

2024 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 110

Package II

Version I - distributed on September 27, 2024

Version II- distributed on November 13, 2024

Board of Commissioners Public Hearing Dates

November 12, 2024 – 9:00 a.m.

November 21, 2024 – 6:00 p.m.

FINAL

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Chapter 110 – SUBDIVISIONS

ARTICLE I. – IN GENERAL

Section 110-1 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 110-1. – Definitions.

...

Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. Provided, however, that the following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the county.
- (2) Any subdivision of land, provided that all such lots are within the boundaries of a pre-existing platted subdivision or no lots hereby produced contain less than 80,000 square feet each and has a minimum frontage of 200 feet. Also, where no new streets, roads, or other rights-of-way are involved and provided further that such subdivision shall be platted and recorded. For lots of 80,000 square feet or more the property shall be zoned for R-80 purposes as defined in chapter 134.
- (3) A division or sale of land by judicial decree.
- (4) The sale or exchange of a parcel of land between owners of adjoining properties; provided, that additional lots are not thereby created.
- (5) ~~In those instances where the board of appeals grants a variance for a subdivision of property lacking the minimum public road frontage and an easement is necessary for ingress and egress to the property, there shall be a maximum of three lots permitted, a minimum of 80,000 square feet per lot, a minimum of 25 feet width easement, and the easement and the subdivided lots shall be platted and required to be recorded as restrictive covenants running with the land in the clerk's office, county superior court. The board of appeals shall be authorized and directed to consider any variance application to this provision so long as the lots shall be a minimum of 40,000 square feet in size (as recommended to the board of commissioners per section 134-271), a minimum of 20 feet width easement, and a maximum of three lots.~~ Cobb County Fire and Emergency Services shall review and approve all one- and two-family residential dwelling units accessing private easements with respect to applicable codes including but not limited to emergency vehicle access and hydrant placement. In the event that these applicable codes cannot be met, Cobb County Fire and Emergency Services may require indemnification in a form approved by the county attorney.

ARTICLE II. – PLATS AND PLAT APPROVAL PROCEDURE

Section 110-26 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 110-26. – Procedure for plat approval for subdivisions.

Any owner of land lying within the area of jurisdiction of these subdivision regulations wishing to divide such land into two or more lots, sites or divisions for the purpose, either immediate or future, of sale or

building development, or wishing to resubdivide for this purpose, shall submit a plan of such proposed subdivision to the subdivision administrator and, if using septic tanks, to the county health department for its consideration. The following requirements shall govern the procedure for plat approval for subdivisions:

- (1) Prepare a complete set of construction plans which shall include at a minimum:
 - a. Preliminary site plan.
 - b. Site grading plans.
 - c. Roadway development plans (see Cobb County Development Standards).
 - d. Stormwater management plan (see Cobb County Development Standards).
 - e. Fire safety standards (see chapter 54, article III).
 - f. Water and sanitary sewer plans (see Cobb County Development Standards).
 - g. Erosion and sediment control plans (see section 50-75).
 - h. Tree protection and replacement plan (see Cobb County Development Standards).
 - i. Additional site-specific information as may be necessary.
- (2) Submit two sets of the construction plans, to the subdivision administrator for consideration by the Development Review Committee. The action and/or recommendations shall be noted on the plans and returned to the submitter. Upon resubmittal of revised plans, and verification that all staff comments have been properly addressed, the project will be made eligible for permitting. Upon receiving construction plan approval as outlined in section 102.03 of the Cobb County Development Standards, a land disturbance permit shall be issued.
- (3) Upon completion of site grading, paving, utility and infrastructure installation, prepare a final plat (see section 110-30). No building permits shall be issued before approval of the final plat.
- (4) Submit final plat for health department approval if septic tanks are to be used for sewerage disposal.
- (5) Submit final plat and the platting fee to the subdivision administrator for approval on the basis of the approved construction plans.

Note: Approval of the final plat does not constitute final acceptance of the improvements.
- (6) The applicant shall have the final plat recorded after the necessary signatures have been placed upon it.
- (7) The subdivider may begin to sell lots.
- (8) Ensure that all inspections have been made at proper phases of road construction, so that the one-year maintenance period may begin promptly.
- (9) Any required conservation easements and/or mandatory covenants protecting open space and/or conservation areas shall be recorded and verification of such recording provided to Community Development prior to approval of the final plat.