

AN ORDINANCE AMENDING CHAPTER 134 – ZONING

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5. – PROPERTY MAINTENANCE

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ARTICLE IV. – DISTRICT REGULATIONS

SEC. 134-213. - NRC NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT SEC. 134-289. – MABLETON PARKWAY/VETERANS MEMORIAL HIGHWAY DESIGN OVERLAY DISTRICT SEC. 134-290. – BACKYARD CHICKENS FOR PROPERTIES UNDER 80,000 SQUARE FEET.

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

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

- a. There shall be a maximum ratio of one poultry per 5,000 square feet of lot area on any lot less than two acres;
 - b. Only hens are kept on the property;
 - c. The poultry shall be kept/maintained within a fenced area to the rear of the house;
 - d. Coops, or other buildings used for the poultry shall be located at least 30 feet off any property line. Coops are considered an accessory structure and all conditions for accessory structures in that zoning district shall also apply. Where a conflict exists, this section shall control;
 - e. The owner(s) of the poultry shall keep the property maintained in a fashion that eliminates the potential negative effects resulting from the poultry, including but not limited to, odors, pollution, noise, insects, rodents and other wild animals;
 - f. The poultry shall not cause a nuisance, as defined by state law;
 - g. The slaughter of any hen on site is prohibited;
 - h. The fee for the land use permit for backyard poultry shall be \$75.00 with renewal fees being \$50.00; and
 - i. The duration of any land use permit approved for poultry as pets or food source shall not exceed two years, renewable for up to two year terms thereafter.
 - j. At least two weeks prior to the hearing before the planning commission, applicant shall notify all contiguous property owners in writing.
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Sec. 134-37. - Special land use permits.

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

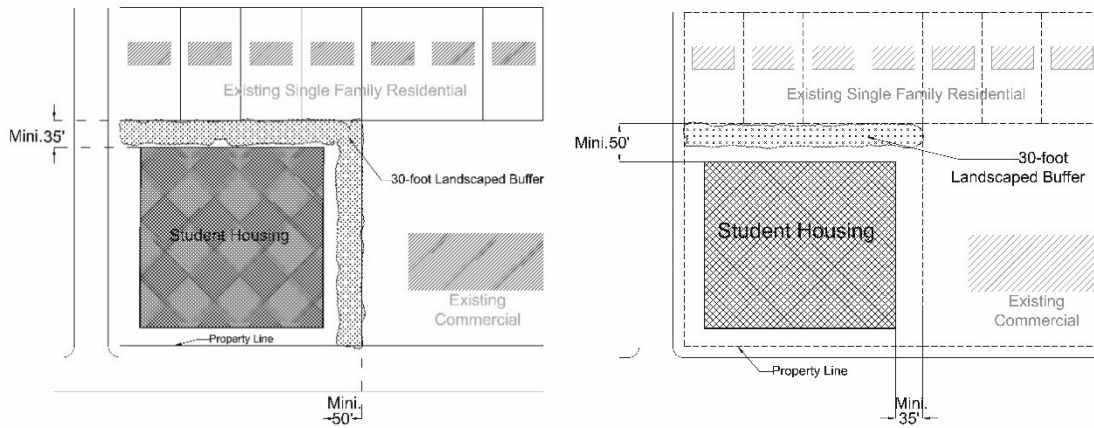
(34) Purpose Built Student Housing

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- m. A 30-foot landscaped buffer shall be provided on any exterior property line that abuts existing single-family residential uses. The buffer shall be natural, but may need to

be enhanced with additional landscaping to provide sufficient screening between the new development and the existing neighborhood. Privacy fencing shall be required on a case-by-case basis.

Approved 2-11-2020



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

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

Purpose and Intent

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

Permitted Uses

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

Permitted uses as follows:

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

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

Use limitations

1. The existing single-family detached dwelling shall be reused. The residential façade shall be maintained and any new construction shall be architecturally similar to the existing building.
2. No outdoor displays or products that are actively available for sale or lease.
3. New lighting to be installed shall be established so that no direct light shall cast over any property line.
4. No ground disturbance over 5,000 square feet is permitted.
5. Limited Professional Service Permit shall be for a specific user and use only.
6. A commercial certificate of occupancy must be obtained prior to any occupational tax

certificate being issued.

Approved 2-11-2020

7. Applications for Special Exception for Limited Professional Services permit shall be subject to the requirements and process for rezoning applications, as specified in Sec. 134-121 through 134-127.

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DIVISION 5. – PROPERTY MAINTENANCE

Sec. 134-133. - Gutters and shutters.

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

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Sec. 134-134 – Exterior Building Surface Maintenance

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

Secs. 134-135— 134-160. - Reserved.

ARTICLE IV. – DISTRICT REGULATIONS

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

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

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

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Sec. 134-289. – Mableton Parkway/Veterans Memorial Highway design overlay district

(a) *General procedures.*

(1) *Intent.* Mableton Parkway and Veterans Memorial Highway are two key thoroughfares in southern Cobb County. Both roads carry significant volumes of commuter vehicular traffic, and both contain multiple nodes of commercial activity and associated land uses. Over time, both corridors have seen a decline in their respective commercial markets. Additionally, more residential development, both single-family and multi-family, have moved into the general area. The purpose and intent of this section is to enable and encourage the implementation of the Design Guidelines for Mableton Parkway and Veterans Memorial Highway (as adopted January 23, 2018) as depicted and expressly limited to the boundaries shown on Figure 1. The following policies further clarify the intent for this section:

a. *Affected areas.* The overlay district covers the following areas:

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

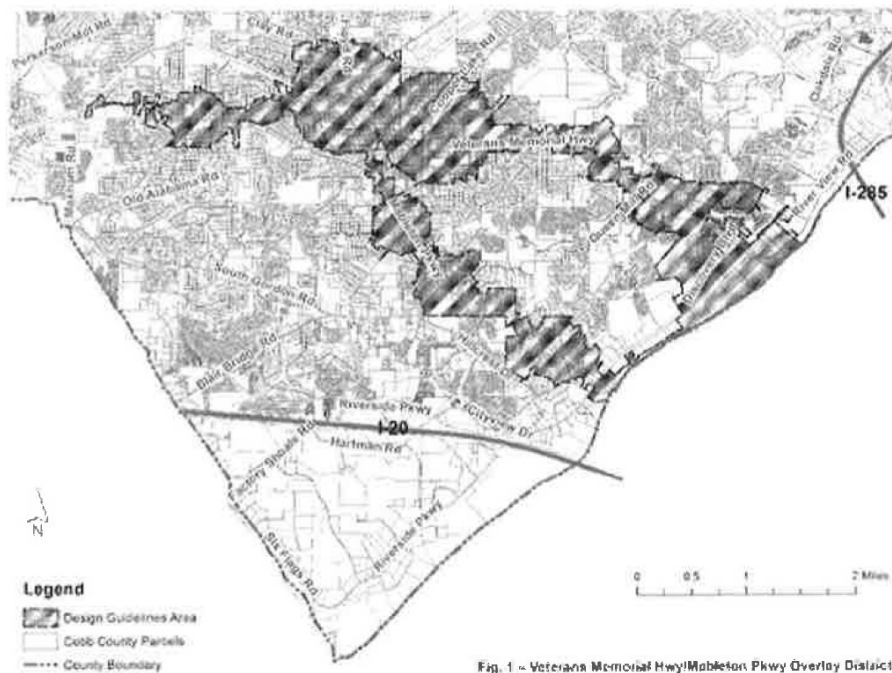


Figure 1—Mableton Parkway/Veterans Memorial Highway Design Overlay District

- (2) *Applicability.* Design standards shall apply to each of the following aspects of building construction and site development:
- a. Public right-of-way.
 - b. Corridor frontage zone (applicable to uses that are not single-family residential in nature).
 - c. Landscaping.
 - d. Signage. The following standards shall supplement the existing regulations outlined in chapter 134, article VI of this Code of Ordinances.
 1. Monument-based ground signs shall be constructed of durable materials that match those used in the façade of the primary structure(s) within a development; additionally, the use of materials on monument-based signage and the primary structure(s) shall be equally proportioned.
 2. Within a development, all signage shall be consistent in style for each tenant.
 3. For multi-tenant developments, signage for each tenant shall be limited to ten percent of the total window area per tenant space.
 4. Reflective films or coating on windows, including mirrored glass, shall be prohibited.
 - e. Street furniture.
 - f. Walls and screening (excluding fencing).
 - g. Fencing.
 - h. Additional Information: These design standards shall be applicable in the following instances:
 1. Exterior rehabilitation or modifications to existing buildings or structures that require building or land disturbing permits.
 2. New construction, including additions to existing structures and buildings within the overlay district.
 3. Installation and/or modification of signs requiring a sign permit.

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

- a. There shall be a maximum ratio of one Backyard Chicken per 5,000 square feet of lot area on any lot less than 80,000 square feet:
- b. Only hens 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.