

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.

Travel mode means a specified method of transportation. Typical travel modes include personal vehicle, mass transit, and pedestrians.

Trip means a single one-way journey between two points by a specified travel mode and for a defined purpose. A trip is the standard unit of measure for trip generation used in traffic studies.

Trip generation means the forecasting of traffic to and from a proposed development.

Trip generation rate means the number of trips forecasted for a land use in a specific time period.

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 134-127 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.

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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.

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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.~~

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 (including curblane parking in cul-de-sacs) 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 not be 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 new 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.~~

...

5. ~~The community development agency shall notify~~Any person submitting a building permit application, application for rezoning or variance, or an application for land use permit or special land use permit shall notify the community development agency in writing if the property in question is within the clear zone, or APZ I or APZ II.

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.