500 pounds gross vehicle weight rating as shown on the door of said vehicle, or on the tag receipt. This restriction shall not apply to vehicles parked on church property which are operated exclusively for church use, or to recreational vehicles.

~~*Poultry* means a female pullet or hen of the Gallus Gallus domesticus; also referred to as backyard chickens may be raised for the purpose of providing food or companionship as a pet.~~

Semi-permanent cosmetic make-up practitioner means a person applies semi-permanent tattoos without the use of a mechanical or motorized device.

Section 134-7 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-7. – Reserved.

~~**Sec. 134-7 – Poultry.** Poultry shall be permitted on a lot by the zoning division if all of the following requirements are met:~~

- ~~(1) A minimum of two acres are required;~~
- ~~(2) The poultry shall be kept/maintained within a fenced area to the rear of the house;~~
- ~~(3) Coops, or other buildings used for the poultry shall be located at least 30 feet off any property line and/or in compliance with the accessory structure requirement in each zoning district;~~

~~(4) 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;~~
~~(5) The poultry shall not cause a nuisance, as defined by state law; and~~
~~(6) The slaughter of any poultry on-site is prohibited.~~
~~(Amd. of 2-23-16)~~

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

DIVISION 4. –REZONING AND LAND USE PERMIT APPLICATIONS.

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

Section 134-121. – Generally.

- (a) *Applications for rezoning.* An application for a zoning change affecting any property or properties may be initiated by the owner of real property, an applicant with the consent of the owner of real property, or the board of commissioners (each may be referred to as "applicant" throughout the rest of this division).
 - (1) For applicant or owner initiated rezoning applications, the process set forth should be followed.
 - (2) For a county initiated rezoning, the board of commissioners shall adopt a resolution authorizing staff to prepare an application and submit it for consideration following the procedures in this division, where applicable. The community development agency shall notify all impacted property owners of the potential rezoning application in writing via certified mail, return receipt requested, no less than 15 days prior to the board of commissioners' consideration of the resolution authorizing staff to prepare and submit an application for a county initiated rezoning.
- (b) *Rezoning applications.* Prior to processing of any application for rezoning or a land use permit from an applicant or owner, an application containing the following documentation shall be filed and the following procedures as set forth in this section shall be followed.
 - (1) A completed application shall be filed on forms prescribed by the zoning division.
 - (2) The notarized signatures of the applicant and record titleholder shall appear upon the application.
 - (3) The application fee which has been established from time to time by resolution of the board of commissioners shall be paid. A copy of the fee schedule shall be maintained for public inspection in the zoning division offices.
 - (4) The applicant shall submit a current boundary survey and plot plan, to scale, prepared by a registered surveyor or registered engineer. Such plans shall also include such other information thereon as may be required by the planning division and zoning division, including preliminary plans for development, building locations, parking areas, access points, adjacent streets, land lot lines, buffer areas, future right-of-way, wetlands, floodplains, utilities and retention.

- (5) Private sewage disposal must be approved by the county health department, and written approval from the health department must be filed with the application. Private sewage disposal shall be subject to the requirements of sections 122-241 and 122-242.
- (6) The applicant shall submit any other information required by the planning and zoning staff or other county departments which they deem necessary or desirable in processing the application, which is related to the present or proposed use of the property.
- (7) Every application for rezoning involving a request for a nonresidential zoning district shall include a complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
 - a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
 - b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
 - c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
 - d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
 - e. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and
 - f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- (8) Any application for a rezoning or a special land use permit involving a development expected to generate more than 1,000 vehicle trip ends during a single day and/or more than 100 vehicle trip ends during a single hour ~~a request of more than 75 residential dwelling units or 50,000 square feet of nonresidential building space, in single or multiple phases, (exempting redevelopment projects)~~ shall be required to submit a traffic impact study (prepared in accordance with industry accepted standards, including at a minimum, level of service impacts for adjacent roadways and intersections) and mitigation package to address the cumulative effects from the project's impact. The scope of the traffic impact study shall be determined by the Director of the Cobb County Department of Transportation or his/her designee and shall at a minimum address conditions and impacts resultant from the project within a ten-year scope. Said applicant shall also be required to coordinate and fund any recommended mitigation measures limited to project related improvements with applicable federal, state and local agencies including the Georgia Regional Transportation Authority and the Atlanta Regional Commission.

The applicant shall prepare an assumptions technical memorandum for approval by the county department of transportation before proceeding with the traffic study. prior to submitting the traffic impact study. Approval of the assumptions including any trip generation reduction should be received from the county department of transportation. The traffic study shall be complete as determined by the Director of the Cobb County

Department of Transportation or his/her designee at least thirty (30) days prior to the Planning Commission hearing and the Zoning Division Manager is authorized to continue any case that does not meet this deadline.

~~Any application for a rezoning involving a request of more than 150 residential dwelling units or 100,000 square feet of nonresidential building space, in single or multiple phases, (exempting redevelopment projects) shall be required to submit a traffic impact study (prepared in accordance with industry accepted standards, including at a minimum, level of service impacts for adjacent roadways and intersections), the scope of which shall be determined by the Director of the Cobb County Department of Transportation or his/her designee and shall at a minimum address conditions and impacts resultant from the project within a ten year scope. Said applicant shall also be required to coordinate and fund any recommended mitigation measures limited to project related improvements with applicable federal, state and local agencies including the Georgia Regional Transportation Authority and the Atlanta Regional Commission.~~

These requirements shall not apply to a "development of regional impact", as defined by the Georgia Department of Community Affairs or Georgia Regional Transportation Authority, as may be amended from time to time.

Section 134-127 of the Official Code of Cobb County, Georgia is amended to read as follows:

Sec. 134-127. - Appeal of rezoning decisions.

Any person, persons or entities jointly or severally aggrieved by any decision of the board of commissioners on a rezoning application may take an appeal to the superior court of the county. ~~The appeal shall be a de novo determination of the decision before the judge of the superior court without a jury.~~ Any appeal must be filed within 30 days of the decision by the board of commissioners, and, upon failure to file the appeal within 30 days, the decision of the board of commissioners shall be final. For the purpose of this section, the appeal time shall run from the day the particular vote or action is taken.

...

ARTICLE III. – ZONING DISTRICTS ESTABLISHED; ZONING MAP

Section 134-162 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-162. – General description of zoning districts.

...

- (14) ~~RA-6 (single-family attached/detached residential). Commencing April 4, 1996, no new applications for rezoning to the RA-6 district will be accepted by the board of commissioners.~~ The RA-6 district is established to provide locations for the development of single-family detached or attached residential dwelling units including the combination of duplexes, triplexes and quadruplexes. The dwelling units are to be designed so as to be placed on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall. This residential use is designed to be located within or on the edge of properties delineated for medium density residential categories center as defined and shown on the Cobb County Comprehensive Plan. When

residentially compatible institutional and recreational uses are developed within the RA-6 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

...

ARTICLE IV. – DISTRICT REGULATIONS

Section 134-203.2 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-203.2. – RSL non-supportive residential units.

The regulations for the RSL non-supportive residential units, in addition to all section 134-203 regulations are as follows:

...

n. Any RSL non-supportive residential units project must be located along an arterial roadway, or a collector road if a minimum of ten acres and a density maximum of four units per acre (as defined by the Cobb County Major Thoroughfare Plan, as may be amended from time to time.

Section 134-221.2 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-221.2. – Reserved. Redevelopment overlay district (ROD)

~~Commencing March 1, 2021, no new applications for ROD shall be accepted by the board of commissioners.~~

~~The regulations for the ROD are as follows:~~

~~(1) *Purpose and intent.* The ROD is established to provide locations for redevelopment of commercial, office and residential uses which are pedestrian oriented and developed at a community or regional activity center scale and intensity, as identified for each specific site or corridor via the Cobb County Comprehensive Plan, as may be amended from time to time. This is intended to encourage compatible mixed uses within the boundaries of these properties. The district may be overlaid upon the LRO, LRC, NRC, O&I, CRC, RMR, OMR, RHR, OHR, NS, PSC, TS and GC zoning districts within these redevelopment corridors and specific redevelopment sites. The district may also be overlaid upon the RM 12 and RM 16 districts that are adjacent to commercially zoned properties within these redevelopment corridors and specific redevelopment sites. In the Austell Road and Six Flags Drive sites, as depicted in the Comprehensive Plan, LI and R 20 zoning districts that fall within a Community Activity Center Future Land Use category are also eligible to use the ROD. The Board of Commissioners has determined that any redevelopment project approved within a ROD shall not establish any type of precedent for land use recommendations or future rezoning proposals outside of the boundaries of the ROD project. Those properties outside of the boundaries of a ROD project must provide uses compatible with other surrounding properties that are outside of the ROD. This ROD may be applied to properties within the corporate limits of Marietta and Smyrna, at the discretion of the respective city councils.~~

~~(2) *Transit/land use guidelines.*~~

~~a. Transit stations are not merely bus stops. A transit station would have considerable parking for vehicles, and perhaps other mechanisms for gathering riders at the location, other than~~

just pedestrians in the immediate area. A transit station would be a major collector point for collecting and distributing riders primarily for regional commutes but would also serve as a connecting point for local commutes. It would have a building, as well as a large amount of parking, and might also be served by satellite parking and shuttles, circulators, and local bus routes. Transit stations would support intense residential and commercial land uses adjacent to the transit station. Transit stations would be unsuitable in locations where the result would be an increase in vehicular traffic through existing neighborhoods, or where it would intensify land uses within existing stable low density neighborhoods. Transit stations should be located adjacent to, or very close to interstate highways, and only in locations where it will not increase vehicular traffic within nearby low density neighborhoods, and where it will not intensify land uses within existing low density neighborhoods.

- b. ~~Transit exchanges are significantly less intense than transit stations, but they are more than just bus stops. Transit exchanges may provide limited parking for vehicles. Transit exchanges would be collector points and provide opportunities for interconnection and transfer of various transit routes. When transit exchanges are located in relatively intense commercial or mixed-use areas, transit exchanges can support moderate intensification of land uses. Transit exchanges should not be located in low density residential areas, but may be located within high density residential areas. When transit exchanges are located near areas that are primarily single family homes, land uses near the transit exchange should be of a limited "neighborhood intensity". In areas characterized by high density residential, more intense future land uses can be supported. Transit exchanges should be located only along major arteries (at least four lanes), and only in locations where it will not increase vehicular traffic within nearby neighborhoods, and where it will not intensify land uses within existing neighborhoods. A transit exchange may share a tract of land with another land use or building and its parking. A transit exchange may utilize shared parking facilities.~~
- c. ~~Transit stops are a designated place where a local transit vehicle would stop for passengers from the immediate area. There would be no parking in the vicinity designated for transit riders. There should be no increase in the intensity of land uses near a transit stop. Land uses would not be changed or intensified based on the existence of a transit stop.~~
- d. ~~Satellite parking facility would be similar in some ways to a transit exchange. Satellite parking facilities should only be located near major corridors, and if possible should have multiple access points. They should be designed for efficient ingress and egress. They could be located in areas near low density single family homes, but if located in such areas, adjacent land uses would have to be limited to low or medium density residential, and limited neighborhood-compatible retail. Land uses on all properties not adjacent to the satellite parking facility would remain consistent with any low density single family land uses in the area. Satellite parking would be served by shuttles that would take commuters to nearby employment centers and transit stations. In some cases, satellite parking facilities could be served by BRT transit that would proceed from satellite parking facilities and go directly into an established BRT route. A satellite parking facility can facilitate transit serving more than one transit route (destination). The difference between a satellite parking facility and a transit exchange is that a transit exchange has limited parking and facilitates transfers between transit vehicles, while a satellite parking facility facilitates community parking and an access point to access transit to get to other destinations. A satellite parking facility may share a tract of land with another land use or building and its parking. A satellite parking facility may utilize shared parking facilities.~~

(3) ~~Permitted uses.~~ Permitted uses are as follows:

~~Athletic and health clubs.~~
~~Automotive parking lots or garages.~~
~~Banks and financial institutions with automated transfer machines; however, no drive-in establishments are permitted.~~
~~Clinics, clubs or lodges.~~
~~Commercial indoor recreation uses.~~
~~Community fairs.~~
~~Commercial retail uses.~~
~~Condominiums.~~
~~Convenience food stores with self-service fuel sales, provided that the building shall not exceed 3,000 square feet in gross floor area and that no automotive repairs shall be done on site.~~
~~Corporate or administrative office for any permitted uses.~~
~~Cultural facilities.~~
~~Designated recycling collection locations.~~
~~Eating and drinking establishments.~~
~~Film developing and printing facilities.~~
~~Full-service gasoline stations.~~
~~Group homes.~~
~~Hotels.~~
~~In-home day care.~~
~~Laundry and dry cleaning pickup establishments.~~
~~Livestock, nondomestic and wild animals, and poultry, on two or more acres.~~
~~Medical and dental laboratories provided no chemicals are manufactured on site.~~
~~Multifamily dwelling units.~~
~~Neighborhood retail uses.~~
~~Non-automotive repair service establishments.~~
~~Nursery schools and child day care centers.~~
~~Office service and supply establishments.~~
~~Parking for vehicles.~~
~~Photograph studios.~~
~~Printing, publishing and lithography establishments.~~
~~Professional offices.~~
~~Rest homes, personal care homes and convalescent homes.~~
~~Single-family dwelling units (attached and detached).~~
~~Studios and supplies.~~
~~Self-service laundry facilities.~~

~~(4) Lot size and setback requirements. See use limitations.~~

~~(5) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an ROD which abuts residentially-zoned property shall have a minimum 25-foot landscaped screening buffer adjacent to all residentially-zoned property, which will be subject to county staff approval. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification as set forth under section 134-126.~~

- a. ~~Objectives.~~ Maintained, natural buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - 1. ~~Screening to enhance aesthetic appeal;~~
 - 2. ~~Control or direction of vehicular and pedestrian movement;~~
 - 3. ~~Reduction of glare;~~
 - 4. ~~Buffering of noise; and~~
 - 5. ~~Establishment of privacy.~~
- b. ~~Standards.~~ Buffers or berms shall be required when a ROD is located adjacent to a residential district; a minimum 25-foot buffer is required.
 - 1. ~~Buffers.~~ Landscape buffers are subject to review and approval by county staff in accordance with the following standards:
 - i. ~~Plantings are to be a mix of evergreen trees and shrubs.~~
 - ii. ~~Species are to be ecologically compatible to the site and appropriate for the design situation.~~
 - iii. ~~Unless public safety concerns dictate otherwise, buffers should provide a minimum visual barrier to a height of six feet within two years of planting.~~
 - iv. ~~Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.~~
 - v. ~~Fencing or walls are to be a minimum of six feet in height as approved by county staff.~~
 - vi. ~~Trees included in buffer plantings may be counted toward site density calculations as required by chapter 50, article VI, pertaining to tree preservation and replacement, subject to review and approval of county staff.~~
 - vii. ~~Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.~~
 - viii. ~~When topography and existing conditions allow, the required 25-foot buffer should be an maintained, natural buffer.~~
 - ix. ~~Any appeals from a determination by county staff shall be to the board of zoning appeals.~~
 - 2. ~~Berms.~~ Berms are subject to review and approval by county staff in accordance with the following standards:
 - i. ~~Berms shall be utilized when consistent with surrounding property features.~~
 - ii. ~~Berms shall be stabilized.~~
 - iii. ~~Where possible, berms shall be constructed to be consistent with natural or proposed drainage patterns.~~
 - iv. ~~Berms shall be regularly maintained by the property owner.~~
- (6) ~~Floodplain and wetlands preservation requirements.~~ Any development must meet state and federal requirements relating to areas subject to the provisions of section 134-283, regarding mountain and river corridor protection act areas, and section 134-284, regarding metropolitan river protection act areas. No floodplains and/or wetlands may be used in calculating the overall density of the development.
- (7) ~~Building and structure requirements.~~ See use limitations.
- (8) ~~Parking requirements.~~ See section 134-272 for paved parking specifications. Parking for nonresidential or multifamily uses may be granted a 20 percent reduction in required parking when parking is shared between adjacent uses within the project. An additional ten percent reduction may be administratively approved by the director of community development, or

his/her designee. Final parking design plans shall be subject to review and approval of the director of community development, or his/her designee.

(9) ~~Lighting requirements.~~ Any project permitted within the ROD district which proposes a lighted facility must have a county department of transportation approved lighting plan in accordance with the minimum conditions listed in section 134-269.

(10) ~~Procedures for ROD overlay utilization.~~ As the ROD is overlaid upon an existing zoning district, the project will be reviewed and approved or denied in a streamlined manner. Staff will accept applications, then review and recommend approval or denial. A schedule of application submittal deadlines, concept plan review meetings, and projected planning commission and board of commissioners zoning dates will be made available to the public. Even though the underlying zoning will not change, staff recommendations will be taken to the planning commission and board of commissioners as a regular zoning item on the next available zoning agenda. ROD proposals are required to be posted for 30 days prior to the planning commission and board of commissioners meeting. In addition, public hearings will be held at the time the planning commission and board reviews and decides each proposal. If the project is denied by the board of commissioners, no prejudice period will apply. Further, upon gaining approval of an ROD overlay plan, the applicant maintains the option to develop the property according to the requirements of the underlying zoning.

The following procedure will apply:

a. ~~Application.~~ Applications for ROD overlay district utilization with an existing zoning will be accepted in the planning division of the county community development agency. The application fee is \$100.00.

b. ~~Concept plan review.~~ There will be a regularly scheduled ROD review meeting of the county staff scheduled twice monthly. Conceptual approval must be obtained prior to placing the property on an agenda:

1. ~~Purposes:~~

- i. ~~Familiarize sponsors of projects with county regulations and the concerns of county agencies prior to expenditure for preparation of final development plans.~~
- ii. ~~Familiarize agency representatives with proposed project and provide an opportunity for an exchange of views and ideas on project characteristics that are of concern to the goals of the ROD ordinance.~~

2. ~~Participants.~~ The county staff to be present include one representative from the following agencies and divisions:

- i. ~~Cobb County community development, planning division and zoning division.~~
- ii. ~~Cobb County water system.~~
- iii. ~~Stormwater management.~~
- iv. ~~Cobb County department of transportation.~~
- v. ~~Site plan review/county arborist.~~
- vi. ~~Cobb County fire marshall's office.~~

3. ~~Initiation of concept plan review.~~ Concept plan review shall be initiated by the filing of the following items with the appointed representative of the planning division:

- i. ~~A completed application form stating that the applicant is the property owner or authorized agent.~~
- ii. ~~A letter of intent that specifies the types of uses desired within the redevelopment proposal.~~

4. ~~The following plans and materials shall be submitted to the planning division both in electronic and paper form:~~

- i. ~~A current plot plan and boundary survey showing:~~
 - ~~(a) The architect, engineer, or designer's name, address, and telephone number,~~
 - ~~(b) Scale of plan and north arrow,~~
 - ~~(c) Street address of site and vicinity map showing the relationship of the site to the surrounding area,~~
 - ~~(d) Existing land lot, property lines, right of ways, dedications, and easements,~~
 - ~~(e) Locations of existing and proposed structures, driveways, walks,~~
 - ~~(f) Delineation of floodplain and wetland areas,~~
 - ~~(g) Locations of any known cemeteries or historic sites,~~
 - ~~(h) Conceptual architectural elevations,~~
 - ~~(i) All ROD projects shall be governed by an approved Concept Plan. Upon approval of the Concept Plan, individual pods of the redevelopment project may be undertaken thru the county's normal plan and plat review process. ROD projects may be constructed as a single phase, or may be constructed in multiple phases, in accordance with the approved Concept Plan.~~
- ~~(11) Temporary land use permits and special land use permits. See sections 134-36 and 134-37 for additional uses and requirements for all districts. Uses requiring land use permits or special land use permits for the ROD district are the designated uses listed in sections 134-36 and 134-37.~~
- ~~(12) Use limitations.~~
 - ~~a. In order to encourage pedestrian oriented mixed use development, traditional lot by lot restrictions such as minimum lot sizes and setbacks shall not apply. Rather, all projects must be consistent with the concept plan, as approved by the board of commissioners.~~
 - ~~b. Minimum acreage of five acres. Smaller tracts may be considered appropriate if within 200 feet of existing or proposed redevelopment project, within the designated redevelopment corridors.~~
 - ~~c. Design of entire project must be consistent with section 427 of the Cobb County development standards (urban design standards) as may be amended from time to time.~~
 - ~~d. Building height to be designed to provide compatibility with adjacent uses. Building orientation towards the public street with emphasis on pedestrian entrances and orientation.~~
 - ~~e. Development/redevelopment proposals must demonstrate a mixture of residential and nonresidential land uses. At least 20 percent of the proposal's land uses must be nonresidential. Higher residential densities should be located adjacent to or within close proximity to interstate highways and interchanges.~~
 - ~~f. Loading and service areas should be located within the interior of the project, or screened through the use of building elements, opaque walls or fences.~~
 - ~~g. Proposed setbacks should create a contiguous and consistent building edge along a public sidewalk (which exists or is proposed).~~
 - ~~h. Surface parking should be minimized by the use of a parking deck that is designed to resemble a building, or surface parking is located parallel to local streets to enhance pedestrian safety.~~
 - ~~i. Public plazas should be integrally connected to the proposal by pedestrian zones including porches, covered awnings, sidewalk cafes, storefront shops and street furniture.~~
 - ~~j. Public plazas should include a significant community gathering place such as a stage, garden, monument or educational feature.~~

- ~~k. If transit service is available, transit stop should be integrally connected to the proposal by pedestrian zones including porches, covered awnings, sidewalk cafes, storefront shops and street furniture.~~
- ~~l. If BRT service is available, BRT station should be integrally connected to the proposal by pedestrian zones including porches, covered awnings, sidewalk cafes, storefront shops and street furniture.~~
- ~~m. In a mixed use scenario, ten percent of the proposed residential units must be designed as "workforce" housing. For the purpose of this section, "workforce" housing shall mean units intended for occupancy (rental or ownership) by household earnings no more than 80 percent of the Atlanta Metropolitan Statistical Area's (MSA) median household income, as may be adjusted from time to time.~~
- ~~n. Development/redevelopment proposals must comply with the administrative standards of the Cobb County tree preservation and replacement ordinance. These standards may be reduced up to ten percent (RDF replacement density factor) if xeriscaping is implemented.~~
- ~~o. Development/redevelopment proposals must include a property owner's association with bylaws or covenants containing the following minimum provisions:

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

Section 134-230 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-230. – LI light industrial district.

(3) Permitted uses. Permitted uses are as follows:

...

Freestanding climate-controlled self-service storage facilities and/or self-service storage facilities. The following minimum standards shall apply to freestanding climate-controlled self-service storage facilities:

- 1. Building height should not exceed those of adjacent buildings, nor impact the view shed of adjacent residential property.
- 2. F.A.R. should be 1.0 or as determined appropriate by the board of commissioners.
- 3. All units shall be accessed through a main or central entrance.
- 4. All windows or similar architectural features must be "one way" and provide for an opaque screen from view outside of the building.

5. Architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center. Said architectural style/design to be approved by the board of commissioners. Any roof-mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.
6. There shall be no outside storage allowed nor overnight and/or long-term parking of heavy equipment, commercial equipment or parking of construction or related equipment allowed.
7. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use unless screened with a six-foot solid wooden fence with 10-foot landscape buffer.
8. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
9. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
10. There shall be no resident manager or any type of overnight accommodations for such.
11. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
12. One parking space shall be provided per every 80 individual storage units/areas.
13. Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural or landscape feature or as may be approved by the board of commissioners if not located to side or rear of proposed structure.
14. Lighting plan to be approved by the board of commissioners.
15. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.
16. Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.
17. Hours of operation to be established by the board of commissioners, considering the operational hours of surrounding businesses.
18. Special land use permit as provided in section 134-37.

...

Self-service storage facilities (subject to ~~section 134-279~~).

Section 134-231 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-231. – HI heavy industrial district.

(3) *Permitted uses.* Permitted uses are as follows:

...

Freestanding climate-controlled self-service storage facilities and/or self-service storage facilities. The following minimum standards shall apply to freestanding climate-controlled self-service storage facilities:

1. Building height should not exceed those of adjacent buildings, nor impact the view shed of adjacent residential property.
2. F.A.R. should be 1.0 or as determined appropriate by the board of commissioners.
3. All units shall be accessed through a main or central entrance.
4. All windows or similar architectural features must be "one way" and provide for an opaque screen from view outside of the building.

- 5.Architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center. Said architectural style/design to be approved by the board of commissioners. Any roof-mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.
- 6.There shall be no outside storage allowed nor overnight and/or long-term parking of heavy equipment, commercial equipment or parking of construction or related equipment allowed.
- 7.There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use unless screened with a six-foot solid wooden fence with 10-foot landscape buffer.
- 8.There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
- 9.No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
- 10.There shall be no resident manager or any type of overnight accommodations for such.
- 11.Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
- 12.One parking space shall be provided per every 80 individual storage units/areas.
- 13.Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural or landscape feature or as may be approved by the board of commissioners if not located to side or rear of proposed structure.
- 14.Lighting plan to be approved by the board of commissioners.
- 15.No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.
- 16.Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.
- 17.Hours of operation to be established by the board of commissioners, considering the operational hours of surrounding businesses.
- 18.Special land use permit as provided in section 134-37.

...

Self-service storage facilities (subject to section 134-279).

...

ARTICLE V. – SUPPLEMENTAL REGULATIONS

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

Section 134-272. –Traffic and parking.

Each use shall meet the following requirements:

- (1) *Street access generally.* Each building shall be located on a lot or parcel which abuts a public street for at least 50 feet. Access to a public street by means of a recorded access easement may be permitted if approved by the county department of transportation.
- (2) *Curb cuts in districts other than R districts.* Curb cuts for service drives, entrances, exits and other similar facilities on public streets shall follow county standards in other than R districts shall not be located within 50 feet of any intersection or within 40 feet of another

~~curb cut. A curb cut shall be no greater than 40 feet in width and no closer than 20 feet to any property line.~~

- (3) *Approval of entrances and exits on state highways.* All entrances or exits of any street or drive, public or private, from or to any state highway shall be approved by the state highway department prior to the construction of such street or drive, or the issuance of any development permit for any improvement to be served by such street or drive, ~~but permit approval shall not be withheld longer than 30 days.~~
- (4) *Corner visibility clearance.* In any district, no fence, structure, sign, planting or other obstruction above a height of three feet shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way.
- (5) *On-street vehicle parking.* Perpendicular parking is not allowed on a public road, approved public street or publicly maintained street. Parallel parking will not be striped but can be designed with the approval of the county department of transportation.
- (6) *Off-street vehicle parking.* Off-street automobile parking shall be provided in accordance with all applicable provisions of this section.
 - a. *Design standards.* All parking facilities, including entrances, exits and maneuvering areas, shall comply with the following provisions:
 1. Such facilities shall have access to a public street.
 2. Such facilities, including access drives, shall be graded and paved, and be curbed when needed for effective drainage control.
 3. Such facilities shall have all spaces marked with paint lines, curbstones or other similar designations.
 4. Spaces and drives shall conform to the following standards:
 - i. Each space set at a 90-degree angle shall be not less than 162 square feet in size and shall be not less than eight feet six inches wide and 19 feet deep, exclusive of passageways, which shall be not less than 24 feet wide.
 - ii. Each space set at a 60-degree angle shall be not less than 176 square feet in size and shall be not less than eight feet six inches wide and 20 feet eight inches deep, exclusive of passageways, which shall be not less than 18 feet six inches wide.
 - iii. Each space set at a 45-degree angle shall be not less than 165 square feet in size and shall be not less than eight feet six inches wide and 19 feet five inches deep, exclusive of passageways, which shall be not less than 13 feet six inches wide.
 - iv. There shall be adequate interior drives to connect each space with a public street.
 5. Such facilities shall be drained so as to prevent damage to abutting properties or public streets.
 6. Adequate lighting shall be provided if the facilities are to be used at night. Such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties and shall be subject to the lighting requirements in section 134-269.

7. Any parking areas within the required front yard of any RM or office district shall not be closer than ten feet to any public right-of-way.
8. No parking or loading area shall be established in the required front yard of any R district except for a single-family residential use; no more than 35 percent of the required front yard may be used for parking in such case.

The provisions of subsections (6)a.2, 3, 4, 6, 7 and 8 of this section shall not apply to single-family residential uses where three or less spaces are required.

9. Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.

b. *Location.* All parking facilities shall be located in accordance with the following provisions:

1. The required space shall be provided on the same plot with the use it serves, except as provided in this section.
2. If vehicular parking or storage space required cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit such space to be provided on other off-street property provided such space lies within 400 feet of the main entrance to such principal use. Such vehicular parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
3. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at nights or on Sundays.
4. The required number of parking spaces for non-residential uses may be reduced if a property owner or developer provides a shared parking study that is prepared by a professional engineer to industry standards that demonstrates the proposed shared parking facility will not cause a burden, nuisance or safety concern to the subject property, adjacent properties or the right-of-way. The shared parking study must be approved by the Cobb County Department of Transportation, the Cobb County Stormwater Management Division and the Cobb County Zoning Division to be implemented or constructed. Cobb County reserves the right, at any time, to require additional parking spaces if the shared parking study turns out to be erroneous, or if uses change that revise the merits of the shared parking study or if problems arise relating to the reduced number of parking spaces that are causing harm to the subject property, adjacent property or the right-of-way.
5. In the R-30, R-20, R-15, R-12, RD, RA-4, RA-5 and RA-6 districts, only one vehicle, one boat and one recreational vehicle (or any combination of such totaling three) may be parked in the rear and side yard areas on a hardened surface.

6. In the R-40, R-80 and RR districts, any combination of boats and recreational vehicles exceeding three must be screened from public roadways via a buffer (approved by Cobb County Landscape Architect) or fencing.
- 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 134-275.1 of the Official Code of Cobb County, Georgia, is amended to read as follows:
Section 134-275.1. – Military airport hazard district.

(4) *Permitted uses.*

1. Three primary determinants are used in promoting compatibility between the airfield and nearby areas: accident potential to land users, aircraft noise, and hazards to operations from land uses (height, obstructions, etc.). The military airport hazard district establishes use restrictions, recommended noise reduction measures, and height limitations as necessary to produce compatible land uses in each of these three areas: clear zones, accident potential zone I, accident potential zone II. No development in an accident potential zone shall be approved unless in accordance with the requirements of this section, including the land use compatibility standards chart, ~~; however existing adjoining uses, historical uses, and height may be taken into account when making decisions on land use cases before the board of commissioners. This does not preclude the board from considering other factors on a case-by-case basis.~~

Section 134-279 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-279. – ~~Self-service storage facilities~~ Reserved.

~~(a)Purpose and intent. The purpose of this section is to establish minimum standards for use, site development, construction and placement of self-service storage facilities and allow service convenience that satisfies the needs of the citizens of the county. Self-service storage facilities (SSSF) shall be permitted within the light industrial and heavy industrial classification. Effective January 1, 1998, no new applications for a special land use for self-service storage facilities (SSSF) are to be accepted by the board of commissioners.~~ (b)Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning: (1)Dead storage means storage of goods partly not in use and not associated with any principal commercial or manufactory use. (2)Self-service storage facility (SSSF) means a fully enclosed facility containing independent bays, which are leased to individuals exclusively for dead storage of goods or personal property. (c)General regulations. (1)Use limitations. No wholesale or retail sales are permitted. A self-service storage facility included within a planned commercial or planned industrial development shall have a minimum of one acre devoted exclusively for such use. The only commercial activities permitted exclusively on the site of a self-service storage facility shall be rental of storage bays and pickup and delivery of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site. (2)Security quarters. A residential quarters for security purposes may be established on the site. (3)Fencing. The self-service storage facility shall be enclosed by a fence or wall a minimum of six feet in height. The fence or wall shall be constructed of either brick, stone, masonry units, wood, chain link, cyclone or other similar materials to be approved by the division manager of zoning or his designee. The fence or wall shall be set back a minimum of 20 feet from the side and rear property lines. Fences and walls shall adhere to the required front yard setback. This requirement will be inapplicable should the facility comply with subsections (f)(6)a and b of the landscape requirements of this section. (4)Storage bays not to be used as legal address. Individual storage bays within a self-service storage facility shall not be considered premises for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business. (5)Prohibited storage. Except as provided in this section, all property stored on the site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited. (6)Minimum lot size. Notwithstanding any other provisions of this chapter, the minimum lot size for a self-service storage facility shall be one acre. (7)Building setbacks .a. The front setback shall

be:1.Fifty feet on arterial streets.2.Forty feet on major or minor collector streets.3.Forty feet on local nonresidential streets.b.The side setback shall be:1.Twenty feet adjacent to residential and O&I zoned property.2.Ten feet on the side where all doors face internally adjacent to commercial or industrial zoned property.c.The rear setback shall be 30 feet.(8)Access. A self-service storage facility shall be located on a lot that gains access to a local nonresidential, major collector or arterial street as defined in the major thoroughfare plan.(9)Outside storage. Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use shall be permitted within a self-service storage facility provided the following conditions are met:a.Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for approval by the board of commissioners when applying for a special land use permit.b.The storage area shall not exceed 25 percent of the total buildable area of the site.c.The storage area shall be entirely screened from view from adjacent residential and office areas and public streets by a building or by the installation of a six- or eight-foot high wall or fence. If existing vegetation or topography provides the required screening, then this wall or fence requirement may be eliminated upon approval by the division manager of zoning or his designee.d.Vehicles shall not be stored within the area set aside for minimum building setbacks.e.No vehicle maintenance, washing or repair shall be permitted on site. Pleasure boats stored on site shall be stored upon wheeled trailers. No dry stacking of boats shall be permitted on site.(d)Development regulations.(1)Separation between storage buildings. If separate buildings are constructed, there shall be a minimum ten-foot separation between individual buildings. Buildings shall be situated or screened so that overhead access doors are not visible from public roads or residentially or office and institutionally zoned property.(2)Maximum bay size. The maximum size of a storage bay shall be 450 square feet.(3)Maximum building height. With the exception of the structure used for security quarters, the maximum height of a self-service storage facility shall be one story unless additional stories are approved by the board of commissioners upon issuance of the special land use permit. The height of the building shall not exceed 20 feet. Roof-mounted air conditioning and other equipment, if utilized, shall be screened from view. The combined height of the building and the parapet wall shall not exceed 25 feet. All self-service storage facility shall utilize gable roofs with not less than a two and 12 slope.(4)Exterior architectural treatment. The exterior façade of all structures shall receive uniform architectural treatment, to be approved by the division manager of zoning or his designee.(e)Parking requirements.(1)Generally. Designated customer parking is not required; however, a minimum of five parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site.(2)Interior parking. Interior parking shall be provided in the form of aiseways adjacent to the storage bays. These aiseways may be used for both circulation of traffic and user parking while using the storage bays. The minimum width of these aiseways shall be as follows:a.If aiseways permit two-way traffic, minimum width is 24 feet.b.If aiseways permit only one-way traffic, minimum width is 20 feet.

Prior to issuance of a certificate of occupancy, the traffic flow patterns in the aiseways shall be clearly marked. Parking shall consist at a minimum of the use of standard directional signage and painted lane markings with arrows. In order to ensure appropriate access and circulation by emergency vehicles and equipment, the turning radii of the aiseways shall be approved by county department of transportation and the fire marshal at the time of plan review.

(f)Landscape requirements. A detailed landscape plan shall be submitted with the development plans at the time of plan review for approval. Landscaping shall be provided in the areas between the property lines and the required fencing. This area shall be designated as a perimeter landscape strip. Landscaping shall be designed, placed and maintained in such a manner not to interfere with traffic visibility. A landscape strip of at least 20 feet in width shall be provided along all street frontages. The side and rear

yard setbacks shall remain in their natural state or be re-landscaped when the self-service storage facility adjoins residentially or office and institutionally zoned property. If the existing vegetation is inadequate to buffer adjoining office and institution or residential development, an eight foot high wall shall be installed along interior property lines and street setbacks. The following minimum planting requirements shall apply as follows and shall supersede the landscape buffer and screening requirements of the NRC, CRC and GC zoning districts: (1) A minimum of one tree shall be planted for each 20 feet of perimeter landscape strip. (2) Immediately upon planting, trees shall be a minimum of ten feet in height. (3) The provisions outlined in subsections (1) and (2) of this subsection do not negate the requirements outlined within chapter 50, article VI, pertaining to tree preservation and replacement, or any additional requirements that may be required by the board of commissioners. (4) If a hedge is to be installed in the perimeter landscape strip, the hedge shall be 24 inches in height upon planting, with the material planted every 24 inches on center. All planting shall be maintained in good condition by the property owner. (5) If the perimeter landscape strip is to remain undisturbed or natural, utilizing existing vegetation, then the requirements of subsections (1) through (4) of this subsection can be eliminated except for the landscape plan. The landscape plan shall indicate the limits of the perimeter landscape strip. (6) In the absence of adequate vegetation, in addition to a perimeter landscape strip, an eight foot high wall is to be constructed between a residential or office and institutional property line and the storage bays. The wall may be dispensed with along that portion of the perimeter landscape strip when all the following are met: a. The exterior façades of the storage buildings present an unbroken, wall like appearance when seen from adjacent residential or office and institutional properties or rights of way. Storage bay doors shall not face towards adjacent residential or office and institutional properties or rights of way. This shall not prevent the installation of fire access doors, if mandated by the fire marshal. b. The exterior façades of separate storage buildings are joined by walls to give appearance of structural continuity. c. The resulting area between the outer face of the buildings and the property line or right of way is maintained and appropriately planted as a landscaped buffer utilizing berms, plantings and existing vegetation and approved by the division manager of zoning or his designee. d. There are no aiseways or other vehicle accessways located in the area between the building and adjacent residential or office and institutional property lines or rights of way. (g) Dumpsters and trash receptacles. Dumpsters and trash receptacles shall be located where they are not visible from adjacent residentially zoned properties, and adequately screened from view from all other adjacent properties and streets. Dumpster locations are to be approved by the staff during the plan review process. (h) Signage. (1) Maximum number. One freestanding sign shall be allowed for each lot frontage on which a self-service storage facility has access to a public dedicated street. In addition, one flat wall mounted sign may be utilized. (2) Maximum height. The maximum height of a freestanding sign shall not exceed 20 feet. (3) Maximum sign area. The maximum total sign structure area for a freestanding or wall mounted sign shall not exceed 100 square feet. If a ground base sign is utilized, the maximum total sign area may be increased to 120 square feet. (4) Prohibited signs. The following types of signs are prohibited on the site: a. Off-premises outdoor advertising signs. b. Signs placed on the doors of individual storage bays. c. Roof-mounted signs. Signs attached to a required wall or fence are also prohibited, but may be approved by the division manager of zoning or his designee and a code enforcement officer.

(i) Outdoor lighting. All outdoor lights shall be shielded to ensure that light and glare are limited to the premises and are directed away from adjacent properties. Lights shall be low intensity. If a self-service storage facility abuts a residentially zoned property, outdoor lighting shall be limited to a maximum height of 15 feet. (j) Use of loudspeakers. No exterior loudspeakers or paging equipment shall be permitted on the site.

(Ord. of 4-11-89; Ord. of 12-11-90, § 3-28-17.5; Ord. of 2-9-99)

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

Section 134-290. – Backyard chickens under ~~80,000 square feet~~ two acres.

- (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~~ 2-acres;
- (b) Only hens are 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.
- (i) The community development director or their designee shall develop an application form for review of these requests. A person seeking to keep and raise chickens in accordance with this section shall first submit a complete application to the community development department.

ARTICLE VI. – SIGNS

DIVISION 1. - GENERALLY

Section 134-314 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-314. – Signs prohibited.

The following signs are prohibited:

- (a) Oversized signs, as defined above based only on their size or height, except in accordance with sections 134-316, 134-321, ~~or 134-322~~ and 134-323 of this article;

Section 134-319 of the Official Code of Cobb County, Georgia is amended to read as follows:

Section 134-315. – Exempt signs.

The following signs are exempt from all provisions of this article but must meet other applicable county ordinances:

- (a) One non-permanent sign smaller than 12 square feet in area may be posted on any parcel of land but, as with all signs, only with the express permission of the property owner or authorized tenant;
- (b) Signs posted by authorized government officials in the strict performance of their official duties on public land or right-of-way;
- (c) Signs not legible from public thoroughfares, including trails and walkways, or signs within a business, office, building, or other enclosed area that are not visible from other parcels;

- (d) Any sign of six square feet or smaller that is posted by a county resident at the location of their residence, so long as the total square footage of all signs on such property does not exceed 20 square feet;
- (e) One temporary sign or banner of a size not larger than 32 square feet may be posted in common areas of platted residential subdivision property for a period not exceeding 30 days during each calendar year;
- (f) Flags, so long as the total square footage of all flags on a property does not exceed 15 square feet if the property is vacant or zoned or used for residential purposes or 45 square feet if the property is used for non-residential purposes.
- (g) One permanent sign per entrance and exit on private property not to exceed 3 square feet in area or 3 feet in height within three feet of the entrance and exit of a commercially zoned property, a nonresidential use on residential property, or apartment.

Section 134-323 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-323. – Temporary signs for commercially zoned, nonresidential uses on residential properties, apartments, and industrially zoned properties.

- (a) The following types of signs or devices may be displayed on commercially zoned, ~~or~~ industrially zoned, nonresidential uses on residential property, and apartments ~~properties~~ upon the issuance of a temporary permit so long as any such sign or device does not exceed 100 square feet
 - (1) Searchlights.
 - (2) Banners.
 - (3) Inflatables (greater than three feet in width and/or height).
- (b) Each occupant or tenant of a multi-occupant building or multi-tenant lot may display one banner flush with a wall during the permit period without regard to the usage of other occupants or tenants and without regard to the prior usage of temporary signs by others on the lot.
- (c) Only one freestanding banner may be displayed on a lot at a time.
- (d) Search lights or banners shall require a permit on a semiannual basis which allows two 60-day periods to utilize a temporary sign or device, i.e., one 60-day period from January 1 through June 30, then a second 60-day period from July 1 through December 31. There must be at least a 30-day break between any two 60-day permitted periods. Temporary devices (inflatables) shall require a permit on a semiannual basis which allows two weekends per month, to utilize the inflatable, i.e., one permit from January 1 through June 30, and a second permit, July 1 through December 31.
- (e) Top of inflatable devices cannot be any higher than 20 feet from the roofline and 35 feet from ground level.
- (f) Display of the inflatable device shall be allowed from 3:00 p.m. on Friday to 8:00 a.m. on Monday.
- (g) Searchlights and inflatables are not permitted on properties that have nonresidential uses on residential property, and apartments.
- (h) Inflatable advertising devices may only be displayed on no less than a four lane roadway within a CAC/RAC classification, and once a temporary display permit has been issued.