



CITY OF MABLETON, GEORGIA

Riverside EpiCenter

135 Riverside Pkwy, Austell, GA 30168

October 23, 2024 at 6:30 PM

The Honorable Michael Owens, Mayor
The Honorable Ron Davis, District 1 Councilmember
The Honorable Dami Oladapo, District 2 Councilmember
The Honorable Keisha Jeffcoat, Mayor Pro Tem/District 3 Councilmember
The Honorable Patricia Auch, District 4 Councilmember
The Honorable TJ Ferguson, District 5 Councilmember
The Honorable Debora Herndon, District 6 Councilmember

CITY COUNCIL REGULAR MEETING AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. INVOCATION

4. PLEDGE OF ALLEGIANCE

5. APPROVAL OF AGENDA

6. PUBLIC HEARINGS

- a. **Public Hearing for An Ordinance Creating Chapter 8, Building and Construction and for other purposes - City Attorney Emilia Walker-Ashby**
- b. **Public Hearing for an Ordinance Amending Chapter 10, Article I, Planning and Zoning of the City of Mableton Code of Ordinances, Establishing A Mableton Zoning Code and Zoning Map and for Other Lawful Purposes - Rob Hosack and Chris Miller of IBTS**
- c. **Public Hearing for an Ordinance Creating Chapter 10, Article 3, Review and Decision-Making Bodies, of the City of Mableton Code of Ordinances and for other Lawful Purposes - City Attorney Emilia Walker-Ashby**

7. PRESENTATIONS/ACKNOWLEDGEMENTS/PROCLAMATIONS

- 8. PUBLIC COMMENTS** - 2 minutes per speaker - no more than 30 minutes for all speakers. Anyone wishing to make a public comment should complete and submit the public comment card to the City Clerk prior to the start of the meeting.

9. CONSENT AGENDA

- a. **Approval of October 7, 2024 Work Session Minutes**
- b. **Approval of October 9, 2024 Regular Meeting Minutes**
- c. **Approval of October 9, 2024 Work Session Minutes**

10. UNFINISHED BUSINESS

11. NEW BUSINESS

- a. Second Read - Consideration and Approval of an Ordinance Creating Chapter 10, Article 3, Review and Decision-Making Bodies of the City Code of Ordinances, Establishing the City of Mableton Planning Commission and Board of Appeals and for Other Lawful Purposes - City Attorney Emilia Walker-Ashby**
- b. Consideration and Approval of a Resolution to Authorize Investment and Designate Representatives in the Georgia Fund 1 - Local Government Investment Pool (LGIP) - City Manager Bill Tanks**
- c. First Read - An Ordinance Adopting Year 2025 Regular Meeting Schedule and Other Purposes - City Clerk Susan Hiott**
- d. First Read - An Ordinance Amending the Georgia Municipal Employees Benefit System (GMEBS) Defined Benefit Retirement Plan Agreement - City Clerk Susan Hiott**

12. APPOINTMENTS

- a. Board of Ethics Appointments**
- a. Planning Commission Appointments**
- b. Nomination and Appointment of Community Development Director**
- c. Resolution Authorizing and Appointing Lily Smith and Alison Benson to Serve as Deputy Clerks During Absence of Clerk**

13. OTHER BUSINESS/DISCUSSION

14. CITY MANAGER'S ANNOUNCEMENTS/COMMENTS

15. CITY ATTORNEY/CITY CLERK/STAFF ANNOUNCEMENTS/COMMENTS

16. MAYOR AND COUNCIL ANNOUNCEMENTS/COMMENTS

17. EXECUTIVE SESSION (IF NEEDED) FOR LITIGATION (O.C.G.A. 50-14-3(B)(1)(A)REAL ESTATE(O.C.G.A. 50-14-3 (B)(1)) PERSONNEL (O.C.G.A. 50-14-3 (B)(2)) AND MISC. EXEMPTIONS (O.C.G.A. 50-14-3 (B)(4)&(5))

18. ADJOURNMENT

Persons with special needs relating to handicapped accessibility, disability, or foreign language may contact the City Clerk at (404) 927-9502 or susan.hiott@mableton.gov at least three days prior to the meeting. The clerk can be located at the City of Mableton Offices, Riverside EpiCenter, 135 Riverside Pkwy, Austell, Georgia 30168 during regular office hours.



AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Public Hearing for An Ordinance Creating Chapter 8, Building and Construction and for other purposes - City Attorney Emilia Walker-Ashby

BACKGROUND/SUMMARY: The first read of this ordinance was on October 9, 2024. This is the public hearing.

BUDGETED/FINANCIAL IMPACT – FUND: N/A

RECOMMENDATION: Public Hearing Only

ATTACHMENTS:

1. Ordinance Creating Chapter 8, Building and Construction Rev. 9.30.24 (2)
2. Building Permit Fee Schedule Rev. 9.30.24 (2)

**AN ORDINANCE CREATING CHAPTER 8, BUILDING AND CONSTRUCTION AND
FOR OTHER LAWFUL PURPOSES**

WHEREAS, the City of Mableton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council (“City Council”) thereof;

WHEREAS, Sec. 1.13(3) of the City Charter authorizes the City “[t]o regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades to the extent permitted by general law.”;

WHEREAS, the City Council desires through this Ordinance to exercise its powers and authority under the City Charter and other applicable laws to promotion the health and general welfare of the City; and

WHEREAS, the City Council finds this Ordinance to be in the best interests of the health, safety, and general welfare of the City.

IT IS HEREBY ORDAINED by the governing authority of the City of Mableton, as follows:

Section 1: The City Code of Ordinances is hereby amended to create Chapter 8, Buildings and Construction, to read as follows:

CHAPTER 8 - BUILDINGS AND CONSTRUCTION¹

ARTICLE 1 - GENERALLY

Sec. 8.1.1 - Definitions

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

Adopted state codes means all codes and standards adopted by reference in this chapter.

¹ **State Law reference**— Authority to adopt technical codes, Ga. Const. art. IX, § II, ¶ III(a)(12); construction standards generally, O.C.G.A. § 8-2-1 et seq

Approved means approved by the building official.

Board means the board of appeals.

Building official means the city building inspector, and/or an officer or other person designated by the city and/or community development director with the authority charged with the administration and enforcement of this Code.

Director means the director of the community development department or designee.

Emergency means any situation resulting in imminent danger to the public health or safety or the loss of an essential governmental service.

End user means the ultimate consumer of a product, especially the one for whom a product has been designed.

Independent means not affiliated in any way with the applicant for the variance or any city or county official or employee.

Justifiable cause means a reason given by the applicant or permit holder that in the opinion of the director is valid and sufficient. Justifiable cause does not include delay that is created by the applicant or permit holder or delay that reasonably could have been avoided by the applicant or permit holder.

Ordinary repairs mean nonstructural repairs to a building or structure or repairs to a mechanical system, gas system, plumbing system, electrical system, and energy conservation system for which the codes specify no minimum requirements or standards or do not address the repair. The term "ordinary repairs" does not include additions, alterations, relocations, or replacements to buildings or structures, water supplies, sewers, drains, drain leaders, gas, soil waste, vent or other similar piping, electrical systems or wiring, mechanical systems, or other work for which a permit is required by the Code or the building official.

Portable equipment means equipment not permanently install or fixed in place.

Pre-qualified alternate registered engineer means a registered design professional recommended by the city council or its designee, or the board of appeals and approved by the city council for compliance with O.C.G.A. § 8-2-26 et seq.

Protective means a method or material that provides the same or greater protection of health, safety, life or property as provided by the construction requirements set forth in this Code.

Registered design professional means architects, civil, structural, mechanical, electrical, and plumbing engineers, and others whose services require licensing by the state.

Technical codes means collectively the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, National Electrical Code, International Energy Conservation Code, International Fire Code, and International Swimming Pool and Spa Code as adopted, amended, and mandated by the State of Georgia along with amendments; the International Property Maintenance Code, Rules of Office of Insurance and Fire Safety Commissioner Chapter 120-3-20; National Fire Protection Code 101; and local supplemental codes as adopted by the city.

Sec. 8.1.2 - Building numbering.

- (a) *Assigning numbers; size; installation; inspections.* Street numbers will be assigned for all buildings and structures. Numbers must be erected and displayed in front of the project on a board with permanent numbers not smaller than two inches. Numbers must be in place at the beginning of the job before the footing inspection is made and be continuously displayed thereafter until the job is complete and all final inspections have been made. No inspection will be made where street numbers are not in place as required in this section. Contractors and others shall always refer to the street number when calling the community development department for an inspection request or information.
- (b) *Designation of street numbers.* Street numbers for dwelling units and places of business on all public streets and street numbers or building numbers for dwelling units and places of business within apartment projects and nonresidential developments located on private streets shall be assigned by the department in accordance with its administrative procedures.
- (c) *Posting.* All buildings, including, but not limited to, one- and two-family dwelling units, multifamily dwelling units, and each place of business, shall have approved address numbers placed in a position to be plainly legible and visible from the public or private street or road frontage. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

ARTICLE 2 - CONSTRUCTION AND TECHNICAL CODE

Sec. 8.2.1 - Adopted state minimum standards codes

- (a) *Generally.* As future new editions or amendments of the codes listed in this article are adopted by the board of community affairs of the state department of community affairs, they shall become a part of or replacement for the adopted codes, rules and regulations or standards and shall become enforceable as prescribed without separate adoption by the governing authority. All new construction, installations, repairs, or alterations shall be in conformance with the current edition of the following codes and with state amendments as currently adopted by the board of community affairs of the state department of community affairs:
 - (1) International Building Code.
 - (2) International Residential Code.
 - (3) International Plumbing Code
 - (4) International Mechanical Code.
 - (5) International Fuel Gas Code.
 - (6) National Electrical Code.
 - (7) International Energy Conservation Code,
 - (8) International Fire Code.
 - (9) International Swimming Pool and Spa Code.

- (b) *Referenced standards.* Standards referenced in the above-stated codes shall be considered an integral part of the code without separate adoption. If specific portions of a standard are denoted by a code test, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall govern. Permissive and advisory provisions in a standard shall not be construed as mandatory.
- (c) *Appendices.* The appendices included in any code adopted pursuant to this chapter are not intended for enforcement unless specifically referenced in this chapter or specifically included in this Code.
- (d) *Referenced codes and standards.* The adopted state codes adopted pursuant to this article shall be considered part of the requirements of this chapter to the prescribed extent of each such adoption. Where differences occur between the provisions of this chapter and referenced codes and standards, the provisions of this chapter shall govern.

Sec. 8.2.2 - Amendments to the International Building Code and International Residential Code.

- (a) Notwithstanding anything to the contrary contained herein, the International Building Code adopted by reference in section 8.2.1 of this chapter is adopted with the following additions, deletions, modifications, or amendments: International Building Code:
 - (1) Chapter 1 is deleted in its entirety.
 - (2) Revise section 1612.3 to include "The flood insurance study for DeKalb County countywide FIRM and FIS effective 8-15-2019."
- (b) Notwithstanding anything to the contrary contained herein, the International Residential Code adopted by reference in section 8.2.1 of this chapter is adopted with the following additions, deletions, modifications, or amendments:
 - (1) International Residential Code:
 - a. Chapter 1 is deleted in its entirety.
 - b. Table 301.2(1) in chapter 3 shall be completed by adding the following information to the blank spaces:
 - 1. Ground snow load (lbs. per square foot) — 8.
 - 2. Wind speed (fastest mile) — 90.
 - 3. Seismic design category B.
 - 4. Weathering — moderate.
 - 5. Frost line depth — Yes, 12-inch minimum.
 - 6. Termite damage — Yes, very heavy.
 - 7. Decay damage — Yes, moderate to severe.
 - 8. Winter design temp. for heating facilities — (22 degrees Fahrenheit).
 - 9. Flood hazard.
 - (2) Local ordinance requirements supplemental to the state-adopted International Residential Code:

- a. A set of plans that includes building, plumbing, mechanical, and electrical plans and the site plan as required in section 8.2.2(b)(2)b of this section shall be maintained on the construction site at all times.
- b. A site plan or staking survey prepared and sealed by a registered engineer or land surveyor shall be submitted at the time of the residential footing or slab inspection and prior to the pouring of slab or foundation walls. Survey shall show the setbacks from all property lines. Setbacks shall comply with all minimum zoning ordinance requirements and/or legally acquired variances.
- c. Upon request by the director, written certification shall be provided by the permittee or property owner that all concrete reinforcing and support stirrups comply with CSRI specifications.
- d. Upon request, batch tickets shall be provided to the director for each concrete pour. No more than one gallon of water shall be added to each cubic yard of concrete mix during the concrete pour. All soil under a concrete slab shall be properly compacted and shall be covered with a minimum of six mil polyethylene film to prevent the leaching of water from the concrete pour into the soil. The director may request the permittee, at the permittee's expense, to have any concrete slab and/or footing tested by an independent third party approved by the director. The director may take any and all appropriate action including, but not limited to, requiring removal of the concrete at the permittee or property owner's expense by a date certain if the director determines that:
 - 1. The concrete was poured in a manner contrary to this section or other law;
 - 2. That the concrete was poured contrary to ACI specifications; or
 - 3. That the slab or footings are defective as verified by the third-party testing.
- e. The skirt of the concrete apron for any driveway shall rise to no less than eight inches above the flowline in the curb and the gutter and shall be eight feet from the face of the curb at the flowline.
- f. All residential driveways, stops, patios, and walkways shall bear on properly compacted soil, foundation ledges or be doweled at slab. Maximum residential driveways slopes shall not exceed 20 percent grade. At the entrance of a garage, the garage floor shall be elevated two inches above the driveway or a drainage system approved by the director shall be installed at the entrance to the garage. Residential garages and carports shall contain not less than 19 feet six inches of actual automobile parking depth. Upon completion of construction of any driveway or garage, the engineer of record shall provide written certification to the director that such driveway and/or garage complies with the requirements of this Code, including the requirements of this section.
- g. All residential basements and crawl spaces shall be damp proofed and positively drained regardless of water table and/or soil conditions.
- h. All residential bathroom wet floor areas shall be covered and protected by non-absorbent floor coverings. Dressing areas may transition to carpet.

- i. All roofing shingles shall be installed and maintained during the entire construction per manufacturer's recommendations. Roofing shall be installed and sloped according to the manufacturer specifications using flashing and waterproof caulking to prevent leakage and moisture accumulation. Drip edges shall be installed at all roofing edges.
- j. Roof framing shall be tied securely to wall framing, using hurricane type connections.
- k. Residential gutters shall be continuously sloped for proper drainage and shall not contain depressions or swags to collect standing water. Drainage from gutter outlets shall be directed to a designed or natural drainage system that does not adversely affect adjacent property or buildings.
- l. Seven-sixteenth inch structural wood sheathing or other approved material shall be installed as underlayment on all residential exterior walls where vinyl siding is to be installed. All vinyl siding shall be a minimum material thickness of 0.044 inch and shall be installed by hand nailing using galvanized roofing nails.
- m. A weather-resistant barrier shall be required as an underlay between all exterior siding or veneer. All exterior wood surfaces and fastener holes shall be sealed, treated and painted according to the manufacturer's specifications. All exterior wood and cementitious siding surfaces shall be sealed and painted according to the manufacturer's specifications. All exterior fasteners shall be coated and shall meet or exceed manufacturer specifications and standards for the specific application.
- n. All windows and doors shall be installed with flashing to create a drain plain. All flashing shall be cut into adjoining surfaces where applicable. Light colored roofing and solar orientation principles shall be encouraged for use in all buildings. Flashing and caulking shall be installed at all exterior surfaces, roofs, or appurtenances that are connected to another surface and such flashing and caulking shall extend to abutting structures.
- o. Crickets shall be installed behind all chimneys and shall extend the full width of the chimney chase.
- p. A 3.5-inch weep screed shall be installed at the bottom edge of the lath on all exterior hard coat stucco. The weep screen shall be mounted four inches above finished grade and two inches above impervious surfaces (walkways, patios, and driveways). Metallic pipes penetrating stucco must be wrapped with materials to prevent corrosion of the pipe. Expansion joints shall be installed between floors.
- q. All topsoil shall be saved, protected and shall only be reused as topsoil but not used for fill. All disturbed areas on residential lots shall be totally sodded or landscaped with approved landscaped materials. All building material that are rendered unusable by natural elements (i.e., water, sun, or soil) in the opinion of the director shall be immediately removed upon discovery and replaced with satisfactory material at the permittee or property owner's expense.

- r. Outside water-using or producing appliances such as an air conditioning cooling coil condensate shall be piped six inches away from the dwelling unit foundation.
- s. Verification of subterranean termite control shall be submitted prior to issuance of a certificate of occupancy.

Sec. 8.2.3 - Amendments to the International Building Code and International Residential Code.

- (a) Notwithstanding anything to the contrary contained herein, the International Plumbing Code adopted by reference in section 8.2.1 of this chapter is adopted with the following additions, deletions, modifications, or amendments:

- (1) International Plumbing Code.

- a. Chapter 1 is deleted in its entirety.
- b. Revise section 305.4.1; insert "12 inches."
- c. Revise section 305.7 to include "Components of a plumbing system installed along alleyways, in yards, or lawns, driveways, parking garages, or other locations exposed to damage shall be recessed into the ground, wall or otherwise protected in an approved manner."

- (2) Local supplemental ordinance requirements to the state-adopted Plumbing Code.

- a. All exterior sewer drain clean outs shall be cut back to finished grade level on all residences.
- b. Waiver for an exemption to the requirements for the installation of high efficiency plumbing fixtures relative to any new construction and to the repair or renovation of an existing building may be given under the following conditions:
 - 1. When the repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets, or shower heads within such existing building;
 - 2. When such plumbing or sewerage system within such existing building, because of its capacity, design, or installation would not function properly if the toilets, faucets, or shower heads required by this part were installed;
 - 3. When such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
 - 4. When units to be installed are:
 - (i) Specifically designed for use by person with disabilities;
 - (ii) Specifically designed to withstand unusual abuse or installation in a penal institution; or
 - (iii) Toilets for juveniles.

- (b) Notwithstanding anything to the contrary contained herein, the International Mechanical Code adopted by reference in section 8.2.1 of this chapter is adopted with the following additions, deletions, modifications, or amendments:
 - (1) International Mechanical Code: Chapter 1 is deleted in its entirety.
 - (2) Local supplemental ordinance requirements to the state-adopted Mechanical Code.
 - a. Residential heating and air conditioning systems (if air conditioning is installed) shall be sized to address all finished areas (except garages).
 - b. Attic ventilation utilizing continuous ridge and soffit vents, cap vents or turbine vents shall be required unless building envelope extends to rafters.
 - c. Factory seams on low pressure systems do not have to be sealed when the minimum air leakage requirements of the Georgia State Energy Code for buildings have been met for the entire duct system.

Sec. 8.2.4 - Amendments to the International Fuel Gas Code, the state-adopted National Electrical Code, and the International Energy Conservation Code.

- (a) Notwithstanding anything to the contrary contained herein, the International Fuel Gas Code adopted by reference in section 8.2.1 of this chapter is adopted with the following additions, deletions, modifications, or amendments:
 - (1) International Fuel Gas Code: Chapter 1 is deleted in its entirety.
 - (2) Local supplemental ordinance requirements to the state-adopted Gas Code. Gas lines shall be inspected and pressure tested at the rough-in inspection.
- (b) (1) Notwithstanding anything to the contrary contained herein, the state-adopted National Electrical Code adopted by reference in section 8.2.1 of this chapter is adopted with the following additions, deletions, modifications, or amendments:
 - (2) Local supplemental ordinance requirements to the state-adopted National Electrical Code.
 - a. Electrical fences consisting of an electrically charged conductor or other electrically charged devices shall be permitted to be used only for the confinement of farm animals. Only fence chargers of the intermittent current type listed by a nationally recognized independent testing laboratory shall be permitted to be used. Electrical fences shall not be used except by special permission after written application to the director.
 - b. When a residential service change is installed, all receptacle outlets that are required under the current state-adopted National Electrical Code to be GFI outlets shall be modified to provide such protection, including bathrooms, kitchen counters, and outdoor receptacles.
 - c. A reinspection permit and reinspection shall be required before power is restored to any residence or building where power has been disconnected for six months or more.

- (c) Notwithstanding anything to the contrary contained herein, the state-adopted International Energy Conservation Code adopted by reference in section 8.2.1 of this chapter is adopted with the following additions, deletions, modifications, or amendments:

- (1) The provisions of article III of this chapter shall supplement chapter 1 of the International Energy Conservation Code and in the event of conflict the provisions of the International Energy Conservation Code shall take precedence and govern.

Sec. 8.2.5 - State fire safety rules adopted.

The state minimum fire safety standards of the state safety fire commissioner as set forth in Ga. Comp. Rules and Regs. § 120-3-3 et seq. for the prevention of loss of life and property from fire, panic from fear of fire, explosions or related hazards in buildings, structures, occupancies, and facilities are adopted as if fully set forth herein. The department of community development shall administer and enforce those provisions of these rules as relate to plan review and inspection of proposed buildings and structures and issuance of permanent and temporary certificates of occupancy.

ARTICLE 3 - ADMINISTRATION AND ENFORCEMENT

DIVISION 1 - GENERALLY

Sec. 8.3.1.1 - Conformance to construction, installation, repair, and maintenance standards.

The provisions of this article shall apply to the construction, erection, installation, alteration, demolition, repair, relocation, replacement, addition to, use, or maintenance of buildings or structures, plumbing, mechanical, gas, and electrical systems within the city. Any and all requirements of this article shall expressly include any and all technical codes as amended by the city pursuant to this article.

Sec. 8.3.1.2 - Applicability.

- (a) *Generally.* The provisions of this chapter shall apply to all matters affecting or related to buildings, structures, equipment or systems as set forth in section 8.3.1.1. of this chapter. Where, in any specific case, different sections of this chapter specify different materials, methods of construction or other requirements, the most restrictive requirement shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.
- (b) *Existing installations.* Buildings, structures, plumbing, mechanical and electrical systems lawfully in existence at the time of the adoption of the ordinance from which this article is derived shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such building, structure or system.
- (c) *Work to conform to codes.* No building, structure, system, appliance or equipment, as hereinafter specified in this article, shall be constructed, erected, installed, altered or repaired, except in conformance with the provisions of this article and this Code.
- (d) *Public utility services.* The provisions of this article shall not apply to the installation, alteration or repair of services up to and including the meters where such work is performed

by or is an integral part of a system owned or operated by a public utility service corporation, water department, gas company, railroad company, pipeline company, or other public utility in the exercise of its normal functions or in rendering its duly authorized service as such.

- (e) *Other laws.* The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.
- (f) *Referenced codes and standards.* The adopted state codes adopted pursuant to article II of this chapter shall be considered part of the requirements of this article to the prescribed extent of each such adoption. Where differences occur between provisions of this chapter and referenced codes and standards, the provisions of this chapter shall govern.
- (g) *Additions, alterations or repairs.* Additions, alterations, or repairs to any building, structure or system shall conform to that required for a new building, structure or system without requiring the existing building, structure or system to comply with all requirements of this chapter. Additions, alterations or repairs shall not cause an existing building, structure or system to become unsafe, unsanitary or overloaded.
- (h) *Ordinary repairs.* Ordinary repairs shall be permitted in the same manner and arrangement as in the existing system, provided that such repairs or replacements are not hazardous to the public health, safety or welfare.
- (i) *Change in occupancy.* It is unlawful to make any change in the occupancy classification of any building or structure that does not meet the requirements of this chapter. If there is a change in occupancy classification, prior to the issuance of any business occupation tax certificate, the finance director or designee shall advise the building official, fire marshal, or designee that an application for a business occupation tax certificate has been submitted to the city for review and the building official, fire marshal, or designee shall ascertain whether such building or structure meets the intent of the provisions of law governing building construction for the proposed new occupancy classification and that such change of occupancy does not result in any hazard to the public health, safety or welfare.
- (j) *Requirements not covered by Code.* Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure or system, or for the public safety, health and general welfare, not specifically covered by this Code shall be determined by the director or their designee.

Sec. 8.3.1.3 - Enforcement officials.

- (a) *Enforcement.* The community development department is responsible for administration and enforcement of this chapter.
- (b) *Deputies and authorized representatives.* In accordance with prescribed procedures of the city, the building official shall have the authority to appoint a deputy building official, authorized representatives, technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as authorized by law and delegated by the building official.

Sec. 8.3.1.4 - Duties and powers of the building official.

- (a) *Generally.* The building official is authorized and directed to enforce the provisions of this chapter and the adopted state codes. The building official shall have the authority to render interpretations of this Code and the adopted state codes and to adopt policies and procedures to clarify the application of their provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the force and effect of law and shall not have the effect of waiving requirements specifically provided for in this Code or in the adopted state codes.
- (b) *Applications and permits.* The building official shall receive applications, review construction documents and plans; issue permits for the erection, construction, alteration, and demolition of buildings and structures and for the installation of mechanical, plumbing, gas, and electrical systems; inspect the premises for which such permits have been issued; and enforce compliance with the provisions of this chapter and other applicable provisions of this Code.
- (c) *Notices and orders.* The building official shall issue all necessary notices or orders to ensure compliance with this chapter.
- (d) *Inspections.* The building official shall or his designee shall perform all the required inspections, or the building official shall have the authority to accept reports of inspection by approved qualified agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.
- (e) *Identification.* The building official, deputy or authorized representative shall carry proper identification when inspecting buildings, structures, or premises in the performance of duties under this chapter.
- (f) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this chapter, or where the building official has reasonable cause to believe that there exists in a building or structure or upon a premises a condition which is contrary to or in violation of this chapter which makes the building, structure, or premises unsafe, dangerous, or hazardous, the building official is authorized to enter the building, structure, or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building, structure, or premises be occupied that credentials be presented to the occupant and entry requested. If such building, structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building, structure, or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
- (g) *Department records.* The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained for the period required by state law for retention of public records.
- (h) *Approved materials, equipment, appliances and devices.* Materials, equipment, appliances and devices approved by the building official shall be constructed and installed in accordance with such approval.

- (i) *Alternative materials, designs, methods of construction, equipment, and appliances.* The provisions of this chapter are not intended to prevent the installation of any materials or to prohibit any designs, methods of construction, equipment or appliances not specifically prescribed by this chapter, provided that any such alternatives have been approved by the building official in writing. Alternative materials, designs, methods of construction, equipment, or appliances shall be approved in writing where the building official finds that the proposed design is satisfactory and complies with the intent and purpose of the provisions of this chapter, and the material or methods of work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety.
- (j) *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the city. Such tests shall be paid for by the person seeking to rely on such alternative materials or methods.
- (k) *Test methods.* Test methods shall be as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures.
- (l) *Testing agency.* All tests shall be performed by an agency approved by the building official.
- (m) *Test reports.* The building official shall retain reports of tests for the period required for retention of public records.

Sec. 8.3.1.5 - Stop work order.

- (a) *Authority.* Whenever the building official finds any work regulated by this chapter being performed in a manner contrary to the provisions of this chapter or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.
- (b) *Issuance.* The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. The stop work order shall be posted on the property and remain, under penalty of law, until the building official or designee authorizes its removal.
- (c) *Unlawful continuance.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to correct a violation or an unsafe condition, shall be subject to issuance of a court citation to appear in the municipal court of the city and upon conviction shall be subject to a fine and/or imprisonment in accordance with this Code. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

Sec. 8.3.1.6 - Unsafe conditions.

- (a) *Conditions.* Structures or existing equipment that are or hereafter become unsafe or uninhabitable, which constitute a fire hazard, or are otherwise dangerous to human life or

the public welfare, shall be deemed an unsafe condition. Structures that are deemed an unsafe condition shall be taken down and removed or made safe, as the building official deems necessary, unless the notice of an unsafe condition is appealed to the board in accordance with the requirements set forth in section 8.3.2.1 of this chapter.

- (b) *Notice.* If an unsafe condition is found, the building official or designee shall serve on the owner, agent, or person in control of the building, structure or system found to be unsafe, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official written acceptance or rejection of the terms of the notice.
- (c) *Method of service.* Such notice shall be deemed properly served if a copy thereof is delivered to the owner personally or sent by certified or registered mail addressed to the owner at the owner's last known address with the return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the building or structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the building or structure shall constitute service of notice upon the owner.
- (d) *Restoration.* The building, structure, system or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations, or additions are made, or a change of occupancy occurs during the restoration of the building, structure, system, or equipment, such repairs, alterations or additions or change of occupancy shall comply with the requirements of this chapter.

Sec. 8.3.1.7 - Violations, remedies and penalties.

- (a) *Unlawful acts.* It is unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, system or equipment regulated by this chapter, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter or other applicable provisions of this Code.
- (b) *Notice of violation.* The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removing, demolition, or occupancy of a building, structure, system, or equipment in violation of the provisions of this chapter, or in violation of a permit or certificate of occupancy under the provisions of this chapter. Such notice or order shall direct the discontinuance or correction of the illegal action or condition and the abatement of the violation.
- (c) *Penalties.* Any person failing to discontinue, correct, or abate the violation of this chapter as ordered by the building official in the notice shall be subject to issuance of a court citation to appear in the municipal court of the city to answer charges of violations of this chapter and upon conviction shall be subject to a fine and/or imprisonment as allowed by law. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

DIVISION 2 - VARIANCES AND APPEALS

Sec. 8.3.2.1. Application procedures; decision-making powers.

- (a) *Applicability.* All requests for relief from strict compliance with the regulations of this chapter require review and approval by the board of appeals in accordance with the variance procedures of the Mableton Zoning Code.
- (b) *Powers and duties.* The board shall have the following powers:
 - (1) To hear appeals of decisions and interpretations of the building official;
 - (2) To hear appeals of the building official's decision related to the use of alternative materials, designs, methods of construction, equipment, and appliances pursuant to section 8.3.3.2(m) of this chapter;
 - (3) To hear appeals of the building official's decision related to unsafe conditions as regulated in section 8.3.1.6 of this chapter;
 - (4) To hear and grant variances from the provisions of division 3 of this article;
 - (5) To hear and grant applications for pre-qualification of alternate-registered engineers as referenced in section 8.3.5.1(i) of this chapter as well as remove pre-qualification status from alternate registered engineers as the board deems appropriate in its sole discretion; and
 - (6) To review proposed amendments to the land development and technical codes and to provide recommendations on such amendments to the governing authority.
- (c) *Application forms; filing of applications; application fees.* Applications for appeals, variances, and alternate-registered engineers shall be filed on forms provided by the city and shall not be considered authorized or accepted unless complete in all respects, including the payment of any application fees. Application fees shall be established by the city council.
- (d) *Appeals of the building official's decisions.*
 - (1) Notice of appeal of a building official decision to the board shall be in writing and filed with the director within 30 calendar days after the building official's decision is rendered. Appeals shall be on a form provided by the director.
 - (2) An appeal shall be sustained only upon an express written finding by the board that the building official's action was based on an erroneous finding of a material fact or that the building official acted in an arbitrary manner. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the director from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by all applicable laws are met. The board may also remand any appeal for the receipt of additional information.
 - (3) In the case of a building, structure, or service system which, in the opinion of the building official, constitutes an unsafe condition as that term is used in section 8.3.1.6 of this chapter, the building official may, in the decision or order, limit the time for the filing of such appeals to not less than two days and the director may request expedited review by the board of the appeal.

- (4) If the building official's decision results in a revocation or denial of the issuance of any permit or certificate authorized by this chapter, the affected applicant or permittee may request, and shall be allowed, to meet with the director within two business days after the initial issuance of such order or decision. At such meeting the affected applicant or permittee shall be allowed to present any evidence or testimony to the director that the applicant deems appropriate. If such a meeting is not requested or the director does not alter the decision to revoke or deny the issuance of any permit or certificate, then the building official's decision becomes final. During the pendency of any subsequent appeal to the board, the notice of appeal shall not stay enforcement of the director's decision and the applicant or permittee may not take any action, perform any act or occupy any structure that contradicts the director's revocation or denial decision in this regard.

(e) *Variances.*

- (1) The owner of a building, structure, or service system, or duly authorized representative, may file a request to the board to vary any provision of the technical codes in accordance with the provisions of this section on forms promulgated by the city or the director.
- (2) In granting a variance, the board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions of a variance shall be deemed a violation of this Code.
- (3) No variance may be granted unless such variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter. No variance shall be granted by the board to:
 - a. Allow any variance which conflicts with or changes any requirement established as a condition by the city council;
 - b. Reduce, waive, or modify in any manner any minimum standards set forth in the adopted codes generally identified in section 8.2.1 of this chapter, as amended; and
 - c. Reduce, waive, or modify any environmental protection measures such as tree protection and/or soil erosion and sedimentation control.
- (4) The board shall grant variances from the provisions or requirements of this chapter only upon making written findings of the following:
 - a. The strict application of the requirements of this chapter would deprive the building, structure, or service system owner of rights and privileges enjoyed by other building, structure, or service system owners within the city;
 - b. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other building, structure, or service system property owners within the city;
 - c. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or any improvements;

- d. The liberal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship;
- e. The method or material requested is at least as protective as the method or materials required by this chapter; and
- f. The applicant has supplied the city with an independent study or analysis by a registered design professional that shows that the method or material meets or exceeds the methods or materials required by this Code.

DIVISION 3 - PERMITS, PLANS AND OTHER CONSTRUCTION DOCUMENTS

Sec. 8.3.3.1 - Permits.

- (a) *Building permit required.* A permit shall be obtained before beginning construction, erection, alteration or repair to a building or structure, mechanical system, gas system, plumbing system, electrical system, and energy conservation system, other than ordinary repairs. Permits shall be obtained before beginning work. Permits for emergency work shall be obtained within 24 hours after work is commenced.
- (b) *Exception to permit required.* Ordinary repairs to a single-family residential building or structure shall not be required to obtain a permit.
- (c) *Work commencing before permit issuance.* In addition to any other remedies provided by law, any person, contractor, or company commencing any work on a building or structure, mechanical, gas, plumbing, or system electrical system before obtaining the required permit shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fee.
- (d) *Work exempt from permit.* Exemptions from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of the city. Permits shall not be required for the following:
 - (1) *Building.*
 - a. Retaining walls which are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
 - b. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed two to one.
 - c. Painting, wallpapering, tiling, carpeting, cabinetry, or counter tops, if plumbing is not affected, millwork, and similar finish work.
 - d. Temporary motion picture, television, and theater stage sets and scenery.
 - e. Prefabricated swimming pools that are less than 24 inches (610 mm) deep and are installed entirely above ground.

- f. Swings and other playground equipment accessory to one- and two-family dwellings.
- g. Window awnings supported by an exterior wall.
- h. Movable cases, counters and partitions not over five feet nine inches (1753 mm) in height.
- i. Detached accessory structures of 100 square feet or less.

(2) *Electrical.*

- a. *Repairs and maintenance.* Ordinary repairs, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- b. *Radio and television transmitting stations.* Electrical equipment used for radio and television transmissions. Permits are required for equipment and wiring for power supply, and the installation of towers and antennas.
- c. *Temporary testing systems.* The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(3) *Gas.*

- a. Portable heating appliances.
- b. Replacement of any minor component of equipment that does not alter approval of equipment or make such equipment unsafe.

(4) *Mechanical.*

- a. Portable heating appliances.
- b. Portable ventilation equipment.
- c. Portable cooling unit.
- d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this chapter.
- e. Replacement of any part which does not alter its approval or make it unsafe.
- f. Portable evaporative cooler.
- g. Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

(5) *Plumbing.*

- a. The stopping of leaks in drains, water, soil, waste, or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered new work and a permit shall be obtained and inspection made as provided in this chapter.

- b. The clearing of stoppages or the repairing of leaks in pipe, valves, or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
 - c. Removal and replacement of sinks, lavatories, faucets, and water closets without relocations of fixtures or piping.
- (e) *Application for permit.* To obtain a permit, the applicant shall first file a permit application on a form furnished by the community development department for that purpose. Such application shall:
 - (1) Identify and describe the work to be covered by the permit for which application is made.
 - (2) Describe the property on which the proposed work is to be done by street address, including suite or unit number, zip code, and tax parcel ID, to identify and definitely locate the proposed building or structure or work.
 - (3) Indicate the use and occupancy for which the proposed work is intended.
 - (4) Be accompanied by construction plans and documents and any other information that the building official may require to ascertain whether the proposed building meets the requirements of this chapter.
 - (5) State the cost of labor and materials for the proposed work.
 - (6) Provide the legal name of the property owner.
 - (7) Provide the company name, state license-holder's name and license(s) number, address, email address, and telephone number of the applicant/contractor and shall be signed by the applicant/contractor or the authorized permit agent. Legible copies of current state licenses, business licenses, and state-issued photo identification, and if applicable, notarized permit agent forms or homeowner affidavits, must be submitted prior to issuance of permits.
 - (8) The building official may require any additional information to be provided so that an understanding of all work to be performed can be ascertained from the permit application.
- (f) *Action on application.* The building official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing but no later than 60 calendar days after the filing of a complete application in conformity with this section. If the application or the construction plans or documents do not conform to the requirements of this chapter, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this chapter and that required approval from city departments and outside agencies have been verified, the building official shall issue a permit therefor as soon as practicable.
- (g) *Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless a permit has been issued. The building official is authorized to grant up to three written extensions of time for

additional periods not exceeding 90 days each before such application is declared abandoned. The extension shall be requested in writing and justifiable cause demonstrated.

- (h) *Validity of permit.* The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provisions of this chapter, of any local, state or federal law or any provision of this Code. Permits presuming to give authority to violate or cancel the provisions of this chapter or other provisions of this Code shall not be valid and are void. The issuance of a permit based on construction plans and documents and other data shall not prevent the building official from requiring the correction of errors in the construction plans and documents and other data. The building official is authorized to prevent occupancy or use of a building or structure where there exists any violation of this chapter or of any other provisions of the Code or of conditions of approval of permit, or where there exists a hazard to the health, safety and welfare of the public or the occupants of the building or structure.
- (i) *Expiration of permit.* Every permit issued shall become invalid and of no force and effect unless the work on the site authorized by such permit has not commenced and passed a city inspection within 180 days of issuance, or if the work authorized on the site by such permit has been commenced and has been suspended or abandoned with no further city inspection passed for a period of 180 days. The building official is authorized to grant three written extension of the permit for a period of not more than 90 days. The director of community development is authorized to grant one 90-day written extension. The extension(s) shall be requested in writing and justifiable cause demonstrated. All additional extension requests shall be heard by city council. Extension requests shall be submitted in writing and justifiable cause demonstrated at least 30 days prior to the permit expiration date. The extension request will be placed on the next available city council agenda.
- (j) *Suspension or revocation.* The building official is authorized to suspend or revoke a permit issued under the provisions of this chapter if the permit is issued in error or based on incorrect, inaccurate, or incomplete information, or in violation of any applicable provision of this Code.
- (k) *Contractor change; reissuing of permit.*
 - (1) No permit shall be reissued on any work or job site for which a permit already exists except after notification in writing from the owner of the change in contractor and that the new contractor is authorized by the owner to re-permit the work. Re-issuance of a permit shall make the new contractor responsible for the complete job or system and all work or code deficiencies, if any, as built, erected or installed by the previous or former contractor.
 - (2) The contractor who re-permits the work or job shall pay a change of contractor fee in the amount established by action of the city council.
- (l) *Placement of building permit, and construction plans.* The building permit or copy, and approved construction and site plans shall be kept on the site of the work until completion of the work. The building permit or copy shall be posted within 36 to 48 inches above grade facing the street or in a window of the structure under construction in a manner where it is visible from the street and if outside, in a weatherproof cover. The construction plans shall be kept on the construction site in a manner that they can be produced upon demand by the building official.

Sec. 8.3.3.2 - Construction plans and documents.

(a) *Submittal of plans and documents.*

- (1) Construction plans and documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction plans and documents shall be prepared by a registered design professional. When the building official is unable to make a determination as to the granting or denial of a permit based upon the plans submitted with a permit application, the building official is authorized to require additional construction plans and documents to be prepared by the applicant or a registered design professional.
- (2) The building official is authorized to waive in writing the requirement for construction plans if it is found that the nature of the work applied for is such that reviewing of construction plans and documents is not necessary to obtain compliance with this chapter. In addition, construction plans and documents for single-family residential construction do not have to be prepared by a registered design professional unless required by the building official in writing.

- (b) *Information on construction plans and documents.* Construction plans and documents shall be dimensioned and drawn upon suitable material. Electronic submittal of construction plans and documents may be required by the building official. Construction plans and documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and all other applicable laws and regulations.
- (c) *Fire protection system shop drawings.* Shop drawings for the fire protection systems shall be submitted to indicate conformance with this chapter and the construction plans and documents and shall be approved by the building official prior to the start of system installation.
- (d) *Manufacturer's installation instructions for.* Manufacturer's installation instructions, as required by the International Codes, shall be available on the job site at the time of inspection.
- (e) *Exterior wall envelope.* Construction plans and documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this chapter. The construction plans and documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water resistive membrane, and details around openings.
- (f) *Manufacturing installation instructions.* The construction plans and documents shall include manufacturing installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction plans and documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.
- (g) *Site plan.* The construction plans and documents submitted with the application for a building permit shall be accompanied by a site plan for review by the community development department. The building official is authorized to waive or modify in writing the requirement for a site plan.

The site plan shall be drawn in accordance with an accurate boundary line survey and must be signed and sealed by a registered land surveyor. If trees are to be removed or the critical root zones of trees impacted by construction, the site plan must be signed and sealed by a certified arborist, and a tree survey and tree protection plan must be submitted. Site plans must show to scale:

- (1) The size and location of new construction and existing structures on the site and distances from lot lines;
- (2) The established street grades and the proposed finished grades for the entire site, the storm water control measures to protect adjacent properties, erosion control, and water quality measures;
- (3) Impervious surface calculations; and
- (4) The location of the following construction-related items: dumpsters or other onsite disposal equipment, portable toilets, onsite parking for construction vehicles, construction material staging and storage, and borrow or stockpile areas.

In the case of demolition, the site plan shall show the construction to be demolished and the location and size of existing structures and construction that are to remain on the site or lot.

- (h) *Examination of construction plans and documents.* The building official shall examine or cause to be examined the accompanying construction plans and documents and shall ascertain by such examination whether the proposed construction indicated and described is in compliance with the requirements of this chapter and other pertinent provisions of this Code.
- (i) *Approval of construction plans and documents.* When a permit is issued, the construction plans and documents shall be approved, in writing or by stamp, as being in compliance with this chapter. However, the approval of construction plans and documents and other data shall not prevent the building official from requiring the correction of errors in the construction plans and documents and other data. The applicant shall keep an approved set of plans at the site of work which shall be open to inspection by the building official.
- (j) *Previous approvals.* The enactment of the ordinance from which this division is derived shall not require changes in the construction plans and documents, construction or designated occupancy of a structure for which a lawful permit has been issued prior to enactment of the ordinance from which this division is derived and the construction of which has been pursued and not abandoned within 180 days after the effective date of the ordinance from which this division is derived.
- (k) *Phased approval.* The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction plans and documents for the whole building or structure have been submitted, provided that construction plans and documents, adequate information, and detailed statements have been filed complying with pertinent requirements of this chapter. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the approved part of the building construction operation and without any assurance that a permit for the entire structure will be granted in the future.
- (l) *Design professional in responsible charge.*

- (1) When it is required and requested by the building official that construction plans and documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The owner shall notify the building official in writing if the registered design professional in responsible charge is changed or is unable to continue to perform the duties required by this Code.
 - (2) The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal plans and documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
- (m) *Deferred submittals.* For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.
- (1) Deferral of any submittal items shall require prior approval by the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction plans and documents for review by the building official.
 - (2) Submittal construction plans and documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal plans and documents have been approved by the building official in writing.
- (n) *Amended construction plans and documents.* Work shall be installed in accordance with the reviewed construction plans and documents, and any changes made during construction that are not in compliance with the approved construction plans and documents shall be resubmitted by the holder of the building permit for approval as an amended set of construction plans and documents.
- (o) *Retention of construction plans and documents.* One set of approved construction plans and documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work or as required by state or local laws.
- (p) *Compliance with conditions.* All permits shall be in compliance with all of the terms and conditions of all applicable zoning, special land use permit, variance, and special exception cases.

Sec. 8.3.3.3 - Permit fees; revocation.

- (a) *Payment of fees.* A permit shall not be valid until the fees prescribed by the city council have been paid. No amendment to a permit shall be released to the applicant until the additional permit fee, if any, has been paid.
- (b) *Schedule of permit fees.* Permit fees for buildings, structures, mechanical, gas, plumbing, electrical, and fire systems shall be determined by the city council. The schedule of fees approved by the city council shall be maintained by the city clerk and the director shall also retain a copy available for public inspection.
- (c) *Related fees.* The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.
- (d) *Refunds.* The city council is authorized to adopt a written refund policy that applies to the refund of permit fees authorized by this chapter.
- (e) *Revocation of certificates.* A certificate of occupancy or certificate of completion issued pursuant to any provision of this chapter shall be suspended or revoked by the director, and considered void, if:
 - (1) The permit application contains false or misleading information, or if the applicant omitted material facts in the application;
 - (2) Changes or alterations in the type of permitted use or occupancy occur without approval required by this Code;
 - (3) Changes or violations of the conditions of the certificate occur without approval required by this Code;
 - (4) Alterations, additions or improvements to the building, structure or systems occur without approval or without obtaining all necessary permits required by this Code;
 - (5) The premises covered by the certificate are found to be in violation of any applicable provision of this Code, or of state or federal law or codes;
 - (6) The establishment is a threat or nuisance to public health, safety, or welfare.
- (f) No certificate of occupancy or certificate of completion shall be issued pursuant to any provision of this chapter to any applicant, business, or legally or organizationally related entity if within 12 months immediately preceding the filing of any application under this chapter the same applicant, business, or legally or organizationally related entity requesting a certificate has been denied a certificate or had a certificate revoked for any location based in whole or in part upon having furnished fraudulent or untruthful information in any application or having omitted any material facts in any application.

Sec. 8.3.3.4 - Demolition permits.

- (a) A demolition site plan shall be submitted as part of the permit application package. The demolition site plan shall depict the trees, structures, and impervious surfaces to be removed; location and size of all trees greater than six inches DBH; construction exits; tree-save areas;

and best management practices for erosion control. Additionally, no demolition permit for a single-family detached residence shall be issued in a residential zoning district unless the applicant includes the original threshold elevation, if any, measured and certified by a licensed surveyor or engineer.

- (b) Only dead, diseased, or hazardous trees, as determined by a certified arborist, may be removed pursuant to a demolition permit.
- (c) An excavation site plan shall be submitted as part of the demolition permit application package when the purpose of the excavation is to locate current sewer lines in conjunction with an application for a variance from the front-door threshold elevation pursuant to this Code. The excavation site plan shall depict the boundaries of areas to be excavated, locations of storage areas for excavated materials, the location of structures and impervious surfaces, the location and size of all trees greater than six inches DBH in the footprint of the planned excavation, tree-save areas and best management practices for erosion control.
- (d) Applications for demolition permits require the signature of the property owner of record or owner's authorized representative.
- (e) Applications for structural demolition require submittal of a copy of the Georgia EPD Project Notification, if testing found no asbestos, or of the Georgia EPD Completion Notification, if asbestos was present and remediated.
- (f) A letter from a pest control company must be submitted with an application for a demolition permit, certifying that the property has been inspected within 30 days of the date of application for a demolition permit, and treated if evidence of infestation was found.

Sec. 8.3.3.5 - Temporary structures and uses.

- (a) *Generally.* The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one year. The building official is authorized to grant one written extension of one year. The request for extension shall be in writing and shall specify the justifiable cause.
- (b) *Conformance.* Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this chapter as necessary to ensure the public health, safety and general welfare.
- (c) *Temporary power.* The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion or occupancy has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electrical Code, as adopted in article II of this chapter.
- (d) *Termination of approval.* The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued for violation of the Code or applicable state or federal law.

DIVISION 4 - CERTIFICATE OF OCCUPANCY

Sec. 8.3.4.1 - Certificates of occupancy.

- (a) *Required.* No building or structure or portion thereof shall be occupied or a change made in the type of occupancy or the nature of the use of an existing building or part thereof until after an appropriate certificate as required by this section has been issued.
- (b) *Certificate of occupancy.*
 - (1) *Issuance.* A certificate of occupancy shall not be issued by the building official until the building, structure, and intended use comply with all applicable requirements of the zoning ordinance, all construction is complete, and all required final building, plumbing, mechanical, gas, electric, fire, health, vegetation protection, and site drainage inspections have been performed and approved.
 - (2) *Scope.* The certificate of occupancy certifies that all final inspections have been completed and the structure has been erected, to the best of the inspector's knowledge, in compliance with applicable Code requirements at the time of the issuance of the certificate. However, issuance of a certificate of occupancy shall not excuse the builder, contractor, tenant, or property owner from liability for any violation of the Code or any other applicable laws. Occupancy shall be limited to the area or portion of a building or structure defined by the building permit for which the certificate of occupancy is issued.
- (c) *Temporary certificate of occupancy.*
 - (1) *Scope.* A temporary certificate of occupancy may be issued for buildings or portions thereof for a specified period of time when it has been determined by the building official or designee that no outstanding Code violations or deficiencies exist and the building may be safely occupied for the use and time requested. A request for a temporary certificate of occupancy shall be made on such form as prescribed by the building official.
 - (2) *Issuance.* A temporary certificate of occupancy for a part of a building or premises may be issued in accordance with the requirements of section 8.3.3.3 of this chapter, and the community development department director and/or his designee may impose such additional conditions and safeguards as are necessary in the circumstances of the case to protect the safety of the occupants and of the public. A temporary certificate of occupancy shall be issued for stated purposes only when construction has not been fully completed and all final inspections have not been performed.
 - (3) *Revocation.* A temporary certificate of occupancy may be revoked at the option of the building official for any of the following reasons:
 - a. Violation of any building, plumbing, mechanical, electrical, fire safety, or site development codes or regulations.
 - b. Failure to complete any stage of construction and/or site improvements required by the building official in a timely manner.

- c. Unauthorized occupancy or use of any part or portion of the building or structure other than the area or portion for which a temporary certificate of occupancy has been granted.
 - d. Any other conditions that may affect the health, safety, and welfare of persons or property.
- (d) *Certificate of completion.* A certificate of completion may be issued upon satisfactory completion of work for which a permit was issued, when a certificate of occupancy is not required. The certificate of completion does not grant authority to occupy a building or structure or change the type of occupancy or nature of use prior to the issuance of a certificate of occupancy.
- (e) *Contents of certificates.* Certificates shall contain the following:
 - (1) The building permit number (or in the case of a certificate of completion, the appropriate permit number).
 - (2) The address of the structure or work.
 - (3) The name and address of the owner.
 - (4) A description of that portion of the structure for which the certificate is issued.
 - (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of this chapter.
 - (6) The name of the building official.
 - (7) The edition of the code under which the permit was issued.
 - (8) The use and occupancy, in accordance with the provisions of chapter 3 of the International Building Code.
 - (9) The type of construction as defined in chapter 6 of the International Building Code.
 - (10) If nonresidential, the design occupant load.
 - (11) If an automatic sprinkler is provided, whether the sprinkler system is required.
 - (12) Any special stipulations and conditions of the building permit.
- (f) *Revocation of certificates.* The building official or designee may revoke certificates of occupancy, certificates of completion issued under provisions of this chapter, where it is shown that there have been either one or more of the following:
 - (1) Changes or alterations in construction, type of permitted use, or occupancy without written approval by the building official or designee.
 - (2) Changes or violations of the conditions of the certificate without written approval by the building official or designee.
 - (3) Alterations, additions, or improvements to the building, structure, or systems without permits and inspections required by this chapter.
 - (4) Violation of any zoning, building, plumbing, mechanical, electrical, fire safety, or site development codes or regulations.

- (5) Any condition that may affect the building, structure or service system which, in the opinion of the director, renders the building, structure or service system unsafe, dangerous, or uninhabitable.
- (6) After a certificate has been revoked, a valid certificate shall not be issued until all violations, changes, alterations, additions, or improvements meet all requirements of this chapter as determined by the building official.

DIVISION 5 - INSPECTIONS

Sec. 8.3.5.1 - Construction or work; approval and accessibility.

- (a) *Generally.* Construction or work for which a permit is required shall be subject to inspection by the building official, and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of other applicable provisions of the Code. Inspections presuming to give authority to violate or cancel the provisions of this chapter or of other provisions of the Code shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for any expense entailed in the removal of any material required to allow inspection.
- (b) *Preliminary inspection.* Before issuing a permit, the building official is authorized to examine buildings, structures and sites for which an application has been filed.
- (c) Inspections are performed by the building official or the building official's designee. The building official is authorized to allow inspections by qualified third-party inspectors. Such inspections shall not be performed without prior written approval of the building official.
- (d) The building official may designate certain inspections to be performed as a combination inspection in accordance with established policies. For combination inspections, all affected trades must be ready for inspection prior to requesting the inspection.
- (e) In addition to inspections required in this section, permits for new construction and demolition will require pre-construction and final site inspections by the city land development inspector.
- (f) *Required inspections.* The building official, upon notification, shall make the inspections set forth as follows:
 - (1) *Building.*
 - a. *Foundation and slab inspection.* To be made after trenches are excavated, forms are erected, and reinforcement is installed but before concrete is put in place. The appropriate silt and erosion control measures must be in place and functional.
 - b. *Foundation survey.* For new single-family residences, a foundation survey by a registered land surveyor is to be made after the forms are in place and submitted for approval. The foundation survey shall be approved prior to the pouring of concrete.

- c. *Waterproofing inspection.* To be made prior to backfill of crawl space or basement foundation walls.
- d. *Pre-cladding/sheathing inspection.* To be made after the roof and the wall bracing, are installed and prior to placement of exterior cladding. Rough inspections on trades need not be complete for pre-cladding inspection.
- e. *Roof felt and sheathing inspection.* To be performed after roof felt is installed and prior to covering exterior wall sheathing with felt paper, house wrap, or siding.
- f. *Framing (rough) inspection.* To be made after wiring, piping, chimneys, duct and vents to be concealed are in place and all fire blocking is in place. This inspection occurs before any insulation or wall coverings are installed.
- g. *Final inspection.* To be made after the building or structure is completed in compliance with this Code and prior to issuance of the certificate of occupancy.

(2) *Electrical.*

- a. *Underground and slab inspection.* To be made after trenches or ditches are excavated, forms are erected, conduit or cable are installed, and before any backfill or concrete is put in place.
- b. *Rough-in inspection.* To be made after the roof, framing, fire blocking, bracing, and wiring are in place and prior to the installation of insulation and wall and ceiling membranes.
- c. *Final inspection.* To be made after the building or structure is complete; all required electrical outlets, switches, and fixtures are in place and properly connected or protected; and the building or structure is ready for occupancy.

(3) *Plumbing.*

- a. *Underground and slab inspection.* To be made after trenches or ditches are excavated, forms are erected, and piping installed, and before any backfill or concrete is put in place. The appropriate silt and erosion control measures must be in place and functional.
- b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing are in place and all water, soil, waste, and vent piping is complete and prior to the installation of wall and ceiling membranes.
- c. *Final inspection.* To be made after the building is complete, and all plumbing fixtures and appliances are in place and properly connected, and the structure is ready for occupancy.
- d. *Testing.* Plumbing work and systems shall be tested as required in section 312 of the International Plumbing Code. Tests shall be made by the permit holder and observed by the building official.

(4) *Mechanical.*

- a. *Underground and slab inspection.* To be made after trenches or ditches are excavated, forms are erected, underground duct and fuel piping is installed, and before any backfill and concrete is put in place.
- b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing are in place and all duct and fuel piping to be concealed are complete, and prior to the installation of wall and ceiling membranes.
- c. No mechanical equipment or ductwork is allowed to be installed in any building that is not adequately sealed from the weather. Any ductwork or equipment contaminated by stormwater must be replaced to prevent a potential mold issue or health hazard, as recommended by the DCA Mold Task Force.
- d. *Final inspection.* To be made after the building is complete, the mechanical system and appliances are in place and properly connected, and the structure is ready for occupancy.

(5) *Gas.*

- a. *Rough-in inspection.* To be made after all piping authorized by the permit has been installed and before any such piping has been covered and concealed or any fixtures or appliances have been connected.
- b. *Final piping inspection.* To be made after all piping authorized by the permit has been installed, after all portions which are to be covered or concealed by wall and ceiling membranes, plastering, stone or brickwork have been so concealed, and before any fixtures or gas appliances have been connected. Log lighters shall be permitted separately and inspected.
- c. *Testing.* This inspection shall include a gas pressure test.
- d. *Final inspection.* To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by the new work or any changes, to ensure compliance with the requirements of this chapter and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

(6) *Energy.*

- a. *Insulation inspection.* To be made after all rough inspections are complete and approved and before exterior wall insulation is concealed by wall board to check installation of the exterior insulation envelope and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
- b. *Final inspection.* To be made after the building is completed and ready for occupancy. To verify installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances. Verification of compliance with all state amendments for the energy code in regards to sealing and compliance certificates where applicable and properly posted.

- (g) *Residential floodplain inspections.* For construction permitted in areas prone to flooding as established by table R301.2(1) of the International Residential Building Code, upon

placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of a certification of the elevation of the lowest floor, including basement, prepared by a registered professional engineer or land surveyor, as required in section R327 of the International Residential Building Code.

- (h) *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
- (i) *Other inspections.* In addition to any other inspections, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this chapter and other applicable provisions of the code that are enforced by the city.
- (j) *Residential fire-resistance-rated construction inspections.* Where fire-resistance-rated construction is required between dwelling units or due to the location on the property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.
- (k) The building official may designate required inspections for demolitions or for structures other than new buildings, alterations, or additions, such as pools, monument signs, cell towers, retaining walls, and other structures.
- (l) *Inspection agencies.* The building official is authorized to request and accept reports of approved inspection agencies, provided such agencies satisfy the requirements of this division.
- (m) *Special inspections.* When special inspections are required by chapter 17 of the International Building Code, reports shall be submitted to the building official according to the approved schedule. All reports shall be reviewed and accepted by the building official prior to the issuance of the certificate of occupancy.
- (n) *Inspections requests.* It shall be the duty of the holder of the permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide safe access to and a safe means for inspection of such work for any inspections that are required by this chapter.
- (o) *Approval required.* Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.
- (p) *Re-inspection fees.* Re-inspection fees shall be required in accordance with the fee schedule as adopted by the city council when work performed is required to be re-inspected due to the following reasons:
 - (1) The re-inspection is not approved due to a failure to correct a code violation noted on a prior inspection;
 - (2) The job is not ready for inspection when an inspection is requested;

- (3) The building or structure is not accessible, and inspection cannot be performed;
 - (4) Work to be inspected has been covered or concealed, and proper inspection cannot be performed; or
 - (5) Prior issuance of a stop work order requires re-inspection.
- (q) *Right-of-entry.* Inspections required under the provisions of this chapter shall be made by the building official or designee. Upon presentation of proper credentials, the building official or designee may enter the premises between 8:00 a.m. and 7:00 p.m. to perform any duty imposed by this chapter, provided that the building official or designee has consent to enter the premises or has obtained and presents an inspection warrant as described in this chapter.

Sec. 8.3.5.2 - Inspection warrants.

- (a) The building official, in addition to other procedures provided by law, may obtain an inspection warrant under the conditions specified in this section. The warrant shall authorize the building official to conduct a search or inspection of property without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.
- (b) Inspection warrants may be issued by any judge of the municipal court when the issuing judge is satisfied that all the following conditions are met:
 - (1) The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property, or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property;
 - (2) The issuing judge determines that the issuance of the warrant is authorized by this division and all other applicable law;
 - (3) The warrant is attached to the affidavit required to be made in order to obtain the warrant;
 - (4) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes a search or inspection;
 - (5) The warrant indicates the conditions, objects, activities, or circumstances which the search or inspection is intended to check or reveal; and
 - (6) The warrant refers, in general terms, to the provisions of the Code or state law sought to be enforced.

DIVISION 6 - ADDITIONAL RESTRICTIONS REGARDING CONSTRUCTION

Sec. 8.3.6.1 - Requirements for construction.

- (a) Construction activity and deliveries shall be limited to:

Monday—Friday	7:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.

There shall be no construction activity or deliveries on Sundays, New Year's Day, Thanksgiving Day, Christmas Day, Memorial Day, July 4th or Labor Day unless such activity arises from an emergency which puts the site or neighboring property owners and their property at risk of harm or loss.

- (b) Dumpsters or any onsite waste disposal equipment may not be located on the street. If adequate traffic controls can be implemented, the director or designee may approve the placement of dumpsters and onsite waste disposal equipment on a street so long as the street has a paved width greater than 24 feet.
- (c) Portable toilets shall be located out of the right-of-way and at least 15 feet from any side property line.
- (d) Wherever possible, temporary parking shall be provided onsite and not on the street.
- (e) The applicant for construction on any lot shall be responsible for ensuring that all existing sewer services and taps from the buildings to the street are in operating condition prior to connection.

Sec. 8.3.6.2 - Utility service connections.

- (a) *Connection of service utilities.* No person shall make connections from a utility, or from a source of energy, fuel, or power, to any building or system that is regulated by this chapter for which a permit is required, until approved by the building official.
- (b) *Permanent electrical service connection.* Permanent electrical service connection and meter shall not be authorized until all required final building, plumbing, mechanical, gas, electrical, drainage, vegetation, fire and health inspections have been performed and approved by the appropriate city or state department or official, as applicable.
- (c) *Permanent gas service connection.* Permanent gas service connection and meter shall not be authorized until the gas supply house line has been tested, inspected and approved and all appliance and equipment connections have been inspected and approved.
- (d) *Temporary electrical and gas service connections.* Temporary electrical service, gas service and meter connections may be authorized for a specified period of time when the system has been inspected and found to be safe for the connections and use authorized. Such temporary service connections shall be authorized only for the following reasons:
 - (1) Testing of appliances and equipment.
 - (2) To provide heat during the winter months to prevent freeze damage to water systems and equipment and including, but not limited to, installation of wallpaper or painting.
 - (3) Temporary occupancy of the building or structure only for the training of employees or stocking of merchandise.

- (4) Single-tenant occupancy buildings and multi-tenant occupancy buildings for which temporary service connections have been authorized shall not be allowed access by the public for business activity other than those allowed in subsections (1), (2), and (3) of this section.
- (5) Application for temporary service connections and meters shall be made on such forms as prescribed by the director.
- (e) *Authority to disconnect utility services.* The building official shall have the authority to authorize disconnection of utility service to the building, structure, or system regulated by this chapter in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner and occupant of the building, structure, or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure, or service system shall be notified in writing, as soon as practical thereafter.
- (f) *Connection after order to disconnect.* No person shall make connections from any energy, fuel, or power supply or from any water distribution system or supply energy, fuel or water to any equipment regulated by this chapter that has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.

ARTICLE 4 - MULTIFAMILY RENTAL HOUSING INSPECTION PROGRAM

Sec. 8.4.1 - 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:

Certified building inspector means a person inspecting for compliance with the International Property Maintenance Code, the Life Safety Code (existing provisions) and the International Fire Code and other referenced standards contained herein, who is a currently licensed/certified design professional (architect or engineer) or holds one of the following current certifications from the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner, or commercial combination inspector.

Code compliance certificate means a certificate, on a form provided by the county, executed by a certified building inspector and stating compliance with those minimum standards described in the inspection report.

Inspection report means the report attached to the code compliance certificate describing minimum requirements for inspection of each unit.

Lease means any written or oral agreement which sets forth any and all conditions concerning the use and occupancy of multifamily rental dwellings or multifamily rental units.

Multifamily rental dwelling means any multifamily structure, multifamily building, or other facility promised and/or leased to residential tenant or tenants for use as a home, residence, or sleeping unit. This definition includes, but is not limited to, multiple-family dwellings, multiple-family apartment units, boardinghouses, rooming houses, group homes, and flats.

Multifamily rental unit means any one area, room, structure, flat, apartment, or facility of a multifamily rental dwelling that is being leased or rented to only one tenant, group of tenants, or family under one lease or under terms of joint and severable liability.

Occupant means all tenants, lessees and persons residing within a multifamily rental dwelling or multifamily rental unit.

Owner means any person, agent, firm, or corporation having a legal or equitable interest in a premises.

Owner-occupied means any part of a structure used as a living quarter by the owner of said structure where other parts of the structure are used as multifamily rental units. Example: two-family dwelling, owner occupies one flat; rooming house, owner occupies one unit.

Premises means any lot or piece of land inclusive of the multifamily rental dwelling or multifamily rental unit.

Sec. 8.4.2 - Fee and certificate required.

- (a) *Occupation tax.* All owners of multi-family rental dwellings or multi-family rental units within the city required to pay occupational taxes pursuant chapter 7 of this Code shall provide to the city, prior to receiving a business registration certificate under this Code, a code compliance certificate covering interior inspections of no less than twenty-five (25) percent of the total multi-family rental units within the multifamily dwelling complex within the twelve (12) month period immediately preceding the date of the certification. Said code compliance certificate shall be certified by the owner and a certified building inspector that all units inspected are in compliance with those standards contained in the code compliance certificate and inspection report. For the initial year of construction, this section shall not apply to new construction or rehabilitation of a multi-family rental dwelling provided proper permits are obtained from the city.
- (b) *Inspection.* Upon initial inspection of such dwellings or units, should a certified building inspector determine that further work is necessary to comply with the minimum standards set forth herein, an acceptable plan shall be submitted to the city chief building official outlining the time and scope of work necessary to bring the units into compliance. If the chief city building official determines that the remediation plan should be approved, the chief city building official may, in the exercise of his or her discretion, grant an extension not exceeding one year for the completion of necessary repairs to satisfy minimum standards; however, no extension shall be granted for violations that result in conditions that could endanger public health and safety, and any such units shall not be leased until brought into compliance with all life safety standards.
- (c) *Code compliance certificate.*
 - (1) *Interiors.* After submission of the initial code compliance certificate, each owner shall submit a code compliance certificate annually, with their business license renewal. Such subsequent code compliance certificates shall cover interior inspections of at least twenty-five (25) percent of the units, provided all units shall be inspected, at a minimum, every four years. All units inspected shall be listed individually on the code compliance certificate submitted to the city by the certified building inspector.
 - (2) *Exteriors.* Exterior inspections of buildings and property to show compliance with minimum requirements of the International Property Maintenance Code (IPMC) shall cover one hundred (100) percent of the property's common areas, including but not limited to: drainage, sanitation, weeds, exterior walls, paint deterioration, decks, doors, windows, screens, handrails, guardrails, roofs, abandoned vehicles, parking lot maintenance, electrical and plumbing maintenance and graffiti. All common areas of property shall be inspected for compliance, at a minimum, once each year. A compliance report indicating that the condition of the property meets the minimum requirements of the IPMC shall be submitted to the city by the owner as part of the annual code compliance certificate.
- (d) *Written record of inspection.* Each owner and certified building inspector shall keep a written record of all inspections for each unit including the date of the inspection, items inspected and all violations, if any, observed. Such records shall be presented to the city within ten

business days after such request is made in writing to the inspector. Failure to provide such records shall nullify the code compliance certificate for those units.

Sec. 8.4.3 - Failure to provide code compliance certificate.

- (a) Failure to provide the code compliance certificate as provided herein shall be a violation of this section and is subject to penalties as allowed by law.
- (b) Failure to provide the code compliance certificate may subject said multifamily rental dwelling or multifamily rental units to, inspection by the chief building official or his designee at a fee as determined by the board of commissioners that covers all costs of such inspection by the city. Said inspection by the city, if required, shall be at the sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises to be collected as provided for the collection of taxes.
- (c) Failure to pay the occupation tax as provided herein shall be in violation of this Code and is subject to those penalties set forth herein. Nothing contained in this section shall prevent the city from enforcing the state minimum standard codes as provided in this chapter.

Sec. 8.4.4 - Penalty for false certification and false inspection.

- (a) An owner who knowingly participates in furnishing a code compliance certificate to the city which contains a false certification that all multifamily rental dwellings or multifamily rental units inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this Code for each multifamily rental dwelling or multifamily rental unit for which the certification is shown to be false and can be fined as provided by this Code for each violation.
- (b) A certified building inspector who furnishes an inspection report which knowingly contains false information that a multifamily rental dwelling or multifamily rental unit meets the applicable minimum housing standards as shown by the inspection report provided to the city shall be guilty of a violation of this Code and the inspector's right to submit inspection reports to the city may be suspended for a stated period of time, up to five years, following notice by the chief building official.

Sec. 8.4.5 - Certified building inspector requirements.

All inspectors wishing to submit or participate in the multifamily rental housing inspection program as a certified building inspector must satisfy the following requirements:

- (1) Be a licensed/certified design professional (architect or engineer) or hold one of the following certifications from the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector.
- (2) Provide a copy of his or her business license and applicable current license/certification to the city to be placed on an approved certified building inspector list prior to inspecting any multifamily residential dwelling or multifamily residential unit under this program.
- (3) Following completion of any inspection under this program, the inspector must provide to the owner an inspection report, executed by the currently licensed/certified

building inspector and stating compliance with those minimum standards described in the inspection report. The inspector must sign and date the report upon completion.

Section 2. It is hereby declared to be the intention of the City Council that:

- (a) All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.
- (b) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (c) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (d) In the event any portion of this Ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this Ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the Ordinance.

Section 3. Fees and other costs applicable under this Ordinance and/or the Mableton Zoning Code are hereby adopted and attached as the “City of Mableton Building Permit Fee Schedule.”

Section 4. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Ordinance for proofing and renumbering purposes.

Section 5. The effective date of this Ordinance shall be February 1, 2025, unless required otherwise by the City Charter, state and/or federal law. In the event that any effective date herein is determined by a Court of law to be invalid, said effective date shall instead be the earliest date allowed by law.

SO ORDAINED this _____ day of _____, 2024.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney



BUILDING PERMIT FEE SCHEDULE

One- and Two-Family Building Permit Fees (Effective xx-xx-xxxx)	
Permit fees for new complete building construction are calculated using the International Code Council Building Valuation Data at a rate of \$6.00 per \$1,000 of estimated construction cost.	
Steps to calculate fee:	
Step 1: Determine the Construction Type and Occupancy Group from ICC Building Valuation Data	
Step 2: Find the Construction Cost from ICC Building Valuation Data using total square feet of construction	
Step 3: Multiply the Construction Cost by 0.006 to determine the permit fee (\$6.00 per \$1,000 of estimated construction cost)	
Building permit fees will be updated annually to reflect the current published ICC chart.	
Building permit fees include Plan Review and Building Inspections.	

Residential Building Permit Fees	
Construction Cost	Permit Fee
Up to \$15,000	\$80.00
\$15,001 - \$25,000	\$150.00
\$25,001 - \$50,000	\$300.00
\$50,001 - \$75,000	\$450.00
Over \$75,001	\$6.00 per \$1,000 of construction cost
Find Your Construction Cost: (From ICC Data)	Unheated sq. ft total (x) \$31.50 + Heated sq. ft total (x) \$165.67 = Construction Cost

Other Fees (Applies to all permit types)	
Certificate of Occupancy and (LOC) Letters of Completion	\$50.00 (New Homes Only)
Technology Fee (For all permit types)	\$15.00
Site Plan Review Fee	\$100.00 (Applies to all New Homes, Additions, Decks, Pools, Retaining Walls, and Accessory Structures).
Revision Fee	\$50.00
Permit Renewal Fee	\$100.00
Reinspection Fees	1 st Reinspection: \$50.00 2 nd Reinspection: \$75.00 3 rd Reinspection: \$100.00 and each subsequent time
Pools	\$250.00 Minimum
Trade permit (Electrical, Plumbing, HVAC, Gas)	\$80.00
Demo or Retaining Walls	\$100.00
Demo – Historical Review Fee	\$50.00
Power Use Only – Power Reconnect	\$80.00
TCO Fee (Subject to approval)	\$500.00 (Valid for a maximum 30 days)
Penalty for Construction Prior to Issuance of Permit	Double Permit Fee, Maximum \$1,000



BUILDING PERMIT FEE SCHEDULE

Commercial and Multifamily Building Permit Fees (Effective XX-XX-XXXX)	
Permit fees for new commercial building construction are calculated using the International Code Council Building Valuation Data at a rate of \$7.00 per \$1,000 of calculated construction cost.	
Steps to calculate fee:	
Step 1: Determine the Construction Type and Occupancy Group from ICC Building Valuation Data	
Step 2: Find the Construction Cost from ICC Building Valuation Data using total square feet of construction	
Step 3: Multiply the Construction Cost by 0.007 to determine the permit fee (\$7.00 per \$1,000 of estimated construction cost)	
Building permit fees will be updated annually to reflect the current published ICC chart.	
Building permit fees include Plan Review and Building Inspections.	

Commercial Permit Fees	
Construction Cost	Permit Fee
Up to \$15,000	\$ 100.00
\$15,001 - \$25,000	\$ 175.00
\$25,001 - \$50,000	\$ 350.00
\$50,001 - \$75,000	\$ 525.00
Over \$75,001	\$7.00 per \$1,000 of calculated construction cost
Additional Fees and Flat Fees by Permit Type	
Free-standing Building with No Tenant (Shell Only) Commercial Building Valuation: X 80% per ICC	CO or LOC Fee: \$50.00
New Tenant / Interior Remodel / Vacant Tenant	CO or LOC Fee: \$50.00
Move-In No Change of Use, No Construction, No Utility Work	Review Fee: \$100.00 CO or LOC Fee: \$50.00
Townhomes / Group Homes / CLA / PCH	Site Plan Review Fee: \$100.00 Per lot. CO or LOC Fee: \$50.00
Cell Tower As determined by Site Plan Review, a Land Disturbance Permit may be required. Tank permits may be required by FMO and are separate.	Site Plan Review Fee: \$100.00 <i>If an LDP is not required.</i> New Tower Fee: \$850.00, Antenna Modification: \$500.00, Generator \$500.00
EV Charging Station As determined by Site Plan Review, a Land Disturbance Permit may be required.	Site Plan Review Fee: \$100.00 <i>If an LDP is not required.</i> LOC Fee: \$50.00 Electrical permit based on chart above
Re-roofs / Solar Panels	LOC Fee: \$50.00
Commercial Remodel in TYPE 1-A or 1-B construction	Calculated construction cost (x) 0.5
Commercial Remodel in all other construction types	Calculated construction cost (x) 0.75
Commercial Building Permit Plan Review Fees	
Revision Fees Minor (less than 10 pages changed)	\$150.00
Revision Fees Major (10 pages or more changed)	\$500.00
Expedited Fee	\$1,000 <i>Approval Required</i>
In-person Preliminary Plan Discussion	\$250.00
Site Plan Review Fee (Pools, Accessory Structure, Demo, Retaining Wall)	\$100.00 <i>(If LDP is NOT required)</i>
Minimum Contractor Change	\$250 Minimum <i>Affidavit Required</i>
Demo or Retaining Walls	\$100.00
Permit Renewal (approval required)	\$250.00
Technology Fee applied to all permit applications	\$15.00

Note: Contract Agreement Price may be taken into consideration under special circumstances

Mixed Use Occupancy will be pro-rated. Phased projects will be charged 25% of the original permit fee for each phase.



BUILDING PERMIT FEE SCHEDULE

Land Development Permit Fees (Effective xx-xx-xxxx)	
Site Plan Review	
Single Family Residential - Land Disturbance Permit	\$50.00 per lot (LDP*) \$250.00 Minimum AND \$40.00 (x) Disturbed Acreage (NPDES**)
Commercial Townhomes/Condominiums – Land Disturbance Permit	\$200.00 (x) Disturbed Acreage (LDP*) AND \$40.00 (x) Disturbed Acreage (NPDES**)
Minimum Permit Fee	\$250.00
Site Plan Review Revisions	\$100.00

Plan Review Fee	\$250.00 per submittal for weekly plan review*
Plat Review: Final Plat or Lot Split/Combo/Merge	\$150.00
Final Plat Revision Review Fee	\$80.00
Technology Fee	\$15.00

* Full fee charged for each type of LDP per project (Ex. Clearing-only LDP, Grading-only LDP, Full-site LDP)

** NPDES fee only charged once per project and only if project has over one (1) acre of disturbance



AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Public Hearing for an Ordinance Amending Chapter 10, Article I, Planning and Zoning of the City of Mableton Code of Ordinances, Establishing A Mableton Zoning Code and Zoning Map and for Other Lawful Purposes - Rob Hosack and Chris Miller of IBTS

BACKGROUND/SUMMARY: The first read of this ordinance was conducted on October 9, 2024. This a public hearing. The hearing was advertised in the legal section of the Marietta Daily Journal.

BUDGETED/FINANCIAL IMPACT – FUND: N/A

RECOMMENDATION:

ATTACHMENTS:

1. Draft Land Use Permit Application-City of Mableton (2)
2. Draft OSC Application-City of Mableton (2)
3. Draft Rezoning Application-City of Mableton (2)
4. Draft Special Land Use Permit Application-City of Mableton (2)
5. Draft Variance Application-City of Mableton (2)
6. AD439787_jnl (1) (1)
7. Building Permit Fee Schedule Rev. 9.30.24 (1) (2)
8. Technical Memo -Code and Related for Adoption 10-18-24
9. Mableton Zoning Code with tables 10.18.2024
10. Mableton Draft Zoning Map for Adoption 10-17-24 Copy (2)
11. An Ordinance Amending Chapter 10, Planning & Zoning Rev. 1.18.24 (1)
12. Draft Fee Structure 10-1-24 (3) (1)



City of Mableton, Georgia Temporary Land Use Permit Application and Instructions

The City of Mableton strives to operate as a "paperless" organization. Please be advised that this application form, its required documents and any supporting information must be uploaded via the city's website and data portal.

All information submitted, and filled in on the application is a public record

and is subject to the Open Records Act. This information will be posted online; please do not place any sensitive or personal information on the application, or in your submitted application packet.

The following items are required for submitting an application for temporary land use permit:

1. **Original** notarized signature of **titleholder(s)** and **applicant(s) and/or representative(s)**.
2. If the **titleholder(s)** is a domestic or foreign corporation, then the following documentation shall also be required:

Written authentication with the presence of the corporate seal, or a facsimile thereof, attested by the secretary or assistant secretary of the corporation, or other officer to whom the bylaws or the directors have delegated the responsibility for authenticating records of the corporation, shall attest:

 - a) That the corporate seal or facsimile thereof affixed to the document is in fact the seal of the corporation or true facsimile thereof, as the case may be;
 - b) That any officer of the corporation executing the document does in fact occupy the official position indicated, that one in such position is duly authorized to execute such document on behalf of the corporation, and that the signature of such officer subscribed thereto is genuine; and
 - c) That the execution of the document on behalf of the corporation has been duly authorized.
3. A copy of the warranty deed that reflects the current owner(s) of the property.
4. A current legal description of the subject property.

5. A copy of the paid tax receipt for the subject property or a statement signed by an official in the Tax Commissioner's Office or other official document issued by the Tax Commissioner's Office indicating the taxes have been paid. Properties with delinquent taxes may be withdrawn by staff or may be delayed or denied by the Mayor and Council.
6. A copy of current plot plan and current boundary survey drawn to scale and stamped by a **registered engineer, architect, land planner, or land surveyor** currently registered in accordance with applicable state laws. These plans must include: a) north arrow; b) land lot lines; c) district lines; d) lot lines; e) angles; f) bearing and distances; g) adjoining street with right-of-way (present and proposed); h) paving widths; i) the exact size and location of all buildings along with intended use; j) buffer areas; k) parking spaces; l) lakes and streams; m) utility easements; n) limits of the 100-year floodplain and acreage of floodplain; o) cemeteries; p) wetlands; q) access points; and r) stream buffers (minimum 50' buffer).
7. A petition form for Consent of Contiguous Occupants or Landowners is provided. In the event that applicant cannot obtain signatures on the petition form, a certificate of mailing to those contiguous owners shall be required. The certificate of mailing shall be submitted to the Community Development office two weeks prior to the hearing.
8. Applicant, or representative for applicant, **must** attend the Zoning Hearings. Failure to attend may result in dismissal with prejudice, rejection of the application or continuance of the hearing at the Council's sole discretion.
9. If the property is or will be on septic tank, contact the Cobb County Health Department (770-435-7815). Approval must be obtained prior to filing a Temporary Land Use Permit Application.
10. **Application Fee- \$150.00.**
Fees must be paid by credit card or Venmo.
11. Signs provided by Community Development **must** be posted on or near the right-of-way of the nearest public street thirty (30) days before the public hearing. Signs **must** be posted every 500 feet of public road frontage. Failure to post and maintain signs continuously may prohibit consideration of the application at any scheduled public hearing. It is the responsibility of the applicant to ensure that signs remain posted throughout the advertising period, **including the day of the public hearings and to remain posted until the final decision by the Mayor and Council.**

Application for Temporary Land Use Permit Mableton, Georgia

Application No. _____

PC Hearing Date: _____

M&C Hearing Date: _____

Applicant _____ Phone # _____ E-mail _____

(representative's name, printed) Address _____

(representative's signature) Phone # _____ E-mail _____

Signed, sealed and delivered in presence of:

(Notary Public) My commission expires: _____

Titleholder _____ Phone # _____ E-mail _____

Signature _____ Address _____
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Present Zoning _____

Type of Permit

Temporary Land Use _____; Poultry on less than two acres ____; Other _____

Renewal - Yes _____ No _____

For the Purpose of _____

Location _____
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) _____ District _____

Size of Tract _____ Acre(s)

Will any site improvements (i.e., grading, tree removal, paved parking, detention facilities, additions to house or other permitted structure, etc.) be undertaken on the subject property? _____ Yes _____ No

CONSENT OF CONTIGUOUS OCCUPANTS OR LAND OWNERS
TO ACCOMPANY APPLICATION FOR LAND USE PERMIT

By signature, it is hereby acknowledged that I give my consent/or have no objection that _____
_____ intends to make an application for a Land Use Permit for the purpose of
_____ on the premises described in the application.

Signature	Printed name	Address
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

(Attach additional pages if necessary)



Application for Open Space Community (OSC)
Overlay Zoning District

Application No.: _____

Concept Plan Review: _____

Mayor and Council

Applicant _____ Business Phone _____ Hearing: _____

(representative's name, printed) Address _____ Home Phone _____

(representative's signature) Business Phone _____

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Titleholder _____ Business Phone ----- Home Phone _____

Signature _____ Address _____
(attach additional signatures, if needed)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Underlying/Current Zoning _____ Size of Tract -----  Acre (s)

Location _____
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) _____ District _____

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any, they are as follows:

(applicant's signature)

we have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any, they are as follows:

(applicant's signature)



REQUIREMENTS FOR THE OPEN SPACE COMMUNITY OVERLAY APPLICATION

The City of Mableton strives to operate as a "paperless" organization. Please be advised that this application form, its required documents and any supporting information must be uploaded via the city's website and data portal.

All information submitted, and filled in on the application is a public record and is subject to the Open Records Act. This information will be posted online; please do not place any sensitive or personal information on the application, or in your submitted application packet.

This application process applies only to Open Space Community (OSC) applications that do not require a change in the underlying zoning of the property. Applications must be submitted to Community Development as indicated on **the attached OSC schedule**. The applicant or a representative is required to attend the Concept Plan Review. After city staff determines the application is complete, there will be a review by other applicable city and county staff. Public notice signs will be posted by community development staff. The application will then be forwarded to Mayor and Council as an "Other Business" agenda item.

OSC plan submittal application requirements

1. Notarized signature of titleholder(s) and representative(s)
2. A copy of the warranty deed that reflects current owner(s) of the property
3. Electronic copy of a site plan with boundary survey indicating the following:
 - a. The architect, engineer, or designer's name, address, and telephone number.
 - b. Developer's name, address, and telephone number.
 - c. Scale of the plan.
 - d. North arrow.
 - e. Street address of the site.
 - f. Vicinity map showing the relationship of the site to the surrounding area.
 - g. Existing land lot, property lines, rights-of-way, dedications, and easements.
 - h. Location of existing and proposed structures, driveways, walks, recreation facilities, amenities, and other non-permeable entities.
 - i. Topographic information.
 - j. Delineation of existing streams, floodplains, wetlands, and other bodies of water.
 - k. Location of any known or potential historic sites and cemeteries.
 - l. Delineation and description of ground cover types and locations of specimen trees existing on the site, as defined in the City of Mableton Tree Ordinance.

4. Electronic copy of site plan showing the underlying zoning density and lot yield.
 5. Preliminary grading plan showing the limits if grading tree save areas, open space areas, and other features to be excluded from land disturbance activities. Mass grading of a project site is PROHIBITED.
 6. Agreeable Zoning Conditions must be submitted (whether on the form attached hereto), or on a form or letterhead used by the applicant's representative.
 7. Applicants are required to provide a Certificate of Mailing that demonstrates that all property owners within a 1,000-foot radius of the subject property have been notified of a monthly public open house hosted by the City of Mableton, during which interested citizens can ask questions of both the applicant and city staff, about the application. Applicants are encouraged to produce explanatory materials for these open houses. The dates, times and locations for these open houses will be updated quarterly and available for review on the city's website. Applicants are encouraged to provide the letter to city staff for a cursory review prior to completing the Certificate of Mailing.
 8. A narrative site analysis describing how the objectives of this district will be achieved utilizing the overlay district.
 9. Application fee of \$500.00 payable at the time of initial application submittal.
- * Property shall be posted for 30 days prior to the Mayor and Council meeting date. Signs will be posted by Community Development.**

AGREEABLE ZONING CONDITIONS



City of Mableton, Georgia Rezoning Application and Instructions

The City of Mableton strives to operate as a "paperless" organization. Please be advised that this application form, its required documents and any supporting information must be uploaded via the city's website and data portal.

All information submitted, and filled in on the application is a public record and is subject to the Open Records Act. This information will be posted online; please do not place any sensitive or personal information on the application, or in your submitted application packet.

The following items are required for submitting an application for rezoning:

1. **Original** notarized signatures of **titleholder(s)** and **representative(s)**.
2. If the **titleholder(s)** is a domestic or foreign corporation, then the following documentation shall also be required:
Written authentication with the presence of the corporate seal, or a facsimile thereof, attested by the secretary or assistant secretary of the corporation, or other officer to whom the bylaws or the directors have delegated the responsibility for authenticating records of the corporation, shall attest:
 - a) That the corporate seal or facsimile thereof affixed to the document is in fact the seal of the corporation of true facsimile thereof, as the case may be;
 - b) That any officer of the corporation executing the document does in fact occupy the official position indicated, that one in such position is duly authorized to execute such document on behalf of the corporation, and that the signature of such officer subscribed thereto is genuine; and
 - c) That the execution of the document on behalf of the corporation has been duly authorized.
3. A copy of the warranty deed that reflects the current owner(s) of the property. Security deeds are not acceptable.

4. A current legal description of the subject property. If the application consists of several tracts, a legal description of each tract is required. A separate legal description of each zoning classification is also required, as well as an overall description of all tracts and/or classifications combined. No legal description should include more property than what has been requested for rezoning.
5. A copy of the paid tax receipt for the subject property or a statement signed by an official in the Tax Commissioner's Office or other official document issued by the Tax Commissioner's Office indicating the taxes have been paid. Properties with delinquent taxes may be withdrawn by the staff, or may be delayed or denied by the Board of Commissioners'.
6. A copy of current site plan and current boundary survey drawn to scale by a **registered engineer, architect, land planner, or land surveyor** currently registered in accordance with applicable state laws. **(Plans must be stamped)**. These plans must include: a) north arrow; b) land lot lines; c) district lines; d) lot lines; e) angles; f) bearing and distances; g) adjoining street with right-of-way (present and proposed); h) paving widths; i) the exact size and location of all buildings along with intended use; j) buffer areas; k) parking spaces; l) lakes and streams; m) utility easements; n) limits of the 100-year flood plain and acreage of flood plain; o) cemeteries; p) wetlands; q) access points; and r) stream buffers (minimum 50' buffer). If the property is or will be on septic tank, contact the Cobb County Health Department(770-435-7815). A site plan and soils analysis will be required for review by the Environmental Health District Project Manager. Approval by the Cobb County Health Department must be obtained prior to the filing of the application for Rezoning.
7. Zoning Application Disclosure forms attached hereto **must** be completed.
8. Every application for rezoning 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.

9. Applicant, or representative for applicant, **must** attend the Zoning Hearings (the dates, times, and location are on the signs). Failure to attend may result in dismissal with prejudice, rejection of the application or continuance of the hearing at the Mayor and Council's sole discretion.
10. Application fee for rezoning, please see attached Rezoning Fee Structure. Fees must be paid by credit card or Venmo.
11. Signs provided by the City **must** be posted on or near the right-of-way of the nearest public street thirty (30) days before the public hearing. Both a zoning sign and pursuant sign **must** be posted for every 500 feet of public road frontage. Failure to post and maintain signs continuously may prohibit consideration of the application at any scheduled public hearing. It is the responsibility of the applicant to ensure that signs remain posted throughout the advertising period, **including the day of the public hearings and to remain posted until the final decision by the Mayor and Council.**
12. Summary of Intent (including required electronic files of architectural renderings) attached hereto **must** be completed.
13. Agreeable Zoning Conditions must be submitted (whether on the form attached hereto, or on a form or letterhead used by the applicant's representative).
14. Applicants are required to provide a Certificate of Mailing that demonstrates that all property owners within a 1,000-foot radius of the subject property have been notified of a monthly public open house hosted by the City of Mableton, during which interested citizens can ask questions of both the applicant and city staff, about the application. Applicants are encouraged to produce explanatory materials for these open houses. The dates, times and locations for these open houses will be updated quarterly and available for review on the city's website. Applicants are encouraged to provide the letter to city staff for a cursory review prior to completing the Certificate of Mailing.
15. Any application for a rezoning involving a request of more than 75 residential dwelling units or 50,000 square feet of non-residential building space, in single or multiple phases, 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. 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.
16. Any application for a rezoning involving a request of more than 150 residential dwelling units or 100,000 square feet of non-residential building space, in single or multiple phases, shall be required to submit a traffic impact study (prepared in accordance with industry accepted standards), 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 10 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 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.

Developments of Regional Impact Development Thresholds

Type of Development	Notification Only	Rural and Developing Rural	Maturing Neighborhoods, Established Suburbs, Developing Suburbs, and other places not mentioned in this table	Regional Centers, and Regional Employment Corridors	Region Core
(1) Office	400,000 gross square feet	400,000 gross square feet	500,000 gross square feet	600,000 gross square feet	700,000 gross square feet
(2) Commercial	Greater than 300,000 gross square feet	300,000 gross square feet	400,000 gross square feet	500,000 gross square feet	600,000 gross square feet
(3) Wholesale & Distribution	Greater than 500,000 gross square feet	500,000 gross square feet	500,000 gross square feet	500,000 gross square feet	500,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	300 new beds	400 new beds	500 new beds	600 new beds
(5) Housing	Greater than 400 new lots or units	400 new lots or units	500 new lots or units	600 new lots or units	700 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres	500,000 SF or 1600 workers	500,000 SF or 1600 workers	500,000 SF or 1600 workers	500,000 SF or 1600 workers
(7) Hotels	Greater than 400 rooms	400 rooms	500 rooms	600 rooms	700 rooms
(8) Mixed Use	Gross square feet of 400,000 or more (with residential units calculated at either 1800 square feet per unit or, if applicable, the minimum square footage allowed by local development regulations); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	400,000 gross square feet (with residential units calculated at 1800 square feet per unit, or the minimum allowed by the host local government)	500,000 gross square feet (with residential units calculated at 1500 square feet per unit, or the minimum allowed by the host local government)	600,000 gross square feet (with residential units calculated at 1000 square feet per unit, or the minimum allowed by the host local government)	700,000 gross square feet (with residential units calculated at 1000 square feet per unit, or the minimum allowed by the host local government)
(9) Airports	All new airports, runways and runway extensions	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more

(10) Attractions & Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000	1,500, seating capacity of 6,000+	1,500, seating capacity of 6,000+	1,500, seating capacity of 6,000+	1,500, seating capacity of 6,000+
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(11) Post-Secondary School	New school with a capacity of more than 2,400 students; or expansion by at least 25 percent of capacity	New school with 2,400 students or expansion of at least 25%	New school with 2,400 students or expansion of at least 25%	New school with 2,400 students or expansion of at least 25%	New school with 2,400 students or expansion of at least 25%
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility within 1 mile of public facility (airport, school, reservoir, river, etc.), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only
(13) Quarries, Asphalt & Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only
(14) Wastewater Treatment Facilities	New major conventional treatment facility or expansion of existing facility by more than 50 percent; or community septic treatment facilities exceeding 150,000 gallons per day or serving a development project that meets or exceeds an applicable threshold as identified herein	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)
(15) Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels	50,000 barrels if within 1,000 ft. of water supply	50,000 barrels if within 1,000 ft. of water supply	50,000 barrels if within 1,000 ft. of water supply	50,000 barrels if within 1,000 ft. of water supply
(16) Water Supply Intakes/Public Wells/Reservoirs/Treatment Facilities	New Facilities	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)

(17) Intermodal Terminals	New Facilities	New facilities	New facilities	New facilities	New facilities
(18) Truck Stops	A new facility with more than three (3) diesel fuel pumps, or containing a half acre of truck parking or 10 truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces

(19) Correctional/Detention Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips
(20) Any other development types not identified above (includes parking facilities)	1000 parking spaces or, if available, more than 5,000 daily trips generated	1000 spaces or 5,000 daily trips	1000 spaces or 5,000 daily trips	1000 spaces or 5,000 daily trips	1000 spaces or 5,000 daily trips

Application for Rezoning Mableton, Georgia

Application No. _____

PC Hearing Date: _____

M&C Hearing Date: _____

Applicant _____ Phone# _____
(applicant's name printed)

Address _____ E-mail _____

Address _____
(representative's name, printed)

Phone# _____ E-mail _____
(representative's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Titleholder _____ Phone# _____ E-mail _____
(titleholder's name, printed)

Signature _____ Address _____
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Zoning Request From _____ to _____
(present zoning) (proposed zoning)

For the Purpose of _____ Size of Tract _____ Acre(s)
(subdivision, restaurant, warehouse, apt., etc.)

Location _____
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) _____ District(s) _____

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any exist, provide documentation with this application.

(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

(applicant's signature)

Summary of Intent for Rezoning

Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) List all requested variances: _____
- _____
- _____
- _____

Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): _____
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____
- _____
- _____
- _____

Part 3. Required Renderings illustrating all four sides of any building (residential or commercial) elevations must be provided in .pdf or .jpg format as part of this summary of intent. The files must be in color and at a sufficient resolution for quality printing.

AGREEABLE ZONING CONDITIONS

SITE PLAN REQUIREMENTS

- Site Plan stamped with seal of Engineer, Land Surveyor, etc.
- North arrow
- Land lot lines
- District Lines
- Lot lines
- Angles
- Total acreage
- Bearing and distance
- Adjoining street width right-of-way (present and proposed)
- Paving widths
- Exact size and location of all buildings along with intended use
- Building setback and/or parking deck location
- Buffer areas
- Parking spaces
- Lakes and streams
- Utility easements
- Limits of the 100-year flood plain and acreage of flood plain
- Cemeteries
- Wetlands
- Access points
- Architectural or Archeological landmarks
- Detention/Retention areas
- Stream Buffers with required widths

General note:

If any of the above requirements do not apply to property, please list which ones do not apply.

REZONING FEE STRUCTURE

PROPERTY/FINANCIAL DISCLOSURE REPORT¹ BY APPLICANT²

(A separate form must be completed by each applicant* - please see definition below)

Does any member of the Mayor and Council or Planning Commission have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property? _____

If so, describe the nature and extent of such interest: _____

Does any member of the Mayor and Council or Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property? _____

If so, describe the nature and extent of such interest: _____

Does any member of the Mayor and Council or Planning Commission have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above? _____

If so, describe the relationship and the nature and extent of such interest: _____

I certify that the foregoing information is true and correct, this _____ day of _____, 20____.

Applicant's Signature

¹If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the City Council of Mableton, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

²Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action.

CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

(A separate form must be completed by each applicant* - please see definition below)

Has the applicant² made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?

If so, the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of Mableton within ten (10) days after this application is first filed.

Please apply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made: _____

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution: _____

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application: _____

I certify that the foregoing information is true and correct, this _____ day of _____, 20____.

Applicant's Signature

¹If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the City Council of Mableton, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

²Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.



City of Mableton, Georgia Special Land Use Permit Application and Instructions

The City of Mableton strives to operate as a "paperless" organization. Please be advised that this application form, its required documents and any supporting information must be uploaded via the city's website and data portal.

All information submitted, and filled in on the application is a public record and is subject to the Open Records Act. This information will be posted online; please do not place any sensitive or personal information on the application, or in your submitted application packet.

The following items are required for submitting an application for rezoning:

The following items are required for submitting an application for a Special Land Use Permit:

1. **Original** notarized signature of **titleholder(s)** and **applicant(s) and/or representative(s)**.
2. If the **titleholder(s)** is a domestic or foreign corporation, then the following documentation shall also be required:

Written authentication with the presence of the corporate seal, or a facsimile thereof, attested by the secretary or assistant secretary of the corporation, or other officer to whom the bylaws or the directors have delegated the responsibility for authenticating records of the corporation, shall attest:

 - a) That the corporate seal or facsimile thereof affixed to the document is in fact the seal of the corporation of true facsimile thereof, as the case may be;
 - b) That any officer of the corporation executing the document does in fact occupy the official position indicated, that one in such position is duly authorized to execute such document on behalf of the corporation, and that the signature of such officer subscribed thereto is genuine; and
 - c) That the execution of the document on behalf of the corporation has been duly authorized.
3. A copy of the warranty deed that reflects the current owner(s) of the property.
4. A current legal description of the subject property.

Requirements for Special Land Use Permit Application

Page 2

5. A copy of the paid tax receipt for the subject property or a statement signed by an official in the Tax Commissioner's Office or other official document issued by the Tax Commissioner's Office indicating the taxes have been paid. Properties with delinquent taxes may be withdrawn by the staff, or may be delayed or denied by the Mayor and Council'.
6. Statement of proposed site improvements (i.e., grading, tree removal, paved parking, detention facilities, additions to house or other permitted structure, etc.) to the subject property. If no site improvements are proposed, a copy of a current survey of the property drawn to scale and stamped by a **registered engineer, architect, land planner** or **land surveyor** shall be required. In the event of any proposed site improvements, all requirements of Item 7 shall apply.
7. A copy of current plot plan and current boundary survey drawn to scale and stamped by a **registered engineer, architect, land planner** or **land surveyor** currently registered in accordance with applicable state laws. These plans must include: a) north arrow; b) land lot lines; c) district lines; d) lot lines; e) angles; f) bearing and distances; g) adjoining street with right-of-way (present and proposed); h) paving widths; i) the exact size and location of all buildings along with intended use; j) buffer areas; k) parking spaces; l) lakes and streams; m) utility easements; n) limits of the 100-year floodplain and acreage of floodplain; o) cemeteries; p) wetlands; and q) access points; and r) stream buffers (minimum 50' buffer).
8. A petition form for Consent of Contiguous Occupants or Land Owners is provided.
9. Applicant, or representative for applicant, **must** attend the Zoning Hearing. Failure to attend may result in dismissal with prejudice, rejection of the application or continuance of the hearing at Mayor and Council's sole discretion.
10. If the property is or will be on septic tank, contact the Cobb County Health Department. Approval must be obtained prior to filing of the application for land use.
11. **Application Fee -~~\$1,000.00~~** (Please note: The Mayor and Council has authorized Community Development **to charge a \$5000.00 consultant review fee** for applications involving telecommunications towers and/or facilities. This fee must be paid when this application is submitted.) Fees must be paid by credit card or Venmo.
12. Signs provided by Community Development, **must** be posted on or near the right-of-way of the nearest public street thirty (30) days before the public hearing. Signs **must** be posted every 500 feet of public road frontage. Failure to post and maintain signs continuously may prohibit consideration of the application at any scheduled public hearing. It is the responsibility of the applicant to ensure that signs remain posted throughout the advertising period, **including the day of the public hearings and to remain posted until the final decision by the Mayor and Council.**

(Continued on the next page)

Requirements for Special Land Use Permit Application

Page 3

13. Applicants are required to provide a Certificate of Mailing that demonstrates that all property owners within a 1,000-foot radius of the subject property have been notified of a monthly public open house hosted by the City of Mableton, during which interested citizens can ask questions of both the applicant and city staff, about the application. Applicants are encouraged to produce explanatory materials for these open houses. The dates, times and locations for these open houses will be updated quarterly and available for review on the city's website. Applicants are encouraged to provide the letter to city staff for a cursory review prior to completing the Certificate of Mailing.
14. Agreeable Zoning Conditions must be submitted (whether on the form attached hereto, or on a form or letterhead used by the applicant's representative).

NOTES: **NO APPLICATION WILL BE ACCEPTED BY THE COMMUNITY DEVELOPMENT UNLESS FILLED OUT IN ITS ENTIRETY, ALONG WITH ALL STAMPED SITE PLANS AND BOUNDARY SURVEYS.**

EACH SITE WILL BE INSPECTED BY COMMUNITY DEVELOPMENT STAFF TO INSURE SPECIAL LAND USE PERMIT SIGN(S) HAVE BEEN PROPERLY POSTED.

Application for Special Land Use Permit City of Mableton, Georgia

Application No. _____

PC Hearing Date: _____

M&C Hearing Date: _____

Applicant _____ Phone # _____
(applicant 's name printed)

Address _____ E-mail _____

(representative's name, printed) Address _____

(representative's signature) Phone # _____ E-mail _____

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Titleholder _____ Phone # _____ E-mail _____
(titleholder's name, printed)

Signature _____ Address _____
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Present Zoning _____ Size of Tract _____ Acre(s)

For the Purpose of _____

Location _____
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) _____ District(s) _____

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any exist, provide documentation with this application.

(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

(applicant's signature)

AGREEABLE ZONING CONDITIONS

PROPERTY/FINANCIAL DISCLOSURE REPORT¹ BY APPLICANT²

(A separate form must be completed by each applicant* - please see definition below)

Does any member of the Mayor and Council or Planning Commission have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property?_____

If so, describe the nature and extent of such interest:_____

Does any member of the Mayor and Council or Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?_____

If so, describe the nature and extent of such interest: _____

Does any member of the Mayor and Council or Planning Commission have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above?_____

If so, describe the relationship and the nature and extent of such interest:_____

I certify that the foregoing information is true and correct, this _____day of _____, 20_____.

Applicant's Signature

¹If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of City of Mableton, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

²Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action.

CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

(A separate form must be completed by each applicant* - please see definition below)

Has the applicant² made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?

If so, the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of City of Mableton within ten (10) days after this application is first filed.

Please apply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made: _____

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution: _____

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application: _____

I certify that the foregoing information is true and correct, this _____ day of _____ 20_____.

Applicant's Signature

¹If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of City of Mableton, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

²Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.



City of Mableton, Georgia Variance Application and Instructions

The City of Mableton strives to operate as a "paperless" organization. Please be advised that this application form, its required documents and any supporting information must be uploaded via the city's website and data portal.

All information submitted, and filled in on the application is a public record and is subject to the Open Records Act. This information will be posted online; please do not place any sensitive or personal information on the application, or in your submitted application packet.

The following items are required for submitting an application for variance:

1. **Original** notarized signatures of **titleholder(s)** and **representative(s)**.
2. If the **titleholder(s)** is a domestic or foreign corporation, then the following documentation shall also be required:

Written authentication with the presence of the corporate seal, or a facsimile thereof, attested by the secretary or assistant secretary of the corporation, or other officer to whom the bylaws or the directors have delegated the responsibility for authenticating records of the corporation, shall attest:

 - a) That the corporate seal or facsimile thereof affixed to the document is in fact the seal of the corporation or true facsimile thereof, as the case may be;
 - b) That any officer of the corporation executing the document does in fact occupy the official position indicated, that one in such position is duly authorized to execute such document on behalf of the corporation, and that the signature of such officer subscribed thereto is genuine; and
 - c) That the execution of the document on behalf of the corporation has been duly authorized.
3. A copy of the warranty deed that reflects the current owner(s) of the property.
4. A current legal description of the subject property.

5. A copy of current plot plan and current boundary survey drawn to scale and stamped by a **registered engineer, architect, land planner, or land surveyor** currently registered in accordance with applicable state laws. These plans must include: a) north arrow; b) land lot lines; c) district lines; d) lot lines e) angles; f) bearing and distances; g) adjoining street with right-of-way (present and proposed); h) paving widths; i) the exact size and location of all buildings along with intended use; j) buffer areas; k) parking spaces; l) lakes and streams; m) utility easements; n) limits of the 100-year floodplain and acreage of floodplain; o) cemeteries; p) wetlands; q) access points; and r) stream buffers (minimum 50' buffer).
6. A copy of the paid tax receipt for the subject property, or a statement signed by an official in the Tax Commissioner's Office or other official document issued by the Tax Commissioner's Office indicating the taxes have been paid. Properties with delinquent taxes may be withdrawn by the staff, or may be delayed or denied by the Board of Zoning Appeals.
7. A petition form for Consent of Contiguous Occupants or Landowners is provided. In the event that applicant cannot obtain signatures on the petition form, a certificate of mailing to those contiguous owners shall be required. The certificate of mailing shall be submitted to the Community Development office two weeks prior to the hearing.
8. Applicant, or representative for applicant, **must** attend the Variance Hearing. Failure to attend may result in dismissal with prejudice, rejection of the application or continuance of the hearing at the Board's sole discretion.
9. Application Fees: ***Residential - \$150.00 Churches - \$450.00 Livestock - \$25.00**
Builders - \$450.00
Commercial - \$500.00

Fees must be paid by credit card or Venmo.
*To qualify as a residential request, the applicant must be the present or future resident.
10. Signs provided by Community Development **must** be posted on or near the right-of-way of the nearest public street thirty (30) days before the public hearing. Signs **must** be posted every 500 feet of public road frontage. Failure to post and maintain signs continuously may prohibit consideration of the application at any scheduled public hearing. It is the responsibility of the applicant to ensure that signs remain posted throughout the advertising period, **including the day of the public hearing and to remain posted until the final decision by the Board of Zoning Appeals.**
11. Any variance request may not be reconsidered for a period of twelve (12) months after it has been rejected by the Board of Zoning Appeals, unless by court order or pursuant to a settlement of litigation approved by the Board of Zoning Appeals.
12. Any sign variance request **must** provide a sign rendering showing: size, height, shape, illumination (external/internal) and structural details (footings).
13. Variances for a **reduction in lot size or a reduction in public road frontage** cannot be heard by the Board of Zoning Appeals. These two types of variances can only be heard by the Mayor and Council via the "Other Business" process. Please see the "Other Business" application for the requirements, fees and hearing dates.

NOTES: NO APPLICATION WILL BE ACCEPTED BY COMMUNITY DEVELOPMENT UNLESS FILLED OUT IN ITS ENTIRETY, ALONG WITH ALL STAMPED PLOT PLANS AND BOUNDARY SURVEYS.

EACH SITE WILL BE INSPECTED BY CITY OF MABLETON COMMUNITY DEVELOPMENT STAFF TO INSURE VARIANCE SIGN(S) HAVE BEEN PROPERLY POSTED.

Application for Variance Mableton, Georgia

(type or print clearly)

Application No. _____

Hearing Date: _____

Applicant _____ Phone # _____ E-mail _____

_____ Address _____

(representative's name, printed)

(street, city, state and zip code)

_____ Phone # _____ E-mail _____

(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Titleholder _____ Phone # _____ E-mail _____

Signature _____ Address: _____

(attach additional signatures, if needed)

(street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Present Zoning of Property _____

Location _____

(street address, if applicable; nearest intersection, etc.)

Land Lot(s) _____ District _____ Size of Tract _____ Acre(s) _____

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property _____ Shape of Property _____ Topography of Property _____ Other _____

Does the property or this request need a second electrical meter? YES _____ NO _____.

How many stories is the proposed building? _____ How many square feet? _____

The City of Mableton Zoning Ordinance Section (insert) states that the City of Mableton Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance.

List type of variance requested: _____

CONSENT OF CONTIGUOUS OCCUPANTS OR LAND OWNERS
TO ACCOMPANY APPLICATION FOR THE PURPOSE OF VARIANCE REQUEST

By signature, it is hereby acknowledged that I give my consent/or have no objection that _____
_____ intends to make an application to the appropriate City of Mableton
Authorities for a variance request for the purpose of _____ on the
premises described in the application.

Signature	Printed name	Address
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

(Attach additional pages if necessary)

CERTIFICATION BY OWNER/APPLICANT

I understand and certify that the maximum percentage of impervious surface for the development activity associated with this variance application shall conform to the limit for the specific Zoning District as detailed by the Official Code of City of Mableton, Chapter (insert), Article (insert), **District Regulations, (11) Use Limitations**. Impervious surface shall include structures (principal and accessory), parking lots, driveways, walkways, non-wooden pool decks and the like, and non-permitted work.

Signature of property owner or owner representative: _____

Printed name: _____

Signature of property owner or owner representative: _____

Printed name: _____

TIMES JOURNAL, INC.
P.O. BOX 1633
ROME GA 30162-1633
(770)795-3050

ORDER CONFIRMATION

Salesperson: KELLY HICKS

Printed at 10/01/24 14:34 by khick-tj

Acct #: 244113

Ad #: 439787

Status: New WHOLD

CITY OF MABLETON
STE 134-200
1400 VETERANS MEMORIAL HWY SE
MABLETON GA 30126

Start: 10/04/2024 Stop: 10/04/2024
Times Ord: 1 Times Run: ***
LEG 1.00 X 2.58 Words: 200
Total LEG 2.58
Class: 8003 PUBLIC HEARING
Rate: LEGL Cost: 30.00
Ad Descrpt: PH-7500 ZONING HEARING
Descr Cont: MDJ-7500 GPN-16 PUBLIC NO
Given by: SUSAN HIOTT
P.O. #: TITLE 10 HEARING
Created: khick 10/01/24 14:29
Last Changed: khick 10/01/24 14:34

Contact: SUSAN HIOTT
Phone: (404)927-9502
Fax#:
Email: SUSAN.HIOTT@MABLETON.GOV
Agency:

PUB ZONE EDT TP RUN DATES
MDJ A 95 S 10/04

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

MDJ-7500
GPN-16
PUBLIC NOTICE
CITY OF MABLETON, GEORGIA
PUBLIC HEARING
Notice is hereby provided that the City
Mableton, Georgia, Mayor and Council
will conduct public hearings during the
City's **October 23, 2024** Regular City
Council Meeting commencing at
6:30pm, in consideration of the follow-
ing:
**An Ordinance Creating Title 10, Plan-
ning and Zoning, Article 1, Generally**
**An Ordinance Creating Title 10, Plan-
ning and Zoning, Article 2**
(Planning Commission and Board of
Zoning Appeals)
**An Ordinance Creating Title 8, Build-
ings and Construction**
The meeting will take place at River-
side EpiCenter, 135 Riverside Pkwy,
Austell, GA 30168. The public is invited
to attend the meeting and public hear-
ings for oral comments, or submit
written comments on the subject to the
City Clerk by email at:
susan.hiott@mableton.gov. Copies of
these proposed ordinances may be re-
trieved from the City Clerk for the pur-
pose of public inspection.
10:4-2024



BUILDING PERMIT FEE SCHEDULE

One- and Two-Family Building Permit Fees (Effective xx-xx-xxxx)	
Permit fees for new complete building construction are calculated using the International Code Council Building Valuation Data at a rate of \$6.00 per \$1,000 of estimated construction cost.	
Steps to calculate fee:	
Step 1: Determine the Construction Type and Occupancy Group from ICC Building Valuation Data	
Step 2: Find the Construction Cost from ICC Building Valuation Data using total square feet of construction	
Step 3: Multiply the Construction Cost by 0.006 to determine the permit fee (\$6.00 per \$1,000 of estimated construction cost)	
Building permit fees will be updated annually to reflect the current published ICC chart.	
Building permit fees include Plan Review and Building Inspections.	

Residential Building Permit Fees	
Construction Cost	Permit Fee
Up to \$15,000	\$80.00
\$15,001 - \$25,000	\$150.00
\$25,001 - \$50,000	\$300.00
\$50,001 - \$75,000	\$450.00
Over \$75,001	\$6.00 per \$1,000 of construction cost
Find Your Construction Cost: (From ICC Data)	Unheated sq. ft total (x) \$31.50 + Heated sq. ft total (x) \$165.67 = Construction Cost

Other Fees (Applies to all permit types)	
Certificate of Occupancy and (LOC) Letters of Completion	\$50.00 (New Homes Only)
Technology Fee (For all permit types)	\$15.00
Site Plan Review Fee	\$100.00 (Applies to all New Homes, Additions, Decks, Pools, Retaining Walls, and Accessory Structures).
Revision Fee	\$50.00
Permit Renewal Fee	\$100.00
Reinspection Fees	1 st Reinspection: \$50.00 2 nd Reinspection: \$75.00 3 rd Reinspection: \$100.00 and each subsequent time
Pools	\$250.00 Minimum
Trade permit (Electrical, Plumbing, HVAC, Gas)	\$80.00
Demo or Retaining Walls	\$100.00
Demo – Historical Review Fee	\$50.00
Power Use Only – Power Reconnect	\$80.00
TCO Fee (Subject to approval)	\$500.00 (Valid for a maximum 30 days)
Penalty for Construction Prior to Issuance of Permit	Double Permit Fee, Maximum \$1,000



BUILDING PERMIT FEE SCHEDULE

Commercial and Multifamily Building Permit Fees (Effective XX-XX-XXXX)	
Permit fees for new commercial building construction are calculated using the International Code Council Building Valuation Data at a rate of \$7.00 per \$1,000 of calculated construction cost.	
Steps to calculate fee:	
Step 1: Determine the Construction Type and Occupancy Group from ICC Building Valuation Data	
Step 2: Find the Construction Cost from ICC Building Valuation Data using total square feet of construction	
Step 3: Multiply the Construction Cost by 0.007 to determine the permit fee (\$7.00 per \$1,000 of estimated construction cost)	
Building permit fees will be updated annually to reflect the current published ICC chart.	
Building permit fees include Plan Review and Building Inspections.	

Commercial Permit Fees	
Construction Cost	Permit Fee
Up to \$15,000	\$ 100.00
\$15,001 - \$25,000	\$ 175.00
\$25,001 - \$50,000	\$ 350.00
\$50,001 - \$75,000	\$ 525.00
Over \$75,001	\$7.00 per \$1,000 of calculated construction cost
Additional Fees and Flat Fees by Permit Type	
Free-standing Building with No Tenant (Shell Only) Commercial Building Valuation: X 80% per ICC	CO or LOC Fee: \$50.00
New Tenant / Interior Remodel / Vacant Tenant	CO or LOC Fee: \$50.00
Move-In No Change of Use, No Construction, No Utility Work	Review Fee: \$100.00 CO or LOC Fee: \$50.00
Townhomes / Group Homes / CLA / PCH	Site Plan Review Fee: \$100.00 Per lot. CO or LOC Fee: \$50.00
Cell Tower <i>As determined by Site Plan Review, a Land Disturbance Permit may be required. Tank permits may be required by FMO and are separate.</i>	Site Plan Review Fee: \$100.00 <i>If an LDP is not required.</i> New Tower Fee: \$850.00, Antenna Modification: \$500.00, Generator \$500.00
EV Charging Station <i>As determined by Site Plan Review, a Land Disturbance Permit may be required.</i>	Site Plan Review Fee: \$100.00 <i>If an LDP is not required.</i> LOC Fee: \$50.00 Electrical permit based on chart above
Re-roofs / Solar Panels	LOC Fee: \$50.00
Commercial Remodel in TYPE 1-A or 1-B construction	Calculated construction cost (x) 0.5
Commercial Remodel in all other construction types	Calculated construction cost (x) 0.75
Commercial Building Permit Plan Review Fees	
Revision Fees Minor (less than 10 pages changed)	\$150.00
Revision Fees Major (10 pages or more changed)	\$500.00
Expedited Fee	\$1,000 <i>Approval Required</i>
In-person Preliminary Plan Discussion	\$250.00
Site Plan Review Fee (Pools, Accessory Structure, Demo, Retaining Wall)	\$100.00 <i>(If LDP is NOT required)</i>
Minimum Contractor Change	\$250 Minimum <i>Affidavit Required</i>
Demo or Retaining Walls	\$100.00
Permit Renewal (approval required)	\$250.00
Technology Fee applied to all permit applications	\$15.00

Note: Contract Agreement Price may be taken into consideration under special circumstances

Mixed Use Occupancy will be pro-rated. Phased projects will be charged 25% of the original permit fee for each phase.



BUILDING PERMIT FEE SCHEDULE

Land Development Permit Fees (Effective xx-xx-xxxx)	
Site Plan Review	
Single Family Residential - Land Disturbance Permit	\$50.00 per lot (LDP*) \$250.00 Minimum AND \$40.00 (x) Disturbed Acreage (NPDES**)
Commercial Townhomes/Condominiums – Land Disturbance Permit	\$200.00 (x) Disturbed Acreage (LDP*) AND \$40.00 (x) Disturbed Acreage (NPDES**)
Minimum Permit Fee	\$250.00
Site Plan Review Revisions	\$100.00

Plan Review Fee	\$250.00 per submittal for weekly plan review*
Plat Review: Final Plat or Lot Split/Combo/Merge	\$150.00
Final Plat Revision Review Fee	\$80.00
Technology Fee	\$15.00

* Full fee charged for each type of LDP per project (Ex. Clearing-only LDP, Grading-only LDP, Full-site LDP)

** NPDES fee only charged once per project and only if project has over one (1) acre of disturbance



To: Mableton Mayor and Council

Thru: Bill Tanks, City Manager

CC: Amelia-Walker Ashby, City Attorney

Susan Hiott, City Clerk

From: Rob Hosack *RAH*

Chris Miller *RAH* on behalf of Chris Miller

Date: October 18, 2024

Re: Deliverables #1 and #3, Minor Revisions to Draft Mableton Zoning Code and Map, and Applications

We are pleased to produce the following list of documents (with some minor revisions) in connection with our Professional Services Contract for Zoning Transition Services, specifically deliverable/Task Number 3, so that the city may proceed with the second public hearing process to allow adoption of these land use related codes. The minor revisions are summarized below:

1) Draft of the Mableton Zoning Code

This latest draft includes some additional minor edits for consistency and grammar, suggested and acceptable changes received via Work Sessions and the first public hearing, including:

- New permitted use of “Eating Establishment” defined, so to distinguish difference between “Eating and Drinking Establishment” that have some provisions specific to the sale of alcoholic beverages that would not apply to restaurants that do not sell alcoholic beverages, ie-Dominos, McDonalds, etc. (Section 1.07)
- Definition of “Eating and Drinking Establishment” tweaked so to clarify that the establishment must serve meals 5 days a week, versus 6 days a week (some eating and drinking establishments are only open 5 days a week). (Section 1.07)
- Corrected references to “Cobb Douglas Health” (versus Cobb Board of Health) in various sections of the code.

- Clarified that “Protected Mountain Areas” as defined by State of Georgia do not exist in the city (no areas of city are at the elevation defined by the state as a protected mountain area. (Section 1.07)
- Clarified that plans approved by a District Commissioner in Cobb County (prior to adoption of the Mableton Zoning Code, will be subject to approval by the Mayor and Council upon adoption of the code. (Section 2.03, item 5)
- Clarified that Unattended Donations Drop Boxes will have to be registered with the City, upon expiration of registration with Cobb County. (Section 7.28)

2) Zoning Map – updated as of October 3, 2024. Any adoption by the city should include a reference to any zoning decisions made by Cobb County Board of Commissioners after October 3, 2024. Map also deleted county zoning categories that are not applicable to or included in the Mableton Zoning Code. Adoption date has also been revised to reflect November 13, 2024.

3) Revised Applications associated with the use and administration of the Mableton Zoning Code

Draft Application for Rezoning has been edited and slightly revised for improved organization and future website publication. Please note that this and other forms distributed previously do not require action by the Mayor and Council as part of the second public for the code. These forms have been provided as information to the Mayor and Council.

Assuming all of this meets with your approval, we will now proceed forward to finalize the SOPs, procedural guidelines, criteria and checklists for evaluating submittals in connection with the City’s GovPilot software, forms, and training necessary to support and implement the city’s future zoning, development approval, building approval, and enforcement processes.

Please let us know if you have any questions.

MABLETON ZONING CODE

APPENDIX A TO THE MABLETON CITY CODE

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Section 1.01 GENERAL PROVISIONS

This ORDINANCE shall be known and cited as “The Mableton Zoning Code” (hereinafter may be referred to as the “MZC”) and is Appendix A to the City Code.

Section 1.02 AUTHORITY

Pursuant to the authority conferred by Subparagraphs 23 and 41 of §1.13 of Georgia House Bill 839 (a/k/a Mableton City Charter as adopted by Resolution 2023-05-03 on May 11, 2023), O.C.G.A. § 36-66 et. seq., and Article IX of the Georgia Constitution and the amendments thereto, and for the purposes of promoting the health, safety, morals, convenience, order, prosperity, or the general welfare of the municipality; lessening congestion in the streets, securing safety from fire, panic and other damages; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; improving the aesthetic appearance of the municipality; conserving the value of buildings and encouraging the most appropriate use of land and buildings throughout the municipality, all in accordance with Cobb County’s Comprehensive Plan, as amended from time to time, the Cobb County Future Land Use Map, as amended from time to time, and the goals and objectives of the South Cobb Implementation Strategy, the governing body of the City of Mableton, the Mayor and City Council, does hereby ordain, enact and thereby incorporate into the City Code of the City of Mableton, this Chapter, the following Ordinance, Articles, Sections and Paragraphs.

Section 1.03 APPLICABILITY

1) Generally

- a) The Mableton Zoning Code shall apply to the territorial boundaries of the incorporated areas of the City of Mableton. No buildings, structures, or land shall be used or occupied; and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with the regulations of the Mableton Zoning Code. A change of use shall conform to the standards, criteria, requirements, and procedure of this code.
- b) Exemptions and Exceptions.
 - i) The following are exempt from complying with the provisions of this chapter:
 - (1) Unless otherwise provided by law or ordinance, all federal, state, county and municipal government agencies and boards of authority owned, operated and leased facilities as well as facilities owned, operated or leased by others that have received the city’s permission to be located on land owned or leased by the city shall be

exempt from the provisions of this code; however, the city shall be required to meet all of its other development codes, regulations and ordinances.

- (2) Any entity that may be entitled to exercise the power of eminent domain shall nevertheless be limited solely to the construction of facilities that are reasonably necessary for the purposes for which the entity was granted the power of eminent domain by applicable law. Any such entity which seeks to construct (or allow others to construct) facilities that are not reasonably necessary for the purposes for which the entity was granted the power of eminent domain shall not be exempt from the provisions of this code with respect to such facilities, even if those facilities are placed on or connected with facilities that were originally constructed, or are to be constructed, pursuant to this exemption.
- ii) The following are exempt from complying with the provisions of this chapter; however, they are subject to Section 8.01 governing nonconforming uses:
 - (1) Buildings or structures that are legally under construction on the date of the adoption of the MZC.
 - (2) Buildings or structures for which a building permit has been issued as of the effective date of the MZC, if construction commences prior to the expiration of the building permit and continues until completed.
 - (3) Development pursuant to an approved development plan or subdivision plat approved prior to the effective date of the MZC, provided that the development commences not later than one (1) year after the effective date of the MZC.
 - (4) The proposed use of property lawfully approved as of the effective date of the MZC.

Section 1.04 PURPOSE AND INTENT

- 1) The MZC and its regulations are enacted to promote the proper location, height, bulk, number of stories, and size of buildings and other structures, sizes of yards, courts, and the use of other open spaces, density and distribution of population, and the use of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, and public activities.
- 2) It is the intention of the city to adopt the MZC to transition land use regulations as applied by the Cobb County Zoning Ordinance. The city does not intend to place any property into a grandfathered or nonconforming status, unless expressly stated so herein or as a continuation of a nonconforming grandfathered status already existing under Cobb County's Zoning Ordinance. By the adoption of the MZC, the city intends to adopt zoning categories and districts that are similar in name and application so as not to disrupt or change the legal rights associated with the application of land use regulations to a particular property unless expressly stated.
- 3) The purpose of the MZC and its regulations is to:

-
- a) Promote the health, safety, morals, convenience, order, prosperity, or general welfare of the municipality.
 - b) Promote desirable living conditions and the sustained stability of neighborhoods.
 - c) Protect property against blight and depreciation.
 - d) Secure economy in government expenditures.
 - e) Lesson congestion on the streets.
 - f) Secure safety from fire, panic, and other dangers.
 - g) Provide adequate light and air.
 - h) Preventing the overcrowding of land.
 - i) Avoid undue concentration of population.
 - j) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
 - k) Protect the value of existing properties.
 - l) Avoid the secondary effects of Sexually Oriented Businesses.
 - m) Promote the most appropriate use of land, buildings, and structures throughout the municipality in accordance with the Cobb County Comprehensive Plan, as amended from time to time, the potential Mableton Comprehensive Plan and eventual Mableton Future Land Use Map and the South Cobb Implementation Strategy.

Section 1.05 INTERPRETATION AND DEFINITIONS

- 1) Generally. Specific provisions of the MZC shall be followed in lieu of general provisions that may conflict with the specific provisions. In the interpretation and application of the MZC all standards, provisions, and requirements shall be liberally construed in favor of the objectives and purposes of the City and shall not be construed to repeal any other powers granted under State statutes. Where provisions of the MZC conflict with any other regulations, the more stringent shall be applied.
- 2) Responsibility for Interpretations. If any question arises concerning the application of regulations, standards, definitions, development criteria, or any other provision of the MZC, the Community Development Director shall be responsible for interpretation. In the interpretation of the MZC, the Community Development Director shall be guided by the Cobb County Comprehensive Plan, as amended from time to time, the Cobb County Future Land Use Map, as amended from time to time, and the South Cobb Implementation Strategy. Responsibility for interpretation by Community Development Director as set forth in this section shall be construed to include interpretation of any technical codes adopted by reference in the MZC. Interpretation shall not be construed to override the responsibilities assigned by the Mayor and City Council to any commission, board, or official named in other sections of the MZC.

-
- 3) Rules of Boundary Interpretations. Interpretations regarding boundaries of zoning districts shall be made according to the following:
- a) Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.
 - b) Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.
 - c) Boundaries shown as following or approximately following section lines, half section lines, or quarter section lines shall be construed as following such lines.
 - d) Boundaries shown as following or approximately following the shoreline of a river, stream, lake or other body of water shall be construed as following such shoreline.
- 4) Rules of Construction
- a) Words used in the present tense include the future tense.
 - b) Words used in the singular number include the plural, and words used in the plural include the singular.
 - c) The word “person” includes a firm, association, organization, partnership, corporation, trust, and company as well as any individual.
 - d) The word “lot” includes the word “plot” or “parcel.”
 - e) The word “building” includes the word “structure.”
 - f) The word “shall” is mandatory and not permissive.
 - g) The word “may” is permissive.
 - h) The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
 - i) The word “map,” “zoning map” or “Mableton Zoning Map” shall mean the “Official Zoning Map of the City of Mableton, Georgia”.
 - j) The term “written” or “in writing” shall include any representation of words, letters, or figures, whether by printing or electronic.
 - k) The term “day” means a calendar day.
 - l) The term “month” means a calendar month.
 - m) The word “week” shall mean seven (7) days.
 - n) The word “year” shall mean a calendar year.
- 5) This section provides rules for resolving questions about the meaning or applicability of any part of this chapter. The provisions of this section are intended to ensure the consistent interpretation and application of the provisions of this chapter. The Community Development Director is assigned the responsibility and authority to interpret the requirements of this chapter.
- a) In interpreting allowable uses of land if a proposed land use is not specifically listed in the regulations of the district in which a property is located, the following rules shall apply: The Community Development Director may determine the characteristics of activities associated with, and potential land use impacts of the proposed use are consistent with

those of one or more of the uses listed in the zoning district as allowable and will not involve a higher level of activity or density than the uses listed in the district.

- b) In interpreting the zoning district maps, the following rules shall apply:
 - i) Where district boundaries are indicated as approximately following the boundary lines of streets, alleys, railroads, public lands or channels or bodies of water, such lines shall be construed to be such boundaries.
 - ii) Where such boundaries are indicated so that they approximately follow the lines of lots or other parcels of record and are not more than ten feet distant therefrom, such lot or parcel lines shall be construed to be such boundaries.
 - iii) If the rules set out in subsections a) and b) of this section do not apply, the location of a district boundary, unless the boundary is indicated by dimensions shown on the map, shall be determined by use of the scale appearing thereon.
 - iv) Resolution of conflicts between maps and minutes. It is recognized that discrepancies or conflicts can occur between the official zoning map and the official city clerk's records (minutes) of actions taken by the Mayor and City Council (or of actions taken by the Cobb County Board of Commissioners prior to Mableton incorporating) with respect to a specific parcel, either because of scriveners' errors or in amendment of the official maps. In the event of such a discrepancy or conflict, the official city clerk's record shall prevail.
- 6) Computation of Time. When a number of days is prescribed for the exercise of any privilege or the discharge of any duty, the first or last day shall not be counted; and if the last day falls on Saturday or Sunday, the person having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as provided for in O.C.G.A., Section 1-4-1, the person having the privilege or duty shall have through the following day to exercise the privilege or to discharge the duty; however, when the following day is a Saturday or Sunday, the person shall have through the following Monday to exercise the privilege or to discharge the duty.

Section 1.06 PENALTIES

Any person and/or entity prosecuted for violating any of the provisions of this chapter or the Mableton Zoning Code may be deemed guilty of an ordinance violation, punishable to the full extent allowed by the City Charter and/or applicable law.

Each day such violation continues shall constitute a separate offense.

Section 1.07 DEFINITIONS

The following words, terms, and phrases, when used in this code, shall have the meanings ascribed to them in this section, except where certain terms are defined within the context of a particular section, then, in that event, that definition shall apply:

Above ground level ("AGL") means a reference of elevation above ground level.

Accessory building or structure means a building or structure subordinate to the principal use or building on a lot or property and serving a purpose customarily incidental to the use of the principal building, provided any such structure or building is built with or after the construction of the principal building. Where an accessory building or structure is attached to the principal building in a substantial manner, as by an attachment built as enclosed heated floor space, such accessory building or structure shall be considered part of the principal building.

Accessory retail uses means retail sales and services accessory to the operation of an office building or institutional use, motel, hotel or high-rise residential development, conducted wholly within the building housing the use to which such activities are accessory. See Sec. 4.01 for Additional Regulations By Use.

Accessory retail uses in RSL means retail sales and personal services intended for the residents or their guests within an RSL facility. These uses shall include eating and drinking establishments, barber shops, beauty shops, laundry and dry-cleaning pickup establishments, newsstand, florist, gift shop, film developing and printing stores, stationary stores, and convenience food stores (no fuel sales). This use shall also allow clinics for medical and dental care, and storage for the residents' personal items. See Sec. 4.01 for Additional Regulations By Use.

Accessory retail sales and service means retail sales of products and services related to the principal use located wholly within limited areas of any primary permitted structure.

Accessory uses mean uses subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building, provided any such use is built with or after the construction of the principal building. Such uses include garbage pads, heating and air conditioning units, Jacuzzis, tennis courts, swimming pools (private), playhouses, playgrounds, and the like.

Adult means any person over the age of 18 years old or legally emancipated in the State of Georgia.

Agricultural produce stand means a structure not greater than 1,000 square feet for the purpose of seasonal sales of products grown or produced on the premises on which it is located.

Agriculture land, including necessary buildings and structures, shall be considered used for agriculture if not composed of subdivision lots, and if the raising of crops or animals is the principal use of the property.

Airport means Fulton County Airport - Charlie Brown Field and other civilian use public-owned airfields, including heliports as recognized by the State of Georgia.

Airport impact zones means the six areas closest to airport under which airport operations regularly occur, as shown on the airport impact zones land use map.

Airport impact zones land use map means map describing compatible land uses within the vicinity of each airport.

Airport manager means the administrative representative of each airport.

Airport operations means take off, climb out, approach, landing, and traffic pattern operations that may vary for each aircraft.

Airspace surfaces means the same areas as stated in the Federal Aviation Regulations ("FAR") Part 77 Airspace Surfaces as amended from time-to-time.

Alley means a public or private way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property. Frontage on an alley shall not be construed as satisfying the requirements of this chapter related to frontage on a dedicated street.

Amusement center means any freestanding, privately owned, and operated commercial recreational area containing an assortment of rides, games, arcades, attractions, water slides, and tracks for amusement vehicles.

Ancillary retail sales (industrial districts) means retail sale of goods and services which is secondary in nature to the primary industrial use of the property in that the goods for sale have been produced on-site or are in storage at the site for planned distribution to other areas. The ancillary retail sale of goods shall only be conducted as part of the permitted industrial use and shall not be a freestanding business.

Ancillary retail sales (recreational driving range or golf course) means the sale of food, beverages, golfing apparel and accessories, and those items traditionally sold within a golf pro shop or clubhouse.

Antenna means an apparatus capable of receiving television, radio or other communication signals from a transmitter or a relay feed.

Animal shows mean exhibitions of domestic or large animals for a maximum of seven days.

Apartment means a leased residential unit in a multifamily building or development.

Apartment operation means an individual or coordinated ownership of two or more apartments in a multifamily building or a multifamily development with coordinated use of leasing agents or other leasing services.

Arcade means a building or part of a building in which five or more pinball machines, video games or other children's rides or other similar player-operated amusement devices are maintained, not including commercial recreation restaurants.

Assembly hall means a facility and/or grounds where scheduled events and gatherings take place that are normally one-time events for organizations or people including, weddings, birthday parties, graduation parties, religious milestone celebrations, holiday parties, private parties, corporate meetings, and the like. Assembly halls may have large open rooms or banquet halls, which may have live or recorded music or entertainment, and which may have freshly prepared or catered food and beverage.

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 broker's office.

Automobile service station, gas station and filling station mean a building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and supplies, including installation and minor services customarily incidental thereto. See Sec. 4.01 for Additional Regulations By Use.

Automobile storage yard and wrecker service means an establishment used for the short-term storage of damaged or confiscated vehicles.

Automotive paint and body repair shop means an establishment for restoring auto bodies, painting, or refinishing, with all activities carried on entirely within an enclosed building.

Automotive salvage and wrecking yard means any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition, and including the commercial salvaging of any other goods, articles or merchandise.

Banner means a piece of fabric or other flexible material that is attached to a temporary pole, enclosed in a frame, or mounted on a structure as a temporary sign device. Flags shall not be considered banners.

Barn means a property of at least two acres where the owners of the property board their equestrian livestock (and are considered the primary riders of the livestock) and allow for a limited number of other equestrian livestock owners to board and maintain their animals. See Sec. 4.01 for Additional Regulations By Use.

Basement means a portion of a building partly underground which has more than one-half of its height, measured from finished floor to finished ceiling, above the average grade of the adjoining ground. A basement shall not be deemed a story unless the ceiling is six feet or more above the grade, or unless it is part of any permitted Self Service Storage Facility.

Basement (for the purposes of determining residential building height) means a portion of a building with an exterior wall at least 50 percent underground (below finished grade).

Biomedical waste transfer and disposal facility means a facility engineered and designed for the collection or transfer of biomedical waste products, such as used gauze, syringes, needles, bandages, test tubes and surgical wastes, from a collector vehicle to a larger transport vehicle to another destination for incineration or disposal.

Blade sign means a sign that projects from a wall or surface that normally runs perpendicular to the wall or surface that it is attached.

Board of zoning appeals means the board of zoning appeals of the city, as created by city ordinance.

Boardinghouse means a building or house, or portion thereof, where persons reside and meals are provided to persons, who are not members of the operator's family, for compensation.

Buffer. A buffer serves as a visual or physical barrier which is created by the use of planted or natural existing materials alone or in combination with berms, decorative fencing or walls.

Buffer area means an area set aside to give additional setback from adjacent structures or types of land use or to preserve open, undisturbed space and may include a restrictive covenant in favor of the city for conservation uses.

Building means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, or property of any kind.

Building height (height of a non-residential structure or building) means the vertical distance from the curb level, or its equivalent, to the highest point of the underside of the ceiling beams, in the

case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip or gambrel roof.

Building height (height of a residential structure or building) means the vertical distance from the mean ground front elevation to the mean level of the highest roof structure.

Building line means the perimeter of that portion of the building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure. For the purposes of this chapter, the foundation wall of a building, excluding brick, stucco, stone, or other siding material, shall constitute the perimeter as described in this definition, except that cantilevered portions of a building, excluding roof eaves and overhangs, chimneys, bay windows and the brick, stucco, stone or other siding material applied thereon, must be within a building line established in this chapter.

Bulk landscape material business means a business that sells unpackaged bulk landscaping materials such as, but not limited to, rock, dirt, mulch, straw, pine straw, sand, stones and the like. Bulk landscape material businesses shall have an approved outdoor display of merchandise permit at all times.

A 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.

Carwash means a building, or portion thereof, where automobiles are washed with the use of a chain conveyor and blower, automated or mechanized washers or a handheld steam cleaning device.

Cellar means a portion of a building partly underground which has less than one-half of its height, measured from finished floor to finished ceiling, above the average grade of the adjoining ground. A cellar shall not be deemed a story.

Christmas tree sales means retail sales of Christmas trees between November 1 and December 26.

Church means a place where people regularly assemble for religious worship.

Circus and carnival mean provision of games, eating and drinking facilities, live entertainment, animal exhibitions or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.

Clinic. A medical or dental clinic is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.

Club or lodge, private means a building and facilities owned or operated by a corporation, association, or person for a social, educational, or recreational purpose, but not primarily for profit; provided however, a building or facilities constructed as part of the amenity package for a subdivision does not fall within this definition. See Sec. 4.01 for Additional Regulations By Use.

Clubhouse means a structure providing ancillary uses and sales, such structure to be in proportion to the overall golf facilities, not exceeding 1,600 square feet, with annual gross revenue from golf ball rental exceeding annual gross revenue from ancillary sales See Sec. 4.01 for Additional Regulations By Use.

Commercial filming limited means commercial motion picture or video photography at the same location six or fewer consecutive days per quarter of a calendar year in residential districts or fewer than 15 days per quarter of a calendar year in nonresidential districts.

Commercial indoor recreation uses means indoor recreational uses such as bowling alleys, driving ranges, batting cages, shooting ranges and the like.

Commercial outdoor recreation uses means outdoor recreation uses such as baseball and softball batting cages, shooting ranges, miniature golf, putt-putt golf and the like.

Commercial produce and agricultural product stands means temporary structures not greater than 250 square feet for the purpose of sales of produce and agricultural products, including firewood, not grown on-site. See Sec. 4.01 for Additional Regulations By Use.

Commercial recreation restaurant means any establishment which provides as a principal use the combination of family-oriented recreation and on-premises dining where neither the recreation nor the on-premises dining is clearly accessory or incidental to the operation of the other. For this definition, recreation may include but is not limited to: Television and motion pictures; Sound and sight systems; Mechanically or electronically operated games; Animated mechanical devices or rides; and Live entertainment.

Community activity center. The purpose of the community activity center (CAC) category is to provide for areas that can meet the immediate needs of several neighborhoods or communities per the Cobb County Comprehensive Plan and Future Land Use Map, as amended from time to time.

Community center means a place, structure, area, or other facility used for and providing religious, fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Community Development Director means the head of the City of Mableton Community Development Department. The Community Development Director may delegate responsibilities assigned by this chapter to a designee within the Department.

Community fair means a festival or fair conducted wholly within public areas owned by a local government. See Sec. 4.01 for Additional Regulations By Use.

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. See Sec. 4.01 for Additional Regulations By Use.

Comprehensive Plan means the Cobb County Comprehensive Land Use Plan: A Policy Guide, adopted November 27, 1990, the Cobb County 2030 Comprehensive Plan: Mapping Cobb's Future, adopted July 23, 2007, and minor amendments adopted by the Mayor and City Council through the yearly Comprehensive Plan amendment process. All references to various Comprehensive Plans in the MZC are inclusive of the various iterations of the Comprehensive Plan.

Condominium means individual ownership of units in a multifamily structure, together with the joint ownership of common areas of the building and grounds.

Contiguous. For applying the district regulations under the OSC district, open space is considered contiguous when open space elements are connected in minimums of 25 feet in width.

Continuing care retirement community means a community designed for and occupied by those persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time and those persons with disabilities as defined by the Americans With Disabilities Act as may be amended from time to time that provide a range of housing and lifestyle needs, including independent living, assisted living, and skilled nursing care in an integrated system. CCRC residents are provided housing, services, healthful activities, and care through the continuing care contract. The contract sets forth the accommodations, services, amenities and care the facility is to provide, and the financial obligations of the residents. The contract must allow for movement between the lifestyle choices (levels of support) as the individual resident's needs evolve (providing the resident meets contract obligations).

Convenience food stores with self-service fuel sales means any retail establishment offering for sale automotive fuels, prepackaged food products, prepared foods, beverages, household items and other goods commonly associated with such establishments. There shall be no automotive repairs done on-site.

Conviction means adjudication of guilt, plea of guilty, plea of nolo contendere or the forfeiture of a bond when charged with a crime but shall not include a discharge under the provisions of what is commonly called the State of Georgia First Offender Act.

Cottage Food Operator means a person who produces cottage food products only in the home kitchen of that person's primary domestic residence and only for sale directly to the consumer. Cottage food operators are regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time. See Sec. 4.01 for Additional Regulations By Use.

Cultural facility, private means a private building or facility such as art galleries, museums, legitimate theaters (other than motion picture or video theaters), libraries and other uses similar in character to such uses.

Customary home occupation means those occupations, which are customarily performed in a small area of a residence due to the low intensity nature of such uses. See Sec. 4.01 for Additional Regulations By Use.

Dead storage means storage of goods partly not in use and not associated with any principal commercial or manufactory use.

Deck means a roofless accessory attached or detached platform without exterior walls, generally constructed of wood, which adjoins a residence. Rails or safety features shall not be deemed to be exterior walls.

Designated recycling collection location means metal or heavy-duty plastic containers, bins or dumpsters designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass and paper (no perishable or food items allowed) for scheduled minimum monthly pickup, with no on-premises sorting. See Sec. 4.01 for Additional Regulations By Use.

Donation drop boxes means any enclosed container or receptacle made of metal, steel, or a similar durable material and designed or intended for the donation and temporary storage of clothing or other materials.

Drive-in establishment means an establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon the premises.

Driving range (outdoor) means a tract of land as an accessory use dedicated to driving of golf balls off tees into a designated landing area. See Section (recreational driving ranges) for regulations for recreational driving ranges, except where the driving range is internal to the golf course. An additional five acres, above and beyond the required acreage for the golf course, shall be required where the driving range is internal to the golf course. Buffering and netting shall not be required when range is internal.

DUA means dwelling units per acre.

Eating establishment means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are prepared for consumption either on or off the premises of the establishment with the serving of any alcoholic beverages being prohibited.

Eating and drinking establishment means any public place, including establishments referred to as a "sports bar," kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly prepared and served, without sleeping accommodations, such place seating a minimum of 20 or more people, and holding a certificate of approval from the Cobb County Board of Health (as administered by Cobb & Douglas Public Health). At least one meal per day shall be served at least five days per week, except for holidays, vacations, and periods of redecorating; and the serving of such meals shall be the principal business conducted; with the serving of distilled spirits to be consumed on the premises as only incidental thereto. A restaurant shall have 50 percent or more of its total annual gross sales of food and alcoholic beverage from the sale of prepared meals or food. Brewpubs as defined by the Georgia Department of Revenue are also allowed under the definition of eating and drinking establishments.

Electronic sign means a sign the message of which may be changed by computer controller, microprocessor controller, or by remote control, and the message of which is displayed using LED, LCD, plasma, or other similar type panels or screens, including devices known as commercial electronic message signs and similar devices.

Executive golf course means a tract of land not less than 65 acres in size dedicated for playing an 18-hole game of golf, which is open to the public or for private club use. The par shall not be less than 58 from the men's tees as governed by the United States Golf Association. Further, the golf course shall not measure less than 4,000 yards from the men's tees as governed by the United States Golf Association.

Face means the portion of the sign that displays, or can display, the message, copy, text, or image.

Family means two or more persons related by blood, legal adoption, or marriage, occupying a dwelling. Related means people are all related to each other within the fourth degree, as defined in O.C.G.A. § 53-2-1, which includes parents, children, grandparents, grandchildren, brothers, and

sisters. State of Georgia authorized foster children of a family member shall also be deemed a member of the family for this purpose. A child or children and any parent(s) and/or guardian(s) of that child or children shall also be considered a family.

Farm and garden supply store means a business that sells farming and gardening supplies as a primary use. This use shall include sales of packaged landscaping materials to the public such as, but not limited to rock, dirt, mulch, straw, pine straw, sand, stone, and the like, as well as plants, trees, and shrubs. This use shall not include businesses that sell bulk landscaping materials such as, but not limited to unpackaged rock, dirt, mulch, straw, pine straw, sand, plants, trees, shrubs, stones, and the like.

Federal Aviation Administration ("FAA") means the federal agency titled "Federal Aviation Administration" which is charged with oversight and regulation of civil aviation to promote safety, including that of most publicly owned airports.

Federal Aviation Regulations ("FAR") Part 77 Airspace Surfaces means regulated airspace surfaces promulgated in 14 Code of Federal Regulations (CFR) Part 77, Objects Affecting Navigable Airspace.

Flag means a piece of fabric or other flexible material attached to a permanent flagpole and utilized to convey or communicate a visual impression or message.

Flea market means any business whereby there is operated a center for shopping among collected flea market vendors marketing merchandise and/or services to the public from booths, stalls, tables, benches, individual rooms or display areas, and similar display and marketing configurations and arrangements for the sale of merchandise and/or services. Flea markets shall not include shopping centers or regional shopping centers as defined in the MZC, antique stores, jewelry stores, coin shops, salvage operations, clothing stores or special sales events as accessory uses not to exceed 14 days, or other businesses of merchandise in common with flea markets where the vendor therein is not operating among a collection of vendors or renting or securing individual space within an overall operation.

Floodplain means that area subject to a one percent or greater chance of flooding in any given year or as may be defined from time to time by the Federal Emergency Management Agency (FEMA) and its successors.

Floor area means the gross horizontal area of the several floors of a building, exclusive of garages, basements, open porches and equipment and service areas, measured from the exterior face of the exterior walls of a building. When determining floor area or floor area ratio for Self Service Storage Facilities, the gross horizontal area of the several floors of a building shall include garages, basements, open porches and equipment and service areas, measured from the exterior face of the exterior walls of a building.

Floor area ratio is a mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located.

Floorspace (net) means the actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms, dead space and closets.

Fraternity or sorority house means a dwelling maintained exclusively for members affiliated with an academic or professional college or university, or other recognized institution of higher learning.

Freestanding sign means a self-contained sign which is physically independent of any building or other structure.

Frontage, lot means the distance for which the front property line of the lot and the street line are coincident.

Funeral home means a building or facility utilized for preparations and ceremonies for deceased persons prior to burial or cremation. All funeral homes must comply with state regulations in O.C.G.A. § 43-18 as well as the rules promulgated by the Georgia State Board of Funeral Service, 250-6-.06, as may be amended from time to time. A funeral home may have an accessory crematory within the main building in compliance with manufacturer's instructions and any state or federal laws.

Future right-of-way. The distance required by the thoroughfare plan shall be as follows:

- (a) Arterial streets: 100-foot right-of-way width.
- (b) Major collector streets: 80-foot right-of-way width.
- (c) Minor collector streets: 60-foot right-of-way width.

The thoroughfare plan is deemed and considered to be that plan designated "Thoroughfare Plan," prepared under the direction of the Cobb County department of transportation, as amended from time to time.

Garage means a structure or any portion thereof in which one or more automobiles are housed, kept, or repaired, not including exhibition or showrooms, or storage of cars for sale.

Grade means an average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Green roof means a roof on a building or residence that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane including additional layers to accommodate drainage and irrigation or as may be further defined in accordance with industry accepted standards.

Gross trip generation means the forecasting of traffic to and from a proposed development without any reductions (such as for travel mode) applied.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single or a combination (articulated) vehicle, or registered gross weight, whichever is greater.

Ground based monument sign means a self-contained sign permanently attached to the ground which is wholly independent of any building or other structure. The sign must be a solid structure. No open spaces which allow a direct line of sight from one side of the sign to the other are permissible in the area located beneath the widest part of the sign face where the message is located in a direct vertical plane to the ground. By way of example and without limitation the sign cannot be attached to, resting upon, or supported by any pillars, columns, or pylons which allow for open spaces or direct line of sight from one side of the sign to the other beneath the widest area of the sign face in a direct vertical plane to the ground.

Group home means a dwelling unit, operated by an affiliate of a national, regional, state, county, or city organization with a philanthropic mission, shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities, under a structured and scheduled plan that must be provided to the city, for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of the group home and available by telephone on a 24-hour basis in case of complaints. A copy of the home rules shall be provided to the city as well as (if applicable) evidence of active enforcement under the Georgia Association of Recovery Residence standards. The schedule of activities may be verified via periodic inspection by community development staff. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term "group home" shall also not allow the use of a dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including 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. A group home may include a home for the disabled. As used in this subsection, the term "disabled" shall mean:

- (a) Having a physical or mental impairment that substantially limits one or more of such person's major life activities;
- (b) Having a record of having such an impairment; or
- (c) Being regarded as having such an impairment.
- (d) The term "disabled" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution of controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

Habitable Accessory Dwelling Unit shall mean an additional dwelling unit located on the same parcel as a principal dwelling unit within select single-family residential zoning districts. Such units are regulated in this Chapter under Section 7.15.

Halfway house shall mean any dwelling used as a residence by individuals on parole, probation, or serving a criminal sentence on condition of house arrest, for the purpose of rehabilitation of the individual while transitioning back into the community. See Sec. 4.01 for Additional Regulations By Use.

Hazard to air navigation means an object which, because of an aeronautical study, the FAA determines will have a substantial adverse effect upon the safe and efficient use of navigable airspace by aircraft, operation of air navigation facilities, or existing or potential airport capacity.

Heavy automotive repair establishment means an indoor/outdoor repair establishment for performing automotive and truck repair, including engine and transmission overhauls. See Sec. 4.01 for Additional Regulations By Use.

Heavy manufacturing establishment means manufacturing establishments, other than those classified as light manufacturing, including those involving the conversion of raw materials into usable finished products, if manufacturing that will generate liquid waste from the manufacturing process or air pollutants shall comply with antipollution standards established by the state and city. This use shall also allow incidental on-site sale of manufactured materials only.

Home occupation. See Customary home occupation.

Hospital means a building or portion thereof designed or used for therapeutic treatment of bed patients who are physically or mentally ill.

Hotel means a building in which lodging, or board and lodging, are provided for at least 15 transient guests, and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.

Hotels (suite) means any hotel in which more than five percent of the units are rented more than 30 days to the same person or party and any hotel in which more than five percent of the units include kitchenettes or kitchen facilities within the suite. For this section kitchenettes or kitchen facilities are defined as a kitchen sink, a stove/cook top and a refrigerator.

Ice-Vending Machines (freestanding) means any roof-mounted utility, conditioned air unit or other mechanical device designed to store and sell ice to consumers. See Sec. 4.01 for Additional Regulations By Use.

Impervious surface means a permanent improvement affixed to the earth which does not allow water or liquid to pass through it or permeate into the earth. For the purposes of this chapter, impervious surface shall include structures (principal and accessory), parking lots, driveways, walkways, non-wooden pool decks and the like.

In-home day care means childcare provided within single-family districts. See Sec. 4.01 for Additional Regulations By Use.

Industrialized building means any structure or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to or destruction thereof.

Land disturbing activity means any grading, scraping, excavating or filling of land; clearing of vegetation; and any construction, rebuilding or alteration of a structure. Land disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family residence and the cutting of firewood for personal use.

Landfill, private means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of the operating day.

Landing area means an area located in front of the tee box required by this chapter to be designated and designed as a location for golf balls hit from permitted tees to travel and land safely.

Landscape feature means any structure designed to enhance the aesthetic value of the exterior horticultural landscape such as a gazebo, statue, arbor or the like. Landscape feature also means any small body of water designed to enhance the aesthetic value of the exterior horticultural landscape such as a fountain, pond (which may house domestic or recreational fish, excluding livestock, nondomestic and wild animals and poultry), waterfall and the like.

Light automotive repair establishment means an indoor repair establishment (no outside storage) for performing light auto and small truck repair (under one ton) such as brake repair, oil changes, lubrication, transmission repair, installation/inspection of belts and hoses, inspections, tire mounting and installation and the like. Activities such as battery replacement, light bulb changes, wiper blade replacement, "check engine light" diagnostics, or other minor things done complimentary (and the like) will not constitute a light automotive repair establishment and may be permitted outside of a retail automotive parts store, provided powered hand-tools are not used outside. See Sec. 4.01 for Additional Regulations By Use.

Light manufacturing establishment means an establishment for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing or repair of materials, goods, or products; however, the manufacturing and production of any product which emits noxious noise, odor or fumes, bulk storage of flammable materials for resale, and other heavy manufacturing uses listed in this chapter shall not be permitted. Additionally, the assembly of items commonly sold on a retail basis such as picture frames, sunglasses, jewelry, and the like shall not be considered a light manufacturing activity/establishment.

Limited Office Establishment means professional offices that include warehouse or storage space ancillary to the primary use.

Limited retail uses means commonly found specialized low scale or low intensity retail uses, with square footages not to exceed 5,000 square feet unless noted in this subsection, that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as the following: antique shop, bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstores), bridal shop, camera shop, china and pottery store, clothing store, craft and hobby shop, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore or hardware store with no permanent outside display (provided that the gross floor area does not exceed 10,000 square feet total), dry goods store, florist, furniture store, gifts and stationery store, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, pedicurist shop, shoe repair shop, shoe store, market or grocery store (provided that the gross floor area does not exceed 35,000 square feet), or tailor shop.

Live entertainment means music, comedy, readings, dancing, acting, or other entertainment performed on the site. This classification includes dancing by patrons to live or recorded music, but excludes live conduct characterized by nudity or semi-nudity.

Livestock, nondomestic and wild animals, and poultry means animals, nondomestic and wild animals, and species of the avian family which are or may be raised for the purpose of providing food or transportation, or being resold or bred, excluding only dogs, cats, rabbits, fish, pet mice, hamsters, gerbils, parrots, and parakeets. This definition shall also include and allow for "barns" as defined in this section as distinguished from a "riding stable" as defined in this section. See Sec. 4.01 for Additional Regulations By Use.

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

Lot corner means a lot fronting on two streets at their intersection. When the frontage of one street exceeds the frontage of the other, the one with the least frontage shall be deemed the front of the lot.

Lot coverage means the percentage of a lot which may be covered with permitted or accessory buildings or structures, excluding walks, drives and other similar uses, and recreational facilities which are accessory to a permitted use.

Lot depth means the average horizontal distance between the front and rear lot lines.

Lot of record means a lot which is part of an approved subdivision, a plat of which has been recorded in the office of the clerk of the superior court of Cobb County.

Lot width means the distance between the side lot lines measured along the front building line of the lot as determined by the prescribed front yard requirement.

Maintained natural buffer means a designated area that may be enhanced with plantings ecologically compatible to the area, which may not be clear cut, mowed or otherwise disturbed. Only dead, dying, diseased or invasive vines or plants may be removed from the buffer. No storage, or structures, or other non-growing items may be placed in the buffer. Invisible fencing, i.e., electronic underground fencing for containment of animals, is acceptable within the buffer when on individual residential lots.

Manufactured home.

(a) *Class I manufactured home* means a single-family dwelling unit that is constructed in accordance with the Federal Manufactured Home Construction and Safety Standards and bears an insignia issued by the U.S. Department of Housing and Urban Development (HUD), or one, if constructed prior to applicability of such standards and insignia requirements, that was constructed in conformity with the state standards in effect on the date of manufacture.

(b) *Class II manufactured home* means a unit meeting the requirements of a manufactured home class I and, in addition, bearing an insignia of the Southern Standard Building Code Congress International (SSBCCI) of Birmingham, Alabama.

Mean sea level ("MSL") means the elevation reference for objects above sea level.

Mining means a process involving the removal or extraction of dirt, sand, soil, rock, gravel, minerals, petroleum, natural gas or other natural resources.

Minor means any person who has not attained the age of 21 years.

Mitered corner means an area beginning at the intersection of any right-of-way lines of any streets, roads, highways, driveways, curb cuts, or railroads and extending 20 feet along each such right-of-way and closed by a straight line connecting the end points of the 20-foot sections of the right-of-way lines.

Mobile food vendor shall mean a retail food establishment that is readily moveable, is a motorized wheeled vehicle, or is a towed wheeled vehicle and that is designed and equipped to prepare and serve food as defined by state law and in accordance with the rules and regulations for food service of the Cobb County Board of Health (as administered by Cobb & Douglas Public Health) ("BOH").

Mobile home means a detached, single-family dwelling designed for long-term occupancy, designed to be transported on its own wheels, arriving at the site as a complete dwelling unit, usually including major appliances and furniture, and ready for occupancy. Removal of the wheels and placement on a foundation does not change its classification. A travel trailer is not a mobile home.

Mobile home park means a parcel of land which has been planned and improved for the placement of mobile homes for non-transient use.

Modular building means a factory-manufactured single-family dwelling which is constructed in one or more sections and complies with the definition of an industrialized building.

Modular home means a factory-fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes.

Motel means a building in which lodging, or board and lodging, are provided for transient guests and offered to the motoring public for compensation, in which ingress and egress to and from all rooms are made primarily direct from an exterior walkway rather than from an inside lobby. Kitchenettes or kitchen facilities are prohibited.

Multifamily dwelling unit. A multifamily dwelling unit consists of one or more rooms which are arranged, designed, or used as living quarters for related and unrelated persons.

Natural vegetation means the flora native to the area as described in the Georgia Geologic Survey Bulletin 114, The Natural Environments in Georgia.

Neighborhood activity center. The purpose of the neighborhood activity center (NAC) category is to provide for areas that serve neighborhood residents and businesses per the Cobb County Comprehensive Plan and Future Land Use Map, as amended from time to time. Typical land uses for these areas include small offices, limited retail uses and grocery stores.

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.

Net buildable area. For the purposes of application of the OSC district regulations, the net buildable area is calculated by subtracting the floodplain, wetland, cemetery and impervious community area (pools, clubhouses, tennis courts and parking facilities) acreage from the total project tract acreage. The resulting acreage number is the net buildable area; however, gazebos, playgrounds, and active field areas do not need to be subtracted from net buildable areas.

Nightclub means an establishment which operates with its primary income generation from the sales of alcoholic beverages, and which may offer live entertainment.

Nonautomotive repair uses means commonly found low intensity repair shops, such as, but not limited to, shops for repair of jewelry, cameras, home appliances, televisions, and videocassette recorders.

Noncommercial club or lodge means a nonprofit club or organization as defined under section 501 of the Internal Revenue Code, as amended from time to time.

Nonconforming use means any building or land lawfully occupied by a use at the time of passage of the ordinance from which this chapter is derived or the time of passage of an amendment to this chapter, which does not conform after the passage of such ordinance or amendment with the regulations of the district in which it is situated. Existing improvements which do not meet required parking and loading regulations, height regulations, area regulations and residential floor area regulations for the district in which they are located are not nonconforming uses as defined in this subsection.

Nonsupportive facilities (including urban rental units) means individual housing units (attached or detached) designed for senior adults that do not include or provide any type of supportive services such as transportation, medical care, food preparation and the like. However, these non-supportive facilities may plan social events or trips for their residents.

Nursing home means a home for aged or ill persons in which three or more persons not of the immediate family are provided with food, shelter, and care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment.

Obstruction to air navigation means an object of greater height than any of the heights or surfaces presented in Federal Aviation Regulations Part 77 Airspace Surfaces. (Obstructions to air navigation are presumed to be hazards to air navigation until an FAA aeronautical study has determined otherwise.)

Office service and supply establishment means wholesale and retail commercial establishments that sell, service and supply small office equipment and supplies, such as, but not limited to, stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers, and other general office equipment.

Open space means any front, side or rear yards, courts or usable open space provided about a building to meet the requirements of this chapter.

Open space for purposes of applying the district regulations under the OSC district: Undisturbed or minimally disturbed portions of a development tract incorporated into neighborhood design. Open space shall be commonly owned and considered to be developed as an integral part of the planned community. Conventional swimming pools, tennis courts, and associated parking areas are nonpermeable and not considered open space for the purposes of this section but may be included in the overall site plan. Open space may include conservation of natural, archeological, or historical resources; meadows, woodlands, wetlands, wildlife corridors, game preserves, landscaped commons and landscaped islands or similar conservation-oriented areas; utility easements, provided they are owned by a homeowners association; walking or bicycle trails, provided they are constructed of porous paving materials; passive recreation areas; agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices

are used to minimize adverse environmental impacts, and such activities are not conducted within primary conservation areas; nonstructural stormwater management practices; easements for drainage, access, and underground utility lines; or other conservation-oriented uses compatible with the purposes of this article.

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.

Other places of worship means locations such as a monastery, convent, novitiate, parish house, parsonage, rectory or manse.

Other service establishments means businesses or locations catering to specialty services, such as an auction house or store, cabinetmaker, caterer, delivery and express service, driving school (private), fur repair and storage, gunsmith shop, locksmith shop, safe and vault repair, scientific instrument repair, taxidermist, tool sharpener and the like.

Overall development density. For the purposes of applying the regulations in the OSC district, overall development density is calculated by dividing the net buildable area in acres, into the total number of proposed building lots.

Oversized sign means a permanent sign which exceeds 19 feet in sign height or 49 square feet of sign area on any one face of the sign.

Pain clinic and pain management clinic means any clinic, medical practitioner's office or pharmacy that is not affiliated with a hospital, hospice, or other facility for treatment of the terminally ill in the City of Mableton, Georgia, and that also advertises in any medium for any type of pain management services. The primary business purpose of such pain clinics and pain management clinics is to prescribe and/or dispense prescription pain medication and controlled substances to individuals for the treatment of chronic nonmalignant pain.

Par 3 golf course means a tract of land not less than 40 acres in size dedicated for playing an 18-hole game of golf, which is open to the public or for private club use. The par shall not be less than 27 for nine holes or 54 for 18 holes from the men's tees as governed by the United States Golf Association. Further, the golf course shall not measure less than 1,750 yards or greater than 3,500 yards.

Park means any lands or facility owned, operated, controlled, or managed by any county, city or federal government or any governmental entity in and upon which recreational activities or places are provided for the recreation and enjoyment of the public.

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.

Parking space means an area which has for its exclusive purpose the parking of a vehicle. See Section 7.18.

Permanent sign means a sign attached to a structure or the ground which is made of materials intended for long-term use.

Permeable surface. A porous surface that allows water to penetrate underlying soil. The surface shall be natural, left undisturbed or vegetated. Wood chips or other natural materials are also considered permeable surfaces. Examples of nonpermeable surfaces include concrete, asphalt, rooftops, brick, and the like.

Personal property sales mean sales of personal property such as estate sales, yard sales, bakery sales, garage sales, bazaars and the like, three weekends per calendar year, not to exceed three days per sale.

Personal vehicle and equipment sales means the sale, offer to sell, or marketing for sale of any vehicle, motor vehicle, trailer, tractor, special mobile equipment, camper, motor home, motorcycle, moped, recreational vehicle, off-road vehicle, or boat where such sale, offer to sell, or marketing for sale occurs on property whose principal use is not for the sale of vehicles and equipment. No more than three personal vehicle and equipment sales shall be allowed per calendar year on any one parcel of property.

Planned development means a tract of land developed initially under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas. Such development shall be based on a plan which allows for flexibility of design not available under normal zoning district requirements.

Planning commission means the city planning commission as created by city ordinance.

Portable sign means any sign posted on a cart, trailer, wheels, or other mobile device that is not permanently affixed, including but not limited to, signs mounted or painted on vehicles not used primarily for other purposes.

Primary conservation area. The following are considered primary conservation areas and should be included within required open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this district, in which case property may not qualify for OSC: 100-year floodplain; required stream buffers; slopes greater than 25 percent (as determined by an analysis performed consistent with industry accepted engineering and design practices); wetlands as identified by the U.S. Army Corps of Engineers; populations of endangered or threatened species or habitat for such species (as included or inventoried in the most recent publication promulgated by applicable federal and state agencies); archeological sites; cemeteries and burial grounds (any cemetery or burial ground included in open space must be protected in accordance with applicable city cemetery preservation codes and development standards and excluded from overall density calculations).

Principal use means the primary use and chief purpose of a lot or structure.

A private golf course means a tract of land not less than 115 acres in size dedicated for playing the game of golf, which is open to the private club's membership and their guests and special events. The par shall not be less than 68 from the men's tees as governed by the United States Golf Association. Further, the golf course shall not measure less than 5,500 yards from the men's tees as governed by the United States Golf Association.

Private Park means an improved area and accessory facilities designed and intended for the playing of a game(s) or other recreational activity/activities similar to a public park, but owned privately. Private parks may charge membership or participation fees without being considered a commercial use for the purposes of this code section. A private park may include uses such as, but not limited to, playgrounds, soccer, baseball, softball, lacrosse, football, basketball, swimming, picnicking, hiking, community gardens, day classes, non-profit concession stands, and the sale of items incidental to the use of the park.

Professional office means a structure wherein services are performed involving predominately administrative, professional or clerical operations such as the following: law, doctor, optician, audiologist, accounting, tax preparation, real estate, stockbroker, architect, engineer, manufacturer representative, professional counselor, dentist, investigative services, photographer, insurance, contractor, land surveyor, telephone sales, political or campaign, veterinarian, travel bureau, chiropractors, state licensed massage therapists, state-licensed esthetician, physical therapists, tutoring and music lessons, and the like.

Protected mountain area. As defined by O.C.G.A. § 12-2-8, as may be amended, the term "protected mountain area" currently includes all land area 2,200 feet or more above mean sea level that has a percentage slope of 25 percent or greater for at least 500 feet horizontally and shall include the crests, summits and ridgetops which lie at elevations higher than any such area. There are currently no areas in the city which meet these criteria.

Pro shop means an ancillary structure or area provided for sale or supply of equipment associated with the primary permitted or accessory use.

Public golf course and semipublic golf course mean a tract of land not less than 125 acres in size dedicated for playing an 18-hole game of golf, which is open to the public for play. The par shall not be less than 70 from the men's tees as governed by the United States Golf Association. Further, the golf course shall not measure less than 6,000 yards from the men's tees as governed by the United States Golf Association.

Rear of the principal building shall be that point where the main portion of the building ends, without consideration of wings or annexes which are not parallel to the main portion of the building.

Recreational grounds mean an outside area designed and equipped for the conduct of sports and leisure time activities, other than tennis courts or golf courses, which includes but is not limited to baseball, softball, soccer, football, and lacrosse.

Recycling center means a center or location designed for sorting or collection of recyclables from designated recycling collection locations and other private entity sources.

Redevelopment. For the purposes of this chapter, a property shall be deemed as a redevelopment when one of the following thresholds is exceeded:

- (a) When an existing building is demolished, and a new building or structure is proposed.
- (b) When a proposed building addition adds 15 percent more building square footage to an existing building. Building additions shall be cumulatively calculated over time and shall be based on gross building square footage.
- (c) When a land disturbance permit is obtained disturbing more than 25 percent of the property.

Regional shopping center means a group of commercial enterprises offering a range of commercial goods and services in an aggregate of 500,000 square feet or more of net floor area which:

- (a) Are designed as a single commercial group, whether or not located on the same lot;
- (b) Are under one common ownership or management, or have one common arrangement for the maintenance of the grounds;
- (c) Are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure with commercial uses with entrances that may lead to an interior corridor versus directly to the parking area;
- (d) Share a common parking area; and

(e) Otherwise present the appearance of one continuous commercial area.

Regularly means a majority of days in any seven-day period.

Regulation public nine-hole golf course means a tract of land not less than 65 acres in size dedicated for playing a nine-hole game of golf, which is open to public use. The par shall not be less than 34 from the men's tees as governed by the United States Golf Association. Further, the golf course shall not measure less than 3,000 yards from the men's tees as governed by the United States Golf Association.

Religious assembly means religious services conducted on a site that is not permanently occupied by a religious assembly use, for a period of not more than 30 days.

Residence means a house, apartment, mobile home, boardinghouse or rooming house, duplex or other multifamily housing for human dwelling, or any property zoned, therefore.

Residence hall means a house, apartment, boardinghouse or rooming house, or other multifamily housing for human dwelling.

Residential, agricultural, farm and wood products, and livestock and poultry sales mean residential property of two acres or more where agricultural, farm and wood products, and livestock and poultry are grown, raised or cultivated on-site. See Sec. 4.01 for Additional Regulations By Use.

Residential Units (attached or detached) within the context of the Residential Senior Living District means a dwelling unit consisting of one or more rooms which are arranged, designed, or used as living quarters for one or two related or unrelated adults over the age of fifty-five (55).

Rest home means a health facility where people are housed and furnished with meals and continuing nursing care for compensation.

Retail sales outdoor means retail sales of new merchandise on the site of a legally established retail business which has a direct relationship to existing businesses.

Riding stable means a property where the owners of the property may own, board and maintain equestrian livestock and allow for a resident trainer on site. See Sec. SEC. 4.01 for Additional Regulations By Use.

Right-of-way means the real property owned and controlled by a governmental agency for maintaining public infrastructure, including streets, sidewalks, pathways, mass transit rail lines, freight and passenger railroad lines, drainage ditches and structures, shoulders, traffic control devices, and vegetative buffers. The width of the right-of-way outside the pavement of any given street or road can be determined by the county department of transportation.

River corridor. As defined by O.C.G.A. § 12-2-8, as may be amended, the term "river corridor" currently includes all land not regulated under O.C.G.A. §§ 12-5-440 through 12-5-457, the Metropolitan River Protection Act, and the Coastal Marshlands Protection Act of 1970 O.C.G.A. § 12-5-280 et seq., in the areas of a perennial stream or watercourse with an average annual flow of at least 400 cubic feet per second as defined by the United States Geologic Survey and being within 100 feet on both sides of the river as measured from the river banks at mean high water. With the extension of the MRPA boundaries, there are currently no areas in the city which meet these criteria.

Rooming house means a building where lodging only is provided for compensation to three or more persons, but not exceeding 15 persons. A building which has accommodation for more than 15 people shall be defined as a hotel.

Runway means an airport's paved or cleared strip on which planes land and take off.

Runway elevation means height limitations originating from the nearest airport's runway mean sea level. Runway elevations are documented in the airport's master plan.

Satellite television antenna means an apparatus capable of receiving television or cable communications from a transmitter or a transmitter relay located in planetary orbit.

Self Service Storage Facilities means one of three types of facilities as follows: 1) *Climate controlled self-service storage facilities, when complementary or accessory to an office park or building* means climate-controlled self-service storage facilities that are complementary or accessory to an office park or building constructed to accommodate the limited storage of materials, goods or personal property (See Sec. SEC. 4.01 for Additional Regulations By Use); 2) *Freestanding climate-controlled self-service storage facilities* means climate-controlled self-service storage facilities that are not complementary or accessory to an office park or building but rather on a separate, individual parcel constructed to accommodate the limited storage of materials, goods or personal property; 3) *Self-service-storage-facility* means a fully enclosed facility containing independent bays, which are leased to individuals exclusively for dead storage of goods or personal property that are not climate controlled. See Sec. 4.01 for Additional Regulations By Use.

School means state, county, city, church, or other schools, public or private, that teach the subjects commonly taught in the common schools of this state, and vocational schools, colleges, post-high-school learning centers, kindergartens and day care centers for persons of all ages.

Self-service fuel sales means any retail establishment offering vehicle fuels for sale whereby individual consumers dispense the fuel product into their own vehicle's fuel tank. This use shall permit sales of other retail items including, but not limited to prepackaged food products, prepared

foods, beverages, household items and other goods commonly purchased by individual consumers. This use shall not permit tractor trailer truck stops, stand-alone fleet refueling stations and the like.

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

Setback means the minimum required distance between the property line and the building line.

Sexually oriented business means an adult arcade, an adult bookstore, an adult cabaret, an adult motion picture theater, or a sexual device shop, as those terms are defined under Chapter 78, Article III, Division 8, Sec. 78-321 of the Cobb County, Georgia, Code of Ordinances.

Shelter (homeless) means charitable, nonprofit, short-term housing or room and board accommodations for poor, transient or needy individuals. See Sec. 4.01 for Additional Regulations By Use.

Shopping center means a group of neighborhood retail or community retail uses which:

- (a) Are designed as a single commercial group, whether located on the same lot;
- (b) Are under one common ownership or management, or have one common arrangement for the maintenance of the grounds;
- (c) Share a common parking area; and
- (d) Each retail establishment has an entrance leading directly to the parking area as distinguished from a regional shopping center which has a structure connected by party walls, partitions, covered canopies or other structural members to form one continuous structure with commercial uses with entrances that may lead to an interior corridor versus directly to the parking area.

Sign means any device, image, structure, or other thing utilized in whole or in part to convey or communicate a visual impression or message. Such definition includes, but is not limited to, placards, posters, banners, pennants, pictures, projected images, balloons, streamers, window signs, and painted images.

Sign area means the area within a single, continuous rectangular perimeter measured from the extreme lowest point of the sign face to the extreme highest point of the sign face and from the extreme left edge to the extreme right edge of the sign face or faces enclosing the limits of each separate writing, representation, emblem, message, or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate this sign from the background against which it is placed; provided, however, that any open space contained within the rectangular perimeter, such as between letters in a word, or between any

component panel, strip, or figure of any kind comprising the sign shall be included in the computation of the sign area, whether this open space be enclosed or not by a frame or border.

Sign height means the height of the sign structure as measured from the base of the sign at ground level or from the grade of the nearest adjacent road, whichever is higher, to the highest point on the sign structure, to include the sign face and any borders, trim, or decorative elements.

Single-family dwelling unit. A single-family dwelling unit consists of one or more rooms which are arranged, designed, or used as living quarters for one family including up to one unrelated adult, or two or fewer unrelated adults and their children and/or grandchildren. See Sec. 4.01 for Additional Regulations By Use.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

Street fair means provision of games, eating and drinking facilities, live entertainment or similar activities not requiring the use of roofed structures.

Structural alteration means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any structural change in the roof, or dimension of the rooms therein.

Structure means anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, including, but not limited to, tennis courts, fences, swimming pools and buildings.

Supervisor means the supervisor of the business license division of the City of Mableton.

Supportive facilities mean housing units designed for senior adults that include or provide supportive services such as transportation, medical care, food preparation and the like. This use may include assisted living, skilled nursing care and hospice care.

Swap meet nonrecurring means retail sale or exchange of new, handcrafted or secondhand merchandise for a maximum period of 48 hours, conducted by a single sponsor no more than twice in any year.

Tee means a singular area from which golf balls are to be hit toward the landing area.

Tee box means the collective area where all tees are to be located.

Temporary residential dumpster means a temporary storage container or bulk container having a capacity up to 40 cubic yards to be used at a single-family attached or detached residential property on temporary basis to accommodate demolition or construction materials.

Temporary uses mean specialized and intermittent uses of property such as animal shows, Christmas tree sales, commercial filming (limited), live entertainment, mobile food vendors, personal property sales, religious assemblies, retail sales (outdoor), street fairs and swap meets (nonrecurring), not to exceed 30 days or the time period set forth in these definitions, whichever is lesser. Adequate off-street parking shall be provided for all such uses.

Tent means a temporary or permanent structure having a roof or walls of fabric.

TERPS means terminal instrument procedures, which is the standard instrument approach procedures and takeoff minimums, and obstacle departure procedures based on the criteria contained in FAA Order 8260.3 U.S. Standard for Terminal Instrument Procedures.

Townhouse dwelling units (attached) means an attached house in a row or group, each house separated from adjoining houses in the same row or group by architectural style, changing of façade, or offsets, and by firewalls or fire separations. Ownership is in fee simple. See Sec. 4.01 for Additional Regulations By Use.

Trailer camping means any portable structure or vehicle designed for highway travel which is used or intended to be used for temporary living, sleeping, cooking and/or eating purposes, which may include some and/or all of the following facilities: a flush water closet, a lavatory, a bath or shower, sleeping quarters, eating quarters and a kitchen. Portable structures or vehicles within this definition shall not be used as a dwelling unit except within a campground or recreational vehicle (RV) park. These portable structures or vehicles shall include travel trailers, folding campers, pop-up campers, fifth-wheel trailers, RVs, or any of the like.

Transfer station means a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

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

Usable satellite signals mean satellite signals from all major communications satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.

Underground parking means a portion of a building partly underground which has more than three-quarters of its height, measured from finished floor to finished ceiling, below the average grade of the adjoining ground. An underground parking level shall not be deemed a story and shall not be calculated in the overall building height, unless more than 25 percent of the parking level is above the average grade of the adjoining ground. This definition shall be used in the calculation of height for all types of RSL developments.

Variance means a modification of the literal provisions of this ordinance which the board of zoning appeals or the Mayor and City Council are permitted to grant when strict enforcement of such provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought. Variances considered in concurrence and in conjunction with the grant or denial of an amendment to a zoning ordinance to rezone property from one classification to another, any other business item, or the grant or denial of a permit relating to a special use of property by the Mayor and City Council shall be deemed a zoning decision pursuant to the Georgia Zoning Procedures Act.

Veterinarian means a person licensed to practice medicine and/or surgery on animals. A veterinarian or other animal care provider may offer other uses relating to the care and well-being of animals, including animal daycare or boarding (indoor only), animal training and animal grooming.

Wall sign means a sign, including an awning sign, permanently attached to the exterior wall of a building. A wall sign shall also include blade signs, glass facades, or rows of windows which when viewed in conjunction with or collectively with the sign, may represent a name, logo, or other advertisement.

Yard means a space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachment and accessory buildings, structures, uses and decks are expressly permitted. When private roads are involved, the orientation and location of the building itself shall determine the front, back and side yards.

Yard front means an open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street and the front setback line and projected to the side lines of the lot.

Yard rear means an open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the rear line of the lot and the line representing the minimum rear yard requirements.

Yard side means an open, unoccupied space on the same lot with a principal building, situated between the sideline of the lot and the minimum required side yard and extending from the rear of the front yard to the front line of the rear yard.

Sec. 1.08 through Sec. 1.99 Reserved.

Article II. ADMINISTRATION, PROCESSES AND PROCEDURES

Section 2.01 Procedure upon filing of zoning application (staff).

- 1) After the filing of a proper zoning application under this ordinance, the city Community Development Department shall make a written recommendation and zoning analysis (staff report) relating to the following:
 - 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 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.
 - d) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.
 - e) 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.

Section 2.02 Procedure following staff report (Planning Commission hearing)

- 1) The planning commission shall conduct a public hearing on each application for a land use permit or rezoning in accordance with a schedule and procedures adopted by the Mayor and City Council. A staff report on each application shall be submitted to and considered by the planning commission at the public hearing. The planning commission shall investigate and consider 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 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.
 - d) Whether the zoning proposal is in conformity with the policy and intent of the land use plan and staff recommendations.
 - e) 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.
- 2) As to each application, the planning commission shall make a recommendation for approval, denial, continuance, hold, withdrawal without prejudice, withdrawal with prejudice or no

recommendation. Written minutes of the planning commission's recommendation to the Mayor and City Council shall be prepared, maintained and submitted to the Mayor and City Council prior to its hearing. Additionally, the staff report, and applicant's report shall be submitted to the Mayor and City Council. All documents shall thereafter become public record.

Section 2.03 Procedure for Mayor and City Council hearing

- 1) Before acting on an application for rezoning and after receipt of the staff report, the planning commission's recommendation and the applicant's report, where required, the Mayor and City Council shall conduct a public hearing on the application in accordance with rules and procedures as may be adopted by the Mayor and City Council time to time. Prior to or in conjunction with the hearing, the Mayor and City Council shall review the applicant's report, if any, the staff report and the planning commission's recommendation.
- 2) So that the purpose of this chapter will be served and the health, public safety and general welfare secured, the Mayor and City Council may approve or deny the application, or other zoning agenda item, reduce the land area for which the application is made, change the zoning classification, district or category requested, either to the one(s) sought or to other constitutionally permissible classification(s) which may not necessarily be an intervening classification, add or delete conditions of the application, including but not limited to site-specific conditions, variances to zoning regulations, or allow an application to be withdrawn without prejudice with respect to the 12-month limitation of this division. This Code section shall apply to any application for rezoning, special land use permit, temporary land use permit, other business item, special exception or any other agenda item heard by the Mayor and City Council. An action by the Mayor and City Council to defer or continue the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application, and no further notice except posting and legal advertising is required.
- 3) The decision by the Mayor and City Council to approve in whole or part, reject, condition or delete an application for rezoning shall be based on, but not limited to, consideration of the following criteria:
 - 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 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.
 - d) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

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- e) 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.
- 4) Approval of an application for rezoning does not ensure the availability of utilities or other infrastructure in connection with development of the site.
 - 5) On any rezoning, temporary land use permit, special land use permit, or other zoning agenda item which is conditioned upon a site plan, proposed minor modifications which do not alter or conflict with the basic intent of the site plan may be approved by the Community Development Director after presentation and approval by the Mayor and City Council at any regularly scheduled meeting or hearing. Also, on any rezoning, temporary land use permit, special land use permit, or other zoning agenda item which is conditioned upon a stipulation or stipulations, proposed minor amendments specific and limited to stipulations (identified prior to a regularly scheduled meeting or hearing) which do not alter or conflict with the basic intent of the rezoning to which they apply may be approved by the Community Development Director after consideration and approval by the Mayor and City Council at any regularly scheduled meeting or hearing. All other modifications must be advertised and rezoned in accordance with the provisions set forth in this ordinance. Any rezoning, temporary land use permit, or other zoning agenda item approved by the Cobb County Board of Commissioners before the adoption of the MZC that requires the district commissioner approve a site plan as a condition of zoning and no such approval was made as of the adoption of the MZC, shall require approval by the Mayor and Council. Site plans previously approved by the district commissioner may only be amended by the Mayor and Council at any regularly scheduled meeting or hearing.

Section 2.04 Policies and Procedures

- 1) 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 Mayor and City Council (each may be referred to as "applicant").
- 2) For applicant or owner initiated rezoning applications, the process set forth in subsection 7 below should be followed.
- 3) The city shall comply with O.C.G.A. § 36-66-1 et. seq. and all applicable state notice and public hearing requirements for all city-initiated rezonings and/or city-initiated zoning text amendments.
- 4) Rezoning applications. Prior to the city processing 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.
 - a) A completed application shall be filed on forms prescribed by the Community Development Department.

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- b) The notarized signatures of the applicant and record titleholder shall appear upon the application.
 - c) Fees under the MZC are established from time to time by the Mayor and City Council and maintained for public inspection in the Community Development Department and City Clerk's offices.
 - d) 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 Community Development Department, 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.
 - e) Private sewage disposal must be approved by the Cobb County Board of Health (as administered by Cobb & Douglas Public Health), and written approval from the health department must be filed with the application. Private sewage disposal shall be subject to the requirements of Cobb County regulations 122-241 and 122-242, as amended from time to time.
 - f) The applicant shall submit any other information required by the Community Development Department staff or other city departments which they deem necessary or desirable in processing the application, which is related to the present or proposed use of the property.
 - g) 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:
 - i) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
 - ii) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
 - iii) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
 - iv) 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.
 - v) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.
 - vi) 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.
 - 5) Traffic studies shall be necessary for the following described rezoning applicants and shall be conducted in accordance with the following procedures.
 - a) The applicant shall prepare an assumptions technical memorandum for approval by the Cobb County Department of Transportation before proceeding with the traffic study when

required. The traffic study shall be completed as determined by the Director of the Cobb County Department of Transportation or his/her designee at least 15 business days prior to the Planning Commission hearing and the Community Development Director is authorized to continue any case that does not meet this deadline.

- b) 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 a mitigation package to address cumulative effects of the project's impact over a given number of years may be required based on the number of gross trips the development is anticipated to generate in a single day, single hour, or in multiple phases, the scope and necessity of which shall be determined by the Director of the Cobb County Department of Transportation or his/her designee based on the requirements by Cobb County and its applicable traffic standards at the time of the application.
- 6) Rezoning applicants shall also be required to coordinate and fund any recommended mitigation measures identified by Cobb DOT, including through review of the traffic studies required above. These mitigation measures are limited to project related improvements that may also include coordination with applicable federal, state and local agencies including the Georgia Regional Transportation Authority and the Atlanta Regional Commission.

Section 2.05 NOTICE AND ADVERTISING

- 1) The applicant shall be required to post and maintain signs supplied by the Community Development Department on or near the right-of-way of the nearest public street, to be visible from the street, for at least 30 days immediately preceding the date for any public hearings on the application, which shall remain posted until a final decision by the applicable boards. In addition to the requirements of O.C.G.A. § 36-66-4, the Community Development Department shall supply a sign that contains the following language:

"PURSUANT TO THE OFFICIAL CODE OF THE CITY OF MABLETON ZONING - SECTION 2.03 THE MAYOR AND CITY COUNCIL IS AUTHORIZED TO CONSIDER AND MAY CONSIDER ALL CONSTITUTIONALLY PERMISSIBLE ZONING CLASSIFICATIONS, INCLUDING, BUT NOT LIMITED TO, INTERVENING CLASSIFICATIONS AND/OR THE CLASSIFICATION(S) SOUGHT BY THE APPLICANT."

- 2) It is the responsibility of the applicant to post the signs and to maintain the signs during the posting period. Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. If the signs are not posted continuously, the applicable deciding body, in its sole discretion, may require reposting and readvertising prior to any future public hearing, for which the applicant shall pay an additional readvertising fee. The applicable deciding body may also, in its sole discretion, continue, hold, approve or

dismiss the application. Any dismissal under the provisions of this subsection shall be with prejudice unless specifically noted as being without prejudice by the dismissing deciding body.

- 3) The Community Development Department shall be responsible for advertising in the legal organ of the city pursuant to O.C.G.A. § 36-66-4, as amended from time to time. In addition, the advertisement shall contain the following language:

"PURSUANT TO THE OFFICIAL CODE OF THE CITY OF MABLETON, ZONING - SECTION 2.03 THE MAYOR AND CITY COUNCIL IS AUTHORIZED TO CONSIDER AND MAY CONSIDER ALL CONSTITUTIONALLY PERMISSIBLE ZONING CLASSIFICATIONS, INCLUDING BUT NOT LIMITED TO, INTERVENING CLASSIFICATIONS AND/OR THE CLASSIFICATION(S) SOUGHT BY THE APPLICANT."

- 4) It shall be the duty of the applicant/representative to notify in writing all property owners within a 1,000-foot radius of the subject property being rezoned, as shown on the most current tax records regarding a pending rezoning application, which includes the planning commission and the Mayor and City Council hearing dates. Mailings must be sent via the United States Postal Service. Such notice shall be satisfied by the applicant/representative mailing a copy of the application that includes notification of the planning commission and the Mayor and City Council hearing dates and the proposed site plan by first class mail (with a certificate of mailing) or by certified mail. Said notification must be postmarked 30 calendar days prior to the planning commission hearing. The applicant/representative is required to file with the Community Development Department proof of the mailing no later than 21 days prior to the planning commission zoning hearing for which the application is scheduled to be considered. The Community Development Department staff is authorized to continue any pending case in which the above requirements are not met.

Section 2.06 ATTENDANCE AT HEARINGS; WITHDRAWAL

- 1) Attendance at hearing. The applicant or representative of the applicant shall be required to attend all public hearings on the application. The failure to attend may result in dismissal with prejudice, rejection of the application or continuance of the hearing at the deciding body's sole discretion. The failure of the applicant or his representative to appear at the next regularly scheduled hearing shall result in automatic dismissal with prejudice. The Community Development Director may waive the attendance requirement for land use permits based upon medical hardship.
- 2) Withdrawal of application.

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- a) An application may only be withdrawn upon a joint written request of the record titleholder and applicant or their legal counsel. To withdraw as of right and without prejudice, the request to withdraw must be given at the Community Development Department at least seven days prior to the hearing before the planning commission. Applicants or their legal counsel may personally request (via written or verbal request) withdrawal during a planning commission or Mayor and City Council public hearing, provided that the request is made prior to the close of the public hearing of the case before the applicable deciding body.
 - b) The public hearing shall be considered closed when announced as such by the applicable deciding body following presentations by the applicant and opposition during their allotted time period. If permission is denied at such time, the application may not be withdrawn and shall be acted upon by the applicable deciding body in the usual manner. In no event shall an application be withdrawn after the vote by the Mayor and City Council. Further, in no event shall an application be withdrawn more than once without prejudicing the right of the applicant or owner to apply for a land use permit or rezoning within 12 months of the first application.
 - c) An application which is withdrawn within seven days of the planning commission hearing without the permission of the planning commission shall be deemed a rejected application with prejudice.
 - d) Applications which have been publicly heard by either the planning commission or the Mayor and City Council and which have been withdrawn without right and without permission of a majority of the applicable board as set forth in subparagraph (10) above shall be deemed a rejected application with prejudice.
- 3) Resubmission of rejected/deleted applications.
- a) If an application for rezoning, land use permit or special land use permit is rejected or deleted to another zoning classification, then any portion of the same property may not again be considered for rezoning, land use permit or special land use permit for a period of 12 months from the date of the Mayor and City Council's decision. An applicant may reapply for rezoning to a more restrictive classification than the application previously denied, or denied without prejudice, following the expiration of six months in accordance with O.C.G.A. § 36-66-4(c), as amended from time to time.
 - b) The Mayor and City Council may only consider property for rezoning within the six-month time in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction. The Mayor and City Council shall advertise, post the property, and conduct another public hearing prior to taking such action.
- 4) To consolidate and streamline public hearing processes relating to properties that need more than one zoning hearing process, the Mayor and City Council authorizes Community Development Department staff to consolidate multiple applications into one zoning hearing date. The applications will still be submitted separately for the various processes but will be

assigned one hearing date to be heard in masse. The filing fee shall be consolidated into one fee, which shall be the highest single fee for all the processes. Lot size variances will be included as part of a rezoning or special land use permit application. Additionally, required signage for each process shall be posted.

- 5) Subdivision. The sale, refinancing or leasing of any portion of a commercial, office or industrial zoned property shall not be considered to constitute a subdivision of such property if all other applicable zoning guidelines, site-specific guidelines, site development guidelines, approved site plans and other imposed conditions are met and maintained. This section shall not be applicable to grandfathered or nonconforming uses as defined in this ordinance. This section is limited only to those portions of the property which are actually developed and shall not be construed as allowing expansions or modifications of existing sites.

Section 2.07 APPEALS

Appeals from legislative, administrative and judicial decisions that arise herein under this Chapter shall conform to those procedures and methods of appeal outlined in O.C.G.A. § 36-66-5.1 (Judicial Review; procedures), and as amended from time to time. Pursuant to subparagraph (c) of O.C.G.A. § 36-66-5.1, the City herein designates the Mayor as having the authority, without additional council, board or agency action, to approve or issue any form of certificate necessary to perfect the petition described in Title 5 for review of a decision made by a lower judicatory body. For any such petitions that arise under Title 5, the Mayor may be served, during normal business hours, at the regular office of the City of Mableton and has the authority to accept service of an appeal of any such quasi-judicial decision. Notwithstanding this authority granted herein, all other service necessitated by any another action at law against the City shall comply with state law.

The City Clerk and the Mayor are authorized, for other matters arising under this chapter, to accept all petitions, complaints, processes and summons in any action, suit or proceeding in any of the Courts of the State of Georgia or United States Courts in Georgia.

Sec. 2.10 through Sec. 2.99 Reserved.

Article III. ZONING DISTRICTS, ZONING MAP AND DISTRICT REGULATIONS

DIVISION I DISTRICTS, MAP, CONDITIONS

Section 3.01 Zoning Districts Enumerated.

1. The zoning districts in the City of Mableton are listed in this section in order, with the first district listed being the most restrictive and the last district listed being the least restrictive (except with respect to the future districts, overlay districts and form-based districts):
 - ❖ R-80 (Single family residential district)
 - ❖ R-40 (Single family residential district)
 - ❖ R-30 (Single family residential district)
 - ❖ R-20 (Single family residential district)
 - ❖ R-15 (Single family residential district)
 - ❖ R-12 (Single family residential district)
 - ❖ RD (Residential Duplex)
 - ❖ RA-4 (Single family residential district)
 - ❖ PRD (Planned Residential Development)
 - ❖ RA-5 (Single family residential district)
 - ❖ SC (Suburban Condominium)
 - ❖ RA-6 (Single family residential district)
 - ❖ RM-8 (Multi-family residential district)
 - ❖ FST (Fee Simple Townhouse)
 - ❖ RM-12 (Multi-family residential district)
 - ❖ MHP/S (Mobile Home Subdivision)
 - ❖ MHP (Mobile Home Park)
 - ❖ RSL (Residential Senior Living)
 - ❖ LRO (Low Rise Office)
 - ❖ NRC (Neighborhood Retail Commercial)
 - ❖ LRC (Limited Retail Commercial)
 - ❖ O&I (Office & Institutional)
 - ❖ UVC (Urban Village Commercial)
 - ❖ PVC (Planned Village Community)
 - ❖ CRC (Community Retail Commercial)
 - ❖ OMR (Office Mid-Rise)
 - ❖ OS (Office Service)
 - ❖ NS (Neighborhood Shopping)

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- ❖ PSC (Planned Shopping Center)
 - ❖ TS (Tourist Services)
 - ❖ GC (General Commercial)
 - ❖ LI (Light Industrial)
 - ❖ HI (Heavy Industrial)
 - ❖ OSC (Overlay Open Space Community Overlay District)
 - ❖ Mableton Form Based Development
 - ❖ Austell Road Design Overlay District
 - ❖ Mableton Parkway/Veterans Memorial Highway Design Overlay District

2. Zoning Map. Subject to the express provisions in this chapter, all properties located in the city limits shall be zoned as set forth on the official zoning map of the city, as that map is amended from time to time. The map shall be kept in the custody of the city Community Development Department and maintained in the offices of the that department shall be subject to public inspection. The official city zoning map is incorporated in this chapter by express reference. When the Mayor and City Council stipulate any type of buffer larger than fifty (50) feet by its authority via Section (action by Mayor and Council) said buffer will be shown as such on the official zoning block maps of the city, and as amended from time to time. Said maps are on file in the city Community Development Department.
3. It is the intention of the Mayor and Council to incorporate and adopt all conditions and stipulations, including any site-specific development plans approved by the Cobb County Board of Commissioners that may be applicable to said properties by previous zoning decisions made by the Cobb County Board of Commissioners. By referenced herein, the Mayor and City Council hereby incorporate said conditions and stipulations, including any site-specific development plans into the zoning of the properties as shown on the official zoning map and as further defined in the MZC.

DIVISION II RESIDENTIAL ZONING DISTRICTS REGULATIONS

Section 3.02 R-80 Single Family Residential District.

The regulations for the R-80 single-family residential district (80,000-square-foot lot size) are as follows:

- 1) Purpose and intent. The R-80 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Comprehensive Plan. When residentially compatible institutional and recreational uses are developed within the R-80 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.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use Limitations:
 - a) No sales of goods or products shall be permitted except as accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - b) No sexually oriented businesses are permitted.
 - c) All uses are subject to Section 7.03, pertaining to subdivisions.
 - d) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article.
 - e) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - f) Incidental storage is permitted, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.
 - g) Maximum impervious surface shall not exceed 25 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 30 percent.

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- 4) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.
 - 5) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
 - 6) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
 - 7) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots, must have an approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - 8) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
 - 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
 - 10) Landscape buffer and screening requirements. Landscape buffer and screening requirements are not applicable in this district.

Section 3.03 R-40 Single Family Residential District.

The regulations for the R-40 single-family residential district (40,000-square-foot lot size) are as follows:

- 1) Purpose and intent. The R-40 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Comprehensive Plan. When residentially compatible institutional and recreational uses are developed within the R-40 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.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use Limitations:
 - a) No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - b) No sexually oriented businesses are permitted.
 - c) No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle, used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.
 - d) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - e) All uses are subject to Section 7.03, pertaining to subdivisions.
 - f) It is found and declared that outside storage on properties within the city is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article.
 - g) Maximum impervious surface shall not exceed 30 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 35 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the

perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. If this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the Community Development Director so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer (after certificates of occupancy are issued): public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences. These uses shall not be allowed if an undisturbed buffer is stipulated by the Mayor and City Council. 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 2.03.

- 4) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.
- 5) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 6) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
- 7) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots, must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 8) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
- 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
- 10) Landscape buffer and screening requirements. Landscape buffer and screening requirements are not applicable in this district.

Section 3.04 R-30 Single Family Residential District.

The regulations for the R-30 single-family residential district (30,000-square-foot lot size) are as follows:

- 1) Purpose and intent. The R-30 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Comprehensive Plan. When residentially compatible institutional and recreational uses are developed within the R-30 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.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use Limitations.
 - a) No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - b) No sexually oriented businesses are permitted.
 - c) No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle, used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.
 - d) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - e) All uses are subject to Section 7.03 pertaining to subdivisions.
 - f) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article.
 - g) Maximum impervious surface shall not exceed 35 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 40 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the

perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the Community Development Director, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer (after certificates of occupancy are issued): public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences. These uses shall not be allowed if an undisturbed buffer is stipulated by the Mayor and City Council. 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 2.03.

- 4) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.
- 5) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 6) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
- 7) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots, must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 8) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20
- 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
- 10) Landscape buffer and screening requirements. Landscape buffer and screening requirements are not applicable in this district.

Section 3.05 R-20 Single Family Residential District.

The regulations for the R-20 single-family residential district (20,000-square-foot lot size) are as follows:

- 1) Purpose and intent. The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Comprehensive Plan. When residentially compatible institutional and recreational uses are developed within the R-20 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.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use limitations.
 - a) No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - b) No sexually oriented businesses are permitted.
 - c) No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle, used exclusively by the resident may be parked in a carport, garage or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.
 - d) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - e) All uses are subject to Section 7.03, pertaining to subdivisions.
 - f) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article.
 - g) Maximum impervious surface shall not exceed 35 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 40 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the

perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the Community Development Director, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer (after certificates of occupancy are issued): public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences. These uses shall not be allowed if an undisturbed buffer is stipulated by the Mayor and City Council. 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 2.03.

- 4) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.
- 5) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 6) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
- 7) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots, must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 8) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
- 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
- 10) Landscape buffer and screening requirements. Landscape buffer and screening requirements are not applicable in this district.

Section 3.06 R-15 Single Family Residential District.

The regulations for the R-15 single-family residential district (15,000-square-foot lot size) are as follows:

- 1) Purpose and intent. The R-15 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Comprehensive Plan. When residentially compatible institutional and recreational uses are developed within the R-15 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.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use limitations.
 - a) No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - b) No sexually oriented businesses are permitted.
 - c) No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.
 - d) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - e) All uses are subject to Section 7.03, pertaining to subdivisions.
 - f) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article.
 - g) Maximum impervious surface shall not exceed 35 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 40 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the

perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the Community Development Director, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer (after certificates of occupancy are issued): public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences. These uses shall not be allowed if an undisturbed buffer is stipulated by the Mayor and City Council. 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 2.03.

- 4) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.
- 5) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 6) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
- 7) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots, must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 8) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
- 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
- 10) Landscape buffer and screening requirements. Landscape buffer and screening requirements are not applicable in this district.

Section 3.07 R-12 (Single family residential district 12,000 square foot lot size).

The regulations for the R-12 single-family attached/detached residential district are as follows:

- 1) Purpose and intent. The R-12 district is established to provide locations for single-family detached residential uses or residually compatible institutional and recreational uses which are within or on the edge of properties delineated for low and medium density residential categories as defined and shown on the Cobb County Comprehensive Plan. When residually compatible institutional and recreational uses or residential uses are developed within the R-12 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.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use limitations.
 - a) A site plan shall be submitted to city staff for each lot showing the following:
 - i) Setbacks and dwelling space distances;
 - ii) Lot size;
 - iii) Delineation of floodplain and wetlands; and
 - iv) Accessory structures, including decks, porches, swimming pools, tennis courts and basketball courts.
 - b) A foundation survey shall be required to be submitted and approved prior to continuing with framing.
 - c) Maximum acreage is 20 acres.
 - d) No structure or dwelling shall be closer than five feet to any property line.
 - e) No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - f) No sexually oriented businesses are permitted.
 - g) No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.
 - h) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.

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- i) All uses are subject to Section 7.03, pertaining to subdivisions.
 - j) It is found and declared that outside storage on properties within the city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article.
 - k) Maximum impervious surface shall not exceed 35 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 40 percent. 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 2.03.
- 4) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.
 - 5) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
 - 6) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
 - 7) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots, must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - 8) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
 - 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
 - 10) Landscape buffer and screening requirements. Landscape buffer and screening requirements are not applicable in this district.

Section 3.08 RD (Residential Duplex).

The regulations for the RD residential duplex district are as follows:

- 1) Purpose and intent. The RD district is established to provide locations for the development of affordable single-family detached or attached owner-occupied residential dwelling units, including duplexes. The dwelling units are to be designed 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 as defined and shown on the Comprehensive Plan. When residentially compatible institutional and recreational uses are developed within the RD 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.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use Limitations:
 - a) There shall be a maximum of four units per acre.
 - b) Architectural style and design shall be compatible with or upgrade the existing neighborhood.
 - c) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article.
 - d) Maximum impervious surface shall not exceed 40 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. If this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the Community Development Director, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer: public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences.
 - e) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.

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- f) 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 2.03.
- 4) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.
- 5) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 6) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
- 7) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots, must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 8) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
- 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
- 10) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an RD district which abuts a more restrictive residentially zoned property shall have a minimum ten-foot landscaped screening buffer adjacent to all residential property. The buffer shall be subject to approval by city staff. 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 2.03.
- a) Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
- i) Screening to enhance aesthetic appeal;
 - ii) Control or direction of vehicular and pedestrian movement;
 - iii) Reduction of glare;
 - iv) Buffering of noise; and

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- v) Establishment of privacy.
 - b) Standards. Buffers or berms shall be required when an RD district is located adjacent to a more restrictive residential district. A minimum ten-foot buffer is required.
 - c) Buffers. Landscape buffers are subject to review and approval by city 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, a buffer should maximize a 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 shall be a minimum of six feet in height as approved by city staff.
 - vi) Trees included in buffer plantings may be counted toward site density calculations as required by the city's tree preservation and replacement ordinance, subject to review and approval of city 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 ten-foot buffer should be an undisturbed buffer.
 - d) Any appeals from a determination by city staff shall be to the board of zoning appeals.
 - e) Berms. Berms are subject to review and approval by city staff in accordance with the following standards:
 - i) Berms shall be utilized when consistent with surrounding property features.
 - ii) Berms shall be stabilized.
 - iii) Berms shall be constructed to be consistent with natural or proposed drainage patterns.
 - iv) Berms shall be regularly maintained by the property owner.

Section 3.09 RA-4 (Single family residential district 8,400 square foot lot size).

The regulations for the RA-4 single-family attached/detached residential district are as follows:

- 1) Purpose and intent. The RA-4 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 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 low and medium density residential categories as defined and shown on the Cobb County Comprehensive Plan. When residentially compatible institutional and recreational uses or residential uses are developed within the RA-4 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.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use Limitations:
 - a) There shall be a maximum of four units per acre.
 - b) Where single-family dwelling units are proposed to be constructed in areas zoned RA-4, the minimum house size shall be 950 feet and the minimum lot size for an individual lot shall be 8,400 feet.
 - c) Architectural style and design shall be compatible with or upgrade the existing neighborhood.
 - d) The maximum acreage is 20 acres.
 - e) No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - f) No sexually oriented businesses are permitted.
 - g) No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle used exclusively by the resident may be parked in a carport, garage or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.
 - h) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.

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- i) All uses are subject to Section 7.03, pertaining to subdivisions.
 - j) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article.
 - k) Maximum impervious surface shall not exceed 40 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 45 percent.
 - l) 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 landscape 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 2.03.
- 4) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.
 - 5) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
 - 6) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
 - 7) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots, must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - 8) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
 - 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
 - 10) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an RA-4 district which abuts a more restrictive residentially zoned property shall have a minimum ten-foot landscaped screening buffer adjacent to all residential property. The buffer is subject to approval by city staff. 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 landscape 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 2.03.

- a) Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - i) Screening to enhance aesthetic appeal;
 - ii) Control or direction of vehicular and pedestrian movement;
 - iii) Reduction of glare;
 - iv) Buffering of noise; and
 - v) Establishment of privacy.
- b) Landscape buffers. Landscape buffers are subject to review and approval by city 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, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
 - iv) The 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 city staff.
 - vi) Trees included in buffer plantings may be counted toward site density calculations as required by the city's tree preservation and replacement ordinance, subject to review and approval of city 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 ten-foot buffer should be an undisturbed buffer.
- c) Any appeals from a determination by city staff shall be to the board of zoning appeals.
- d) Berms. Berms are subject to review and approval by city staff in accordance with the following standards:
 - i) Berms shall be utilized when consistent with surrounding property features.
 - ii) Berms shall be stabilized.
 - iii) Berms shall be constructed to be consistent with natural or proposed drainage patterns.
 - iv) Berms shall be regularly maintained by the property owner.

Section 3.10 PRD (Planned Residential Development).

Upon the adoption of the MZC, no new applications for rezoning to the PRD planned residential development district will be accepted by the City, however, any property zoned PRD at the time of the adoption of the MZC that is not yet developed, may apply for development permits that are consistent with the site plan previously approved by the Cobb County Board of Commissioners. The regulations for the PRD planned residential development district are as follows:

- 1) Purpose and intent. The PRD district is established to encourage and provide flexible site plan and building arrangements under a unified plan of development rather than lot-by-lot regulation. The developer benefits from better land utilization and design flexibility. The PRD district is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning to ensure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment. PRD development shall be compatible with surrounding development.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1, including any combination thereof of those uses listed in Table 3-1. This district permits a combination of Permitted Uses. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use limitations:
 - a) Maximum density shall not exceed four units per acre. Floodplain or wetlands acreage may not be used in calculating the overall density. The maximum allowable impervious surface is 40 percent.
 - b) A PRD shall require ten contiguous acres unless the acreage is being added to an existing PRD as an extension of or additional phase to an already approved PRD which originally met the minimum ten-acre requirement.
 - c) A minimum of 1,000 square feet per dwelling unit in a PRD shall be reserved for open space, parks, other recreational uses or other public uses, subject to the following:
 - d) While such open space shall not be required to be contiguous, the open space must be useable and functional for open space, parks, other recreational or other public uses.
 - e) The required yards, parking and right-of-way areas shall not be credited toward the minimum open space requirements.
 - f) The amount of required common open space will be automatically reduced as the density of development is reduced and will be automatically increased as the density of development is increased.
 - e) No sexually oriented businesses are permitted.

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- g) All PRD developments shall be zoned and subject to a specific site plan.
 - h) The entire PRD shall be included within private deed covenants running with the land to ensure the continuance of the PRD in accordance with approved plans and developments.
 - i) The overall residential development should be compatible with surrounding uses and zoning.
 - j) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings.
 - k) During the construction phase only, a 40-foot undisturbed buffer shall be maintained, except for access points, required detention/retention facilities or utilities.
 - l) 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 2.03.
- 4) Lot size and setback requirements.
 - a) Lot-by-lot setbacks shall not apply in a PRD district; however, no primary structure shall be closer than 15 feet to another primary structure.
 - b) Minimum lot size for a single-family dwelling is 8,400 square feet.
 - c) Maximum building height is 35 feet.
 - 5) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
 - 6) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
 - 7) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots, must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - 8) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
 - 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
 - 10) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within a PRD district which abuts a more restrictively zoned residentially zoned property shall have a minimum ten-foot landscaped screening buffer.

Additionally, during the construction phase, a 40-foot undisturbed buffer shall be maintained except for access points, required detention/retention facilities or utilities. 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 2.03.

- a) Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - i) Screening to enhance aesthetic appeal;
 - ii) Control or direction of vehicular and pedestrian movement;
 - iii) Reduction of glare;
 - iv) Buffering of noise; and
 - v) Establishment of privacy.
- b) Standards. Buffers or berms shall be required when a PRD district is located adjacent to a more restrictive residential district; a minimum ten-foot buffer is required.
- c) Buffers. Landscape buffers are subject to review and approval by city 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, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
 - iv) The 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 city staff.
 - vi) Trees included in buffer plantings may be counted toward site density calculations as required by the City's tree preservation and replacement ordinance, subject to review and approval of city 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 ten-foot buffer should be an undisturbed buffer.
- d) Any appeals from a determination by city staff shall be to the board of zoning appeals.
- e) Berms. Berms are subject to review and approval by city staff in accordance with the following standards:
 - i) Berms shall be utilized when consistent with surrounding property features.
 - ii) Berms shall be stabilized.

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- iii) Berms shall be constructed to be consistent with natural or proposed drainage patterns.
 - iv) Berms shall be regularly maintained by the property owner.

Section 3.11 RA-5 (Single family residential district 7,000 square foot lot size).

The regulations for the RA-5 single-family attached/detached residential district are as follows:

- 1) Purpose and intent. The RA-5 district is established to provide locations for the development of affordable single-family detached or attached residential dwelling units, including the combination of duplexes, triplexes and quadraplexes. The dwelling units are to be designed 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 any residential categories as defined and shown on the Comprehensive Plan. When residentially compatible institutional and recreational uses are developed within the RA-5 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 ordinance.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use limitations:
 - a) There shall be a maximum of five units per acre; however, the overall density of a development may be reduced due to topography, drainage, deforestation or sediment and erosion concerns.
 - b) Where single-family dwelling units are proposed to be constructed in areas zoned RA-5, the minimum house size shall be 950 square feet and the minimum lot size for an individual lot shall be 7,000 square feet.
 - c) Architectural style and design shall be compatible with or upgrade the existing neighborhood.
 - d) Maximum acreage is 20 acres.
 - e) No sale of goods or products shall be permitted except if accessory to customary home occupation, land use permit, special land use permit or special exception use.
 - f) No sexually oriented businesses are permitted.
 - g) No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle used exclusively by the resident may be parked in a carport, garage or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of home occupation.
 - h) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.

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- i) All uses are subject to Section 7.03, pertaining to subdivisions.
 - j) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this ordinance.
 - k) Maximum impervious surface shall not exceed 40 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 45 percent.
 - l) 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/or access drives may be allowed through, over or across a landscaped buffer. Any such buffer must be approved pursuant to an original site plan or site plan modification as set forth under Section 2.03.
- 4) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.
 - 5) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
 - 6) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
 - 7) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots, must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - 8) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
 - 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
 - 10) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an RA-5 district which abuts a more restrictive, residentially zoned property shall have a minimum ten-foot landscaped screening buffer adjacent to all residential property, such buffer subject to approval by city staff. 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/or 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 2.03.

- a) Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - i) Screening to enhance aesthetic appeal;
 - ii) Control or direction of vehicular and pedestrian movement;
 - iii) Reduction of glare;
 - iv) Buffering of noise; and
 - v) Establishment of privacy.
- vi) Landscape buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:
 - vii) Plantings are to be a mix of evergreen trees and shrubs;
 - viii) Species are to be ecologically compatible to the site and appropriate for design situation;
 - ix) Unless public safety concerns dictate otherwise, buffer should maximize visual barrier to height of six feet within two years of planting;
 - x) Minimum height of plant materials at installation is to be five feet for trees and two feet for shrubs;
 - xi) Fencing or walls are to be minimum six feet in height as approved by city staff;
 - xii) Trees included in buffer plantings may be counted toward site density calculations as required by the city's tree preservation and replacement ordinance, subject to review and approval of city staff;
 - xiii) Buffers shall be regularly maintained by the property owners to ensure that the objectives and standards set out in this section are met;
 - xiv) When topography and existing conditions allow, the required ten-foot buffer should be an undisturbed buffer; and
- b) Any appeals from a determination by city staff shall be to the board of zoning appeals.
- c) Berms. Berms are subject to review and approval by city staff in accordance with the following standards:
 - i) Berms shall be utilized when consistent with surrounding property features;
 - ii) Berms shall be stabilized;
 - iii) Berms shall be constructed to be consistent with natural or proposed drainage patterns; and
 - iv) Berms shall be regularly maintained by the property owner.

Section 3.12 SC (Suburban Condominium).

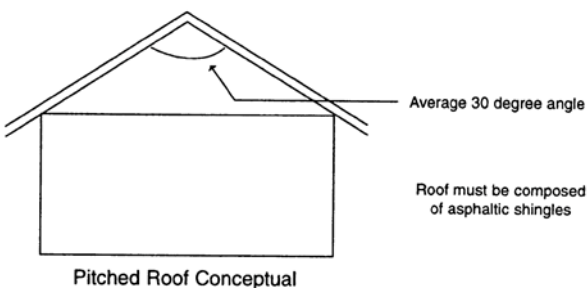
The regulations for the SC suburban condominium residential district are as follows:

- 1) Purpose and intent. The SC district is established to provide locations for the development of low maintenance residential condominium dwelling units, including the combination of single-family houses, duplexes, triplexes and quadruplexes. The dwelling units are to be designed to 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 and high density residential, neighborhood activity center and community activity center categories as defined and shown on the Cobb County Comprehensive Plan. When residentially compatible institutional and recreational uses, or residential uses are developed within the SC district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwelling units and otherwise to implement the stated purpose and intent of this ordinance.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use limitations:
 - a) There shall be a maximum of five units per acre; however, the overall density of a development may be reduced due to topography, drainage, deforestation or sediment and erosion concerns.
 - b) The maximum acreage is 20 acres.
 - c) No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - d) No sexually oriented businesses are permitted.
 - e) No materials, equipment or business vehicles may be stored or parked on the premises, except as specified in the condominium declaration and bylaws. If single-family detached dwellings are developed in areas zoned SC, one business vehicle, the carrying or towing capacity of which shall not exceed one and one-half tons, used exclusively by the resident may be parked in a garage, carport or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation. There shall be no more than two full-time employees permitted on site for any allowable customary home occupation or business.
 - f) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - g) All uses are subject to Section 7.03, the subdivision regulations.

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- h) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - i) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article, or as otherwise prohibited in the condominium declaration and bylaws.
 - j) Impervious surface shall not exceed 55 percent of the total site area.
 - k) A mandatory homeowners' association must be formed and incorporated which provides for building and grounds maintenance and repair, insurance and working capital. Said association must also include condominium declaration and bylaws, including rules and regulations, subject to staff review and approval. The declaration and bylaws shall not be enforced by the city. The declaration and bylaws shall, at a minimum, regulate and control the following:
 - i) Animals.
 - ii) Signs.
 - iii) Exterior items such as fences, lawn ornaments and removal of landscape areas and buffers.
 - iv) Building improvements.
 - v) Outside storage.
 - vi) Overnight parking of vehicles.
 - vii) Decorations.
 - viii) Trash collection.
 - ix) Restrictions/definitions on single-family residential use only, and leasing of units.
 - x) All condominium units must have an attached garage.
 - xi) No more than two units may be attached side by side.
 - xii) Maximum of four attached units (quadruplex).
 - 4) 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 2.03.
 - 5) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.
 - 6) Building and structure requirements specific to the SC district.
 - a) Maximum building height is 35 feet with no more than two stories;

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- b) Any structure within the SC district shall have a pitched roof conceptually consistent with the following diagrams;
 - c) The pitched roof shall be constructed with asphaltic shingles or material consistent in appearance with asphaltic shingles. The pitched roof shall be subject to the requirements of the city Georgia Span Tables for Joists and Rafters 1978, as amended from time to time. The pitched roof shall also be further subject to approval by the city Community Development Department.
 - d) Any structure within the SC district which is adjacent to residentially zoned property shall also be architecturally compatible with the adjacent residential properties.
 - e) The architectural design shall be approved by the Community Development Director.

Diagram 1 - Pitched Roof Conceptual for SC District



- 7) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 8) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
- 9) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots, must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 10) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
- 11) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
- 12) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within a SC district which abuts non-residentially zoned property shall have a minimum 25-foot landscaped screening buffer adjacent to all nonresidential

property. Also, unless otherwise noted within this district's requirements, any property within a SC district which abuts a more restrictive residentially zoned property shall have a minimum 40-foot landscaped screening buffer adjacent to all residential property. The buffer shall be subject to approval by city staff. 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 2.03.

- a) Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - i) Screening to enhance aesthetic appeal;
 - ii) Control or direction of vehicular and pedestrian movement;
 - iii) Reduction of glare; and
 - iv) Buffering of noise.
- b) Standards. Buffers or berms shall be required when a SC district is located adjacent to a non-residential district or a more restrictive residential district; a minimum 25-foot buffer (nonresidential) or 40-foot buffer (more restrictive residential) is required.
- c) Buffers. Landscape buffers are subject to review and approval by city 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, a buffer should maximize a 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 city staff.
 - vi) Trees included in buffer plantings may be counted toward site density calculations as required by the city's tree preservation and replacement ordinance pertaining to tree preservation and replacement, subject to review and approval of city 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 or 40-foot buffer should be an undisturbed buffer.
- d) Any appeals from a determination by city staff shall be to the board of zoning appeals.
- e) Berms. Berms are subject to review and approval by city staff in accordance with the following standards:
 - i) Berms shall be utilized when consistent with surrounding property features.

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- ii) Berms shall be stabilized.
 - iii) Berms shall be constructed to be consistent with natural or proposed drainage patterns.
 - iv) Berms shall be regularly maintained by the property owner.

Section 3.13 RA-6 (Single family residential district 6,200 square foot lot size).

The regulations for the RA-6 single-family attached/detached residential district are as follows:

- 1) Purpose and intent. 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 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. 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 ordinance.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use limitations:
 - a) There shall be a maximum of six units per acre.
 - b) Where single-family dwelling units are proposed to be constructed in areas zoned RA-6, the minimum house size shall be 950 square feet and the minimum lot size for an individual lot shall be 6,200 square feet.
 - c) Architectural style and design shall be compatible with or upgrade the existing neighborhood.
 - d) The maximum acreage is 20 acres.
 - e) No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - f) No sexually oriented businesses are permitted.
 - g) No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.
 - h) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - i) All uses are subject to Section 7.03 pertaining to subdivisions.
 - j) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property

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- values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article.
- k) Maximum impervious surface shall not exceed 45 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 50 percent.
 - l) 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 or 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 2.03.
- 4) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.
 - 5) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
 - 6) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
 - 7) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots, must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - 8) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
 - 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
 - 10) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an RA-6 district which abuts a more restrictive residentially zoned property shall have a minimum ten-foot landscaped screening buffer adjacent to all residential property. The buffer shall be subject to approval by city staff. 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 2.03.

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- a) Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - i) Screening to enhance aesthetic appeal;
 - ii) Control or direction of vehicular and pedestrian movement;
 - iii) Reduction of glare;
 - iv) Buffering of noise; and
 - v) Establishment of privacy.
 - b) Standards. Buffers or berms shall be required when an RA-6 district is located adjacent to a more restrictive residential district; a minimum ten-foot buffer is required.
 - c) Buffers. Landscape buffers are subject to review and approval by city 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, a buffer should maximize a 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 city staff.
 - vi) Trees included in buffer plantings may be counted toward site density calculations as required by the city's tree preservation and replacement ordinance, subject to review and approval of city staff.
 - vii) Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this section are met.
 - viii) When topography and existing conditions allow, the required ten-foot buffer should be an undisturbed buffer.
 - d) Any appeals from a determination by city staff shall be to the board of zoning appeals.
 - e) Berms. Berms are subject to review and approval by city staff in accordance with the following standards:
 - i) Berms shall be utilized when consistent with surrounding property features.
 - ii) Berms shall be stabilized.
 - iii) Berms shall be constructed to be consistent with natural or proposed drainage patterns.
 - iv) Berms shall be regularly maintained by the property owner.

Section 3.14 RM-8 (Multi-family residential district 8 units per acre).

The regulations for the RM-8 residential multifamily district are as follows:

- 1) Purpose and intent. The RM-8 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within properties delineated for medium and high density residential. When residentially compatible institutional and recreational uses are developed within the RM-8 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this ordinance.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use limitations:
 - a) There shall be a maximum of eight units per acre; however, the overall density of a development may be reduced due to topography, drainage, deforestation or sediment and erosion concerns.
 - b) Where single-family dwelling units are proposed to be constructed in areas zoned RM-8, the minimum house size shall be 950 square feet and the minimum lot size for individual lots shall be 7,000 square feet. Setbacks applicable to the RA-5 zoning district (for detached residences) set forth in this ordinance shall apply. When townhomes are constructed to replace existing/demolished multifamily dwelling units are to be constructed in areas zoned RM-8, the minimum house size shall be 950 square feet and the applicable regulations within this ordinance shall apply.
 - c) Buildings within the RM-8 district may be split level, two, three and four stories in height.
 - d) Maximum acreage is 40 acres.
 - e) No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - f) No sexually oriented businesses are permitted.
 - g) No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle, the carrying or towing capacity of which shall not exceed 1½ tons, used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.
 - h) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.

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- i) All uses are subject to Section 7.03, pertaining to subdivisions.
 - j) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - k) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this ordinance.
 - l) Maximum impervious surface shall not exceed 45 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 50 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the Community Development Director, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer: public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences.
 - m) 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 2.03.
- 4) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.
 - 5) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
 - 6) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
 - 7) Lighting requirements.
 - a) Any project permitted within the RM-8 district which proposes any outdoor lighting, except individual residential lots or units, must have a Cobb County department of

transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.

- b) All developments with multifamily units shall be designed with lighting that does not spill over into abutting properties and is the minimum to provide security for residents of multifamily housing developments.
- 8) Condominiums and townhomes constructed to replace existing/demolished multifamily dwelling units are eligible for a density bonus not to exceed 15 percent of the total number of demolished multifamily dwelling units, subject to site plan approval by the Mayor and City Council.
- 9) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
- 10) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
- 11) Multifamily unit development security. To enhance building/site security, applicants shall coordinate with local law enforcement to develop a security plan in accordance with the standards of crime prevention through environmental design (CPTED). Security plan shall be reviewed and updated annually by the property manager and shall be provided to the city upon request.
- 12) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an RM-8 district which abuts a more restrictive residentially zoned property shall have a minimum 25-foot landscaped screening buffer adjacent to all residential property. The buffer shall be subject to approval by city staff. 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 2.03.
 - a) Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - i) Screening to enhance aesthetic appeal;
 - ii) Control or direction of vehicular and pedestrian movement;
 - iii) Reduction of glare;
 - iv) Buffering of noise; and
 - v) Establishment of privacy.
 - b) Buffers. Landscape buffers are subject to review and approval by city 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.

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- iii) Unless public safety concerns dictate otherwise, a buffer should maximize a 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 city staff.
 - vi) Trees included in buffer plantings may be counted toward site density calculations as required by the city's tree preservation and replacement ordinance, subject to review and approval of city 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 undisturbed buffer.
- c) Any appeals from a determination by city staff shall be to the board of zoning appeals.
 - d) Berms. Berms are subject to review and approval by city staff in accordance with the following standards:
 - i) Berms shall be utilized when consistent with surrounding property features.
 - ii) Berms shall be stabilized.
 - iii) Berms shall be constructed to be consistent with natural or proposed drainage patterns.
 - iv) Berms shall be regularly maintained by the property owner.

Section 3.15 FST District (Fee Simple Townhouse).

The regulations for the FST fee simple townhouse residential district are as follows:

- 1) Purpose and intent. The FST district is established to provide locations for affordable attached residential dwelling units (six, eight or ten units per acre) or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for medium and high density residential. When residentially compatible institutional and recreational uses are developed within the FST 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 ordinance.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use limitations:
 - a) There shall be a maximum of ten units per acre.
 - b) Architectural style and design are to be compatible with or upgrade the existing neighborhood.
 - c) The maximum acreage is 20 acres.
 - d) No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - e) No sexually oriented businesses are permitted.
 - f) No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle, used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.
 - g) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - h) All uses are subject to Section 7.03, pertaining to subdivisions.
 - i) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this ordinance.
 - j) Maximum impervious surface shall not exceed 45 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated

as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 50 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. If this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the Community Development Director, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer: public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences.

- 4) 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 2.03.
- 5) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.
- 6) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 7) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
- 8) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots or units, must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 9) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
- 10) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
- 11) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an FST district which abuts a more restrictive residentially zoned property shall have a minimum ten-foot landscaped screening buffer adjacent to all residential property. The buffer shall be subject to approval by city staff. 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 2.03.

- a) Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - i) Screening to enhance aesthetic appeal;
 - ii) Control or direction of vehicular and pedestrian movement;
 - iii) Reduction of glare;
 - iv) Buffering of noise; and
 - v) Establishment of privacy.
- b) Standards. Buffers and berms shall be required when an FST district is located adjacent to a residential district; a minimum ten-foot buffer is required.
- c) Buffers. Landscape buffers are subject to review and approval by city 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, a buffer should maximize a 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 city staff.
 - vi) Trees included in buffer plantings may be counted toward site density calculations as required by the city's tree preservation and replacement ordinance, subject to review and approval of city 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 ten-foot buffer should be an undisturbed buffer.
- d) Any appeals from a determination by city staff shall be to the board of zoning appeals.
- e) Berms. Berms are subject to review and approval by city staff in accordance with the following standards:
 - i) Berms shall be utilized when consistent with surrounding property features.
 - ii) Berms shall be stabilized.
 - iii) Berms shall be constructed to be consistent with natural or proposed drainage patterns.
 - iv) Berms shall be regularly maintained by the property owner.

Section 3.16 RM-12 (Multi-family residential district 12 units per acre).

The regulations for the RM-12 residential multifamily district are as follows:

- 1) Purpose and intent. The RM-12 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within properties delineated for high density residential. When residentially compatible institutional and recreational uses are developed within the RM-12 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this ordinance.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-1. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Use limitations:
 - a) There shall be a maximum of 12 units per acre; however, the overall density of a development may be reduced due to topography, drainage, deforestation or sediment and erosion concerns.
 - b) Where single-family attached and detached dwelling units are proposed to be constructed in areas zoned RM-12, the minimum house size shall be 950 square feet.
 - c) For single-family detached dwelling in areas zoned RM-12 the following shall apply:
 - i) A 20-foot perimeter building setback must be provided to all adjacent residentially zoned properties. This perimeter setback may include required buffers.
 - ii) A 20-foot setback shall be required adjacent to any public roadway. Units including rear entry garages may reduce the 15-foot front setback to zero feet.
 - iii) A minimum setback of five feet between buildings. Building less than five feet from the property line shall include necessary fire separation requirements outlined in the International Building Code or Residential Building Code, as applicable.
 - iv) When the distance between buildings is less than ten feet, all utilities meters, cable/internet boxes, air conditioning units, and other similar items shall be to the rear of the structure.
 - d) Maximum building height of 35 feet.
 - e) Any RM-12 attached or detached development shall be subject to the site plan submitted to and approved by the Mayor and City Council.
 - f) Minimum setbacks may be increased by the Mayor and City Council based on existing conditions such as tract size, topographic conditions, or any other conditions on a case-by-

case basis in order to provide compatibility with adjacent uses during site plan/zoning approval.

- g) The maximum acreage is 40 acres.
 - h) Buildings within the RM-12 district may be split-level, two, three and four stories in height.
 - i) No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - j) No sexually oriented businesses are permitted.
 - k) No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.
 - l) All uses are subject to Section 7.03, the subdivision regulations.
 - m) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - n) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article.
 - o) Maximum impervious surface shall not exceed 45 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 50 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. If this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the Community Development Director, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer: public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences.
 - p) 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 2.03.
- 4) Bulk Regulations: Unless otherwise specifically set forth in this Section related to this district, the lot size, acreage, density, floor area, setback, height requirements and other building regulations for this district are as reflected in Table 3-3.

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- 5) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
 - 6) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.
 - 7) Lighting requirements.
 - a) Any project permitted within the RM-12 district which proposes any outdoor lighting, except individual residential lots or units, must have a Cobb County department of transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - b) All developments with multifamily units shall be designed with lighting that does not spill over into abutting properties and is the minimum to provide security for residents of multifamily housing developments.
 - 8) Condominiums and townhomes constructed to replace existing/demolished multifamily dwelling units are eligible for a density bonus not to exceed 15 percent of the total number of demolished multifamily dwelling units, subject to site plan approval by the Mayor and City Council.
 - 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
 - 10) Multifamily unit development security. To enhance building/site security, applicants shall coordinate with local law enforcement to develop a security plan in accordance with the standards of crime prevention through environmental design (CPTED). Security plan shall be reviewed and updated annually by the property manager.
 - 11) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an RM-12 district which abuts a more restrictive residentially zoned property shall have a minimum 25-foot landscaped screening buffer adjacent to all residential property. The buffer shall be subject to approval by city staff. 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 2.03.
 - a) Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - i) Screening to enhance aesthetic appeal;

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- ii) Control or direction of vehicular and pedestrian movement;
 - iii) Reduction of glare; and
 - iv) Buffering of noise.
 - b) Standards. Buffers or berms shall be required when an RM-12 district is located adjacent to a more restrictive residential district; a minimum 25-foot buffer is required.
 - c) Buffers. Landscape buffers are subject to review and approval by city 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, a buffer should maximize a 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 city staff.
 - vi) Trees included in buffer plantings may be counted toward site density calculations as required by the city's tree preservation and replacement ordinance, subject to review and approval of city 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 undisturbed buffer.
 - d) Any appeals from a determination by city staff shall be to the board of zoning appeals.
 - e) Berms. Berms are subject to review and approval by city staff in accordance with the following standards:
 - i) Berms shall be utilized when consistent with surrounding property features.
 - ii) Berms shall be stabilized.
 - iii) Berms shall be constructed to be consistent with natural or proposed drainage patterns.
 - iv) Berms shall be regularly maintained by the property owner.

Section 3.17 MHP/S (Mobile Home Subdivision).

The regulations for the Mobile Home Subdivision district are as follows:

- 1) Purpose and intent. The MHP/S district is established to provide locations for mobile home subdivisions which eliminate or minimize certain conditions associated with mobile homes. The Mayor and City Council finds that it is necessary to restrict the location of mobile homes to: preserve land for low-density, single-family dwellings; protect property values; guard against traffic congestion; maintain aesthetics; regulate population density; regulate housing stock; and attempt to address concerns regarding wind vulnerability.
- 2) Standards. The regulations for the MHP/S mobile home subdivision district are as follows:
 - a) Conditions of operation. Each subdivision shall provide the following minimum facilities:
 - i) Underground utility lines. Utility lines shall be underground unless the plans approved by the planning commission indicate certain specific lines above the ground.
 - ii) Recreation area. At least five percent of the gross land area shall be set aside for recreational use. No such area shall be less than one-half acre.
 - b) Minimum size of subdivision; required lot area.
 - i) No mobile home subdivision shall be developed on a tract less than 20 acres in size.
 - ii) Each individual lot shall have at least a width of 75 feet and shall provide a minimum of 7,500 square feet in area. In cul-de-sac or curved street designs, the width of the lot shall be 75 feet at the location of the mobile home units.
 - iii) Each lot shall be defined by a marker at each corner.
 - c) Yard requirements.
 - i) The front yard shall be at least 40 feet, except when located on a major thoroughfare it shall be increased to 75 feet.
 - ii) Each side yard shall be at least ten feet.
 - iii) The rear yard shall be at least 30 feet.
 - d) Buffer strip requirements. A buffer strip at least 25 feet wide shall be required when the subdivision is located adjacent to property zoned for single-family dwellings or duplexes. This strip shall be densely planted with evergreen shrubs and trees.
 - e) Off-street parking. Each lot is required to have a paved driveway, connecting to a public street, sufficient in length and width to serve as two off-street parking spaces.
 - f) Streets. All streets shall be constructed in accordance with Section 7.03, pertaining to subdivisions.
 - g) Other regulations.
 - i) Central sewerage must be used. There shall be no individual-lot septic tanks.
 - ii) All driveways located within the boundaries of the park shall be lit in accordance with the state health department regulations.

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- iii) Land contours shall be such that proper drainage shall exist throughout the park or subdivision.
 - iv) All of the regulations of the fire marshal's office shall be adhered to.
 - v) All utility installations shall conform with the existing and future utility codes of the city.
 - vi) All of the other requirements of the city and state health department that are not included in this section shall be complied with.
 - vii) Public water supply shall be used and there shall be no private wells.
 - viii) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article, or as otherwise prohibited in the condominium declaration and bylaws.
 - ix) Livestock, nondomestic and wild animals, and poultry as defined in this ordinance shall be prohibited.
 - h) 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 landscape 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 2.03.
 - i) Nonconforming use. The lawful use of land existing at the time of the adoption of the ordinance from which this section is derived, although such use does not conform to the provisions in this section, may be continued, but, if such nonconforming use is discontinued for a period of one year or if any existing mobile home park is enlarged, the existing park and all of the additions to the park and any future use of park land shall be in conformity with the provisions of this ordinance.
 - j) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (Mountain and River Corridor Protection Act areas) and Section 7.26 (Metropolitan River Protection Act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.
 - k) Each mobile home must consist of one or more rooms which are arranged, designated or used as living quarters for one family (as defined in Section 1.07, or two or fewer unrelated adults and their children and/or grandchildren).
 - l) A mobile home may be occupied only by a family related in the fourth degree as defined by Georgia state law, or two or fewer unrelated adults and their children and/or grandchildren.

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- m) A mobile home shall have an interior bathroom and complete kitchen facilities, permanently installed.
 - n) A mobile home shall have at least 250 square feet of total square footage (as determined in the records maintained by the Cobb County Tax Assessor) per each adult occupant.
 - o) No more than one vehicle per 250 square feet of total square footage may be parked regularly overnight at or within the paved parking area as required in item 2(e). Exceptions to this paragraph may be considered as part of a land use permit process.

Section 3.18 MHP (Mobile Home Park).

The regulations for the Mobile Home Park district are as follows:

- 1) Purpose and intent. The MHP district is established to provide locations for mobile home parks which eliminate or minimize certain conditions associated with mobile homes. The Mayor and City Council finds that it is necessary to restrict the location of mobile homes in order to: preserve land for low-density, single-family dwellings; protect property values; guard against traffic congestion; maintain aesthetics; regulate population density; regulate housing stock; and attempt to address concerns regarding wind vulnerability.
- 2) Standards. The regulations for the MHP mobile home park district are as follows:
 - a) Conditions of operation. Each mobile home park shall provide the following minimum facilities on the site for the common use of all trailer occupants:
 - i) Drives. Paved drives at least 20 feet wide shall be provided to each trailer space and to laundry or other service buildings and recreation areas.
 - ii) Refuse collection facilities. One refuse collection station shall be provided for each 20 families or fraction thereof, not more than 200 feet from any trailer served, and shall be conveniently located for collection. If individual refuse containers are used on the trailer site, these containers must be submerged in the ground with only the top portion extending above the ground level. In lieu of a submerged unit, stands may be provided to hold the cans and screen the cans from conspicuous view.
 - iii) Underground utility lines. Utility lines shall be underground unless the plans approved by the planning commission indicate certain specific lines above the ground.
 - iv) Landscaping. Each mobile home park shall be landscaped with shade trees and exterior screen planting.
 - v) Recreation area. At least ten percent of the gross land area shall be set aside for recreational use. No such area shall be less than one-half acre.
 - b) Improvements to trailers; patios.
 - i) No permanent additions of any kind shall be built onto or become a part of any trailer unit.
 - ii) The owner of the mobile home park shall install a concrete patio at least four inches thick, with minimum dimensions of 20 feet by eight feet, within each trailer space.
- 3) Required lot area.
 - i) No mobile home park shall be constructed or maintained on a lot or tract which has an average width of less than 400 feet or a total area of less than ten acres.
 - ii) Each trailer space shall be at least 50 feet in width and shall be a minimum of 4,000 square feet in area. In cul-de-sac or curved street design, the width of the trailer space shall be at least 50 feet at the location of the mobile home unit.
 - iii) Each trailer space shall be defined by a marker at each corner.

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- 4) Yard requirements. No trailer shall be located within:
 - i) Ten feet of its individual lot line.
 - ii) Forty feet from any exterior boundary of the mobile home park.
 - 5) Buffer strip requirements. A buffer strip at least 25 feet wide shall be located adjacent to each exterior property line of the mobile home park and not be included within any individual trailer lot. This buffer strip shall be increased to a width of 50 feet when located adjacent to property zoned for single-family dwellings or duplexes. This strip shall be densely planted with evergreen shrubs and trees.
 - 6) Off-street parking. A paved driveway, connecting to the interior drive, shall be provided on each trailer site, sufficient in length and width to serve as two off-street parking spaces.
 - 7) Sewerage and water supply. Central sewage disposal facilities must be used and there shall be no individual septic tanks in areas zoned for the uses provided in this section, and public water supply shall be used and there shall be no private wells allowed under the uses in this zone.
 - 8) Use limitations.
 - a) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article.
 - b) 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 2.03.
 - c) Livestock, nondomestic and wild animals, and poultry as defined in this chapter shall be prohibited.
 - 9) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.
 - 10) Each mobile home must consist of one or more rooms which are arranged, designated or used as living quarters for one family (as defined in Section 1.07 or two or fewer unrelated adults and their children and/or grandchildren).
 - a) A mobile home may be occupied only by a family related in the fourth degree as defined under Georgia state law, or two or fewer unrelated adults and their children and/or grandchildren.
 - b) A mobile home shall have an interior bathroom and complete kitchen facilities, permanently installed.

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- c) A mobile home shall have at least 250 square feet of total square footage (as determined in the records maintained by the Cobb County Tax Assessor) per each adult occupant.
 - d) No more than one vehicle per 250 square feet of total square footage may be parked regularly overnight at or within the paved parking area as required in item (6). Exceptions to this paragraph may be considered as part of a land use permit process.

Section 3.19 (RESIDENTIAL SENIOR LIVING)

(a) RSL District (Residential Senior Living).

The regulations for the RSL residential senior living facilities district are as follows:

- 1) Purpose and intent. The RSL district is established to provide locations for the development of appropriate housing for the population 55 and older. To ensure that older City of Mableton residents can live in attached or detached dwelling units and/or multistage housing and care facilities appropriate to their specific needs, the following regulations are designed to facilitate development which addresses the decreasing mobility, changing health and distinct consumer preferences of the older adult market. These uses shall not be established as a precedent for any other residential or nonresidential district.
- 2) The RSL district includes RSL supportive residential facilities, RSL nonsupportive residential units and RSL nonsupportive urban rental units.
- 3) Permitted Uses: Anything not permitted is prohibited. Permitted uses for this district are as reflected in Table 3-1. Also see Use Limitations applicable to RSL supportive residential facilities, RSL nonsupportive residential units and RSL nonsupportive urban rental units.
- 4) Bulk Regulations: Lot size, acreage, density, floor area, setback and height requirements for this district are as reflected in those regulations applicable to RSL supportive residential facilities, RSL nonsupportive residential units and RSL nonsupportive urban rental units.
- 5) Supportive and nonsupportive uses may be included and/or developed together on the same property to encourage multistage housing and care options for senior citizens. Ownership may be in fee simple, for lease, or via a contract which allows movement between lifestyle choices (levels of support and care) as the individual residents' needs evolve (provided the resident meets contract obligations). When used together, the project shall be designed to place the least intense part of the project adjacent to the more restrictive zoning districts, and the more intense, higher structures shall be placed in the center of the project to reduce the impact to the adjacent and nearby uses.
- 6) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 7) Parking requirements. Parking requirements for this district are contained in Section 7.18 setting forth the paved parking specifications.

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- 8) Lighting requirements. Any project permitted within this district which proposes any outdoor lighting, except individual residential lots, must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - 9) Antennas and satellite dishes shall meet the requirements as set forth in Section 7.20.
 - 10) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section 7.15.
 - 11) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an RSL district which abuts a more restrictive residentially zoned property shall have a minimum 20-foot (non-supportive) or 40-foot (supportive) landscaped screening or maintained natural buffer adjacent to all residential property. Minimum buffers may be increased by the Mayor and City Council based on existing conditions such as tract size, topographic conditions, etc. to provide compatibility with adjacent residential uses. When abutting a non-residentially zoned property, a ten-foot landscaped screening or maintained natural buffer is required. The buffer shall be subject to approval by city staff. 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/or 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 2.03.
 - a) Objectives. Undisturbed buffers, planted landscape, maintained natural buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - i) Screening to enhance aesthetic appeal;
 - ii) Control or direction of vehicular and pedestrian movement;
 - iii) Reduction of glare;
 - iv) Buffering of noise; and
 - v) Establishment of privacy.
 - b) Landscape buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:
 - c) Plantings are to be a mix of evergreen trees and shrubs;
 - d) Species are to be ecologically compatible to the site and appropriate for design situation;
 - e) Unless public safety concerns dictate otherwise, buffer should maximize visual barrier to height of six feet within two years of planting;
 - f) Minimum height of plant materials at installation is to be five feet for trees and two feet for shrubs;
 - g) Fencing or walls are to be minimum six feet in height as approved by city staff;

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- h) Trees included in buffer plantings may not be counted toward site density calculations as required by the city's tree preservation and replacement ordinance, subject to review and approval of city staff.
 - i) Buffers shall be regularly maintained by the property owners to ensure that the objectives and standards set out in this section are met;
 - j) When topography and existing conditions allow, the required buffer should be an undisturbed buffer; and
- 12) Any appeals from a determination by city staff shall be to the board of zoning appeals.
- 13) Berms. Berms are subject to review and approval by city staff in accordance with the following standards:
- a) Berms shall be utilized when consistent with surrounding property features;
 - b) Berms shall be stabilized;
 - c) Berms shall be constructed to be consistent with natural or proposed drainage patterns; and
 - d) Berms shall be regularly maintained by the property owner.

(b) RSL District for supportive residential facilities.

The regulations that apply in the RSL supportive residential facilities district are all the regulations that apply to the RSL District and the following regulations:

- 1) Purpose and intent. The RSL supportive residential facilities district is established to provide locations for the development of supportive residential living facilities, for tenants aged 55 and older which shall not be established as a precedent for any other residential or nonresidential district. This residential use is designed to be located within properties delineated as a community activity center, neighborhood activity center, or high density residential as defined and shown on the Comprehensive Plan. This residential use is also designed to function as a cut-off for nonresidential uses within an activity center and a transitional use to residential uses adjoining activity centers.
- 2) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows: Supportive residential facilities.
- 3) Lot size and setback requirements. (See use limitations)
- 4) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an RSL supportive residential facilities which abuts a more restrictive residentially zoned property shall have a minimum 40-foot landscaped screening or maintained natural buffer adjacent to all residential property. Minimum buffers may be increased by the Mayor and City Council based on existing conditions such as tract size, topographic conditions, etc. in order to provide compatibility with adjacent residential uses.
- 5) Building and structure requirements. (See use limitations)
- 6) Parking requirements. (See use limitations)
- 7) Lighting requirements. Any project permitted within the RSL supportive residential facilities which proposes a lighted facility, must have an approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 8) Accessory buildings, structures, uses and decks. Accessory buildings, structures, uses and decks shall be as regulated by Section 7.15.
- 9) The "housing for older person" exemption. The developer must incorporate procedures to show compliance with the housing for older person exemption under the Fair Housing Act, as may be amended from time to time.
- 10) Use limitations.
 - a) Any RSL supportive facility shall be subject to the site plan submitted and approved by the Mayor and City Council.
 - b) A maximum of 100 units for supportive living facilities, and a maximum of 200 units for a nonsupportive living facility when located within a neighborhood activity center or community activity center as shown on the Cobb County comprehensive plan, as may be amended from time to time. A maximum of 300 units for supportive living facilities, and

a maximum of 400 units for an nonsupportive living facility when located within a high density residential category as shown on the Cobb County comprehensive plan, as may be amended from time to time.

- c) Site must be located to have no adverse impact to surrounding residential areas. No adverse impact means, but is not limited to, sufficient buffering, traffic considerations and other institutional uses predominate in the immediate area.
- d) Three-acre minimum lot size.
- e) No sexually oriented businesses are permitted.
- f) Facilities must be limited to those persons aged 55 and older as defined by the Fair Housing Act as amended from time to time.
- g) Architectural style, roof pitch and building height to be approved by the Mayor and City Council based upon size of tract and surrounding uses. Thirty-five feet is the maximum building height when located in a neighborhood activity center or community activity center as shown on the Cobb County comprehensive plan, as may be amended from time to time. Fifty feet is the maximum building height when located in high density residential as shown on the Cobb County comprehensive plan, as may be amended from time to time.
- h) Each facility must include kitchen and dining facilities sufficient to serve all occupants. However, this shall not preclude kitchenette facilities within each unit. Kitchenette is defined as an area for preparation of foods limited to a refrigerator, sink, stovetop unit, microwave unit or portable oven and shall not include a built-in oven.
- i) Each facility must meet all applicable requirements regarding emergency response.
- j) Each facility must include a centralized area or areas denoted solely for resident activities proportionate to size of facility.
- k) An overall landscape plan is to be approved by the Mayor and City Council with emphasis on size of tract, buffers, surrounding uses, and passive recreational areas.
- l) An overall parking plan for the entire site shall be approved by the Mayor and City Council and must include provisions for adequate shuttle services to serve each facility. A minimum of 0.75 spaces per unit shall be provided.
- m) Accessory retail uses in RSL is a permitted use for occupants, guests, and employees.
- n) HVAC and other mechanical equipment must be adequately screened.
- o) Dumpsters shall be adequately screened and trash pick-up shall be between 7:00 a.m.—9:00 p.m. only.
- p) Exhaust fumes generated from the centralized kitchen and dining facility must meet all required codes and ordinances.
- q) When an RSL supportive facility is located within a neighborhood activity center, the maximum floor area ratio is 0.50.
- r) When an RSL supportive facility is located within a community activity center or high density residential, the maximum floor area ratio is 0.75.
- s) Each facility must be protected by a fire sprinkler system.

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- t) Maximum impervious surfaces (70 percent—CAC, HDR and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
 - u) Portions of projects should incorporate applicable accessibility and "easy living" standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia).
 - v) A 40-foot perimeter building setback must be provided to all adjacent residentially zoned properties. This perimeter setback may include required buffers. A 30-foot setback shall be required adjacent to any public roadway. There shall be a minimum setback of 15 feet between buildings. Minimum setbacks may be increased by the Mayor and City Council based on existing conditions such as tract size, topographic conditions, etc. to provide compatibility with adjacent residential uses.
 - w) The supportive use must have indoor and/or outdoor amenities dedicated to the physical and mental wellness of the residents such as: game rooms, billiard rooms, event halls, computer rooms, classrooms, exercise/weight training rooms, swimming pools, spas and/or hot tubs for aqua therapy, hobby rooms, open air facilities, bocce courts, shuffleboard courts, lawn sports, walking trails, gardens, and the like.

(c) RSL District for nonsupportive residential units.

The regulations that apply in the RSL District for nonsupportive residential units are all the regulations that apply to the RSL District and the following regulations:

- 1) Purpose and intent. The RSL nonsupportive residential units is established to provide locations for the development of attached and detached dwelling units limited to those persons aged 55 and older as defined by the Fair Housing Act as may be amended from time to time and shall not be established as a precedent for any other residential or nonresidential district. This residential use is designed to be located within any land use category other than industrial, industrial compatible, rural residential and very low density residential as defined by the Cobb County Comprehensive Plan, as may be amended from time to time, provided that it must be located along an arterial or collector roadway (as defined by the Cobb County Major Thoroughfare Plan, as may be amended from time to time). A non-supportive RSL may only be located on a collector road if the following criteria is met: a minimum of ten acres and a density maximum of four units per acre. The Mayor and City Council may reduce the density based on the surrounding density, topography, deforestation, drainage concerns, or other similar factor.
- 2) Permitted uses. Anything not permitted is prohibited. Permitted uses are as follows:
 - a) Attached residential units
 - b) Detached residential units
- 3) Lot size and setback requirements. (See use limitations)
- 4) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any RSL nonsupportive residential units which abut more restrictive residentially zoned property shall have a minimum 20-foot landscaped screening or maintained natural buffer adjacent to all residential property. When abutting nonresidentially zoned property, a ten-foot landscaped screening buffer is required. Minimum buffers may be increased by the Mayor and City Council based on existing conditions such as tract size, topographic conditions, etc. to provide compatibility with adjacent residential uses.
- 5) Building and structure requirements. (See use limitations).
- 6) Parking requirements. (See use limitations).
- 7) Accessory buildings, structures, uses and decks. Accessory buildings, structures, uses and decks shall be as regulated by Section 7.15.
- 8) Use limitations.
 - a) Any RSL nonsupportive residential units shall be subject to the site plan submitted and approved by the Mayor and City Council. Overall residential development shall be compatible with neighboring residential uses.
 - b) Minimum tract size of three acres.

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- c) Maximum density of five units per acre; however, the overall density of a development may be reduced due to topography, drainage, deforestation or sediment and erosion concerns.
 - d) All dwelling units must be limited those persons aged 55 and older as defined by the Fair Housing Act as may be amended from time to time.
 - e) No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - f) No sexually oriented businesses are permitted.
 - g) All uses are subject to Section (Subdivision), the city's subdivision regulations.
 - h) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - i) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article.
 - j) A mandatory owners association must be formed and incorporated which provides for building and grounds maintenance and repair, insurance and working capital. Said association must also include declaration and bylaws, including rules and regulations, subject to staff review and approval. The declaration and bylaws shall not be enforced by the city. The declaration and bylaws shall, at a minimum, regulate and control the following:
 - i) Animals.
 - ii) Signs.
 - iii) Exterior items such as fences, lawn ornaments and restrictions on removal of landscape areas and buffers.
 - iv) Building improvements.
 - v) Outside storage.
 - vi) Overnight parking of vehicles.
 - vii) Decorations.
 - viii) Trash collection.
 - ix) Restrictions/definitions on single-family residential use only, and leasing of units. No more than ten percent of the total units may be leased by individual owners at any time.
 - x) Restrictions on all units being occupied by persons aged 55 and older as defined by the Fair Housing Act may be amended from time to time.
 - xi) Accessory buildings and structures.
 - k) All units must have an attached garage, which must be used for vehicle parking only. A minimum of two parking spaces per unit is required. The parking spaces must be in the driveway or garage.
 - l) No more than four units may be attached side by side.

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- m) Maximum of four attached units (quadruplex).
 - n) Any RSL nonsupportive 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).
 - o) All RSL nonsupportive residential unit projects must be designed to provide pedestrian access to all adjacent properties and roadways. Connectivity to public transit will be required when available.
 - p) Any RSL nonsupportive residential units project which proposes an amenity area will be required to design such feature for those residents aged 55 and older.
 - q) Each individual dwelling unit's façade must be constructed with a combination of brick, stucco, stone, shakes, board and batten or other hardened surface.
 - r) No RSL nonsupportive residential units development may be located within an existing subdivision, unless being proposed as an assemblage.
 - s) Maximum building height of 35 feet.
 - t) A 30-foot perimeter building setback must be provided to all adjacent residentially zoned properties. This perimeter setback may include required buffers. A 20-foot setback shall be required adjacent to any public roadway. There shall be a minimum setback of 15 feet between buildings. Minimum setbacks may be increased by the Mayor and City Council based on existing conditions such as tract size, topographic conditions, etc. to provide compatibility with adjacent residential uses.
 - u) An overall landscape plan is to be approved by the Mayor and City Council with emphasis on size of tract, buffers, surrounding uses, and passive recreational areas.
 - v) Projects must incorporate applicable accessibility and "easy living" standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia) to include at least one full bath on the main floor, with ample maneuvering space; a bedroom on the main floor; ample interior door widths; and one stepless entrance at either the front, side or back of the home, or through the garage.
 - w) Projects must incorporate an area designated as common space or recreational space for the enjoyment of the residents.
 - x) Impervious surface shall not exceed 55 percent of the total site area.
 - y) Projects proposing public infrastructure to be accepted by the City for maintenance must be designed in accordance with all applicable standards and specifications, including but not limited to building setbacks.
 - z) 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 2.03.

(d) RSL District for nonsupportive urban rental units.

The regulations that apply in the RSL District for nonsupportive urban rental units are all the regulations that apply to the RSL District and the following regulations:

- 1) Purpose and intent. The RSL nonsupportive urban rental units is established to provide locations for the development of mid-rise dwelling units (up to eight stories) limited to those persons aged 55 and older as defined by the Fair Housing Act as may be amended from time to time and shall not be established as a precedent for any other residential or nonresidential district. This residential use must be located within a high-density residential area as defined by the Cobb County Comprehensive Plan, as may be amended from time to time.
- 2) Permitted uses. Anything not permitted is prohibited. Permitted uses are as follows:
 - a) Attached residential units.
 - b) Detached residential units.
 - c) Accessory retail uses in RSL.
 - d) Neighborhood retail uses provided that the total square footage of the uses does not exceed ten percent of the total floor area of the structure(s).
- 3) Lot size and setback requirements. (See use limitations)
- 4) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any RSL nonsupportive urban rental units which abut more restrictive residentially zoned property shall have a minimum 50-foot landscaped screening or maintained natural buffer adjacent to all residential property. When abutting nonresidentially zoned property, a ten-foot landscaped screening buffer is required. Minimum buffers may be increased by the Mayor and City Council based on existing conditions such as tract size, topographic conditions, etc. in order to provide compatibility with adjacent residential uses.
- 5) Building and structure requirements. (See use limitations).
- 6) Parking requirements. (See use limitations).
- 7) Accessory buildings, structures, uses and decks. Accessory buildings, structures, uses and decks shall be as regulated by Section 7.15.
- 8) Use limitations.
 - a) Any RSL nonsupportive urban rental units shall be subject to the site plan submitted and approved by the Mayor and City Council.
 - b) Minimum tract size of three acres.
 - c) No sexually oriented businesses are permitted..
 - d) All dwelling units must be limited to those persons aged 55 and older as defined by the Fair Housing Act as may be amended from time to time.
 - e) No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
 - f) All uses are subject to Section (Subdivision), the city's subdivision regulations.

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- g) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - h) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, excluding firewood and lawn furnishings, unless otherwise allowed in this article, or as otherwise prohibited in the condominium declaration and bylaws.
 - i) All units must have access to a parking garage or similar on-site parking facility. Parking shall be provided at 1.25 spaces per unit.
 - j) All RSL nonsupportive urban rental unit projects must be designed to provide pedestrian access to all adjacent properties and roadways. Connectivity to public transit will be required when available.
 - k) Any RSL nonsupportive urban rental unit project which proposes an amenity area will be required to design such feature for those residents aged 55 and older.
 - l) An overall landscape plan is to be approved by the Mayor and City Council with emphasis on size of tract, buffers, surrounding uses, and passive recreational areas.
 - m) Projects must incorporate applicable accessibility and "easy living" standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia) to include at least one full bath on the main floor, with ample maneuvering space; a bedroom on the main floor; ample interior door widths; and one stepless entrance at either the front, side or back of the home, or through the garage.
 - n) At least 25 percent of the units shall be affordable. For the purposes of this section, "affordable" 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. Affordability shall include all monthly rents, fees and charges for the unit.
 - o) Impervious surface shall not exceed 55 percent of the total site area.
 - p) 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 2.03.
- 9) The maximum building height is eight stories.
- 10) A 30-foot perimeter building setback must be provided to all adjacent residentially zoned properties. This perimeter setback may include required buffers. A 20-foot setback shall be

required adjacent to any public roadway or non-residentially zoned property. Minimum setbacks may be increased by the Mayor and City Council based on existing conditions such as tract size, topographic conditions, etc. to provide compatibility with adjacent residential uses.

Sec. 2.20 through Sec. 2.99 Reserved.

DIVISION III NONRESIDENTIAL AND MIXED-USE ZONING DISTRICTS

Section 3.20 LRO (Low Rise Office).

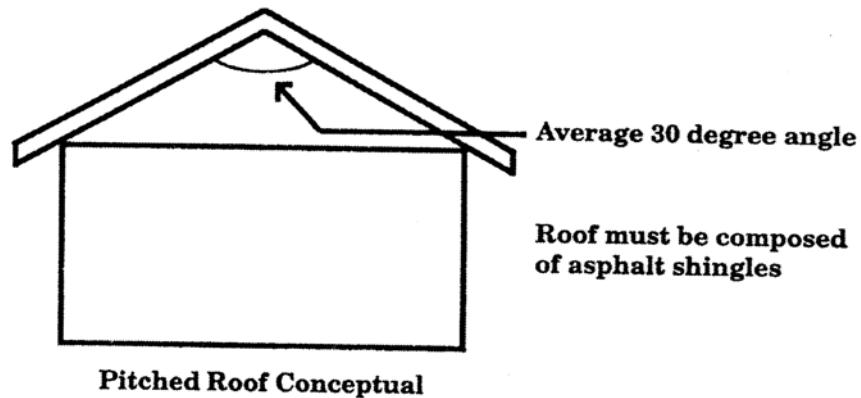
The regulations for the LRO low-rise office district are as follows:

- 1) Purpose and intent. The LRO district is established to provide locations for low scale professional offices and other nonretail commercial uses such as offices and nursery schools, which are on properties delineated within or on the edge of a neighborhood activity center or community activity center as defined and shown on the Comprehensive Plan. When located on the edge of a neighborhood activity center node as defined by the comprehensive plan, the LRO district should provide for office uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 20-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.
- 4) Building and structure requirements.
 - a) Maximum building height is 35 feet, with no more than two stories.
 - b) Any structure erected within the LRO district shall have a pitched roof conceptually consistent with the following diagram. Additionally, the pitched roof shall be constructed with asphaltic shingles or material consistent in appearance with asphaltic shingles. The pitched roof shall be subject to the requirements of the county Georgia Span Tables for Joists and Rafters 1978, as amended from time to time. The pitched roof shall also be further subject to approval by the community development department. Any structure within the LRO district which is adjacent to residentially zoned property shall also be

architecturally compatible with the adjacent residential properties. The architectural design shall be approved by the Community Development Director.

DIAGRAM 2. PITCHED ROOF CONCEPTUAL FOR LRO DISTRICT

LRO



- 5) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 6) Parking requirements. See Section 7.18 for paved parking specifications.
- 7) Lighting requirements. Any project permitted within this district which proposes a lighted facility must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 8) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts. A special land use permit may be a requirement for Special Exception use.
- 9) Temporary land use permits and special land use permits. See sections (Temporary) and Section 5.04 for additional uses and requirements for all districts.
- 10) Use limitations.
 - a) The maximum floor area ratio for office uses is 0.5.
 - b) All structures located within the LRO district shall be appropriately scaled in relation to the transitional nature of the immediate area.
 - c) Existing single-family structures shall be utilized when possible.

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- d) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - e) No sexually oriented businesses are permitted.
 - f) No overnight parking of commercial vehicles is permitted, except for mini-vans or cars.
 - g) It is found and declared that outside storage on properties within the city is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, unless otherwise allowed in this article.
 - h) No drive-in establishments are permitted.
 - i) No laboratories or clinics are permitted.
 - j) No uses that emit noxious odors, fumes or sounds are permitted.
 - k) No outside runs are permitted with any veterinary office use permitted within this district.
 - l) Maximum impervious surfaces (70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
 - m) No loading docks or facilities may be located in the front of any primary structure.
 - n) 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 2.03.
- 11) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the city Community Development Director as to the location, architectural design and size prior to commencing construction. The city Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the city Community Development Department or receive approval from the Director of the Community Development Department.
- a) Accessory storage buildings, to include parking garages, are permitted subject to the following conditions:
 - i) Maximum height is two stories, not to exceed 35 feet.

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- ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
- b) Antennas and satellite dishes shall meet the requirements set forth in Section 7.20.
 - c) Incidental storage is permitted, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.21 NRC (Neighborhood Retail Commercial).

The regulations for the NRC neighborhood retail commercial district are as follows:

- 1) Purpose and intent. The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center or community activity center as defined and shown on the Comprehensive Plan. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 20-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.
- 4) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.

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- 5) Parking requirements. See Section 7.18 for paved parking specifications.
 - 6) Lighting requirements. Lighting will be reviewed and approved so that stray light onto adjoining and nearby properties is eliminated or reduced. A lighting plan with light poles, wall packs and building lighting to be approved by the Cobb County Department of Transportation. The lighting plan is to have all lights shown, lumens, wattage of bulbs, and which way the light is shining.
 - 7) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.
 - 8) Temporary land use permits and special land use permits. See Sections 5.04 and Section 5.02 for additional uses and requirements for all districts.
 - 9) Use limitations.
 - a) Maximum floor area ratio is 0.5 for office uses and 0.25 for retail uses.
 - b) All structures located within the NRC district shall be appropriately scaled in relation to the transitional nature of the immediate area.
 - c) All business establishments classified as neighborhood retail uses shall be restricted in accordance with the following:
 - d) One anchor tenant not to exceed 70,000 square feet of gross floor area.
 - e) One additional tenant not to exceed 20,000 square feet of gross floor area.
 - f) Remaining tenants not to exceed 7,500 square feet of gross floor area.
 - g) No neighborhood retail shopping center will exceed 140,000 square feet of gross floor area.
 - h) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - i) No overnight parking of commercial vehicles is permitted, except for mini-vans or cars.
 - j) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, unless otherwise allowed in this article. Within the NRC district, outside storage shall not include commercial vehicles used for a permitted use.
 - k) No laboratories or clinics are permitted.
 - l) Any emission or automotive inspection station shall be located within a permanent facility. No temporary buildings/tents shall be utilized or allowed. Emission or automotive inspection stations within permanent facilities shall mean an indoor inspection establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing emission and automotive inspections/testing. The permanent facility must be compliant with the city's adopted building codes.
 - m) No light automotive repair establishment or full-service gasoline station shall exceed 8,000 square feet, and no outside repair shall be allowed except for replacing taillights, wiper blades, batteries and tires, and routine inspections.
 - n) No uses that emit noxious odors, fumes or sounds are permitted.

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- o) No sexually oriented businesses are permitted.
 - p) No outside runs are permitted with any veterinary office use permitted within this district.
 - q) Outdoor displays of merchandise must comply with the provision in Section 7.12.
 - r) Maximum impervious surfaces (70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
 - s) No loading docks or facilities may be located in the front of any primary structure.
- 10) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The city Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the Community Development Department. Permitted accessory structures and uses are as follows:
- a) Accessory storage buildings, to include parking garages, subject to the following conditions:
 - i) Maximum height is two stories, not to exceed 35 feet.
 - ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
 - b) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
 - c) Carwashes accessory to convenience food stores with self-service fuel.

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- d) Heating and air conditioning units, subject to the following conditions:
 - i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
 - iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
 - iv) No ground-based heating and air conditioning units shall exceed 35 feet in height.
 - e) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the city Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.22 LRC (Limited Retail Commercial).

The regulations for the LRC limited retail commercial district are as follows:

- 1) Purpose and intent. The LRC district is established to provide locations for specialized or limited low intensity shopping facilities which are on properties delineated within a neighborhood activity center or community activity center as defined and shown on the Comprehensive Plan. These convenience shopping facilities should have low intensity retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require purchasing with a minimum of consumer travel. Areas zoned for the LRC district are appropriately located at or adjacent to intersections as opposed to the edge of a neighborhood activity center. The LRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center. The scope at which properties are developed within the LRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the LRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 20-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.
- 4) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.

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- 5) Parking requirements. See Section 7.18 for paved parking specifications.
 - 6) Lighting requirements. Any project permitted within this district which proposes a lighted facility must have a Cobb County Department of Transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - 7) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.
 - 8) Temporary land use permits and special land use permits. See Sections 5.04 and Section 5.02 for additional uses and requirements for all districts.
 - 9) Use limitations.
 - a) Maximum floor area ratio is 5,000 square feet per acre.
 - b) All structures located within the LRC district shall be appropriately scaled in relation to the transitional nature of the immediate area.
 - c) No business establishment shall occupy more than 5,000 square feet of gross floor area, except that either one drugstore or one hardware store may occupy up to 10,000 square feet of gross floor area, or a food store may occupy up to 35,000 square feet of gross floor area provided that the acreage is sufficient so as not to exceed the maximum floor area ratio.
 - d) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - e) No overnight parking of commercial vehicles is permitted, except for mini-vans or cars.
 - f) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage or permanent outside display is permitted, unless otherwise allowed in this article. Within the LRC district, outside storage shall not include commercial vehicles used for a permitted use. Outside storage shall include any automobiles or vehicles that are being repaired or serviced in conjunction with a permitted use.
 - g) No laboratories or clinics are permitted.
 - h) No drive-through facilities are permitted unless specifically permitted and located under the main roof of a shopping center with at least two other retail uses.
 - i) No uses that emit noxious odors, fumes or sounds are permitted.
 - j) No sexually oriented businesses are permitted.
 - k) No outside runs are permitted with any veterinary office use permitted within this district.
 - l) No loading docks or facilities may be located in the front of any primary structure.
 - m) Maximum impervious surfaces (70 percent—CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
 - 10) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which

exceeds 1,000 square feet of gross space must have the approval of the city Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the city Community Development Department. Permitted accessory structures and uses are as follows:

- a) Accessory storage buildings, to include parking garages, subject to the following conditions:
 - i) Maximum height is two stories, not to exceed 35 feet.
 - ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
- b) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
- c) Heating and air conditioning units, subject to the following conditions:
 - i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
 - iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from front or side view.
 - iv) No ground-based heating and air conditioning units shall exceed 35 feet in height.

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- d) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the city Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.23 O&I (Office & Institutional).

The regulations for the O&I office and institutional district are as follows:

- 1) Purpose and intent. The O&I district is established to provide locations for nonretail commercial uses such as offices and financial institutions, which are on properties delineated within or on the edge of a community activity center as defined and shown on the Comprehensive Plan. The office and institutional district is designed primarily to provide for four-story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step-down nodal zoning away from more intensive commercial uses and otherwise to implement the stated purpose of this chapter.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 20-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.
- 4) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 5) Parking requirements. See Section 7.18 for paved parking specifications.
- 6) Lighting requirements. Any project permitted within this district which proposes a lighted facility must have a Cobb County Department of Transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 7) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.

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- 8) Temporary land use permits and special land use permits. See Sections 5.04 and Section 5.02 for additional uses and requirements for all districts.
- 9) Use limitations.
- a) Maximum floor area ratio is 0.75 for office uses and 0.25 for retail uses (accessory).
 - b) All structures located within an O&I district shall be appropriately scaled in relation to the transitional nature of the immediate area.
 - c) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - d) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, unless otherwise allowed in this article. Within the O&I district, outside storage shall not include commercial vehicles.
 - e) No sexually oriented businesses are permitted.
 - f) No drive-in eating or drinking establishments are permitted.
 - g) No uses that emit noxious odors, fumes or sounds are permitted.
 - h) No outside runs are permitted with any veterinary office use permitted within this district.
 - i) Kitchenettes or kitchen facilities are prohibited in motels.
 - j) Maximum impervious surfaces (70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
 - k) No loading docks or facilities may be located in the front of any primary structure.
- 10) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the city Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the city Community Development Department. Permitted accessory structures and uses are as follows:
- a) Accessory retail sales and service.
 - b) Accessory storage buildings, to include parking garages, subject to the following conditions:

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- i) Maximum height is two stories, not to exceed 35 feet.
 - ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
- c) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
- d) Freestanding parking garages, subject to the following conditions:
- i) Maximum height: four stories.
 - ii) When abutting any residential property line, freestanding parking garages shall not be located within any required buffers.
 - iii) When abutting any other nonresidential district, no freestanding garage shall be located closer than five feet to a side or rear lot line.
- e) Heating and air conditioning units, subject to the following conditions:
- i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
 - iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
 - iv) No ground-based heating and air conditioning unit shall exceed 35 feet in height.
- f) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the city Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.24 UVC (Urban Village Commercial).

The regulations for the UVC urban village commercial district are as follows:

- 1) Purpose and intent. The UVC district is established to provide locations for planned mixed use development of low intensity, low scale commercial, office and residential uses, not subdivided into customary streets and lots, and which will not be subdivided. This is intended to encourage compatible mixed uses within the boundaries of properties delineated within or on the edge of a regional, community and neighborhood activity center and high density residential as defined and shown on the Comprehensive Plan. When located on the edge of activity centers or high-density residential areas as defined by the comprehensive plan, the UVC district should provide for office and retail uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 10-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.
- 4) Building and structure requirements. Maximum building height to be determined by the Mayor and City Council on a case-by-case basis considering nature and character of surrounding properties.
- 5) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 6) Parking requirements. See Section 7.18 for paved parking specifications.

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- 7) Lighting requirements. Any project permitted within this district which proposes a lighted facility must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - 8) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.
 - 9) Temporary land use permits and special land use permits. See Section 5.04 and Section 5.02 for additional uses and requirements for all districts.
 - 10) Use limitations.
 - a) Maximum floor area ratio is 0.25.
 - b) All structures located within a UVC district shall be appropriately scaled in relation to the transitional nature of the immediate area.
 - c) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - d) No sexually oriented businesses are permitted.
 - e) No overnight parking of commercial vehicles is permitted, except for mini-vans or cars.
 - f) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage or permanent outside display is permitted, unless otherwise allowed in this article. Within the UVC district, outside storage shall not include commercial vehicles used for a permitted use. Outside storage shall include any automobiles or vehicles that are being repaired or serviced in conjunction with a permitted use.
 - g) No drive-in establishments are permitted.
 - h) No uses that emit noxious odors, fumes or sounds are permitted.
 - i) No outside runs are permitted with any veterinary office use permitted within this district.
 - j) Eating and drinking establishments shall not exceed 3,000 square feet and shall not allow bars or nightclubs.
 - k) Residential densities may also be limited in overall acreage due to intense deforestation, drainage, erosion and sedimentation concerns associated with such development.
 - l) Maximum impervious surfaces (70 percent—CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
 - m) Special requirements:
 - i) Residential density shall be determined by the Mayor and City Council on a case-by-case basis considering nature and character of surrounding properties.
 - ii) The minimum floor area of any residential dwelling shall not be less than 1,000 square feet.
 - iii) No residential dwelling unit shall occupy a ground floor.
 - iv) All retail sales and personal service establishments shall be located on the ground floor.

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- v) The gross floor area occupied by nonresidential uses shall not exceed 50 percent of the total gross floor area of the buildings or individual structures.
 - vi) Approval by the county fire marshal is required.
 - vii) The residential portion of the development shall be completed and operational prior to issuance of certificate of occupancy for the commercial portion.
 - viii) No loading docks or facilities may be located in the front of any primary structure.
- 11) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The city Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the city Community Development Department. Permitted accessory structures and uses are as follows:
- a) Accessory storage buildings, to include parking garages, subject to the following conditions:
 - i) Maximum height is two stories, not to exceed 35 feet.
 - ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
 - b) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
 - c) Carwashes accessory to convenience food stores with self-service fuel.
 - d) Heating and air conditioning units, subject to the following conditions:

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- i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
 - iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
- e) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.25 PVC (Planned Village Community).

The regulations for the PVC planned village community district are as follows:

- 1) Purpose and intent. The PVC district is established to provide locations and encourage flexible site plans and building arrangements under a unified plan of development rather than lot-by-lot regulation for retail commercial and service uses which are designed and oriented to be self-sufficient neighborhoods making up a community. The developer benefits from better land utilization and economy in the provision of roads and utilities and overall site design. Projects developed within a PVC district should be designed to compact unified retail centers within the center of the community. Projects developed within a PVC district should occupy a quadrant of an intersection and only have ingress and egress from a major or collector street or state highway which is delineated within any land use category other than industrial or industrial compatible as defined and shown on the Comprehensive Plan. Additionally, the desired quadrant location will provide for planned developments and one-destination shopping and service locations to serve the community and will minimize traffic congestion.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 40-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's approval. The city discourages locating PVC districts and developments adjacent to single family residential districts, unless in a planned mixed-use project with nonresidential development located within the center of the project and residential development, with lot sizes compatible to existing neighborhoods, required on the periphery/exterior of the property. 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.
- 4) Building and structure requirements. Maximum building height is 75 feet. (CAC—four stories, NAC and Residential—two stories).

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- 5) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.
 - 6) Parking requirements. See Section 7.18 for paved parking specifications.
 - 7) Lighting requirements.
 - a) Any project permitted within the PVC 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 7.16.
 - b) All developments with multifamily units shall be designed with lighting that does not spill over into abutting properties and is the minimum to provide security for residents of multifamily housing developments.
 - 8) Multifamily unit development security. To enhance building/site security, applicants shall coordinate with local law enforcement to develop a security plan in accordance with the standards of crime prevention through environmental design (CPTED). Security plan shall be reviewed and updated annually by the property manager.
 - 9) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.
 - 10) Temporary land use permits and special land use permits. See Sections 5.04 and Section 5.02 for additional uses and requirements for all districts.
 - 11) Use limitations. A PVC development shall meet at the minimum the following:
 - a) General standards are as follows:
 - i) The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.
 - ii) The development shall not adversely affect developed or undeveloped neighboring properties.
 - iii) The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations.
 - iv) Water, sewerage, highway and school facilities shall be adequate for the proposed development, or there shall be a definite proposal for making them so.
 - v) Nonresidential uses must be located within the center/interior of the project and compatible residential uses must be on the periphery/exterior of the project so to protect adjacent residential areas.
 - b) A PVC may be located within any category other than industrial or industrial-compatible as defined by the Cobb County Comprehensive Plan: A Policy Guide, as amended from time to time, so long as it meets the standards set forth in this section and is compatible with surrounding uses and zoning districts.
 - c) A PVC shall require at a minimum ten (10) contiguous acres.

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- d) Common open space requirements are as follows:
- i) A minimum of 550 square feet per dwelling unit in a PVC shall be reserved for open space, parks, or other recreational or public uses, subject to the following:
 - (1) No more than 50 percent of the land so reserved may lie in a floodplain or wetland.
 - (2) While such open space shall not be required to be contiguous, the open space must be useable and functional open space, parks, or other recreational or public uses and must be permanently protected via conservation easement or restrictive covenants in favor of the county for conservation uses.
 - ii) The required yards, parking and right-of-way areas shall not be credited toward the minimum open space requirements.
 - iii) The amount of required common open space will be automatically reduced as the density of development is reduced and will be automatically increased as the density of development is increased.
 - iv) The required open space shall be developed and landscaped by the developer in accordance with an approved landscaping plan.
- e) All PVC developments shall be zoned and subject to a specific site plan.
- f) Commercial uses must be located within the center/interior of the project and compatible residential uses must be on the periphery/exterior of the project so to protect adjacent residential areas.
- g) The entire PVC shall be included within private deed covenants running with the land to ensure the continuance of the PVC in accordance with approved plans and development.
- h) For off-street parking requirements, see the parking standards in Section 7.18.
- i) Requirements for retail sales and services are as follows:
- i) Area requirements. Area requirements for a PVC within any residential land use category as defined by the county comprehensive plan, as may be amended from time to time. There shall be a maximum of 5,000 square feet of total net floor space for retail sales and services as permitted in this section for each 100 dwelling units in a PVC district having an area of not less than 50 contiguous acres. Land may be reserved for the maximum permitted retail sales and service development, but the permitted square feet of retail sales and service floor area may be built only as the required ratio of dwelling units has been constructed.
 - ii) Structures. Retail sales and services shall be conducted entirely within a wholly and permanently enclosed building which shall be of an architectural design compatible with the residential structures within the PVC.
 - iii) Relation to residentially developed property lying outside planned village community. The sides, rear or front of a lot developed for retail sales and services or multifamily dwellings shall neither abut nor lie across the street from property lying outside the PVC that is developed with one-family houses unless properly buffered in accordance with a landscape plan approved by the Mayor and City Council.

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- j) Any signage for office and commercial uses shall be limited to a single ground-based monument-style sign as provided in Section 6.09 of this ordinance.
 - k) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - l) All the land in a PVC shall be owned initially by an individual, corporation, partnership or some other legal entity. Individual properties in a PVC may be sold after a final plat has been duly recorded, with the properties subject to private deed covenants that ensure the continuance of the PVC as originally approved. A PVC may contain a mix of the residential uses permitted in this section together with a limited amount of office and commercial uses limited by the density set forth in this section.
 - m) Any emission or automotive inspection station shall be located within a permanent facility. No temporary buildings/tents shall be utilized or allowed. Emission or automotive inspection stations within permanent facilities shall mean an indoor inspection establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing emission and automotive inspections/testing. The permanent facility must be compliant with the city's adopted building codes.
 - n) No uses that emit noxious odors, fumes or sounds are permitted.
 - o) The side yard setbacks may be waived except along the exterior boundaries of the development.
 - p) No sexually oriented businesses are permitted.
 - q) A PVC shall have ingress and egress only on a major or collector street or state highway.
 - r) Kitchenettes or kitchen facilities are prohibited in motels.
 - s) No loading docks or facilities may be located in the front of any primary structure.
 - t) Area requirements for a PVC within a NAC or CAC as defined by the county comprehensive plan, as may be amended from time to time. There shall be a maximum of 70,000 square feet of total net floor space for retail sales and services as permitted in this section for each 100 dwelling units in a PVC district having an area of not less than 50 contiguous acres located within a NAC. There shall be a maximum of 140,000 square feet of total net floor space for retail sales and services as permitted in this section for each 100 dwelling units in a PVC district having an area of not less than 50 contiguous acres located within a CAC. Land may be reserved for the maximum permitted retail sales and service development, but the permitted square feet of retail sales and service floor area may be built only as the required ratio of dwelling units has been constructed.
 - u) Net residential densities within any PVC should be generally consistent with the density recommended for the property via the county comprehensive plan, as may be amended from time to time. The Mayor and City Council will consider the character of surrounding land uses when determining whether proposed residential densities are generally consistent with the county comprehensive plan, as may be amended from time to time. The Mayor and City Council will also consider the amount of open space proposed, as well as width

and type of buffers proposed for adjacent residential properties. Residential densities may also be limited in overall acreage due to intense deforestation, drainage, erosion and sedimentation concerns associated with such development.

- v) Eating and drinking establishments, excluding bars or nightclubs, shall be a maximum of 3000 square feet for a PVC within any residential category as defined by the county comprehensive plan, as may be amended from time to time.
- w) Maximum impervious surfaces (70 percent—CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.

12) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the city Community Development Department. Permitted accessory structures and uses are as follows:

- a) Accessory storage buildings, to include parking garages, subject to the following conditions:
 - i) Maximum height is two stories, not to exceed 35 feet.
 - ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.

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- b) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
 - c) Carwashes accessory to convenience food stores with self-service fuel.
 - d) Freestanding parking garages, subject to the following conditions:
 - i) Maximum height is 50 feet, with no more than four stories.
 - ii) When abutting any residential property line, freestanding parking garages shall not be located within any required buffers.
 - iii) When abutting any other nonresidential district, no freestanding garage shall be located closer than five feet to a side or rear lot line.
 - e) Heating and air conditioning units, subject to the following conditions:
 - i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
 - iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
 - iv) No ground-based heating and air conditioning unit shall exceed 35 feet in height.
 - f) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.26 CRC (Community Retail Commercial).

The regulations for the CRC community retail commercial district are as follows:

- 1) Purpose and intent. The CRC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the CRC district should be done so as compact unified centers. CRC districts should be located on properties which are delineated within a community activity center as defined and shown on the Comprehensive Plan. Additionally, the desired quadrant location will provide for planned developments and one-destination shopping and service locations to serve the community and will minimize traffic congestion.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 35-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's approval. The city discourages locating CRC districts and developments adjacent to single family residential districts, unless in a planned use project. 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.
- 4) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 5) Parking requirements. See Section 7.18 for paved parking specifications.
- 6) Lighting requirements. Any project permitted within this district which proposes a lighted facility must have a city approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 7) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.

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- 8) Temporary land use permits and special land use permits. See Section 5.04 and Section 5.02 for additional uses and requirements for all districts.
- 9) Use limitations.
- a) Maximum floor area ratio is 0.5 for office uses and 0.25 for retail uses.
 - b) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - c) The maximum size for any singular community retail use/ tenant, including other uses structurally connected and/or internally accessed from said community retail use shall be 140,000 square feet. Additionally, the following sub-criteria shall apply to any community retail use which is larger than 70,000 square feet:
 - i) Long blank walls that discourage pedestrian activity are prohibited along public roadway frontages. Building façades must be broken up with recesses of a minimum of 16 inches or other items of visual interest when adjacent to public roadway frontages.
 - ii) Ground-floor façades must have arches, display windows, awnings, or some other feature to add visual interest to the structure.
 - iii) Pedestrian amenities such as patio seating areas, gazebos, fountains, landscaped courtyards must be provided.
 - iv) Uses must have clearly defined entrances with canopies, porticos or arches and covered walkways.
 - v) Parking should be designed so that no more than $\frac{2}{3}$ of the parking spaces are located between the primary structure and one of the major roadways of the intersection at which the project is located. Where site design does not allow for the above parking space distribution, it shall be the option of the developer to install a minimum 25-foot landscaped buffer along the road frontage and measured from the edge of right-of-way to the back of the curb, inclusive of a three-foot high berm.
 - d) Any emission or automotive inspection station shall be located within a permanent facility. No temporary buildings/tents shall be utilized or allowed. Emission or automotive inspection stations within permanent facilities shall mean an indoor inspection establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing emission and automotive inspections/testing. The permanent facility must be compliant with the city's adopted building codes.
 - e) No uses that emit noxious odors, fumes or sounds are permitted.
 - f) No sexually oriented businesses are permitted.
 - g) Kitchenettes or kitchen facilities are prohibited in motels.
 - h) Outdoor displays of merchandise must comply with the provision in Section 7.12.
 - i) Maximum impervious surfaces (70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
 - j) No loading docks or facilities may be located in the front of any primary structure.

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- 10) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the city Community Development Department. Permitted accessory structures and uses are as follows:
- a) Accessory storage buildings, to include parking garages, subject to the following conditions:
 - i) Maximum height is two stories, not to exceed 35 feet.
 - ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
 - b) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
 - c) Carwashes accessory to convenience food stores with self-service fuel.
 - d) Freestanding parking garages, subject to the following conditions:
 - i) Maximum height is 50 feet, with no more than four stories.
 - ii) When abutting any residential property line, freestanding parking garages shall not be located within any required buffers.
 - iii) When abutting any other nonresidential district, no freestanding garage shall be located closer than five feet to a side or rear lot line.
 - e) Heating and air conditioning units, subject to the following conditions:

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- i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
 - iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
 - iv) No ground-based heating and air conditioning unit shall exceed 35 feet in height.
- f) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.27 OMR (Office Mid-Rise).

The regulations for the OMR office mid-rise district are as follows:

- 1) Purpose and intent. The OMR district is established to provide locations for uses such as offices, financial institutions and accessory retail sales and service uses (four to eight stories).
- 2) Permitted Uses: Anything not permitted, allowed by special exception, allowed by temporary land use permit or special land use permit is prohibited. Permitted uses for this district are as reflected in Table 3-2. The regulations governing temporary land use permits and special land use permits are set forth in Section 5.04 and Section 5.02. Special exception uses for this district are the uses listed in Section 4.02 and 4.03.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 35-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.
- 4) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section (mountain and river corridor protection act areas) and Section (metropolitan river protection act areas. No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 5) Parking requirements. See Section 7.18 for paved parking specifications.
- 6) Lighting requirements. Any project permitted within this district which proposes a lighted facility must have a Cobb County Department of Transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 7) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.
- 8) Temporary land use permits and special land use permits. See Sections 5.04 and Section 5.02 for additional uses and requirements for all districts.
- 9) Use limitations.
 - a) Maximum floor area ratio is 0.75 for office uses and 0.25 for retail uses (accessory).
 - b) All structures located within an OMR district shall be appropriately scaled in relation to the transitional nature of the immediate area.
 - c) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.

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- d) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, unless otherwise allowed in this article. Within the OMR district, outside storage shall not include commercial vehicles.
 - e) No sexually oriented businesses are permitted.
 - f) No drive-in eating or drinking establishments are permitted.
 - g) No uses that emit noxious odors, fumes or sounds are permitted.
 - h) No outside runs are permitted with any veterinary office use permitted within this district.
 - i) Kitchenettes or kitchen facilities are prohibited in motels.
 - j) Maximum impervious surfaces (70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
 - k) No loading docks or facilities may be located in the front of any primary structure.
- 10) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the city Community Development Department. Permitted accessory structures and uses are as follows:
- a) Accessory retail sales and service.
 - b) Accessory storage buildings, subject to the following conditions:
 - i) Maximum height is two stories, not to exceed 35 feet.
 - ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.

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- vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
 - c) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
 - d) Freestanding and attached parking garages, subject to the following conditions:
 - i) Maximum height: eight stories.
 - ii) When abutting any residential property line, freestanding or attached parking garages shall not be located within any required buffers.
 - iii) When abutting any other nonresidential district, no freestanding or attached parking garage shall be located closer than five feet to a side or rear lot line.
 - e) Heating and air conditioning units, subject to the following conditions:
 - i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
 - iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
 - iv) No ground-based heating and air conditioning unit shall exceed 35 feet in height.
 - f) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.28 OS (Office Service).

The regulations for the OS office/service district are as follows:

- 1) Purpose and intent. The OS district is established to provide locations for office and business distribution/service facilities, and assembly processes which do not emit noise, vibration, smoke, gas, fumes, odors or radiation and are located entirely within an enclosed building which do not involve manufacturing or fabrication of any product. No principal retail sales are allowed unless specified in this section. These uses are allowed on properties delineated within an Industrial Compatible category on the Cobb County Future Land Use Map or an industrial category as defined and shown on the Comprehensive Plan. Limited special exception uses may be allowed on properties delineated within a Neighborhood Activity Center as defined and shown on the Comprehensive Plan, and as may be amended from time to time.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 30-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's approval. The city discourages locating the OS districts and developments adjacent to single family residential districts, unless in a planned mixed-use project. 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.
- 4) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 5) Parking requirements. See Section 7.18 for paved parking specifications.

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- 6) Lighting requirements. Any project permitted within this district which proposes a lighted facility must have a Cobb County Department of Transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - 7) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.
 - 8) Temporary land use permits and special land use permits. See Sections 5.04 and Section 5.04 for additional uses and requirements for all districts.
 - 9) Use limitations.
 - a) The maximum floor area ratio will be 0.75.
 - b) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - c) No sexually oriented businesses are permitted.
 - d) No drive-in establishments are permitted.
 - e) No uses that emit noxious odors, fumes or sounds are permitted.
 - f) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, unless otherwise allowed in this article.
 - g) No bulk warehousing.
 - h) Kitchenettes or kitchen facilities are prohibited in motels.
 - i) Maximum impervious surfaces (70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
 - 10) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as forth in this section. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the city Community Development Department. Permitted accessory structures and uses are as follows:
 - a) Accessory storage buildings, subject to the following conditions:
 - i) Maximum height is two stories, not to exceed 35 feet.

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- ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
- b) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
 - c) Freestanding parking garages, subject to the following conditions:
 - i) Maximum height: four stories.
 - ii) When abutting any residential property line, freestanding parking garages shall not be located within any required buffers.
 - iii) When abutting any other nonresidential district, no freestanding garage shall be located closer than five feet to a side or rear lot line.
 - d) Heating and air conditioning units, subject to the following conditions:
 - i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
 - iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
 - iv) No ground-based heating and air conditioning unit shall exceed 35 feet in height.
- 11) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.29 NS (Neighborhood Shopping).

The regulations for the NS neighborhood shopping district are as follows:

- 1) Purpose and intent. The NS district is established to provide locations for retail commercial and services uses which are designed and oriented to serve two to four neighborhoods and are in areas delineated within a community activity center as defined and shown on the Comprehensive Plan. Upon the adoption of the MZC, no new applications for rezoning to the NS district will be accepted by the city. Any existing, developed NS zoning/use located outside of a community activity center were deemed to be grandfathered and a nonconforming use under Cobb County's zoning ordinance. It is the intention of the city that any developed NS zoning/use that is grandfathered and a nonconforming use under Cobb County's zoning ordinance, remain nonconforming and grandfathered, subject to the provisions of this ordinance. Should any undeveloped property zoned NS located outside a community activity center fail to commence development by January 17, 2027, the owner of such property shall be required to bring the property back in for rezoning consistent with the Comprehensive Plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 35-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's approval. The city discourages locating NS districts and developments adjacent to single family residential districts, unless in a planned mixed-use project. 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.
- 4) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas).

No floodplains and/or wetlands may be used in calculating the overall density of the development.

- 5) Parking requirements. See Section 7.18 for paved parking specifications.
- 6) Lighting requirements. Any project permitted within this district which proposes a lighted facility must have a Cobb County Department of Transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 7) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.
- 8) Temporary land use permits and special land use permits. See Sections 5.04 and Section 5.02 for additional uses and requirements for all districts.
- 9) Use limitations.
 - a) Maximum floor area ratio is 0.5 for office uses and 0.25 for retail uses.
 - b) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - c) It is found and declared that outside storage on properties within city limits is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, unless otherwise allowed in this article. Within the NS district outside storage shall not include commercial vehicles.
 - d) Any existing, developed NS zoning/use located outside of a community activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this ordinance. Should any undeveloped property zoned NS outside a community activity center fail to commence development by January 17, 2027, the owner of such property shall be required to bring the property back in for rezoning consistent with the Comprehensive Plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.
 - e) Any emission or automotive inspection station shall be located within a permanent facility. No temporary buildings/tents shall be utilized or allowed. Emission or automotive inspection stations within permanent facilities shall mean an indoor inspection establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing emission and automotive inspections/testing. The permanent facility must be compliant with the city's adopted building codes.
 - f) No uses that emit noxious odors, fumes or sounds are permitted.
 - g) No sexually oriented businesses are permitted.
 - h) Kitchenettes or kitchen facilities are prohibited in motels.
 - i) Outdoor displays of merchandise must comply with the provision in Section 7.12.
 - j) Maximum impervious surfaces (70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.

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- k) No loading docks or facilities may be located in the front of any primary structure.
- 10) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the city Community Development Department. Permitted accessory structures and uses are as follows:
- a) Accessory storage buildings, to include parking garages, subject to the following conditions:
 - i) Maximum height is two stories, not to exceed 35 feet.
 - ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
 - b) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
 - c) Carwashes accessory to convenience food stores with self-service fuel.
 - d) Heating and air conditioning units, subject to the following conditions:
 - i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.

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- iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
 - iv) No ground-based heating and air conditioning unit shall exceed 35 feet in height.
 - e) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.30 PSC (Planned Shopping Center).

The regulations for the PSC planned shopping center district are as follows:

- 1) Purpose and intent. The PSC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the PSC zoning district should be done as compact, unified centers. Projects developed within the PSC zoning district should occupy a quadrant of an intersection, with ingress and egress only from a major collector street or state highway, within an area delineated within a community activity center as defined and shown on the Comprehensive Plan. Any existing, developed PSC zoning/use located outside of a community activity center were deemed to be grandfathered and a nonconforming use under Cobb County's zoning ordinance. It is the intention of the city that any developed PSC zoning/use that is grandfathered and a nonconforming use under Cobb County's zoning ordinance, remain nonconforming and grandfathered, subject to the provisions of this ordinance. Should any undeveloped property zoned PSC located outside a community activity center fail to commence development by January 17, 2027, the owner of such property shall be required to bring the property back in for rezoning consistent with the Comprehensive Plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 40-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's approval. The city discourages locating PSC districts and developments adjacent to single family residential districts, unless in a planned mixed-use project. 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.

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- 4) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.
 - 5) Parking requirements. See Section 7.18 for paved parking specifications.
 - 6) Lighting requirements. Any project permitted within this district which proposes a lighted facility must have a Cobb County Department of Transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - 7) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.
 - 8) Temporary land use permits and special land use permits. See Sections 5.04 and Section 5.02 for additional uses and requirements for all districts.
 - 9) Use limitations. The PSC development shall meet at the minimum the following:
 - a) The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.
 - b) The development shall not adversely affect developed or undeveloped neighboring properties.
 - c) Water, sewerage, highway and school facilities shall be adequate for the proposed development, or there shall be a definite proposal for making them so.
 - d) Maximum floor area ratio is 0.5 for office uses and 0.25 for retail uses.
 - e) Minimum acreage is five acres.
 - f) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - g) All of the land in a PSC development shall be owned initially by an individual, corporation, partnership or some other legal entity. Individual properties in a PSC development may be sold after a final plat has been duly recorded with the properties subject to private deed covenants that ensure the continuance of the PSC development as originally approved.
 - h) Any emission or automotive inspection station shall be located within a permanent facility. No temporary buildings/tents shall be utilized or allowed. Emission or automotive inspection stations within permanent facilities shall mean an indoor inspection establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing emission and automotive inspections/testing. The permanent facility must be compliant with the city's adopted building codes.
 - i) No uses that emit noxious odors, fumes or sounds are permitted.
 - j) The side yard setbacks may be waived except along the exterior boundaries of the development.
 - k) No sexually oriented businesses are permitted.

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- l) A PSC development shall have ingress and egress only on a major or collector street or state highway.
 - m) Kitchenettes or kitchen facilities are prohibited in motels.
 - n) Outdoor displays of merchandise must comply with the provision in Section 7.12.
 - o) Maximum impervious surfaces (70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
 - p) No loading docks or facilities may be located in the front of any primary structure.
 - q) All PSC zoning districts shall be site plan specific. Any vacant properties zoned PSC must have a site plan approved by the Mayor and City Council.
- 10) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the city Community Development Department. Permitted accessory structures and uses are as follows:
- a) Accessory storage buildings, to include parking garages, subject to the following conditions:
 - i) Maximum height is two stories, not to exceed 35 feet.
 - ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.

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- vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
 - b) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
 - c) Carwashes accessory to convenience food stores with self-service fuel.
 - d) Freestanding parking garages, subject to the following conditions:
 - i) Maximum height is 50 feet, with no more than four stories.
 - ii) When abutting any residential property line, freestanding parking garages shall not be located within any required buffers.
 - iii) When abutting any other nonresidential district, no freestanding garage shall be located closer than five feet to a side or rear lot line.
 - e) Heating and air conditioning units, subject to the following conditions:
 - i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
 - iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
 - iv) No ground-based heating and air conditioning unit shall exceed 35 feet in height.
 - f) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.31 TS (Tourist Services).

The regulations for the TS tourist service district are as follows:

- 1) Purpose and intent. The TS district is established to provide locations for commercial and service uses which are oriented toward automotive businesses and interstate and state highway travelers. The Mayor and City Council has determined that TS zoning will only be allowed on properties designated as community activity centers, industrial compatible and heavy industrial as identified in the Comprehensive Plan. See Use Limitations of this Section for those uses no longer appropriate.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 40-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's approval. The city discourages locating TS districts and developments adjacent to single family residential districts, unless in a planned mixed-use project. 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.
- 4) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section (mountain and river corridor protection act areas) and Section (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 5) Parking requirements. See Section 7.18 for paved parking specifications.
- 6) Lighting requirements. Any project permitted within this district which proposes a lighted facility must have a Cobb County Department of Transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 7) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.
- 8) Temporary land use permits and special land use permits. See Section 5.04 and Section (land use permits) for additional uses and requirements for all districts.

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- 9) Use limitations.
- a) Maximum floor area ratio is 0.5 for office uses and 0.25 for retail uses.
 - b) All refuse and recycling drop-off center collection facilities must be contained within completely enclosed facilities.
 - c) Any emission or automotive inspection station shall be located within a permanent facility. No temporary buildings/tents shall be utilized or allowed. Emission or automotive inspection stations within permanent facilities shall mean an indoor inspection establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing emission and automotive inspections/testing. The permanent facility must be compliant with the city's adopted building codes.
 - d) No uses that emit noxious odors, fumes or sounds are permitted.
 - e) Kitchenettes or kitchen facilities are prohibited in motels.
 - f) Outdoor displays of merchandise must comply with the provision in Section 7.12.
 - g) Maximum impervious surfaces (70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
 - h) No loading docks or facilities may be located in the front of any primary structure.
- 10) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the city Community Development Department. Permitted accessory structures and buildings are as follows:
- a) Accessory storage buildings, to include parking garages, subject to the following conditions:
 - i) Maximum height of two stories, not to exceed 35 feet.
 - ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.

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- iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
- b) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
 - c) Carwashes accessory to convenience food stores with self-service fuel.
 - d) Freestanding parking garages, subject to the following conditions:
 - i) Maximum height is 50 feet, with no more than four stories.
 - ii) When abutting any residential property line, freestanding parking garages shall not be located within any required buffers.
 - iii) When abutting any other nonresidential district, no freestanding garage shall be located closer than five feet to a side or rear lot line.
 - e) Heating and air conditioning units, subject to the following conditions:
 - i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
 - iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
 - iv) No ground-based heating and air conditioning unit shall exceed 35 feet in height.
 - f) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.32 GC (General Commercial).

The regulations for the GC general commercial district are as follows:

- 1) Purpose and intent:
 - a) The GC district is established to provide locations for retail commercial and service uses which are oriented toward automotive businesses, are land intensive with a need for major road access and visibility, are generally not listed as a permitted uses within the NRC (neighborhood retail commercial) and CRC (community retail commercial) districts or may have existing stipulations and conditions that limit certain intensive uses and are located in areas delineated within a community activity center as defined and shown on the Comprehensive Plan. Any existing GC district, developed or undeveloped, located within an area delineated within an industrial-compatible area or industrial area as shown on the Comprehensive Plan, are deemed to be a grandfathered, nonconforming use under Cobb County's zoning ordinance. It is the intention of the city that any such grandfathered and nonconforming use remain nonconforming and grandfathered, subject to the provisions of this chapter.
 - b) Any existing, developed GC zoning/use located outside of a community activity center were also deemed to be a grandfathered, nonconforming use under Cobb County's zoning ordinance. It is the intention of the city that any such grandfathered and nonconforming use remain nonconforming and grandfathered, subject to the provisions of this chapter. Should any undeveloped property zoned GC outside of a community activity center fail to commence development by January 17, 2027, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building permit or grading permit for such development shall be deemed to be commencing development.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 40-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's approval. The city discourages locating GC districts and developments adjacent to single family residential districts, unless in a planned mixed-use project. 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.

- 4) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 5) Parking requirements. See Section 7.18 for paved parking specifications.
- 6) Lighting requirements. Any project permitted within this district which proposes a lighted facility must have a Cobb County Department of Transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 7) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.
- 8) Temporary land use permits and special land use permits. See Section 5.04 and Section 5.02 for additional uses and requirements for all districts.
- 9) Use limitations.
 - a) Maximum floor area ratio is 0.5 for office uses and 0.25 for retail uses.
 - b) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - c) Any emission or automotive inspection station shall be located within a permanent facility. No temporary buildings/tents shall be utilized or allowed. Emission or automotive inspection stations within permanent facilities shall mean an indoor inspection establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing emission and automotive inspections/testing. The permanent facility must be compliant with the city's adopted building codes.
 - d) No uses that emit noxious odors, fumes or sounds are permitted.
 - e) Kitchenettes or kitchen facilities are prohibited in motels.
 - f) Outdoor displays of merchandise must comply with the provision in Section 7.12.
 - g) Maximum impervious surfaces (70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
 - h) No loading docks or facilities may be located in the front of any primary structure.
- 10) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community

Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the city Community Development Department. Permitted accessory structures and uses are as follows:

- a) Accessory storage buildings, to include parking garages, subject to the following conditions:
 - i) Maximum height is two stories, not to exceed 35 feet.
 - ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
- b) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
- c) Carwashes accessory to convenience food stores with self-service fuel.
- d) Freestanding parking garages, subject to the following conditions:
 - i) Maximum height is 50 feet, with no more than four stories.
 - ii) When abutting any residential property line, freestanding parking garages shall not be located within any required buffers.
 - iii) When abutting any other nonresidential district, no freestanding garage shall be located closer than five feet to a side or rear lot line.
- e) Heating and air conditioning units, subject to the following conditions:
 - i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.

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- iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
 - iv) No ground-based heating and air conditioning unit shall exceed 35 feet in height.
 - f) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.33 LI (Light Industrial).

The regulations for the LI light industrial district are as follows:

- 1) Purpose and intent. The LI district is established to provide locations for light industrial uses such as low intensity automobile repair and service, animal care facilities, commercial greenhouses, livestock, poultry, business distribution centers, warehousing and storage, and transportation terminals, which are on properties delineated within or on the perimeter of an industrial compatible and industrial category as defined and shown on the Cobb County Comprehensive Plan. When located on the perimeter of an industrial node, the LI district should provide for uses that are low in intensity and scale such as to ensure compatibility with surrounding properties.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 50-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's approval. The city discourages locating LI districts and developments adjacent to single family residential districts, unless in a planned mixed-use project. 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.
- 4) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 5) Parking requirements. See Section 7.18 for paved parking specifications.
- 6) Lighting requirements. Any project permitted within this district which proposes a lighted facility must have a Cobb County Department of Transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.

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- 7) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.
 - 8) Temporary land use permits and special land use permits. See Section 5.04 and Section 5.02 for additional uses and requirements for all districts.
 - 9) Use limitations.
 - a) Maximum floor area ratio is 0.75 for office uses.
 - b) All refuse collection and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - c) Any outside storage shall be set back a minimum of 35 feet from any public right-of-way. In other cases, the setbacks as required for accessory buildings, structures, uses and decks shall apply.
 - d) No drive-in establishments are permitted.
 - e) No uses that emit noxious odors, fumes or sounds are permitted.
 - f) No outside runs are permitted with any veterinary office use permitted within this district.
 - g) Maximum impervious surfaces (70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
 - 10) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the city Community Development Department. Permitted accessory structures and uses are as follows:
 - a) Accessory storage buildings, to include parking garages, subject to the following conditions:
 - i) Maximum height is two stories.
 - ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.

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- iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
- b) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
 - c) Heating and air conditioning units, subject to the following conditions:
 - i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
 - iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
 - d) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Section 3.34 HI (Heavy Industrial).

The regulations for the HI heavy industrial district are as follows:

- 1) Purpose and intent. The HI district is established to provide locations for heavy industrial uses such as intensive automobile repair and service, heavy manufacturing, chemical manufacturing and storage, petroleum or petrochemical storage, and warehousing and storage, which are on properties delineated within an industrial category as defined and shown on the Cobb County Comprehensive Plan. When located on the perimeter of an industrial node, the HI district should provide for uses that are lower in intensity and scale such as to ensure compatibility with surrounding properties.
- 2) Permissible uses in this district: Anything not Permitted (P), not allowed by Special Exception (SE), not allowed by Temporary Land Use Permit and/or Special Land Use Permit is prohibited in this district. Permitted uses and Special Exception uses for this district are as reflected in Table 3-2. Special Exception regulations for this district are contained in Section 4.02 and 4.03. A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section 5.04.
- 3) Any property within this district which abuts a residentially zoned property shall have a minimum 50-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's approval. The city discourages locating HI districts and developments adjacent to single family residential districts, unless in a planned mixed-use project. 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 landscape 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 2.03. Refer to Section 7.14 for additional landscape, buffer and screening requirements applicable to all non-residential zoning districts.
- 4) Floodplain and wetlands preservation requirements. Any development must meet state and federal requirements relating to areas subject to the provisions of Section 7.25 (mountain and river corridor protection act areas) and Section 7.26 (metropolitan river protection act areas). No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 5) Parking requirements. See Section 7.18 for paved parking specifications.
- 6) Lighting requirements. Any project permitted within this district which proposes a lighted facility must have a Cobb County Department of Transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
- 7) Special exception uses. See Section 4.02 and 4.03 for special exception uses and requirements for all districts.

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- 8) Temporary land use permits and special land use permits. See Section 5.04 and Section 5.02 for additional uses and requirements for all districts.
- 9) Use limitations.
- a) Maximum floor area ratio is 0.5 for office uses and 0.75 for industrial uses.
 - b) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
 - c) No uses that exceed state and federal guidelines for allowable emissions and discharge of effluents into the air, water and soil are permitted.
 - d) No uses that create unabated noise creating a nuisance as defined under state law are permitted.
 - e) If potentially hazardous materials or chemicals are used on the premises or pollutants result from the operation under this section, a spill containment plan shall be approved by city staff.
 - f) Maximum impervious surfaces (70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
- 10) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the city Community Development Department. Permitted accessory structures and uses are as follows:
- a) Accessory storage buildings, to include parking garages, subject to the following conditions:
 - i) Maximum height is two stories, not to exceed 35 feet.
 - ii) Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - iii) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - iv) On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.

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- v) When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - vi) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - vii) Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
- b) Antennas and satellite dishes, which shall meet the requirements set forth in Section 7.20.
 - c) Heating and air conditioning units, subject to the following conditions:
 - i) When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - ii) When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
 - iii) Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
 - iv) No ground-based heating and air conditioning unit shall exceed 35 feet in height.
 - d) Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

DIVISION IV FUTURE DISTRICTS

Section 3.35 FUTURE DISTRICTS

(a) CF (Future Commercial)

The CF future commercial district was originally established by the Cobb County Board of Commissioners as a zone designated for future commercial use with no immediate right to use or occupy the zone for commercial purpose until the property owner was granted a specific zoning for the purposes described in any of the various commercial districts enumerated by Cobb County at the time. Eventually, the Cobb County Board of Commissioners resolved in an amendment that an owner of property designated CF that was not developed, at the time of the adoption of the amendment, had until January 17, 1996, within which to apply for rezoning to an appropriate zoning district, obtain a building permit, and begin construction on the property. If this did not occur by the deadline, the property owner was required by Cobb County to file a rezoning application to a district that was compatible with the Cobb County Comprehensive Plan before that property owner was permitted to develop the property. Also, at that time, Cobb County discontinued taking any new applications for CF zoning.

It is the intention of the Mayor and City Council that any property that is zoned and/or designated CF that is located inside city limits eventually become rezoned to a district that is compatible with the Cobb County Comprehensive Plan. Therefore, any property that is zoned CF and is located inside the city limits at the time of the adoption of the MZC, must be rezoned to a district that is compatible with the Cobb County Comprehensive Plan prior to that property owner being able to develop that property. The Mayor and Council will not accept any application to rezone to the CF district.

(b) IF (Future Industrial)

The IF future industrial district was originally established by the Cobb County Board of Commissioners as a zone designated for future industrial use with no immediate right to use or occupy the zone for industrial purpose until the property owner was granted a specific zoning for the purposes described in the industrial districts enumerated by Cobb County at the time. Eventually, the Cobb County Board of Commissioners resolved in an amendment that an owner of property designated IF that was not developed, at the time of the adoption of the amendment, had until January 17, 1996, within which to apply for rezoning to an appropriate zoning district, obtain a building permit, and begin construction on the property. If this did not occur by the deadline, the property owner was required by Cobb County to file a rezoning application to a district that was compatible with the Cobb County Comprehensive Plan, before that property

owner was permitted to develop the property. Also, at that time, Cobb County discontinued taking any new applications for IF zoning.

It is the intention of the Mayor and City Council that any property that is zoned and/or designated IF that is located inside city limits eventually become rezoned to a district that is compatible with the Cobb County Comprehensive Plan. Therefore, any property that is zoned IF and is located inside the city limits at the time of the adoption of the MZC, must be rezoned to a district that is compatible with the Cobb County Comprehensive Plan prior to that property owner being able to develop that property. The Mayor and Council will not accept any application to rezone to the IF district.

DIVISION V OVERLAY DISTRICTS

Section 3.36 OSC OVERLAY OPEN SPACE COMMUNITY DISTRICT.

The regulations for the Overlay OSC district are as follows:

- a) Purpose and intent. The OSC overlay district is established to encourage the preservation of natural resources within residential development. The district may be overlaid upon the R-30, R20, and R-15 zoning districts. The overlay district is intended to provide for:
 - i) the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure;
 - ii) to provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land;
 - iii) to preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat;
 - iv) to permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
 - v) to reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
 - vi) to promote interconnected greenways and corridors throughout the community;
 - vii) to promote greenspace contiguous with adjacent jurisdictions;
 - viii) to promote greenspace as passive recreation;
 - ix) to encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood;
 - x) to encourage street designs that reduce traffic speeds and reliance on main arteries;

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- x i) to promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
 - x ii) to conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space; and
 - x iii) to preserve important historic and archeological sites.
 - b) Land and water are protected by limiting land disturbance and decreasing the percentage of impervious surface within the planned community, and by adding flexibility to site plan design. Open space design is intended to result in more efficient use of land, lower development and infrastructure costs, and the conservation of land for recreation or aesthetic and environmental enrichment. It is not the intent of this overlay district to significantly increase overall development densities, but to allow for the stipulated densities of the underlying zoning district. It is also the intent of the overlay district to encourage design flexibility, creativity and development complementary to surrounding and existing neighborhoods.
 - c) Open space community overlay plans are approved as site plan specific.
- 2) OSC review committee. OSC review committee, composed of five persons (selected from city officials and city staff by the City Manager), to establish base density.
 - 3) Permitted uses. Permitted uses are consistent with uses permitted in the underlying zoning district. The underlying zoning district is the existing zoning of the subject property.
 - 4) Other requirements. Building and structure requirements, parking and lighting requirements, special exception uses and use limitations shall be consistent with those permitted in the underlying zoning district.
 - 5) Secondary conservation area. The following are considered secondary conservation areas and can be included within required open space: important historic sites; existing healthy, native forests of at least one contiguous acre; individual existing healthy trees greater than eight inches caliper, as measured from their outermost drip line; other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcropping, particularly those that can be seen from public roads; prime agricultural lands of at least five acres contiguous area and existing trails that connect the tract to neighboring areas.
 - 6) Procedure for OSC overlay utilization. The OSC district can be utilized in two ways. One way involves utilizing the criteria in conjunction with the existing zoning of the property. The other (second) way involves utilizing the criteria in conjunction with a rezoning application for the property.
 - 7) Existing zoning district:
 - a) When the OSC district is overlaid upon an existing zoning district, the project will be reviewed and approved or denied by the Mayor and City Council. 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

Mayor and City Council zoning dates will be made available to the public. As the underlying zoning will not change, staff recommendations will be taken to the planning commission and Mayor and City Council as an "other business" item on the next available zoning agenda. OSC proposals are required to be posted for 30 days prior to the planning commission and Mayor and City Council meetings. Applicants will not be issued signs, and the 30-day posting requirement will not begin until staff has received and reviewed all information required below. In addition, a public hearing will be held at the time the planning commission and Mayor and City Council reviews and decides each proposal. If the project is denied by the Mayor and City Council, no prejudice period will apply. Further, upon gaining approval of an OSC overlay plan, the applicant maintains the option to develop the property according to the requirements of the underlying zoning. The Mayor and City Council retain the right to approve or deny any OSC plan based on applicable provisions of this chapter. The following procedure will apply:

- i) Application. Applications for OSC overlay district utilization with an existing zoning will be accepted in the city Community Development Department
- ii) The application fee is \$100.00.
- iii) Concept plan review. There will be a regularly scheduled OSC review meeting of the city staff scheduled twice monthly.
- iv) The following plans and materials shall be submitted to city Community Development Department and shall include:
 - (1) A current plot plan and boundary survey;
 - (2) The architect, engineer, or designer's name, address, and telephone number;
 - (3) Scale of plan and north arrow;
 - (4) Street address of site and vicinity map showing the relationship of the site to the surrounding area;
 - (5) Existing land lot, property lines, rights-of-way, dedications, and easements;
 - (6) Locations of existing and proposed structures, driveways, walks, recreation facilities, pools, amenities and any other nonpermeable entities;
 - (7) Delineation of floodplain and wetland areas;
 - (8) Locations of any known cemeteries or historic sites;
 - (9) Delineation and description of ground cover types and locations of specimen trees as defined in the city tree ordinance or specific trees as described in subsection (b)(5) of this Section;
 - (10) Preliminary grading plan showing limits of grading, tree save areas, open space areas and other features to be excluded from land disturbance activities;
 - (11) Narrative site analysis describing how the objectives of this district will be achieved utilizing the overlay.
 - (12) Preliminary layout utilizing existing and proposed zoning category.

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- b) When a project proposes utilizing the OSC overlay criteria in conjunction with a rezoning application, the application shall be processed in accordance with the procedures for all city rezoning applications, including all requisite posting and public hearing requirements.
- 8) Minimum Requirements.
- a) Minimum setback requirements, exterior lots as described in item 'f)' below. Lots must be designed to accommodate on-site parking for at least two vehicles and provide for side setbacks of seven and one-half feet.
 - b) No minimum tract size.
 - c) The minimum lot size shall be 10,000 square feet for R-15 OSC; 13,000 square feet for R-20 OSC; and 15,000 square feet for R-30 OSC.
 - d) No portion of floodplain, wetland area, cemetery or impervious community area (pools, clubhouses, tennis courts and parking facilities) may be used in calculating density.
 - e) The minimum width of pavement on residential streets shall be 24 feet (from back of curb to back of curb).
 - f) Overall residential development shall be compatible with neighboring residential uses. In areas where adjoining neighborhood lots are larger than those proposed, the plan should incorporate larger lots adjacent to the existing neighborhoods with smaller lots designed to the interior. Rear building setbacks for these exterior lots must be equal to or greater than the rear setbacks of adjacent, existing lots. In addition, undisturbed perimeter buffer or other suitable form of privacy barrier may be required at the rear of exterior building lots. Buffers along the rear of exterior building lots shall be commonly owned, will not be a part of the lots and may be considered part of the minimum required open space.
 - g) Mass grading of the project tract is discouraged unless being done to facilitate the clustering of lots or to protect open space remaining on the overall tract.
 - h) Pedestrian easements shall be a minimum of 15 feet wide and provided when necessary to allow access to common areas for all residents. Easements should be signed as access points.
 - i) To reduce and/or eliminate open space encroachment along individual lots, applicants will be required to establish fencing that is compatible with the architecture/landscaping/design of development to keep homeowners from encroaching into open space areas.
 - j) Open space shall be designed to provide connection to adjacent property when the adjacent property is currently undeveloped or consists of established open space or conservation area. All required open space must be on the same tract of property. Contiguity of open space is highly desirable.
 - k) Floodplain, wetlands, and lakes may only account for 70 percent of required open space.
 - l) The net density of the proposed project shall not exceed the average density found in the summary of bulk regulation table (Table 3-3) for the requested zoning district with OSC. All OSC projects shall have a minimum of 35 percent open space.

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- m) Slopes greater than 25 percent must be included in the required open space, but shall allow for perpendicular (except when non-perpendicular is necessary to satisfy drainage/storm water requirements) utility and access crossings, when necessary.
 - n) A ten-foot landscape buffer shall be provided on any exterior lots that abut an existing subdivision. The buffer shall be natural but may need to be enhanced with additional landscaping to provide sufficient screening between communities.
 - o) Open space ownership and maintenance. When implemented, this overlay design option shall result in the preservation of significant amounts of contiguous open space that will serve as a neighborhood amenity. As an amenity area, the open space should be protected from development in perpetuity (per O.C.G.A. § 44-5-60(c)) by the mandatory covenants of the subdivision in favor of the city for conservation uses and the deeds that run with the land owned by the homeowner's association. The open space may also be protected via a conservation easement in favor of the city for conservation uses.
 - p) Lighting requirements. Any project permitted within the OSC district which proposes any outdoor lighting, except individual residential lots, must have a city department of transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - q) Floodplain and wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourage preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of Section 7.25, regarding mountain and river corridor protection act areas, and Section 7.26. No floodplains and/or wetlands may be used in calculating the overall density of the development.

Section 3.37 MABLETON FORM-BASED REDEVELOPMENT

- 1) General procedures.
 - a) Intent. Due to the sustained lack of private investment in the old Downtown Mableton, it is necessary to institute development incentives to assist residences and businesses in having the community they desire. Therefore, the intent and purpose of this section is to enable and encourage the implementation of the South Cobb Town Center-Mableton Lifelong Community Plan (as adopted February 8, 2011, by the Cobb County Board of Commissioners) as depicted and expressly limited to the boundaries shown on Table 1C. The following policies provides further clarification on the intent for this section:
 - i) The Mableton Community:
 - (1) That Mableton should retain its natural infrastructure and visual character.
 - (2) That growth strategies should encourage infill development in parity with the development of new communities.

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- (3) That development within or contiguous to urbanized areas should support Traditional Neighborhood Development (TND) or Regional Corridor Development (RCD) patterns.
 - (4) That transportation corridors should be planned and reserved in coordination with land use.
 - (5) That green corridors should be used to define and connect the urbanized areas.
 - (6) That the community should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.
 - (7) That compact, pedestrian-oriented and mixed-use development should be enabled as a pattern of development.
 - (8) That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.
 - (9) That interconnected networks of thoroughfares should be designed to disperse traffic and reduce the length of vehicle trips.
 - (10) That a range of housing types, sizes and price levels should be distributed throughout the community to accommodate diverse ages and incomes.
 - (11) That appropriate building densities and land uses should be provided within walking distance of transit stops.
 - (12) That civic, institutional, and commercial activity should be in downtowns, not isolated in remote single-use complexes.
 - (13) That schools should be sized and located to enable most children to walk or bicycle to them.
 - (14) That a range of open space, specifically parks, squares, and playgrounds should be distributed within neighborhoods and downtowns.
- ii) The block and the building:
- (1) That buildings and landscaping should be disciplined to contribute to the spatial definition of thoroughfares.
 - (2) That block structure should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
 - (3) That the design of streets and buildings should reinforce safe environments, but not at the expense of accessibility.
 - (4) That architecture and landscape design should grow from local climate, topography, history, and building practice.
 - (5) That the architectural design of buildings should respond to climate through energy efficient methods.
 - (6) That civic buildings and public gathering places should be distributed to locations that reinforce community identity and support local governance.
 - (7) That civic buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.

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- (8) That the preservation and reuse of historic buildings should be facilitated.
 - (9) That the harmonious and orderly evolution of urban areas should be secured through regulating the form of buildings.
 - iii) The transect:
 - (1) That communities should provide meaningful choices in living arrangements as enabled by distinct physical environments.
 - (2) That the transect zone descriptions on Table 1C shall constitute the intent of this Code with regard to the general character of each of these environments.
- 2) Applicability.
- a) Provisions of this section are activated by "shall" or "are" when required, "should" when recommended, and "may" when optional.
 - b) Areas that are outside of the Mableton Form-based Redevelopment District, as depicted in Table 1C, which may request to utilize form-based coding will need to demonstrate a specific need as to why the normal zoning process will not accommodate their needs. Reasons to authorize the use of form-based codes shall include all of the following:
 - i) A lack of development in comparison to the county average for a period of at least 15 years;
 - ii) Blight, which includes social, economic, and physical factors; and
 - iii) Areas that have been part of a Mayor and City Council approved master plan or corridor study.
 - c) If an area of the city desires to have the Mayor and City Council consider applying form-based type standards to an area outside of that which is depicted in Table 1C, the requesting party will be required to undertake a process similar to that of the South Cobb Town Center-Mableton Lifelong Community Plan (as adopted February 8, 2011) and the Mableton Form-based Redevelopment District. This shall include, but is not limited to, the following:
 - i) A weeklong design workshop, which culminates in a joint presentation to the planning commission and Mayor and City Council. The design workshop shall include multiple designers and planners that will create the illustrative master plan, illustrations, graphics, and maps which sets the vision for the future of the area.
 - ii) Community participation and involvement in all aspects of the design workshop;
 - iii) Public notification of the weeklong design workshop through road signs, direct mailing to all property owners impacted by the plan and code, e-mail, website, and print media;
 - iv) An illustrative master plan document shall be compiled and approved by the Mayor and City Council prior to final consideration of draft form-based code.
 - v) The creation of the regulating plan and code language shall be a direct reflection of the vision created in the illustrative plan.
 - vi) Prior to a draft code being presented to the planning commission and Mayor and City Council, at least two public workshops will need to occur to educate the impacted

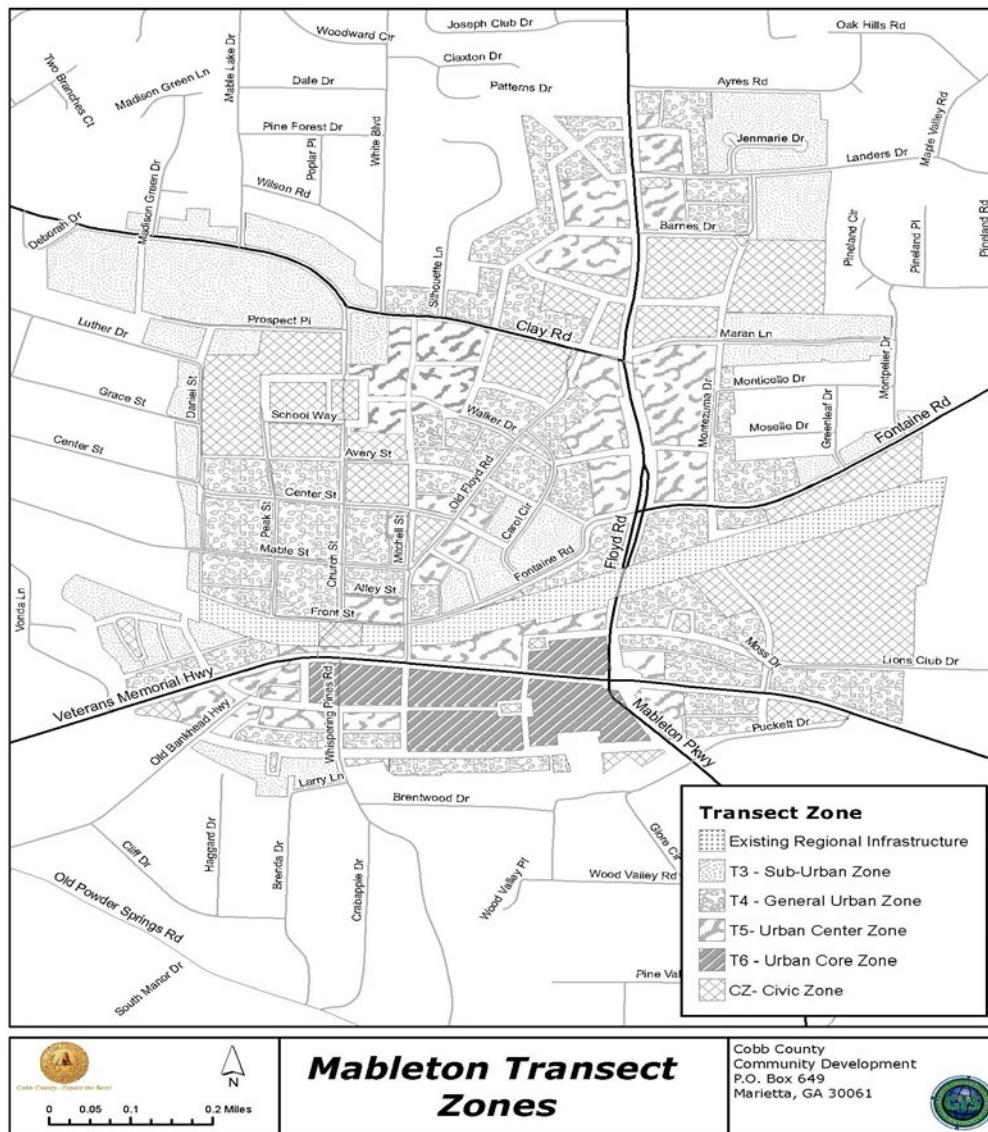
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- community about the contents of the code and obtain community input into the specifics of the code.
- vii) Finally, consideration of new form-based code areas should be done in accordance with the standard and procedures for other code amendments.
- d) Specific standards set forth in the implementation of the Mableton Form-based Redevelopment District are considered part of this Code. These standards are available for viewing with the Community Development Department the City of Mableton's Clerks Office, and on-line via the City of Mableton website. Alterations to the standards shall be considered amendments to the Code and will be undertaken in the manner described below.
- e) Provisions of this section, when in conflict, shall take precedence over those of other codes, ordinances, regulations and standards except chapter 54 of the Cobb County Code (Fire Prevention and Protection); the City approved International Building Code; International Fire Code; International Mechanical Code; International Plumbing Code; International Residential Code; National Electrical Code; International Fuel Gas Code; International Energy Conservation Code; and International Property Management Code. These provisions shall not take precedence if owners opt to utilize the existing underlying zoning.
- f) The existing provisions of the city code and city development standards shall continue to be applicable to parcels that opt to utilize the existing underlying zoning as well as applying to issues not covered by this section except where the existing local codes would be in conflict.
- g) Definitions and synonyms contain regulatory language that is integral to this section. Those terms not defined in definitions and synonyms shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those of the existing local codes, those of this section shall take precedence.
- h) The provisions of this section or the numerical metrics of its tables, when in conflict with diagrams and illustrations, shall take precedence.
- i) Illustrations of recommended infrastructure strategies and land use allocations that would support the implementation of the South Cobb Town Center-Mableton Lifelong Community Plan (as adopted February 8, 2011) are located in the Regulating Plan.
- j) Infrastructure illustrated in the Regulating Plan may be required as part of the routinely applied development approval process, but in no event constitutes a commitment that Cobb County will install the infrastructure.
- 3) Approvals process.
- a) A review committee (RC) shall process administratively applications and plans for proposed projects.
- b) An owner may request a variance or appeal a decision of the RC to the Mayor and City Council.
- 4) Warrants and variances.

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- a) There are two types of deviations from the requirements of this section: warrants and variances.
 - b) A warrant shall permit a practice that is not consistent with a specific provision of this section but is justified by the general procedures intent. The warrant committee (WC) shall have the authority to approve or disapprove administratively a request for a warrant pursuant to the procedures established by the Mayor and City Council. Prior to a warrant being considered, notice shall be provided to the entire RC at least 15 days prior to the WC meeting. WC decisions may be appealed to the Mayor and City Council within 30 days of the WC decision. Appeals should be filed with the Community Development Director.
 - c) A variance is any ruling on a deviation other than a warrant. Variances shall be granted only by the Mayor and City Council with a recommendation provided by the planning commission.
 - d) Variance and appeals requests heard by the planning commission and Mayor and City Council shall be heard as per the rules set forth for consideration of other business agenda items.
- 5) Incentives. To encourage the use of this section, an incentives plan shall be presented to the Mayor and City Council after the adoption of this section. General items that may be considered in this incentives plan include:
- a) Fee reduction.
 - b) Density increases (particularly as they relate to workforce housing options).
 - c) Tax relief (tax abatement via development authority).
 - d) Green building certifications.
- 6) Amendments.
- a) There are two types of amendments available for this section, amendments to the regulating plan and amendments to the metrics of this section. All amendments to the regulating plan and metrics of this section shall be approved by Mayor and City Council. Amendments may be permitted, provided they are consistent with the intent of this section and adhere to the following:
 - i) Amendments to this section shall be considered as a request by the Community Development Department or at the discretion of the Mayor and City Council. Modifications to the regulating plan and metrics, including changes in transect zone assignments are considered amendments.
 - ii) The Community Development Department may prepare or have prepared on its behalf amendments to the regulating plan, subject to review and recommendation by the planning commission and approval of the Mayor and City Council. Amendments shall adhere to specific criteria set forth in the implementation of the Mableton Form-based Redevelopment District, which are hereby considered part of this Code.

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The regulating plan.

Table 1C - Transect Zone Allocation



Section 3.38 AUSTELL ROAD DESIGN OVERLAY DISTRICT.

General procedures

- 1) Intent. Austell Road is a key commercial corridor and serves as one of the gateways into the city for visitors and residents. The commercial corridor is home to medical services, shopping, dining, and cultural and entertainment opportunities for residents of the region, the county, and adjacent neighborhoods. Existing development patterns along Austell Road emphasize automobile uses and access, which are contrary to the goal of creating a multi-modal corridor that is safe for all users. The purpose and intent of this section is to enable and encourage the implementation of the "Design Guidelines for Austell Road" as depicted and expressly limited to the boundaries shown on Figure 1. The Austell Road design overlay district utilizes design standards that are supplemental to the zoning district classifications established in Article IV (zoning districts enumerated). All parcels that are within the affected areas as defined in Section (Austell Road design overlay district) and are conducting building construction or site development shall meet all of the requirements of the base zoning district in which it is located, all conditions of rezoning or special use permit approval and, in addition, shall meet the requirements of the Austell Road design overlay district standards. Furthermore, let it be clarified that in instances in which the standards of the overlay district conflict with those of the underlying zoning district, the standards of the overlay district shall take precedence. The following policies further clarify the intent for this section:
 - a) Affected areas. The overlay district covers the following areas as depicted below and expressly limited to the boundaries shown on Figure 1:
 - i) Parcels with frontage along Austell Road from Veterans Memorial Highway/US 78 to South Cobb Drive/SR 280.
 - ii) Nodes - There are two types of development nodes along each of the two corridors:
 - (1) Neighborhood activity centers: focused development/redevelopment within a one-half-mile radius around intersections as defined within the Austell Road design overlay district standards.
 - (2) Healthcare village center: focused development/redevelopment within a one-quarter-mile radius around intersections as defined within the Austell Road design overlay district standards.
 - iii) Austell Road design overlay district.

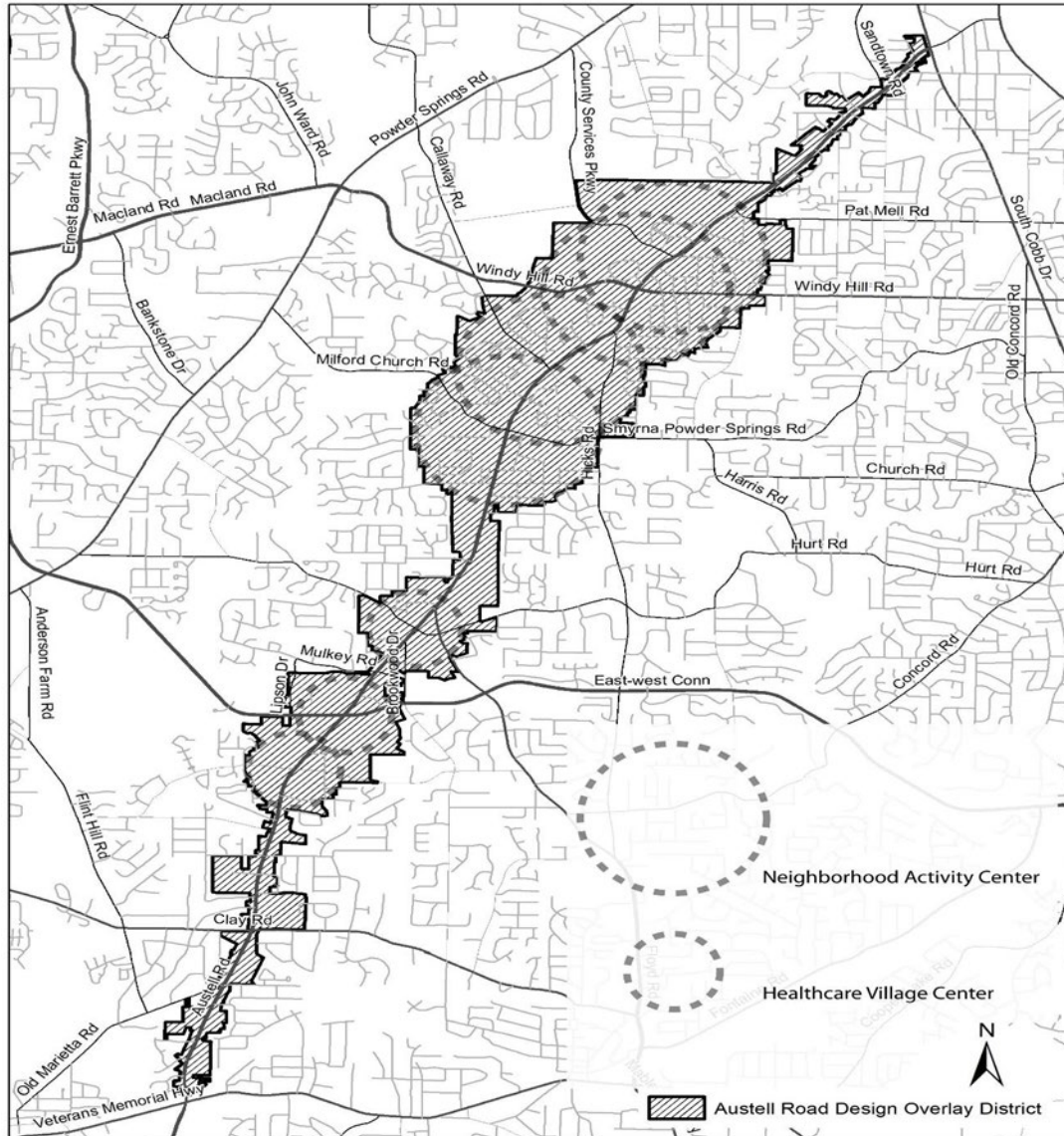


Figure 1

- 2) Applicability. Design standards shall apply to each of the following aspects of building construction and site development:
 - a) Exterior rehabilitation or modifications to existing buildings or structures that require building or land disturbance permits where the construction value exceeds 25 percent of fair market value as reflected on the tax assessor's records.
 - b) All new construction, including additions to existing structures and buildings within the affected areas.
 - c) Installation and/or modification of signs requiring a sign permit.
 - d) Notes:

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- i) Parcels within the boundaries of the unincorporated county are not subject to the standards herein.
 - ii) Work performed on single-family residential units is specifically exempted from the standards herein.
 - 3) Austell Road design overlay district standards. Specific development standards set forth in the implementation of the design guidelines for Austell Road are part of this Code Section (Austell Road design overlay district). The Austell Road design guidelines are available for viewing with the Community Development Department, the City clerk's office, and online via the City website. Alterations to the standards shall be considered amendments to the Code and will be undertaken in the manner described below:
 - a) There are two types of amendments available for this section, amendments to the Austell Road design guidelines and amendments to the general procedures of this section.
 - i) Amendments to the Austell Road design guidelines shall be considered by the Community Development Department or at the discretion of the Mayor and City Council. Modification to the guidelines includes changes related to the most recently updated and adopted Austell Road design overlay district.
 - ii) The Community Development Department may prepare or have prepared on its behalf amendments to the Austell Road design guidelines, subject to review and recommendation by the planning commission and approval by the Mayor and City Council. Amendments shall adhere to specific criteria set forth in the implementation of the Austell Road design guidelines, which are hereby considered part of this Section.

Section 3.39 MABLETON PARKWAY/VETERANS MEMORIAL HIGHWAY DESIGN OVERLAY DISTRICT.

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 depicted and expressly limited to the boundaries shown on Figure 2. The following policies further clarify the intent for this section:
 - a) Affected areas. The overlay district covers the following areas:
 - i) Parcels with frontage along Mableton Parkway, from Veterans Memorial Highway to the Cobb/Fulton County line at the Chattahoochee River.
 - ii) Parcels with frontage along Veterans Memorial Highway, from Austell Road/Maxham Road to the Cobb/Fulton County line at the Chattahoochee River.
 - iii) Nodes. There are two types of development nodes along each of the two corridors:
 - (1) Centers. Focused development/redevelopment within a one-half-mile radius around three intersections (identified in the design guidelines document).
 - (2) Villages. Focused development/redevelopment within a one-fourth-mile radius around five intersections (identified in the design guidelines document).

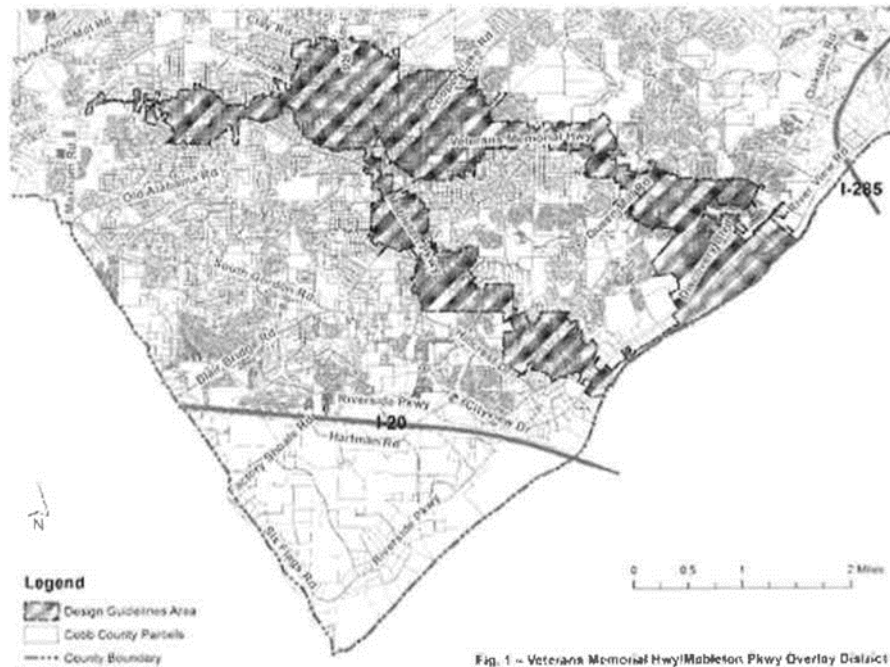


Figure 2—Mableton Parkway/Veterans Memorial Highway Design Overlay District

- 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 the City's sign ordinance. Article VI.
 - i) 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.
 - ii) Within a development, all signage shall be consistent in style for each tenant.
 - iii) For multi-tenant developments, signage for each tenant shall be limited to ten percent of the total window area per tenant space.
 - iv) 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:

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- i) Exterior rehabilitation or modifications to existing buildings or structures that require building or land disturbing permits.
 - j) New construction, including additions to existing structures and buildings within the overlay district.
 - k) Installation and/or modification of signs requiring a sign permit.
- 3) Architectural standards.
- a) New buildings shall be constructed of predominantly brick, in combination with at least two of the following materials:
 - i) Additional brick (on primary façade, brick must be contrasted utilizing a varying shade of color or varied pattern of orientation).
 - ii) Stone.
 - iii) Stucco.
 - b) Burglar bars, steel gates, metal awnings, and steel roll-down curtains are prohibited.
 - c) Buildings with a façade greater than 100 feet in length (measured horizontally) shall incorporate recesses or projections having a depth of at least three percent of the length of the façade and span at least 20 percent of the façade. No uninterrupted length of any façade shall exceed 100 feet horizontally.
 - d) Ground floor façades that face public streets shall have arcades, display windows, entry areas, non-metal awnings, or other similar features along at least 50 percent of its length.
 - e) Multi-tenant buildings shall include the following:
 - i) Recessed windows that include sills, shutters, or other similar framing/bordering.
 - ii) Individual entrances that are delineated by non-metal awnings, columns, canopies or porticoes, arches, or other similar features.
 - iii) Façades that consist of a repeating pattern through changes in color, texture, and/or materials. At least one of these elements must repeat along the length of the façade at an interval of 30 feet.
 - iv) Expression of architectural or structural bay through a change in plane no less than 12 inches in width.
 - f) Roof lines.
 - i) Buildings consisting of less than 5,000 square feet shall have a pitched roof with a minimum pitch of four and one-half inches of vertical elevation for every one foot of horizontal run, except as otherwise provided herein. The roof shall be pitched with gables, dormer, and other similar treatments.
 - ii) Commercial building styles without a pitched roof shall have a detailed parapet and cornice.
 - iii) All roofing materials shall be of a consistent style and pattern. Pitched roofs shall be finished in either architectural or dimensional shingles. Standing seam metal roofs are also permitted. Roofing consisting of reflective metal material is prohibited.
 - iv) Roofing materials for pitched or mansard roofs shall be limited to the following:

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- (1) Metal standing seam of red, green, dark gray or silver in natural shades (no bright or pastel colors).
 - (2) Tile, slate or stone.
 - (3) Shingles with a slate, tile, or metal appearance.
 - (4) Architectural shingles.
 - 4) Access management.
 - a) Access shall exist between and among all adjoining commercial properties via internal access networks (see Figure 3 below). Such access shall be accomplished by the granting of an access easement as described in this subsection to each adjoining property. The purpose of the easement is to facilitate access not only between businesses, but also to provide connections to secondary streets and signalized intersections. The benefit of such access is reduced traffic congestion and enhanced traffic flow and safety on Mableton Parkway and Veterans Memorial Highway.
 - i) Access easements. The recorded easements shall permit automobile access between adjacent, commercial properties intended for tenant or customer use. Respective parking areas may be restricted to use by the individual owner. The granting of such an easement shall become effective only upon the granting of a reciprocal easement by the adjoining property owner. Consenting owners shall extend the pavement on their property to the point of access at the common property boundary.
 - ii) Relief. Whenever the adjoining land use would create a documented adverse impact on the property to which the easement requirement would pertain, and such adverse impact outweighs the benefit of the resulting reduced impact on the public street, the Mayor and City Council may waive the requirement for such access.
 - b) Consolidation of driveways shall occur when owners of properties on which new buildings or substantial renovation of existing buildings occurs, and when said substantial renovation includes resurfacing of parking areas. Access points which exist on the property in excess of two such locations for every 200 feet of frontage should be eliminated. Any access points so eliminated shall be replaced by landscaped areas and parking areas, as appropriate. For the purposes of this subsection, the term "substantial renovation" shall be defined as renovation exceeding 50 percent of the assessed value of the improvement.

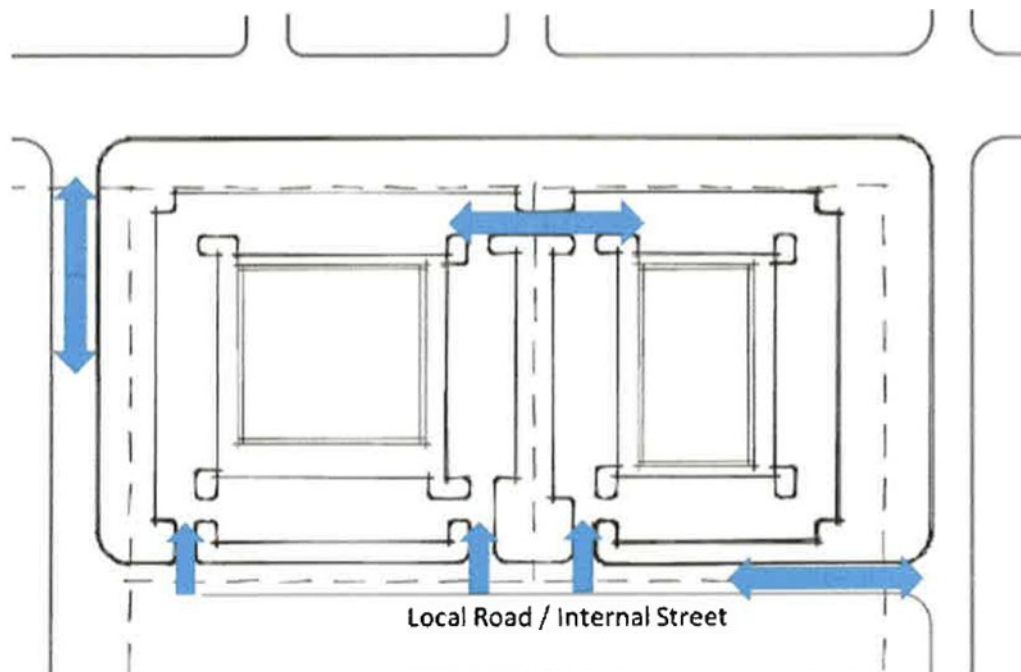


Figure 3—Access Management

Sec. 3.39 through Sec. 3.99 Reserved.

Article IV. USE REGULATIONS AND SPECIAL EXCEPTION USES

Section 4.01 ADDITIONAL REGULATIONS BY USE.

The following uses are subject to additional regulations. A Special Land Use Permit may be an additional requirement for the following uses.

- 1) **Accessory retail uses.** The square footage must be in the primary building it serves and cannot be allocated to other buildings in a multibuilding development. The floorspace used or to be used for such accessory retail uses shall be limited to a total of 25 square feet per dwelling unit in a high-rise residential development, 25 square feet per room in a hotel or motel, ten percent of the net floor area in an office building or institutional use, or shall not exceed 25 percent of the gross floor area of such primary principal structure for in any other use, provided that:
 - a) Every public entrance to such a use shall be from a lobby, hallway or other interior portion of the primary use structure;
 - b) No show window, advertising or display shall be visible from the exterior of the primary use structure;
 - c) No merchandise shall be stored or displayed outside of the primary use structure.
 - d) Accessory retail uses shall include eating and drinking establishments, barber shops, beauty shops, laundry and dry-cleaning pickup establishments, newsstands, florists' gift shops, film developing and printing facilities, stationery stores, shoe repair shops, or convenience food stores (no fuel sales).
- 2) **Accessory retail uses in RSL.** Every public entrance for accessory retail uses shall be from inside the primary building, no show window, advertising, or display shall be visible from the exterior of the primary building and no signage shall be visible from a public road.
- 3) **Automobile service station, gas station and filling station.** Facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building.
- 4) **Backyard chickens.**
 - a) The lot must either be at least two acres in size or there shall be a maximum ratio of one backyard chicken per 5,000 square feet of lot area.
 - 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.

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- f) The backyard chickens shall not cause a nuisance, as defined by state law.
 - g) The slaughter of any hen on site is prohibited.
 - 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 shall develop an application form for review of these requests.
 - j) A person seeking to keep and raise chickens in accordance with this section shall first submit a complete application to the Community Development Department.
- 5) **Barn.** A barn may allow for a trainer to visit the site, as opposed to basing his/her training operation at the site. A barn may also allow for lessons to be conducted on site subject to proper licensure and insurance as required by applicable city and state regulations.
- 6) **Boarding kennels (indoor).**
- a) No outside runs allowed;
 - b) County Health Department approval must be obtained;
 - c) Operation cannot cause a nuisance as defined by state law;
 - d) The building is to be soundproofed;
 - e) An internal air exchange system required (excluding air conditioning system).
- 7) **Club or lodge, private.** While a permitted use in most residential zoning districts, a club or lodge, private shall not be allowed within a platted subdivision or to render a service which is customarily carried on as a business and shall not include amenity packages and areas of subdivisions.
- 8) **Clubhouse.** The owner or operator shall maintain accurate accounting records which shall be available for inspection by city officials.
- 9) **Commercial produce and agricultural produce stands.**
- a) Temporary structures not greater than 250 square feet for the purpose of sale of produce and agricultural products, including firewood, not grown on-site, are permitted subject to the following conditions:
 - i) Such uses must have a current business license.
 - ii) All structures shall be temporary and located off the right-of-way and shall not impair vision at intersecting streets, driveways, alleys or easements.
 - iii) Sale of animals, livestock and poultry shall not be permitted.
 - iv) Adequate parking off the right-of-way must be provided; however, should sales of such products constitute a nuisance or create a safety hazard, then such sales may be further restricted to protect the health, safety and welfare of the public.
 - v) No permanent, temporary or mobile living or office quarters are permitted.
 - vi) Christmas tree sales and other temporary uses are specifically excluded from this section but shall be subject to the specific requirements of those uses.

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- vii) No outside storage of empty containers such as boxes, crates, palettes, etc., is permitted.
- viii) Signage is subject to the following:
- (1) One sign is permitted per temporary vendor, not greater than 32 square feet in size.
 - (2) No manufactured portable signs shall be allowed.
 - (3) All signage requires a sign permit.
- 10) **Community Fair.** Any activity associated with the fair must be conducted at least 200 feet from any property line and in no event shall exceed 21 days.
- 11) **Community Retail use.** The maximum size for any community retail use shall be 140,00 square feet, including temporary space, outdoor garden centers and the like.
- 12) **Cottage Food Operator.**
- a) There shall be no signage or other exterior evidence of the cottage food operator.
 - b) Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
 - c) No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
 - d) There shall be no employees parking on the site unless approved by the Mayor and City Council in accordance with Section 5.04.
- 13) **Customary Home Occupation.**
- a) There shall be no exterior evidence of the home occupation, including but not limited to any type of identifying signs.
 - b) No merchandise or articles used or sold shall be displayed in such a way as to be visible from outside the structure.
 - c) No mechanical equipment shall be used for such occupation except such equipment as is customary for purely household and hobby purposes.
 - d) Such use shall be conducted entirely within the dwelling unit and only persons living in the dwelling unit shall be employed in such occupation.
 - e) No more than 25 percent of the dwelling unit may be used for the operation.
 - f) No materials, equipment or business vehicles may be stored or parked on the premises except that one business vehicle, used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of home occupation.
 - g) There shall be no deliveries of supplies for use in the home occupation or pickups of the items produced by the occupant by tractor-trailer or vehicle with over six wheels. Deliveries to the home occupation shall be made by passenger vehicles, mail carriers, or step vans and must not restrict traffic circulation.
 - h) No clients or customers are allowed on the premises, except for individual instruction, such as tutoring, musical lessons and the like, for the purpose of supplementing an income.
 - i) Customary home occupations do not require a temporary land use permit.

14) Designated recycling collection location.

- a) The location must be maintained in a safe, clean, neat, and sanitary fashion and shall not encompass an area larger than 280 square feet.
- b) Such a location shall be visually screened and maintained.
- c) Such location shall be within the building setbacks unless otherwise approved by the Community Development Director due to topography, safety, internal traffic flow, site distance or for other site-related circumstances not created by the property owner.

15) Halfway house.

- a) A Halfway house shall not be located within 1,000 feet of any childcare facility, private or public school, church, school bus stop, public or private playground and parks or swimming pools, or other areas where minors congregate as defined in O.C.G.A. § 42-1-12(a)(3).
- b) Halfway houses are not allowed in any residential zoning districts, (including any RM districts, SC, UC or RSL districts) except by a special land use permit (SLUP) granted by the Mayor and City Council.
- c) Halfway houses are not allowed in mixed use districts, (including UVC and PVC) except by a special land use permit (SLUP) granted by the Mayor and City Council.
- d) Applications for special land use permits for halfway houses shall comply with the provisions of O.C.G.A. § 36-66-4(f).

16) Heavy automotive repair establishment.

- a) Heavy automotive repair establishments that are adjacent to residentially zoned properties shall be required to incorporate noise abatement measures such as, but not limited to, landscaping, fencing, portable noise screen, or other equally effective industry accepted alternative.
- b) A maximum of one vehicle per designated parking space shall be parked outside overnight.
- c) No outside storage of parts shall be permitted, except in dumpsters or other containers used for storing parts for removal or recycling. All outdoor storage shall be to the rear of the principal structure.
- d) Outdoor dismantling of engine, transmission, or body shall be prohibited.

17) Ice-Vending Machines (freestanding).

- a) The architectural style must be like or complimentary to the style of contiguous properties and consistent with the city's architectural guidelines.
- b) The machine must be screened from the view of the public right of way.
- c) The machine must include a noise abatement feature or device that abates noise or sounds from adjacent residential properties.

18) In-home day care.

- a) There shall be a maximum of six children for whom compensation is received.

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- b) For purpose of this definition only, children who are related by direct blood kin or adoption to the childcare provider shall not be included in the calculation of the six-child limitation;
 - c) The childcare shall not create a nuisance to immediately adjacent property owners;
 - d) Off-street parking must provide for child pickup and drop-off; and
 - e) There shall be no employees.

19) Light automotive repair establishment.

- a) A maximum of one vehicle per designated parking space shall be parked outside overnight.
- b) No outside storage of parts shall be permitted, except in dumpsters or other containers used for storing parts for removal or recycling.

20) Livestock, nondomestic and wild animals, and poultry.

- a) Such animals shall only be permitted on a lot containing not less than two acres.
- b) All buildings used for animals shall be set back not less than 100 feet from any property line.
- c) All animals shall be maintained at least ten feet from any residential property line.
- d) There shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm.
- e) These rules are effective with respect to new construction, not existing uses.

21) Residential, agricultural, farm and wood products, and livestock and poultry sales.

- a) On residential property of two acres or more where agricultural, farm and wood products, and livestock and poultry are grown, raised or cultivated on-site, sales of such products.
- b) No permanent sale structure shall be allowed.
- c) Seasonal sales may be made from tables or tents placed temporarily.
- d) All sales are to be conducted on the property where the products are grown and off the right-of-way.
- e) Should sales of such products constitute a nuisance or create a safety hazard, then such sales may be further restricted to adequately protect the health, safety and welfare of the public.
- f) Signage standards are as follows:
 - i) One sign is permitted per property, no greater than 32 square feet in size;
 - ii) No manufactured portable signs shall be allowed;
 - iii) The height of signs shall not exceed six feet;
 - iv) All signage requires a sign permit;
 - v) Routine maintenance shall not be considered redevelopment. Routine maintenance shall include reroofing, painting, repairing damaged structural components, sealing and striping a parking lot, window/door changes, façade renovation, signage change, and the like.

22) Riding stable.

- a) A riding stable may allow for lessons to be conducted on site subject to proper licensure and insurance as required by applicable city and state regulations.

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- b) Such a stable shall be established on a lot having an area of not less than two acres.
 - c) Any structure shall be located at least 100 feet from any property line.
 - d) All animals shall be maintained at least ten feet from any property line.
 - e) A riding stable may also conduct livestock clinics, shows or competitions provided:
 - i) Such a stable shall be established on a lot having an area of not less than five acres.
 - ii) Any structure shall be located at least 100 feet from any property line.
 - iii) All animals shall be maintained at least ten feet from any property line.

23) Freestanding Climate Controlled Self Service Storage Facilities and Climate controlled self-service storage facilities (when complementary or accessory to an office park or building).

- a) Building height should not exceed those of adjacent buildings, nor impact the view shed of adjacent residential property.
- b) See Permitted Use chart for F.A.R. per district or as deemed appropriate by the Mayor and City Council.
- c) All units shall be accessed through a main or central entrance.
- d) All windows or similar architectural features must be "one way" and provide for an opaque screen from view outside of the building.
- e) 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 Mayor and City Council. Any roof-mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.
- f) 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.
- g) 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.
- h) There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
- i) No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address to obtain an occupational license or any other government permit or licenses to do business.
- j) There shall be no resident manager or any type of overnight accommodation for such.
- k) The landscape plan to be approved by staff with emphasis on planting within the parking facilities.
- l) When complementary or accessory to an office park or building, the overall project must be accessed via a public or private roadway which is internal to the office park, building or shopping center; direct access to an adjoining public roadway shall be subject to approval by the Mayor and City Council.

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- m) When complementary or accessory to an office park or building, no freestanding signage shall be utilized; internal directional signage will be subject to approval by the Mayor and City Council.
 - n) One parking space shall be provided per every 80 individual storage units/areas.
 - o) 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 Mayor and City Council if not located to the side or rear of proposed structure.
 - p) Lighting plan to be approved by the Mayor and City Council.
 - q) 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.
 - r) Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.
 - s) Hours of operation to be established by the Mayor and City Council, considering the operation hours of surrounding businesses.
 - t) Special land use permit as provided in Section 5.02 and 5.03.

24) Self-service-storage-facilities.

- 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 city. Self-service-storage-facilities (SSSF) shall only be permitted within the light industrial and heavy industrial classification.
- b) General regulations.
- c) 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. Security quarters. Residential quarters for security purposes may be established on the site.
- d) 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

Community Development Director. 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 the landscape requirements of this section.

- e) 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 to obtain an occupational license or any other governmental permit or licenses to do business.
- f) 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.
- g) Minimum lot size. Notwithstanding any other provisions of this chapter, the minimum lot size for a self-service-storage-facility shall be one acre.
- h) Building setbacks.
 - i) The front setback shall be:
 - ii) Fifty feet on arterial streets.
 - iii) Forty feet on major or minor collector streets.
 - iv) Forty feet on local nonresidential streets.
 - i) The side setback shall be:
 - i) Twenty feet adjacent to residential and O&I zoned property.
 - ii) Ten feet on the side where all doors face internally adjacent to commercial or industrial zoned property.
 - j) The rear setback shall be 30 feet.
- k) 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 Cobb County major thoroughfare plan.
- l) 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:
 - i) 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 Mayor and City Council when applying for a special land use permit.
 - ii) The storage area shall not exceed 25 percent of the total buildable area of the site.
 - iii) 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 Community Development Director.
 - iv) Vehicles shall not be stored within the area set aside for minimum building setbacks.

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- m) 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.
 - n) Development regulations.
 - i) 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.
 - ii) Maximum bay size. The maximum size of a storage bay shall be 450 square feet.
 - iii) Maximum building height. Except for 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 Mayor and City Council 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-facilities shall utilize gable roofs with not less than a two and 12 slope.
 - o) Exterior architectural treatment. The exterior façade of all structures shall receive uniform architectural treatment, to be approved by the Community Development Director.
 - p) Parking requirements.
 - i) 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.
 - ii) 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:
 - iii) If aiseways permit two-way traffic, minimum width is 24 feet.
 - iv) If aiseways permit only one-way traffic, minimum width is 20 feet.
 - v) 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. To ensure appropriate access and circulation by emergency vehicles and equipment, the turning radii of the aiseways shall be approved by city department of transportation and the fire marshal at the time of plan review.
 - q) 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.

- i) A minimum of one tree shall be planted for each 20 feet of perimeter landscape strip.
- ii) Immediately upon planting, trees shall be a minimum of ten feet in height.
- iii) The provisions outlined in this section do not negate the requirements outlined within the city's tree preservation and replacement ordinance, or any additional requirements that may be required by the Mayor and City Council.
- iv) 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.
- v) If the perimeter landscape strip is to remain undisturbed or natural, utilizing existing vegetation, then the requirements of (i) through (iv) of this subsection can be eliminated except for the landscape plan. The landscape plan shall indicate the limits of the perimeter landscape strip.
- vi) 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:
- vii) 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.
- viii) The exterior façades of separate storage buildings are joined by walls to give the appearance of structural continuity.
- ix) 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 Community Development Director.
- x) There are no aisleways or other vehicle accessways located in the area between the building and adjacent residential or office and institutional property lines or rights-of-way.
- r) 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.

- s) Signage.
 - i) 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.
 - ii) Maximum height. The maximum height of a freestanding sign shall not exceed 20 feet.
 - iii) 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.
 - iv) Prohibited signs. The following types of signs are prohibited on the site:
 - (1) Off-premises outdoor advertising signs.
 - (2) Signs placed on the doors of individual storage bays.
 - (3) Roof-mounted signs.
 - (4) Signs attached to a required wall or fence are also prohibited but may be approved by the Community Development Director and a code enforcement officer.
- t) 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.
- u) Use of loudspeakers. No exterior loudspeakers or paging equipment shall be permitted on the site.

25) Shelter (homeless).

- a) Adequate showers and restroom facilities must be provided at the location to meet the needs of the overnight guests.
- b) Beds must be provided for all overnight guests, excluding staff and volunteer workers.
- c) No shelter shall be located closer than 500 feet to the nearest single-family residence.
- d) Guests of the shelter shall be required to leave the shelter premises no later than 7:00 a.m.
- e) All premises shall be maintained in a clean, safe and sanitary fashion.
- f) Adequate provisions for transporting and parking guests shall be submitted to and approved by the Community Development Director.
- g) While not specifically a permitted use under all districts, a shelter may be in a church facility which meets the minimum standards set out in this definition.

26) Single-family dwelling unit.

- a) A single-family dwelling unit shall have an interior bathroom and complete kitchen facilities, permanently installed.
- b) A single-family dwelling unit shall have at least 390 square feet of living building square footage (as determined and maintained in the records of the Cobb County Tax Assessor) per adult occupant.

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- c) No more than one vehicle per 390 square feet of living building square footage may be parked regularly overnight on the property upon which the single-family dwelling unit exists. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of four or less (of the total) parked outside of a garage, carport, or the like for properties zoned PRD, OSC, RA-5, R-15, R-20, and R-30. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of five or less (of the total) parked outside of a garage, carport or the like for properties zoned R-40 and R-80. Other zoning districts used for single family dwelling units shall have no more than four vehicles parked outside. This includes vehicles parked within the right-of-way adjacent to a dwelling unit.

27) Townhouse dwelling units (attached).

- a) Townhouse dwelling units (attached) shall have an interior bathroom and complete kitchen facilities, permanently installed.
- b) Townhouse dwelling units (attached) shall have at least 390 square feet of living building square footage (as determined and maintained in the records of the Cobb County Tax Assessor) per adult occupant.
- c) No more than one vehicle per 390 square feet of living building square footage may be parked regularly overnight on the property upon which the townhouse dwelling units (attached) exist. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of three or less (of the total) parked outside of a garage, carport or the like for properties in any FST zoning district. This includes vehicles parked within the right-of-way adjacent to a dwelling unit.

Section 4.02 SPECIAL EXCEPTION USES.

The following uses are permitted as special exception uses in all districts, provided the conditions listed are met. The Community Development Director shall issue a certificate of special exception to an applicant when the conditions relating to the special exception have been met. A Special Land Use Permit may be a requirement for a Special Exception Use.

- 1) **Any other facility for the disposal of the dead**, provided all requirements for a cemetery have been satisfied.
- 2) **Bed and breakfast homestay or house**, defined as a private owner-occupied residence with a maximum of five guestrooms rented for a daily fee, which use is subordinate and incidental to the primary residence.
 - a) Acreage must meet the minimum requirements of the specific district.
 - b) Such use must be located within a historical structure at least 50 years old which is included on the local county register.

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- c) No parking area for guests shall be located closer than 25 feet to any residential property line. The location shall be approved by city staff.
 - d) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house or homestay and not exceed six square feet and be indirectly illuminated.
 - e) Food service shall be limited to breakfast only and be served to guests taking lodging in the facility.
 - f) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
 - g) Individual rooms that are rented shall not contain cooking facilities.
 - h) No catering, parties, weddings or special events shall be permitted.
 - i) The exterior appearance of the structure shall not be altered from its single-family character, and, if changes are made, the changes must be approved by city staff.
 - j) Any interior modifications shall not be injurious to the historic character of the structure.
 - k) The architectural integrity of the existing interior spaces must be maintained.
 - l) All bed and breakfast houses or homestays must meet all applicable health and safety codes.
 - m) The owner of the structure or property must reside at the facility.
 - n) One employee shall be allowed to assist the owner.
 - o) Maximum length of stay shall not exceed 14 days.
 - p) Approval by the Mayor and City Council after a public hearing.
- 3) **Cemeteries for human or animal interment**, with the following minimum requirements:
- a) Minimum lot size is ten acres.
 - b) Minimum public road frontage is 100 feet.
 - c) When abutting any residential property line, a 50-foot natural or landscaped buffer shall be approved by city staff (see landscaping standards).
 - d) Permanent public ingress and egress shall be provided.
 - e) Compliance with all state requirements is required.
 - f) An overall parking and landscaping plan shall be approved by city staff.
 - g) A special land use permit shall be required for existing cemeteries if they expand more than 20 acres or expand more than 50 percent of the cemetery is less than 20 acres.
- 4) **Churches, chapels, temples, synagogues and other such places of worship when located within the R-80, R-40, R-30, R-20, R-15, OSC, R-12, RD, RA-4, PRD, RA-5, SC, RA-6, RSL, RM-8, FST, RM-12, MHP/S and MHP districts** with the following minimum requirements:
- a) Minimum lot size is five usable acres, excluding flood plain.
 - b) Primary access to the facility shall be from an arterial or major collector roadway.
 - c) Structures associated with the use shall be located a minimum of 50 feet from any property line.

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- d) Structures associated with the use shall be limited to 55 feet in height.
 - e) When abutting any residential property line, a 35-foot landscape screening buffer shall be approved by city staff (see landscaping standards).
 - f) In any zoning district for this specific use, the maximum impervious surface for properties with religious facilities shall be 70 percent.
 - g) An overall parking and landscape plan for the entire site shall be approved by city staff.
 - h) One paved parking space shall be provided per four seats in the principal place of worship; provided that the number of spaces thus required may be reduced by not more than 50 percent if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner without charge, during the time of services, to make up the additional spaces required.
 - i) A lighting plan shall be approved by the Community Development Director in accordance with Section 7.16.
 - j) A church may have an accessory cemetery with the following minimum requirements:
 - k) Minimum lot size is two usable acres for a cemetery in addition to the five-acre requirement for a church.
 - l) When abutting any residential property line, a 50-foot natural or landscaped buffer shall be approved by city staff (see landscape standards).
 - m) Ingress and egress shall be provided.
 - n) Compliance with all state requirements is required.
 - o) A church may have an accessory school with the following minimum requirements:
 - i) Minimum lot size is three usable acres for a school in addition to the five-acre requirement for a church.
 - ii) Minimum public road frontage is 100 feet.
 - iii) An overall parking and landscape plan for the entire site shall be approved by city staff.
 - iv) One paved parking space shall be provided per every one full-time employee of the accessory school in addition to required parking for the principal church use.
 - v) Where department of community affairs (DCA) buildings are utilized, the following requirements shall apply:
 - vi) The roof shall have a minimum four in twelve pitch;
 - vii) The building shall be permanently affixed and totally underpinned;
 - viii) An overall parking and landscape plan for entire site to be approved by city staff; and
 - ix) Parking required under Section 7.18 of this ordinance.
 - p) A church may have an accessory day care facility (commonly known as pre-K, day care school, child development center, "mother's morning out", and the like) program for the members of the church and up to 25 percent non-church members of the total number of children in the day care program. Any signage for this use shall be incorporated into the main church signage, which cumulatively shall meet the sign requirements of this chapter.

The church may be required to submit a traffic circulation and parking plan to the Cobb County Department of Transportation for review and approval if there is a potential the day care facility could negatively affect adjacent roadways. The church day care shall adhere to all State of Georgia requirements relating to the operation of the day care facility. The day care facility shall be located on the same lot as the main church building or facility, and stand-alone facilities are not permitted. Any proposed accessory church day care facility that exceeds the 25 percent non-church member clause of this section may file a petition with the Mayor and City Council for consideration of a temporary land use permit.

- 5) **Mausoleums when used in conjunction with a cemetery**, provided that all requirements for the cemetery have been satisfied.
- 6) **Private schools of general and special education** with the following minimum requirements:
 - a) Minimum lot size is five acres.
 - b) Minimum public road frontage is 100 feet.
 - c) An overall parking and landscape plan for the entire site shall be approved by city staff.
 - d) One paved parking space shall be provided for every person lawfully permitted within the assembly areas at one time, plus one per employee. In the absence of designated assembly areas, one paved space shall be provided per 300 square feet of gross floor area.
 - e) Any use proposed for a parcel or tract of land which does not have the required minimum public road frontage or does not have the minimum lot size required by this chapter, with the following requirements: Approval by the Mayor and City Council as an “Other Business” item. The board of zoning appeals shall not consider reductions in minimum public road frontage or reductions in minimum lot size as required by this chapter.

Section 4.03 SPECIAL EXCEPTION USES IN CERTAIN DISTRICTS.

The following uses are permitted as special exception uses in certain districts, provided that: 1) the permitted use chart indicates such (i.e., “SE” and/or “P”); 2) the district is in the appropriate future land use category (if any); and 3) all the following conditions listed are met for that particular use. The Community Development Director shall issue a certificate of special exception to an applicant when the conditions relating to the special exception have been met. A Special Land Use Permit may be a condition of the Special Exception Use.

- 1) **Amusement centers**, subject to the following minimum requirements:
 - a) Minimum acreage is five acres.
 - b) Such use shall not be located closer than 500 feet to any school property.
 - c) Such use shall not be located closer than 200 feet to any residential property line.
 - d) An overall parking and landscape plan shall be approved by city staff. The plan will provide for safe and efficient vehicle and pedestrian circulation and aesthetics.

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- 2) **Animal hospitals** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
 - 3) **Asphalt plants or concrete plants**, subject to the following minimum standards:
 - a) A special land use permit is required as provided in Section 5.02 and 5.03.
 - b) Compliance with all applicable state and federal laws is required.
 - c) All necessary state and federal permits shall be obtained.
 - d) A spill containment plan shall be approved by city staff.
 - e) Minimum acreage is five acres.
 - f) No use shall be located closer than 1,000 feet to any residential dwelling or school.
 - g) Hours of operation shall be limited to daylight hours.
 - h) Noise abatement and air pollution abatement plans shall be approved by city staff.
 - 4) **Athletic and health clubs** are subject to 35-foot landscape screening buffer adjacent to all residentially zoned property.
 - 5) **Automobile salvage and wrecking yards**, subject to the following minimum requirements:
 - a) A special land use permit is required as provided in Section 5.02 and 5.03.
 - b) Such use shall be enclosed by a fence or wall not less than eight feet in height which provides visual screening.
 - c) No such activity may be conducted within 100 feet of any property line, or 200 feet of any property zoned or used for residential purposes.
 - d) The incidental sale of auto parts removed from cars on the site shall be permitted.
 - 6) **Automobile storage yards and wrecker services for damaged or confiscated vehicles**, subject to the following minimum requirements:
 - a) Such use shall be enclosed by a fence or wall not less than eight feet in height which provides visual screening.
 - b) No dismantling, repair or other such activity shall be conducted.
 - c) Such use shall be located at least 40 feet from any residential district or use.
 - d) Such automobiles shall not be held longer than provided by state and county law.
 - e) A special land use permit is required as provided in Section SLUP.
 - 7) **Automobile and truck sales and service facilities** (used or pre-owned separate from a new car dealership):
 - a) Minimum of one acre of a paved surface is required for parking of vehicles, excluding any area used for, but not limited to buildings, offices, service or sales areas:
 - b) If any entity sells more than five cars per year, they are considered a dealer which requires a city business license.
 - c) A special land use permit is required as provided in Section SLUP.
 - d) All vehicles are required to be parked off any right-of-way or easement.
 - 8) **Biomedical waste disposal facilities or hazardous waste sites**, subject to the following minimum requirements:
 - a) A spill containment plan shall be approved by city staff.

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- b) Such use shall not be located closer than 1,000 feet to any residential dwelling or school.
 - c) A special land use permit is required as provided in Section 5.02 and 5.03.
 - d) Such use shall be carried on within an enclosed building, with no outside storage of any materials or biomedical waste except for vehicles used for the operation.
 - e) All necessary state and federal permits shall be obtained.
 - f) Compliance with all applicable state and federal laws is required.
 - g) Minimum acreage is five acres.
 - h) The facility must be designed with an impervious liner.
 - i) The facility must have an on-site water purification system which returns water to a potable condition.
- 9) **Boarding kennels (indoor)**
- a) No outside runs allowed
 - b) Approval of county health department required
 - c) Must not create a nuisance as defined by state law
 - d) Building to be soundproofed, internal air exchange system required (excluding air conditioning system)
 - e) Subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 10) **Circuses and carnivals** subject to same provisions as Amusement Centers.
- 11) **Clubs or lodges (noncommercial)** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 12) **Coliseums, stadiums, and convention centers (privately owned)**, subject to the following minimum requirements:
- a) Minimum acreage is ten acres.
 - b) A special land use permit is required as provided in Section 5.02 and 5.03.
 - c) A traffic and parking plan shall be approved by the director of the county department of transportation.
 - d) Hours of operation shall be approved by the Mayor and City Council at the time of the special land use permit public hearing.
 - e) A noise abatement plan shall be approved by the Mayor and City Council at time of the special land use permit public hearing.
- 13) **Commercial indoor recreation uses** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 14) **Contractor (specialized) without heavy equipment** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 15) **Crematories, human or animal**, with the following minimum requirements:
- a) Minimum lot size is two acres.
 - b) When abutting any residential property line, a 50-foot natural or landscaped buffer shall be approved by city staff.
- 16) **Drive-in theaters**, subject to the following minimum requirements:

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- a) Minimum acreage is two acres.
 - b) Driving and parking areas shall be paved.
 - c) The theater screen, projection booth or other buildings shall be set back not less than 50 feet from any property line (unless the front setback is greater).
 - d) The theater screen shall not be visible from an expressway, arterial or major collector roadway.
 - e) No damaged or confiscated vehicles shall be stored on-site.

17) Flea markets.

- a) A Special Land Use Permit shall be required.
- b) Applicant shall address parking and ingress and egress.
- c) No outside storage of any kind.
- d) Any structure where sales occur to accommodate the flea market must meet all city building codes including but not limited to: the building code, fire code, plumbing code, electrical code, etc.
- e) Overnight camping is prohibited, except that the owner may allow a reasonable number of overnight security personnel, who may be either the owner or agents or employees of the owner to stay overnight for purposes of security.
- f) No animal, fish, fowl or insect of any kind shall be sold, traded, housed, caged, bartered, swapped or given away at any flea market.

18) Heavy manufacturing establishments, subject to the following minimum requirements:

- a) A special land use permit is required as provided in Section 5.02 and 5.03.
- b) Such use shall not be located closer than 500 feet to any residential property line.
- c) Such use shall be carried on entirely within an enclosed building, with no outside storage except for vehicles used for the operation.
- d) All necessary state and federal permits shall be obtained.
- e) Compliance with all applicable state and federal laws is required.

19) Hotel (suite).

- a) Minimum acreage is two acres.
- b) All rooms shall be accessed through a main or central lobby.
- c) No rooms shall access the exterior of the building unless required by fire/safety regulations. The minimum number of floors allowed shall be three floors, unless otherwise approved by the Mayor and City Council.
- d) Architectural style/design to be approved by the Mayor and City Council.
- e) All buildings shall have a minimum roof pitch of four in twelve as defined by applicable building codes.
- f) Conference, meeting or banquet facilities are allowed when supported by adequate parking and approved by the Mayor and City Council as part of the special land use permit.
- g) Restaurants or other type of eating facilities are allowed when supported by adequate parking and approved by the Mayor and City Council. "Continental" style dining for the

guests of the facility only is allowed within or near the main or central lobby without additional parking.

- h) At a minimum, provisions for weekly cleaning for each suite must be provided.
 - i) Each suite must be protected with a smoke detector and sprinkler system approved by the fire marshal or his designee.
 - j) Each suite shall be required to include an automatic power off timer for each stove/cook top unit or other type burner.
 - k) Parking shall be calculated as one space required for each suite, with an additional ten spaces provided for employees. Parking requirements for conference, meeting or banquet facilities or restaurants or other type of eating facilities within a suite hotel shall be calculated as provided for each use in Section 7.18, in addition to the above parking requirements and approved by the Mayor and City Council.
 - l) There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
 - m) A landscaping plan is to be approved by staff with emphasis on planting within the parking facilities.
 - n) No facility under this section is to be converted or used primarily as an apartment or condominium.
 - o) All hotels (suite) must apply for a special land use permit as provided in Section 5.02 and 5.03.
- 20) **Light automotive repair establishments** adjacent to residentially zoned properties shall be required to incorporate noise abatement measures such as, but not limited to, landscaping, fencing, portable noise screen, or other equally effective industry accepted alternative.
- 21) **Limited office service establishments** provided that no single, individual use or structure shall exceed 5,000 square feet. The following minimum standards shall apply to limited office service establishments:
- a) Architectural style/design to be approved by the Mayor and City Council.
 - b) Site plan to be approved by the Mayor and City Council.
 - c) Internal access and parking plan, with emphasis on any loading or docking facilities, including screening and buffering for such, to be approved by the Mayor and City Council.
 - d) Landscaping plan, with emphasis on any loading or docking facilities, including screening and buffering for such, to be approved by the Mayor and City Council.
 - e) There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction-related equipment allowed.
- 22) **Medical and dental laboratories**, provided that no chemicals are manufactured on-site (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).
- 23) **Mining**, subject to the following minimum requirements:
- a) Removal or extraction of dirt, sand and soil is subject to the following:

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- b) The removal area shall be completely enclosed with a fence not less than six feet in height when considered necessary by the community development department.
 - c) Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a development permit.
 - d) Such uses shall not be established within 500 feet of a residential use or 200 feet of any other use.
 - e) This subsection shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes.
 - f) Removal or extraction of rock and gravel is subject to the following:
 - g) The removal area shall be sealed by fencing or grading or some other device from general public access. All entrances shall be fenced and locked during nonbusiness hours.
 - h) Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a development permit.
 - i) The operational and removal area of such uses shall not be established within 4,000 feet of a residential use or 2,000 feet of any other use.
 - j) No mining shall be allowed except after advertisement of a public hearing by the Mayor and City Council for the purpose of determining whether or not any adverse effect would result to surrounding property owners and whether or not a nuisance, as defined by state law, would be created.
- 24) **Offices not elsewhere classified** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 25) **Other consumer goods and services** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 26) **Other service establishments** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 27) **Outdoor commercial racing of motorcycles, automobiles, trucks, tractors and motorized vehicles**, subject to the following minimum requirements:
- a) A special land use permit is required as provided in Section 5.02 and 5.03.
 - b) All necessary state and federal permits, if any, shall be obtained.
 - c) A traffic impact study must be submitted with the application.
 - d) No damaged vehicles shall be stored on site for more than seven days.
 - e) A noise abatement plan and air pollution abatement plan shall be approved by city staff.
 - f) Hours of operation shall be limited at the discretion of the Mayor and City Council to protect the public health, safety and welfare.
- 28) **Petroleum or bulk storage facilities or chemical plants or storage facilities**, subject to the following minimum standards:
- a) A special land use permit is required as provided in Section 5.02 and 5.03.
 - b) Compliance with all applicable state and federal laws is required.
 - c) All necessary state and federal permits shall be obtained.

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- d) A spill containment plan shall be approved by city staff.
 - e) Minimum acreage is five acres.
 - f) No use shall be located closer than 1,000 feet to any residential dwelling or school.
 - g) Hours of operation shall be limited to daylight hours.
 - h) Noise abatement and air pollution abatement plans shall be approved by city staff.
 - i) A fire prevention, evacuation and safety plan shall be approved by the fire marshal.
- 29) **Photography studios** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 30) **Printing, publishing and lithography establishments**
- a) No more than 50 percent of the total gross floor area will be used for storage
 - b) Subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 31) **Private landfills, composting centers or recycling centers**, subject to the following minimum requirements:
- a) A special land use permit is required as provided in Section 5.02 and 5.03.
 - b) All necessary state and federal permits shall be obtained.
 - c) Compliance with all applicable state and federal laws is required.
 - d) Such facilities shall only be allowed in a heavy industrial zoning district, provided that the Mayor and City Council may grant a variance for filling of a specific natural land depression provided such fill shall not include garbage or other materials subject to decomposition.
 - e) Such facilities shall be approved by the Mayor and City Council after public hearing. Both a development permit from the community development department and written approval of the health department shall be issued before any landfill operation begins.
 - f) Such facilities shall be allowed only in areas incapable of development without landfill operations as determined by community development department.
 - g) No hazardous wastes as defined by state and federal law shall be disposed or discharged into the landfill site.
 - h) No garbage shall be disposed of within 2,000 yards of the public highway, a residence, or any gathering place unless approved by the Mayor and City Council.
 - i) Truck traffic routes and entrances to the facility shall be approved by the County traffic engineer.
 - j) The sanitary landfill site must be accessible without travel over residential streets.
 - k) All sanitary landfills shall have and keep on their premises in good working order a crawler-type tractor equipped with either a straight blade bulldozer, an angle blade bulldozer, a scraper (eight cubic yards or larger), a front-end loader, a bull clam, or other attachments of a similar nature. The combined weight of such tractor and accessories as set forth in this subsection shall be not less than 18,000 pounds.
 - l) All sanitary landfills hereafter established or operated shall be enclosed with a fence at least six feet high with openings therein not more than those in two-inch mesh wire, or

some other similar fencing materials or device. Such fencing shall be adequate to prevent paper and similar or related refuse from blowing from the landfill onto neighboring property.

- m) All sanitary landfills shall have an operator in attendance at all times when the fill is in use, and such fill must be barricaded when closed to the public.
 - n) Any changes in the normal drainage of the property upon which the sanitary fill is located shall be accommodated by storm sewers as necessary to properly care for drainage. Such storm sewers shall be installed at the expense of the user.
 - o) All operators of sanitary landfills must pack and cover daily all materials placed thereon with at least six inches of earth in such a manner as to prevent fires and meet any and all other requirements of the fire code. All completed landfills must be covered with at least two feet of earth. Burning of any kind of refuse on the landfill is prohibited.
 - p) This section shall not prohibit the dumping for disposal by burial of dry waste building materials concurrently with and on the same property as a structure under construction. Such waste shall be covered with at least two feet of earth before occupancy of the structure, but no such waste may be buried within 20 feet of any structure, drainage easement or drain field.
- 32) **Recreation grounds other than tennis courts and golf courses** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 33) **Reupholstery and furniture repair establishments** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 34) **Studios and supplies**
- a) No more than 50 percent of the total gross floor area will be used for storage
 - b) Subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 35) **Tool rental** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.

Sec. 4.04 through Sec. 4.99 Reserved.

Article V. PERMITS AND VARIANCES

Section 5.01 VARIANCES

- 1) Submission. An applicant for a variance shall file with or submit to the city, prior to processing of the application, the following:
 - a) A completed application shall be filed on forms prescribed by the city.
 - b) The notarized signature of the applicant and record titleholder shall appear upon the application.
 - c) The application fee shall be paid. These fees shall be established from time to time by resolution of the Mayor and City Council. A copy of the fee schedule shall be maintained for public inspection in the office of the Community Development Director.
 - d) 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 zoning or planning division of the county, including preliminary plans for development, building locations, parking areas, access points, adjacent streets, land lot lines and buffer areas.
 - e) Private sewage disposal must be approved by the Cobb County Board of Health (as administered by Cobb & Douglas Public Health), and written approval from the health department must be filed with the application.
 - f) The applicant shall submit any other information required by the city Community Development Department they deem necessary or desirable in processing the application which is related to the present or proposed use of the property.
 - g) Posting of public notice. The posting shall be the same as set forth in Section (Notice) for zoning applications.
- 2) Reconsideration of rejected applications. If an application for variance is rejected, then any portion of the same property may not be considered for any type of variance for a period of 12 months from the date the application was rejected, unless by court order or pursuant to a settlement of litigation approved by the board of zoning appeals.
- 3) In no event shall an application be withdrawn more than once without prejudicing the right of the applicant or property owner to apply for a variance within 12 months of the first application.
- 4) An application which is withdrawn within seven days of the board of zoning appeals hearing without the permission of the board of zoning appeals shall be deemed a rejected application with a 12-month prejudice period.
- 5) In cases of eminent domain. If the city or any other lawfully constituted state or federal governmental authority, agency or body or utility having the authority of eminent domain condemns or acquires property, and, as the sole result of such condemnation or acquisition, nonconformity is created in setback lines, required lot size, density or parking regulations, the Community Development Director shall be authorized to grant such administrative variances

as are necessary to bring the property into conformance upon receipt of a properly documented request. Any variance granted under this section may not exceed 25 percent of the existing requirements without application to the board of zoning appeals except for the overall density which allows the existing number of lots, units or floor area ratio (F.A.R.) to remain as it exists at the time of condemnation or acquisition. The property must be legally conforming prior to such condemnation or acquisition to qualify for an administrative variance. The Community Development Director shall be required to maintain records which support the basis for granting such variance. Any variance granted under this section shall only apply to the current zoning district and use. In addition, the Community Development Director shall file a certificate of administrative variance on the deed records of the county evidencing such variance.

Section 5.02 SPECIAL LAND USE PERMITS.

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:

- 1) **Asphalt plants.**
- 2) **Any manufacturing or industrial use which also requires a permit from the environmental protection division of the department of natural resources of the state** under the provisions of O.C.G.A. tit. 12, ch. 5, 8 or 9 (O.C.G.A. § 12-5-1 et seq., 12-8-1 et seq. or 12-9-1 et seq.).
- 3) **Auto salvaging and wrecking yards.**
- 4) **Automotive and scrap salvage yards and scrap metal processing.** Automobile and scrap salvage yards may be permitted in the HI (heavy industrial) zoning district, but only after application has been made for a special use permit and the permit has been granted by the Mayor and City Council. Special use permits may be obtained for scrap metal processing in the HI (heavy industrial) and LI (light industrial) districts after advertisement and hearing as in the case of land use permits.
- 5) **Automobile storage yards and wrecker services for damaged or confiscated vehicles.**
- 6) **Boarding, breeding or raising nondomestic or wild animals.**
- 7) **Chipping, grinding or reduction of materials, stumps, trees, limbs, construction debris, glass, concrete, asphalt, rock, etc.**
- 8) **Clubs or lodges (noncommercial),** when located on a residentially zoned property, with the following minimum requirements.
 - a) Minimum lot size is five usable acres, excluding flood plain.
 - b) Primary access to the facility shall be from an arterial or major collector roadway.

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- c) Structures associated with the use shall be located a minimum of 50 feet from any property line.
 - d) Structures associated with the use shall be limited to 55 feet in height.
 - e) When abutting any residential property line, a 35-foot landscaped screening buffer shall be approved by county staff (see landscaping standards).
 - f) An overall parking and landscape plan for the entire site shall be approved by county staff.
 - g) One paved parking space shall be provided for every four seats in the designated assembly area, plus one per employee. In the absence of designated assembly areas, one paved space shall be provided per 300 square feet of gross floor area.

A lighting plan shall be approved in accordance with Section 7.16.

9) **Coliseums.**

- 10) **Colleges or universities** which are institutions for higher education and are nonprofit educational institutions not owned or controlled by the state or any political subdivision, agency, instrumentality, district or municipality thereof, which provide a program of education beyond the high school level and which admit as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate, and which provide an educational program for which a bachelor's degree is awarded, or provide an educational program, admission into which is conditioned upon the prior attainment of a bachelor's degree or its equivalent, for which a postgraduate degree is awarded, or provide not less than a two-year program which is acceptable for full credit toward a bachelor's degree or its equivalent.

11) **Concrete plants.**

12) **Communication equipment buildings.**

13) **Composting facilities.**

14) **Flea markets.**

15) **Fraternity and sorority houses and residence halls.**

16) **Hotels (suite).**

- 17) **New cemeteries for human or animal internment or expansions of cemeteries for human or animal internment**, if the expansion is of more than 20 acres or greater than 50 percent of its size.

- 18) **Noncommercial or nonprofit public community centers** such as the YWCA, YMCA, Girls Club or Boys Club.

19) **Pain clinic and pain management clinic.**

- a) No on-site dispensing of any prescription medications or controlled substances
- b) Hours of operation to be established by the Mayor and City Council, considering the operational hours of surrounding businesses
- c) Signage and lighting plan to be approved by the Mayor and City Council
- d) Maximum length of approval of SLUP is 12 months
- e) No interior doors allowed from clinic to other adjacent businesses

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- 20) **Private, parochial or other elementary, middle, junior or high schools** which are not a part of the public school system of the state, but which teach the subjects commonly taught in the common schools of the state. This use shall not be permitted in the CF, IF, LI or HI zoning districts.
- 21) **Private landfills.**
- 22) **Quarries or mining operations.**
- 23) **Radio, television, microwave, land mobile, telephone or other communication towers or antennas**, including antennas or other communications equipment or facilities to be placed on a tower that was or will be constructed. A single antenna under 70 feet in height owned and operated by a federally licensed amateur radio station operator shall be exempt from the provisions of this requirement.
- 24) **Recreational grounds or private parks** provided the proposed uses within the property are consistent with the uses in other City of Mableton public parks, provided however, where the proposed use contains a commercial component, the owner must also apply for the appropriate commercial zoning district.
- 25) **Sawmills.**
- 26) **Scrap metal, iron or steel collection/recovery.**
- 27) **Stadiums.**
- 28) **Trade shows/expositions.**
- 29) **Trash/garbage handling, hauling or disposal facilities** or any use associated with these uses, except for general offices, dispatch offices, maintenance facilities or truck terminals for empty and clean trucks only. Any cleaning of empty trucks must occur entirely inside an enclosed building and all wash water and residue which is used in or results from such cleaning must be recaptured and not allowed to flow outside the enclosed building.
- 30) **Truck stops/refueling stations.**
- 31) **Used or pre-owned automobile and truck sales lots separate from a new car dealership.**
No application for a special land use permit shall be considered unless the property on which the special land use permit has been applied for consists of at least one acre of paved surface for parking of vehicles excluding any area used for, but not limited to buildings, offices, service or sales areas, etc.
- 32) **Used or discarded tire storage/disposal facilities.**
- 33) **Waste transfer stations.**
- 34) **Any other use requiring a Special Land Use Permit under this Chapter.**

Section 5.03 STANDARDS FOR SLUP

- 1) The Mayor and City Council may grant special land use permits for the uses enumerated in Sec. 5.02 and any other section where a special land use permit is required. The granting of a special land use permit is conditional upon the site plan considered by the Mayor and City Council.
- 2) All applications for special land use permits shall be advertised in the same manner as applications for rezoning, and public hearings will be held thereon in the same manner as applications for rezoning are conducted.
- 3) The Mayor and City Council may grant special land use permits for any period of time in their discretion. In addition to purpose and intent of the zoning district where the property lies, the Mayor and City Council shall consider, at a minimum, the following in its determination of whether or not to grant a special land use permit:
 - a) Whether there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
 - b) Whether the use is compatible with the neighborhood.
 - c) Whether the use proposed will result in a nuisance as defined under state law.
 - d) Whether the quiet enjoyment of surrounding property will be adversely affected.
 - e) Whether the property values of surrounding property will be adversely affected.
 - f) Whether adequate provisions are made for parking and traffic considerations.
 - g) Whether the site or intensity of the use is appropriate.
 - h) Whether special or unique conditions overcome the Mayor and City Council's general presumption that residential neighborhoods should not allow noncompatible business uses.
 - i) Whether adequate provisions are made regarding hours of operation.
 - j) Whether adequate controls and limits are placed on commercial and business deliveries.
 - k) Whether adequate landscape plans are incorporated to ensure appropriate transition.
 - l) Whether the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.
 - m) Whether the application complies with any applicable specific requirements set forth in this chapter for special land use permits for particular types of uses.
 - n) Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.
- 4) In all applications for a special land use permit the burden shall be on the applicant both to produce sufficient information to allow the city to fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this ordinance for consideration by the city.
- 5) Any special land use permit that is granted for a use that emits or creates odors must include an odor elimination/attenuation system as recommended by industry standards.

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- 6) Suspension or revocation. A holder of a special land use permit may be subject to suspension or revocation via a show-cause hearing conducted by the Mayor and City Council if the owner/property owner/operator is found in violation of any local, state or federal laws, regulations or ordinance regulating such business; or any reason which would cause the denial to issue or renew such permits; or the violation any of the city's stipulations of the special land use permit. The Community Development Director shall be authorized to post the property at least 30 days prior to a show-cause hearing with an "other business" sign, if the violations are not corrected within ten days of official notification provided by the city, and/or are habitual in nature, and/or endanger the public health, safety and welfare.

Section 5.04 TEMPORARY LAND USE PERMITS

- 1) The Mayor and City Council may permit temporary land use permits for uses that are uniquely located and are considered compatible with adjoining zoning districts and nearby uses for designated periods of time for uses, exceptions or professions in areas, along roadways and within districts where the zoning regulations would otherwise prohibit such operations.
- 2) The Mayor and City Council may grant temporary land use permits for limited periods of time for occupations or businesses compatible with the neighborhood from which such business or occupation is operated and where no nuisance as defined in state law or other significant adverse effect would result to the area or district zoned.
- 3) All applications for temporary land use permits shall be advertised in the same manner as applications for rezoning, and public hearings will be held thereon in the same manner as hearings on applications for rezoning are conducted.
- 4) The Mayor and City Council have determined that temporary land use permits are only appropriate if granted for a limited period. In no event shall the Mayor and City Council grant a land use permit for a period more than 24 months except on reapplication, readvertisement and public hearing. The following uses are considered uses that are uniquely located and are also considered compatible with adjoining zoning districts and nearby uses that may be considered upon each renewal:
 - a) Land use permits for exceptions to the city's minimum square footage per adult occupant, minimum square footage per vehicle parked at a dwelling unit or mobile home.
 - b) Churches with accessory day care facilities (commonly known as pre-K, day care school, child development center, "mother's morning out," and the like) programs that have greater than 25 percent non-church members of the total number of children in the day care program will be considered upon each renewal.
 - c) Single-family residential structures used as professional offices that are not included within a platted subdivision, located along a four-lane arterial roadway, not architecturally or structurally altered unless necessary to accommodate access required by accessibility requirements or in accordance with fire safety regulations (when such alterations are

necessary, architectural design shall be subject to review and approval by the Mayor and City Council) and signage that complies with the provisions of Section 6.03 will be considered upon each renewal.

- d) Farmers markets that are outdoor markets open to the public subject to the following minimum requirements:
 - i) Tract size to be determined on a case-by-case basis.
 - ii) The displayed inventory of the products sold in each farmers market may include means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, tea, smoked or canned meats or fish, sausages, items prepared by a cottage food operator as authorized by state and local regulations, or other items as may be approved by the Mayor and City Council.
 - iii) Conceptual plan (which may be a scaled drawing prepared by the applicant) to be approved by the Mayor and City Council that includes:
 - iv) The area in which all booths to be used as part of the farmers market will be located.
 - v) Location of parking areas. Location of portable restroom facilities, if needed.
 - vi) Location of any temporary signage associated with the farmers market (excluding signage within the parking area or within the booth areas).
 - vii) Statement of agreeable stipulations to be approved by the Mayor and City Council that includes:
 - (1) List of all items to be sold or demonstrated at the market, including a provision that will allow for additions or deletions as authorized by the Mayor and City Council.
 - (2) Property owner's acknowledgement and authorization for the farmer's market.
 - (3) Applicant's acknowledgement that all vendors participating will comply with all applicable state and county health regulations, including those associated with food preparation and presentation.
 - (4) Applicant's acknowledgement that there will be no loudspeakers utilized during the farmers market.
 - (5) Applicant's acknowledgement that there shall be no mechanized rides, video arcades or mechanized games conducted on the premises.
 - (6) Applicant's acknowledgement that the site must be cleaned up within two hours of the end of the market.
 - (7) Applicant's acknowledgement that there shall be no firearms sales or open flame cooking possessed or conducted on the premises.
 - (8) An emergency 24-hour contact for use by applicable city staff.
 - (9) Onsite manager to maintain an updated list of vendors with contact numbers and requisite business license numbers to be made available for inspection by county staff.

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- 5) Once the period for which the temporary land use permit was granted has expired, the use must cease or relocate.
 - 6) If the property where a land use permit has been granted is sold or otherwise conveyed, or the business for which the land use permit was granted is sold or otherwise conveyed, requiring a change in the business license, the approved land use permit shall no longer be valid. In order for the use to resume operation, a new land use permit must be applied for and approved by the Mayor and City Council.
 - 7) The applicant or operator must reside full-time at the residence where the temporary home occupation or temporary business is performed if the property is located in a platted subdivision.
 - 8) Any temporary signage approved with a temporary land use permit must be consistent with Section 6.02 and Section 6.03.
 - 9) The Mayor and City Council shall consider, at a minimum, the following in its determination of whether to grant a temporary land use permit:
 - a) Safety, health, welfare and moral concerns involving the surrounding neighborhood;
 - b) Parking and traffic considerations;
 - c) Number of nonrelated employees;
 - d) Number of commercial and business deliveries;
 - e) The general presumption of the Mayor and City Council that residential neighborhoods should not allow noncompatible business uses;
 - f) Compatibility of the business use to the neighborhood;
 - g) Hours of operation;
 - h) Existing business uses in the vicinity;
 - i) Effect on property values of surrounding property;
 - j) Circumstances surrounding neighborhood complaints;
 - k) Intensity of the proposed business use; and
 - l) Location of the use within the neighborhood.
 - 10) Suspension or revocation. A holder of a temporary land use permit may be subject to suspension or revocation via a show-cause hearing conducted by the Mayor and City Council if the owner/property owner/operator is found in violation of any local, state or federal laws, regulations or ordinance regulating such business; or any reason which would cause the denial to issue or renew such permits; or the violation any of the Mayor and City Council stipulations of the temporary land use permit. The Community Development Director shall be authorized to post the property at least 30 days prior to a show-cause hearing with an "other business" sign, if the violations are not corrected within ten days of official notification provided by the county, and/or are habitual in nature, and/or endanger the public health, safety and welfare.

Section 5.05 TEMPORARY LOCATION OF MOBILE HOME OR LAND USE

- 1) In all classifications there may be established a use for the temporary location of a mobile home or a temporary land use only upon issuance of a temporary land use permit, which may be issued by the Mayor and City Council upon the following conditions:
 - a) Application for a use permit shall be filed and shall meet all the requirements of an application for zoning as provided by this chapter.
 - b) Such application shall have attached thereto a separate statement of the applicant that he recognizes that the use permit, if granted, is for a temporary time only and that the applicant shall cause the removal of the mobile home or the removal of all personalty on the termination of the use permit, or upon the applicant's failure to do so irrevocably grants the Mayor and City Council the right to remove the mobile home or personalty from the premises at the expense of the applicant, for which the applicant agrees to pay.
 - c) The Mayor and City Council may permit the following:
 - i) A mobile home may be parked and occupied in all residential or commercial districts where a building permit has been applied for and obtained from the proper department of the city for the construction of either a home or a place of business.
 - ii) A mobile home may be parked and occupied in any residential area provided there is a minimum of two acres and the property is not located in a recorded subdivision, where a medical hardship exists. For purposes of this section, the term "medical hardship" is defined as a person whose health or mental condition necessitates attention and supervision from the occupants of the dwelling located on the lot on which it is desired to have the mobile home parked and occupied. In no case shall such a use be allowed unless it is shown by the county health department or by other appropriate medical evidence that the person to occupy the mobile home falls within the provisions of this subsection and unless it is satisfactorily shown that the dwelling on the premises does not contain sufficient facilities to accommodate the proposed occupant of the mobile home.
 - iii) In addition, the application shall contain an affidavit or certified statement of a physician showing that present facilities are inadequate and stating that a hardship condition requiring the use of a mobile home for the health care of a member of the immediate family of the occupant of the premises exists.
 - iv) A mobile home may be parked and occupied in any commercial or industrial district where a building permit has been applied for and where its primary function is that of an office or for storage or related purposes.
 - v) A mobile home may be parked and occupied in any district on property owned or leased by a church, chapel, temple, synagogue, other places of worship or a school for a period not to exceed 12 months where its primary function is that of an office or classroom or for storage or related purposes.

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- d) Any new application for a land use permit may only be renewed up to four times for a total period of five years.
 - e) Not more than one mobile home for each two acres of vacant land may be located thereon.
- 2) In all residential classifications the Community Development Director may grant a use permit for the temporary use of one of the homes or for the parking of a mobile home to be used as a real estate sales office for sale of the lots for new homes built and developed within the boundaries of the development, provided that final plans have been approved therefore by all city authorities.
 - 3) The specific location of the mobile home shall be subject to the approval of the Community Development Director.
 - 4) In all classifications, the Mayor and City Council may grant a temporary use permit for the use of the land itself under the same ordinance governing mobile home use.
 - 5) In all instances where an application for a mobile home permit or has been applied for, the Mayor and City Council shall take into consideration:
 - a) the need for such permit,
 - b) the aesthetic effect that it may have on the neighborhood, and
 - c) the location on the property of the mobile home, and may
 - d) in its discretion grant or refuse a permit, and the grant or refusal shall not be mandatory, but in all instances shall be permissible depending on the finding of the Mayor and City Council as to the conditions stated in this section and any other lawful criteria.
 - 6) Any person violating the terms of this section, either without obtaining a permit or for causing a mobile home to be parked or occupied for a period more than that granted by the Mayor and City Council, shall be deemed to have violated this section and be subject to all remedies provided under the ordinances of the city.
 - 7) For purposes of this section only, the term "mobile home" is defined to include both mobile structures designed to function as residences and mobile structures designed to function as classrooms, offices and storage buildings.
 - 8) Any violation of this section or the cessation of the need for a use permit shall be grounds for revocation of such permit by the Mayor and City Council in addition to all other remedies provided by law.

Section 5.06 LIMITED PROFESSIONAL SERVICES PERMIT

- 1) Purpose and intent. Limited impact professional services mean 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.
- 2) This use may be located on residential property subject to the following criteria.
 - a) This use is only permitted on arterial roadways.

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- b) Permitted uses as follows:
 - i) Health practitioners
 - ii) Professional offices
 - iii) Specialized education and training/studios such as computer and electronics training schools, drama schools, driver's education schools, language schools, music schools, and studio facilities including, but not limited to dance/ballet, art, photography, yoga, martial arts, and fitness studios.
 - c) Parking, signage and lighting to be approved by the Mayor and City Council.
 - d) Use limitations.
 - i) The existing single-family detached dwelling shall be reused. The residential façade shall be maintained, and any new construction shall be architecturally like the existing building.
 - ii) No outdoor displays of products that are actively available for sale or lease.
 - iii) New lighting to be installed shall be established so that no direct light shall cast over any property line.
 - iv) No ground disturbance over 5,000 square feet is permitted.
 - e) Limited professional service permit shall be for a specific user and use only.
 - f) A commercial certificate of occupancy must be obtained prior to any occupational tax certificate being issued.
 - g) Applications for a limited professional services permit shall be subject to the requirements and process for rezoning applications.

Sec. 5.07 through Sec. 5.99 Reserved.

Article VI. SIGNS

DIVISION I. SIGN PERMITS

Section 6.01 PURPOSE AND INTENTION

- 1) The Mayor and City Council have considered the aesthetic and safety reasons for limiting signage within incorporated city limits. The Mayor and City Council have determined that unregulated sign proliferation may contribute to a lowering of commercial and residential property values in the city. Moreover, the Mayor and City Council has determined that clutter created by an excess in number, size, and height of signs can create a distraction to travelers and negatively impact the aesthetic qualities of the city and intrude upon the residential character of the city. It has been found by the Mayor and City Council that limiting the number, type, and dimension of signs in accordance with the following regulations will serve these substantial governmental and community interests.
- 2) The Mayor and City Council understands signs are an important means by which city residents, organizations, institutions, and businesses convey constitutionally protected commercial and noncommercial messages. The following regulations provide an appropriate balance between the right to communicate via signs and the protection of the community interests stated above.
- 3) The Mayor and City Council recognizes that it is rarely proper for the government to determine the content of speech that will be allowed on signs. As such, it is the intent of the Mayor and City Council that signs will be approved or disapproved entirely without regard to the content to be posted on all signs. To any extent the text of this ordinance states or suggests that content should be a factor in determining whether a sign is to be permitted or allowed, that text is hereby overridden, and such meaning is to be disregarded. City officials and staff shall not be allowed to consider sign content in any way. In the permitting of signs, the city shall not inquire of the applicant what a sign will say or what message or content is to appear thereon. The message appearing on any existing sign may be changed without regard to content.
- 4) Signs requiring a permit. Unless exempted by this ordinance, no sign shall be used, constructed, maintained, located, replaced, expanded, or relocated unless a sign permit has been issued by the city. Notwithstanding the foregoing sentence, normal maintenance or repair of a permitted sign or a legal nonconforming sign is allowed without a permit, as are copy/message changes.

Section 6.02 SIGNS PROHIBITED.

The following signs are prohibited:

- 1) Oversized signs, as defined above based only on their size or height, except in accordance with Sections governing (oversized signs) (commercially and industrially zoned property) (nonresidential uses on residential properties and apartment and residential subdivision signs) (temporary signs for commercially zoned, nonresidential uses on residential properties, apartments, and industrial zoned properties);
- 2) Signs on the public right-of-way, to include medians, sidewalks, curbs, and all other public land except in accordance with Section 6.03.
- 3) Any sign larger than 12 square feet on property that is currently vacant or zoned as or in use for residential purposes;
- 4) Signs located within recorded and/or prescriptive utility service easements unless a variance is granted by the board of zoning appeals, Mayor and City Council, or the easement holder provides a written waiver for the proposed sign;
- 5) Signs located within recorded and/or prescriptive water, sanitary sewer, drainage easements or their setbacks. A variance may be granted by the Community Development Director within a setback and only if the owner of the sign provides a written waiver or hold harmless agreement to the city;
- 6) Any sign, the erection of which would increase the total aggregate area of all sign faces on property that is currently vacant or zoned as or in use for residential purposes to more than 20 square feet;
- 7) Any sign, the erection of which would increase the total aggregate area of all sign faces on a property that is currently primarily used for commercial or industrial purposes to more than 80 square feet, except in accordance with Sections (oversized signs) or (Commercially and industrially-zoned properties) of this article.
- 8) Signs attached to the roof of a building or structure;
- 9) Portable signs;
- 10) Any sign that is taller than 19 feet in sign height, except in accordance with section (oversized signs) of this article;
- 11) Wall signs projecting more than 24 inches from the building surface on which it is attached, except blade signs may project up to 48 inches from the building surface on which it is attached;
- 12) Electronic signs used as canopy, wall, or awning signs;
- 13) More than four freestanding signs on any platted, recorded, or deeded lot of record;
- 14) Signs posted without the permission of the owner of the property or their authorized tenant or agent;

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- 15) Permanent or temporary window signs which cover more than 50 percent of the window glass surface of each pane of glass.
 - 16) Signs which are erected or maintained upon trees, utility poles, or painted or drawn upon rocks or other natural features;
 - 17) Pennants and streamers;
 - 18) Mechanical fan and wind activated devices;
 - 19) Signs not in good repair, specifically including any sign which is in a state of disassembly or any sign which has internal lighting exposed to view.

Section 6.03 EXEMPT SIGNS.

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

- 1) 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;
- 2) Signs posted by authorized government officials in the strict performance of their official duties on public land or right-of-way;
- 3) 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;
- 4) Any sign of six square feet or smaller that is posted by a city 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;
- 5) 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;
- 6) 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.
- 7) One permanent sign per entrance and exit on private property not to exceed three square feet in area or three 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 6.04 OVERSIZED SIGNS.

- 1) The Mayor and City Council have considered the need for commercial and noncommercial speech through the medium of oversized signs along major roads, as defined herein. These interests must be weighed against the aesthetic and safety concerns that have been enumerated elsewhere in this ordinance. After thorough consideration of these countervailing interests, the

Mayor and City Council has developed the following restrictions regarding oversized signs to be allowed along major roads (on parcels adjacent to the right-of-way), as defined herein, in the city. Major roads means only the following: Interstate 20 and Interstate 285. These restrictions shall apply to all oversized signs that are not allowed by sections (commercially and industrially zoned properties) or (Nonresidential uses on residential properties and apartment and residential subdivision signs) of this article.

- a) All oversized signs must comply with the State of Georgia's sign regulations (O.C.G.A. § 32-6-70 et seq.) and all additional or more restrictive regulations set forth in this Section (oversized signs);
- b) No oversized sign shall exceed 35 feet in height;
- c) No oversized sign shall exceed 300 square feet in sign area per side;
- d) No oversized sign shall be located within 1,000 feet of another oversized sign in any direction;
- e) No oversized sign shall be located within 1,000 feet in any direction of any parcel zoned or used for residential purposes;
- f) Oversized signs shall not be electronic signs except in conformance with section (reduction in number of nonconforming oversized signs) below.

Section 6.05 REDUCTION IN NUMBER OF NONCONFORMING OVERSIZED SIGNS.

- 1) The Mayor and City Council finds that all existing oversized signs in incorporated city limits that do not comply with this ordinance are legal nonconforming uses, and consistent with the provisions of Section (nonconforming signs) of this article, it is the desire of the City of Mableton that such nonconforming uses be permitted to continue, but that they be reduced over time. The Mayor and City Council further finds that the development of electronic signs provides a valuable opportunity to enhance the utilization of existing oversized sign signage within the city, although such electronic signs must be properly regulated to insure, they do not constitute a traffic hazard or otherwise negatively impact the aesthetics of the city. As such, the Mayor and City Council finds that the modification of a limited number of existing legal nonconforming static oversized signs to electronic signs, in exchange for a reduction in the overall number of nonconforming oversized signs constitutes a benefit to the City regarding traffic safety and aesthetics.
- 2) Notwithstanding any other provision of this article, any existing legal nonconforming oversized sign face(s) or panel(s) existing on the date of adoption of this ordinance and not located within 500 feet of a residence may be modified to an electronic sign face(s) or panel(s), provided that the applicant remove from within city limits not less than three legal nonconforming oversized sign face(s) or panel(s) of equal or greater square footage to that sign being converted to an electronic sign. Any existing legal nonconforming oversized sign face(s) or panel(s) existing on the date of adoption of this ordinance that is located within 500 feet of

a residence may be modified to an electronic sign face(s) or panel(s), in accordance with all other applicable criteria listed above subject to:

- a) Approval by the Mayor and City Council as an "Other Business" agenda item, including applicable posting, proof of mailings to residents within 1,000 feet and public hearing requirements.
 - b) When determining the appropriateness of modifying an existing legal nonconforming oversized sign to an electronic sign if located within 500 feet of a residence, the Mayor and City Council will consider whether or not the electronic sign face will be visible from the residence(s) that is within 500 feet and whether or not electronic sign faces visible from the residence(s) are properly buffered and screened from lighting cast from the sign.
- 3) Provided, in determining the exchange ratios:
- a) Multiple sign panels may be combined to satisfy the necessary sign face or panel removals;
 - b) Two sign faces or panels not less than 300 square feet shall equal one sign face or panel of 672 square feet in size;
 - c) For purposes of the installation of an electronic sign face or panel 672 square feet in size, the applicant may remove five sign panels not less than 300 square feet in size to comply with the removal requirements.
- 4) To be eligible for exchange credit, the entire above-ground sign structure upon which the sign faces/panels to be exchanged are located must be removed. The applicant will be issued a provisional permit to upgrade the designated sign to an electronic sign upon identifying the locations to be removed and otherwise showing compliance with the provisions of this section relating to electronic signs but shall not be issued a building permit to complete the upgrade until such time as the exchanged sign(s) are actually removed.
- 5) The final permit shall provide that except for the replacement of the sign face(s) with the electronic sign panel, and any associated structural improvements or reconstruction required by current building codes for such signs, the designated sign shall not be moved to another portion of the property, increased in size or height, or otherwise modified in a manner which increases the nonconformity of the structure unless a variance is first obtained to permit such modification.
- 6) Each electronic sign allowed pursuant to this ordinance shall conform to the requirements set forth in section 6.06 relating to electronic signs of this article.
- 7) No electronic sign allowed pursuant to this ordinance shall be located within 5,000 feet of another electronic sign on the same side of the road (pole to pole), nor shall any electronic sign be located within 1,000 feet of another electronic sign facing the same direction.
- 8) Where located on a state-controlled route, each oversized sign allowed pursuant to this ordinance must comply with all Georgia Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this article.
- 9) Owners of electronic signs allowed pursuant to this ordinance are encouraged to coordinate with the local authorities to display, when appropriate, emergency information important to

the traveling public including, but not limited to Amber Alerts or emergency management information.

Section 6.06 ILLUMINATION.

- 1) Illuminated signs shall be installed and operated in such a manner to prevent glare from being a hazard to or from interfering with the normal use of the public rights-of-way and adjoining property. No lighted sign shall cast light directly on streets, roads or neighboring property.
- 2) Electrical and structural safety. All electrical signs and all electrical devices that illuminate signs or otherwise operate signs are subject to approval of the Community Development Director. All such signs and electrical devices shall only be allowed if listed by an approved testing laboratory or agency and installed in conformance with that listing. All signs shall be built in compliance with all applicable building and electrical codes.
- 3) Electronic signs may be used in accordance with the following provisions, provided that legal nonconforming oversized signs shall not be converted to electronic signs except in accordance with the provisions of both this Section and Section 6.05.
- 4) The following shall apply to all electronic signs:
 - a) Electronic signs shall only be used as freestanding signs and shall not be allowed as canopy, wall, or awning signs as defined in this ordinance.
 - b) Electronic signs shall contain static messages only that are displayed for not less than ten seconds and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message. Transitions between messages shall not use frame effects or other methods which result in movement of a displayed image during such transition.
 - c) Electronic signs may not operate at brightness levels of more than 0.30 footcandles (under measurement conditions) above ambient light levels as measured at the following distances:

Electric Sign Square Feet	Feet Distance
< 100 square feet	100 feet
201 square feet—300 square feet	150 feet
> 300 square feet	250 feet

- d) Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
- e) The owner of said electronic sign shall provide the Community Development Director information for a 24-hour contact able to turn off the electronic sign promptly if a malfunction occurs.

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- f) If, at any time more than 50 percent of the digital display lights malfunction or are no longer working, the owner of said electronic sign shall turn off the electronic display until repairs are made.
 - g) While processing a complaint, the staff of the city may request certification of the brightness (under measurement conditions) by an independent contractor (if such has not been certified within the preceding 12 months). If this investigation and certification indicates that the electronic sign exceeds the brightness levels specified in this article, the owner of the sign, within 24 hours of a request by the staff of the city, shall turn off the sign until the brightness of the sign is corrected to comply with this ordinance at owner's expense.
 - h) Any electronic sign whose face or structure is physically removed for whatever cause must alter the sign to comply with this ordinance.
 - i) No electronic sign shall utilize, house, or contain any interactive features or components, or function as an interactive sign.

Section 6.07 NONCONFORMING SIGNS.

- 1) Any sign that was approved or in existence at the time this ordinance was passed and was legal pursuant to Cobb County's previous sign regulations, variances, or agreements, will be exempt from the provisions of this ordinance; this includes sign square footage that was legally permitted under the county sign ordinance (Cobb County chapter 134, Article VI).
- 2) The structure, dimensions, location, and/or other physical characteristics of any such sign shall not be changed without first complying with this article.
- 3) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign.
- 4) No repairs other than normal maintenance and upkeep of nonconforming signs shall be permitted except to make the sign comply with the requirements of this article.
- 5) The purpose of this section is to mitigate the detrimental impact of new ordinances on existing previously legally conforming signage.
- 6) Over time, it is anticipated that nonconforming usages shall eventually be eliminated.
- 7) Therefore, when a nonconforming sign is damaged by nature or an act of God, such sign may be promptly repaired, rebuilt, or restored to the same dimensions, type, shape, location, and size and at the same height as the original nonconforming sign.
- 8) The failure to repair, rebuild, or restore such a sign within six months of the date of damage shall be deemed to be abandonment of the sign and any re-erection of such sign shall conform in all respects to the provisions of this article.

Section 6.08 FUTURE DEVELOPMENTS.

Where the owner or developer of a commercial, residential, or other development seeks permission to post signs on such development as part of the general plan approval process, such signs may be approved by the Mayor and City Council as part of the normal process for approving design and building plans for new developments. If such approval is obtained, the owner or developer shall still be required to seek and obtain necessary sign permits pursuant to sections (signs requiring a permit) and (permits) of this article.

Section 6.09 COMMERCIALLY AND INDUSTRIALLY ZONED PROPERTIES.

All freestanding signs must be ground based monument signs except oversized signs authorized by section (oversized signs) of this article.

- 1) This chart applies to freestanding signs and canopy signs located outside the buildable area of the lot, unless otherwise provided.

Lot Size (acres)		Maximum Total Sign Area Allowed on Property (square feet)	Maximum Sign Structure Area Allowed on Property* (square feet)	Maximum Total Sign Area Allowed Per Sign (square feet)	Maximum Sign Structure Area Allowed Per Sign (square feet)
Greater Than or Equal To	But Less Than				
	½**	60	150	49	120
½	1**	65	162.50	49	140
1**	5	120	300	49	200
5	10	200	500	120	300
10	No limit	300	750	200	500

*Sign structure area shall be computed as including the entire area of structure surrounding the actual advertising display area, including the advertising display.

**For the purpose of this section, one-half acre shall mean 20,000 square feet and one acre shall mean 40,000 square feet. Any lot size above 43,560 square feet shall be calculated on its actual square footage.

***No single sign area (display area) may exceed 200 square feet on any size lot.

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- 2) The sign area of a freestanding sign shall be the area within a single, continuous rectangular perimeter measured from the extreme lowest point of the sign to the extreme highest point of the sign and from the extreme left edge to the extreme right edge of the sign face or faces and shall not include the support structure. For double-faced signs, only one display face shall be measured in computing sign area when the sign faces are parallel, or where the interior angle formed by the faces is 60 degrees or less and attached to a common structure. If the two faces of a double-faced sign are of unequal area, the larger of the two faces shall be the area used for calculations.
 - 3) Businesses and property owners are encouraged to promote better emergency response conditions by displaying the street address on the largest freestanding sign on each parcel. The maximum height of the number shall not exceed one foot in height or width. The numbers will not be counted against the maximum allowable sign area.
 - 4) All signs must be located on private property except in accordance with Section (paragraph 2 of exempt signs). No sign can be erected on or encroach on any public right-of-way. No sign shall be located within 62 feet of the center line of an arterial road right-of-way, within 52 feet of the center of a major collector road right-of-way, or within 42 feet of the center of any other road right-of-way, and no closer than one foot behind the public right-of-way. All signs shall conform to the side yard setback per zoning classification. In no event shall signs be placed in the mitered corner.
 - 5) One sign is allowed for each complete 200 feet of public road frontage; provided that on any frontage of less than 200 feet, one sign shall be allowed on that public road frontage.
 - 6) The maximum sign area for a wall sign or awning sign for each occupant or tenant shall be calculated as follows: for each one linear foot of the wall or building along each face of the building devoted to each occupant or tenant, two square feet of sign area is allowed on that face, up to a maximum of 150 square feet for a building one to two stories in height or under 20 feet and a maximum of 200 square feet for a building over 2 stories or over 20 feet in height. In a multi-tenant center, wall signs shall be affixed to the walls (front, rear or side) of the tenant or sign applicant's actual tenant space.
 - 7) Each freestanding sign must be at least 150 feet from any other freestanding sign on the same lot.
 - 8) A blade sign may project up to 48 inches from the wall or surface on which it is attached.
 - 9) Electronic signs may be utilized for and in conjunction with any freestanding sign permitted by this section, provided that each such electronic sign must be located on a property/lot with at least 200 feet of public road frontage on one road (if abutting more than one public road, sign may only be erected along a road with more than 200 feet of frontage) and cannot be within 200 feet of another electronic sign that has been permitted on the same property/lot. For the purposes of measurement, mitered corners will not be included in road frontage calculations.

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- 10) Further, the electronic messaging portion of sign shall not exceed 32 square feet per allowable sign area and may not have more than two electronic sign areas per sign.

Section 6.10 NONRESIDENTIAL USES ON RESIDENTIAL PROPERTIES AND APARTMENT AND RESIDENTIAL SUBDIVISION SIGNS.

- 1) This section regulates signs for nonresidential uses on residentially zoned properties. Examples of such nonresidential uses include but are by no means limited to churches, country clubs, golf courses, schools, residential subdivision signs, apartment communities, and produce or product stands. However, such nonresidential uses shall not include a customary home occupation.
- 2) The maximum sign area for a wall sign or awning sign shall be calculated as follows: for each one linear foot of the wall or building along each face of the building, two square feet of sign area is allowed on that face, up to a maximum of 32 square feet of sign area.
 - a) Sign area. This chart specifies the allowable sign area for freestanding signs and canopy signs located outside the buildable area of the lot for nonresidential uses on residentially zoned properties. Lot size shall be calculated using entire subdivision plat of size of lot for single use lots:

Lot Size (Acres)	Maximum Total Sign Area Allowed on Property (Square Feet)
Less than 5*	32
Greater than 5	64

*For this subsection one acre shall mean 40,000 square feet. Any lot size above 43,560 square feet shall be calculated on its actual square footage.

- b) Height. Signs for use in residential zones shall not exceed a sign height of eight feet.
 - c) Location. Any permitted sign for use in residential zones shall be located at least 75 feet from any other such permitted sign on the same lot and at least one foot off the right-of-way.
 - d) Type/design. All freestanding signs must be ground based monument signs.
 - e) Illumination. Illuminated signs for use in residential zones located on arterials, or major or minor collectors, as determined by the county major thoroughfare plan, may use indirect or internal lighting. On all other road classifications, only indirect lighting shall be allowed.
- 3) Electronic signs may be utilized for and in conjunction with any freestanding sign permitted by this section, provided that each such electronic sign must be located on a property/lot with at least 200 feet of public road frontage on one road (if abutting more than one public road, sign may only be erected along a road with more than 200 feet of frontage) and cannot be within 200 feet of another electronic sign that may be permitted on the same property/lot. For

the purposes of measurement, mitered corners will not be included in road frontage calculations. Further, the electronic messaging portion of sign shall not exceed 32 square feet per allowable sign area and may not have more than two electronic sign areas per sign.

Section 6.11 TEMPORARY SIGNS FOR COMMERCIALLY ZONED, NONRESIDENTIAL USES ON RESIDENTIAL PROPERTIES, APARTMENTS, AND INDUSTRIALLY ZONED PROPERTIES.

- 1) The following types of signs or devices may be displayed on commercially zoned, industrially zoned, nonresidential uses on residential property, and apartments upon the issuance of a temporary permit so long as any such sign or device does not exceed 100 square feet:
 - a) Searchlights.
 - b) Banners.
 - c) Inflatables (greater than three feet in width and/or height).
- 2) 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.
- 3) Only one freestanding banner may be displayed on a lot at a time.
- 4) 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.
- 5) Top of inflatable devices cannot be any higher than 20 feet from the roofline and 35 feet from ground level.
- 6) Display of the inflatable device shall be allowed from 3:00 p.m. on Friday to 8:00 a.m. on Monday.
- 7) Searchlights and inflatables are not permitted on properties that have nonresidential uses on residential property, and apartments.
- 8) Inflatable advertising devices may only be displayed on no less than a four-lane roadway within a CAC classification as designated by the Comprehensive Plan, and once a temporary display permit has been issued.

Section 6.12 SIGN MAINTENANCE.

All signs shall be maintained by the sign owner in good condition to present a neat and orderly appearance, including but not limited to:

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- 1) All sign structures and surfaces shall be protected from the elements and decay by painting or other protective covering or treatment, as appropriate to prohibit decay or rust. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted.
 - 2) All sign structures and surfaces shall be kept free from holes, breaks, rust, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent further deterioration.
 - 3) Surfaces that have faded or oxidized to an extent that the sign message is no longer displayed as intended shall be repaired or replaced.
 - 4) Lettering or other elements of the sign that have become detached or misaligned shall be repaired or replaced. Missing tenant panels shall be replaced.
 - 5) Bricks, stones, or other materials on the structural base of a sign that have become detached or misaligned shall be repaired or replaced.
 - 6) For illuminated signs, all illumination devices shall be in working order and timely replaced.

DIVISION II. ADMINISTRATION AND ENFORCEMENT OF SIGN ORDINANCE

Section 6.13 COMPLIANCE WITH OTHER LAWS; CONFLICTING PROVISIONS.

The provisions of all other applicable city, county, state and federal laws shall apply. This ordinance shall not be construed to create a right to maintain a sign in violation of any other law, in violation of any protective covenant or in violation of the property rights or other rights of any person or entity. If any provision of this ordinance regulates the same activity, conduct or any aspect of signage that is also regulated by county, state or federal law, then the provision most restrictive of signage shall govern. If any provision of this ordinance is in genuine conflict with any state or federal law or requirement, the conflict shall be resolved in accordance with law.

Section 6.14 INDEMNIFICATION OF CITY.

By accepting any permit or other permission to erect and maintain a sign or by acting in the erection or maintenance of a sign pursuant to such permit or other permission pursuant to this article, the permit holder, property owner, lessee (if any), sign erector, their agents, servants, employees and assigns agree to hold harmless and indemnify the city, its officers, agents, servants and employees from any and all claims for damages, including death; including but not limited to those resulting from the erection, alteration, relocation, construction or maintenance of a sign permitted or authorized under this article, to the extent allowed by law.

Section 6.15 PERMITS.

- 1) Who may apply. Permits shall be issued only to:
 - a) The owner of the real property where the sign is to be located or the agent of the owner;
 - b) A lessee who has the right to install or maintain a sign on the real property where the sign is to be located. An applicant who is a lessee shall produce a copy of the lease or a written statement from the owner of the real property that the applicant has the right to maintain a sign on the property.
 - c) The erector of the sign that is fully authorized to perform such work. A sign erector shall produce a copy of a current business license.
- 2) Notices. All notices and communications shall be sufficiently given for all purposes of this ordinance if delivered personally, mailed via U.S. mail, or sent by electronic communication (email) to the permit holder or applicant at the address given in the application or any subsequent notification of change of address. City staff may also call an applicant or sign owner and instruct them that an item is available for pick-up. Notice shall be deemed effective on the date first sent by city staff.
- 3) Application. An application for a sign permit shall be filed with the city on forms furnished by the city.

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- a) The application for a permit shall contain
 - i) the identification and address of the property on which the sign is to be erected; the names, addresses, and telephone numbers of the sign owner, sign erector, property owner, lessee, if applicable, and the agent making the application, if applicable; the size, height, and other structural components of the sign; and
 - ii) such other information needed to show strict compliance with the provisions of this ordinance and other applicable building and electrical ordinances of the city based on the type of sign requested.
 - iii) For all permanent freestanding signs, the application must be accompanied by one copy of the following: site plans showing location of structures upon the property on which the sign is to be located and the location of the sign in relation to the structures, property lines, all easements of record, public rights-of-way and other signs; plans, specifications, and structural details showing the type and manner of construction, attachment to buildings, or in ground erection; and a visual representation of the completed sign.
 - iv) Such plans shall be to scale and bear the signature and seal of a registered land surveyor, professional engineer, architect, or land planner.
 - v) All applications for sign permits shall include a signed statement from the landowner or possessor of the property giving consent to entry into the property for the purpose of inspection and enforcement of this article.
 - 4) Processing of application. City staff shall examine and process the application. If the application is missing any of the materials specified in subsections (1) and (3) above, the application will be deemed incomplete, and the applicant will be given written notice stating the reason for incompleteness in accordance with subsection (5) below within 45 calendar days after the application was submitted. If an applicant submits additional materials in an attempt to complete a sign application, the submission date of the entire application shall be deemed to be the last date on which any such material is submitted. If the application contains all materials specified in subsections (1) and (3) above, the application will be deemed complete and will be processed and approved or denied within 45 calendar days of it being submitted. Any sign permit application for which no decision has been made after 45 calendar days or more shall be deemed to be approved. A permit shall be denied if the applicant, landowner, or lessee is presently maintaining any sign in violation of this ordinance.
 - 5) Procedure upon denial. Upon denial of the application of a permit, the applicant shall be given written notice (which may include electronic communication such as email) stating the reason for the denial within 45 calendar days of the decision to deny the permit. Upon denial of the application for a permit, the applicant may appeal to the board of zoning appeals as provided by Section (Appeal) within 15 days of the communication of the final decision of the administrative officer. The hearing before the board of zoning appeals shall be governed by the board of zoning appeals' hearing procedures.

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- 6) Expiration. If a sign has not been installed within six months of the issuance of any sign permit, the permit shall be deemed expired, and the applicant will need to resubmit for a new sign permit.

Section 6.16 RENEWAL OF OVERSIZED SIGN PERMITS.

- 1) All sign permits for signs classified as oversized signs under this ordinance that were renewed annually under the Cobb County sign regulations shall continue to be renewed annually.
- 2) The annual renewal permit fee shall be set by a fee schedule adopted and approved by the Mayor and City Council as may be amended from time to time.
- 3) Such renewal fees shall be due January 1 of each year. Fees not received by April 1 shall be subject to a monthly penalty equal to the amount of the renewal fee each month the renewal is delinquent.
- 4) Should a renewal fee remain delinquent more than one year, the permit shall thereafter expire. If a sign is erected and the permit expires under the provisions of this section, sign enforcement personnel and/or the city attorney's office shall be authorized to institute proceedings to remove such sign.

Section 6.17 BUSINESS LICENSE.

All persons engaged in the business of erecting, installing, altering, relocating, constructing or maintaining signs for compensation must possess a current business license at the time any sign permit is submitted and/or obtained.

Section 6.18 FEES.

The application for a permit shall be accompanied by the appropriate permit fee. This fee shall be set by a fee schedule adopted and approved by the Mayor and City Council, as may be amended from time to time. The fee schedule for sign permits under this ordinance shall be on file at the city clerk's office and at the community development department. Any person, company, or entity who commences work on a sign before obtaining the necessary permits or exceeds the scope of work authorized by the necessary permits, shall be subject to a penalty fee equal to the required permit fees. The penalty fee shall be paid in addition to the required permit fee. The penalty fee shall not exceed \$1,000.00.

Section 6.19 VARIANCES FROM SIGN ORDINANCE.

- 1) There shall be no deviation from the terms of this ordinance unless a variance has been granted by the board of zoning appeals of the city, or the Mayor and City Council. Variances from the provisions of this ordinance may be applied for and granted in the same procedural manner as

variances from this chapter, or via an action before the Mayor and City Council. For a variance to be granted from this article, each of the following must be shown:

- a) No characteristics contrary to the public interest will be promoted.
 - b) No resulting variance shall create an effect or condition contrary to the public safety and welfare.
 - c) Relief shall not impair the purposes of this ordinance.
 - d) A unique hardship exists because of an extraordinary and exceptional condition pertaining to the particular piece of property in question because of a characteristic of its size, shape, topography or like characteristic.
 - e) In the absence of the factors listed in the preceding sentence, economic or financial hardship alone may not be sufficient to support the grant of a variance.
 - f) The condition causing the hardship is unique and is not common to the region in general.
- 2) Request for variances regarding any part of this ordinance or enforcement thereof shall specifically include reasons why the application should be granted.
 - 3) Variance procedures shall apply both to signs which are nonconforming as of the effective date of the section from which this ordinance is derived and to new signs erected thereafter.
 - 4) Decisions of the board of zoning appeals or Mayor and City Council shall be final, subject to such legal remedies an aggrieved party may have. Any appeal from a decision of the board of zoning appeals or Mayor and City Council must be filed within 30 days of the decision.

Section 6.20 ENFORCEMENT AND PENALTIES

- 1) Maintenance. All signs must be maintained in a state of good repair and structural soundness.
- 2) Enforcement personnel. Unless otherwise specifically provided by resolution of the Mayor and City Council, the enforcement of this ordinance shall be within the jurisdiction of the city's code enforcement personnel, including the Community Development Director, the Community Development Director's designees and all other authorized enforcement personnel of the city. The enforcement personnel shall have such powers as to enforce and give effect to this ordinance.
- 3) Violation deemed public nuisance. Any violation of this ordinance is hereby declared to be a public nuisance. Improperly located signs or prohibited signs are hereby determined to pose an immediate safety threat and traffic hazard to members of the public traveling on city roadways.
- 4) Removal of signs with notice.
 - a) The enforcement personnel may order the removal of any sign that has been issued a permit and is in violation of this ordinance by written notice, certified mail return receipt requested, to the permit holder. The removal order shall be issued only after the appropriate party fails to comply with the terms of this ordinance within five days after the receipt of

written notice of noncompliance by the county or within ten days from the mailing of such notice if no receipt indicating acceptance is returned.

- b) An aggrieved party may appeal the removal order within ten days from the date the notice was received. Such appeal shall be as provided in Section (Appeal of sign ordinance) or any successor provision. If the sign is not removed within 30 days after the order of removal or 30 days after the date any appeal becomes final, the enforcement personnel are authorized to remove or cause to be removed the sign and to collect the costs thereof as provided in this ordinance.
- 5) Removal of signs without notice. The enforcement personnel or any other agent of the city having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this ordinance without giving notice to any party, if such sign:
 - a) is upon the public right-of-way or upon other public property; or
 - b) poses an immediate threat to the life or health of any members of the public; or
 - c) the sign does not have a permit and is in violation of this ordinance.
 - 6) In the event that enforcement personnel remove or cause to be removed any sign under this section, criminal charges for such violation may be issued to any one or combination thereof of the following:
 - a) to the owner of the sign;
 - b) to the erector of the sign;
 - c) to the property owner upon which such illegal sign is located; or
 - d) to the person or to the business entity who procured the erection of the sign.
 - 7) Charges to legal entity. If the criminal charges shall issue to a legal entity registered to do business in any state, such as a corporation, limited liability company, partnership or the like, then in that case, the citation for such violation may be issued to both the legal entity and any or all of the officers or employees of the legal entity who are culpable of violating this ordinance.
 - 8) Evidence in prosecution. Any sign that is removed and confiscated by the enforcement personnel shall constitute evidence in any subsequent prosecution regarding the illegal sign. Each sign that is caused to be removed shall constitute a separate violation of this article.
 - 9) Costs of removal. Removal of any sign as provided for in this section shall be without liability to the city, its officers, agents, servants and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be found or cannot be determined, then the costs of removal shall be the responsibility of the sign erector and/or property owner or any other party that procured the erection of the sign. If payment or arrangement to make payment is not made within 60 days after the receipt of such statement, the enforcement personnel shall certify the amount thereof for collection to the city attorney. Following such removal or repair, the city may collect the costs as provided in this article.

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- 10) Invalid permits. The enforcement personnel may issue a removal order when it has been determined that a permit was improperly issued, that the permit was issued on the basis of misstatement of fact or fraud, that the sign has not been constructed in compliance with this ordinance or with the specifications of the application or site plans, that the sign permit has expired or that the sign is otherwise not in compliance with this article. If a sign is not removed after receipt of a removal order by the owner of such sign or property, enforcement personnel may institute legal proceedings pursuant to this ordinance against the property owner, sign owner, lessee, sign erector or a combination thereof.
 - 11) Civil actions. The enforcement personnel or any individual or entity whose property interests are directly affected may bring a civil action to seek injunctive and other relief to enforce this article.
 - 12) Citations. Any violation of this ordinance may be tried upon citations issued by the enforcement personnel pursuant to state law and any successor statute. Without limitation, sign erectors, sign owners and such other parties responsible for the violation may be cited for violation of any provisions of this article.
 - 13) Penalties. [Cobb's provisions could not be carried over because they referenced Georgia law that only applies to County government].
 - 14) Prosecutor. The governing authority of the city may provide by separate resolution that a city attorney shall prosecute all citations issued for the violation of this ordinance in accordance with state law and any successor statute. Until such time as the governing authority shall enact such a resolution, the solicitor of the state court of the county and his assistants shall prosecute all citations issued for the violation of this ordinance.
 - 15) Remedies cumulative. All remedies and penalties specified in this ordinance are cumulative.

Section 6.21 INSPECTIONS

- 1) The enforcement personnel are hereby empowered to enter or inspect any building, structure or premises upon which a sign subject to this ordinance is located for the purpose of inspecting the sign, its structural and electrical connections and to ensure compliance with the provisions of this ordinance and other applicable ordinances. Inspections shall be carried out during reasonable business hours, unless an emergency exists.
- 2) This provision is in addition to and without prejudice to the rights of other inspectors and regulators to enter and inspect premises.

Section 6.22 Severability.

If any portion of this ordinance is held to be invalid by a court, it is the intention of the Mayor and City Council that the remainder of this ordinance shall remain in full force and effect.

Article VII. SUPPLEMENTAL REGULATIONS

Section 7.01 NONCONFORMING USES.

- 1) Purpose and intent. The purpose of a zoning ordinance is to have orderly use of property. Nonconforming uses that existed legally prior to the adoption or change of a zoning ordinance create land uses that do not conform to the zoning ordinance. It is the purpose of this nonconforming use provision to allow legally existing nonconforming uses to be retained with certain limitations to protect adjacent property owners and the public from the inconsistencies created by nonconforming uses. It is the intent that over time all nonconforming uses will be eliminated.
- 2) Continuance of nonconforming uses. A nonconforming use of a building, structure or land that was legal prior to the enactment of an amendment or adoption of the zoning ordinance shall be allowed to legally continue even though such use does not conform with the provisions of this chapter, subject to the following:
 - a) The nonconforming use cannot be expanded to occupy a greater area of land or building area.
 - b) The nonconforming use may continue only in the original building structure or land area that was originally occupied by the nonconforming use.
 - c) The nonconforming use of the building, structure or land cannot be intensified or escalated, for example, by increasing the number of deliveries, employees or customers coming to the nonconforming use, or noise, dust, fumes or other pollutants emanating from the nonconforming use.
 - d) A nonconforming use cannot be reinstated after it has been abandoned. It shall be prima facie evidence of abandonment for the owner and/or operator of the nonconforming use to discontinue the nonconforming use for 12 months, to fail to obtain a new or renew an existing business license as required under the Code of Mableton, Georgia, for the operation of such nonconforming use, to fail to declare and remit the sales tax required by state law for the nonconforming use.
 - e) Failure to follow any other state, federal or local administrative procedure or regulation that is required for the nonconforming use shall be prima facie evidence of abandonment.
 - f) A nonconforming use cannot be changed to another nonconforming use.
 - g) A nonconforming use must maintain any screening or buffering that existed prior to the use becoming a nonconforming use or that was later voluntarily added.
 - h) A use that constitutes a nuisance as defined by state law is not and cannot become a nonconforming use.

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- 3) Continuance of nonconforming structure or building. A building or structure that is nonconforming or that contains a nonconforming use at the time of enactment of the ordinance from which this chapter is derived or at the time of enactment of an amendment to this chapter may be retained, except that it shall not be:
 - a) Enlarged, altered or rebuilt, except for repairs necessary to maintain the structure or building in a safe and sanitary condition.
 - b) Rebuilt, altered or repaired after damage or deterioration exceeding 75 percent of its replacement cost at the time of destruction, except in conformity with this chapter.
 - 4) Sec. 7.01 of this chapter does not apply to signs.
 - 5) Continuance of nonconforming lot size. Any lot which is deficient pertaining to minimum lot size may be granted a permit for a principal structure, accessory structure or building addition, consistent with the other underlying zoning district requirements, if the Community Development Director is provided with documentation that demonstrates the lot size deficiency was caused by purchase or condemnation by an entity which has the power of eminent domain.
 - 6) Nothing in this section shall be construed to allow a use that is dangerous to the public to continue to exist. This section shall also not be construed to not require changes to buildings or structures to comply with any fire code, life safety code or other safety ordinance or regulation.
 - 7) To protect the public from inconsistent zoning requirements and to make nonconforming uses as consistent with conforming uses as possible, nonconforming uses must comply with zoning requirements such as parking, landscaping, setback, outside storage, screening or buffering requirements for the zoning district or use which does not substantially impact the nonconforming use or nonconforming structure.

Section 7.02 STREET FRONTAGE.

For all developments fronting on a state highway, no building permit shall be issued until the approval of the state highway department has been obtained by the applicant on entrances and exits, curb radii, drainage and other matters that are the appropriate concern of the department.

Section 7.03 SUBDIVISIONS.

- 1) Approval of subdivision plats as prerequisite to recording. No plat of a subdivision of property within the city limits shall be filed or recorded in the office of the clerk of the superior court of Cobb County until it shall have been submitted to and approved by the city in compliance with the development standards. A plat of a subdivision shall not be filed or recorded with the

clerk of superior court which does not have the approval of the city as required by this section. The filing or recording of a plat of a subdivision without the approval the city as required by this section shall be punishable as a misdemeanor.

- 2) Plat approval does not constitute acceptance of dedications. The approval of a plat by the city shall not be deemed to constitute or effect an acceptance by the city or the public of the dedication of any street or other ground shown upon the plan.
- 3) Sale or transfer of property by reference to unapproved and unrecorded plat. The owner or agent of the owner of any land to be subdivided within the city who transfers or sells or agrees to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the city and recorded in the office of the clerk of the superior court in Cobb County shall be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from such penalties. The city, through its attorney or other official designated by the Mayor and City Council, may enjoin such transfer or sale or agreement by appropriate action.
- 4) Streets in subdivisions. From and after the time when the platting jurisdiction of the city planning commission shall have attached by virtue of the adoption by the planning commission of a major street plan and the adoption by the Mayor and City Council of a set of land subdivision regulations recommended to it by the planning commission, as provided in subsection (1) of this section, the Mayor and City Council or other public authority shall not accept, lay out, open, improve, grade, pave or light any street or lay or authorize the laying of any water mains, sewers, connections or other facilities or utilities in any street within the city unless such street shall have been accepted or opened as, or shall otherwise have received the legal status of, a public street prior to legal platting, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the city; provided, however, that the Mayor and City Council may locate and construct or may accept any other street if the ordinance or resolution or other measure for such approval be first submitted to the city for its review and comment, and such street shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the city.
- 5) Access to public street. From and after the time when the platting jurisdiction of the city planning commission shall have attached by virtue of adoption by the Mayor and City Council of a set of land subdivision regulations recommended to it by the planning commission, as provided in subsection (1) of this section, no building permit shall be issued for and no building or other structure shall be erected on any lot within the city unless the street giving access to the lot upon which the building is proposed to be placed shall be accepted or opened as, or shall have otherwise received the legal status of, a public street prior to that time, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the city or with a street located and accepted by the Mayor and City Council. Any building erected in violation of this subsection shall be deemed an unlawful structure, and the

building inspector or city attorney or other official designated by the Mayor and City Council may bring appropriate action to enjoin such erection or cause it to be vacated or removed.

- 6) Definitions. For purposes of this section, the term "street" or "streets" means, relates to and includes streets, avenues, boulevards, roads, highways, expressways, lanes, alleys and other ways. The term "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 re-subdivision, 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: 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 city.
- 7) Redevelopment projects that incorporate existing roadways, which during the redevelopment are to be abandoned by the city and/or incorporated into and utilized in the new development, may be used in calculating density. However, existing roadways that are near the proposed redevelopment site and are not to be incorporated into the project will not be used in calculating density.

Section 7.04 STREET FRONTAGE REQUIREMENT.

No nonresidential building or structure shall be erected on a lot that does not have at least 50 feet of frontage on either a public street, a publicly approved street or a publicly maintained street. The minimum required frontage of a residential lot shall be not less than 75 feet along a public street, a publicly approved street or a publicly maintained street, except on cul-de-sac. On a cul-de-sac, the lots shall have a minimum of 50 feet of frontage on the public road, approved public street or publicly maintained street, except as otherwise provided in this section. In R-12, RA-4 and RA-6 districts, lots fronting on a cul-de-sac shall have a minimum of 35 feet of frontage on the public road, approved public street or publicly maintained street.

Section 7.05 CLASSIFICATION OF STREETS.

For this chapter, all of the streets, roads and highways in the city are classified as arterial, major and minor collector and local streets and state highways.

Section 7.06 VISION CLEARANCE AT INTERSECTIONS.

In all zoning districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of three feet and 15 feet, except utility poles, light or street sign standards or tree trunks, shall be permitted within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads.

Section 7.07 NON-APPLICABILITY OF SETBACKS TO RAILROAD SPURS.

The setbacks from property lines or public streets or other property shall not apply to railroad spurs located on the side and rear of the property in all commercial and industrial zones.

Section 7.08 NONRESIDENTIAL ACCESS NOT TO CROSS RESIDENTIAL PROPERTY.

No nonresidential access shall cross residentially zoned property.

Section 7.09 GASOLINE PUMPS/ELECTRIC CAR CHARGING STATIONS AND CANOPIES.

1) Standards.

- a) Within any zoning district which allows for gasoline pumps and canopies (attached or detached) covering the pumps, pumps and canopies shall be set back at least 15 feet from the future right-of-way.
- b) Any permanent building, whether attached to a canopy, must be located within the required building setbacks.
- c) Within any zoning district which allows for freestanding carwashes, canopies that cover any vehicles being washed on site must be permitted (through both the site plan review and structural review process) and subject to the landscape enhancement strip provisions contained in Section (landscape enhancement strip provisions) as a permanent structure requiring a footing or foundation to which the canopy is structurally attached, capable of supporting a predesigned load withstanding wind and other natural forces as may be further defined in this chapter, including structural calculations as prepared and certified by a professional designer licensed to practice in the State of Georgia and as distinguished from a temporary canopy or tent and the like (temporary canopies or tents are prohibited).
- d) When permitted, these canopies must be at least 15 feet from the future right-of-way.

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- e) Canopies originally constructed to cover gasoline pumps may be utilized as canopies covering vehicles being washed on site, if they shall be set back at least 15 feet from the future right-of-way.
 - f) Canopies, whether permitted as a permanent structure or preexisting as described above, may not be used for signage purposes.
- 2) Service station canopy lighting shall adhere to the following standards:
- a) All luminaries shall be mounted on or recessed into the lower surface of service station canopies and shall be fully shielded and utilize flat lenses. Lighting shall be designed and installed to minimize or eliminate stray lighting onto roadways and adjacent residential properties.
 - b) The total light output of luminaries mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over the pumps, shall not exceed 50 foot-candles.
 - c) Lights shall not be mounted on the top or sides of a canopy and the sides of a canopy shall not be illuminated.

Section 7.10 ELECTRIC CAR CHARGING STATION(S)

- 1) Installation of four or less outdoor charging stations and their associated equipment on nonresidentially zoned property:
- 2) Must be installed at least 20 feet from the side or rear property line;
- 3) Cannot be installed in front setback or in any buffers;
- 4) Must be installed next to the same or more intense zoning category;
- 5) No reader boards are allowed if visible from the street; and,
- 6) Lighting for charging stations must be down lighting designed not to spill over onto neighboring property.
- 7) Installation of five or more outdoor charging stations and their associated equipment on non-residentially zoned property (not allowed on residentially zoned property):
- 8) Require approval of the site plan, landscaping, signage by the Mayor and City Council as an Other Business Item;
- 9) Charging station installation will be considered a site plan modification;
- 10) Cannot be located in a yard adjacent to a residentially zoned property;
- 11) Should be shielded from roadways;
- 12) Lighting for stations must be down lighting designed not to spill over onto neighboring property; and,
- 13) Staff to verify that the installation will not cause a parking shortage on the property (stations are for electric vehicles only).

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- 14) Criteria 1 and 2 of this subsection shall not apply to a single charging station on residentially zoned property. A maximum of one outdoor charging station is permitted on residentially zoned property.
 - 15) Indoor charging stations are exempt from this Section.

Section 7.11 GENERAL DEVELOPMENT STANDARDS

- 1) Prerequisites for moving a building. No dwelling unit or other permanent structure shall be moved within or into the city unless, when relocated, it meets all requirements of this chapter and requirements of this Code and is approved by the Mayor and City Council. See also Section 7.22.
- 2) Height of fences and walls. No fence or freestanding wall (both herein referred to as fence) other than a retaining wall shall be more than eight feet in height or be constructed in a public road right-of-way. If a fence is adjacent to a public road right-of-way or is in front of or to the side of the house in a residential district or is in front of or to the side of the building in a nonresidential district, such fence shall not exceed six feet in height and shall further meet the requirements set forth in Section (vision clearance at intersection). The required height limitation (which includes posts and ornaments on top of fence) must be met on both sides of fence and measured from the existing grade upon which it is erected. No more than six inches of backfill shall be allowed on the existing grade against the fence. These six inches of backfill shall be included when determining the height of the fence. Fences shall be maintained in a structurally sound condition. When retaining walls are constructed on residential lots, excluding subdivisions or other residential developments that are under active construction and have not yet been accepted for maintenance by the City, the exposed portion of a retaining wall, as measured from the adjacent property owners' side of the wall, cannot exceed six feet in height when constructed within five feet of the property line. The height of a retaining wall can increase an additional five feet in height, as measured from the adjacent property owners' side of the exposed wall, per each additional five feet that the retaining wall is off of the property line, provided that a landscape buffer is provided and approved by county staff. Interpolation of the five feet increments from the property line is not permissible. Tiered retaining walls must be at least five feet apart measuring from the top of the bottom wall to the bottom of the top wall.
- 3) Open space. Open space area required to be established by this chapter shall be permanently maintained as open space and appropriately landscaped with trees, shrubs, flowers, grass, stones, rocks or other landscaping materials. Such areas may not be used for vehicular access, parking or similar uses except as otherwise permitted in this chapter.
- 4) Required fences to be completed prior to occupancy. When this chapter requires a fence to be constructed, such fence shall be completed prior to occupancy of the primary use structure.

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- 5) Site plan preparation. Site plans and other development plans required to be submitted under the provisions of this chapter shall be prepared only by those currently registered for such work in accordance with applicable state law. No plans for structures shall be prepared by any person other than a currently state-registered engineer.
 - 6) Compliance with other regulations. Any development sought to be constructed or built under the existing zoning requirements shall meet or exceed all applicable development codes and regulations of the city, the county, the state and federal law, as amended from time to time, including but not limited to the city's ordinance governing the subdivision of land, the soil erosion and sedimentation ordinance of the city, and the City sign ordinance.
 - 7) Footings survey.
 - a) On any development, prior to obtaining a building permit, the developer or builder must file a copy of a current plat and survey of the property signed by a registered land surveyor providing such information as shall be required from the Community Development Department.
 - b) Prior to commencing pouring of footings, it shall be the responsibility of the builder or developer to accurately and clearly flag all pin corner boundaries prior to the conduct of any footings inspection. Should the developer or builder desire to place the footing within five feet of the applicable building setback line, then the builder or developer shall provide a footings (foundation) survey signed by a registered land surveyor showing the footing location and the outer perimeter of the proposed structure. The failure to provide such a footing survey shall be a primary consideration in whether the board of zoning appeals may dispose of a variance application.
 - 8) Compliance with Americans with Disabilities Act. Assurances of compliance with the Americans with Disabilities Act (ADA), including the ADA as it may be amended from time to time, will be given to the city by all development applicants.
 - 9) Compliance with building height restrictions affecting the Cobb County's 800 mhz emergency services radio system. Any project proposed for property within the lines of communication between the six tower sites transmitting signals for Cobb County's 800 mhz emergency radio system must be designed to not interfere with the transmission of such radio system. Applications for any projects that fall within the lines of communication between the 6 tower sites shall be reviewed by the Community Development Director to verify that the proposal does not and will not interfere with the transmission. Any project greater than 80 feet in height that is located in Land Lots 334 and 1159 of the 16th District, Land Lot 978 of the 17th District, Land Lots 384 and 588 of the 18th District and Land Lots 248 and 338 of the 20th District, 2nd Section, Cobb County, Georgia, must demonstrate that the building will not affect any of the lines of communication between the six tower sites.

Section 7.12 OUTDOOR DISPLAYS OF MERCHANDISE.

Where outdoor displays of merchandise are permitted as part of a retail or service establishment (as distinguished from a sales, contractor or supply operation dealing in material or merchandise that is intended for storage or display outdoors) in any nonresidential zoning district, the following minimum requirements shall apply:

- 1) All existing and new outdoor merchandise display permits shall be limited to an area equal to two square feet per every linear foot of building/tenant frontage. The maximum area for any singular outdoor merchandise display area shall be 1,000 square feet or half the linear frontage of the building multiplied by two, whichever is smaller.
- 2) The location of the outdoor display of merchandise must be shown on a plan approved by the Community Development Director and a copy of the approved plan must be kept on site and available for review if requested by city staff. The approved outdoor merchandise display is only permitted during the hours of operation of the business and all items must be stored inside during the hours/days the business is closed.
- 3) The area displaying the merchandise must be screened from any contiguous residentially zoned property.
- 4) The area displaying the merchandise may not be located within any required buffers.
- 5) The area displayed may be within designated parking spaces, if the spaces are above and beyond the minimum required.
- 6) The area displaying merchandise shall not impede vehicular traffic within the site, nor shall it prohibit or disrupt traffic entering or exiting the site from or to public rights-of-way, nor shall it impede adequate site distance to vehicles entering or exiting the site to or from public rights-of-way.
- 7) The area displaying the merchandise shall not impede pedestrian traffic within the site, particularly any sidewalks or pedestrian areas designed in accordance with the Americans with Disabilities Act (ADA).
- 8) These requirements shall apply to peddlers as defined and regulated by the city.

Section 7.13 LIMITATIONS ON UTILITY METERS

- 1) Single-family residential zoning districts shall be limited to a maximum of one gas meter and one electrical meter per lot. This requirement shall apply to the R-80, R-40, R-30, R-20, R-15, OSC, R-12, RA-4, RA-5, RA-6, and PRD zoning districts.
- 2) Additionally, this requirement shall apply to the SC, RSL, RM-8 and RM-12 zoning districts when developed for single-family detached uses.

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- 3) Application may be made to the board of zoning appeals for a variance to allow more than one electrical or gas meter per lot.
 - 4) This section shall not apply to additional electrical meters strictly used to operate entrance gates, security lights, electric car charging systems or water irrigation systems.

Section 7.14 LANDSCAPE BUFFER AND SCREENING REQUIREMENTS FOR NON-RESIDENTIAL DISTRICTS

- 1) Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - a) Screening to enhance aesthetic appeal;
 - b) Control or direction of vehicular and pedestrian movement;
 - c) Reduction of glare;
 - d) Buffering of noise; and
 - e) Establishment of privacy.
- 2) Standards. Buffers and berms shall be required when any non-residential district is located adjacent to a residential district. See district regulations for size of required buffer.
- 3) Buffers. Landscape buffers are subject to review and approval by the city arborist or city landscape architect in accordance with the following standards:
 - a) Plantings are to be a mix of evergreen trees and shrubs.
 - b) Species are to be ecologically compatible to the site and appropriate for the design situation.
 - c) Unless public safety concerns dictate otherwise, buffers should provide a 100 percent visual barrier to a height of six feet within two years of planting.
 - d) Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
 - e) Fencing or walls are to be a minimum of six feet in height as approved by the city landscape architect or city arborist.
 - f) Trees included in buffer plantings may be counted toward site density calculations as required by the city's tree preservation and replacement ordinance, subject to review and approval of city arborist.
 - g) Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
 - h) When topography and existing conditions allow, the required buffer should be an undisturbed buffer.
- 4) Any appeals from a determination by the city landscape architect or city arborist shall be to the board of zoning appeals.

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- 5) Berms. Berms are subject to review and approval by the city landscape architect or city arborist in accordance with the following standards:
 - a) Berms shall be utilized when consistent with surrounding property features.
 - b) Berms shall be stabilized.
 - c) Where possible, berms shall be constructed to be consistent with natural or proposed drainage patterns.
 - d) Berms shall be regularly maintained by the property owner.

Section 7.15 ACCESSORY BUILDINGS, STRUCTURES, USES AND DECKS

Flagpoles displaying the American flag, basketball goals, gaslight poles, and permanent recreational facilities (home use) such as volleyball, badminton and trampoline equipment are exempt from the requirements pertaining to accessory uses.

(a) Accessory buildings, structures, uses and decks in certain residential districts.

The following regulations apply to all residential zoning districts except SC, FST, RM-8, RM-12 and RSL:

- 1) Size and setback limitations: Any accessory building, structure, use and deck, that is not a Habitable Accessory Dwelling Unit, up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15-foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square feet must be at least 100 feet from any property line and is subject to the development conditions below.
- 2) Accessory buildings, structures, uses and decks that are not Habitable Accessory Dwelling Units shall be subject to the following development conditions:
 - a) Maximum height is two stories or 35 feet.
 - b) Buildings or structures shall have the meaning as defined in Section (Definitions). Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.
 - c) All accessory buildings, structures, uses and decks that are not Habitable Accessory Dwelling Units shall be located to the rear of the principal building, except for heating and

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- air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.
- d) The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.
 - e) Architectural style and design are to be approved by the Community Development Director and are to be complimentary to the primary structure.
 - f) Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.
 - g) No accessory building, structure, use or deck, including Habitable Accessory Dwelling Units, shall be constructed upon a lot until construction of the principal building has commenced.
 - h) On a corner lot, no accessory building, structure, use or deck, including Habitable Accessory Dwelling Units, shall be located closer to the side street right-of-way line than the principal building.
 - i) If the garage, accessory building, structure, including Habitable Accessory Dwelling Units, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.
 - j) All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or Community Development Director.
 - k) The primary structure in a residential district shall be the principal house on the lot.
- 3) Antennas and satellite dishes shall meet the requirements set forth in Section 7.20.
 - 4) Incidental storage is permitted, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.
 - 5) Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, of buildings shall be maintained so that they are structurally sound, in good repair with proper anchorage and capable of supporting the imposed loads.
 - 6) Neighborhood recreation centers, amenities and swimming pools are subject to the following:
 - a) Site plans must be approved by the Community Development Department to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan

shall be drawn to scale and shall include plant identification by common name. The facility shall be designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.

- b) Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.
 - i) Upon written consent of all owners of property within 100 feet of the building or structure, the setback may be reduced to 50 feet from any exterior property line of the subdivision within which the use is located. Additionally, a detailed landscape plan must be submitted to and approved by the Community Development Department.
 - ii) The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along the property line and a six-foot solid wood or masonry fence is erected and maintained along the line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than 100 feet from an exterior property line unless also reduced in accordance with subsection (site plan requirement above) of this section. Such landscaped buffer shall be shown on the landscaping plan specified in subsection (site plan requirement above) of this section and must be approved by the Community Development Department.
 - iii) When a property line is on a natural waterway, a property line setback may be waived provided a written waiver is obtained from the community development department.
 - iv) Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and building inspections department.
 - v) Outdoor activity shall cease by 11:00 p.m.
 - vi) Lighting shall be established in such a way that values the quiet use and enjoyment of adjacent properties and adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cutoff type fixtures only is permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed city public road, a lighting plan must be submitted and approved by the county department of transportation to ensure that no light is cast upon the roadway and that no adverse impact will be created because of the lighting.
 - vii) No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.
 - viii) Parking requirements are as follows:
 - (1) A minimum of one space per five residences.

(2) Parking spaces shall be paved and striped according to Section 7.18.

(3) No parking shall be allowed within a front yard setback.

7) Habitable Accessory Dwelling Unit:

- a) A Habitable Accessory Dwelling Unit (hereinafter referred to as “HADU”) shall be designed and constructed to feature separately defined and designated areas for living, sleeping, eating, cooking and sanitation. Each HADU must include a separately designated kitchen with a permanently installed cooking appliance, sink, refrigerator, food preparation counter and storage cabinet(s).
- b) Provided all other requirements herein are met, HADU is permitted in all residential zoning districts except SC, FST, RM-8, RM-12 and RSL.
- c) The maximum building height for each HADU is sixteen feet.
- d) HADU shall be located to the rear of the principal building and shall not be permitted to be constructed to the side or the front of the principal building.
- e) HADU shall be set back at least 25 feet from any property line that is zoned the same or more restrictively to the principal lot. When abutting the property line that is zoned less restrictively, the HADU shall be set back at least 10 feet from that property line.
- f) HADU may be detached (HADU) or attached (HADUs).
- g) The maximum heated square footage for each HADU is 1,000 square feet.
- h) The construction of each HADU must be approved by the City through the submission of a site plan prepared by a Land Design Professional, such as an engineer and/or architect, licensed to practice in Georgia containing the professional’s stamp.
- i) There shall be at least one additional parking space provided on the principal lot that is designated for each HADU. Said parking space must be an improved surface area such as concrete or asphalt sufficient to allow one vehicle to be maintained on a permanent basis. No gravel or grass or unimproved surface area parking shall be permitted.
- j) The property owner must demonstrate that stormwater controls for the construction and maintenance of the HADU are such that flow rates (as those rates were determined when the principal lot was initially developed) are possible and maintainable and fully comply with City’s Development Standards, unless otherwise approved by the Community Development Director.
- k) The property owner must submit building plans that comply with the City’s building regulations.
- l) The construction and maintenance of HADU shall not create a nuisance or stormwater trespass as defined by Georgia law.

(b) Accessory buildings, structures, uses and decks in SC and RSL districts

The following regulations apply to the SC and RSL (including supportive and nonsupportive residential facilities and nonsupportive urban rental units) zoning districts:

- 1) Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: Compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the Community Development Department.
- 2) Accessory buildings, structures, uses or decks shall be subject to the following conditions:
 - a) Maximum height is two stories or 35 feet for SC district;
 - b) Maximum height is one story or 15 feet for RSL district.
 - c) Accessory uses shall include garbage dumpsters, designated recycling collection locations, clubhouse and recreation centers, amenities, swimming pools and tennis courts, antennas and satellite dishes, heating and air conditioning units, jacuzzies, playhouses and playgrounds subject to the following conditions:
 - d) Uses must be located within building setbacks.
 - e) No ground-based antenna or satellite dish shall exceed 35 feet in height without compliance with standards in Section (Televisions, land mobile, communication, microwave and radio transmission antennas and towers over 35 feet in height).
 - f) No accessory building, structure, use or deck shall be built until construction of the principal building has commenced.
 - g) Outdoor activities shall cease by 11:00 p.m. within clubhouse and recreation centers and swimming pools and tennis courts.
 - h) Such buildings, structures, uses or decks shall be located on the same lot as the principal use to which the building, structure use or deck is accessory.
- 3) Antennas and satellite dishes shall meet the requirements set forth in Section 7.20.
- 4) Incidental storage is permitted, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

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- 5) Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, of buildings shall be maintained so that they are structurally sound, in good repair with proper anchorage and capable of supporting the imposed loads.

(c) Accessory buildings, structures, uses and decks in RM-8 and RM-12 districts.

The following regulations apply to the RM-8 and RM-12 zoning districts:

- 1) Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses more than 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the Community Development Department. When single-family detached dwellings are developed in areas zoned RM-12, any accessory building or structure more than 650 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure less than 650 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed conditioned hallway, and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.
- 2) Accessory buildings, structures, uses or decks shall be subject to the following conditions:
 - a) Maximum height is two stories or 35 feet.
 - b) Accessory uses shall include garbage dumpsters, designated recycling collection locations, clubhouses and recreation centers, amenities, swimming pools and tennis courts, antennas and satellite dishes, heating and air conditioning units, Jacuzzis, playhouses and playgrounds subject to the following conditions:

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- c) Such uses must be located within building setbacks.
 - d) No ground-based antenna or satellite dish shall exceed 35 feet in height without compliance with the standards in Section (Television).
 - e) No accessory building, structure, use or deck shall be built until construction of the principal building has commenced.
 - f) Outdoor activities shall cease by 11:00 p.m. within clubhouse and recreation centers and swimming pools and tennis courts.
 - g) Such buildings, structures, uses or decks shall be located on the same lot as the principal use to which the building, structure, use or deck is accessory.
- 3) Antennas and satellite dishes shall meet the requirements set forth in Section 7.20.
 - 4) Incidental storage is permitted, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.
 - 5) Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, of buildings shall be maintained so that they are structurally sound, in good repair with proper anchorage and capable of supporting the imposed loads.

(d) Accessory buildings, structures, uses and decks in the FST district.

The following regulations apply to the FST zoning district:

- 1) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 650 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure which exceeds 650 square feet of gross space must have the approval of the Community Development Director as to the location, architectural design and size prior to commencing construction. The Community Development Director shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the Community Development Department.
- 2) Accessory buildings, structures, uses and decks shall be subject to the following conditions:
 - a) Maximum height is two stories or 35 feet.
 - b) Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzies, tennis courts, swimming pools (private), playhouses and playgrounds.

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- c) All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.
 - d) The rear of the principal building shall be where the main portion of the building ends without consideration of wings.
 - e) Architectural style and design shall be approved by the Community Development Director.
 - f) Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.
 - g) No accessory building, structure, use or deck shall be built until construction of the principal building has commenced.
 - h) On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
 - i) Any accessory building or structure less than 650 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.
 - j) When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed conditioned hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.
- 3) Antennas and satellite dishes shall meet the requirements set forth in Section 7.20.
 - 4) Incidental storage is permitted, provided that the material stored is incidental to the permitted use, as determined by the Community Development Director and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.
 - 5) Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, of buildings shall be maintained so that they are structurally sound, in good repair with proper anchorage and capable of supporting the imposed loads.
 - 6) Neighborhood recreation centers, amenities and swimming pools are subject to the following:
 - a) Site plans must be approved by the Community Development Department to ensure compliance with all applicable laws and provisions of this section. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The facility

shall be designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.

- b) Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.
 - i) Upon written consent of all owners of property within 100 feet of the building or structure, the setback may be reduced to 50 feet from any exterior property line of the subdivision within which the use is located. Additionally, a detailed landscape plan must be submitted to and approved by the Community Development Department.
 - ii) The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along the property line and a six-foot solid wood or masonry fence is erected and maintained along the line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than 100 feet from an exterior property line unless also reduced in accordance with subsection b) i) of this section. Such landscape buffer shall be shown on the landscaping plan specified in subsection 6.a) of this section and must be approved by the Community Development Department staff.
 - iii) When a property line is on a natural waterway, a property line setback may be waived provided a written waiver is obtained from the Community Development Department.
 - iv) Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and building inspections department.
 - v) Outdoor activity shall cease by 11:00 p.m.
 - vi) Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cutoff type fixtures only is permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed county public road, a lighting plan must be submitted and approved by the county department of transportation to ensure no that light is cast upon the roadway and that no adverse impact will be created as a result of the lighting.
 - vii) No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.
 - viii) Parking requirements are as follows:
 - (1) A minimum of 20 parking spaces shall be provided for amenities which include a swim facility or swim/tennis facility with up to four courts.
 - (2) Additional spaces at the minimum rate of four spaces per court shall be provided for each court over four in number.

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- (3) A minimum of ten spaces for every two courts shall be provided for amenities which include tennis courts only.
- c) In addition to the other parking requirements set forth in this section, a minimum of five spaces for each 50 residents, or prorated portion thereof, over 100 shall be provided.
 - d) Parking spaces shall be paved and striped according to Section 7.18. No parking shall be allowed within a front yard setback.

Section 7.16 LIGHTING PLAN.

Lighting plans shall be drawn to scale and shall show the location of all proposed lights and nearby city roads and adjacent properties and the following information:

- 1) Arrangement of all poles (with dimensions);
- 2) Height of all poles;
- 3) Number of luminaries per pole;
- 4) Mounting heights of luminaries;
- 5) Wattage of proposed lights;
- 6) Mounting angle of fixtures; and
- 7) Lamp source to be used.
- 8) A picture of the light to be utilized must be attached to the final plans. Care must be exercised to control any stray light that might trespass upon adjacent properties and roadways.
- 9) The requirements set out in this section are minimum requirements. The city may require additional information or conditions prior to final approval.

Section 7.17 GOLF COURSES. STANDARDS.

(a) Par 3 golf course.

The following standards shall apply to par 3 golf courses:

- 1) Minimum lot size:
 - a) Nine holes, 20 acres;
 - b) 18 holes, 40 acres.
- 2) Minimum course yardage:
 - a) Nine holes, 1,750 yards;
 - b) 18 holes, 3,500 yards.
- 3) Minimum public road frontage: 100 feet.
- 4) Minimum building, driving range, fairway, clubhouse and pro shop setbacks:
 - a) 50 feet from future public road right-of-way;
 - b) 75 feet from property lines.

(b) Public golf course or semipublic golf course.

The following standards shall apply to public golf courses and semipublic golf courses:

- 1) Minimum lot size: 125 acres.
- 2) Minimum course yardage: 6,000 yards.
- 3) Minimum public road frontage: 100 feet.
- 4) Minimum building, driving range, fairway, clubhouse, pro shop and hole setbacks:
 - a) 50 feet from future public road right-of-way;
 - b) 75 feet from property lines.

(c) Private golf course.

The following standards shall apply to private golf courses:

- 1) Minimum lot size: 115 acres.
- 2) Minimum course yardage: 5,500 yards.
- 3) Minimum public road frontage: 100 feet.
- 4) Minimum building, driving range, fairway, clubhouse and pro shop setbacks:
 - a) 50 feet from future public road right-of-way and
 - b) 75 feet from property lines, unless the property is developed in connection with a residential subdivision. In such cases, the overall plan shall be approved by the Community Development Director.

(d) Executive golf course.

The following standards shall apply to executive golf courses:

- 1) Minimum lot size: 65 acres.
- 2) Minimum course yardage: 4,000 yards.
- 3) Minimum public road frontage: 100 feet.
- 4) Minimum building, driving range, fairway, clubhouse and pro shop setbacks:
 - a) 50 feet from future public road right-of-way;
 - b) 75 feet from property lines.

(e) Regulation public nine-hole course.

The following standards shall apply to regulation public nine-hole courses:

- 1) Minimum lot size: 65 acres.

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- 2) Minimum course yardage: 3,000 yards.
 - 3) Minimum public road frontage: 100 feet.
 - 4) Minimum building, driving range, fairway, clubhouse and pro shop setbacks:
 - a) 50 feet from future public road right-of-way;
 - b) 75 feet from property lines.

(f) Development standards for golf courses

- 1) Safety netting. Safety netting of not less than 32 feet in height shall be placed along the perimeter of the golf course playing area which abuts any public road frontage.
- 2) Landscape buffer and screening requirements. Unless otherwise noted within this section, any golf course developed in accordance with this section which abuts residentially zoned property shall have a 25-foot landscaped screening buffer adjacent to all residentially zoned property, subject to city staff approval.
- 3) Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - a) Screen objectionable views and enhance aesthetic appeal;
 - b) Control or direct vehicular and pedestrian movement;
 - c) Reduce glare;
 - d) Buffer noise; and
 - e) Establish privacy.
- 4) Standards.
- 5) Buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:
 - a) Plantings are to be a mix of evergreen trees and shrubs.
 - b) Species are to be ecologically compatible to the site and appropriate for the design situation.
 - c) Unless public safety concerns dictate otherwise, the buffer should provide a maximum barrier to a height of six feet within two years of planting.
 - d) Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
 - e) Fencing or walls are to be a minimum of six feet in height or as determined by city staff.
 - f) Trees included in buffer plantings may be counted toward site density calculations as required by the city's tree preservation and replacement ordinance, subject to review and approval of city staff.
- 6) Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.

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- 7) When any golf course developed in accordance with this section abuts a residential district, a minimum 25-foot buffer is required. When topography and existing conditions allow, this 25-foot buffer should be undisturbed. If topography and existing conditions do not allow for an undisturbed buffer, then the 25-foot buffer shall be a planted, landscaped, maintained buffer.
 - 8) Berms. Berms are subject to review and approval by city staff in accordance with the following standards:
 - a) Berm shall be utilized when consistent with surrounding property features.
 - b) Berms shall be stabilized.
 - c) Berms shall be constructed to be consistent with natural or proposed drainage patterns.
 - d) Berms shall be regularly maintained by the property owner.
 - 9) Building and structure requirements. The maximum building height is 35 feet.
 - 10) Parking requirements. See Section 7.18 paved parking specifications.
 - 11) Lighting requirements. Any golf course and accessory uses permitted in accordance with this section which proposes a lighted facility must have a County Department of Transportation approved lighting plan in accordance with the minimum conditions listed in Section 7.16.
 - 12) Use limitations.
 - i) The maximum size for a pro shop or clubhouse associated with par 3 or executive golf courses is 2,000 square feet.
 - b) The maximum size for a clubhouse or pro shop for an 18-hole public or private regulation golf course is 40,000 square feet.
 - c) Loudspeakers are not allowed if adjacent to residential districts.
 - d) No advertising of retail sales is permitted when located within a residential category as defined by the Cobb County comprehensive land use plan.
 - e) Any structure used in conjunction with this use shall be subject to the site plan and architectural requirements presented at the time of zoning.
 - f) No outside lighting of a golf course is permitted when the course is located within or adjacent to a residential district. However, accessory uses approved by the Community Development Director in an internal location not less than 100 feet from any residential property line may be lighted in accordance with Section 7.16.
 - 13) Accessory structures and uses. Permitted accessory structures and uses are as follows:
 - a) Buildings used to house equipment solely for the maintenance and operation of the golf courses, not to exceed 3,000 square feet in size.
 - b) Professional teaching and lessons.
 - c) Golf club and ball rental.
 - d) Pro shop.
 - e) Tennis courts (two acres required in addition to required golf course acreage).
 - f) Swimming pools (one acre required in addition to required golf course acreage).
 - g) Driving range (eight acres required in addition to required golf course acreage).

Section 7.18 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 Cobb 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 city standards.
- 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.
- 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 public roads, 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 Cobb 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:
 - i) Such facilities shall have access to a public street.
 - ii) Such facilities, including access drives, shall be graded and paved, and be curbed when needed for effective drainage control.
 - iii) Such facilities shall have all spaces marked with paint lines, curbstones or other similar designations.
 - iv) Spaces and drives shall conform to the following standards:
 - (1) 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.
 - (2) 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.

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- (3) 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.
 - (4) There shall be adequate interior drives to connect each space with a public street.
 - v) Such facilities shall be drained to prevent damage to abutting properties or public streets.
 - vi) 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 7.16.
 - vii) 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.
 - viii) No parking or loading area shall be established in the required front yard of any R district except for single-family residential use; no more than 35 percent of the required front yard may be used for parking in such case.
 - ix) The provisions of subsections (6) a. ii, iii, iv, vi, vii and viii of this section shall not apply to single-family residential uses where three or less spaces are required.
 - x) 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 in accordance with the following provisions:
 - i) The required space shall be provided on the same plot with the use it serves, except as provided in this section.
 - ii) 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.
 - iii) 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.
 - iv) 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 to be implemented or constructed. The city reserves the right, at any time, to require additional parking spaces

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- 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.
- v) 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.
 - vi) In the R-40 and R-80 districts, any combination of boats and recreational vehicles exceeding three must be screened from public roadways via a buffer (approved by City 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 (administrative variances), 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 city 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 Community Development Director 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.

- d) Required spaces. The number of parking spaces or area required for a particular use shall be as follows:

Type of Use	Parking Requirements
Accessory retail sales and services	Number required for office or institutional, motel, hotel or high-rise apartment use to which it is accessory. If it is a permitted secondary use in a structure other than the primary use, 1 space shall be provided per 200 square feet (net) of floorspace.
Agricultural produce stands	3 spaces per stand.
Ambulance services	1 space per employee, 1 space per ambulance parked on-site.
Ambulance services, if accessory to hospitals or funeral homes	1 space per ambulance parked on-site.
Amphitheaters	1 space per 4 seats in amphitheater.
Amusement centers	1 space per 2,000 square feet (gross) of site area, with a minimum of 25 spaces required and a maximum of 100 spaces.
Ancillary retail sales	Number of spaces required for the primary use.
Animal hospitals	1 space per 285 square feet (net) of floorspace.
Appliance repair (major)	1 space per 200 square feet (net) of floorspace, 1 space per loading dock.
Arcades	2 spaces per arcade game
Asphalt plants	1 space per employee, 1 space per vehicle parked on-site.
Assembly halls	1 space per 3 seats for every person lawfully permitted within the assembly hall at 1 time.
Assisted living facilities	1 space per 1.5 units.
Athletic and health clubs	1 space per 200 square feet (net) of floorspace.
Automobile truck and trailer lease and rental facilities (accessory use)	1 space per employee, 1 space per vehicle parked on-site.
Automobile, truck and trailer lease	1 space per employee, 1 space per 250 square feet (net) of floorspace, 1 space per vehicle parked on-site.

and rental facilities (principal use)	
Automotive and truck sales and service facilities	1 space per 200 square feet (net) of floorspace, 1 space per vehicle parked on-site.
Automotive paint and body repair shops	1 space per 200 square feet (net) of floorspace, 1 space per vehicle parked on-site.
Automotive parking lots or garages	As may be required to serve the principal use (see specific principal use for requirement); for freestanding parking garage, not applicable.
Automotive salvage and wrecking yards	1 space per 300 square feet (net) of floorspace, 1 space per employee, with a minimum of 5 spaces.
Automotive storage yards and wrecker services	1 space per 300 square feet (net) of floorspace, 1 space per employee, with a minimum of 5 spaces.
Automotive upholstery shops	1 space per 300 square feet (net) of floorspace, 1 space per employee.
Aviation airports (private)	1 space per 500 square feet (net) of floorspace, 1 space per hanger or tiedown pad.
Bank/financial institutions with drive-in establishments or automated transfer machines	1 space per 285 square feet (net) of floorspace, 3 additional spaces per automated transfer machine, 5 queue spaces per drive-in teller.
Billiards and pool halls	2 spaces per pool table.
Biomedical waste transfer and disposal facilities	1 space per employee.
Boat sales and service facilities	1 space per 200 square feet (net) of floorspace, 1 space per employee, 1 space per boat parked on-site.
Breeding and boarding kennels	1 space per 250 square feet (net) of floorspace, 1 space per employee.
Building materials stores	1 space per 100 square feet (net) of floorspace, 1 space per vehicle parked on-site, 1 space per loading dock.
Bus stations	1 space per 300 square feet (net) of floorspace.
Bus stations for freight	1 space per 500 square feet (net) of floorspace, 1 space per loading dock.
Carwashes	1 space per 200 square feet (net) of floorspace, 5 queue spaces per service line.
Cemeteries	1 space per 300 square feet (net) of floorspace.

Chemical plants or storage facilities	1 space per 500 square feet (net) of floorspace, 1 space per employee, 1 space per vehicle parked on-site.
Churches, chapels, temples, synagogues, and other places of worship	1 space per 4 seats in the principal place of worship, provided that the number of spaces thus required may be reduced by not more than 50 percent if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner without charge, during the time of services, to make up the additional spaces required.
Clinics	1 space per 285 square feet (net) of floorspace.
Clubs or lodges (noncommercial)	1 space per 250 square feet (net) of floorspace.
Coliseums, stadiums and convention centers (privately owned)	1 space per 3 seats for every person lawfully permitted within the coliseum or stadium at 1 time, plus 1 space per employee.
Colleges and universities (private), including but not limited to research or training facilities	1 space per 2,000 square feet of site area.
Commercial greenhouses and plant nurseries	1 space per 200 square feet (net) of floorspace, 1 space per employee.
Commercial indoor recreation uses	1 space per 200 square feet (net) of floorspace.
Commercial outdoor recreation uses	1 space per 200 square feet (net) of floorspace.
Commercial recreation restaurants	1 space per 200 square feet (net) of floorspace.
Community fairs	1 space per 2,000 square feet of site area.
Community retail uses	1 space per 200 square feet (net) of floorspace.
Composting plants	1 space per employee, 1 space per vehicle parked on-site.
Concrete plants	1 space per employee, 1 space per vehicle parked on-site.
Condominiums	2 spaces per dwelling unit.
Contractors (general, heavy or special)	1 space per 285 square feet (net) of floorspace, 1 space per vehicle parked on-site.
Convenience food stores with self-service fuel sales	Minimum of 5 spaces, 1 space per employee.

Corporate or administrative offices for any permitted uses	1 space per 285 square feet (net) of floorspace.
Crematories	1 space per employee.
Cultural facilities	1 space per 400 square feet (net) of floorspace.
Customary home occupations	N/A
Dairies	1 space per employee.
Designated recycling collection locations	Minimum of 10 spaces.
Drive-in theaters	N/A
Dry cleaning plants	1 space per employee.
Eating and drinking establishments (including drive-in fastfood restaurants)	1 space per 100 square feet (net) of floorspace (to include any patio area that houses tables and/or chairs).
Electrical supply stores	1 space per 100 square feet (net) of floorspace, 1 space per loading dock.
Emissions and inspection stations (for a period not to exceed 5 months)	Minimum of 2 spaces, 5 queue spaces per bay, 1 space per employee.
Executive golf courses	5 spaces per hole, 1 space per 300 square feet (net) of floorspace.
Exterminating facilities (insect or rodent)	1 space per 285 square feet (net) of floorspace, 1 space per vehicle parked on-site.
Farm and garden supply stores	1 space per 100 square feet (net) of floorspace, 1 space per loading dock.
Farm equipment stores and repair establishments	1 space per 100 square feet (net) of floorspace, 1 space per loading dock.
Farmers' markets (fully enclosed)	1 space per 100 square feet (net) of floorspace, 1 space per loading dock.
Field crops	N/A
Film developing and printing establishments	1 space per 200 square feet (net) of floorspace.
Flea markets	1 space per 500 square feet of site area.

Fraternity and sorority houses and residence halls	1.5 spaces per bedroom, 1 space per employee.
Freight terminals	1 space per 500 square feet (net) of floorspace, 1 space per employee, 1 space per vehicle parked on-site.
Fruit trees, nuts and vegetables	N/A
Fuel and ice dealers	1 space per employee, 1 space per vehicle parked on-site.
Full-service gasoline stations	3 spaces per bay, 1 space per employee.
Funeral homes	1 space per 4 seats in assembly room, 1 space per 250 square feet (net) of floorspace.
Golf courses (18-hole regulation, public and private)	5 spaces per hole, 1 space per 300 square feet (net) of floorspace.
Golf courses (par 3)	5 spaces per hole, 1 space per 300 square feet (net) of floorspace.
Group homes	1 space per 2 residents.
Halfway houses	1 space per 1.5 residents.
Hazardous waste sites	1 space per employee, 1 space per vehicle parked on-site.
Heavy automotive repair establishments	3 spaces per bay, 1 space per employee.
Heavy manufacturing establishments	1 space per employee, 1 space per loading dock.
Heavy repair services and trade stores	1 space per 500 square feet (net) of floorspace, 1 space per employee, 1 space per vehicle parked on-site.
Helicopter landing areas	N/A
High-rise apartments	1.75 spaces per dwelling unit.
Hospitals	1 space per 2 beds.
Hotels	1.25 spaces per unit. 1.0 spaces per unit with no restaurants, conference, banquet or meeting facilities.
Independent living facilities	1.5 spaces per unit.
In-home day care	1 space per child
Landfills (private)	1 space per employee, with a minimum of 5 spaces.
Laundry and dry cleaning pickup establishments	1 space per 200 square feet (net) of floorspace, 2 queue spaces for each drive-in window.

Light automotive repair establishments	3 spaces per bay, 1 per employee, additionally every vehicle onsite shall be parked in a parking space that meets the county design standards.
Light manufacturing establishments	1 space per employee, 1 space per loading dock.
Linen and diaper services	1 space per employee, 1 space per vehicle parked on-site.
Livestock, nondomestic and wild animals, and poultry	N/A
Livestock sales pavilions	1 space per 2,000 square feet of site area.
Machine shops	1 space per employee.
Mausoleums	1 space per employee.
Medical and dental laboratories, provided that no chemicals are manufactured on-site	1 space per employee.
Mining operations	1 space per employee.
Motels	1.25 spaces per unit. 1.0 spaces per unit with no restaurants, conference, banquet or meeting facilities.
Motorcycle, all-terrain vehicle (ATV) and 3-wheel vehicle sales and service facilities	1 space per 200 square feet (net) of floorspace.
Multifamily dwelling units	1.75 spaces per dwelling unit
Neighborhood retail uses	1 space per 200 square feet (net) of floorspace.
Newspaper publishing facilities	1 space per employee, 1 space per vehicle parked on-site, 1 space per loading dock.
Nightclubs	1 space per 200 square feet (net) of floorspace.
Nonautomotive repair service establishments	1 space per 200 square feet (net) of floorspace, 1 space per vehicle parked on-site.
Nonprofit riding stables	1 space per employee, 1 space per stable.

Nonprofit (seasonal use) fishing lakes	N/A
Nursery schools and child day care centers	Minimum of 20 spaces.
Office service and supply establishments	1 space per 200 square feet (net) of floorspace, 1 space per employee.
Offices not elsewhere classified	1 space per 285 square feet (net) of floorspace.
Other consumer goods and services	1 space per 200 square feet (net) of floorspace.
Other facilities for disposal of the deceased	1 space per employee.
Other service establishments	1 space per 200 square feet (net) of floorspace.
Outdoor commercial racing (motorcycles, automobiles, trucks, tractors and motorized vehicles)	At the discretion of the Mayor and Council
Outdoor golf driving ranges	1.5 spaces per tee, 1 space per 100 square feet (net) of floorspace for pro shop or clubhouse.
Overnight travel trailer parks	N/A
Pain clinic and Pain Management Clinic	1 space per 200 gross square feet of building
Parking for vehicles	N/A
Pawnshops	1 space per 200 square feet (net) of floorspace.
Petroleum or bulk storage stations	1 space per employee, 1 space per vehicle parked on-site.
Photography studios	1 space per 200 square feet (net) of floorspace.
Plumbing or heating equipment dealers	1 space per 200 square feet (net) of floorspace.
Poultry hatcheries	1 space per employee, 1 space per vehicle parked on-site.

Printing, publishing and lithography establishments	1 space per 200 square feet (net) of floorspace, 1 space per employee.
Private community centers	1 space per person lawfully permitted within the assembly area at 1 time, plus 1 space per employee. In the absence of a designated assembly area, 1 space shall be provided per 300 square feet (net) of floorspace.
Private parks	1 space per 3,000 square feet of site area.
Private schools of general and special education	2 spaces per classroom, 1 space per employee.
Pro shops (accessory to driving ranges or golf courses)	1 space per 100 square feet (net) of floorspace.
Professional offices	1 space per 285 square feet (net) of floorspace.
Radio and television stations	1 space per 285 square feet (net) of floorspace, 1 space per employee.
Radio, television and other communication towers and antennas	N/A
Rail stations	1 space per 300 square feet (net) of floorspace.
Railroad car classification yards	1 space per employee.
Railroad stations for freight	1 space per 500 square feet (net) of floorspace, 1 space per employee.
Recreational grounds other than tennis courts and golf courses	1 space per 10,000 square feet of site area.
Recycling drop-off centers	Minimum of 10 spaces.
Research and development centers	1 space per 500 square feet (net) of floorspace, 1 space per employee.
Research and testing laboratories	1 space per 500 square feet (net) of floorspace, 1 space per employee.
Rest homes, personal care homes and convalescent homes	1 space per 4 beds.

Reupholstery and furniture repair establishments	1 space per 250 square feet (net) of floorspace, 1 space per employee.
Rooming houses and boarding houses	1 space per 2 residents.
Sawmills (temporary)	N/A
Self-service laundry facilities	1 space per 200 square feet (net) of floorspace.
Self-service-storage-facilities	Minimum of 5 spaces.
Sexually oriented businesses	1 space per 100 square feet (net) of floorspace.
Shelters (homeless)	1 space per employee.
Signs and outdoor advertising facilities	1 space per 300 square feet (net) of floorspace, 1 space per employee.
Single-family dwelling units (attached)	2 spaces per dwelling unit.
Single-family dwelling units (detached)	2 spaces per dwelling unit.
Studios and supplies	1 space per 250 square feet (net) of floorspace.
Taxi stands and taxi dispatching agencies	N/A
Telephone business offices	N/A
Temporary uses	At the discretion of the Mayor and Council for Temporary Use Permit
Theaters	1 space per 3 seats per person lawfully permitted at one time.
Tire retreading and recapping facilities	1 space per employee, 1 space per vehicle parked on-site.
Townhouse dwelling units (attached)	2 spaces per dwelling unit.
Trailer salesrooms and sales lots	1 space per 500 square feet of site area.
Transportation equipment storage and maintenance facilities	1 space per employee.

Truck terminals	1 space per employee.
Two-family dwelling units	4 spaces per dwelling unit (duplex).
Utility facilities (private)	1 space per 500 square feet (net) of floorspace, 1 space per employee.
Vending machine sales, service, rental or repair establishments	1 space per 500 square feet (net) of floorspace, 1 space per loading dock.
Vocational schools (commercial)	1 space per 2,000 square feet of site area.
Warehouse and storage facilities	1 space per 2,000 square feet (net) of storage space, with a minimum of 5 spaces.
Wholesale sales offices	1 space per 300 square feet (net) of floorspace.
Wholesale trade and distribution facilities	1 space per 300 square feet (net) of floorspace, 1 space per loading dock.
Wholesale trade offices in conjunction with office showrooms	1 space per 300 square feet (net) of floorspace, 1 space per loading dock.
Zoos	At the discretion of the Mayor and Council

The Mayor and City Council may, at its discretion, reduce the required parking spaces to such number as it deems adequate in instances where applicant reduces the impact on roads and traffic, and the impact associated with runoff by grading and creation of impervious surfaces, by incorporating and utilizing an active ride-sharing program through the state department of transportation. The Community Development Director is authorized to grant an administrative variance of up to 20% reduction in the required parking spaces without the property owner needing to seek approval by the Mayor and City Council where the property owner and/or applicant can demonstrate that the parking plan can adequately provide a sufficient number of spaces to accommodate the proposed use, taking into consideration factors such as public transportation, use of property, and other factors that may be included in a parking analysis prepared by a certified traffic engineer.

Section 7.19 ANTENNAS AND TOWERS OVER 35 FEET IN HEIGHT.

Television, land mobile, communication, microwave and radio transmission antennas and towers shall be subject to the following:

- 1) General provisions; applicability.

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- a) The height limitations set forth in this chapter applicable to buildings and structures shall not apply to towers and antennae which shall be governed by the special use permit procedure set forth in this chapter.
 - b) These standards shall only be applicable to antennae and towers more than 35 feet in height.
 - c) The Mayor and City Council may consider for approval a site plan specific request which is in substantial conformance with the requirements listed in this section.
 - d) In considering applications under this section, it shall be the policy of the city to construe all exemptions from zoning under this chapter narrowly and, unless expressly exempted, to ensure that all proposals to construct television, land mobile, communication, cellular, PCS, wireless communication, microwave and radio transmission towers, antennas and other facilities conform to the requirements set forth herein.
- 2) A special use permit required. A special land use permit shall be required for all television, land mobile, communication microwave and radio transmission antennae and towers. An application to place any such facilities on a tower or other facilities constructed, or to be constructed, pursuant to the exemption set forth in Section (exemptions from chapter for entity entitled to exercise eminent domain) shall be considered as though the applicant were seeking to build not only the new facilities to be constructed, but also the tower or other facilities that were or are to be built pursuant to that exemption.
- 3) Application, design, location and safety requirements.
- a) Setback and separation.
 - i) All towers and antennas more than 70 feet must be set back a distance equal to the full height of the tower from any adjoining residential parcel boundary or as safety concerns may dictate.
 - ii) A tower located on or immediately adjacent to parcels zoned "R" or residential must be located no closer to the boundary of such residential property than the height of the proposed tower (as certified by a professional engineer licensed in the State of Georgia), plus a safety factor of ten percent.
 - iii) In addition, any tower shall:
 - (1) As to any unimproved parcel, the tower is to be located toward the center of such parcel, unless other factors reflect a more desirable location. Such factors may include, but shall not be limited to: topography, bodies of water, streams, creeks, and other water courses, ravines, valleys, tree cover, and the like.
 - (2) As to an improved parcel, the tower is to be located closer to the structure than to the boundary of the parcel unless other factors reflect a more desirable location. Such factors may include, but shall not be limited to, type of structure (i.e., residential in character versus commercial or industrial), topography, tree cover, and the like. Notwithstanding the foregoing, all towers, regardless of zoning district, shall be set back a distance equivalent to one-half of the tower's height as measured from the tower's base to any public right-of-way or property boundary.

However, the Mayor and City Council may waive the requirements contained in this paragraph if it finds that placement of the proposed tower at a different location on the parcel would mitigate any negative effects of the proposed tower upon the adjoining parcels.

- iv) In any "R," or residential zoning district, any tower over 100 feet in height shall not be located within 4,500 feet from an existing or approved tower that is more than 100 feet in height, unless the applicant presents evidence satisfactory to the Mayor and City Council that not allowing the proposed tower to be located closer than 4,500 feet would have the effect of prohibiting wireless service. However, the Mayor and City Council may waive the requirements contained in this paragraph if it finds that placement of the proposed tower at the proposed location would mitigate any negative effects upon most parcels in the vicinity of the proposed tower. The Community Development Department shall accept for processing a special land use application submitted under this section seeking approval of a tower which would be located less than 4,500 feet from an existing or approved, but not yet constructed, tower. Although, the Mayor and City Council is not required to approve such an application it shall take into account whether the proposed location would mitigate any negative effects upon most parcels in the vicinity of the proposed tower and whether denying the application would have the effect of prohibiting wireless service.
 - v) No portion of the parcel on which a tower is located that is closer to the base of the tower than a distance equal the height of the tower plus an additional distance of ten percent of the tower height may be developed for residential uses.
 - vi) Notwithstanding the above provisions regarding setbacks, in cases where the tower is designed with a "breakpoint", the fall zone setback may be reduced to the equivalent of the measurement from the base of the tower to the breakpoint and may further include a safety factor of up to ten percent. To be eligible for this provision, the engineer's report and/or drawing indicating the designed breakpoint must be demonstrated by the applicant through a report or drawing and must be stamped and sealed by a registered engineer.
- b) Collocation of antennas or other facilities or equipment on existing towers that have already received special land use permits is required, so long as technically feasible and space is available on the existing towers to do so, and all towers should be designed to accommodate at least three users.
 - c) Accessory structures shall be limited to usages associated with operation of the antennae or towers and shall be appropriate in scale and intensity. For towers located in any "R" or residentially zoned district, the Mayor and City Council may require accessory structures to be located below ground level in order to mitigate any negative effects of the proposed tower upon adjoining parcels if it finds that circumstances at the site make screening of aboveground structures insufficient.

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- d) All towers and equipment compounds shall be equipped with an anti-climbing device, such as a six-foot fence topped with a barbed strand or other appropriate devices to prevent unauthorized access. To reduce the need for more telecommunication towers in the future, a tower owner/operator may expand (with the property owner's permission) the compound area an additional 20 percent over the Mayor and City Council's approved compound plan if additional compound space is needed to place more or different equipment on the tower it serves. Any compound expansion should be planned so it does not get any closer to residentially used property than the original tower compound, and the appropriate, required, and/or approved buffers, landscaping, and fencing shall be reinstalled on the perimeter of the compound (if applicable), subject to district council person and city arborist approval.
 - e) All towers and antennae must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission or such governing agency guidelines as may be established from time to time. All towers and antennae must be updated and brought into conformity with such standards and regulations within six months of their adoption. The failure to comply with this provision shall be grounds for the county to require removal or re-permitting of the antenna or tower at the owner's expense.
 - f) At the time of application for the building permit, the plans for tower or antenna construction shall be certified by an independent registered structural engineer as meeting all current safety and design standards of all applicable codes.
 - g) Applicants are required to explore and fully utilize space on existing towers that have already received special land use permits and are required to bear an equitable share of capital, operating and other expenses in connection with such shared usage.
 - h) Residential sites are strongly disfavored for tower location. Use of platted lots in existing subdivisions is prohibited. In addition to all other criteria contained in this section, applicants proposing towers on residentially zoned parcels must demonstrate that there are no other residentially zoned but not residentially used, locations for the proposed tower, such as parks, schools, churches, and other similar institutional uses.
 - i) Towers and antennas are encouraged to be located at a height above the tree line no greater than necessary to reasonably accommodate the facilities and should have the structural ability to add up to three additional users in the future through pole extensions, if necessary. However, the Mayor and City Council may waive this requirement if it determines that a stealth style of tower would mitigate any adverse effects upon adjoining parcels and constructing the tower to the standards set forth in this paragraph would prevent utilization of a stealth tower.
 - j) In addition, all such towers and antennas shall be designed to minimize visual scenic impact when located on a hill.

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- k) Any tower approved under the provisions of this section which is not utilized by any communications service provider or entity for any communications related purpose for a period of 24 consecutive months shall lose any privilege of special use previously granted by the Mayor and City Council and must thereafter be resubmitted for approval prior to use for any purpose not permitted by the existing zoning. If the resubmission does not result in zoning approval, the owner of such tower shall remove the structure within sixty days of the denial of the zoning sought in the resubmission. If the tower is not removed within sixty days, the county may, in the manner provided for in O.C.G.A. §§ 41-2-7 through 41-2-17 and/or other city ordinances, remove the tower at the owner's expense.
- l) Prior to the issuance of a permit for the construction of a tower, the owner of the tower facility shall procure a bond or a letter of credit from a surety with an office located in the City of Mableton, Georgia, in an amount not less than \$25,000.00 conditioned upon the removal of the tower should it be deemed abandoned under the provision set forth in paragraph 1. of this subsection. Such bond or letter of credit must be renewed at least every two years during the life of the tower.
- m) Other than amateur radio towers, no new tower shall be permitted unless the applicant demonstrates to the satisfaction of the Mayor and City Council that there is an actual need for the proposed tower and that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. At the time of filing the application for the tower, the items listed below must be satisfactorily addressed by the applicant. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts and shall consist of more than mere conclusory statements. Evidence submitted in connection with this paragraph shall, at a minimum, consist of the following:
- i) That no existing towers or suitable alternative tower structures are located within the geographic placement area required to meet the applicant's engineering requirements.
 - ii) That existing towers or structures do not have sufficient structural strength to support applicant's antenna and related equipment.
 - iii) That the applicant's proposed antenna(e) on existing towers or structures, or the antenna(e) on the existing towers or structures, would cause interference with the applicant's proposed antenna(e).
 - iv) That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure are unreasonable.
 - v) That the applicant adequately demonstrates that there are other limiting factors that render towers and structures unsuitable.
 - vi) With respect to wireless communications towers, that there is a significant gap in wireless service in the geographic area under consideration, and that this gap is demonstrated by dropped call data and analysis and actual wireless coverage field tests performed in the geographic area under consideration. To the extent the applicant has

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- the technical ability to do so, the dropped call information must specify what type of service is dropped, voice or data, and the percentage of dropped calls due to users disconnecting calls as opposed to the system dropping calls without input to do so by the user. The applicant must also list the parameters used to determine if there is a coverage gap in the area of the proposed tower and how such a gap equates to the signal strength displayed on wireless devices in the area. The applicant must also provide the number and location of data points used to determine the size of the contended gap.
- vii) That a lower tower height was considered but determined not to offer adequate coverage improvement.
- viii) For each of the above items, the applicant must submit an affidavit(s) signed by one or more qualified experts or appropriately licensed professionals in the field in which they are expressing their opinion listing the existing towers and alternative possible tower heights and designs which were considered, and ultimately rejected, by the applicant and providing a detailed explanation of why the existing towers and other alternatives were determined not to be usable. If the affidavit referenced in this paragraph is submitted by a person who is not appropriately licensed in the field in which they are expressing their opinion, the affidavit must establish the individual's credentials and competence to provide the opinions stated therein. The Mayor and City Council reserves the right to reject any opinions given by such individuals should it determine that the person giving the opinion has not provided sufficient information in the affidavit to establish their competence in the field or on the subject about which the opinion is given.
- ix) Further, at the time of filing the application for a tower, the applicant shall provide a site plan, scaled elevation drawing of the proposed tower, information regarding topography, radio frequency engineer's report that details the need for the proposed tower (the radio frequency engineer's report shall address possible alternatives, such as lowering the height of the tower, co-locating on another tower, and incorporating stealth towers such as "monopines," "slick-sticks," and the like), and coverage zone and tower height requirements. The applicant shall provide documentation of all towers within a three-mile radius of the proposed location, to include the number of users approved to collocate and the number of users existing on said towers. The applicant shall be required to submit a written analysis to address the 15 considerations contained in Section (special land use permit standards) and the following additional items:
- (1) The proximity of the tower to offsite residential structures and residential areas.
 - (2) The tower's effect on property owners or potential purchasers of nearby or adjacent residentially zoned properties.
 - (3) The height and species of surrounding trees and foliage.
 - (4) The height of existing structures.

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- (5) The aesthetic design of the tower in relation to reducing or eliminating visual obtrusiveness to the surrounding area.
 - (6) The impact of the proposed tower upon the scenic views and visual quality of the area.
 - (7) The Community Development Department shall be authorized to charge a fee to the applicant in an amount designed to allow the city to retain the services of one or more consultants, engineers, or other experts in the area of radio frequency engineering or other relevant fields to assist the city in analyzing the application and providing an independent assessment of the information submitted as a part of the application.
- 4) Grandfather clause. Any existing tower or antenna location existing on the date of adoption of the ordinance from which this section is derived shall be grandfathered and nonconforming and not required to meet the requirements of this section, subject to the other provisions of this chapter.
 - 5) Landscape buffer and screening requirement. Telecommunication tower equipment compounds shall have a 15-foot landscape screening buffer between the tower and the residentially zoned property which will be subject to city 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/or 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 2.03. Access drives will be from the nearest paved surface on the property.
 - a) Objectives. The landscape screening buffer required by this section shall be implemented in connection with a permitted project and shall address the following objectives:
 - i) Screening to enhance aesthetic appeal;
 - ii) Control or direction of vehicular and pedestrian movement;
 - iii) Reduction of glare;
 - iv) Buffering of noise; and
 - v) Establishment of privacy.
 - b) Standards. The landscape screening buffer required by this section is subject to review and approval by city staff in accordance with the following standards:
 - i) Plantings are to be a mix of rows of evergreen trees and shrubs, deciduous trees and taller evergreen trees designed to cover a substantial vertical amount of the tower.
 - 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 maximum visual barrier.
 - iv) The minimum height of plant materials at installation is to be five feet for trees.

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- v) Fencing or walls are to be opaque and a minimum of six feet in height as approved by city staff.
 - vi) Trees included in buffer plantings may be counted toward site density calculations as required by the city's tree preservation and replacement ordinance, subject to review and approval of city staff.
 - vii) Buffers shall be regularly maintained by the property owners to ensure that the objectives and standards of this section are met.
 - viii) When topography and existing conditions allow, the required landscape buffer should be a maintained natural buffer; provided, however, the buffer may be crossed by an access drive as shown on the site plan and/or necessary utilities.
 - ix) Any appeals from a determination by city staff regarding the landscape buffer shall be to the board of zoning appeals.
- 6) Exemptions.
- a) A single antenna under 70 feet in height owned and operated by a federally-licensed amateur radio station operator shall be exempted from the requirements of this section. However, the owner or operator of such antenna shall be required to comply with all applicable county, state and federal building codes.
 - b) Roof antennae on nonresidential structures are exempted from the requirements of this section, except that such antennae shall meet or exceed FAA and FCC standards. Subsection (4) of this section shall also apply to roof antennae on nonresidential structures. Such nonresidential structures shall include signs, light poles, water towers and other such suitable freestanding structures as may be located throughout the county. Antenna placement above the height of the structure utilized shall be limited to 20 feet. Placement of antennas or other communications equipment on any grandfathered, nonconforming use shall provide no vested right for continued use of the site should the nonconforming use cease.
 - c) Placement of antennae or other facilities or transmission equipment on existing towers that have already obtained a special land use permit, as well as on towers that are covered by subsection (4) of this section, shall be exempted from the requirements of this section so long as the structure or height of such existing tower is not altered. The Community Development Director shall be authorized to grant administrative approval to site plan amendments necessitated by the placement of such additional equipment in previously approved equipment compounds. All requirements of subsection (landscape buffer standards) of this section shall apply to any site plan so amended. This exemption shall not apply to applications seeking placement of antennae or other facilities or transmission equipment on towers constructed pursuant to the exemption set forth in Section (exemption for eminent domain) of this chapter.

Section 7.20 SATELLITE TELEVISION ANTENNAS AND DISHES

No antenna or satellite television antenna or dish shall be erected, constructed, maintained or operated except in conformance with the following regulations:

- 1) Location.
 - a) In any commercial, industrial or multifamily residential district, satellite television antennas or other antennas may be located, subject to applicable setbacks, anywhere on the lot or buildings thereon.
 - b) In a noncommercial or single-family district, subject to the provisions contained in this section, such antenna shall be located only to the rear of any principal structure. If usable satellite or communication signals cannot be obtained from the rear location, the antenna may be in the side yard, subject to applicable setbacks.
 - c) If usable satellite or communication signals cannot be received by locating the antenna in the rear or to the side of the principal structure, such antenna may be placed in the front yard or on the roof of the dwelling structure, provided that a satellite reception permit is obtained prior to such installation. Such permit shall be issued upon a showing by the applicant that usable satellite signals are not receivable from any location on the property other than the location selected by the applicant. A satellite reception permit shall not be required for installations complying with subsections (1)a and (1)b of this section.
- 2) Size.
 - a) In a noncommercial or single-family district, a satellite television antenna or other antenna shall not exceed 12 feet in diameter, and a ground-mounted satellite television antenna or other antenna shall not exceed 20 feet in height, including any platform or structure upon which the antenna is mounted or affixed.
 - b) Radio antennas shall not exceed 35 feet in height without compliance with the standards contained in Section (Television, land mobile).
- 3) If usable satellite signals cannot be obtained from an antenna installed in compliance with the height limitation imposed by subsection (2) a of this section, such antenna may be installed at a greater height, provided that a satellite reception permit is obtained prior to such installation. Such permit shall be issued upon a showing by the applicant that installation at a height greater than 20 feet is necessary for the reception of usable satellite signals. A satellite reception permit shall not be required for installations complying with subsection (2) a of this section.
- 4) Except in a commercial, industrial or multifamily residential district, satellite television antennas or other antennas shall be located and designed to screen and reduce visual impact from surrounding properties at street level and from public streets.
- 5) Antennas shall meet all manufacturer's specifications, be on noncombustible and corrosion-resistant material, and be erected in a secure, wind-resistant manner.
- 6) Every antenna must be adequately grounded for protection against a direct strike of lightning.

Section 7.21 CIVILIAN AIRPORT HAZARD DISTRICT.

- 1) Height zoning. Height limitation zoning applies to structures and natural growth objects within the airspace as defined by the Federal Aviation Regulations Part 77 Airspace Surfaces and TERPS.
 - a) Construction or alteration requiring notice to the FAA. Except for construction less than 25 feet AGL or as provided in FAR Part 77.15, any construction or alteration that meets or exceeds the height criteria established in FAR Part 77.13 as amended from time to time, shall complete the FAA notification process as provided in FAR Part 77.17 as amended from time to time, using the FAA Notice of Proposed Construction or Alteration form 7460-1 as amended from time to time.
 - b) Height limitation. The Civilian Airport Hazard District Ordinance does not preclude approval of obstructions to air navigation with heights in excess of those height limitations prescribed in FAR Part 77 and/or TERPS, if either of the following is met:
 - i) A determination of "No Hazard to Air Navigation" is issued from a FAA Airspace Study resulting from the Notice Requirement of FAR part 77.17 and the Airport Manager supports the determination; or
 - ii) A variance application may be considered by the Board of Zoning Appeals, when such action is considered advisable to effectuate the purposes of this section and reasonable in the circumstances when considering the results of the determination of an FAA Airspace Study and the input from the Airport Manager.
- 2) Land use zoning recommendations. Land use zoning recommendations prescribe land uses and zoning designations that are deemed compatible within the airport operations areas, as shown on the airport impact zones land use maps. The Table below presents recommended conforming land uses within each airport impact zone.

TABLE

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AIRPORT IMPACT ZONES LAND USE RECOMMENDATIONS

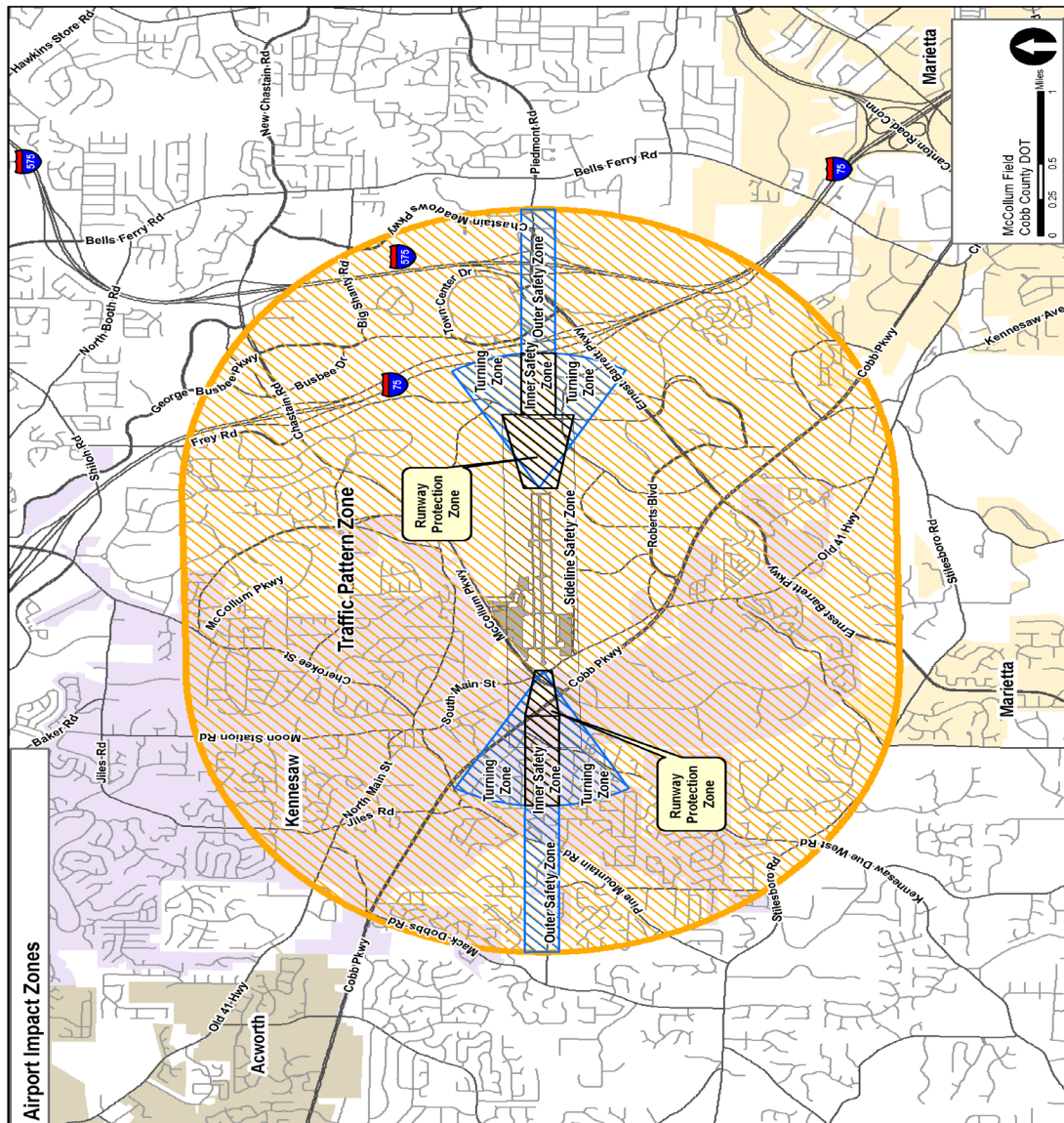
Land Usage	Runway Protection one	Inner Safety Zone	Turning Zone	Outer Safety Zone	Side Line Safety Zone	Traffic Pattern Zone
Residential	N	N	Y*	Y	N	Y
Commercial	N	N	Y	Y	N	Y
Industrial	N	Y	Y	Y	N	Y
Schools/Institutional	N	N	N	N	N	Y
Day Care Center	N	N	N	N	N	Y
Place of Worship	N	N	N	N	N	Y
Parks/Open Space	N	N	N	N	N	Y/Y
Passive Parks	Y	Y	Y	Y	Y	Y

Nursing Home	N	N	N	N	N	Y
Hospital	N	N	N	N	N	Y
Solid Waste Landfill	N	N	N	N	N	N

* /Low density residential

Generally. Notwithstanding any other provisions of this chapter, no use may be made of land within the zones listed in this section in such a manner as to create electrical interference with radio communication between the Airport and any aircraft, make it difficult for flyers to distinguish between airfield lights and other lights, result in glare in the eyes of flyers using the airfield, impair visibility in the vicinity of the airfield, attract birds, or otherwise endanger the landing, takeoff or maneuvering of any aircraft.

- 3) Existing nonconforming uses or heights. This section shall not be construed to require the removal, lowering, change or alteration of any previously approved nonconforming use or structure, or otherwise interfere with the continuance of any previously approved nonconforming use or structure, except as otherwise provided by this section, including those previously approved nonconforming uses or structures under construction. For purposes of this section, nonconforming use means any structure, natural growth or use of land which does not conform to a regulation prescribed in this chapter or an amendment thereto, as of the effective date of such regulations.
 - a) Nothing in this section shall contradict the limitations placed on nonconforming uses of a building, structure or land as described in Section (Nonconforming uses) of the city ordinances, nonconforming uses.
 - b) Notwithstanding the preceding subsection, this section shall provide the right to require the owner of any existing nonconforming structure to mark and/or light any structure as deemed necessary by the City.
 - c) Notwithstanding the preceding subsection, no existing nonconforming natural growth may become higher or become a greater hazard to air navigation than it was on the effective date of this ordinance.
- 4) Conflicting regulations. In case of conflict between the regulations of this Section and other regulations, unless otherwise stated, the more stringent regulations shall control.



Section 7.22 MOVING BUILDINGS.

- 1) Permit required. It shall be unlawful for any person to move or transport, over the roads of any incorporated area of the city, any house or structure or other building, over or through any street or streets, alley or public way or thoroughfare of the city, unless such person has first applied for and obtained from the Code Enforcement Director or his/her designee a written permit authorizing such moving or transportation.
- 2) Issuance of permit.
 - a) The Code Enforcement Department shall furnish any applicant a form application which shall contain, among other information, the following:

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- i) A description of the structure proposed to be moved, giving the street number, construction materials, dimensions, number of rooms and condition of exterior and interior (required only on house moving relocation applications within the city).
 - ii) A street address or description of the property from which the structure is to be moved, giving a sufficient legal description (required only on house moving relocation applications within the city).
 - iii) A plat of the portion of the property to be occupied by the structure when moved which shows the origin and destination of the structure (required only on house moving relocation applications within the city).
 - iv) The name of the person performing the moving operation.
 - v) The routing of the highways, streets and alleys over and along which the structure is proposed to be moved.
 - vi) The name and consent of the owner of the property from which removed and of the owner of the property to which moved (required only on house moving relocation applications within the city).
 - vii) An estimate of the time that will be involved in the moving process, not to exceed four working days, to be accomplished between the hours of 9:00 a.m. and 4:00 p.m. After the permit is issued and relocation begins, the applicant shall continuously and without interruption work at moving the structure until it reaches the destination shown on the permit. In order to successfully complete house moves between these hours, a house move should begin promptly at a time early enough to complete within these hours. If it is determined by the department of transportation or the assigned police officers that said move cannot be completed within these hours due to a late start, house move will not be allowed to begin in the county, and a new date will need to be set for that move. An applicant's failure to comply therewith shall, in addition to the revocation of the permit, form the basis for withholding of future permits.
 - viii) Any additional information which any agent of the city shall find necessary to determine whether a permit should be issued.
- b) This subsection (b) shall apply only to applicants for permits to move houses being located or relocated in the city. The applicants shall show the consent of the neighboring property owners adjoining the property on which the structure is being placed. If applicant cannot obtain consent from the adjoining property owners, the applicant shall send a letter via first class mail with a certificate of mailing or certified mail to those adjoining property owners which shall contain the application for relocating existing structure, statement of all proposed improvements and a plat of the property. The certificate of mailing or certified receipts shall be submitted to the Code Enforcement Department two weeks prior to the hearing. The applicant shall post an "Other Business" sign on the property 30 days prior to the hearing.

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- c) Permits shall be issued only to licensed building movers who provide satisfactory evidence of liability insurance coverage as defined in this section.
 - d) Any house being moved which is to be located or relocated in the county shall require a building permit.
- 3) Work prohibited on certain days; duration of permit; deadline for submission of permit application.
- a) In addition to the provisions of subsection (2) of this section regarding the time in which the structures shall be allowed to be moved, houses or structures shall be moved only on Monday through Thursday, except that no houses or structures may be moved on holidays or any other day said city offices are closed. For purposes of this subsection, holidays are defined as being New Year's Day, Martin Luther King Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day. Work on the structure during those hours shall be consistent with applicable noise requirements.
 - b) The permit shall be valid immediately from the day of issuance and expire six good working days from the day of issuance. If a structure is not moved within this period, the applicant must obtain a new permit. All route applications must be submitted at least four working days prior to the requested date of the house move.
- 4) Minimum standards for structure. No applications shall be approved for moving a structure which is not equal to or better than the adjacent structures within the area (required only for house moving relocation applications within the city)
- 5) Operational requirements. Additional requirements shall be as follows:
- a) There will be no structure moved along the roadways of the incorporated area of the city with an overall height in excess of 18 feet, or with an overall width in excess of 30 feet, including overhang or with an overall length of the tractor and house in excess of 100 feet, provided however, an exception may be made for good cause shown by the applicant to the county department of transportation. Even though all the above operational requirements might be met, said house move route is subject to denial, if the county department of transportation determines that proper clearance cannot be obtained on the proposed route as stated on the application. Any route denials can be appealed to the county department of transportation operations division manager.
 - b) Must conform with state department of transportation on requirements for number of workers on top of house to ensure that overhanging utilities will be completely clear of the roof; however, a minimum of two personnel are required to be placed on the top of the house when traveling through traffic signals to ensure signals will be completely clear of the roof.
 - c) Front and rear escort vehicles shall be required at all times during the moving process. These escorts shall be police cars driven by police officers. The Code Enforcement Director or his/her designee shall coordinate the police officer escorts. Up to four police officer escorts are required for each house move permitted, unless department of transportation

and public safety deem that less officer escorts would be sufficient as determined per the route submitted. The department of transportation should be contacted by the house mover before application is submitted to the Code Enforcement Department for this request and approval. Each police officer shall be compensated by the house mover in the amount of \$150.00 and will be compensated for each day they are assigned a move, unless the Code Enforcement Department is notified 24 hours in advance of a cancellation. The house mover shall make payment for such police officer compensation directly to the city at the time the application is submitted. No application shall be received unless the police officer compensation is paid. The police officer shall have the final decision as to whether the house moving takes place. Notwithstanding the police officer's decision, the house mover shall not be entitled to a refund of the police officer compensation. The police officer shall be considered the borrowed servant of the house mover, subject to the control of the house mover. The police officer shall be within the scope of his employment for the house mover at all times during the house moving process. The police officer shall be considered the servant of the house mover and the city, and shall not be liable to any person for any person or property injured or damaged during the move. It is the intent of this subsection that the city shall not be liable for the acts of the police officer while operating under the direction or control of the house mover. The house mover shall indemnify and hold the city harmless from all conduct of such police officer, and all other liability arising out of the house moving. The house mover, by submitting an application for a house moving permit, agrees and consents to this subsection.

- d) All vehicles used by house movers in the moving process, except for the police car, shall be equipped with a revolving amber light at least eight inches in diameter, located on top of the vehicle, which must be clearly visible from all directions. The light shall have a minimum candlepower of 35,000 and shall rotate to provide at least 80 revolutions per minute. The operators of such moving vehicles shall have obtained a valid driver's permit from the state department of safety.
- e) All vehicles involved within the moving process shall be plainly marked and display the house mover's name. There will be no house parked on the route or off the route in the incorporated areas of the city due to mechanical breakdown for more than 12 hours. Applicants are charged with the responsibility of notifying the appropriate property owners should a mechanical breakdown necessitate the parking of the house on private property. This also includes discontinuing the move due to a safety issue.
- f) Sufficient personnel, consisting of at least five individuals and employees of the house mover, each having a valid state driver's license, shall be available to assist each vehicle involved in the house moving, in case of illness or accident to vehicle operators during the house moving process.
- g) All house movers shall have a wrecker large enough to tow the entire load accompanying the house in the event there is a breakdown during the house moving process.

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- h) Any debris or damage caused by the house moving process or the house movers involved in the house moving process shall be removed or corrected at the time of the incident by the house mover and his support personnel and shall be the house mover's exclusive financial responsibility.
 - i) All masonry shall be removed from the structure prior to the moving process being undertaken.
 - j) Escort vehicles and the vehicle transporting the house shall also be equipped with two-way radios in good working order so that all drivers will have constant radio contact with each other. The rear escort vehicle driver shall advise the driver of the load and the front police officer escort as to the traffic conditions behind the movement. Additionally, an agent of the city or the police escort shall have the right to have the structure being moved pulled over to the side of the roadway to relieve traffic backup during the moving process, whether a state route or county road or city road.
 - k) Approval and authorization to initiate the planned move will be in the discretion of the off-duty police officer front escort to the house moving, and approval will only follow after inspection and verification that compliance with the items mentioned in this section has been forthcoming.
 - l) The driver of the front and rear escort vehicles shall maintain sufficient separation between their vehicles and the structure being moved to provide adequate warning of the presence of the structure being moved.
 - m) All vehicles used during the moving process must be roadworthy and in extremely good condition. The truck tractor and dollies attached to the house will be subject to a federal commercial vehicle inspection. If either is placed "out of service" and cannot be repaired at the scene within 30 minutes, the house move is deemed denied and a new permit must be obtained.
 - n) Any structure being moved with a cut-down roof shall have plywood covering the structure.
 - o) There shall be no structures moved within the incorporated areas of the city during inclement weather (when roads are wet with rain, sleet, ice, snow or when visibility is dangerously reduced by fog). If during a house move, the aforementioned occurs, then the house mover shall seek a safe location to stop the house move. Once the house move is stopped, a new permit must be obtained.
 - p) If a house move begins in the city, the house move must begin within 30 minutes of the start time. A house move entering the city must be timely to allow the house move to be completed within the hours as stated in section (b)(1)g. If any of these conditions are not met, then the house move is denied, and a new permit must be obtained.
- 6) Action on permit application; appeal of denial; resubmission after denial.
- a) When an application has been received under this section, it shall be the duty of the Code Enforcement Department to confer with the county department of transportation,

operations division, to determine whether the proposed operation may be carried out without danger to adjacent property, existing utilities and the traveling public. After such determination and after full compliance with this section, the Code Enforcement Director may approve the application. Upon approval, he may issue the permit upon such conditions as may be necessary to ensure the safety of the operator. If the Code Enforcement Director determines from his investigation that the operation cannot be undertaken with safety or might result in traffic, zoning or building code violations, he may reject the application, furnishing to the applicant the reasons why the application was declined.

- b) Any person aggrieved by such rejection of an application may appeal such a rejection and appeal before the Mayor and City Council at the next regularly scheduled meeting to review the actions of the Code Enforcement Director. All applications approved will provide conditions, which conditions may include but shall not be limited to the route of travel, the time of travel, the destination or number of employees and authorized police personnel for the safe completion of the move, the type and necessary equipment so as to prevent breakdown during such removal, and other conditions, rules or requirements to ensure a safe and speedy removal of any structure upon the highways of the incorporated areas of the city.
 - c) An application for a house moving permit that has been rejected by the Mayor and City Council cannot be resubmitted for a period of 12 months from the date of the public hearing at which the application was considered and denied (only for house moving relocation applications within the city).
- 7) Exemptions. The provisions of this section shall not apply to the moving of small temporary structures, portable buildings, mobile buildings, mobile homes or other similar structures where the structure can be moved on normal automotive equipment and will not require the blocking of rights-of-way or interfere with the normal movement of traffic.
 - 8) Failure to obtain permit. It shall be unlawful to engage in the business of moving structures, as defined in this section, without first having filed the application with and secured a permit from the Code Enforcement Department.
 - 9) Liability insurance; damage to traffic control signals.
 - a) Every applicant must secure liability insurance covering all working operations, including loading and unloading buildings upon vehicles, in minimum amounts of \$300,000.00 for bodily injuries to each person, \$500,000.00 for each accident, and \$100,000.00 for property damage. Additionally, each applicant must secure automobile liability insurance in minimum amounts of \$300,000.00 for each accident and \$100,000.00 for property damage covering all vehicles used in connection with the moving process.
 - b) Certificates of liability insurance with insurance companies authorized to do business in the state shall be delivered to the Code Enforcement Department. Each policy shall, by its terms, provide that it cannot be canceled until after ten days' written notice to the appropriate city official. Should any licensed house mover fail to provide another policy of

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- liability insurance prior to such cancellation, then the permit shall automatically be suspended as of the date the insurance policy ceases to be effective. Suspensions, as provided in this section, shall be automatic and effective without notice or hearing as otherwise required by this section.
- c) Any damage done to electronic traffic signal control devices caused by the house moving process or the house movers involved in the house moving process shall be the financial responsibility of the house movers and shall be reported immediately to the police escorts or agents of the Code Enforcement Department.
- 10) Transfer of permit. No permit issued under this section shall be transferred or assigned to any other person.
- 11) Suspension or revocation of permit. The following shall govern suspension and revocation of house moving permits:
- a) Permits will be withheld for a period of six months whenever three or more violations occur within any six-month period. Violations include damage to city real or personal property, mechanical breakdown of equipment, interruption of normal flow of traffic as determined by assigned officers and any other violation of this section. With any damage to city property, upon receiving a statement issued by the city for the repair cost, the repair cost shall be satisfied by the house mover or his agent, prior to the consideration of any new permit being issued by code enforcement. If a permit is withheld from a licensed house mover, this will include no additional permits being issued to any other house mover under another name, associated with those owners or agents in violation during that six-month suspension.
 - b) Any suspension imposed pursuant to this section shall remain in effect until all defects, deficiencies and work not complying with this section have been corrected by the applicant.
 - c) Any person aggrieved by the decision of the Code Enforcement Department or Director or his designee in refusing to issue, suspending, revoking or refusing to reinstate the permit may appeal therefrom to the board of zoning appeals within ten days of receipt of written notification of the decision. The written notification shall inform the applicant of his right to appeal. The appeal must be taken by submitting a written request therefore to the Code Enforcement Director. The board of zoning appeals shall hear the appeal within 30 days after receipt of the notice of appeal by the Code Enforcement Director. The decision of the Code Enforcement Director shall be final unless appealed within the time and manner as set forth in this subsection.
- 12) Judicial review. Nothing contained in this section shall be construed to deprive any person of any right which he may have to obtain judicial review of any administrative decision made under this section.
- 13) Additional remedies; responsibility for violations by partnership or corporation.
- a) In addition to any other remedy in this section, the city may seek injunctive relief to enjoin any violation of this section in the appropriate court against the appropriate person or entity.

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- b) In the event of a partnership or corporate entity, the person directing the work of the partnership or corporate entity shall be construed to be the person violating the provisions of this section. In addition, all the partners in the partnership, and all of the directors, the president or any other officer or employee of the corporation exercising significant managerial responsibility over those employees whose acts violate the terms of this section shall also be construed to be in violation of this section.
- 14) Conflicts with regulations of department of transportation. In the event of a conflict with the regulations of the department of transportation promulgated pursuant to statutory authority, such regulations shall supersede the provisions of this section to the extent necessary to avoid a conflict.

Section 7.23 JUNK ABANDONED OR INOPERATIVE VEHICLES.

- 1) Any automobile, vehicle, mobile home, manufactured home or trailer of any kind or type, without a valid license plate and/or valid decal attached thereto, shall not be parked or allowed to stand on any residentially zoned property or other zoned property unless it shall be in a completely enclosed building or on property zoned HI heavy industrial, with a land use permit issued for the operation of an automobile wrecking business or junkyard.
- 2) No automobile, vehicle, mobile home, manufactured home or trailer of any kind or type, which shall be in an inoperative or junk condition, shall be parked or allowed to stand on any residentially zoned property or other zoned property unless it is:
 - a) In an enclosed building;
 - b) On the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or
 - c) On property occupied and used for repair, reconditioning or remodeling of vehicles in conformance with this chapter.
- 3) Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under other provisions of law.
- 4) For purposes of this section, vehicles in an inoperative or junk condition shall include but not be limited to any automobile, vehicle, mobile home, manufactured home or trailer of any kind or type, or contrivance or part thereof, the condition of which is one or more of the following:
 - a) Wrecked.
 - b) Dismantled.
 - c) Partially dismantled.
 - d) Inoperative.
 - e) Abandoned.
 - f) Discarded.
 - g) One which does not have a valid license plate and/or valid decal attached thereto.

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- 5) This section shall not be the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles or contrivances within the incorporated limits of the city and shall be supplemental and in addition to the other regulations and regulatory codes, ordinances, statutes or provisions of law enacted by the city, the county the state or other legal entity or agency having jurisdiction.
 - 6) It is found and declared that vehicles found in violation of the provisions of this section constitute a public nuisance.

Section 7.24 FACTORY-BUILT BUILDINGS AND DWELLING UNITS AND MANUFACTURED HOMES.

- 1) 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:
 - a) Commissioner means the commissioner of community affairs for the state.
 - b) Component means any assembly, subassembly, or combination of parts for use as a part of a building, which may include structural, electrical, plumbing, mechanical and fire protection systems and other systems affecting health and safety.
 - c) Industrialized building means any structure or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to such parts, or destruction thereof.
 - d) Installation means the assembly of an industrialized building on-site and the process of affixing the industrialized building, component or system to land, a foundation, footings or an existing building.
 - e) Manufacture means the process of making, fabricating, constructing, forming or assembling a product from raw, unfinished or semifinished materials.
 - f) Manufactured home.
 - i) Class I manufactured home means a single-family dwelling unit that is constructed in accordance with the Federal Manufactured Home Construction and Safety Standards and bears an insignia issued by the U.S. Department of Housing and Urban Development (HUD), or one, if constructed prior to applicability of such standards and insignia requirements, that was constructed in conformity with the state standards in effect on the date of manufacture.
 - ii) Class II manufactured home means a unit meeting the requirements of a manufactured home class I and, in addition, bearing an insignia of the Southern Standard Building Code Congress International (SSBCCI) of Birmingham, Alabama.

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- g) Modular home means a factory-manufactured single-family dwelling which is constructed in one or more sections and complies with the definition of an industrialized building.
 - h) Site means the entire tract, subdivision or parcel of land on which the industrialized building or manufactured home is installed.
 - i) System means structural, plumbing, mechanical, electrical or fire safety elements, materials or components used separately or combined for use in a building.
- 2) Class I manufactured homes.
- a) Zoning. No manufactured home, class I, shall be installed, used, parked or occupied on any site in the city except one zoned MHP or MHP/S or on a site for which a land use permit for such use been issued by the city, except that such units may be located for sale upon a site properly zoned to a commercial classification which allows such activity.
 - b) Notification to purchaser. It shall be the duty and responsibility of any seller of a unit of this class to notify any potential purchaser, prior to completion of any sale, of the zoning requirements of subsection (1) of this subsection, and this notification shall be evidenced by a statement signed by each purchaser at the time of any sale that such notification was made prior to completion of the sale. Such signed statement shall be retained by the seller for a minimum of three years from the date of sale and shall be produced for inspection by the county at any time during the hours of 10:00 a.m. to 4:00 p.m., Monday through Friday, except holidays established by the city, through any authorized agent appointed by the city manager for the city, upon request by the county for inspection.
- 3) Class II manufactured homes.
- a) Zoning and permits. No manufactured home of this class shall be installed, used, parked or occupied on any site in the city except one zoned MHP or MHPS or on a site for which a land use permit for such use has been obtained from the city (except that such units may be located for sale upon property properly zoned to a commercial classification which allows such activity), unless the following requirements are met:
 - i) An application shall be filed with the city, through the Community Development Department for a permit from the Mayor and City Council to allow such installation, use and occupancy for single-family purposes on any site zoned for single-family use, and a permit must be obtained prior to transportation to such site. Such application shall be on forms specified by the city and shall include such information as is reasonably necessary for evaluation of the application.
 - ii) The following, as a minimum, shall be filed with the application:
 - (1) A complete set of design plans as approved by SSBCCI, which should also include a drawing depicting each elevation of the exterior appearance of the unit.
 - (2) A plat of the proposed site prepared by a registered surveyor showing at a minimum the exterior boundaries of the site, proposed location of the unit upon

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- the site, and side, front and rear setbacks of the unit as proposed to be located, as measured from the exterior boundaries of the lot.
- (3) A fee in an amount determined by the Mayor and City Council and on file in the office of the Community Development Department.
- (4) A certificate from an inspector selected or approved by the city certifying that the unit was manufactured in accordance with the SSBCCI approved plans and the building codes in effect for the city at the time of filing the application for a permit, for example, building, heating and air conditioning, plumbing, electrical or other codes.
- iii) The permit required in this subsection shall be in addition to all other permits or requirements of the ordinances, rules and regulations of the city.
- iv) No action on a request for permit shall be considered by the Mayor and City Council until a sign is posted on the proposed site for a period of not less than ten days stating the requested action and the date, time and place for the hearing, and a hearing is conducted by the Mayor and City Council.
- v) No such permit shall be granted unless the unit, when completely installed as a single-family dwelling unit, will be compatible with the adjacent and surrounding area, especially in size, exterior appearance, front, rear and side setbacks, and will have no adverse effect upon the value of adjacent property and the surrounding area and will not otherwise be detrimental to the health, safety or welfare of the citizens of the county. No unit shall be installed upon any site unless and until any permit required in this section is granted and unless and until all permits for any on-site work to be performed (such as site preparation, utility and service connections, foundation or any other on-site work) have been obtained from the city. The applicant for any such permits shall pay to the city, at the time of application, its fee for those inspections required for on-site work. Such fees shall not exceed the amount charged for similar inspections and permits on conventionally built structures.
- vi) In addition to obtaining the permit required by this subsection, and prior to occupancy, every such unit which is installed shall be installed on a permanent foundation, which is permanently enclosed, and shall have all wheels, axles and hitches removed.
- vii) No unit shall be installed upon any lot or parcel of land which forms a part of a platted subdivision for which a plat has been approved by the city and recorded in the office of the clerk of the superior court of Cobb County.
- b) Notification to purchaser. It shall be the duty and responsibility of any seller of a unit of this class to notify any potential purchaser, prior to completion of any sale, of the requirements of zoning or the necessity to obtain a permit as set forth in subsection (1) of this subsection. This notification shall be evidenced by a statement signed by each purchaser at the time of closing that such notification was made prior to completion of

the sale. Such signed statement shall be retained by the seller and subject to inspection in the same manner as such statements are required to be retained for class I units.

4) Industrialized buildings.

- a) Permits required. No industrialized building shall be installed upon any site unless and until all permits for any on-site work to be performed (such as site preparation, utility and service connections, foundation or any other on-site work) have been obtained from the city.
- b) Permit fees. The applicant for any such permits shall pay to the city, at the time of application, its fee for those inspections or permits on conventionally built structures.
- c) Insignia requirements. No industrialized building shall be installed or occupied in the city unless it bears an insignia of the department of community affairs of the state indicating state approval pursuant to the acts of the general assembly.
- d) Zoning. No industrialized building shall be erected upon any site in the city, or used for any purpose, unless the site is properly zoned for the intended use or a land use permit has been obtained for the intended use, and unless all other requirements of zoning (setback requirement, building size, etc.) and other ordinances of the city are met which are applicable to the zoning classification for the site or for the installation.
- e) Applicability of city regulations. This section does not eliminate the necessity of complying with any ordinance, rule or regulation of the city which relates to matters addressed, investigated and approved by the state through its department of community affairs resulting in the issuance of its insignia.
- f) Notification to purchaser. It shall be the duty and responsibility of any seller of any industrialized building to notify any potential purchaser, prior to completion of any sale, of the requirements of this subsection. This notification shall be evidenced by a statement signed by each at the time of completion of a sale, that such notification was made prior to completion of the sale. Such signed statement shall be retained and open for inspection the same as for a manufactured home, class I, as provided in subsection (b) of this section.

5) Minimum square footage per occupant. Each mobile home must consist of one or more rooms which are arranged, designed or used as living quarters for one family (as defined in section (Definitions) and two or fewer persons who are not family members.

- a) A mobile home may be occupied only by a family and up to two persons who are not family members.
- b) A mobile home shall have an interior bathroom and complete kitchen facilities, permanently installed.
- c) A mobile home shall have at least 250 square feet of total square footage (as determined in the records maintained by the Cobb County Tax Assessor) per each adult occupant.
- d) No more than one vehicle per 250 square feet of total square footage may be parked regularly overnight at or within a paved parking area as required by the MHP and MHP/S

zoning districts. "Regularly", for purposes of this section, means a majority of nights in any 21-day period. Exceptions to this paragraph may be considered as part of a land use permit processed in accordance with Section 5.04.

- 6) Violations. Any violation of the provisions of this section shall be punishable as provided in Section (Penalties) or by loss of the business license of any seller. In addition, any manufactured home or industrialized building erected, constructed, parked, occupied or used in violation of the terms of this section shall be termed a nuisance and a continuing nuisance so long as such violation may be continued, and such violation may be subject to abatement as a nuisance as provided by the laws of this state, and the industrialized building or manufactured home shall be instantly removed from the site. In addition, the terms of this section may be enforced by the city, or proper city authority authorized by the city manager, by injunction or otherwise. This right to injunctive relief is cumulative and is not to be construed as curtailing the rights of any resident, property owner or other person regarding enforcement of this section or of such rules and regulations as may be promulgated by the city in pursuance of this section.
- 7) Steel shipping containers. Steel shipping containers or the like shall not be used for or converted to a dwelling unit, other living space or storage space in residentially zoned districts.
- 8) Portable storage units.
 - a) Only one portable storage unit may be placed on a residential property.
 - b) A portable storage unit or similar enclosure shall only be placed on a driveway which is a hardened surface and shall be located at the furthest point away from the street.
 - c) A portable storage unit or similar enclosure is limited to 30 days on a property during any consecutive 365-day period beginning on the date of the placement of the unit.
 - d) In cases where there is an active building permit to significantly perform a major remodel to an existing home or to construct a new home the portable storage unit or similar enclosure may be placed on the property if there is an active building permit and work is progressing to the satisfaction of the building official. In no event will the storage unit be allowed to remain over 180 days. At the time of issuance of a certificate of occupancy or letter of completion the removal of the storage unit will be required within five days after the issuance date.
 - e) In cases where a hardship can be demonstrated, the Community Development Director may grant an extension on a property for 30 days. Additional 30-day periods may be granted by request, but not to exceed three extensions in total. Additional requests for extension may be brought to the Mayor and City Council zoning hearing as an "Other business" item. A hardship may be caused by an accidental or unintentional fire, flood, natural disaster or other circumstances presented on a case-by-case basis, that create a need for additional time for the unit to be on the property. The applicant for the extension

bears the burden of proof to document and demonstrate, in writing, to the director the basis for the required extension.

Section 7.25 STATE MOUNTAIN AND RIVER CORRIDOR PROTECTION ACT AREAS.

- 1) Authorization. The Community Development Director shall be authorized to review and approve development projects or land uses within the river corridor or protected mountain areas as set forth in this section.
- 2) Permitted uses. Unless otherwise permitted or granted a variance, no land uses other than those set forth in this section shall be allowed within the river corridor or protected mountain area. Within the river corridor or protected mountain area, the following land uses are allowed so long as the natural vegetation is restored as quickly as possible following any land disturbing activity.
 - a) Single-family dwellings, including the usual appurtenances, meeting the following conditions:
 - i) The dwelling must be in compliance with all local zoning regulations.
 - ii) A minimum lot size of two acres is required. When lot lines run into the river, for example, the center of the river is used as the boundary, the area of the lot in the river may not be included in the calculation of area. Lots existing prior to passage of the ordinance from which this section is derived may be used so long as other provisions of this chapter are met.
 - iii) No more than one dwelling unit per lot is permitted.
 - b) A septic tank or tanks serving a residential dwelling unit; provided, however, that septic tank drain fields may not be located within the buffer area.
 - c) Construction of road crossings and utility crossings meeting the following conditions:
 - i) Construction of such road and utility crossings must meet all requirements of the Erosion and Sedimentation Control Act of 1975.
 - ii) The requirements of any applicable local ordinances on soil erosion and sedimentation control must be met.
 - d) Timber production and harvesting meeting the following conditions:
 - i) Forestry activity must be consistent with the best management practices established by the state forestry commission.
 - ii) Forestry activity must not impair the drinking water quality of the river water as defined by the federal Clean Water Act, as amended.
 - e) Wildlife and fisheries management activities.
 - f) Wastewater treatment.
 - g) Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, a boat ramp would be consistent with this

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- criterion but a hard-surface tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways within the river corridor are consistent with this criterion.
- h) Natural water quality treatment or purification.
 - i) Agricultural production and management, meeting the following conditions:
 - i) The agricultural activity must be consistent with best management practices established by the state soil and water conservation commission.
 - ii) The agricultural activity must not impair the drinking water quality of the river water as defined by the federal Clean Water Act, as amended.
 - j) Utilities, so long as they do not impair the drinking water quality of the river water.
- 3) Prohibited uses. All uses not otherwise allowed shall be excluded. Specifically, and without limitation, the following uses shall be prohibited within river corridor or protected mountain area:
- a) Septic tanks, except as provided in connection with permitted single-family dwellings.
 - b) Handling areas for the receiving and storage of hazardous water.
 - c) Hazardous waste or solid waste landfills.
- 4) In the event of a conflict between O.C.G.A. § 12-2-8, regarding promulgation of minimum standards and procedures for protection of natural resources, environment and vital areas of the state, and any minimum standards or guidelines adopted by the department of natural resources, the more restrictive standards or guidelines shall prevail.

Section 7.26 STATE METROPOLITAN RIVER PROTECTION ACT AREAS.

- 1) Authorization. The Community Development Director shall be authorized to submit to the Atlanta Regional Commission, referred to in this section as "the center," a request for issuance of a certificate to allow for permitted land uses. Upon recommendation by the Atlanta Regional Commission in accordance with O.C.G.A. § 12-5-445, the Mayor and City Council may approve a Chattahoochee River development certificate.
- 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:
 - a) Applicant means any person who requests the issuance of a certificate under this section.
 - b) Center means the Atlanta Regional Commission, or its successor, created for the county, the city or group of cities including the county, pursuant to the authority contained in O.C.G.A. tit. 50, ch. 8, art. 2 (O.C.G.A. § 50-8-30 et seq.).
 - c) Certificate means a building permit or other written authorization issued under the Metropolitan River Protection Act (O.C.G.A. § 12-5-440 et seq.) and shall include, as a part thereof, the application and all documents supplied in support thereof and the approval by the governing authority together with any conditions thereto.

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- d) Floodplain means that area adjacent to a major stream which is subject to being flooded with a probable frequency of at least once every 100 years. The center shall delineate the floodplain and in doing so may utilize or adopt studies prepared by the Corps of Engineers, United States Army or such other studies as the center deems competent.
 - e) Flowing stream means any stream which is designated and shown as a permanent stream, represented as a "blue line," on the 7.5-minute quadrangle maps of the US Department of the Interior, USGS maps. The current 7.5-minute quadrangle USGS maps will govern to designate the protection area of Cobb County.
 - f) Governing authority means the Mayor and City Council of the city or, except for the purposes of O.C.G.A. § 12-5-445(c)(2), a committee of such governing authority.
 - g) Land disturbing activity means scraping, plowing, clearing, dredging, grading, excavating, transporting or filling of land or placement of any structure or impervious surface, dam, obstruction or deposit.
 - h) Person means any individual, partnership, corporation, trust, entity or authority and shall include the state, its political subdivisions and all its departments, boards, bureaus, commissions or other agencies.
 - i) Plan means the comprehensive plan prepared by the center pursuant to O.C.G.A. § 12-5-443.
 - j) Political subdivision means a county or a municipality in which the section of the river corridor to be affected or any part thereof is located.
 - k) Protection area means the stream channel and the land area extending outward 25 horizontal feet from the banks on either side of all flowing streams in the drainage basin of all tributaries of the Chattahoochee River which enter the Chattahoochee River downstream from Buford Dam to the Douglas County border.
 - l) Stream corridor means all land in the area in the watercourse, within 2,000 feet of the watercourse, or within the floodplain, whichever is greater.
 - m) The Chattahoochee River Tributary Protection Area within the city, hereinafter referred to as the "protection area," is hereby established to include the portion of the Chattahoochee River downstream from Buford Dam to the Douglas County border.
 - n) Watercourse means the banks of a major stream, including any impoundments thereon, in the area as defined by the low-water mark of such stream any impoundments and including the entire bed of such stream and any impoundments and all islands therein, from the point where the stream enters the area downstream to a line perpendicular across the flow of such stream at the point, within the area, which is the last downstream water supply intake location for any political subdivision in the area.
- 3) Permitted uses. Any proposed land use is evaluated on an individual case-by-case basis. When an applicant makes application to the Atlanta Regional Commission and the Mayor and City Council for a Chattahoochee River development certificate, the application is evaluated for conformance with an adopted Chattahoochee Corridor Plan and Vulnerability Standards. An

administrative manual for the Metropolitan River Protection Act review process is available through the Community Development Department.

4) Prohibited uses.

- a) Pending adoption of the plan by the center, it shall be unlawful for any person to erect, maintain, suffer or permit any structure, dam, obstruction, deposit, clearing or excavation in or on the stream corridor which will adversely affect the efficiency of or restrict the capacity of the watercourse or floodplain, appreciably increase runoff of flood heights, adversely affect the control, protection, allocation or utilization of the water and related land resources of the stream corridor, harmfully obstruct or alter the natural flow of floodwaters, or harmfully increase erosion, siltation or water pollution.
- b) Pending adoption of the plan by the center as to any land brought within the stream corridor after March 1, 1983, it shall be unlawful for any person to engage in any land disturbing activity in or on such land within the stream corridor which will adversely affect the efficiency of or restrict the capacity of the watercourse or floodplain, appreciably increase runoff or flood heights, adversely affect the control, protection, allocation or utilization of the water and related land resources of the stream corridor, harmfully obstruct or alter the natural flow of floodwaters or harmfully increase erosion, siltation or water pollution.
- c) After adoption by the center of the plan or any portion thereof or any amendment thereto, it shall be unlawful within those areas regulated by the plan or any portion thereof or any amendment thereto for any person to engage in any land disturbing activity in or on the stream corridor which will be incompatible or inconsistent with the plan or any portion thereof or any amendment thereto. A proposed land or water use shall be deemed to be not in compliance with the plan unless and until the governing authority of the political subdivision issues a certificate for the proposed use pursuant to O.C.G.A. § 12-5-445.

5) Excluded uses not subject to this section.

- a) Any land or water use for agriculture or animal husbandry as defined in the ordinances adopted by the governing authority, provided that a buffer of natural vegetation is maintained for 50 horizontal feet from the bank of the watercourse.
- b) Ordinary maintenance and landscaping operations, except for 50 horizontal feet from the bank of the watercourse and except for the removal of healthy trees over two inches diameter breast height (DBH) anywhere in the stream corridor.
- c) Any land or water use or project which, on March 16, 1973, is approved, pending or is completed, actually under construction or which is zoned for such use and where expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning; provided, however, that the construction of the project is actually commenced within 36 months of March 16, 1973; otherwise, a certificate for the project must be obtained pursuant to the Metropolitan River Protection Act (O.C.G.A. § 12-5-440 et seq.).

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- d) With regard to any land included in the stream corridor for the first time after March 1, 1983, any land or water use or land disturbing activity:
 - i) Which, on March 1, 1983, is completed, under construction, fully approved by the governing authority or for which all requests for approval of construction are pending before the governing authority; or
 - ii) Which is to be located on land which, on March 1, 1983, is zoned for such use and where expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning; provided, however, prior to March 1, 1984, construction of such land disturbing activity must have actually commenced and expenditures must have been made in connection with such construction in excess of ten percent of the estimated cost of the total projected land disturbing activity, exclusive of the cost of the land, or in excess of \$100,000.00 exclusive of the cost of the land, whichever is less; otherwise a certificate for the project must be obtained pursuant to the Metropolitan River Protection Act (O.C.G.A. § 12-5-440 et seq.).
 - e) Upon request by the owner of any land included in the stream corridor for the first time after March 1, 1983, the center shall decide whether any land or water use or land disturbing activity on such land satisfies the conditions set forth in this subsection for exclusion from application of this part. Any such request shall be accompanied by information concerning the land or water use or land disturbing activity as the center may reasonably request. If the center determines that the land or water use or land disturbing activity fails to satisfy the conditions set forth in this subsection, the center shall state the reasons therefore. The center shall be authorized to delegate this authority to its executive director. If such delegation is made, any person aggrieved by any such determination of the executive director may appeal such determination to the center within 30 days of the issuance of such determination.
 - f) Any land or water use or land disturbing activity which is undertaken or financed, in whole or in part, by the state department of transportation.

Section 7.27 LANDSCAPE ENHANCEMENT STRIP.

- 1) In all nonresidential zoning districts, no vehicular use areas shall be constructed adjacent to a public street, publicly approved street, or publicly maintained street without a landscape enhancement strip.
- 2) For the purposes of this section, a vehicular use area shall be defined as a parking lot with more than five parking spaces, a vehicular drive running parallel to the street or a loading dock area.
- 3) The landscape enhancement strip will extend along the entire road frontage except for approved access drives and shall extend from the right-of-way line into the property a distance of eight feet.

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- 4) The purpose of this strip is to enhance the landscape between the right-of-way and the vehicular use areas from the public streets. The strip may only include trees required to be planted to meet the city's tree replacement ordinance, evergreen shrubs, grasses, berms and the combination of such, except for the following exemptions:
 - a) Vehicular access drives placed approximately perpendicular to the right-of-way;
 - b) Foot and bicycle paths;
 - c) Walls and fences less than six feet in height;
 - d) Landscaping sculpture, lighting fixtures, trellises and arbors;
 - e) Utility transformers;
 - f) Signage;
 - g) Public utilities, including stormwater detention facilities, provided that they are placed approximately perpendicular to the right-of-way. After installation, the landscape enhancement strip shall be restored. Where existing lines or planned lines/utilities must run parallel to the right-of-way, an equivalent amount of landscape enhancement strip may be required beyond the eight feet. To the extent possible, such lines should be consolidated with vehicular access routes. If stormwater detention facilities must be located within the landscape enhancement strip, an equivalent amount of landscape enhancement strip may be required beyond the eight feet.
 - 5) All plantings, berms and walls must meet Georgia and/or County Department of Transportation standards for sight distances, irrigation and right-of-way obstructions. All standards for planting in a public easement apply as well. A corridor through the plantings must be incorporated in the design between a fire hydrant and the building.
 - 6) The redevelopment of a site utilizing all or parts of an existing building shall not be required to meet the above landscape enhancement strip standards except as follows:
 - a) When the orientation of the building changes to face another street frontage.
 - b) When new loading docks are proposed.
 - c) When new parking or drives are proposed.
 - 7) Existing vegetation which is preserved may be applied toward meeting the intent of this section with the approval of Community Development Department landscape plan review staff.
 - 8) The landscape enhancement plan shall be included with the civil plans submitted for land disturbance permit review. The plan shall include the following:
 - a) The type, surveyed location, trunk diameter and critical root zone of any existing trees and the type, location and crown diameter of any existing shrubs that are proposed to be preserved.
 - b) The type, location and size of all street yard trees to be planted per development standards section 416.02.03.
 - c) The type, location and size of all shrubs, grasses, berms, etc., to be planted.
 - 9) The owner/developer of the property shall provide performance and/or maintenance surety for materials in this landscape enhancement strip in accordance with tree ordinance requirements.

After the prescribed developer maintenance period, it shall be the responsibility of the landowner to maintain and replace as needed all plant materials in the street buffer. The landowner shall also keep the area free of trash and debris. If the owner/developer is unable to comply fully with this requirement he/she may pursue alternate compliance with this Section (through the Community Development by donating to the city for the sole purpose of planting landscaping and shrubbery on city property. The amounts shall be equal to the cost of materials only (no labor installation costs shall be required). The fund shall be administered as a part of the City's Tree Replacement Fund, as specified in Section (Tree Replacement Fund).

Section 7.28 UNATTENDED DONATIONS DROP BOXES.

- 1) The purpose of this Section is to regulate the placement of unattended donation drop boxes within incorporated areas of the city. The procedures and requirements of this Section are intended to: promote the community's health, safety, and welfare by regulating unattended donation boxes for clothing or other salvageable personal property; ensure that unattended donation boxes do not pose a hazard to pedestrian and vehicular traffic; ensure that material is not allowed to accumulate outside of the unattended donation boxes where it can be scattered by adverse weather conditions, animal contacts and human activities; and establish criteria that avoid attracting vermin, unsightliness, and public health hazards.
- 2) Unattended in relation to donation drop box means no person who is employed by the operator of the drop box is present at the drop box to assist in receipt of donations.

(a) Registration required; dates of issuance, expiration, response.

It shall be unlawful to erect, place, maintain or operate an unattended donation drop box ("UDDDB") without first registering with the Community Development Department and obtaining a registration sticker. Any UDDDB that is registered with Cobb County on the date of the adoption of this ordinance is validly registered until such time as such registration expires, at which time the UDDDB will need to be registered with the city pursuant to the terms of this Section. Relocation of any UDDDB on the same site or any other parcel within incorporated city limits shall require a new registration.

- 1) Registration of the UDDDBs shall be accompanied by:
 - a) Physical location and parcel identification number of the proposed UDDDB;
 - b) Name of UDDDB owner, physical address, contact name, phone number, email address (if applicable) and website address (if applicable);
 - c) Name of property owner, physical address, contact name, phone number, email address (if applicable) and website address (if applicable);
 - d) A statement by the property owner, lessee, or agent that the property owner, lessee, or agent owns or lawfully occupies the subject property and that the property owner, lessee, or agent has given permission in writing to operate a UDDDB on the property owner's lot, provided the UDDDB owner or operator maintains a lawful city registration at all times to operate the UDDDB. A duly authorized lessee or agent may provide the statement provided lessee's or agent's statement shall be under penalty of perjury that they have the authority to approve the UDDDB placement. This shall not negate the property owner's liability as provided in Section (Responsibility and liability of UDDDB owner, operator, and property owner).

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- e) Information identifying the organization(s) responsible for operation and maintenance of the UDDB including a physical address, contact name, phone number, email address (if applicable) and website (if applicable) for the organization(s).
 - f) A site plan or drawing depicting the size (height, width, and length) and location of any and all donation drop boxes located on the property; and
 - g) The registration shall be accompanied by the appropriate registration fee. This fee shall be set by a fee schedule adopted and approved by the city manager, as may be amended from time to time. The fee schedule for donation drop box registrations under this Section shall be on file at the Community Development Department.
- 2) Upon receipt of a registration form that is complete and fulfills the requirements set forth in Section (Registration required, dates of issuance, expiration and response) the city shall examine and process the registration. An action by the city to approve or deny the registration shall be taken within 30 days. Any complete registration for which no action has been taken after 30 days or more shall be deemed to be approved.
 - 3) If the registration is incomplete or fails to meet the requirements as set forth in Section (Registration required, dates of issuance, expiration and response) the city shall notify the applicant of such deficiency within 30 days of its submission.
 - 4) The Community Development Director's decision to deny a registration application may be appealed to the board of zoning appeals in conformance with the process set forth in Section (Appeal procedures; effect of appeal). Such appeal shall be taken within 30 days from the date of the final decision of the administrative officer, by filing with the city clerk a notice of appeal specifying the jurisdictional grounds for appeal; 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. The city clerk shall forthwith transmit to the administrative officer whose decision is being appealed and the members of the board of zoning appeals the notice of appeal with all supporting documents received.
 - 5) UDDBs not registered with the Community Development Department within the prescribed timeframe shall be removed at the expense of the property owner and may be subject to enforcement and fines pursuant to Section 7.28.
 - 6) The registration of a UDDB shall be valid for a period of one year after which the owner or operator of the UDDB shall be required to reregister with the city.

(b) Responsibility and liability of UDDB owner, operator, and property owner.

- 1) UDDBs shall not be placed on private property without the express permission from the property owner or duly authorized lessee or agent.
- 2) It shall be the responsibility of the UDDB owner, operator and the property owner identified in the registration application to comply with the provisions of this Section 7.28. Failure to

comply shall constitute a violation of this section and shall subject the violator to the penalties provided herein.

(c) Design of UDDB.

The maximum size for any UDDB shall be five feet in width by five feet in depth and seven feet in height. All UDDBs must be designed so that they are secured from unauthorized access. All UDDBs shall be made of metal, steel, or similar durable materials. No wood or cardboard UDDBs are allowed.

(d) Information and label requirement for UDDBs.

All UDDBs shall have the following clearly identified, in writing on the face of the box:

- 1) Specific items and materials requested for donation.
- 2) Information identifying the organization(s) responsible for the operation and maintenance of the donation drop box including a contact name, phone number, and website for the organization(s).
- 3) Statement that no items or materials may be left outside of the box.
- 4) Statement that the box is not intended for refuse disposal and liquids are prohibited. Do not use for garbage, candy or food wrappers, drink bottles, etc.
- 5) In addition to the requirements above, the city issued registration sticker shall be affixed to the front face of the donation drop box.
- 6) Any additional information required by Georgia law as same may be amended from time to time.

(e) Placement of UDDBs.

- 1) UDDBs shall not be allowed in any residential zoning district, except on properties for a place of worship allowed as a special exemption in Section 4.02.
- 2) UDDBs are permitted only on properties where there is an active primary use.
- 3) UDDBs shall not be permitted on vacant lots or abandoned property.
- 4) UDDBs must be placed on a paved surface. The placement of the UDDBs must meet the minimum setback requirements for the lot and, if the setback is less, at least 20 feet from any property line. Additionally, the boxes may not be placed in a location that would interfere with:
 - a) A fire lane;
 - b) A loading zone;
 - c) Drive aisles;
 - d) Circulation areas;

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- e) Ingress or egress from the property;
 - f) Any sidewalks;
 - g) Any "required" parking spaces such that the elimination of the parking space causes the on-site business to be in violation of the minimum required parking spaces for its zoning classification; or
 - h) Public or private rights-of-way.
- 5) UDDBs are not permitted to be located in a manner that obstructs visibility at intersections per the City Development Standards or at any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses.
 - 6) When multiple UDDBs are located on an individual property, they must be adjacent to one another. When it is not feasible to place UDDBs adjacent to one another, then they must not be located within the same view shed.
 - 7) The total allowable number of UDDBs depends on the size of the parcel on which the donation drop box is located with the following limitations:
 - a) Property equal to or less than one acre shall have a maximum of one donation drop box.
 - b) Property greater than one acre shall allow one donation drop box per acre.

(f) **Management, maintenance; requirements.**

The owner, lawful occupant, or operator must maintain the aesthetic presentation of each UDDB including fresh paint, readable signage, and general upkeep. The owner or operator, as well as the property owner of the property, shall be responsible for maintaining the area around each UDDB so that it is free of litter, garbage, and any other undesirable material.

- 1) Each donation drop box must be regularly emptied of its contents so that it does not overflow. All UDDBs must be checked at least semi-monthly and cleaned at least quarterly.
- 2) All donated items must fit and be contained in the donation drop box. Donated items or materials shall not remain or be allowed outside of donation drop boxes and the areas around each box.
- 3) Removal of graffiti shall be within 48 hours following receipt of notice of its existence.
- 4) If the UDDB is damaged or vandalized, it shall be repaired, replaced, or removed within five days of receipt of notice.
- 5) The owner, lawful occupant, or operator must provide the city and property owner or lawful occupant a telephone number for requests to respond to UDDB maintenance complaints. The owner or operator must respond to complaints within 48 hours of receiving said complaint from the city by phone during regular business hours of 8:00 a.m. through 5:00 p.m., Monday through Friday. This response may be by phone and should include a time frame for resolving the complaint.

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- 6) Failure to maintain the UDDB or the surrounding area may result in the permit being revoked and/or removal of the UDDB, at the expense of the owner, operator, or property owner and the prohibition of future UDDBs being allowed on the site for a period of five years.

(g) Waiver as to number of UDDBs.

A waiver of the total allowable size and number of UDDBs may be requested by submitting a letter to the Community Development Director that demonstrates compliance with the following conditions:

- 1) The site is solely occupied by a public, educational, not-for-profit, or religious use or facility;
- 2) The UDDBs is otherwise in conformance with all other requirements of this Section 7.28.

(h) Violations and penalties.

- 1) In addition to any other penalties or remedies authorized by law, if code enforcement personnel have reason to believe that a violation of any provision of this section exists, a notice of violation shall be issued to the UDDB owner, operator and property owner and enforcement of this section shall proceed as set forth in Section (Penalties).
- 2) If the UDDB owner, operator or property owner fails to correct the condition noted in the notice of violation, a citation shall issue and an arraignment shall be scheduled with the City Municipal Court.
 - a) Upon the issuance of the first citation, the UDDB owner, operator, or property owner shall be required to provide a written plan to the Community Development Director to ensure full compliance with the regulations contained in this section within five days. The UDDB owner, operator, or property owner shall be subject to a fine of up to \$100.00.
 - b) Upon the issuance of a second citation within the preceding 12-month period, the UDDB owner, operator, or property owner shall be required to show records and logs for compliance with all requirements of this Section (Unattended donation drop boxes) and will be required to hire a private company to assist them in ongoing compliance with this section. The UDDB owner, operator, or property owner shall be subject to a fine of up to \$500.00.
 - c) Upon the issuance of a third or any additional citation within the preceding 12-month period, the UDDB owner, operator, or property owner shall be required to remove the UDDB from the property at the expense of the UDDB owner, operator, or property owner within 30 days of the citation. The UDDB owner, operator, and property owner shall be suspended from having a UDDB at this location for a period of five years and shall be suspended from operating any new donation drop boxes in incorporated city limits for a period of five years. The UDDB owner, operator, or property owner shall be subject to a fine of up to \$1,000.00.

(i) Liability; protections.

The property owner may remove the UDDDB from their property at any time regardless of a valid registration by the city, provided notice is given in conformance with Georgia law as same may be amended from time to time.

Section 7.29 TEMPORARY RESIDENTIAL DUMPSTERS.

- 1) Only one temporary residential dumpster unit may be placed on a residential property.
- 2) A temporary residential dumpster unit shall only be placed on a hardened surface and shall be located at the furthest point away from the street.
- 3) A temporary residential dumpster unit or similar enclosure is limited to 30 days on a property during any 365-day period beginning on the date of the placement of the unit.
- 4) In no event shall a temporary residential dumpster or similar enclosure be placed in a public street or on the right-of-way.
- 5) In no event shall a temporary residential dumpster or similar enclosure pose an obstruction for public safety.
- 6) In cases where there is an active building permit to significantly perform a major remodel to an existing home or to construct a new home the temporary residential dumpster unit or similar enclosure may be placed on the property provided there is an active building permit and work is progressing to the satisfaction of the building official. Only debris from the permitted construction activity is permitted in a temporary residential dumpster. In no event will the temporary residential dumpster unit be allowed to remain on a property for over 180 days. At the time of issuance of a certificate of occupancy or letter of completion the removal of the temporary residential dumpster unit will be required within five days after the issuance date. If no driveway with a hardened surface exists on the property where a new home is being constructed, a gravel pad shall be provided for placement of the temporary residential dumpster to prevent erosion on the site.
- 7) In cases where a hardship can be demonstrated, the Community Development Director may grant an extension on a property for 30 days. Only three 30-day extensions may be granted at a specific site by the director of community development. Any additional request for an extension may be considered by the Mayor and City Council zoning hearing as an "Other Business" agenda item. A hardship may be caused by an accidental or unintentional fire, flood, natural disaster, or other circumstances presented on a case-by-case basis that creates a need for additional time for the unit to remain on the property. The applicant for the extension shall bear the burden of proof to document and demonstrate, in writing, to the director the basis for the required extension.

Section 7.30 PROPERTY MAINTENANCE

- 1) Windows of buildings shall be fully supplied and maintained with glass windowpanes or with a substitute approved by the designated Cobb County building official, which are without open cracks or holes. Screens, if provided, shall be securely fastened to the window.
- 2) Exterior doors of buildings shall be maintained so that they fit reasonably well within their frames to substantially prevent rain and wind from entering a building. Exterior door jambs, stops, headers and moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration. Additionally, exterior doors shall be provided with proper hardware and maintained in proper working condition.
- 3) 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.
- 4) 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.

Section 7.31 TABLES AND CHARTS

(a) TABLE 3-1 (RESIDENTIAL DISTRICTS)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
2	Accessory retail sales and services																		
3	Agricultural produce stands																		
4	Ambulance services																		
5	Ambulance services, if accessory to hospitals or funeral homes																		
6	Amphitheaters																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
7	Amusement centers																		
8	Ancillary retail sales																		
9	Animal hospitals																		
10	Appliance repair (major)																		
11	Arcades																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
12	Asphalt plants																		
13	Assembly halls																		
14	Assisted living facilities																		P
15	Athletic and health clubs																		
16	Automobile and truck sales and service facilities																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
17	Automobile storage yards and wrecker services																		
18	Automobile, truck, and trailer lease and rental facilities (principal use)																		
19	Automobile, truck, and trailer lease and rental facilities (accessory use)																		
20	Automotive paint and body repair shops																		
21	Automotive parking lots or garages																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
22	Automotive repair and maintenance facilities																		
23	Automotive salvage and wrecking yards																		
24	Automotive upholstery shops																		
25	Aviation airports (private)																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
26	Banks/financial institutions with drive-in and/or ATM machines																		
27	Bed and breakfast homestays	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
28	Billiards and pool halls																		
29	Bio-medical waste transfer and disposal facilities																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
30	Boat sales and service establishments																		
31	Breeding and boarding kennels																		
32	Building materials stores																		
33	Bulk landscape materials business																		
34	Bus stations																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
35	Bus stations for freight																		
36	Car washes																		
37	Cemeteries	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
38	Chemical plants or storage facilities																		
39	Churches, chapels, temples, synagogues, and other places of worship	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
40	Clinics																		
41	Clubs or lodges (non-commercial)	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP											
42	Coliseums, stadiums, and convention centers (privately owned)																		
43	Colleges and universities (private), including but not limited to research and training facilities																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
44	Commercial greenhouses and plant nurseries																		
45	Commercial indoor recreation uses																		
46	Commercial outdoor recreation uses																		
47	Commercial produce and agricultural product stands																		
48	Commercial recreation restaurant																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
49	Community fairs	P	P	P	P	P	P	P	P	P	P		P	P	P	P			
50	Community retail uses																		
51	Composting plants																		
52	Concrete plants																		
53	Condominiums									P		P		P		P			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
54	Contractors (general, heavy, special)																		
55	Convenience food stores with self-service fuel sales																		
56	Corporate or administrative offices for any permitted uses																		
57	Cottage Food Operators	P	P	P	P	P	P	P	P	P	P		P	P	P	P			
58	Crematories, human or animal																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
59	Cultural facilities																		
60	Customary home occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
61	Dairies																		
62	Designated recycling collection locations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
63	Drive-in theaters																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
64	Dry cleaning plants																		
65	Eating Establishment (including fast food restaurants)																		
66	Eating and drinking establishments																		
67	Electrical supply stores																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
68	Emissions/inspection stations (No temporary buildings/tents to be utilized after June 30, 1998)																		
69	Executive golf courses	P	P	P	P	P	P	P	P	P	P		P	P	P	P			
70	Exterminating facilities (insect and/or rodent)																		
71	Farm and garden supply stores																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
72	Farm equipment stores/repair establishments																		
73	Farmers markets (fully enclosed)																		
74	Field crops																		
75	Film developing and printing facilities																		
76	Flea markets																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
77	Fraternity and sorority houses/residence halls													SLUP		SLUP			
78	Freight terminals																		
79	Fruit trees, nuts, vegetables	P	P	P	P	P	P	P	P	P	P		P	P	P	P			
80	Fuel and ice dealers																		
81	Full service gasoline stations																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
82	Funeral homes																		
83	Golf courses (Par 3)	P	P	P	P	P	P	P	P	P	P		P	P	P	P			
84	Golf courses (18- hole regulation; public and private)	P	P	P	P	P	P	P	P	P	P		P	P	P	P			
85	Group homes	P	P	P	P	P	P	P	P	P	P		P	P	P	P			
86	Halfway houses													P		P			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
87	Hazardous waste sites																		
88	Heavy automotive repair establishments																		
89	Heavy manufacturing establishments																		
90	Heavy repair services and trade stores																		
91	Helicopter landing areas																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
92	High-rise apartments																		
93	Hospitals																		
94	Hotels																		
95	Independent living facilities																		
96	In-home day care	P	P	P	P	P	P	P	P	P	P		P	P	P	P			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
97	Landfills (private)																		
98	Laundry and dry cleaning pick-up establishments																		
99	Light automotive repair establishments																		
100	Light manufacturing establishments																		
101	Linen and diaper services																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
102	Livestock, non-domestic and wild animals, and poultry	P	P	P	P	P	P	P	P	P	P		P	P	P	P			
103	Livestock sales pavilions																		
104	Machine shops																		
105	Mausoleums	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
106	Medical and dental laboratories, provided that no chemicals are manufactured on site																		
107	Mining operations																		
108	Mobile Home																P	P	
109	Motels																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
110	Motorcycle, ATV, and three- wheel vehicle sales and service facilities																		
111	Multifamily dwelling units													P		P			
112	Neighborhood retail uses																		
113	Newspaper publishing facilities																		
114	Nightclubs																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
115	Non-automotive repair service establishments																		
116	Non-profit private community center	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
117	Non-profit riding stables																		
118	Non-profit (seasonal use) fishing lakes	P	P	P	P	P	P	P	P	P	P		P	P	P	P			
119	Nonsupportive residential facilities																		P

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
120	Nonsupportive Urban Rental Units																		P
121	Nursery schools and child day care centers																		
122	Offices not elsewhere classified																		
123	Office service and supply establishments																		
124	Other consumer goods and services																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
125	Other facilities for disposal of the deceased	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
126	Other service establishments																		
127	commercial racing (motorcycle, automobile, truck, tractor, and motorized vehicles)																		
128	Outdoor golf driving ranges																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
129	Overnight travel trailer parks																		
130	Parking for vehicles	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
131	Pawn shops																		
132	Personal vehicle and equipment sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
133	Petroleum or bulk storage stations																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
134	Photography studios																		
135	Plumbing and/or heating equipment dealers																		
136	Poultry hatcheries																		
137	Printing, publishing, and lithography establishments																		
138	Private parks	P																	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
139	Private schools of general and special education	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
140	Pro shops (accessory to driving ranges/golf courses)																		
141	Professional offices																		
142	Radio and television stations																		
143	Radio, television, and other communication towers and antennae	P																	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
144	Rail stations																		
145	Railroad car classification yards																		
146	Railroad stations for freight																		
147	Recreation grounds other than tennis courts and golf courses	P																	
148	Recycling centers																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
149	Research and development centers																		
150	Research testing laboratories																		
151	Residential, agricultural, farm and wood products, and livestock and poultry sales	P	P	P	P	P	P	P	P		P		P	P					
152	Rest/personal care/convalescent homes																		
153	Reupholstery and furniture repair establishments																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
154	Riding Stables	P	P	P	P	P	P	P	P	P	P		P	P	P	P			
155	Rooming and boarding houses																		
156	Sawmills (temporary)																		
157	Self-service laundry facilities																		
158	Self-service storage facilities																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
159	Sexually oriented businesses																		
160	Shelters (homeless)																		
161	Signs and outdoor advertising facilities																		
162	Single-family dwelling units (attached)							P	P	P	P		P			P			
163	Single-family dwelling units (detached)	P	P	P	P	P	P		P	P	P		P	P (not to exceed 5 upa)		P			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
164	Studios and supplies																		
165	Supportive residential facilities																		P
166	Taxi stands and dispatching agencies																		
167	Telephone business offices																		
168	Temporary uses	P	P	P	P	P	P	P	P	P			P	P	P	P			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
169	Theaters																		
170	Tire retreading and recapping facilities																		
171	Townhouse dwelling units (attached)									P				P	P	P			
172	Trailer salesrooms and sales lots																		
173	Transportation equipment storage and maintenance facilities																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
174	Truck terminals																P		
175	Two-family dwelling units							P		P									
176	Utility facilities (private)																		
177	Vending machine sales, service, rental, or repair establishments																		
178	Vocational schools (commercial)																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
179	Warehouse and storage facilities																		
180	Wholesale sales offices																		
181	Wholesale trade and distribution facilities																		
182	Wholesale trade offices in conjunction with office showrooms																		
183	Zoos																		

(b) TABLE 3-2 (NONRESIDENTIAL AND MIXED-USE DISTRICTS)

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Accessory retail sales and service				P				P						P	
Agricultural produce stands															
Ambulance Services														P	P
Ambulance Services if accessory to hospitals or funeral homes				P		P	P	P		P	P		P		P
Amphitheaters												P	P		
Amusement centers														SE	SE
Ancillary retail sales															

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Animal hospitals			SE (in NAC only)	P		P (only within CAC)	P	P		P	P		P	P	P
Appliance Repair (major)														P	
Arcades							P				P		P		
Asphalt plants															SE/SLU P
Assembly									P						
Assembly halls				P		P	P					P	P	P	P
Athletic and health clubs			P (in NAC only)	P		P (only within a CAC)	P	P	P	P	P	P	P		

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Automobile, truck, and trailer lease and rental facilities (accessory use)							P					P	P	P	P
Automobile, truck, and trailer lease and rental facilities (principal use)							P					P	P	P	P
Automobile and truck sales and service facilities							P					P	P	P	P
Automobile and truck sales and service facilities (used or pre-owned separate from a new car dealership)							SE/SLUP (in CAC only)						SE/SLUP (in CAC only)	SE/SLUP	SE/SLUP
Automotive paint and body repair shops							P					P	P	P	P
Automobile parking lots or garages				P	P	P	P	P	P	P	P	P	P	P	P
Automotive repair and maintenance facilities														P	P

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Automotive salvages and wrecking yards															SE/SLUP
Automotive and scrap salvage yards and scrap metal processing														SLUP	SLUP
Automotive storage yards and wrecker service													SE/SLUP		SE/SLUP
Automotive upholstery shops							P					P	P	P	P
Aviation airports (private)														P	P
Banks/Financial institutions with drive-in and/or ATM	P	P	P	P	P	P	P	P		P	P	P	P		P
Bed and breakfast homestays	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Billiards and pool halls			P			P	P			P	P		P		
Biomedical waste transfer and disposal facilities															SE
Boat sales and service establishments												P	P	P	P
Breeding and boarding kennels														SLUP	SLUP
Boarding kennels (indoor)			SE (in NAC only)				SE				SE		SE		
Building materials stores						P	P				P		P	P	P
Bulk landscape materials business														P	P

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Bus Stations				P		P	P	P	P	P	P	P	P	P	P
Bus stations for freight														P	P
Car washes			P			P	P			P	P	P	P	P	P
Cemeteries	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Chemical plants or storage facilities															
Chipping, grinding or reduction materials															SLUP
Churches, chapels, temples, synagogues, and other places of worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Clinics				P		P	P	P	P	P	P		P	P	P
Clubs or lodges (noncommercial)			SE (in NAC only)	P		SE (only within a CAC)	P	P	P	P	P	P	P	P	P
Coliseums, stadiums and convention centers (privately owned)													SE/SLUP (in CAC only)		SE/SLUP
Colleges and universities (private), including but not limited to research and training facilities				SLUP		SLUP	SLUP	SLUP	SLUP	SLUP	SLUP		SLUP	SLUP	SLUP
Commercial greenhouses and plant nurseries						P	P			P	P		P	P	P
Commercial indoor recreation uses						P	P				P		P		
Commercial outdoor recreation uses			SE (in NAC only)			P	P				P		P		

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Commercial produce and agricultural product stands		P	P		P	P	P			P	P	P	P	P	P
Commercial recreation restaurant							P			P			P		
Community fairs	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community retail uses						P (only within a CAC)	P				P	P	P		
Composting facilities															SLUP
Concrete plants															SE/SLUP
Condominiums															

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Contractors (general, heavy, special)														P	P
Contractors (specialized) without heavy equipment			SE (in NAC only)			P							P		
Convenience food stores with self service fuel sales			P			(provided that the building shall not exceed 3,000squ	P				P	P	P		
Corporate or administrative offices for any permitted use						P (only within CAC)	P		P					P	P
Cottage Food Operators						P									
Crematories, human or animal													SE	SE	SE
Cultural facilities	P	P	P		P	P	P				P	P	P		

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Customary Home Occupations						P									
Dairies														P	P
Designated recycling collection locations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Drive in theaters													SE (in CAC only)	SE	SE
Dry cleaning plants														P	P
Eating Establishments (including drive in restaurants)			P		P	P	P			P	P	P	P		
Eating and drinking establishments			P		P (no bars or nightclubs)	P	P			P	P	P	P		

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Electric supply stores														P	P
Emission/inspection stations (No temporary buildings/tents to be utilized)			P				P			P	P	P	P	P	P
Executive golf courses	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Exterminating facilities (insect or rodent)						P	P				P		P	P	P
Farm and garden supply stores						P	P			P	P		P	P	P
Farm equipment stores/repair facilities													P	P	P
Farmers markets (fully enclosed)													P	P	

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Field crops															
Film and movie studios														P	P
Film developing and printing facilities		P	P			P	P				P	P	P		
Flea markets													SE/SLUP		
Fraternity and sorority houses and residence halls				SLUP		SLUP	SLUP			SLUP	SLUP		SLUP		
Free Standing Ice Vending Machines			P (see additional regulations)				SLUP				SLUP	SLUP	SLUP		
Free Standing Climate Controlled Self-service storage facilities			SLUP(.75 FAR)	SLUP (1.0 FAR)			P (1.0 FAR)						P (2.0 FAR)		

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Self service storage facilities (when complimentary or accessory to an office park or building)				SE (1.0 FAR and in CAC only)			SE (1.0 FAR and in CAC only)						SE (1.0 FAR and in CAC only)		
Freight terminals														P	P
Fruit trees, nuts and vegetables															
Fuel and ice dealers														P	P
Full service gasoline stations			P			P (only within a CAC)	P				P	P	P	P	P
Funeral homes	P (subject to 25 ft buffer to all residentially zoned property)		P	P		P	P	P		P	P		P	P	
Golf courses (Par-3)	P		P	P	P	P	P	P	P	P	P	P	P	P	P

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Golf courses (18-hole regulation; private and public)	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Group home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Halfway houses															
Hazardous waste sites															
Heavy automotive repair establishments														P	P
Heavy manufacturing establishments															SE
Heavy repair service and trade shops														P	P

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Helicopter landing areas						P	P		P	P (provided the area is fenced)	P	P	P	P	P
High rise apartments															
Hospitals				P		P	P	P		P	P		P		
Hotels				P		P (only within in a CAC)	P	P	P	P	P	P	P		
Hotels (suite)						SE/SLUP				SE/SLUP	SE/SLUP	SE/SLUP	SE/SLUP (in CAC only)		
In-Home day care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Landfills (private)															SE/SLUP P

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Laundry and dry cleaning pick-up establishments		P	P (does not exceed 8,000 square feet in floor area)			P	P			P	P		P	P	P
Light automotive repair establishments			P (does not exceed 8,000 square feet in floor area)			P (only within a CAC)	P				P	P	P	P	P
Light manufacturing establishments														P	P
Limited Office Service Establishments									SE						
Limited Retail Uses		P													
Linen and diaper services														P	P
Livestock, nondomestic and wild animals, and poultry														P	P

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Livestock sales pavilions														P	
Machine shops															P
Mausoleums	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Medical and dental laboratories, provided that no chemicals are manufactured on site			SE (in NAC only)	P	P	P	P	P	P	P	P		P	P	P
Mining operations															SE/SLU P
Motels				P		P	P	P	P	P	P	P	P		
Motorcycle, ATV, and three-wheel vehicle sales and service facilities													P	P	

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Multifamily dwelling units						P									
Neighborhood retail uses			P		Exceed 1,000 square feet of gross floor area and no	P	P			P	P		P		
Newspaper publishing facilities														P	P
Nightclubs													P		
Nonautomotive repair service establishments		P	P			P	P			P	P		P	P	P
Non-profit private community center	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	
Nonprofit riding stables															

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Nonprofit (seasonal use) fishing lakes	P	P	P	P	P	P	P	P	P	P	P	P			
Nonsupportive Residential Facilities				P											
Nonsupportive Urban Rental Units				P											
Nursery schools and child day care centers	P	P	P	P	P	P	P	P		P	P	P	P		
Offices not elsewhere classified			SE (in NAC only)				P	P		P	P		P		
Office service and supply establishments			P		P	P (only within a CAC)	P		P	P	P	P	P	P	P
Other consumer goods and services			SE (in NAC only)				P				P		P		

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Other facilities for disposal of the deceased	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Other service establishments			SE (in NAC only)								P		P	P	
Outdoor commercial racing (motorcycle, automobile, truck, tractor and motorized vehicles)															SE
Outdoor golf driving ranges									P				P	P	P
Overnight travel trailer parks												P			
Pain Clinic				SLUP (except not permitted at all when located in a NAC)			SLUP								
Parking for vehicles	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Pawn shops													P		
Personal vehicle and equipment sales															
Petroleum or bulk storage stations															SE
Photography studios			SE (in NAC only)			P	P	P	P	P	P	P	P		
Plumbing and/or heating equipment dealers														P	P
Poultry hatcheries														P	
Printing, publishing and lithography establishments			SE (in NAC only)			P	Expenses no more than 50% of the total gross floor area will be used for		P	P	P		P	P	P

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Private parks	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Private schools of general and special education	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Pro shops (accessory to driving ranges/golf courses)									P	P	P	P	P	P	P
Professional offices	P	P	P	P	P	P	P	P	P	P	P		P		
Radio and televisions stations				P		P	P	P	P	P	P		P	P	P
Radio, television and other communication towers and antennas	SLUP	SLUP	SLUP	SLUP		SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP
Rail stations (commuter)														P	P

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Railroad car classification yards														P	P
Railroad stations for freight														P	P
Recreation grounds other than tennis courts and golf courses			SE/SLUP (in NAC only)				SLUP		SLUP	SLUP	SLUP	SLUP	SLUP	SLUP	SLUP
Recycling centers															SE/SLUP
Research and development centers														P	P
Research testing laboratories														P	P
Residential, agricultural, farm and wood products, and livestock and poultry sales															

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Rest homes		P	P	P		P	P	P	P	P	P	P	P		
Reupholstery and furniture repair establishments			SE (in NAC only)				P				P		P	P	P
Rooming houses and boarding houses				P		P	P		P	P	P	P	P		
Sawmills															SLUP
Sawmills (temporary)														P	P
Self-service fuel sales			P				P				P	P	P		
Self-service laundry facilities			P			P	P				P		P		

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Self Service Storage Facilities														P	P
Sexually oriented businesses *subject to licensing														P*	P*
Shelters (homeless)													P	P	P
Signs and outdoor advertising facilities														P	P
Single-family dwelling units (attached)					P	P									
Single-family dwelling units (detached)					P	P									
Sports and training facilities														P	P

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Studios and supplies			SE (in NAC only)			P	P		P		(provided no more than 50% of total gross floor area will		P		
Supporting Residential Facilities				P											
Taxi stands and dispatching agencies													P	P	P
Telephone business offices														P	
Temporary uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Theaters							P			P	P		P		
Tire disposal storage (used or discarded)															SLUP

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Tire retreading and recapping facilities													P		P
Tool Rental			SE (in NAC only)												
Townhouse dwelling units (attached)						P									
Tradeshows/Expositions													SLUP		
Trailer salesrooms and sales lots														P	P
Transportation equipment storage and maintenance facilities														P	P
Trash/garbage handling/ refueling stations															SLUP

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Truck stops/refueling stations															SLUP
Truck terminals														P	P
Two-family dwelling units															
Utility facilities (private)														P	P
Vending machine sales, service, rental, or repair establishments													P	P	
Vocational schools (commercial)									P					P	P
Warehouse and storage facilities														P	P

TYPE OF USE	LRO	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Waste Transfer Station															SE/SLUP
Wholesale sales offices														P	P
Wholesale trade and distribution facilities									P					P	P
Wholesale trade offices in conjunction with office showrooms								P	(provided no more than 85% of the total					P	P
Zoos													P		

(c) TABLE 3-3 BULK USE REGULATIONS

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
	Zoning District Designation	Minimum Lot Area (square feet)	Minimum and Maximum Acreage Required	Units per acre	Max Floor Area Ratio	Minimum Floor Area (Sq. ft.)	Minimum Lot Width at Front Setback (feet)	Minimum Front Yard Setback (Arterial) (feet)	Minimum Front Yard Setback (Collector) (feet)	Minimum Front Yard Setback (Local) (feet)	Major Side Yard Setback (feet)	Minimum Minor Side Yard setback (feet)	Minimum Rear Yard Setback (feet)	Maximum Building Height (feet)	Minimum Public Road Frontage (feet)	Minimum Public Road Frontage culdesac (feet)
1																
2	R-80	80,000	N/A	0.50	N/A	1,600	75/70*	60	60	60	25/35	25	50	35 (2 stories)	75	50
3	R-40	40,000	N/A	1.00	N/A	1,450	75/50*	50	50	45	25/35	15	40	35 (2 stories)	75	50
4	R-30	30,000	N/A	1.10	N/A	1,350	75/50*	50	50	45	25/35	12	40	35 (2 stories)	75	50
5	R-20	20,000	N/A	1.75	N/A	1,200	75/50*	40	40	35	25/35	10	35	35 (2 stories)	75	50
6	R-15	15,000	N/A	2.10	N/A	1,150	75/50*	40	40	35	25/35	10	30	35 (2 stories)	75	50
7	OSC	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations
8	R-12	12,000	12,000 sq ft single lot/ 20 acres	3.00	N/A	1,000	75/50*	40	40	40/25**	15/25	20† or 5**	40† or 20**	35 (2 stories)	75 (50 if interior to development)	35
9	RD	20,000	N/A	4.00	N/A	700	75/50*	50	50	35	25/35	35*** or 10**	35† or 25**	35 (2 stories)	75	50
10	RA-4	8,400	80,000 sq ft single lot/20 acres	4.00	N/A	950	70/50*	50	50	40/20**	20/25/35	20*** or 5**	40† or 30**	35 (2 stories)	70 (50 if interior to development)	35
11	PRD	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations
12	RA-5	7,000	80,000 sq ft single lot/20 acres	5.00	N/A	950	70/50*	50	50	40/20	20/25/35	20*** or 5**	40† or 30**	35 (2 stories)	70 (50 if interior to the development)	35
13	SC	217,800	5 acres/20 acres	5.00	N/A	N/A	75	50	35	35	35	35	40	35 (2 stories)	75	N/A
14	RA-6	6,200	80,000 sq ft single lot/ 20 acres	6.00	N/A	950	70/50*	50	50	40/20**	20/25/35	20*** or 5**	40† or 30**	35 (2 stories)	70 (50 if interior to the development)	35

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
	Zoning District Designation	Minimum Lot Area (square feet)	Minimum and Maximum Acreage Required	Units per acre	Max Floor Area Ratio	Minimum Floor Area (Sq. ft.)	Minimum Lot Width at Front Setback (feet)	Minimum Front Yard Setback (Arterial) (feet)	Minimum Front Yard Setback (Collector) (feet)	Minimum Front Yard Setback (Local) (feet)	Major Side Yard Setback (feet)	Minimum Minor Side Yard setback (feet)	Minimum Rear Yard Setback (feet)	Maximum Building Height (feet)	Minimum Public Road Frontage (feet)	Minimum Public Road Frontage culdesac (feet)
15	RM-8	80,000	N/A	8.00	N/A	1BR 600 sq ft 2BR 750 sq ft 3BR 900 sq ft E 450 sq ft	75	75	50	50	35	35	40	40 (4 stories)	75	N/A
16	FST (max 6 units per row)	80,000	20 acres	10.00	N/A	1BR 900 sq ft 2BR 1,000 sq ft	20/end unit 30	50	50	35/25**	25/35	40*** or 10** or 0 if attached units	35† or 0 if attached units 30**	35 (2 stories)	20	N/A
17	RM-12	80,000	N/A	12.00	N/A	1BR 600 sq ft 2BR 750 sq ft 3BR 900 sq ft E 450 sq ft	75	75	50	50	35	35	40	40 (4 stories)	75	N/A
18	MHP/S	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations
19	MHP	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations
20	RSL	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations
21	LRO	20,000	N/A	N/A	N/A	N/A	60	50	40	40	25/35	15	30	35 (2 stories)	50	50
22	LRC	20,000	N/A	N/A	.057 office	N/A	60	50	40	40	25/35	15	30	35 (2 stories)	50	50
23	NRC	20,000	N/A	N/A	.5 office	N/A	60	50	40	40	25/35	15	30	35 (2 stories)	50	50
24	O&I	20,000	N/A	N/A	N/A	N/A	60	50	40	40	25/35	15	30	52 (4 stories)	50	50
25	UVC	87,120	N/A	N/A	N/A	7,500 (gross finished)	60	50	40	40	25/35	10	30	Discretionary with Mayor and Council	50	50
26	PVC	200,000	10 acres	50.00	N/A	See district regulations	200	50	40	40	25/35	15	30	75	100	100
27	CRC	20,000	N/A	N/A	.5 office and .25 retail	N/A	75	50	40	40	25/35	10	30	50 (4 stories)	50	50

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Zoning District Designation	Minimum Lot Area (square feet)	Minimum and Maximum Acreage Required	Units per acre	Max Floor Area Ratio	Minimum Floor Area (Sq. ft.)	Minimum Lot Width at Front Setback (feet)	Minimum Front Yard Setback (Arterial) (feet)	Minimum Front Yard Setback (Collector) (feet)	Minimum Front Yard Setback (Local) (feet)	Major Side Yard Setback (feet)	Minimum Minor Side Yard setback (feet)	Minimum Rear Yard Setback (feet)	Maximum Building Height (feet)	Minimum Public Road Frontage (feet)	Minimum Public Road Frontage culdesac (feet)
28	OMR	40,000	N/A	N/A	.75 office and .25 retail	N/A	60	75	50	50	25/35	35	40	104 (8 stories)	50	50
29	OS	40,000	N/A	N/A	N/A	N/A	75	50	50	50	25/35	15	30	52 (4 stories)	50	50
30	NS	20,000	N/A	N/A	N/A	N/A	60	50	40	40	25/35	15	30	35 (2 stories)	50	50
31	PSC	200,000	5 acre min.	N/A	N/A	N/A	200	100	100	40	50	50	50	75 (6 stories)	100	100
32	TS	20,000	N/A	N/A	N/A	N/A	60	50	40	40	25/35	10	30	50 (4 stories)	50	50
33	GC	20,000	N/A	N/A	N/A	N/A	60	50	40	40	25/35	10	30	50 (4 stories)	50	50
34	LI	40,000	N/A	N/A	N/A	N/A	100	75	50	50	25/35	20	30	70 (4 stories)	50	50
35	HI	40,000	N/A	N/A	N/A	N/A	150	75	50	50	25/35	20	40	50 (4 stories)	50	50
36																

(d) TABLE 3-4 EXPLANATION OF SYMBOLS CHART

Symbol, Abbreviation and notes chart for Table 3-4

Symbol	Meaning
*	Distance required fronting cul-de-sac
**	Distance if interior portion of development (interior shall be considered the portion which does not abut an exterior property boundary)
†	Distance if not interior portion of development
‡	Attached units
BR	Bedrooms
E	Efficiency apartment
Sf or sq. ft.	Square feet
Note	Minimum front yard setback and major side setback is measured from the future public right of way
Note	R-12 District requires 15 feet between dwellings

City of Mableton, Georgia
Official Zoning Map
Date of Adoption
November 13, 2024

City Elected Officials

Mayor Michael Owens
Councilman Ron Davis-001
Councilwoman Dami Oladapo-002
Councilwoman Keisha Jeffcoat-003
Councilwoman Patricia Auch-004
Councilman T.J. Ferguson-005
Councilwoman Deborah Herndon-006

Legend

City Council Districts

City Council Districts

ZoningDistrict

<Null>
CF
CRC
CS
FST
FST-10
FST-6
FST-8

GC
HI
IF
LI
LRC
LRO
MHP
MHP/S
NRC
NS
O&I

OMR
OS
PD
PRD
PSC
PVC
R-12
R-15
R-15/OSC
R-20
R-20/OSC
R-30

R-30/OSC
R-40
R-80
RA-4
RA-5
RA-6
RD
RM-10T
RM-12

RM-8
RSL
SC
TS
UVC
<all other values>

0 0.25 0.5 1 Miles

N

**AN ORDINANCE AMENDING CHAPTER 10, ARTICLE I, PLANNING AND ZONING,
OF THE CITY OF MABLETON CODE OF ORDINANCES, ESTABLISHING A
MABLETON ZONING CODE AND ZONING MAP AND FOR OTHER LAWFUL
PURPOSES**

WHEREAS, the City of Mableton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council (“City Council”) thereof;

WHEREAS, Sec. 1.13(23) of the City Charter authorizes the City “[t]o provide comprehensive city planning for land use, signage, outside advertising, and development by zoning and to provide subdivision regulation and the like as the City Council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community”;

WHEREAS, the City Council desires through this Ordinance to exercise its powers and authority under the City Charter and other applicable laws to promotion the health and general welfare of the City;

WHEREAS, the Mayor and City Council have caused to be conducted a properly advertised public hearing in accordance with the Georgia Zoning Procedures Act prior to adoption of this Ordinance; and

WHEREAS, the City Council finds this Ordinance to be in the best interests of the health, safety, and general welfare of the City.

IT IS HEREBY ORDAINED by the governing authority of the City of Mableton, as follows:

Section 1: The City Code of Ordinances is hereby amended to create Chapter 10, Planning and Zoning, Article 1, Generally, to read as follows:

CHAPTER 10 - PLANNING AND ZONING

ARTICLE 1 - GENERALLY

Sec. 10.1.1 - Authority.

This chapter is adopted under the authority of the State of Georgia Constitution and the laws, rules and regulations enacted pursuant to the Georgia Constitution, including but not limited to the City Charter and O.C.G.A. 36-66-1 et seq.

Sec. 10.1.2 - Mableton Zoning Code adopted as Appendix A.

The “Mableton Zoning Code,” containing applicable city zoning regulations, is adopted as Appendix A to the City Code of Ordinances. Said appendix shall be maintained in the office of the city clerk and community development director, or at a location designated by the city clerk, for inspection by the public.

Sec. 10.1.3 - Zoning map.

All properties within the city shall be zoned as set forth on the official zoning map of the city, as amended from time to time. The map shall be formally known as the “Official Zoning Map of the City of Mableton, Georgia” and shall be kept under the custody of the city community development department, and subject to public inspection. The Official Zoning Map of the City of Mableton, Georgia is incorporated in this chapter by express reference.

Sec. 10.1.4 - Fees.

Fees for application, permitting and other costs under this chapter and/or the Mableton Zoning Code shall be as approved by the city council. A schedule and/or listing of such fees shall be maintained in the office of the city clerk and community development director, or at a location designated by the city clerk, for inspection by the public.

Sec. 10.1.5 - Violations and enforcement of this chapter.

- (1) All persons, entities, businesses within the city, owing property within the city and/or doing business within the city, shall comply with this chapter and the Mableton Zoning Code. Any person and/or entity prosecuted for violating any of the provisions of this chapter and/or the Mableton Zoning Code may be deemed guilty of an ordinance violation, punishable to the full extent allowed by the City Charter and/or applicable law.
- (2) Each day's continuance of a violation shall be considered a separate offense.
- (3) In any case in which activities are undertaken in violation of this chapter and/or the Mableton Zoning Code, or are in non-compliance with the provisions of a permit issued under this chapter, the city community development director is authorized to:
 - (a) Suspend, withhold, or invalidate such permits;
 - (b) Order that all unauthorized or improper work be stopped;
 - (c) Direct correction of deficiencies; and/or
 - (d) Take any other legal or administrative action appropriate to the severity of the violation and degree of threat to the public health, safety and welfare.

- (4) City police, code enforcement officers, court personnel and/or persons designated by the City Manager and/or City, are hereby authorized to issue citations or summonses, or both, charging violations under this chapter, returnable to the City Municipal Court.

Sec. 10.1.6 - Service.

The city attorney is authorized, but not required, for matters arising under this chapter to accept, in writing, all petitions, complaints, processes and summons in any action, suit or proceeding in any of the Courts of the State of Georgia or United States Courts in Georgia. Any such acceptances by the city attorney under this subsection shall be in the form of a writing signed by the city attorney, evidencing such acceptance.

Section 1: The City Code of Ordinances is hereby amended to create Chapter 10, Planning and Zoning, Article 2, Development Standards and Specifications, to read as follows:

CHAPTER 10 - PLANNING AND ZONING

ARTICLE 1 - DEVELOPMENT STANDARDS AND SPECIFICATIONS

Sec. 10.2.1 - Purpose.

In recognition of the need to encourage quality growth and development, the city adopts the development standards and specifications under this chapter for the following purposes:

- a) Protect and promote the public health, safety, and general welfare of the citizens of the city of Mableton.
- b) Provide a maximum livability and quality of life within a neighborhood.
- c) Protect and promote the general welfare of the business community in the city of Mableton and encourage commerce.
- d) Support and supplement the requirements of the Mableton Zoning Code.
- e) Streamline the site plan review process by providing clear lines of communication and direction to staff.
- f) Provide for a smooth transition, clarity and consistency for city staff, developers, land owners and Cobb County departments in coordinating, administering and carrying out the various duties, functions and obligations under any Memorandums of Agreement between the City of Mableton and any Cobb County agency, including but not limited to the Cobb County Department of Transportation.
- g) Streamline the site plan review process by providing clarification to the development community as to the requirements for developing in the city of Mableton.
- h) Encourage economically sound and technically feasible land development.
- i) Provide assurance that residential, multi-family, and non-residential plans are indeed usable for intended and permitted purposes according to federal, state, regional, and community standards.

- j) Provide assurance that adequate provision for safe and efficient traffic access is available for new development and redevelopments.
- k) Provide adequate water quality, quantity, and wastewater treatment.
- l) Assure equitable, efficient, and detailed review of all residential, multi-family, and non-residential construction plans by providing uniform development standards for the development and subsequent construction of structures, building, or other improvements of any land within the incorporated areas of the city.

Sec. 10.2.2 - Mableton Development Standards Adopted

The city hereby adopts by reference as if fully set forth herein, and to be known as the “Mableton Development Standards,” the following sections from the Cobb County, Georgia, Development Standards, June 2018 Revision, Version 2, as they exist on the date of the adoption of this ordinance and as subsequently amended from time to time:

- 1) Section 107 (Site Plan Review Documents)
- 2) Section 108 (Structural Plan Review Documents)
- 3) Section 200 (Plats/Record Drawings)
- 4) Section 202 (Final Plat)
- 5) Section 203 (Lots)
- 6) Section 204 (Phased Development)
- 7) Section 205 (Dedication of Right of Way and Easements)
- 8) Section 206 Water and Sewer Acceptance and Record Drawings)
- 9) Section 207 (Digital Data Submission Standards)
- 10) Section 208 (Mixed Use Developments)
- 11) Section 300 (Securities and Enforcement)
- 12) Section 301 (Maintenance & Performance Securities)
- 13) Section 302 (Enforcement)
- 14) Section 303 (Stop Work Orders)
- 15) Section 401 (Streets and Access)
- 16) Section 402 (Access)
- 17) Section 403 (Off Street Parking Facilities)
- 18) Section 404 (Sidewalks and Pathways)
- 19) Section 405 (Accessibility Requirements)
- 20) Section 406 (Bus Shelters)
- 21) Section 407 (Standards for Lighting)
- 22) Section 408 (Easements)
- 23) Section 409 (Storm Drainage Systems)
- 24) Section 410 (Water and Sewer)

- 25) Section 411 (Erosion)
- 26) Section 412 (Fences, Buffers, Berms, Mailboxes, and Irrigation Systems)
- 27) Section 413 (Structural Retaining Walls)
- 28) Section 414 (Flood Damage Prevention)
- 29) Section 415 (Timber Harvesting Clearing)
- 30) Section 416 (Tree Preservation and Replacement)
- 31) Section 418 (Dams)
- 32) Section 419 (Historic Properties)
- 33) Section 420 (Cemeteries)
- 34) Section 421 (Swimming Pool Requirements)
- 35) Section 422 (Utilities)
- 36) Section 423 (Condominiums)
- 37) Section 424 (Gated Communities)
- 38) Section 425 (Traditional Neighborhood Development Design Guidelines)
- 39) Section 426 (Architectural Design Guidelines for Commercial Development, Redevelopment or Building Renovations)
- 40) Section 427 (Urban Design Standards)
- 41) Section 428 (Design Guidelines)
- 42) Section 500 (Material Specifications)
- 43) Section 501 (Cast-in-Place Concrete)
- 44) Section 502 (Precast concrete structures)
- 45) Section 503 (Water Specifications)
- 46) Section 504 (Sanitary Sewer)
- 47) Section 505 (Storm Drainage)
- 48) Section 506 (Streets and Right of Way)
- 49) Section 507 (Stormwater Quality Best Management Practices)
- 50) Section 508 Rules of Issuing Utility Permits – Georgia D.O.T.)
- 51) Section 600 (List of Standard Details).

Sec. 10.2.3 - Interpretation.

The interpretation and application of the Mableton Development Standards shall be considered minimum requirements, which may be varied at the discretion of the Mableton Community Development Director, unless otherwise governed by applicable policy and/or law. In addition, references to Conn personnel and/or departments within the Cobb County, Georgia, Development Standards, June 2018 Revision, Version 2, as subsequently amended from time to time, shall be interpreted to refer to corresponding city personnel and/or departments, as maybe amended and/or interchanged in the city's discretion.

Sec. 10.2.3 - Priority.

In the event of a conflict between the City Code of Ordinances and the Cobb County, Georgia, Development Standards, June 2018 Revision, Version 2, as subsequently amended from time to time, the Mableton Code of Ordinances shall supersede and control.

Section 3. It is hereby declared to be the intention of the City Council that:

- (a) All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.
- (b) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (c) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (d) In the event any portion of this Ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this Ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the Ordinance.

Section 4. The Mableton Zoning Code is hereby adopted and attached to this Ordinance as Appendix A. The Official Zoning Map of the City of Mableton, Georgia is hereby adopted and attached to this Ordinance as Exhibit A.

Section 5. Fees and other costs applicable under this Ordinance and/or the Mableton Zoning Code are hereby adopted and attached as the “City of Mableton Zoning and Permitting Fee Schedule.”

Section 6. As of the adoption of this Ordinance, Cobb County, Georgia, is issuing and assessing special license, permitting and regulatory fees within the City pursuant to Chapter 78, Article III of the Official Code of Cobb County, Georgia. All persons, entities, businesses within the City, owning property within the City and/or doing business within the City, shall continue to comply with Chapter 78, Article III of the Official Code of Cobb County, Georgia, until such time that the City formally transitions from the County to the City the services, assessments, license, permitting regulated under Chapter 78, Article III of the Official Code of Cobb County, Georgia. In addition, all findings by Cobb County justifying Cobb County’s adoption of Chapter 78, Article III of the Official Code of Cobb County, Georgia and Chapter 134 of the Official Code of Cobb County, Georgia, are hereby acknowledged and accepted by the City.

Section 7. The provisions pertaining to sexually oriented businesses under this Ordinance are designed to promote the health, safety, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

- (a) *Findings and rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports publicly available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and
- (b) Based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" *Crime & Delinquency* (2012) (Louisville, KY); Metropolis, Illinois—2011-12; Manatee County, Florida—2007; Hillsborough County, Florida—2006; Clarksville, Indiana—2009, 2013-2019; El Paso, Texas—2008; Memphis, Tennessee—2006; New Albany, Indiana—2009; Louisville, Kentucky—2004; Fulton County, GA—2001; Chattanooga, Tennessee—1999-2003; Jackson County, Missouri—2008; Ft. Worth, Texas—2004; Kennedale, Texas—2005; Greensboro, North Carolina—2003; Dallas, Texas—1997; Houston, Texas—1997, 1983; Phoenix, Arizona—1995-98, 1979; Tucson, Arizona—1990; Spokane, Washington—2001; St. Cloud, Minnesota—1994; Austin, Texas—1986; Indianapolis, Indiana—1984; Garden Grove, California—1991; Los Angeles, California—1977; Whittier, California—1978; Oklahoma City, Oklahoma—1986; New York, New York Times Square—1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas—2007; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; Indianapolis/Marion County Board of Zoning Appeals Documents; Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA); DeKalb County Testimony and Reports—2014; and Strip Club-Trafficking Documents, the City Council finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, human trafficking, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- (2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
- (3) Each of the foregoing negative secondary effects constitutes a harm which the county has a substantial government interest in preventing and/or abating. The city's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this chapter are reasonably believed to be relevant to said secondary effects.

(c) Additionally:

- (1) The City is becoming an increasingly attractive place for the location of commercial enterprises and of residences for families, and the council is committed to adopting ordinances designed to protect the quality of life for its constituents.
- (2) The City Council desires to establish policies that provide the maximum protection of the general welfare, health, morals, and safety of the residents of the City.
- (3) The governing authority of each municipal corporation is authorized to enact ordinances which have the effect of restricting the operation of adult bookstores and video stores to areas zoned for commercial or industrial purposes, provided in O.C.G.A. § 36-60-3.
- (4) The state supreme court, in *Chambers d/b/a Neon Cowboy v. Peach County, Georgia*, 266 Ga. 318 (1996), held that local governments may adopt ordinances designed to combat the undesirable secondary effects of sexually explicit businesses, and further held that a governing authority seeking to regulate adult establishments must have evidence of a relationship between the proposed regulation and the undesirable secondary effects it seeks to control.
- (5) The state supreme court further held in the same opinion that in passing its regulation, a local government may rely on the experience of other counties and municipalities to demonstrate such a relationship.
- (6) The United States Supreme Court, in *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), held that a local government may rely on the experience of other cities in enacting legislation to regulate sexually oriented business.
- (7) Among the undesirable community conditions identified with live nude entertainment at which alcohol is served or consumed are depression of property

values in the surrounding neighborhood, increased expenditure for the allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior, and acceleration of community blight.

- (8) The City Council further finds it has an important governmental interest in reducing crime and protecting surrounding properties from adverse impacts, which interest is unrelated to the suppression of speech.
- (9) It is the intent of the City Council to enact an ordinance, narrowly tailored, sufficient to combat the undesirable secondary effects of sexually oriented businesses, including the serving and consumption of alcoholic beverages at sexually oriented businesses.
- (10) The City Council desires to regulate the sexually oriented businesses within the City limits. Notwithstanding, this article is not to be construed as an endorsement from the City of these establishments. The City Council understands that sexually oriented businesses are actually protected under the free speech clause of the First Amendment of the Constitution of the United States for their role in communicating "erotic speech." The courts allow communities to regulate speech, not based on the content of the speech, but in time, place, and manner in which it is presented.
- (11) It is well established and has been the experience of other communities in the state and throughout the United States that adult entertainment, which includes public nudity, has been associated with and may encourage disorderly conduct, prostitution and sexual assault. This section advances the substantial government interest in promoting and protecting public health, safety, and general welfare, maintaining law and order and prohibiting public nudity. The section is narrowly constructed to protect the First Amendment rights of citizens of the City while furthering the substantial governmental interest of combating the secondary effects of public nudity and sexually oriented businesses from areas and uses of the community that are incompatible. Areas and uses that are to be protected from sexually oriented businesses include, but are not limited to, residential, churches, day care centers, libraries, recreational facilities, and schools.
- (12) Based on the experiences of other counties and municipalities, the City Council takes note of the patent conditions and secondary effects attendant to the commercial exploitation of human sexuality, which do not vary greatly among the similar communities within our country.
- (13) The City Council further finds that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in establishments offering live nude entertainment or "adult entertainment," whether such alcoholic beverages are sold on the premises or not, begets criminal behavior and tends to create undesirable community conditions. In the same manner, establishments offering cinematographic or videographic adult entertainment have the same deleterious effects on the community. Among the acts of criminal behavior found to be associated with the commercial combination of live nudity and alcohol consumption or sale, live commercial nudity in general, and cinematographic or videographic adult entertainment are disorderly conduct,

prostitution, public solicitation, public indecency, fighting, battery, assaults, drug use and drug trafficking. *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *5634 East Hillsborough Ave., Inc. v. Hillsborough County*, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), *aff'd*, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (per curiam). See also *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981).

- (14) Among the undesirable community conditions identified in other communities with the commercial combination of live nudity and alcohol consumption or sale, commercial nudity in general, and cinematographic or videographic adult entertainment are depression of property values and acceleration of community blight in the surrounding neighborhood, increased allocation of and expenditure for law enforcement personnel to preserve law and order, and increased burden on the judicial system as a consequence of the criminal behavior described in this article. The City Council finds it is reasonable to believe that some or all of these undesirable community conditions are occurring, and will continue to occur in the City.
- (15) The City Council further finds that other forms of adult entertainment including, but not limited to, adult bookstores, adult novelty shops, adult video stores, peep shows, and adult theaters have an adverse effect upon the quality of life in surrounding communities.
- (16) The City Council further finds that the negative secondary effects of adult establishments upon the City are similar whether the adult establishment features live nude dancing or sells books/videotapes depicting sexual activities. *H & A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *High Five Investments, LLC v. Floyd County*, No. 4:06-CV-0190-HLM (N.D. Ga. Mar. 14, 2008).
- (17) Therefore, the City Council finds that it is in the best interests of the health, welfare, safety and morals of the community and the preservation of its businesses, neighborhoods, and of churches, schools, residential areas, public parks and children's day care facilities to prevent or reduce the adverse impacts of adult establishments by restricting hours of operation, prohibiting alcohol sale or consumption, and restricting the distance from other adult establishments and restricting the distance from residential areas, schools, public parks, churches, and children's day care facilities.
- (18) The City Council finds that these regulations promote the public welfare by furthering legitimate public and governmental interests including, but not limited to, reducing criminal activity and protecting against or eliminating undesirable activities impacting adversely the community conditions and further finds that such will not infringe upon the protected Constitutional rights of freedom of speech or expression.

Section 8. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Ordinance for proofing and renumbering purposes.

Section 9. The effective date of this Ordinance shall be February 1, 2025, unless ordained otherwise by the City, or required otherwise by the City Charter, state and/or federal law. In the event that any effective date herein is determined by a Court of law to be invalid, said effective date shall instead be the earliest date allowed by law.

SO ORDAINED this _____ day of _____, 2024.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney

REZONING FEE STRUCTURE

Acres/Square Footage	Single-Family Residential (R-80, RR, R-40, R-30, R-20, R-15, CS)	Medium/High Density Residential (RD, RA-5, SC, RM-8, RSL, FST, RM-12,, MHPS, MHP)	Commercial, Industrial, Office (LRO, NRC, LRC, OI, UVC, PVC, CRC, OMR, UC, OHR, OS, PSC, TS, GC, RRC, LI, HI)
0 – 5 Acres	\$ 500	\$ 750	\$1,000
5 – 10 Acres	\$1,000	\$1,500	\$2,000
10 – 20 Acres	\$1,500	\$2,000	\$2,500
20 – 100 Acres	\$2,000	\$2,500	\$3,000
100 + Acres	\$2,500 + \$25 per acre	\$3,000 + \$25 per acre	\$3,500 + \$25 per acre
0 to 20,000 sq. ft.		\$ 700	\$ 900
20,001 to 50,000 sq. ft.		\$1,200	\$1,500
50,001 to 100,000 sq. ft.		\$1,500	\$1,800
100,001 to 500,000 sq. ft.		\$2,000	\$2,200
500, 001 + sq. ft.		\$2,000 + \$90 per 100,000 sq. ft	\$2,200 + \$ 115 per 100,000 sq. ft.

NOTE: The **maximum** fee for any rezoning application \$10,000. Make all checks payable to “Cobb County”.

(Effective September 11, 2001) Any single-family residential rezoning application being filed for the sole purpose of changing the zoning classification to reflect the existing lot sizes(s) and/or lot configuration, that proposes no increase in density or additional development activities, will be charged an application fee of \$100.00 plus a refundable \$300.00 sign bond plus a non-refundable fee of \$15.00 per sign issued by the Zoning Division.

The fee for medium/high density residential, commercial, industrial, or office rezoning applications will be based on the total number of acres being rezoned or the total square footage of the proposed building(s) on the rezoning site, **whichever fee is greater**.

There is also a **deposit fee of \$300.00** for sign(s), which will be refunded if the sign(s) are returned within **thirty (30)** days after the final decision by the Board of Commissioners plus a non-refundable fee of \$15.00 per sign issued by the Zoning Division.



AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Public Hearing for an Ordinance Creating Chapter 10, Article 3, Review and Decision-Making Bodies, of the City of Mableton Code of Ordinances and for other Lawful Purposes - City Attorney Emilia Walker-Ashby

BACKGROUND/SUMMARY: The first read of this ordinance was May 22, 2024.

BUDGETED/FINANCIAL IMPACT – FUND: N/A

RECOMMENDATION: This is public hearing. Consideration of Adoption will occur under New Business.

ATTACHMENTS:

1. PC & BZA Zoning Ordinance Rev. 10.23.24

**AN ORDINANCE AN ORDINANCE CREATING CHAPTER 10, ARTICLE 3,
REVIEW AND DECISION-MAKING BODIES, OF THE CITY OF MABLETON
CODE OF ORDINANCES AND FOR OTHER LAWFUL PURPOSES**

WHEREAS, the city of Mableton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council (“City Council”) thereof;

WHEREAS, the City Council is authorized by the City Charter Sec. 1.13 and O.C.G.A. § 36-35-3 to adopt ordinances relating to its operations, affairs and local government;

WHEREAS, the City Council desires through this Ordinance to codify law relating to its operations, affairs and local government; and

WHEREAS, the City Council finds this Ordinance to be in the best interest of the health, safety and welfare of the City.

IT IS HEREBY ORDAINED by the governing authority of the City of Mableton as follows:

Section 1. The City Code of Ordinances is hereby amended to create Chapter 10, Planning and Zoning, Article 3, Review and Decision-Making Bodies, to read as follows:

CHAPTER 10 - PLANNING AND ZONING

ARTICLE 3 - REVIEW AND DECISION-MAKING BODIES

Sec. 10.3.1 - Planning commission.

(a) *Establishment, composition and terms.*

- (1) The city’s planning commission shall consist of seven members, with one member being appointed by each member of the city council. Members appointed by the mayor may reside anywhere within the corporate limits of the city, but a member appointed by a councilmember shall reside within the district of the councilmember who appointed such member. All individual council appointees shall be subject to confirmation by the city council, prior to such member formally serving as a planning commission member.
- (2) If a planning commission member moves outside the city, such move constitutes a resignation from the planning commission, effective upon the date of such move.

- (3) Planning commission members shall serve concurrently with their appointing council member's term of office, and until a successor is appointed.
 - (4) Any vacancy in the membership of the planning commission shall be filled for the remainder of the unexpired term, in the manner prescribed herein for original appointment.
 - (5) Planning commission members may be reappointed to successive terms without limitation.
 - (6) Members of the planning commission may not hold any other city office or city-compensated position.
 - (7) The city council is authorized to determine the amount of compensation, if any, to be paid to the members of the planning commission.
 - (8) The planning commission shall be subject to conflict-of-interest rules pursuant to O.C.G.A. § 36-67A-2, as amended from time to time.
 - (9) All planning commission members serve at-will and may be removed at any time by a majority vote of the city council.
- (b) *Meetings and rules of procedure.*
- (1) The planning commission shall conduct its meetings in accordance with the procedures contained in the city's zoning code. The planning commission is further authorized to adopt rules of procedure governing the conduct of its meetings, so long as not inconsistent with city policies, city ordinances or applicable law. If the city's zoning ordinance or the rules of procedure do not address a procedural issue that arise, *Robert's Rules of Order* shall be followed. The planning commission is authorized to amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment shall be filed by with the city clerk and copies of the rules shall be made available to the public.
 - (2) The planning commission shall meet monthly in accordance with an established schedule of meetings. The chairperson, planning commission or community development director may call for a special meeting. Its meetings, whether regular or special, shall be noticed and conducted in accordance with the Georgia Open Meetings Act, and its records shall be maintained in accordance with the Georgia Open Records Act.
 - (3) A meeting may be canceled by the chairperson, planning commission or community development director if there are no matters to be acted upon by the planning commission.
 - (4) A quorum of the planning commission consists of a minimum of four members. A quorum is necessary for the planning commission to take official action. All official actions of the planning commission shall be taken by majority vote of the members present. A roll call vote shall be taken upon the request of any planning commission member.
 - (5) At its first regular meeting in January, the planning commission shall, by majority vote of its membership, excluding vacant seats, elect one of its members to serve as chairperson and preside over the board's meetings and one member to serve as vice

chairperson, who both shall serve one year or until reelected or a successor is elected. Chair and vice chairperson vacancies may be filled for the unexpired terms only by majority vote of the planning commission membership, excluding vacant seats. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may be elected to successive terms without limitation.

- (6) The planning commission shall appoint a secretary who may be an officer or employee of the city or a member of the planning commission. The community development department director, may serve as secretary of the city planning commission, as directed by the mayor. The secretary shall provide such support to the planning commission as is reasonable and necessary to accomplish said commissions' duties. The secretary of the planning commission shall provide the members of the planning commission all information submitted to, or generated by, city staff on each matter to be considered by the planning commission. The secretary is also responsible for maintaining the records of the planning commission.

(c) *Function.*

It shall be the function and duty of the planning commission to review and make recommendations for action by the mayor and city council on the following: all applications for annexation where there is an associated change in zoning, rezoning, concurrent variances, applications for use permits, amendments to the text of the city zoning ordinance, the city comprehensive plan, the future land use/development map, and the zoning map. Nothing contained herein shall prevent the mayor and city council from hereafter assigning other duties or remanding a case back to the planning commission.

(d) *Recommendations.*

- (1) Prior to the planning commission making a recommendation on a zoning decision, representatives/applicants, as a group, and representatives/opponents, as a group, shall be given a maximum of ten minutes for each side to publicly present its case, unless more time is allotted by the planning commission. At the close of each public hearing, the chair of the planning commission shall call the members to order for consideration and a vote on the zoning item currently before them. The vote of the planning commission on zoning matters shall be nonbinding and shall be made in the form of a recommendation to the mayor and city council from the following list:
 - (a) Approval as recommended by staff with recommended conditions;
 - (b) Approval as recommended by staff with revised conditions as presented by the planning commission; or
 - (c) Denial.
- (2) The planning commission must render a recommendation pursuant to this subsection (e), except that the planning commission may defer an issue for no more than one month if requested by the applicant/owner, if a new site plan is received less than seven days prior to the meeting, or in order to receive additional information necessary to make a recommendation to the mayor and city council at the time of a deferral motion. The specific reason for the deferral and the specific materials or information requested as necessary to render a recommendation shall be stated.

Sec. 10.3.2 - Board of Zoning Appeals.

(a) *Establishment, composition and terms.*

- (1) The city's board of zoning appeals shall consist of seven members, with one member being appointed by each member of the city council. Members appointed by the mayor may reside anywhere within the corporate limits of the city, but a member appointed by a councilmember shall reside within the district of the councilmember who appointed such member. All individual council appointees shall be subject to confirmation by the city council, prior to such member formally serving as a board of zoning appeals member.
- (2) If a board of zoning appeals member moves outside the city, such move constitutes a resignation from the board of appeals, effective upon the date of such move.
- (3) Board of zoning appeals members shall serve concurrently with their appointing council member's term of office, and until such board of zoning appeals member's successor is appointed.
- (4) Any vacancy in the membership of the board of zoning appeals shall be filled for the remainder of the unexpired term, in the manner prescribed herein for original appointment.
- (5) Board of zoning appeals may be reappointed to successive terms without limitation.
- (6) Members of the board of zoning appeals may not hold any other city office or city-compensated position.
- (7) The city council is authorized to determine the amount of compensation, if any, to be paid to the members of the board of appeals.
- (8) The board of zoning appeals shall be subject to conflict-of-interest rules pursuant to O.C.G.A. § 36-67A-2, as amended from time to time
- (9) All board of zoning appeals members serve at-will and may be removed at any time by a majority vote of the city council.

(b) *Meetings and rules of procedure.*

- (1) The board of zoning appeals shall conduct its meetings in accordance with the procedures contained in the city's zoning code. The board of zoning appeals is further authorized to adopt rules of procedure governing the conduct of its meetings, so long as not inconsistent with city policies, city ordinances or applicable law. If the city's zoning ordinance or the rules of procedure do not address a procedural issue that arise, *Robert's Rules of Order* shall be followed. The board of zoning appeals is authorized to amend its rules by majority vote, so long as not inconsistent with City policies, ordinances or applicable law. A copy of the adopted rules of procedure and any subsequent amendment shall be filed by with the city clerk and copies of the rules shall be made available to the public.
- (2) The board of zoning appeals shall meet monthly in accordance with an established schedule of meetings. The chairperson, board or community development director may call for a special meeting. Its meetings, whether regular or special, shall be noticed and

conducted in accordance with the Georgia Open Meetings Act, and its records shall be maintained in accordance with the Georgia Open Records Act.

- (3) A meeting may be canceled by the chairperson, board or community development director if there are no matters to be acted upon by the board of appeals.
 - (4) A quorum of the board of zoning appeals consists of a minimum of four members. A quorum is necessary for the board of zoning appeals to take official action.
 - (5) All official actions of the board of zoning appeals shall be taken by majority vote of the members present. A roll call vote shall be taken upon the request of any board of zoning appeals member.
 - (6) At its first regular meeting in January, the board of zoning appeals shall, by majority vote of its membership, excluding vacant seats, elect one of its members to serve as chairperson and preside over the board's meetings and one member to serve as vice chairperson, who both shall serve one year or until reelected or a successor is elected. Chair and vice chairperson vacancies may be filled for the unexpired terms only by majority vote of the board of zoning appeals membership, excluding vacant seats. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may be elected to successive terms without limitation.
- (c) *Testimony.* All testimony before the board of zoning appeals shall be taken as if under oath regardless of whether or not a formal oath or affirmation is administered. The chairperson may administer oaths and compel the attendance of witnesses by subpoena.
- (d) *Power.* The board of zoning appeals shall have the power to:
- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter.
 - (2) Hear and decide special exceptions to the terms of this chapter under circumstances where the board is expressly authorized to hear such matters under the city code.
 - (3) Authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board of zoning appeals that:
 - i) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - ii) The application of this chapter to this particular piece of property would create an unnecessary hardship;
 - iii) Such conditions are peculiar to the particular piece of property involved; and

- iv) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.
 - v) No variance may be granted for a use of land or building or structure that is prohibited by this chapter. No variance may be granted that would conflict with or alter a stipulation or condition imposed by the city council, except for setback variances which are less than twenty-five (25) percent than the underlying requirement and do not alter the basic tenets of any site plan included and approved as a stipulation.
- (4) Make recommendations to the city council regarding variance applications requesting a reduction in road frontage or a reduction in lot size. Variance applications which are approved by the board of zoning appeals take the form of a recommendation to the city council, who makes a final determination whether to grant the requested variance via a Special Exception. The community development department staff shall place the item on the city council's next available hearing agenda as an agenda item, if a regular hearing, or other business item, if a zoning meeting, if the request is recommended for approval by the board of zoning appeals. The property shall be posted with other business zoning notices by the applicant thirty (30) days prior to the city council's hearing. There will not be a fee associated with other business item, and the applicant does not have to mail out other business notification, if the notification/petition requirement was completed for the board of zoning appeals hearing.
- (5) In exercising the powers described in this section, the board of zoning appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

(e) Appeal procedure, effect of an appeal.

- (1) Appeals to the board of zoning appeals may be filed by any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of the administrative officer. Such appeal shall be filed within thirty (30) days from the date of the final decision of the administrative officer, by filing with the city clerk a written notice of appeal specifying the jurisdictional grounds for appeal; 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. The city clerk shall forthwith transmit to the administrative officer whose decision is being appealed and the members of the board of zoning appeals the notice of appeal with all supporting documents received. The person filing the appeal shall pay a non-refundable One Hundred Dollar (\$100) filing fee to the city, by certified check or money order, at the time the appeal is filed.
- (2) *Stay.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of zoning appeals, after the notice of appeal is received by him/her, that by reason of facts of the case a stay would, in his/her opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted

by the board of zoning appeals or by a court of record on application, on notice to the administrative officer from whom the appeal is taken, and on due cause shown.

- (3) *Hearing.* The board of zoning appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the appellant, and decide the matter within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney, as well as present evidence and testimony to the board. In addition to the notice requirements under the Georgia Open Meetings Act, at least thirty (30) days prior to the required public hearing for appeals of administrative decisions by officers or decisions on variances, a notice of the public hearing shall be mailed to the applicant and to the owner's mailing address in tax record of the property subject of such hearing, as applicable.
- (4) *Appeals from decision of Board.* Any person or persons severally or jointly aggrieved by any decision of the board of zoning appeals may take an appeal as allowed by state law.
- (5) *Appeal certificates.* The chairperson of the board of zoning appeals is authorized upon approval by the city attorney, and without additional board approval, to approve or issue any form or certificate necessary to perfect the petition in O.C.G.A. 5-3-1 et.seq.

Section 2. It is hereby declared to be the intention of the city council that:

- (a) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the city council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. The city Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Ordinance for proofing and renumbering purposes.

Section 4. The City has not yet determined the date that it will transition zoning services from Cobb County, Georgia, to the City. As such, planning commission and board of zoning appeals members shall not officially act on any actual zoning application and/or case under this Ordinance, until such date that the City formally transitions zoning services from Cobb County, Georgia, to the City, in accordance with section 7.15 of the City Charter and/or other applicable laws. Planning commission and board of zoning appeals members may meet to participate in

training and education related activities prior to the city’s transition of zoning services from Cobb County, Georgia.

Section 5. The effective date of this Ordinance shall be February 1, 2025, unless required otherwise by the City Charter, state and/or federal law.

SO ORDAINED this _____ day of _____ 2024.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney



AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Approval of October 7, 2024 Work Session Minutes

BACKGROUND/SUMMARY: These minutes will be added on Monday pending proofing.

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION: I move to

ATTACHMENTS:

1. October 7, 2024 Work Session Minutes



CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
October 7, 2024 at 6:30 PM

The Honorable Michael Owens, Mayor
The Honorable Ron Davis, District 1 Councilmember
The Honorable Dami Oladapo, District 2 Councilmember
The Honorable Keisha Jeffcoat, Mayor Pro Tem/District 3 Councilmember
The Honorable Patricia Auch, District 4 Councilmember
The Honorable TJ Ferguson, District 5 Councilmember
The Honorable Debora Herndon, District 6 Councilmember

CITY COUNCIL WORK SESSION MINUTES

1. CALL TO ORDER

Mayor Owens called the meeting to order.

2. ROLL CALL

City Clerk Hiott conducted the roll call and all the mayor and council were present. Councilmember Herndon arrived a few minutes after the roll call.

3. INVOCATION

The invocation was led by Councilmember Ron Davis.

4. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Ferguson.

5. AGENDA ITEMS AND DISCUSSION

a. Construction Contract for 6116 Operations - Chad Kastner, Director Program Management of AEI

Mayor Owens recognized City Manager Tanks who provided background. The City was working on hiring of city staff, locating places for operations, and purchasing equipment. The building for Community Development and Code Enforcement will be located at 6116 Operations. Mr. Tanks recognized Mr. Chad Kastner of AEI, Director Program Management of AEI, who reported that all permits have been granted. He referenced all information regarding the design, bid, and build out that is located within the agenda packet. Bids were received. CSC General Contractors, Inc. (\$313,684.35) was the most responsive and lowest bidder. Mr. Tanks explained that the most responsive means the one that met most of the requests of the bid, price, work and best fit. CSC was also the lowest bidder. Mr. Kastner provided details of the construction.

Questions and discussion followed.

- Councilmember Ferguson asked if the City was responsible for anything for the

common areas. Vandana Aggarwal, a relator present, explained how the common areas such as asphalt areas, doors, landscaping, snow removal, pet control were the landowner's responsible. The tenant is responsible for glass breakage.

- Councilmember Ferguson asked if this was a not-to-exceed number. Mr. Tanks explained this is the amount obligated to, but sometimes things happen. There is a small contingency of \$9000.
- Discussion followed about the HVAC. A mini-split will be added. Mr. Kastner will make adjustments for the next council meeting for the mini-split.
- Councilmember Jeffcoat inquired about the 5% amortization fee (downpayment) and the timeline for completion.
- Councilmember Oladapo asked about sprinkler systems. Mr. Kastner explained that the fire marshal stated the City would not have to install.
- Alarms will be a separate contract.

b. Update on 1245 Veterans Memorial Administrative Offices - Vandana Aggarwal, V.P. Operations of Aggarwal Real Estate

Mayor Owens announced the item and recognized Vandana Aggarwal, V.P. Operations of Aggarwal Real Estate. Mr. Tanks explained they have separate properties and have in-house construction contractors that they can call on for projects. Ms. Aggarwal also explained they are owners and managers. They have a series of subcontractors that do their work for HVAC, sprinklers, etc. on their properties. She will be the project manager. They had requested bids, and she was waiting for one more bid.

Discussion followed about getting the lease signed, approving the funding, obtaining permits, and getting the project moving. Ms. Aggarwal quoted the original cost was \$150,000 - \$175,000 but adding three new bathrooms, so the estimated cost is \$190,000 - \$200,000. This is for everything except low voltage and furniture.

c. Quarterly Financial Report - City Manager Bill Tanks and Financial Operations Consultant Dawn Glidden

Mr. Tanks recognized Warren Hutmacher to present. Mr. Tanks explained how he asked Council three months ago to bring in financial contractors to handle some important details about finances. One of the firms was Sumter Consulting. The City was closing out Sumter's work, but he wanted Warren Hutmacher of Sumter to explain what the firm had accomplished.

Mr. Hutmacher of Sumter thanked the Mayor and Council for trusting his firm on some important steps for financial services. He named:

- Initial set up of chart of accounts.
- Moving from spreadsheets to QuickBooks to switch to BS&A
- Financial policies to bring in best practices.
- The initial FY 2025 Budget.

Mr. Hutmacher reported the work was complete at this point. He was excited about helping with the financial building blocks for the City. He thanked Mayor and Council for the opportunity to work with the City.

Quarterly Financial Report

Mr. Tanks stated Dawn Glidden was the City's Financial Operations Consultant, noting she had done an excellent job. She had a tough deadline to get information ready for the new financial software, BS&A. She had to go all the way back from time the City received money and get information in QuickBooks. She got all the data in QuickBooks. BS&A will extract from QuickBooks on Monday. He felt comfortable today with the financial report.

Mr. Tanks and Ms. Glidden continued to report:

- Revenue is holding stable.
- There was a bump in September due to receiving a past franchise fee.
- Payroll will start going up.
- The City was still under spending, but this will change.
- Legal services were broken out. The \$88,886 was for five months. The City was getting invoices on a regular basis now.
- Operating Expenses went up slightly. A few professional service contracts came due. The City will see financial changes getting people and places in place.
- Mr. Tanks will do a financial report each quarter.
- Ms. Glidden reported on the transition to BS&A. Data from QuickBooks was being brought over to BS&A. Training started that day. There were four days that week and five days the next week.

Mr. Tanks commended Ms. Glidden and Mr. Pike for a job well done.

Councilmember Herndon asked if the City would expect an uptick in revenues and Mr. Tanks responded:

- The City was expecting a revenue that may double the amount of money in the bank.
- In January, February, business licenses begin again.
- Expenses will go up as the City brings on staff.
- Community Development operations and code enforcement will be sources of revenue.

Mayor Owens noted the City has not had a full year, so he doesn't want to get comfortable with the numbers. Mayor Owens explained down the road, bond and credit ratings will come later. Mayor Owens commented about how the City was still in the transition period. He was happy to see where the City was, but the numbers were still projected.

Questions and discussion continued:

- Councilmember Ferguson referenced the format of the quarterly report, and recommended having a year-to-date column. Mr. Tanks explained the FY 25 column is year to date.
- Councilmember Auch inquired about the legal invoices schedule, and Attorney

Walker Ashby stated her firm was back on a regular billing cycle, so the City will get the next invoice tomorrow.

- City Attorney Walker-Ashby and Ms. Glidden discussed the timing of the legal invoices. The \$88,886 was for three months.
- Per questions by Councilmember Ferguson, discussion continued about comparing the Feasibility Study vs looking at current post-COVID data and looking at trends.
- Mr. Tanks commented about how the financial software, BS&A has the capability to provide historical data and trends.
- Mr. Tanks commented about how the finance team and software, including a revenue analyst, would watch the numbers and trends to help with the projection of budget numbers.
- As the City grows, the reports will be more robust.
- Attorney Walker-Ashby clarified the \$59,985 entry was for invoices for July and August.

Councilmember Ferguson inquired about the BS&A training.

- BS&A was providing the initial onboarding training.
- Financial Consultant Chris Pike is very experienced with BS&A. City staff will be comfortable with BS&A.

Questions followed about specific entries by Councilmember Auch and Jeffcoat:

- Internet Services was a website, Go Daddy. DATSON was Google work space services.
- The small equipment, under \$10,000, included the furniture at the EpiCenter offices.
- Capital Outlay included the BS&A software.
- Mr. Tanks explained the purpose of the report was to give a feel of overall finances.

d. Review of an Ordinance Creating Chapter 10, Article I, Planning and Zoning of the City of Mableton Code of Ordinances, Establishing A Mableton Zoning Code and Zoning Map and for Other Lawful Purposes - Chris Miller of IBTS

Mayor Owens announced the item and recognized Chris Miller of IBTS. Mr. Miller expressed how he was excited to see the growth and change of the City. He referenced the objectives in the beginning of the project: (1) Facilitate a smooth transition in re-adoption of the Cobb County Zoning Ordinance into a Mableton Zoning Ordinance/Code (MZO) with minimal disruption of provisions that are not relevant to Mableton and (2) Incorporate best practices. He continued to name other objections such as maintaining definitions and district regulations as they currently are applied to the property by the Cobb County Zoning Ordinance so as not to grandfather uses or create any nonconforming uses. He addressed making sure the numbering system worked for the City. The City Clerk and City Attorney were helpful with this objective. He addressed lift and shift concept.

Mr. Miller pointed out the Zoning Ordinance was presented at the work session. There will be a first read and a public hearing. He referenced the updated Mableton Zoning Code (MZC) which was attached in the agenda packet, and summarized the additions.

Questions and discussion followed.

- Mayor Owens asked if there were still any sticking points. Mr. Miller opined that everything was addressed, and the code was in good shape for final adoption. The draft is the foundation.
- Following questions from Councilmember Auch, Mr. Miller will make sure the latest updated County versions of certain ordinances are in the MZC. Councilmember Auch pointed out that the ordinances about backyard chickens and boarding kennels were not the County's latest version. Mr. Miller explained how sometimes there is a lag between the adoption of ordinances and the online codification process.
- The Public Hearing will be October 23.
- Councilmember Hendon asked at what point the city would incorporate zoning changes to help the city to look like what the City wanted. Mr. Miller explained the City would have professional staff that will identify areas of the current code and will take recommendations from council, the city manager, and the Planning Commission to implement changes. He explained that if the City had a lot of code related variance requests, and was seeing a pattern, over and over again, those variances and issues would come back to the council. Discussion continued.
- Councilmember Ferguson asked if IBTS worked with the County preparing this draft or was the project done outside of the County. Mr. Miller explained that it was a little bit of both, and how IBTS wanted to make sure they were in some agreement with the County. They discussed zoning cases, with the county, and IBTS wanted the City and County to have a nice professional transition.
- Councilmember Ferguson referenced the Zoning Map, and asked if it was possible to show what is around the perimeter of Mableton. Mr. Miller explained IBTS could make the surrounding areas in a secondary document, supplemental for information.
- Mayor Owens asked if GovPilot had been approached about items the City needed. Mr. Tanks stated a meeting was arranged with Rob Housak and GovPilot, and GovPilot was aware. Attorney Walker-Ashby continued to explain that after the conference, Mr. Housak submitted several documents to integrate, and the system can be built out. During discussions, when he explained the City's needs, there were not any issues that came up.

e. Commissions, Authorities, and Boards (CABs) Update - Mayor Owens

Mayor Owens announced the item. He referenced an overview document and spreadsheet regarding the CABs he recently sent to the Council. He explained the spreadsheet addressed purpose, responsibilities, composition, governing statute/Charter Section. The priority is aligned with the services as the City brings services on. The last two columns had dates for appointments, which would shift and change. He referenced the second tab to

plug the names into the purposed member matrix. The submissions should be made to the clerk. He continued to explain the CAB appointment process:

- There will be an ordinance and/or resolution made., including first and second reads to correlate with the CAB.
- If all goes well, the appointments will be made as soon as October 23rd, for the Planning Commission and Ethics Board, and going into next year for others.
- The focus should be to have people identified and reach out to them.
- Councilmember Auch clarified if the Planning Commission and Ethics Board would be at the October 23 meeting.
- Attorney Emilia Walker-Ashby clarified there would be an ordinance for the Planning Commission that had been published for Public Hearing, First Read October 9, and Second Read on October 23.
- Councilmember Auch asked about the Steering Committee appointments for the Comprehensive Plan. Mayor Owens explained the consistency of the Steering Committee. The finalized list of the Steering Committee members were sent out September 24 by Executive Assistant Alison Benson, but wasn't sure the list went to everyone. Ms. Benson will send the final list to the Council.
- Mayor Owens provided additional explanation about the "governing statute/Charter Section" of the spreadsheet. He explained how state code will supersede local charter or ordinance.
- The spreadsheet is available in the agenda packet.
- Mayor Owens commented further about the Veterans Affairs Commission, noting if the Council would like to have a Veterans Affairs Commission, he supported the commission. The Commission would consist of 7 members, with at least 5 being military veterans and up to 2 affiliated with veteran service organizations.
- Mr. Ferguson opined the Veterans Affairs Commission shouldn't have stipulations on the number of terms.
- Councilmember Auch reported she already had shared a recommendation with the Clerk for the Veterans Affairs Commission.
- Mayor Owens asked everyone to utilize the matrix and to enter appointees.
- Mayor Owens explained the difference between the ordinance and the Bylaws of the CABs. He didn't want to see much in the minutia that belongs in the Bylaws and not the ordinances.

6. PRE REGULAR MEETING AGENDA REVIEW

a. Review of October 9th Regular Meeting Agenda

There was a general review, questions, and update of the regular meeting agenda items. Mayor Owens thanked City Clerk Hiott for the Civic Clerk software that had already been beneficial.

Councilmember Auch asked for updates of the Zoning Ordinance to be emailed to Council prior to the meeting. Mr. Miller was going to scan the Planning Commission to make sure the latest versions were included in the Planning Commission Ordinance.

Councilmember Ferguson referenced wording in the proposed Zoning Ordinance that said

"city police" referencing violation section 10.1.5. Attorney Walker-Ashby stated she would need to look at the ordinance further. Discussion followed about code enforcement activities and authority vs police activities and enforcement authority. Attorney Walker-Ashby suggested language "and other officials as designated by the City Council or City Manager."

7. ANNOUNCEMENTS

There were recommendations for executive session for real estate, personnel, and litigation. No announcements.

8. EXECUTIVE SESSION (IF NEEDED) FOR LITIGATION (O.C.G.A. 50-14-3(B)(1)(A)REAL ESTATE(O.C.G.A. 50-14-3 (B)(1)) PERSONNEL (O.C.G.A. 50-14-3 (B)(2)) AND MISC. EXEMPTIONS (O.C.G.A. 50-14-3 (B)(4)&(5))

Motion was made by Councilmember Jeffcoat and seconded by Councilmember Ferguson to go into Executive Session for litigation, real estate, and personnel. The motion passed unanimously. Yeas: Davis, Oladapo, Jeffcoat, Auch, Ferguson, Herndon and Owens (at 8:31 p.m.)

Motion was made by Councilmember Auch and seconded by Councilmember Ferguson to close Executive Session. The motion carried unanimously. Yeas: Davis, Oladapo, Jeffcoat, Auch, Ferguson, Herndon and Owens (at 10:04 p.m.)

Motion was made by Councilmember Jeffcoat and seconded by Councilmember Ferguson to authorize the Mayor to finalize and execute, in substantial form, the addendum to the agreement with Builders Capitol Finance LLC for the purchase of property within the city located on or near Mableton Parkway, for a purchase price not to exceed \$1.4 million. The motion passed 6-1. Yeas: Davis, Oladapo, Jeffcoat, Ferguson, Herndon and Owens. Nays: Auch

9. ADJOURNMENT

Motion was made by Councilmember Auch and seconded by Councilmember Ferguson to adjourn. The motion passed 7-0.

Dr. Michael Owens, Mayor

Susan Hiott, City Clerk



AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Approval of October 9, 2024 Regular Meeting Minutes

BACKGROUND/SUMMARY:

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION: I move to

ATTACHMENTS:

1. October 9, 2024 Regular Council Meeting Minutes (1)



CITY OF MABLETON, GEORGIA
Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
October 9, 2024 at 6:30 PM

The Honorable Michael Owens, Mayor
The Honorable Ron Davis, District 1 Councilmember
The Honorable Dami Oladapo, District 2 Councilmember
The Honorable Keisha Jeffcoat, Mayor Pro Tem/District 3 Councilmember
The Honorable Patricia Auch, District 4 Councilmember
The Honorable TJ Ferguson, District 5 Councilmember
The Honorable Debora Herndon, District 6 Councilmember

CITY COUNCIL REGULAR MEETING MINUTES

1. CALL TO ORDER

Mayor Pro Tem Jeffcoat called the meeting to order and thanked everyone for attending and their support.

2. ROLL CALL

City Clerk Hiott conducted roll call. Mayor Owens was absent and Mayor Pro Tem Jeffcoat presided. All of the council members were present. Quorum was present.

3. INVOCATION

Councilmember Davis led in the invocation.

4. PLEDGE OF ALLEGIANCE

Councilmember Ferguson led in the Pledge of Allegiance.

5. APPROVAL OF AGENDA

Motion was made by Councilmember Ferguson and seconded by Councilmember Oladapo to approve the agenda. The motion carried 6-0.

6. PUBLIC HEARINGS

None.

7. PRESENTATIONS/ACKNOWLEDGEMENTS/PROCLAMATIONS

a. South Cobb Library Report - Jo Lahmon, South Cobb Regional Manager

Mayor Pro Tem Jeffcoat recognized Jo Lahmon, South Cobb Regional Manager, who presented. Also in attendance was Nakisha McNeal, Adult Services Librarian I. The PowerPoint presentation is in the agenda packet.

The presentation highlights included:

- What's at the Library (databases and free streaming, Chromebooks and launch pads, small business resources, computer classes, book club kits, 3D printing, ESL Classes, programs, and passes)
- The library provides access to resources, community engagement, education, and outreach.
- Upcoming events were announced.
- Ms. Lahmon and Ms. McNeal encouraged everyone to support their local library.

8. APPOINTMENTS

None.

9. PUBLIC COMMENTS - 2 minutes per speaker - no more than 30 minutes for all speakers. Anyone wishing to make a public comment should complete and submit the public comment card to the City Clerk prior to the start of the meeting.

Public Comment:

- Phil Barnett of Mableton spoke about a study regarding black contractors in construction. He addressed AI, and training young people for the future in the construction field. He asked the Council to help.
- Monica Delancy spoke about National Hispanic Month and invited the Council to the Renter's Rights Summit, October 12th, 1-5 pm at Antioch Love and Spirit Church.
- Michael Murphy spoke about his suggestion to have inclusionary zoning and tiny homes. He was glad to see the library report. He petitioned for an additional hour to be opened at the South Cobb branch.
- Matthew Nicholson provided information about the M-SPLOST that would be the last item on the upcoming ballot. Information can be found at cobbcounty.org/msplost.
- Denny Wilson spoke about the M-SPLOST on the ballot, and the first item, an amendment #1 on state sales tax which was another penny increase. She spoke about some zoning concerns she was seeing, and stated she was glad to see the Zoning Code on the agenda.

Mayor Pro Tem Jeffcoat thanked everyone who spoke. She stated Council took the public comment seriously.

10. CONSENT AGENDA

Motion was made by Councilmember Auch and seconded by Councilmember Ferguson to approve the Consent Agenda. The motion carried 6-0.

a. Approval of September 11, 2024 5:15 PM Work Session Meeting Minutes

b. Approval of September 25, 2024 Regular Meeting Minutes

11. UNFINISHED BUSINESS

12. NEW BUSINESS

a.

- **Consideration and Approval of Award and authorize Mayor to Negotiate and Execute Contract in substantial form with CSC General Contractors, Inc. for Construction Services at 6116 Mableton Parkway - Chad Kastner, Director, Program Management of AEI**

Mayor Pro Tem Jeffcoat announced item and stated there was a work session on Monday, October 7, and the item was discussed. Mr. Kastner had reported that all permits were approved for build-out. The next step is to approve the contract with CSC General Contractors. Mr. Tanks added that the facility will house the Community Development Department and the Code Enforcement Department. He asked Council to support and approve the contract and funding. The tenant will reimburse the City for half of the cost of the unit. The contract is within the agenda packet.

Motion was made by Councilmember Davis and seconded by Councilmember Ferguson to approve the award and authorize the Mayor to negotiate and execute a contract in substantial form with CSC General Contractors, Inc., for the construction services at 6116 Mableton Parkway for an amount not to exceed \$324,814.05 (including friendly amendment) Mr. Kastner had confirmed the amount of the contract with CSC General Contractors Inc. for the amount of \$324,814.05. The amount includes an additional air conditioner unit which the tenant will reimburse the City for half. The contract was the last item in the agenda packet.

The motion passed 6-0

b. Approval of funding for 1245 Veterans Memorial Highway Build Out for Administrative Offices - City Manager Bill Tanks

Mayor Pro Tem Jeffcoat announced item and recognized City Manager Bill Tanks who provided background. Mr. Tanks stated he was asking for funding not to exceed \$225,000. Vandana Aggarwal (V.P, Operations of Aggarwal Real Estate) is waiting for one more bid. Her last bid came in at \$456,000, which was excessive. She has another bid coming, and she believes it may be less. Mr. Tanks asked Council to approve funding for buildout of 1245 Veterans Memorial Highway for Administrative Offices not to exceed \$225,000.

Motion was made by Councilmember Ferguson and seconded by Councilmember Davis to approve the funding amount not to exceed \$225,000 for the 1245 Veterans Memorial Highway buildout for Administrative Offices. The motion passed 6-0.

c. First Read of An Ordinance Creating Chapter 8, Building and Construction and for other purposes - City Attorney Emilia Walker-Ashby

Mayor Pro Tem Jeffcoat announced the item and recognized Attorney Walker-Ashby who

presented the First Read of Chapter 8, Building and Construction Ordinance.

Attorney Walker-Ashby provided an overview of the articles and divisions of the code:

- It is a special transitional chapter for the City. It consists of four articles. It was modeled off of the county, and she also looked at recent cities that recently incorporated because those cities' codes were more recently updated. The city codes are more tailored to the city. Some of the provisions were modeled off of Brookhaven as well as provisions from the County's code.
- Attorney Walker-Ashby noted on page 45 of the agenda packet, Article 2 - Construction and Technical Code, Section 8.2.1, there are adopted state minimum standard codes. She named the codes: International Building Code, International Residential Code, International Plumbing Code, International Fuel Gas Code, National Electrical Code, etc.
- Attorney Walker-Ashby addressed the Administration and Enforcement section. Variances and appeals will be facilitated by the Board of Zoning Appeals. The ordinance creating the Board of Zoning Appeals will be up for public hearing and adoption at the October 23, 2024, meeting. She provided an additional explanation.
- Attorney Walker-Ashby referenced Article 4 - Multifamily Rental Housing Inspection Program (page 75 of the agenda packet). She explained the section from the County was for commercial establishments that rent out multifamily units. Before an establishment can get an occupation certificate, they must submit an inspection report showing 25% of rental units have been inspected. If there are issues, the establishment must give the building officials a suitable plan for correcting the issues.
- A public hearing is scheduled for October 23rd because, with the bringing over of other chunks of other codes, it felt safest to have a public hearing.
- The second read and adoption will be the first regular meeting in November.
- Councilmember Ferguson addressed the need to have the proposed ordinance reviewed before final adoption.
- Mr. Tanks stated he would email the schedule for the ordinances' public hearings and second reads and adoption schedule.

Councilmember Ferguson reminded everyone, from Monday's meeting, that there should be a re-look at the versions of the County codes. Mr. Tanks stated he would get the Administration to look at the ordinances, also.

d. First Read of an Ordinance Creating Chapter 10, Article I, Planning and Zoning of the City of Mableton Code of Ordinances, Establishing A Mableton Zoning Code and Zoning Map and for Other Lawful Purposes - Chris Miller of IBTS

Mayor Pro Tem Jeffcoat announced the item. Mayor Pro Tem Jeffcoat asked if Mr. Miller and Mr. Houosack of IBTS were present. They were not and City Attorney Walker-Ashby provided background.

Attorney Walker-Ashby conducted the First Read:

- This is the second transitional leg for completion and adoption in November as well. There is a fee schedule, as well as the Chapter 8 Building Code.
- The City used the County's fee schedule.
- Attorney Walker-Ashby will meet with the county, and the County have agreed to have Mableton's staff and Planning Commission look at processes and getting the mythology.
- There will be a 45-day period for Administration and new hires will acclimate themselves for the official takeover. It could be February 1st. The County have asked to not do in January as they will be less available.
- Her recommendation was February 1st. This will be discussed at the retreat.
- The Planning and Zoning Code was comprised in the new Chapter 10, Planning and Zoning Chapter.
- Chapter 10 refers to the Planning Commission, Board of Zoning Appeals and will incorporate the Zoning Map.
- This is the first read. The Mableton Zoning Code is a living, breathing document. It will change as the City goes through the process, and as the council and public recommend changes.
- In November, the Council will adopt. The Council can adopt that day or meeting after.
- Questions and discussion followed.
- Councilmember Auch asked about the adoption of ordinances on October 23. Attorney Walker-Ashby explained that the appointee bodies are scheduled for public hearing and adoption on October 23. The bigger code will have public hearing on October 23 only. Chapter 10, the larger code, will be considered for adoption at the first meeting of November. The City will be discussing that larger document at Council's retreat.
- Councilmember Ferguson inquired about having a moratorium on zoning during the 45-day shadow period. Attorney Walker-Ashby explained that the date the Mayor and Council give directions to administratively take over, and she will send the County notification. The council may want a period of inactivity. Several cities have put moratoriums in place that put in place a reasonable period of no development. That could be discovered the month before take over.
- Councilmember Ferguson asked if there had been discussions with Gov Pilot. Ms. Walker-Ashby reported the City had given them documentation. They are working with us, and are in progress.
- Mayor Pro Tem Jeffcoat asked if February 1st was the target date, the best case scenario. Mr. Tanks speculated that if buildings don't get in place, the City may have to change the date. If everything including staff, buildings, software, etc. is in place, and if the team was ready, he is confident February 1st is a realistic date. Councilmember Ferguson inquired if the building wasn't in place, how that would stop progress. Mr. Tanks explained that if the building is not ready, then that would keep the City from being in place. However, June 25th is the real deadline. He said that if the City threw the team in the game before ready, it could be catastrophic. He would love to have the space and address for people to come. The buildings are a big part.
- Councilmember Herndon asked, would the Council get the deep delve into the document at the next meeting? Mr. Tanks explained there will be things staff will pick up and need to change. There are well established cities still adjusting their

Zoning Code. Rob Housak will do a deep dive. Mayor Pro Tem commented that about 400 pages is a lot. Mr. Tanks explained there is no attorney that knows every law. He referenced the need to do research and having subject-matter experts on staff. Discussion continued. Councilmember Ferguson expressed that the big reason the Council ran for office was because of the Zoning Code. It was important to know what the City was adopting, so Council could have viable conversations with the community. He thought the entire council would do a deep dive into the document. Mayor Pro Tem Jeffcoat referenced how the document could be queried, and the City had staff that understood the document,

13. OTHER BUSINESS/DISCUSSION

14. CITY MANAGER'S ANNOUNCEMENTS/COMMENTS

City Manager gave a shout out to Alison Benson for carrying the torch while carrying the work load of both Executive Assistants while Lily Smith was absent. He acknowledged Alison's sacrifice for the City when he saw her working at Food Truck Fridays with her baby in a stroller. They do a lot more than get paid for. He asked everyone to remember financial consultant Chris Pike, who lost his mom today.

Mayor Pro Tem Jeffcoat stated prayers and thoughts are sent out to staff and family.

15. CITY ATTORNEY/CITY CLERK/STAFF ANNOUNCEMENTS/COMMENTS

No comments.

16. MAYOR AND COUNCIL ANNOUNCEMENTS/COMMENTS

Summary of Comments:

- Councilmember Davis announced details about the Austell Community Task Force Syposium to be held on October 19, 10 am to 12 noon at South Cobb Recreation Center. He invited everyone to attend.
- Councilmember Davis asked everyone to lift up prayers for Florida people dealing with Hurricane Milton.
- Councilmember Auch announced various community activities, such as October 12th 10 a.m. - 4 pm is Mable House Harvest Festival, October 19th Our Giving Garden and Fall Market, and Keep Cobb Beautiful Paint Recycling/Amnesty Collection Event at Jim R Miller Park.
- Councilmember Ferguson expressed concerns and asked everyone to look out for citizens and the betterment of the country and locally. He spoke about Hurricane Helene and surrounding areas that have had hard time.
- Councilmember Ferguson spoke about the Green Room Restaurant hosting a Hurricane Relief Benefit on November 17th, 12-8. They also have live music events. The Green Room has great pizza and off menu items. The Family Life Restoration Center offers free virtual health care. He encouraged everyone to educate themselves about the MSPLOST. He reminded everyone to send events to the city's website.
- Councilmember Herndon confirmed that appointments Commission and Ethics

Commission would occur at the October 23 meeting.

- Mayor Pro Tem Jeffcoat had a presentation of reminders. She wished City Manager Tanks and Councilmember Oladapo a happy birthday.
- There were photos of the Pebblebrook High School City Hall field trip, and Food Truck Friday.
- The Mable House Harvest Festival will be Saturday, October 12.
- We Care Vet Fair will be November 1 and 2 at Cobb County Civic Center, Marietta.
- Remember those in the path of Hurricane Milton. There is an uptick of traffic so be patient and safe.
- Mayor Pro Tem Jeffcoat encouraged everyone to please go vote. Early voting is October 15-November 1, 2024
- The General Election is November 5, 2024.

17. EXECUTIVE SESSION (IF NEEDED) FOR LITIGATION (O.C.G.A. 50-14-3(B)(1)(A)REAL ESTATE(O.C.G.A. 50-14-3 (B)(1)) PERSONNEL (O.C.G.A. 50-14-3 (B)(2)) AND MISC. EXEMPTIONS (O.C.G.A. 50-14-3 (B)(4)&(5))
None.

18. ADJOURNMENT

Motion was made by Councilmember Auch and seconded by Councilmember Ferguson to adjourn. The motion passed 6-0.

Dr. Michael Owens, Mayor

Susan Hiott, City Clerk



AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Approval of October 9, 2024 Work Session Minutes

BACKGROUND/SUMMARY:

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION: I move to

ATTACHMENTS:

1. October 9, 2024 Work Session Minutes



CITY OF MABLETON, GEORGIA
Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
October 9, 2024 at 5:15 PM

The Honorable Michael Owens, Mayor
The Honorable Ron Davis, District 1 Councilmember
The Honorable Dami Oladapo, District 2 Councilmember
The Honorable Keisha Jeffcoat, Mayor Pro Tem/District 3 Councilmember
The Honorable Patricia Auch, District 4 Councilmember
The Honorable TJ Ferguson, District 5 Councilmember
The Honorable Debora Herndon, District 6 Councilmember

CITY COUNCIL WORK SESSION MINUTES

1. CALL TO ORDER

Mayor Pro Tem Keisha Jeffcoat called the meeting to order.

2. ROLL CALL

City Clerk Hiott conducted the roll call and a quorum was present. Mayor Owens was absent. All the Council were present. Mayor Pro Tem Keisha Jeffcoat presided.

3. AGENDA ITEMS AND DISCUSSION

Attorney Emilia Walker-Ashby was running late. An Executive Session was needed for real estate and litigation.

Councilmember Auch asked for clarification of Appendix A of the First Read of Chapter 10 Zoning Code. The Zoning Code was in the agenda packet.

It was agreed to go ahead and go into Executive Session.

4. PRE REGULAR MEETING AGENDA REVIEW

The agenda was reviewed on Monday, October 7th so there was no additional discussion.

5. ANNOUNCEMENTS

None.

6. EXECUTIVE SESSION (IF NEEDED) FOR LITIGATION (O.C.G.A. 50-14-3(B)(1)(A) REAL ESTATE (O.C.G.A. 50-14-3 (B)(1)) PERSONNEL (O.C.G.A. 50-14-3 (B)(2)) AND MISC. EXEMPTIONS (O.C.G.A. 50-14-3 (B)(4)&(5))

Motion was made by Councilmember Ferguson and seconded by Councilmember Oladapo to go into Executive Session for litigation, real estate, and personnel. The motion passed 6-0. Yeas: Davis, Oladapo, Jeffcoat, Auch, Ferguson, Herndon (5:19 pm.)

Motion was made by Councilmember Auch and seconded by Councilmember Ferguson to close the Executive Session. The motion carried 6-0. Yeas: Davis, Oladapo, Jeffcoat, Auch, Ferguson, Herndon

Motion was made by Councilmember Oladapo and seconded by Councilmember Ferguson to authorize the mayor to execute an addendum for the purchase and sale of property within the city located on or near 667 and 637 Puckett Drive to extend due diligence by 60 days, extend closing to 12/31/2024 and make half of the earnest money nonrefundable on November 6.

Councilmember Auch expressed she would like to wait until the following regular meeting to make the motion.

The motion passed 6-0. Councilmember Auch did not express her vote. (Pursuant to Charter, Section 2.21 *,any member of the city council present and eligible to vote on a matter and refusing to do so for any reason other than a properly disclosed and recorded conflict of interest shall be deemed to have acquiesced or concurred with the members of the majority who did vote on the question involved.*)

7. **ADJOURNMENT**

Motion was made by Councilmember Oladapo and seconded by Councilmember Davis to adjourn. The motion passed 6-0. There being no further business, Mayor Pro Tem Jeffcoat adjourned the meeting.

The meeting adjourned at 6:26 p.m.

Dr. Michael Owens, Mayor

Susan Hiott, City Clerk



AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Second Read - Consideration and Approval of an Ordinance Creating Chapter 10, Article 3, Review and Decision-Making Bodies of the City Code of Ordinances, Establishing the City of Mableton Planning Commission and Board of Appeals and for Other Lawful Purposes - City Attorney Emilia Walker-Ashby

BACKGROUND/SUMMARY: The first read was held May 22, 2024. This ordinance must be approved prior to any appointments of the Planning Commission or Board of Appeals. There was a public hearing, and the hearing was advertised in the Marietta Daily Journal.

BUDGETED/FINANCIAL IMPACT – FUND: N/A

RECOMMENDATION: Approval of an Ordinance Creating Chapter 10, Article 3, Review and Decision-Making Bodies of the City of Mableton Code of Ordinances and for other lawful purposes.

ATTACHMENTS:

1. Zoning Review and Decision Making Bodies Ordinance Rev. 5.16.24 (1)

**AN ORDINANCE CREATING APPENDIX A, ZONING, OF THE CITY CODE OF
ORDINANCES AND FOR OTHER LAWFUL PURPOSES**

WHEREAS, the city of Mableton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council (“City Council”) thereof;

WHEREAS, the City Council is authorized by the city Charter Sec. 1.13 and O.C.G.A. § 36-35-3 to adopt ordinances relating to its operations, affairs and local government;

WHEREAS, the City Council desires through this Ordinance to codify law relating to its operations, affairs and local government; and

WHEREAS, the City Council finds this Ordinance to be in the best interest of the health, safety and welfare of the City.

IT IS HEREBY ORDAINED by the governing authority of the City of Mableton as follows:

Section 1. Appendix A, Zoning, of the City of Mableton Code of Ordinances, is hereby created to read as follows:

APPENDIX A - ZONING

CHAPTER 1 - REVIEW AND DECISION-MAKING BODIES

Sec. 1.1 Planning commission.

(a) *Establishment, composition and terms.*

- (1) The city’s planning commission shall consist of seven members authorized by majority vote of the city council, with one member being appointed by each member of the city council. Members appointed by the mayor may reside anywhere within the corporate limits of the city, but a member appointed by a councilmember shall reside within the district of the councilmember who appointed such member.
- (2) If a planning commission member moves outside the city, such move constitutes a resignation from the planning commission, effective upon the date of such move.

- (3) Planning commission members serve four-year terms or until their successor is appointed and qualified.
 - (4) Any vacancy in the membership of the planning commission shall be filled for the remainder of the unexpired term, in the manner prescribed herein for original appointment.
 - (5) Planning commission members may be reappointed to successive terms without limitation.
 - (6) Members of the planning commission may not hold any other city office or city-compensated position.
 - (7) The city council is authorized to determine the amount of compensation, if any, to be paid to the members of the planning commission.
 - (8) All planning commission members serve at-will and may be removed at any time by a vote of four members of the city council.
- (b) *Meetings and rules of procedure.*
- (1) The planning commission shall conduct its meetings in accordance with the procedures contained in the city's zoning ordinance. The planning commission is further authorized to adopt rules of procedure governing the conduct of its meetings, so long as not inconsistent with city policies, city ordinances or applicable law. If the city's zoning ordinance or the rules of procedure do not address a procedural issue that arise, *Robert's Rules of Order* shall be followed. The planning commission is authorized to amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment shall be filed by with the city clerk and copies of the rules shall be made available to the public.
 - (2) The date and time of each meeting shall be standardized and regular. Agenda items to be considered shall be publicized in the same manner as meetings of the mayor and city council. The chairperson is authorized to call for special meetings of the planning commission with no less than 24 hours of public notice in advance of any such meeting.
 - (3) A meeting may be canceled by the chairperson or community development director if there are no matters to be acted upon by the planning commission.
 - (4) A quorum of the planning commission consists of a minimum of four members. A quorum is necessary for the planning commission to take official action. All official actions of the planning commission shall be taken by majority vote of the members present. A roll call vote shall be taken upon the request of any planning commission member.
 - (5) At its first regular meeting in January, the planning commission shall, by majority vote of its membership, excluding vacant seats, elect one of its members to serve as chairperson and preside over the board's meetings and one member to serve as vice chairperson, who both shall serve one year or until reelected or a successor is elected. Chair and vice chairperson vacancies may be filled for the unexpired terms only by majority vote of the planning commission membership, excluding vacant seats. The chairperson and vice chairperson may take part in all deliberations and vote on all issues.

The chairperson and the vice-chairperson may be elected to successive terms without limitation.

- (6) The planning commission shall appoint a secretary who may be an officer or employee of the city or a member of the planning commission. The community development department director, may serve as secretary of the city planning commission, as directed by the mayor. The secretary shall provide such support to the planning commission as is reasonable and necessary to accomplish said commissions' duties. The secretary of the planning commission shall provide the members of the planning commission all information submitted to, or generated by, city staff on each matter to be considered by the planning commission. The secretary is also responsible for maintaining the records of the planning commission.

Sec. 1.2 Board of appeals.

(a) *Establishment, composition and terms.*

- (1) The city's board of appeals shall consist of seven members authorized by majority vote of the city council, with one member being appointed by each member of the city council. Members appointed by the mayor may reside anywhere within the corporate limits of the city, but a member appointed by a councilmember shall reside within the district of the councilmember who appointed such member.
- (2) If a board of appeals member moves outside the city, such move constitutes a resignation from the board of appeals, effective upon the date of such move.
- (3) Board of appeals members serve four-year terms or until their successor is appointed and qualified.
- (4) Any vacancy in the membership of the board of appeals shall be filled for the remainder of the unexpired term, in the manner prescribed herein for original appointment.
- (5) Board of appeals may be reappointed to successive terms without limitation.
- (6) Members of the board of appeals may not hold any other city office or city-compensated position.
- (7) The city council is authorized to determine the amount of compensation, if any, to be paid to the members of the board of appeals.
- (8) All board of appeals members serve at-will and may be removed at any time by a vote of four members of the city council.

(b) *Meetings and rules of procedure.*

- (1) The board of appeals shall conduct its meetings in accordance with the procedures contained in the city's zoning ordinance. The board of appeals is further authorized to adopt rules of procedure governing the conduct of its meetings, so long as not inconsistent with city policies, city ordinances or applicable law. If the city's zoning ordinance or the rules of procedure do not address a procedural issue that arise, *Robert's Rules of Order* shall be followed. The board of appeals is authorized to amend its rules by majority vote, so long as not inconsistent with City policies, ordinances or applicable

law. A copy of the adopted rules of procedure and any subsequent amendment shall be filed by with the city clerk and copies of the rules shall be made available to the public.

- (2) The date and time of each meeting shall be standardized and regular. Agenda items to be considered shall be publicized in the same manner as meetings of the mayor and city council. The chairperson is authorized to call for special meetings of the board of appeals as authorized by law.
 - (3) A meeting may be canceled by the chairperson or community development director if there are no matters to be acted upon by the board of appeals.
 - (4) A quorum of the board of appeals consists of a minimum of four members. A quorum is necessary for the board of appeals to take official action.
 - (5) All official actions of the board of appeals shall be taken by majority vote of the members present. A roll call vote shall be taken upon the request of any board of appeals member.
 - (6) At its first regular meeting in January, the board of appeals shall, by majority vote of its membership, excluding vacant seats, elect one of its members to serve as chairperson and preside over the board's meetings and one member to serve as vice chairperson, who both shall serve one year or until reelected or a successor is elected. Chair and vice chairperson vacancies may be filled for the unexpired terms only by majority vote of the board of appeals membership, excluding vacant seats. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may be elected to successive terms without limitation.
- (c) *Testimony.* All testimony before the board of appeals shall be taken as if under oath regardless of whether or not a formal oath or affirmation is administered. The chairperson may administer oaths and compel the attendance of witnesses by subpoena.

Sec. 1.3 Community development director.

- (a) *General.* The community development director is responsible for:
- (1) The interpretation, administration and enforcement of the provisions of the city's zoning ordinance;
 - (2) Issuing permits as required with respect to the city's zoning ordinance; and
 - (3) Carrying out those powers and duties expressly identified in the city's zoning ordinance.
 - (4) Any other duties as may be authorized by city policies, city ordinances and/or applicable law.

Section 2. It is hereby declared to be the intention of the city council that:

- (a) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of

this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

- (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the city council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. The city Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Ordinance for proofing and renumbering purposes.

Section 4. Planning Commission and board of zoning appeals members shall not review any zoning case, application and/or matter under this Ordinance, until the date in which the City officially assumes responsibility for such matters as authorized under Section 7.15 of the City Charter and/or other applicable laws.

Section 5. The effective date of this Ordinance shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law.

SO ORDAINED this _____ day of _____ 2024.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney



AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Consideration and Approval of a Resolution to Authorize Investment and Designate Representatives in the Georgia Fund 1 - Local Government Investment Pool (LGIP) - City Manager Bill Tanks

BACKGROUND/SUMMARY:

O.C.G.A. § 36-83-1 to § 36-83-8 authorizes Georgia local governments and other eligible entities to invest funds in Georgia Fund 1 ("GF1"). GF1 is managed in trust by the Office of the State Treasurer. Georgia Fund 1 is offered by the State of Georgia to the City as a conservative, efficient, and liquid investment alternative. GF1 consistently offers higher yields for short-term "cash equivalent" holdings and is managed similarly as a savings account. Eligible participants must complete a resolution authorizing investments to participate in the pool.

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION:

ATTACHMENTS:

1. Mableton GA Fund 1 Resolution (1)_Redacted



GEORGIA FUND 1
(Local Government Investment Pool “LGIP”)
Resolution to Authorize Investment
and Designate Representatives

GF1 Acct# _____
Effective Date*12/02/2024

PARTICIPANT INFORMATION

Participant Name: City of Mableton | TIN: 93-19540309 |
Physical Address: 1400 Veterans Memorial HWY SE, Ste 134-200 | City: Mableton | State: GA | Zip Code: 30126 |
Mailing Address: 1400 Veterans Memorial HWY SE, Ste 134-200 | City: Mableton | State: GA | Zip Code: 30126 |

This Resolution is for:

☒ New Account ☐ Amendment to an existing account

GF1 Account Number (New): _____ GF1 Account Number (Amended): _____

If change(s) are applicable to other existing accounts, please submit a new resolution for each applicable account.

WHEREAS, O.C.G.A. § 36-83-1 to § 36-83-8 authorizes Georgia local governments and other authorized entities to invest funds through the local government investment pool; and,

WHEREAS, all state departments, boards, bureaus, and agencies (“state entities”) and local governments may make deposits and maintain accounts in the LGIP as Participants, subject to approval by the State Depository Board as required in O.C.G.A. § 36-83-2(b)(4); and,

WHEREAS, from time to time it may be advantageous to City of Mableton
(Name of Local Government, Political Subdivision or State Agency) to deposit funds available for investment in Georgia Fund 1 (hereinafter referred to as the local government investment pool) as it may deem appropriate; and,

WHEREAS, to provide for the safety of such funds deposited in the local government investment pool, investments are restricted to those enumerated by O.C.G.A. §36-83-4. Pursuant to the investment policies established by the State Depository Board, the State Treasurer shall invest moneys in the local government investment pool considering first the probable safety of capital and then the probable income to be derived; and,

WHEREAS, such deposits must first be duly authorized by the governing authority of the local government or authorized entity and a certified copy of the resolution authorizing such investment filed with the State Treasurer; and

WHEREAS, such resolution must name the official(s) authorized to make deposits or withdrawals of funds in the local government investment pool; and,

WHEREAS, O.C.G.A. §36-83-8 requires a statement of the approximate cash flow requirements of the local government or authorized entity pertaining to the investment of such funds;

NOW, THEREFORE BE IT RESOLVED by the City Council

(Board, Council or other Governing Authority) that City of Mableton (Local Government, Political Subdivision, or State Agency) meets the criteria as defined in O.C.G.A. § 36-83-3 to participate and deposit funds from time to time in the manner prescribed by law and in accordance with the applicable policies and procedures for the local government investment pool.



GEORGIA FUND 1

(Local Government Investment Pool “LGIP”)

Resolution to Authorize Investment
and Designate Representatives

GF1 Acct# _____

Effective Date*12/02/2024 _____

AUTHORIZED REPRESENTATIVES OF THE PARTICIPANT

Any one of the following individuals shall be authorized to deposit and/or withdraw funds from the local government investment pool on behalf of the Participant: (Please select at least one person for online system (IPAS) access to electronically perform authorized functions and to obtain monthly statements. All individuals currently with online access not on this resolution will be deactivated)

1.

Printed Name:

William "Bill" Tanks

Telephone:

470-307-5339

Title:

City Manager

Cell Number:

470-307-5339

Email:

william.tanks@mableton.gov

X

Grant IPAS Access

Authority:

X

Deposit/Withdrawal/Transfer

Deposit Only
2.

Printed Name:

Christopher Pike

Telephone:

470-533-1139

Title:

Financial Consultant

Cell Number:

678-476-4281

Email:

octaneconference@gmail.com

X

Grant IPAS Access

Authority:

X

Deposit/Withdrawal/Transfer

Deposit Only
3.

Printed Name:

Telephone:

Title:

Cell Number:

Email:

Grant IPAS Access

Authority:

Deposit/Withdrawal/Transfer

Deposit Only
4.

Printed Name:

Telephone:

Title:

Cell Number:

Email:

Grant IPAS Access

Authority:

Deposit/Withdrawal/Transfer

Deposit Only
5.

Printed Name:

Telephone:

Title:

Cell Number:

Email:

Grant IPAS Access

Authority:

Deposit/Withdrawal/Transfer

Deposit Only

For additional AUTHORIZED individuals, please check and attach user information to this form.

AUTHORIZED REPRESENTATIVES OF THE PARTICIPANT – READ ONLY

In addition, and at the option of the Participant, additional authorized representatives can be designated to perform inquiry only of selected information. This limited representative cannot make deposits or withdrawals. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

1.

Printed Name:

Telephone:

Title:

Cell Number:

Email:
2.

Printed Name:

Telephone:

Title:

Cell Number:

Email:
3.

Printed Name:

Telephone:

Title:

Cell Number:

Email:

For additional READ ONLY access individuals, please check and attach user information to this form.



GEORGIA FUND 1

(Local Government Investment Pool “LGIP”)

Resolution to Authorize Investment
and Designate Representatives

GF1 Acct# |_____|

Effective Date*|12/02/2024 |

PERIOD OF INVESTMENT

The period in which the initial deposit is currently expected to remain invested in the local government investment pool is a minimum of 30% for no less than 30 days. Subsequent deposits should comply with the LGIP Trust Policy.

DISCLOSURES

Balances are subject to investment risks, including possible loss of principal amount invested and securities that may trade at negative rates.

LGIP deposits are not guaranteed or insured by any bank, the Federal Deposit Insurance Corporation (FDIC), the Federal Reserve Board, the State of Georgia, or any other entity.

The Office of State Treasurer (OST) has third-party insurance coverages designed to insure our agency against defense and liability expenses incurred due to loss/damage caused to LGIP participants by our actions. Through the Department of Administrative Services, the State of Georgia may carry various insurance programs for the protection of State Agencies, Authorities, the University System of Georgia, and the Technical College System of Georgia, some of which may be LGIP participants. DOAS may carry cyber-insurance for certain executive branch agencies, as well as crime and employee dishonesty coverage for all State agencies, authorities, and higher education organizations. DOAS does not carry cyber-insurance for other LGIP participants.

Damage caused by local government participants’ actions are not covered by either the State’s cyber-insurance plan or the crime and employee dishonesty plan. DOAS programs are designed to cover the actions of State organizations who participate in the various insurance programs. See OST website (<https://ost.georgia.gov>) for the latest cyber-insurance plan information.

Additional disclosures are included in the LGIP Trust Policy which is periodically updated and is available on the OST website. By authorizing this resolution, the entity acknowledges it has read and understands the LGIP Trust Policy and risks associated with investing in Georgia Fund 1.

BANKING INFORMATION

All withdrawals from the local government investment pool shall be sent via ACH to the following participant’s demand deposit account(s) except for account(s) designated as corporate trust accounts. Wires are typically used for Corporate Trust payments and always used for same-day transactions. (Please see “Instructions for Completing ACH & Wire Information” for more detailed information.)

- Please verify ACH and Wire instructions with your bank and provide them below.** ACH INSTRUCTIONS MAY VARY FROM YOUR BANK’S WIRING INSTRUCTIONS. IF THE LOCAL BANK IS NOT ON-LINE WITH THE FEDERAL RESERVE, PLEASE PROVIDE CORRESPONDENT BANK INSTRUCTIONS. This will ensure accurate delivery of your funds to the designated bank account.
- If the bank account is not a corporate trust account, please complete both ACH & Wire instructions.

Please complete the following form to add new banking instructions, or to change or delete existing banking instructions.

OST will directly deposit via ACH for all ACH enabled accounts.

To authorize Office of State Treasurer (OST) to withdraw funds via ACH debit from the designated bank account, please select “Yes” below your ACH banking instructions.

Debit authorization may be withdrawn with at least 15-days advance written notice to the Georgia Office of the State Treasurer. I also understand that the OST reserves the right to reverse ACH electronic transfers made in error.



GEORGIA FUND 1

(Local Government Investment Pool "LGIP")

Resolution to Authorize Investment
and Designate Representatives

GF1 Acct#

Effective Date*12/02/2024

BANKING INSTRUCTIONS

Bank 1:

Bank Name:

Bank Contact Telephone Number:

Corporate Trust Account: ☒ No ☐ Yes (If Yes, confirm preferred method of transfer, ACH or Wire)

ACH Instructions

Bank ABA Number:

Bank Account Number:

Allow OST to ACH Debit for Contributions:

☒ Yes. If there is a debit block on this account, please provide the bank OST's Company ID: 1581125844.

☐ No. Participant will be responsible for sending a wire for any contributions made to the Georgia Fund 1 account.

WIRE Instructions

Bank ABA Number:

Bank Account Number:

Addendum Information:

Correspondent Bank Instructions Required? ☐ Yes ☐ No

☐ Attach Correspondent Bank Wire Instruction

Correspondent Bank Name:

Correspondent Bank ABA#:

Correspondent Bank City:

Correspondent Bank Account#:

Bank 2:

Bank Name:

Account Title:

Bank Address:

City:

State:

Zip Code:

Bank Contact:

Bank Contact Telephone Number:

Corporate Trust Account: ☐ No ☐ Yes (If Yes, confirm preferred method of transfer, ACH or Wire)

ACH Instructions

Bank ABA Number:

Bank Account Number:

Allow OST to ACH Debit for Contributions:

☐ Yes. If there is a debit block on this account, please provide the bank OST's Company ID: 1581125844.

☐ No. Participant will be responsible for sending a wire for any contributions made to the Georgia Fund 1 account.

WIRE Instructions

Bank ABA Number:

Bank Account Number:

Addendum Information:

Correspondent Bank Instructions Required? ☐ Yes ☐ No

☐ Attach Correspondent Bank Wire Instruction

Correspondent Bank Name:

Correspondent Bank ABA#:

Correspondent Bank City:

Correspondent Bank Account#:



GEORGIA FUND 1

(Local Government Investment Pool “LGIP”)

Resolution to Authorize Investment
and Designate Representatives

GF1 Acct# _____

Effective Date*12/02/2024 _____

Bank 3:

Bank Name: _____ Account Title: _____

Bank Address: _____

City: _____ State: _____ Zip Code: _____

Bank Contact: _____ Bank Contact Telephone Number: _____

Corporate Trust Account: ☐ No ☐ Yes (If Yes, confirm preferred method of transfer, ACH or Wire)

ACH Instructions

Bank ABA Number: _____ Bank Account Number: _____

Allow OST to ACH Debit for Contributions:

☐ Yes. If there is a debit block on this account, please provide the bank OST’s Company ID: 1581125844.

☐ No. Participant will be responsible for sending a wire for any contributions made to the Georgia Fund 1 account.

WIRE Instructions

Bank ABA Number: _____ Bank Account Number: _____

Addendum Information: _____

Correspondent Bank Instructions Required? ☐ Yes ☐ No ☐ Attach Correspondent Bank Wire Instruction

Correspondent Bank Name: _____ Correspondent Bank ABA#: _____

Correspondent Bank City: _____ Correspondent Bank Account#: _____

Bank 4:

Bank Name: _____ Account Title: _____

Bank Address: _____

City: _____ State: _____ Zip Code: _____

Bank Contact: _____ Bank Contact Telephone Number: _____

Corporate Trust Account: ☐ No ☐ Yes (If Yes, confirm preferred method of transfer, ACH or Wire)

ACH Instructions

Bank ABA Number: _____ Bank Account Number: _____

Allow OST to ACH Debit for Contributions:

☐ Yes. If there is a debit block on this account, please provide the bank OST’s Company ID: 1581125844.

☐ No. Participant will be responsible for sending a wire for any contributions made to the Georgia Fund 1 account.

WIRE Instructions

Bank ABA Number: _____ Bank Account Number: _____

Addendum Information: _____

Correspondent Bank Instructions Required? ☐ Yes ☐ No ☐ Attach Correspondent Bank Wire Instruction

Correspondent Bank Name: _____ Correspondent Bank ABA#: _____

Correspondent Bank City: _____ Correspondent Bank Account#: _____



GEORGIA FUND 1

(Local Government Investment Pool “LGIP”)

Resolution to Authorize Investment
and Designate Representatives

GF1 Acct# _____

Effective Date*12/02/2024 _____

Bank 5:

Bank Name: _____ Account Title: _____

Bank Address: _____

City: _____ State: _____ Zip Code: _____

Bank Contact: _____ Bank Contact Telephone Number: _____

Corporate Trust Account: ☐ No ☐ Yes (If Yes, confirm preferred method of transfer, ACH or Wire)

ACH Instructions

Bank ABA Number: _____ Bank Account Number: _____

Allow OST to ACH Debit for Contributions:

☐ Yes. If there is a debit block on this account, please provide the bank OST’s Company ID: 1581125844.

☐ No. Participant will be responsible for sending a wire for any contributions made to the Georgia Fund 1 account.

WIRE Instructions

Bank ABA Number: _____ Bank Account Number: _____

Addendum Information: _____

Correspondent Bank Instructions Required? ☐ Yes ☐ No ☐ Attach Correspondent Bank Wire Instruction

Correspondent Bank Name: _____ Correspondent Bank ABA#: _____

Correspondent Bank City: _____ Correspondent Bank Account#: _____

Bank 6:

Bank Name: _____ Account Title: _____

Bank Address: _____

City: _____ State: _____ Zip Code: _____

Bank Contact: _____ Bank Contact Telephone Number: _____

Corporate Trust Account: ☐ No ☐ Yes (If Yes, confirm preferred method of transfer, ACH or Wire)

ACH Instructions

Bank ABA Number: _____ Bank Account Number: _____

Allow OST to ACH Debit for Contributions:

☐ Yes. If there is a debit block on this account, please provide the bank OST’s Company ID: 1581125844.

☐ No. Participant will be responsible for sending a wire for any contributions made to the Georgia Fund 1 account.

WIRE Instructions

Bank ABA Number: _____ Bank Account Number: _____

Addendum Information: _____

Correspondent Bank Instructions Required? ☐ Yes ☐ No ☐ Attach Correspondent Bank Wire Instruction

Correspondent Bank Name: _____ Correspondent Bank ABA#: _____

Correspondent Bank City: _____ Correspondent Bank Account#: _____

☐ **For additional BANK ACCOUNTS, please check and attach bank instructions to this form.**



GEORGIA FUND 1

(Local Government Investment Pool “LGIP”)

Resolution to Authorize Investment
and Designate Representatives

GF1 Acct# _____

Effective Date*12/02/2024 _____

SIGNATURE OF HEAD OF GOVERNING AUTHORITY

Changes in the above authorization shall be made by cancellation or a replacement resolution delivered to the Office of the State Treasurer. Until such a replacement resolution is received and approved by the Office of the State Treasurer, the above authorized individuals, demand account instructions and statement mailing address(es) shall remain in full force and effect.

Entered at _____, Georgia this _____ day of _____ 20____.

(Signature of Head of Governing Authority)

(Please Print or Type - Head of Governing Authority)

(Title)

Please select “Option A” **OR** “Option B”

Option A: Notary Certification

NOTARY SEAL

Notary Public Signature: _____

Notary Public Signature Date: _____

Commission Expiration Date: _____

Option B: OST Certification

Head of Governing Authority signatory attestation by OST Personnel:

OST Personnel Name: _____

OST Personnel Signature: _____

OST Personnel Signature Date: _____

MAILING INSTRUCTIONS

If completed manually, please complete and return a signed original to:

Georgia Fund 1
Office of the State Treasurer
200 Piedmont Avenue
Suite 1204, West Tower
Atlanta, GA 30334-5527

Telephone: (404) 656-2993
Toll Free: (800) 222-6748

FOR OFFICE OF THE STATE TREASURER USE ONLY
GF1 Resolution Verification

RESOLUTION VERIFICATION

Acct#:

Agency Name:

Website:

Website Phone:

Confirmed by:

Verified by:

Date & Time:

Identity Validation Method:

BUSINESS CONTACTS & IPAS

Removed from Contacts:

Added to Contacts:

New IPAS Account:

Removed From IPAS:

INTERNAL SIGNATURES

Received (FA)	Notary/ OST Certified (IA)	Agency Head (IA)	Verified (IA)	Public Entity (IA)	Accounting	Banking	Contacts (FA)	IPAS (FA)
Email (FA)	Master Log (FA)	Contacts (IA)	IPAS (IA)	Uploaded (FA)			New/Amended Account Approved (Treasurer/Deputy Treasurer)	



AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: First Read - An Ordinance Adopting Year 2025 Regular Meeting Schedule and Other Purposes - City Clerk Susan Hiott

BACKGROUND/SUMMARY:

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION: First Read

ATTACHMENTS:

1. Ordinance Setting the FY 2025 Regular Meeting Schedule - First Read
2. MABLETONMEETINGSCHEDULEFY2025 - DRAFT

**AN ORDINANCE ADOPTING THE YEAR 2025 REGULAR MEETING SCHEDULE
AND OTHER PURPOSES.**

WHEREAS, the City of Mableton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council (“City Council”) thereof;

WHEREAS, Sec. 2.19 of the City Charter provides that “[t]he city council shall hold regular meetings at such times and places as shall be prescribed by ordinance”;

WHEREAS, the City Council desires through this Ordinance to adopt a regular meeting schedule for year 2025; and

WHEREAS, the City Council finds this Ordinance to be in the best interest of the health, safety and welfare of the City.

IT IS HEREBY ORDAINED, by the governing authority of the City of Mableton as follows:

Section 1. The City Council hereby adopts the 2025 Regular City Council Meeting Schedule, as **attached** hereto.

Section 2. It is hereby declared to be the intention of the City Council that:

- (a) All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.
- (b) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (c) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (d) In the event any portion of this Ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this

Ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the Ordinance.

Section 3. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Ordinance for proofing and renumbering purposes.

Section 4. The effective date of this Ordinance shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law. In the event that any effective date and/or tax commencement date herein is invalid and/or determined to be invalid, said effective date and/or tax commencement date shall instead be the earliest date allowed by law.

SO ORDAINED this _____ day of November, 2024.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney

**CITY OF MABLETON – MAYOR AND COUNCIL REGULARLY
SCHEDULED MEETINGS – 2025**

Mayor and Council of the City of Mableton **regularly scheduled** meetings of the City Council, during the calendar year of **2025**, are to be held at the EpiCenter 135 Riverside Pkwy, Austell, GA 30168. The Monday Work Sessions start at **6:30 p.m.** and the Regular Council Meetings start at **6:30 p.m.**. The second work session of the month starts at **5:15 p.m.** The regular meetings are held on the 2nd and 4th Wednesday of the month. ***Additional special called meetings may be called and posted in accordance with Mableton City Charter and Georgia Open Meetings Law. Cancellations or changes in meeting location or time will be posted.***

Date/2025	Type Meeting	Starting Time		Date/2025	Type Meeting	Starting Time
January 7	Tuesday Regular Meeting Per Charter Require.	6:30 P.M.		July 23	Wednesday Work Session	5:15 P.M.
January 22	Wednesday Work Session	5:15 P.M.		July 23	Wednesday Regular Meeting	6:30 P.M.
January 22	Wednesday Regular Meeting	6:30 P.M.		August 11	Monday Work Session	6:30 P.M.
January Cities United Summit -GMA	Jan. 24-27 2025	Omni Atl. Hotel Centennial Park		August 13	Wednesday Regular Meeting	6:30 P.M.
February 10	Monday Work Session	6:30 P.M.		August 27	Wednesday Work Session	5:15 P.M.
February 12	Wednesday Work Session	5:15 P.M.		August 27	Wednesday Regular Meeting	6:30 P.M.
February 12	Wednesday Regular Meeting	6:30 P.M.		September 8	Monday Work Session	6:30 P.M.
February 26	Wednesday Work Session	5:15 P.M.		September 10	Wednesday Regular Meeting	6:30 P.M.
February 26	Wednesday Regular Meeting	6:30 P.M.		September 24	Wednesday Work Session	5:15 P.M.
March 10	Monday Work Session	6:30 P.M.		September 24	Wednesday Regular Meeting	6:30 P.M.
March 12	Wednesday Regular Meeting	6:30 P.M.		October 6	Monday Work Session	6:30 P.M.
March 26	Wednesday Work Session	5:15 P.M.		October 8	Wednesday Regular Meeting	6:30 P.M.
March 26	Wednesday Regular Meeting	6:30 P.M.		October 22	Wednesday Work Session	5:15 P.M.
April 7	Monday Work Session	6:30 P.M.		October 22	Wednesday Regular Meeting	6:30 P.M.
April 9	Wednesday Regular Meeting	6:30 P.M.		November 10	Monday Work Session	6:30 P.M.
April 23	Wednesday Work Session	5:15 P.M.		November 12	Wednesday Regular Meeting	6:00 P.M.
April 23	Wednesday Regular Meeting	6:30 P.M.		November 26	No Meetings	CANCELLED
May 12	Monday Work Session	6:30 P.M.		November 26	HAPPY THANKSGIVING	CANCELLED
May 14	Wednesday Regular Meeting	6:30 P.M.		December 8	Monday Work Session	6:30 P.M.
May 28	Wednesday Work Session	5:15 P.M.		December 10	Monday Regular Meeting	6:30 P.M.
May 28	Wednesday Regular Meeting	6:30 P.M.		Dec. 24 -26	NO MEETINGS	MERRY CHRISTMAS
June 9	Monday Work Session	6:30 P.M.				
June 11	Wednesday Regular Meeting	6:30 P.M.				
Public Hearings	Budget Adoption	TBD				
June 20-24	GMA Conference	Savannah, GA				
June 25	Wednesday Regular Meeting	6:30 P.M.				
July 7 – 11	NO MEETINGS	SUMMER BREAK				



AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: First Read - An Ordinance Amending the Georgia Municipal Employees Benefit System (GMEBS) Defined Benefit Retirement Plan Agreement - City Clerk Susan Hiott

BACKGROUND/SUMMARY:

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION: I move to

ATTACHMENTS:

1. Mableton General Addendum 10 17 2024 (2) (3)
2. Mableton Adoption Agreement 10 17 2024 (1)

**GENERAL ADDENDUM TO THE
GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM
DEFINED BENEFIT RETIREMENT PLAN
ADOPTION AGREEMENT**

This is an Addendum to the Adoption Agreement completed by the City of Mableton, Georgia, as follows (complete one or more sections, as applicable):

***** Items (1) through (3) of Pre-approved Addendum–Not Applicable *****

- (4) Credited Past Service under the Plan for specified classes of employees (see Section 13 of Adoption Agreement regarding Credited Past Service):**

Notwithstanding any provision to the contrary, and in addition to the Credited Past Service granted pursuant to Section 13(A)(1) of the Adoption Agreement, with respect to the Eligible Regular Employees in Service as City Clerk and Executive Assistant to the Mayor on October 1, 2024, (i.e., Susan Hiott and Lily Smith, respectively) service as an independent contractor with the City prior to becoming a common law employee shall count as Credited Past Service under the Plan, as follows:

Susan Hiott: service from January 1, 2024 – April 9, 2024

Lily Smith: service from November 6, 2023 – January 14, 2024

This additional Credited Past Service shall count under the Plan for all purposes (i.e., meeting the minimum Service requirements for Vesting and benefit eligibility, and computing the amount of benefits payable under the Plan), subject to applicable limitations under the Internal Revenue Code, including but not limited to Code Section 415(b).

***** Items (5) through (15) of Pre-approved Addendum–Not Applicable *****

The terms of the foregoing Addendum to the Adoption Agreement are approved by the Mayor and Council of the City of Mableton, Georgia, this _____ day of _____, 20____.

Attest:

CITY OF MABLETON, GEORGIA

City Clerk

Mayor

(SEAL)

Approved:

City Attorney

The terms of the foregoing Addendum are approved by the Board of Trustees of the Georgia Municipal Employees Benefit System.

IN WITNESS WHEREOF, the Board of Trustees of the Georgia Municipal Employees Benefit System has caused its Seal and the signatures of its duly authorized officers to be affixed this _____ day of _____, 20____.

Board of Trustees
Georgia Municipal Employees
Benefit System

(SEAL)

Secretary

GEORGIA MUNICIPAL EMPLOYEES
BENEFIT SYSTEM

DEFINED BENEFIT RETIREMENT PLAN

AN ORDINANCE
and
ADOPTION AGREEMENT
for
City of Mableton

Form Pre-approved Plan Adoption Agreement
Amended and Restated for Third Six-Year Cycle, 2020 Cumulative List

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I. AN ORDINANCE

An Ordinance to establish the Retirement Plan for the Employees of the City of Mableton, Georgia, in accordance with and subject to the terms and conditions set forth in the attached Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Basic Plan Document, and the GMEBS Trust Agreement. When accepted by the authorized officers of the City and GMEBS, the foregoing shall constitute a Contract between the City and GMEBS, all as authorized and provided by O.C.G.A. § 47-5-1 et seq.

BE IT ORDAINED by the Mayor and Council of the City of Mableton, Georgia, and it is hereby ordained by the authority thereof:

Section 1. The Retirement Plan for the Employees of the City of Mableton, Georgia, is hereby established as set forth in and subject to the terms and conditions stated in the following Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Basic Plan Document, and the GMEBS Trust Agreement.

Ordinance continued on page 37

II. GMEBS DEFINED BENEFIT RETIREMENT PLAN **ADOPTION AGREEMENT**

1. ADMINISTRATOR

Georgia Municipal Employees Benefit System
201 Pryor Street, SW
Atlanta, Georgia 30303
Telephone: 404-688-0472
Facsimile: 404-577-6663

2. ADOPTING EMPLOYER

Name: **City of Mableton, Georgia**

3. GOVERNING AUTHORITY

Name: **Mableton Mayor and Council**
Address: **1400 Veretans Memorial Highway SE, Ste 134-200, Mableton, GA 30126**
Phone: **(470) 307-5339**
Facsimile:

4. PLAN REPRESENTATIVE

[To represent Governing Authority in all communications with GMEBS and Employees]
(See Section 2.49 of Basic Plan Document)

Name: **City Manager**
Address: **1400 Veretans Memorial Highway SE, Ste 134-200, Mableton, GA 30126**
Phone: **(470) 307-5339**
Facsimile:

5. PENSION COMMITTEE

[Please designate members by position. If not, members of Pension Committee shall be determined in accordance with Article XIV of Basic Plan Document]

Position:

Position:

Position:

Position:

Position:

Pension Committee Secretary: **City Clerk**

Address: **1400 Veretans Memorial Highway SE, Ste 134-200, Mableton, GA 30126**

Phone: **(404) 927-9502**

Facsimile:

6. TYPE OF ADOPTION

This Adoption Agreement is for the following purpose (**check one**):

- ☒ This is a new defined benefit plan adopted by the Adopting Employer for its Employees. This plan does not replace or restate an existing defined benefit plan.
- ☐ This is an amendment and restatement of the Adopting Employer's preexisting non-GMEBS defined benefit plan.
- ☐ This is an amendment and restatement of the Adoption Agreement previously adopted by the Employer, as follows (**check one or more as applicable**):
 - ☐ To update the Plan to comply with the Path Act, and other applicable federal laws and guidance under IRS Notice 2020-14 (the 2020 Cumulative List).
 - ☐ To make the following amendments to the Adoption Agreement (**must specify below revisions made in this Adoption Agreement; all provisions must be completed in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): This is an amendment to (1) provide Credited Past Service to elected or appointed members of the Governing Authority in office on October 1, 2024, for all prior Service before October 1, 2024 (see Adoption Agreement, p. 8); and (2) provide Credited Past Service to Eligible Regular Employees in Service on October 1, 2024, for service as independent contractors prior to becoming regular employees of the City (see General Addendum, Section 2). Such Credited Past Service shall count for all purposes under the Plan (i.e., satisfying the minimum Service requirements for Vesting and benefit eligibility, and benefit computation).**

7. EFFECTIVE DATE

NOTE: This Adoption Agreement and any Addendum, with the accompanying Basic Plan Document, is designed to comply with Internal Revenue Code Section 401(a), as applicable to a governmental qualified defined benefit plan, and is part of the GMEBS Defined Benefit Retirement Plan. Plan provisions designed to comply with certain provisions of the Protecting Americans from Tax Hikes Act of 2015 ("PATH Act"); and Plan provisions designed to comply with certain provisions of additional changes in federal law and guidance from the Internal Revenue Service under Internal Revenue Service Notice 2020-14 (the 2020 Cumulative List) are effective as of the applicable effective dates set forth in the Adoption Agreement and Basic Plan Document. By adopting this Adoption Agreement, with its accompanying Basic Plan Document, the Adopting Employer is adopting a plan document intended to comply with Internal Revenue Code Section 401(a), as updated by the PATH Act and the 2020 Cumulative List with the applicable effective dates.

- (1) Complete this item (1) only if this is a new defined benefit plan which does not replace or restate an existing defined benefit plan.**

The effective date of this Plan is ____ (insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted).

- (2) Complete this item (2) only if this Plan is being adopted to replace a non-GMEBS defined benefit plan.**

Except as otherwise specifically provided in the Basic Plan Document or in this Adoption Agreement, the effective date of this restatement shall be ____ (insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted (unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance))). This Plan is intended to replace and serve as an amendment and restatement of the Employer's preexisting plan, which became effective on ____ (insert original effective date of preexisting plan).

- (3) Complete this item (3) only if this is an amendment and complete restatement of the Adopting Employer's existing GMEBS defined benefit plan.**

Except as otherwise specifically provided in the Basic Plan Document or in this Adoption Agreement, the effective date of this restatement shall be October 1, 2024 (insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted (unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance))).

This Plan is adopted as an amendment and restatement of the Employer's preexisting GMEBS Adoption Agreement, which became effective on October 1, 2024 (insert effective date of most recent Adoption Agreement preceding this Adoption Agreement).

The Employer's first Adoption Agreement became effective **October 1, 2024** (insert effective date of Employer's first GMEBS Adoption Agreement). The Employer's GMEBS Plan was originally effective **October 1, 2024** (insert effective date of Employer's original GMEBS Plan). (If the Employer's Plan was originally a non-GMEBS Plan, then the Employer's non-GMEBS Plan was originally effective **October 1, 2024** (if applicable, insert effective date of Employer's original non-GMEBS Plan).)

8. PLAN YEAR

Plan Year means (check one):

- ☐ Calendar Year
- ☒ Employer Fiscal Year commencing **July 1**.
- ☐ Other (must specify month and day commencing): _____.

9. CLASSES OF ELIGIBLE EMPLOYEES

Only Employees of the Adopting Employer who meet the Basic Plan Document's definition of "Employee" may be covered under the Adoption Agreement. Eligible Employees shall not include non-governmental employees, independent contractors, leased employees, nonresident aliens, or any other ineligible individuals, and this Section 9 must not be completed in a manner that violates the "exclusive benefit rule" of Internal Revenue Code Section 401(a)(2).

A. Eligible Regular Employees

Regular Employees include Employees, other than elected or appointed members of the Governing Authority or Municipal Legal Officers, who are regularly employed in the services of the Adopting Employer. Subject to the other conditions of the Basic Plan Document and the Adoption Agreement, the following Regular Employees are eligible to participate in the Plan (check one):

- ☒ **ALL** - All Regular Employees, provided they satisfy the minimum hour and other requirements specified under "Eligibility Conditions" below.
- ☐ **ALL REGULAR EMPLOYEES EXCEPT** for the following employees (must specify; specific positions are permissible; specific individuals may not be named): _____.

B. Elected or Appointed Members of the Governing Authority

An Adopting Employer may elect to permit participation in the Plan by elected or appointed members of the Governing Authority and/or Municipal Legal Officers, provided they otherwise meet the Basic Plan Document's definition of "Employee" and provided they satisfy any other requirements specified by the Adopting Employer. Municipal Legal Officers to be covered must be specifically identified by position. Subject to the above conditions, the Employer hereby elects the following treatment for elected and appointed officials:

- (1) Elected or Appointed Members of the Governing Authority (check one):

☐ **ARE NOT** eligible to participate in the Plan.

☒ **ARE** eligible to participate in the Plan.

Please specify any limitations on eligibility to participate here (e.g., service on or after certain date, or special waiting period provision): _____.

(2) Municipal Legal Officers (check one):

☒ **ARE NOT** eligible to participate in the Plan.

☐ **ARE** eligible to participate in the Plan. The term "Municipal Legal Officer" shall include only the following positions **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

Please specify any limitations on eligibility to participate here (e.g., service on or after certain date) **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

10. ELIGIBILITY CONDITIONS

A. Hours Per Week (Regular Employees)

The Adopting Employer may specify a minimum number of work hours per week which are required to be scheduled by Regular Employees in order for them to become and remain "Eligible Regular Employees" under the Plan. **It is the responsibility of the Adopting Employer to determine whether these requirements are and continue to be satisfied.** The Employer hereby elects the following minimum hour requirement for Regular Employees:

- ☐ No minimum
- ☐ 20 hours/week (regularly scheduled)
- ☒ 30 hours/week (regularly scheduled)
- ☐ Other: _____ (must not exceed 40 hours/week regularly scheduled)

Exceptions: If a different minimum hour requirement applies to a particular class or classes of Regular Employees, please specify below the classes to whom the different requirement applies and indicate the minimum hour requirement applicable to them.

Class(es) of Regular Employees to whom exception applies **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

Minimum hour requirement applicable to excepted Regular Employees:

- ☐ No minimum
- ☐ 20 hours/week (regularly scheduled)
- ☐ 30 hours/week (regularly scheduled)
- ☐ Other: _____ (must not exceed 40 hours/week regularly scheduled)

B. Months Per Year (Regular Employees)

The Adopting Employer may specify a minimum number of work months per year which are required to be scheduled by Regular Employees in order for them to become and remain "Eligible Employees" under the Plan. **It is the responsibility of the Adopting Employer to determine whether these requirements are and continue to be satisfied.** The Employer hereby elects the following minimum requirement for Regular Employees:

- ☐ No minimum
- ☒ At least **10** months per year (regularly scheduled)

Exceptions: If different months per year requirements apply to a particular class or classes of Regular Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Regular Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

The months to year requirement for excepted class(es) are:

- ☐ No minimum
- ☐ At least _____ months per year (regularly scheduled)

11. WAITING PERIOD

Except as otherwise provided in Section 4.02(b) of the Basic Plan Document, Eligible Regular Employees shall not have a waiting period before participating in the Plan. Likewise, elected or appointed members of the Governing Authority and Municipal Legal Officers, if eligible to participate in the Plan, shall not have a waiting period before participating in the Plan.

12. ESTABLISHING PARTICIPATION IN THE PLAN

Participation in the Plan is considered mandatory for all Eligible Employees who satisfy the eligibility conditions specified in the Adoption Agreement, except as provided in Section 4.03(e) of the Basic Plan Document. However, the Employer may specify below that participation is optional for certain classes of Eligible Employees, including Regular Employees, elected or appointed members of the Governing Authority, Municipal Legal Officers, City Managers, and/or Department Heads. If participation is optional for an Eligible Employee, then in order to become a Participant, the Employee must make a written election to participate within 120 days after employment, election or appointment to office, or if later, the date the Employee first becomes eligible to participate in the Plan. The election is irrevocable, and the failure to make the election within the 120 day time limit shall be deemed an irrevocable election not to participate in the Plan.

Classes for whom participation is optional (**check one**):

- ☒ None (Participation is mandatory for all Eligible Employees except as provided in Section 4.03(e) of the Basic Plan Document).

- ☐ Participation is optional for the following Eligible Employees (**must specify - specific positions are permissible; specific individuals may not be named; all positions or classes specified must be Eligible Employees**): _____.

13. CREDITED SERVICE

In addition to Current Credited Service the Adopting Employer may include as Credited Service the following types of service:

A. Credited Past Service with Adopting Employer

Credited Past Service means the number of years and complete months of Service with the Adopting Employer prior to the date an Eligible Employee becomes a Participant which are treated as credited service under the Plan.

(1) Eligible Employees Employed on Original Effective Date of GMEBS Plan.

With respect to Eligible Employees who are employed by the Adopting Employer on the original Effective Date of the Employer's GMEBS Plan, Service with the Adopting Employer prior to the date the Eligible Employee becomes a Participant (including any Service prior to the Effective Date of the Plan) shall be treated as follows (**check one**):

- ☒ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).
- ☐ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except for Service rendered prior to _____ (**insert date**).
- ☐ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except as follows (**must specify other limitation in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.
- ☐ No Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).

(2) Previously Employed, Returning to Service after Original Effective Date. If an Eligible Employee is not employed on the original Effective Date of the Employer's GMEBS Plan, but returns to Service with the Adopting Employer sometime after the Effective Date, said Eligible Employee's Service prior to becoming a Participant (including any Service prior the Effective Date) shall be treated as follows (**check one**):

- ☐ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), subject to any limitations imposed above with respect to Eligible Employees employed on the Effective Date.
- ☐ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), provided that after returning to employment,

the Eligible Employee performs Service equal to the period of the break in Service or one (1) year, whichever is less. Any limitations imposed above with respect to Eligible Employees employed on the Effective Date shall also apply.

- ☒ No Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).

Other limitation(s) on Recognition of Credited Past Service **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)):** ____.

(3) Eligible Employees Initially Employed After Effective Date. If an Eligible Employee's initial employment date is after the original Effective Date of the Employer's GMEBS Plan, said Employee's Credited Past Service shall include only the number of years and complete months of Service from the Employee's initial employment date to the date the Employee becomes a Participant in the Plan.

(4) Newly Eligible Classes of Employees. If a previously ineligible class of Employees becomes eligible to participate in the Plan, the Employer must specify in an addendum to this Adoption Agreement whether and to what extent said Employees' prior service with the Employer shall be treated as Credited Past Service under the Plan.

B. Prior Military Service

Note: This Section does not concern military service required to be credited under USERRA – See Section 3.02 of the Basic Plan Document for rules on the crediting of USERRA Military Service.

(1) Credit for Prior Military Service.

The Adopting Employer may elect to treat military service rendered prior to a Participant's initial employment date or reemployment date as Credited Service under the Plan. Unless otherwise specified by the Employer under "Other Conditions" below, the term "Military Service" shall be as defined in the Basic Plan Document. Except as otherwise required by federal or state law or under "Other Conditions" below, Military Service shall not include service which is credited under any other local, state, or federal retirement or pension plan.

Military Service credited under this Section shall not include any service which is otherwise required to be credited under the Plan by federal or state law. Prior Military Service shall be treated as follows **(check one)**:

- ☒ Prior Military Service is **not** creditable under the Plan **(if checked, skip to Section 13.C. – Prior Governmental Service)**.
- ☐ Prior Military Service shall be counted as Credited Service for the following purposes (check one or more as applicable):
- ☐ Computing amount of benefits payable.
 - ☐ Meeting minimum service requirements for vesting.

- ☐ Meeting minimum service requirements for benefit eligibility.

(2) Maximum Credit for Prior Military Service.

Credit for Prior Military Service shall be limited to a maximum of _____ years **(insert number)**.

(3) Rate of Accrual for Prior Military Service.

Credit for Prior Military Service shall accrue at the following rate **(check one)**:

- ☐ One month of military service credit for every _____ month(s) **(insert number)** of Credited Service with the Adopting Employer.
- ☐ One year of military service credit for every _____ year(s) **(insert number)** of Credited Service with the Adopting Employer.
- ☐ All military service shall be creditable (subject to any caps imposed above) after the Participant has completed _____ years **(insert number)** of Credited Service with the Employer.
- ☐ Other requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

(4) Payment for Prior Military Service Credit (check one):

- ☐ Participants shall **not** be required to pay for military service credit.
- ☐ Participants shall be required to pay for military service credit as follows:
- ☐ The Participant must pay _____% of the actuarial cost of the service credit (as defined below).
- ☐ The Participant must pay an amount equal to **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

Other Conditions for Award of Prior Military Service Credit **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

(5) Limitations on Service Credit Purchases. Unless otherwise specified in an Addendum to the Adoption Agreement, for purposes of this Section and Section 13.C. concerning prior governmental service credit, the term "actuarial cost of service credit" is defined as set forth in the Service Credit Purchase Addendum. In the case of a service credit purchase, the Participant shall be required to comply with any rules and regulations established by the GMEBS Board of Trustees concerning said purchases.

C. Prior Governmental Service

Note: A Participant's prior service with other GMEBS employers shall be credited for purposes of satisfying the minimum service requirements for Vesting and eligibility for Retirement and pre-retirement death benefits as provided under Section 9.05 of the Basic Plan Document, relating to portability service. This Section 13(C) does not need to be completed in order for Participants to receive this portability service credit pursuant to Section 9.05 of the Basic Plan Document.

(1) Credit for Prior Governmental Service.

The Adopting Employer may elect to treat governmental service rendered prior to a Participant's initial employment date or reemployment date as creditable service under the Plan. Subject to any limitations imposed by law, the term "prior governmental service" shall be as defined by the Adopting Employer below. The Employer elects to treat prior governmental service as follows **(check one)**:

- ☒ Prior governmental service is **not** creditable under the Plan **(if checked, skip to Section 13.D. – Unused Sick/Vacation Leave).**
- ☐ Prior governmental service shall be counted as Credited Service for the following purposes under the Plan **(check one or more as applicable)**:
 - ☐ Computing amount of benefits payable.
 - ☐ Meeting minimum service requirements for vesting.
 - ☐ Meeting minimum service requirements for benefit eligibility.

(2) Definition of Prior Governmental Service.

Prior governmental service shall be defined as follows: **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

Unless otherwise specified above, prior governmental service shall include only full-time service (minimum hour requirement same as that applicable to Eligible Regular Employees).

(3) Maximum Credit for Prior Governmental Service.

Credit for prior governmental service shall be limited to a maximum of _____ years **(insert number)**.

(4) Rate of Accrual for Prior Governmental Service Credit.

Credit for prior governmental service shall accrue at the following rate **(check one)**:

- ☐ One month of prior governmental service credit for every _____ month(s) **(insert number)** of Credited Service with the Adopting Employer.
- ☐ One year of prior governmental service credit for every _____ year(s) **(insert number)** of Credited Service with the Adopting Employer.

- ☐ All prior governmental service shall be creditable (subject to any caps imposed above) after the Participant has completed _____ years **(insert number)** of Credited Service with the Adopting Employer.
- ☐ Other requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

(5) Payment for Prior Governmental Service Credit.

- ☐ Participants shall **not** be required to pay for governmental service credit.
- ☐ Participants shall be required to pay for governmental service credit as follows:
 - ☐ The Participant must pay _____% of the actuarial cost of the service credit.
 - ☐ The Participant must pay an amount equal to **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

Other Conditions for Award of Prior Governmental Service Credit **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

D. Leave Conversion for Unused Paid Time Off (e.g., Sick, Vacation, or Personal Leave)

(1) Credit for Unused Paid Time Off.

Subject to the limitations in Section 3.01 of the Basic Plan Document, an Adopting Employer may elect to treat accumulated days of unused paid time off for a terminated Participant, for which the Participant is not paid, as Credited Service. The only type of leave permitted to be credited under this provision is leave from a paid time off plan which qualifies as a bona fide sick and vacation leave plan (which may include sick, vacation or personal leave) and which the Participant may take as paid leave without regard to whether the leave is due to illness or incapacity. The Credited Service resulting from the conversion of unused paid time off must not be the only Credited Service applied toward the accrual of a normal retirement benefit under the Plan. The Pension Committee shall be responsible to certify to GMEBS the total amount of unused paid time off that is creditable hereunder.

Important Note: Leave cannot be converted to Credited Service in lieu of receiving a cash payment. If the Employer elects treating unused paid time off as Credited Service, the conversion to Credited Service will be automatic, and the Participant cannot request a cash payment for the unused paid time off.

The Employer elects the following treatment of unused paid time off:

- ☒ Unused paid time off shall **not** be treated as Credited Service **(if checked, skip to Section 14 – Retirement Eligibility)**.
- ☐ The following types of unused paid time off for which the Participant is not paid shall be treated as Credited Service under the Plan **(check one or more as applicable)**:
 - ☐ Unused sick leave
 - ☐ Unused vacation leave
 - ☐ Unused personal leave
 - ☐ Other paid time off **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

(2) Minimum Service Requirement.

In order to receive credit for unused paid time off, a Participant must meet the following requirement at termination **(check one)**:

- ☐ The Participant must be 100% vested in a normal retirement benefit.
- ☐ The Participant must have at least _____ years **(insert number)** of Total Credited Service (not including leave otherwise creditable under this Section).
- ☐ Other **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

(3) Use of Unused Paid Time Off Credit. Unused paid time off for which the Participant is not paid shall count as Credited Service for the following purposes under the Plan **(check one or more as applicable)**:

- ☐ Computing amount of benefits payable.
- ☐ Meeting minimum service requirements for vesting.
- ☐ Meeting minimum service requirements for benefit eligibility.

(4) Maximum Credit for Unused Paid Time Off.

Credit for unused paid time off for which the Participant is not paid shall be limited to a maximum of _____ months **(insert number)**.

(5) Computation of Unused Paid Time Off.

Unless otherwise specified by the Adopting Employer under "Other Conditions" below, each twenty (20) days of creditable unused paid time off shall constitute one (1) complete month of Credited Service under the Plan. Partial months shall not be credited.

(6) Other Conditions (please specify, subject to limitations in Section 3.01 of Basic Plan Document; must specify in a manner that satisfies the definite written program

requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____.

14. RETIREMENT ELIGIBILITY

A. Early Retirement Qualifications

Early retirement qualifications are **(check one or more as applicable)**:

- ☒ Attainment of age 55 (insert number)
- ☒ Completion of 10 years (insert number) of Total Credited Service

Exceptions: If different early retirement eligibility requirements apply to a particular class or classes of Eligible Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Eligible Employees to whom exception applies **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

Early retirement qualifications for excepted class(es) are **(check one or more as applicable)**:

- ☐ Attainment of age _____ (insert number)
- ☐ Completion of _____ years (insert number) of Total Credited Service

B. Normal Retirement Qualifications

Note: Please complete this Section and also list "Alternative" Normal Retirement Qualifications, if any, in Section 14.C.

(1) Regular Employees

Normal retirement qualifications for Regular Employees are **(check one or more as applicable)**:

- ☒ Attainment of age 62 (insert number)
- ☒ Completion of 5 years (insert number) of Total Credited Service
- ☐ In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must**

specify - specific positions are permissible; specific individuals may not be named): _____.

Exceptions: If different normal retirement qualifications apply to a particular class or classes of Regular Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Class(es) of Regular Employees to whom exception applies **(must specify - specific positions are permissible; specific individuals may not be named):** _____.

Normal retirement qualifications for excepted class(es) are **(check one or more as applicable):**

- ☐ Attainment of age _____ **(insert number)**
- ☐ Completion of _____ years **(insert number)** of Total Credited Service
- ☐ In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one):** ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named):** _____.

(2) Elected or Appointed Members of Governing Authority

Complete this Section only if elected or appointed members of the Governing Authority or Municipal Legal Officers are permitted to participate in the Plan. Normal retirement qualifications for this class are **(check one or more as applicable):**

- ☒ Attainment of age 62 **(insert number)**
- ☐ Completion of _____ years **(insert number)** of Total Credited Service
- ☐ In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one):** ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named):** _____.

Exceptions: If different normal retirement qualifications apply to particular elected or appointed members of the Governing Authority or Municipal Legal Officers, the Employer must specify below to whom the different requirements apply and indicate below the requirements applicable to them.

Particular elected or appointed members of the Governing Authority or Municipal Legal Officers to whom exception applies **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

Normal retirement qualifications for excepted elected or appointed members of the Governing Authority or Municipal Legal Officers are **(check one or more as applicable)**:

- ☐ Attainment of age _____ **(insert number)**
- ☐ Completion of _____ years **(insert number)** of Total Credited Service
- ☐ In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

C. Alternative Normal Retirement Qualifications

The Employer may elect to permit Participants to retire with unreduced benefits after they satisfy service and/or age requirements other than the regular normal retirement qualifications specified above. The Employer hereby adopts the following alternative normal retirement qualifications:

Alternative Normal Retirement Qualifications (check one or more, as applicable):

- (1) ☒ Not applicable (the Adopting Employer does not offer alternative normal retirement benefits under the Plan).
- (2) ☐ **Alternative Minimum Age & Service Qualifications (if checked, please complete one or more items below, as applicable):**
 - ☐ Attainment of age _____ **(insert number)**
 - ☐ Completion of _____ years **(insert number)** of Total Credited Service
 - ☐ In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service

without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:__.

This alternative normal retirement benefit is available to:

- ☐ All Participants who qualify.
- ☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

A Participant **(check one)**: ☐ is required ☐ is not required to be in the service of the Employer at the time the Participant satisfies the above qualifications in order to qualify for this alternative normal retirement benefit.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

- (3) ☐ **Rule of _____ (insert number).** The Participant's combined Total Credited Service and age must equal or exceed this number. Please complete additional items below:

To qualify for this alternative normal retirement benefit, the Participant **(check one or more items below, as applicable)**:

- ☐ Must have attained at least age _____ **(insert number)**
- ☐ Must not satisfy any minimum age requirement
- ☐ In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets the minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

This alternative normal retirement benefit is available to:

- ☐ All Participants who qualify.
- ☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

A Participant **(check one)**: ☐ is required ☐ is not required to be in the service of the Employer at the time the Participant satisfies the Rule in order to qualify for this alternative normal retirement benefit.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

- (4) ☐ **Alternative Minimum Service.** A Participant is eligible for an alternative normal retirement benefit if the Participant has at least _____ years **(insert number)** of Total Credited Service, regardless of the Participant's age.

- ☐ In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets the minimum service requirement specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:__.

This alternative normal retirement benefit is available to:

- ☐ All Participants who qualify.
- ☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

A Participant **(check one)**: ☐ is required ☐ is not required to be in the service of the Employer at the time the Participant satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

(5) ☐ **Other Alternative Normal Retirement Benefit.**

Must specify qualifications (in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

- ☐ In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

This alternative normal retirement benefit is available to:

- ☐ All Participants who qualify.
- ☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

A Participant **(check one)**: ☐ is required ☐ is not required to be in the service of the Employer at the time the Participant satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

(6) ☐ **Other Alternative Normal Retirement Benefit for Public Safety Employees Only.**

Must specify qualifications (in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

- ☐ In-Service Distribution to Eligible Employees who are Public Safety Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and satisfies the

minimum age parameters for In-Service Distribution Described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

This alternative normal retirement benefit is available to:

- ☐ All public safety employee Participants who qualify.
- ☐ Only the following public safety employee Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

A public safety employee Participant **(check one)**: ☐ is required ☐ is not required to be in the service of the Employer at the time the Participant satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

Note: "Public safety employees" are defined under the Internal Revenue Code for this purpose as employees of a State or political subdivision of a State who provide police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision.

D. Disability Benefit Qualifications

Subject to the other terms and conditions of the Basic Plan Document and except as otherwise provided in an Addendum to this Adoption Agreement, disability retirement qualifications are based upon Social Security Administration award criteria or as otherwise provided under Section 2.23 of the Basic Plan Document. The Disability Retirement benefit shall commence as of the Participant's Disability Retirement Date under Section 2.24 of the Basic Plan Document.

To qualify for a disability benefit, a Participant must have the following minimum number of years of Total Credited Service **(check one)**:

- ☐ Not applicable (the Adopting Employer does not offer disability retirement benefits under the Plan).
- ☐ No minimum.
- ☒ **1** year(s) **(insert number)** of Total Credited Service.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

15. RETIREMENT BENEFIT COMPUTATION

A. Maximum Total Credited Service

The number of years of Total Credited Service which may be used to calculate a benefit is (check one or all that apply):

- ☒ not limited.
- ☐ limited to _____ years for all Participants.
- ☐ limited to _____ years for the following classes of Eligible Regular Employees:
 - ☐ All Eligible Regular Employees.
 - ☐ Only the following Eligible Regular Employees: _____.
- ☐ limited to _____ years as an elected or appointed member of the Governing Authority.
- ☐ limited to _____ years as a Municipal Legal Officer.
- ☐ Other (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

B. Monthly Normal Retirement Benefit Amount

(1) Regular Employee Formula

The monthly normal retirement benefit for Eligible Regular Employees shall be 1/12 of (check and complete one or more as applicable):

- ☒ (a) **Flat Percentage Formula. 2.0% (insert percentage)** of Final Average Earnings multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:
 - ☒ All Participants who are Regular Employees.
 - ☐ Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____.
- ☐ (b) **Alternative Flat Percentage Formula. _____% (insert percentage)** of Final Average Earnings multiplied by years of Total Credited Service as an Eligible Regular Employee. This formula applies to the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____.

- ☐ (c) **Split Final Average Earnings Formula.** _____ % (insert percentage) of Final Average Earnings up to the amount of **Covered Compensation (see subsection (2) below for definition of Covered Compensation)**, plus _____ % (insert percentage) of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

- ☐ All Participants who are Regular Employees.
☐ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**):_____.

- ☐ (d) **Alternative Split Final Average Earnings Formula.** _____ % (insert percentage) of Final Average Earnings up to the amount of **Covered Compensation (see subsection (2) below for definition of Covered Compensation)**, plus _____ % (insert percentage) of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

- ☐ All Participants.
☐ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

[Repeat above subsections as necessary for each applicable benefit formula and Participant class covered under the Plan.]

(2) Covered Compensation (complete only if Split Formula(s) is checked above):

Covered Compensation is defined as (check one or more as applicable):

- ☐ (a) **A.I.M.E. Covered Compensation** as defined in Section 2.18 of the Basic Plan Document. This definition of Covered Compensation shall apply to (**check one**):
- ☐ All Participants who are Regular Employees.
☐ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**):_____.
- ☐ (b) **Dynamic Break Point** Covered Compensation as defined in Section 2.19 of the Basic Plan Document. This definition of Covered Compensation shall apply to (**check one**):
- ☐ All Participants who are Regular Employees.

- ☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.
- ☐ (c) **Table Break Point** Covered Compensation as defined in Section 2.20 of the Basic Plan Document. This definition of Covered Compensation shall apply to **(check one)**:
- ☐ All Participants who are Regular Employees.
- ☐ Only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.
- ☐ (d) **Covered Compensation** shall mean a Participant's annual Earnings that do not exceed \$ _____ **(specify amount)**. This definition shall apply to **(check one)**:
- ☐ All Participants who are Regular Employees.
- ☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

(3) Final Average Earnings

Unless otherwise specified in an Addendum to the Adoption Agreement, Final Average Earnings is defined as the monthly average of Earnings paid to a Participant by the Adopting Employer for the **60 (insert number not to exceed 60)** consecutive months of Credited Service preceding the Participant's most recent Termination in which the Participant's Earnings were the highest, multiplied by 12. Note: GMEBS has prescribed forms for calculation of Final Average Earnings that must be used for this purpose.

This definition of Final Average Earnings applies to:

- ☒ All Participants who are Regular Employees.
- ☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

[Repeat above subsection as necessary for each applicable definition and Participant class covered under the Plan.]

(4) Formula for Elected or Appointed Members of the Governing Authority

The monthly normal retirement benefit for members of this class shall be as follows **(check one)**:

- ☐ Not applicable (elected or appointed members of the Governing Authority or Municipal Legal Officers are not permitted to participate in the Plan).
- ☒ **\$50.00 (insert dollar amount)** per month for each year of Total Credited Service as an elected or appointed member of the Governing Authority or Municipal Legal Officer (service of at least 6 months and 1 day is treated as a year of Total Credited Service;

provided, however, than an elected or appointed member of the Governing Authority or Municipal Legal Officer may accrue a maximum of one year of Total Credited Service for every 12-month period of Service as an elected or appointed member of the Governing Authority or Municipal Legal Officer).

This formula applies to:

- ☒ All elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate.
- ☐ Only the following elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

[Repeat above subsection as necessary for each applicable formula for classes of elected or appointed members covered under the Plan.]

C. Monthly Early Retirement Benefit Amount

Check and complete one or more as applicable:

- ☒ (1) **Standard Early Retirement Reduction Table.** The monthly Early Retirement benefit shall be computed in the same manner as the monthly Normal Retirement benefit, but the benefit shall be reduced on an Actuarially Equivalent basis in accordance with Section 12.01 of the Basic Plan Document to account for early commencement of benefits. This provision shall apply to:
 - ☒ All Participants.
 - ☐ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**):_____.
- ☐ (2) **Alternative Early Retirement Reduction Table.** The monthly Early Retirement benefit shall be computed in the same manner as the monthly Normal Retirement benefit, but the benefit shall be reduced to account for early commencement of benefits based on the following table. This table shall apply to:
 - ☐ All Participants.
 - ☐ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**):_____.

Alternative Early Retirement Reduction Table

<u>Number of Years Before</u> <u>[Age (Insert Normal</u>	<u>Percentage of</u>
<u>Retirement Age)]</u> (check as applicable)	<u>Normal Retirement Benefit*</u> (complete as applicable)

☐ 0	1.000
----------------------------	-------

- | | | |
|--------------------------|----|--------|
| ☐ | 1 | 0.____ |
| ☐ | 2 | 0.____ |
| ☐ | 3 | 0.____ |
| ☐ | 4 | 0.____ |
| ☐ | 5 | 0.____ |
| ☐ | 6 | 0.____ |
| ☐ | 7 | 0.____ |
| ☐ | 8 | 0.____ |
| ☐ | 9 | 0.____ |
| ☐ | 10 | 0.____ |
| ☐ | 11 | 0.____ |
| ☐ | 12 | 0.____ |
| ☐ | 13 | 0.____ |
| ☐ | 14 | 0.____ |
| ☐ | 15 | 0.____ |

*Interpolate for whole months

D. Monthly Late Retirement Benefit Amount (check one):

- ☒ (1) The monthly Late Retirement benefit shall be computed in the same manner as the Normal Retirement Benefit, based upon the Participant's Accrued Benefit as of the Participant's Late Retirement Date.
- ☐ (2) The monthly Late Retirement benefit shall be the greater of: (1) the monthly retirement benefit accrued as of the Participant's Normal Retirement Date, actuarially increased in accordance with the actuarial table contained in Section 12.05 of the Basic Plan Document; or (2) the monthly retirement benefit accrued as of the Participant's Late Retirement Date, without further actuarial adjustment under Section 12.06 of the Basic Plan Document.

E. Monthly Disability Benefit Amount

The amount of the monthly Disability Benefit shall be computed in the same manner as the Normal Retirement benefit, based upon the Participant's Accrued Benefit as of the Participant's Disability Retirement Date.

Minimum Disability Benefit. The Adopting Employer may set a minimum Disability Benefit. The Employer elects the following minimum Disability benefit **(check one)**:

- ☐ Not applicable (the Adopting Employer does not offer disability retirement benefits under the Plan).
- ☐ No minimum is established.
- ☒ No less than **(check one):** ☒ 20% ☐ 10% ☐ ____% **(if other than 20% or 10% insert percentage amount)** of the Participant's average monthly Earnings for the 12 calendar month period (excluding any period of unpaid leave of absence)

immediately preceding the Participant's Termination of Employment as a result of a Disability. (Unless otherwise specified in an Addendum to the Adoption Agreement, no minimum will apply to elected or appointed members of the Governing Authority or Municipal Legal Officers.)

- ☐ No less than **(check one):** ☐ 66 2/3 % ☐ _____% **(if other than 66 2/3%, insert percentage amount)** of the Participant's average monthly Earnings for the 12 calendar month period (excluding any period of unpaid leave of absence) immediately preceding the Participant's Termination of Employment as a result of a Disability, less any monthly benefits paid from federal Social Security benefits as a result of disability as reported by the Employer. (Unless otherwise specified in an Addendum to the Adoption Agreement, no minimum will apply to elected or appointed members of the Governing Authority or Municipal Legal Officers.)

F. Minimum/Maximum Benefit For Elected Officials

In addition to any other limitations imposed by federal or state law, the Employer may impose a cap on the monthly benefit amount that may be received by elected or appointed members of the Governing Authority. The Employer elects **(check one)**:

- ☐ Not applicable (elected or appointed members of the Governing Authority do not participate in the Plan).
- ☐ No minimum or maximum applies.
- ☒ Monthly benefit for Service as an elected or appointed member of the Governing Authority may not exceed 100% of the Participant's final salary as an elected or appointed member of the Governing Authority.
- ☐ Other minimum or maximum **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

G. Multiple Plans

In the event that the Employer maintains multiple plans, the following provisions will apply to the extent necessary to satisfy Code § 415.

16. SUSPENSION OF BENEFITS FOLLOWING BONA FIDE SEPARATION OF SERVICE; COLA

- A. Re-Employment as Eligible Employee After Normal, Alternative Normal, or Early Retirement and Following Bona Fide Separation of Service (see Basic Plan Document Section 6.06(c) Regarding Re-Employment as an Ineligible Employee and**

Basic Plan Document Section 6.06(e) and (f) Regarding Re-Employment After Disability Retirement)

(1) Reemployment After Normal or Alternative Normal Retirement. In the event that a Retired Participant 1) is reemployed with the Employer as an Eligible Employee (as defined in the Plan) after the Participant's Normal or Alternative Normal Retirement Date and after a Bona Fide Separation from Service, or 2) is reemployed with the Employer in an Ineligible Employee class, and subsequently again becomes an Eligible Employee (as defined in the Plan) due to the addition of such class to the Plan after the Participant's Normal or Alternative Normal Retirement Date, the following rule shall apply **(check one)**:

- ☒ (a) The Participant's benefit shall be suspended in accordance with Section 6.06(a)(1) of the Basic Plan Document for as long as the Participant remains employed.
- ☐ (b) The Participant may continue to receive retirement benefits in accordance with Section 6.06(b) of the Basic Plan Document. This rule shall apply to **(check one)**: ☐ all Retired Participants ☐ only the following classes of Retired Participants **(must specify (specific positions are permissible; specific individuals may not be named) - benefits of those Retired Participants not listed shall be suspended in accordance with Section 6.06(a) of the Basic Plan Document if they return to work with the Employer)**: _____.

(2) Reemployment After Early Retirement. In the event a Participant Retires with an Early Retirement benefit after a Bona Fide Separation from Service 1) is reemployed with the Employer as an Eligible Employee before the Participant's Normal Retirement Date; or 2) is reemployed with the Employer in an Ineligible Employee class, and subsequently again becomes an Eligible Employee (as defined in the Plan) before the Participant's Normal Retirement Date due to the addition of such class to the Plan, the following rule shall apply **(check one or more as applicable)**:

- (a) ☒ The Participant's Early Retirement benefit shall be suspended in accordance with Section 6.06(a)(1) of the Basic Plan Document for as long as the Participant remains employed.

This rule shall apply to **(check one)**: ☒ all Retired Participants; ☐ only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

- (b) ☐ The Participant's Early Retirement benefit shall be suspended in accordance with Section 6.06(a)(1) of the Basic Plan Document. However, the Participant may begin receiving benefits after satisfying the qualifications for Normal Retirement or Alternative Normal Retirement, as applicable, and after satisfying the minimum age parameters of Section

6.06(a)(3) of the Basic Plan Document, in accordance with Section 6.06(b)(2)(B)(i) of the Basic Plan Document.

This rule shall apply to **(check one)**: ☐ all Retired Participants; ☐ only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:

_____.

- (c) ☐ The Participant's Early Retirement benefit shall continue in accordance with Section 6.06(b)(2)(B)(ii) of the Basic Plan Document.

This rule shall apply to **(check one)**: ☐ all Retired Participants; ☐ only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:

_____.

B. Cost Of Living Adjustment

The Employer may elect to provide for an annual cost-of-living adjustment (COLA) in the amount of benefits being received by Retired Participants and Beneficiaries, which shall be calculated and paid in accordance with the terms of the Basic Plan Document. The Employer hereby elects the following **(check one)**:

- ☐ (1) No cost-of-living adjustment.
- ☒ (2) Variable Annual cost-of-living adjustment not to exceed **5.0%** **(insert percentage)**.
- ☐ (3) Fixed annual cost-of-living adjustment equal to _____% **(insert percentage)**.

The above cost-of-living adjustment shall apply with respect to the following Participants (and their Beneficiaries) **(check one)**:

- ☒ All Participants (and their Beneficiaries).
- ☐ Participants (and their Beneficiaries) who terminate employment on or after _____ **(insert date)**.
- ☐ Other **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)); specific positions are permissible; specific individuals may not be named)**: _____.

The Adjustment Date for the above cost-of-living adjustment shall be (if not specified, the Adjustment Date shall be January 1): _____.

17. TERMINATION OF EMPLOYMENT BEFORE RETIREMENT; VESTING

A. Eligible Regular Employees

Subject to the terms and conditions of the Basic Plan Document, a Participant who is an Eligible Regular Employee and whose employment is terminated for any reason other than death or retirement shall earn a vested right in the Participant's accrued retirement benefit in accordance with the following schedule (**check one**):

- ☐ **No Vesting schedule (immediate Vesting).**
- ☒ **Cliff Vesting Schedule.** Benefits shall be 100% vested after the Participant has a minimum of 5 years (**insert number not to exceed 10**) of Total Credited Service. Benefits remain 0% vested until the Participant satisfies this minimum.
- ☐ **Graduated Vesting Schedule.** Benefits shall become vested in accordance with the following schedule (**insert percentages**):

<u>COMPLETED YEARS OF TOTAL CREDITED SERVICE</u>	<u>VESTED PERCENTAGE</u>
1	%
2	%
3	%
4	%
5	%
6	%
7	%
8	%
9	%
10	%

Exceptions: If a vesting schedule other than that specified above applies to a special class(es) of Regular Employees, the Employer must specify the different vesting schedule below and the class(es) to whom the different vesting schedule applies.

Regular Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Vesting Schedule for excepted class (**Must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i). Must be at least as favorable as one of the following schedules: (i) 15-year cliff vesting, (ii) 20-year graded vesting, or (iii) for qualified public safety employees, 20-year cliff vesting.**): _____.

B. Elected or Appointed Members of the Governing Authority

Subject to the terms and conditions of the Basic Plan Document, a Participant who is an elected or appointed member of the Governing Authority or a Municipal Legal Officer shall earn a

vested right in the Participant's accrued retirement benefit for Credited Service in such capacity in accordance with the following schedule **(check one)**:

- ☐ Not applicable (elected or appointed members of the Governing Authority are not permitted to participate in the Plan).
- ☒ No Vesting schedule (immediate Vesting).
- ☐ Other vesting schedule **(Must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i). Must be at least as favorable as one of the following schedules: (i) 15-year cliff vesting, (ii) 20-year graded vesting, or (iii) for qualified public safety employees, 20-year cliff vesting.)**: _____.

18. PRE-RETIREMENT DEATH BENEFITS

A. In-Service Death Benefit

Subject to the terms and conditions of the Basic Plan Document, the Employer hereby elects the following in-service death benefit, to be payable in the event that an eligible Participant's employment with the Employer is terminated by reason of the Participant's death prior to Retirement **(check and complete one)**:

- (1) ☒ **Auto A Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, equal to the decreased monthly retirement benefit that would have otherwise been payable to the Participant, had the Participant elected a 100% joint and survivor benefit under Section 7.03 of the Basic Plan Document. In order to be eligible for this benefit, a Participant must meet the following requirements **(check one)**:
- ☒ The Participant must be vested in a normal retirement benefit.
 - ☐ The Participant must have _____ years **(insert number)** of Total Credited Service.
 - ☐ The Participant must be eligible for Early or Normal Retirement.
 - ☐ Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.
- (2) ☐ **Actuarial Reserve Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, actuarially equivalent to the reserve required for the Participant's anticipated Normal Retirement benefit, provided the Participant meets the following eligibility conditions **(check one)**:

- ☐ The Participant shall be eligible upon satisfying the eligibility requirements of Section 8.02(c) of the Basic Plan Document.
- ☐ The Participant must have _____ years **(insert number)** of Total Credited Service.
- ☐ Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

Imputed Service. For purposes of computing the actuarial reserve death benefit, the Participant's Total Credited Service shall include **(check one)**:

- ☐ Total Credited Service accrued prior to the date of the Participant's death.
- ☐ Total Credited Service accrued prior to the date of the Participant's death, plus **(check one)**: ☐ one-half (½) ☐ _____ **(insert other fraction)** of the Service between such date of death and what would otherwise have been the Participant's Normal Retirement Date. **(See Basic Plan Document Section 8.02(b) regarding 10-year cap on additional Credited Service.)**

Minimum In-Service Death Benefit for Vested Employees Equal to Terminated Vested Death Benefit. Unless otherwise specified under "Exceptions" below, if a Participant's employment is terminated by reason of the Participant's death prior to Retirement, and if as of the date of death the Participant is vested but does not qualify for the in-service death benefit, then the Auto A Death Benefit will be payable, provided the Auto A Death Benefit is made available to terminated vested employees under the Adoption Agreement (see "Terminated Vested Death Benefit" below).

(3) Exceptions: If an in-service death benefit other than that specified above applies to one or more classes of Participants, the Employer must specify below the death benefit payable, the class(es) to whom the different death benefit applies, and the eligibility conditions for said death benefit.

Alternative Death Benefit **(must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2) and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code Sections 401(a)(17) and 415)**: _____.

Participants to whom alternative death benefit applies **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

Eligibility conditions for alternative death benefit **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

B. Terminated Vested Death Benefit

(1) Complete this Section only if the Employer offers a terminated vested death benefit. The Employer may elect to provide a terminated vested death benefit, to be payable in the event that a Participant who is vested dies after termination of employment but before Retirement benefits commence. Subject to the terms and conditions of the Basic Plan Document, the Employer hereby elects the following terminated vested death benefit (**check one**):

- ☒ **Auto A Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, equal to the decreased monthly retirement benefit that would have otherwise been payable to the Participant had the Participant elected a 100% joint and survivor benefit under Section 7.03 of the Basic Plan Document.
- ☐ **Accrued Retirement Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary which shall be actuarially equivalent to the Participant's Accrued Normal Retirement Benefit determined as of the date of death.

(2) Exceptions: If a terminated vested death benefit other than that specified above applies to one or more classes of Participants, the Employer must specify below the death benefit payable, the class(es) to whom the different death benefit applies, and the eligibility conditions for said death benefit.

Alternative Death Benefit (**must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2) and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code Sections 401(a)(17) and 415**): _____.

Participants to whom alternative death benefit applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Eligibility conditions for alternative death benefit (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

19. EMPLOYEE CONTRIBUTIONS

(1) Employee contributions (check one):

- ☒ Are not required.
- ☐ Are required in the amount of _____ % (**insert percentage**) of Earnings for all Participants.
- ☐ Are required in the amount of _____ % (**insert percentage**) of Earnings for Participants in the following classes (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

[Repeat above subsection as necessary if more than one contribution rate applies.]

(2) Pre-Tax Treatment of Employee Contributions. If Employee Contributions are required in Subsection (1) above, an Adopting Employer may elect to "pick up" Employee Contributions to the Plan in accordance with IRC Section 414(h). In such case, Employee Contributions shall be made on a pre-tax rather than a post-tax basis, provided the requirements of IRC Section 414(h) are met. If the Employer elects to pick up Employee Contributions, it is the Employer's responsibility to ensure that Employee Contributions are paid and reported in accordance with IRC Section 414(h). The Adopting Employer must not report picked up contributions as wages subject to federal income tax withholding.

The Employer hereby elects **(check one)**:

- ☐ To pick up Employee Contributions. By electing to pick up Employee Contributions, the Adopting Employer specifies that the contributions, although designated as Employee Contributions, are being paid by the Employer in lieu of Employee Contributions. The Adopting Employer confirms that the executor of this Adoption Agreement is duly authorized to take this action as required to pick up contributions. This pick-up of contributions applies prospectively, and it is evidenced by this contemporaneous written document. On and after the date of the pick-up of contributions, a Participant does not have a cash or deferred election right (within the meaning of Treasury Regulation Section 1.401(k)-1(a)(3)) with respect to the designated Employee Contributions, which includes not having the option of receiving the amounts directly instead of having them paid to the Plan.
- ☐ Not to pick up Employee Contributions.

(3) Interest on Employee Contributions. The Adopting Employer may elect to pay interest on any refund of Employee Contributions.

- ☐ Interest shall not be paid.
- ☐ Interest shall be paid on a refund of Employee Contributions at a rate established by GMEBS from time to time.
- ☐ Other rate of interest **(must specify rate in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**:
_____.

20. MODIFICATION OF THE TERMS OF THE ADOPTION AGREEMENT

If an Adopting Employer desires to amend any of its elections contained in this Adoption Agreement (or any Addendum), the Governing Authority by official action must adopt an amendment of the Adoption Agreement (or any Addendum) or a new Adoption Agreement (or Addendum) must be adopted and forwarded to the Board for approval. The amendment of the

new Adoption Agreement (or Addendum) is not effective until approved by the Board and other procedures required by the Plan have been implemented.

The Administrator will timely inform the Adopting Employer of any amendments made by the Board to the Plan.

21. TERMINATION OF THE ADOPTION AGREEMENT

This Adoption Agreement (and any Addendum) may be terminated only in accordance with the Plan. The Administrator will inform the Adopting Employer in the event the Board should decide to discontinue this pre-approved plan program.

22. EMPLOYER ADOPTION AND AUTHORIZATION FOR AMENDMENTS

Adoption. The Adopting Employer hereby adopts the terms of the Adoption Agreement and any Addendum, which is attached hereto and made a part of this ordinance. The Adoption Agreement (and, if applicable, the Addendum) sets forth the Employees to be covered by the Plan, the benefits to be provided by the Adopting Employer under the Plan, and any conditions imposed by the Adopting Employer with respect to, but not inconsistent with, the Plan. The Adopting Employer reserves the right to amend its elections under the Adoption Agreement and any Addendum, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board of Trustees of GMEBS. The Adopting Employer acknowledges that it may not be able to rely on the pre-approved plan opinion letter if it makes certain elections under the Adoption Agreement or the Addendum, and that the failure to properly complete the Adoption Agreement may result in a failure of the Adopting Employer's Plan to be a qualified plan.

The Adopting Employer hereby agrees to abide by the Basic Plan Document, Trust Agreement, and rules and regulations adopted by the Board of Trustees of GMEBS, as each may be amended from time to time, in all matters pertaining to the operation and administration of the Plan. It is intended that the Act creating the Board of Trustees of GMEBS, this Plan, and the rules and regulations of the Board are to be construed in harmony with each other. In the event of a conflict between the provisions of any of the foregoing, they shall govern in the following order:

- (1) The Act creating the Board of Trustees of The Georgia Municipal Employees' Benefit System, O.C.G.A. Section 47-5-1 *et seq.* (a copy of which is included in the Appendix to the Basic Defined Benefit Plan Document) and any other applicable provisions of O.C.G.A. Title 47;
- (2) The Basic Defined Benefit Plan Document and Trust Agreement;
- (3) This Ordinance and Adoption Agreement (and any Addendum); and
- (4) The rules and regulations of the Board.

In the event that any section, subsection, sentence, clause or phrase of this Plan shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions or the other section or sections, subsections, sentences, clauses or

phrases of this Plan, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part hereof. The Governing Authority hereby declares that it would have passed the remaining parts of this Plan or retained the previously existing provisions if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

This Adoption Agreement (and any Addendum) may only be used in conjunction with Georgia Municipal Employees Benefit System Basic Defined Benefit Retirement Plan Document approved by the Internal Revenue Service under opinion letter Q705465a dated August 31, 2023. The Adopting Employer understands that failure to properly complete this Adoption Agreement (or any Addendum), or to operate and maintain the Plan and Trust in accordance with the terms of the completed Adoption Agreement (and any Addendum), Basic Plan Document and Trust, may result in disqualification of the Adopting Employer's Plan under the Internal Revenue Code. Inquiries regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the IRS opinion letter should be directed to the Administrator. The Administrator is Georgia Municipal Employees Benefit System, with its primary business offices located at: 201 Pryor Street, SW, Atlanta, Georgia, 30303. The business telephone number is: (404) 688-0472. The primary person to contact is: GMEBS Legal Counsel.

Authorization for Amendments. Effective on and after February 17, 2005, the Adopting Employer hereby authorizes the pre-approved plan provider who sponsors the Plan on behalf of GMEBS to prepare amendments to the Plan, for approval by the Board, on its behalf as provided under Revenue Procedure 2005-16, as superseded by Revenue Procedure 2015-36, Revenue Procedure 2011-49, and Announcement 2005-37. Effective January 1, 2013, Georgia Municipal Association, Inc., serves as the pre-approved plan provider for the Plan. Employer notice and signature requirements were met for the Adopting Employer before the effective date of February 17, 2005. The Adopting Employer understands that the implementing amendment reads as follows:

On and after February 17, 2005, the Board delegates to the Provider the authority to advise and prepare amendments to the Plan, for approval by the Board, on behalf of all Adopting Employers, including those Adopting Employers who have adopted the Plan prior to the January 1, 2013, restatement of the Plan, for changes in the Code, the regulations thereunder, revenue rulings, other statements published by Internal Revenue Service, including model, sample, or other required good faith amendments (but only if their adoption will not cause such Plan to be individually designed), and for corrections of prior approved plans. These amendments shall be applied to all Adopting Employers. Employer notice and signature requirements have been met for all Adopting Employers before the effective date of February 17, 2005. In any event, any amendment prepared by the Practitioner and approved by the Board will be provided by the Administrator to Adopting Employers.

Notwithstanding the foregoing paragraph, no amendment to the Plan shall be prepared on behalf of any Adopting Employer as of either:

- the date the Internal Revenue Service requires the Adopting Employer to file Form 5300 as an individually designed plan as a

result of an amendment by the Adopting Employer to incorporate a type of Plan not allowable in a pre-approved plan as described in Revenue Procedure 2017-41; or

- as of the date the Plan is otherwise considered an individually designed plan due to the nature and extent of the amendments.

If the Adopting Employer is required to obtain a determination letter for any reason in order to maintain reliance on the opinion letter, the Provider's authority to amend the Plan on behalf of the Adopting Employer is conditioned on the Plan receiving a favorable determination letter.

The Adopting Employer further understands that, if it does not give its authorization hereunder or, in the alternative, adopt another pre-approved plan, its Plan will become an individually designed plan and will not be able to rely on the pre-approved plan opinion letter.

Reliance on Opinion Letter. As provided in Revenue Procedure 2017-41, the Adopting Employer may rely on the Plan's opinion letter, provided that the Adopting Employer's Plan is identical to the GMEBS Plan, and the Adopting Employer has not amended or made any modifications to the Plan other than to choose the options permitted under the Plan, Adoption Agreement, and any Addendum.

AN ORDINANCE (continued from page 1)

Section 2. Except as otherwise specifically required by law or by the terms of the Basic Plan Document or Adoption Agreement (or any Addendum), the rights and obligations under the Plan with respect to persons whose employment with the City was terminated or who vacated office with the City for any reason whatsoever prior to the effective date of this Ordinance are fixed and shall be governed by such Plan, if any, as it existed and was in effect at the time of such termination.

Section 3. The effective date of this Ordinance shall be October 1, 2024 **(not earlier than the first day of the current Plan Year in which the Plan is adopted, unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance))**.

Section 4. All Ordinances and parts of ordinances in conflict herewith are expressly repealed.

Approved by the Mayor and Council of the City of Mableton, Georgia, this _____ day of _____, 20____.

Attest:

CITY OF MABLETON, GEORGIA

City Clerk

Mayor

(SEAL)

Approved:

City Attorney

The terms of the foregoing Adoption Agreement are approved by the Board of Trustees of Georgia Municipal Employees Benefit System.

IN WITNESS WHEREOF, the Board of Trustees of Georgia Municipal Employees Benefit System has caused its Seal and the signatures of its duly authorized officers to be affixed this _____ day of _____, 20____.

Board of Trustees
Georgia Municipal Employees
Benefit System

(SEAL)

Secretary



AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Board of Ethics Appointments

BACKGROUND/SUMMARY:

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION: I move to

ATTACHMENTS:

1. ORD 2024-04-03 Mableton Ethics Ordinance (Adopted 4.24.24) (1) (8)

AN ORDINANCE CREATING CHAPTER 1, ARTICLE 2, CODE OF ETHICS, OF THE CITY CODE OF ORDINANCES AND FOR OTHER LAWFUL PURPOSES

WHEREAS, the City of Mableton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council (“City Council”) thereof;

WHEREAS, the City Council is authorized by the City Charter Sec. 1.13 and O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government;

WHEREAS, the City Council deems it essential to the proper operation of democratic government that the public officials be, and give the appearance of being, independent, impartial, and responsible to the people, that governmental decisions and policies be made in the proper channels of the governmental structure and that public office not be used for personal gain;

WHEREAS, such measures are necessary to provide the public with confidence in the integrity of City government;

WHEREAS, it is the policy of the City that its officials, employees, appointees, and volunteers conducting official City business: 1) serve others and not themselves; 2) be independent, impartial and responsible; 3) use resources with efficiency and economy; 4) treat all people fairly; 5) use the power of their position for the well-being of their constituents and 6) create an environment of honesty, openness and integrity; and

WHEREAS, the City Council finds this Ordinance to be in the best interest of the health, safety and welfare of the City.

IT IS HEREBY ORDAINED by the governing authority of the City of Mableton as follows:

Section 1. Chapter 1, General Government, Article 2, Code of Ethics, of the City of Mableton Code of Ordinances is hereby created to read as follows:

CHAPTER 1 - GENERAL GOVERNMENT

ARTICLE 2 - CODE OF ETHICS

Sec. 1.2.1 – Purpose.

The purpose of this code of ethics is to:

- (a) Encourage high ethical standards in official conduct by city officials;

- (b) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the city;
- (c) Require disclosure by such officials of private financial or other interest in matters affecting the city; and
- (d) Serve as a basis for disciplining those who refuse to abide by its terms.

Sec. 1.2.2 – Scope.

The provisions of this code of ethics shall be applicable to all elected or appointed city officials. Notwithstanding anything herein to the contrary, state law and the charter of the city shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the charter.

Sec. 1.2.3 – Definitions.

Solely for the purpose of this code of ethics:

- (a) City official or official, unless otherwise expressly defined or provided otherwise by the city charter, does not include city employees but does mean the mayor, members of the city council, municipal court judges (including substitute judges), city manager, city clerk, city attorney, and all other persons holding positions designated by the city charter, as amended. The term “city official” also includes all individuals, including city employees, appointed by the mayor and/or city council as appropriate to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the mayor and/or city council.
- (b) Decision means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the city council or other city board or commission, as well as the discussions or deliberations of the council, board, or commission which can or may lead to a vote or formal action by that body.
- (c) Employee means any person who is a full-time or part-time employee of the city.
- (d) Immediate family means the spouse, mother, father, grandparent, brother, sister, son or daughter of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.
- (e) Incidental interest means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.
- (f) Remote interest means an interest of a person or entity, including a city official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.

- (g) Substantial interest means an interest, either directly or through a member of the immediate family, in another person or entity, where:
- (1) the interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or
 - (2) the funds received by the person from the other person or entity during the previous 12 months either equal or exceed:
 - (a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or
 - (b) ten percent of the recipient's gross income during that period, whichever is less;
 - (3) the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or
 - (4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. 1.2.4 – Prohibitions.

- (a) No city official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the city.
- (b) No city official, in any matter before the council or other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as applicable.
- (c) No city official shall act as an agent or attorney for any non-city associated and/or affiliated entity, in any matter before the city council or other city body.
- (d) No city official shall directly or indirectly receive, or agree to receive, any gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.
- (e) No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.
 - i. This prohibition shall not be applicable to the professional activities of the city attorney in his or her work as an independent contractor and legal advisor on behalf of the city.

- ii. This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager, city administrator or chief of police).
 - iii. Any official who has a proprietary interest in an agency doing business with the city shall make that interest known in writing to the city council and the city clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Public property shall be disposed of in accordance with state law.
- (h) No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.
- (i) If a city official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the city council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- (j) No city official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No city official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
- (l) A city official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- (m) A city official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.
- (n) A city official shall not order any goods and services for the city without prior official authorization for such an expenditure. No city official shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.
- (o) No city official shall draw travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefore. This provision shall not include non-attendance resulting from illness and/or matters beyond the official's reasonable control.

- (p) No city official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Mableton nor shall any city official engage in ex parte communication with a municipal court judge of the City of Mableton on any matter pending before the Municipal Court of the City of Mableton.

Sec. 1.2.5 - Conflict of Interest.

- (a) A city official may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.
- (b) A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.
- (c) Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city official may participate in the vote or decision and need not disclose the interest.

Sec. 1.2.6 – Board of Ethics.

- (a) *Composition.* The Board of Ethics of the city shall consist of seven members with one member being appointed by each member of the city council and the mayor. The mayor's appointee may reside anywhere within the corporate limits of the city, but a member appointed by a councilmember shall reside within the district of the councilmember who appointed such member. The city clerk shall maintain a listing of the members. All members shall remain available to be called upon to serve in the event an ethics panel is convened as set forth below. Upon receipt of a properly verified complaint and timely forwarding of that complaint to the city official charged in the complaint, the city clerk, within thirty (30) days thereafter, shall draw, with a witness present, three members' names randomly from all seven appointed members of the Ethics Board, to constitute the Board of Ethics panel ("Board of Ethics Panel") assigned to preside over such complaint. Each assigned Board of Ethics Panel will select one of its three presiding members to serve as chair.
- (b) *Term.* All members of the Board of Ethics shall serve a term concurrent with the term of the councilperson who appointed them, with exception that a member who is assigned to a pending ethics complaint shall continue to serve on such Board of Ethics Panel until the conclusion of such complaint.
- (c) *Vacancies/disqualification.* An alternate member of the Board of Ethics shall be selected in the same manner as the disqualified/replaced individual.
- (d) *Compensation.* The members of the Board of Ethics shall serve without compensation. The city council shall provide meeting space for the Board of Ethics and, subject to budgetary procedures

and requirements of the City, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.

(e) *Qualifications.* No person shall serve on the Board of Ethics who:

1. Has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude;
2. Is less than 21 years of age;
3. Has not been a city resident for at least one (1) year immediately preceding the date of taking office. All Board of Ethics members shall remain a resident while serving on the Board;
4. Holds a public elective office;
5. Is physically or mentally unable to discharge the duties of a member of the Board of Ethics; or
6. Is not qualified to be a registered voter in the City of Mableton;
7. Has, or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the city; or
8. Has any permit or rezoning application pending before the city, or any pending or potential litigation against the city and/or any city official charged in the complaint.

(f) *Attestation.* Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualification to serve as a member of the Board of Ethics.

(g) *Convening as the Board.* Pursuant to city charter section 3.11(h), the Board of Ethics shall elect one of its members as chair and one member as vice-chair, and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. The Board of Ethics may establish such bylaws, rules, and regulations, not inconsistent with the city charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its Board and Ethic's Panel duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

(h) *Removal.* Members of the Board of Ethics may be removed by majority vote of the city governing authority.

Sec. 1.2.7 – Receipt of Complaints.

- (a) *Contents and form.* No complaint shall allege charges against more than one official, nor shall it allege charges arising from an incident occurring more than six months from the date of the filing of the complaint. All complaints shall:
- i. contain the complainant's name, email and address;
 - ii. be submitted and signed by the complainant under oath;
 - iii. be limited to alleged violations of this article; and
 - iv. specifically name all sections of this article of which the official is alleged to have violated.
- ii. *Filing.* All complaints against city officials shall be filed with the city clerk, who will give it to the mayor and council. The city clerk or the clerk's designee shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days from their receipt of a complaint in proper form. The city clerk shall be authorized to reject a complaint that is not filed in proper form as required under this article.
- iii. *Board review.* Upon receipt of a complaint in proper form, the Board of Ethics Panel assigned to such complaint shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the city council. The Board of Ethics Panel is empowered, prior to conducting a hearing, to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council. For complaints that are not dismissed, the Board of Ethics Panel is empowered to collect additional evidence and/or information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.
- iv. *Dismissal.* The Board of Ethics Panel is empowered at any time to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council.
- v. The Board of Ethics Panel is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- vi. *Forms.* The Board of Ethics and/or city clerk are empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.
- vii. *Board findings.* Findings of the Board of Ethics Panel shall be submitted to the city council for action.
- viii. *Political Timed Complaints.* To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for

that office are certified. The time for filing complaints shall be tolled during this period.

- ix. *Complaints Related to Litigation and Court Proceedings.* Ethics complaints and charges based upon actions arising from and/or related to litigation and/or court proceedings, shall not be accepted by the city clerk and/or ethics Board Panel, but shall instead be brought by the complainant, in the manner allowed by law, before the court, judge and/or judicial officer with jurisdiction over such proceedings.

Sec. 1.2.8 – Service of Complaint.

The city clerk shall cause the complaint to be served on the city official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint. Service may be by personal service, the complainant's email, official city email, certified mail, return receipt requested or by statutory overnight delivery.

Sec. 1.2.9 – Hearing.

A hearing shall be held within sixty (60) calendar days after the filing of a properly filed complaint that has not been earlier dismissed by the Board of Ethics Panel for being unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council. The Board of Ethics Panels shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The recommendation of the Board of Ethics Panel shall be rendered to the mayor and council within seven (7) calendar days after completion of the Board of Ethics Panel's final hearing. At any hearing held by the Board of Ethics Panel, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least thirty (30) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Board of Ethics, Board of Ethics Panels or the city council to act upon any complaint.

Sec. 1.2.10 – Penalty.

Any person violating any provision of this article may be subject to the following by the city council:

- (a) Public reprimand or censure by the city council; or
- (b) Request for resignation by the city council.

Sec. 1.2.11 – Appeal.

(a) Any appeal of a final ethics decision by the city council under this article shall be filed with the Cobb County, Georgia, Superior Court, as required by law.

Section 2. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

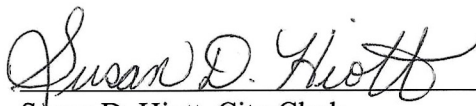
Section 3. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Ordinance for proofing and renumbering purposes.

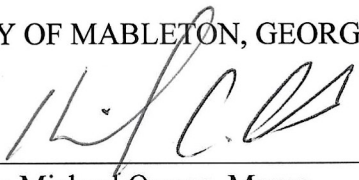
Section 4. The effective date of this Ordinance shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law.

SO ORDAINED this 24th day of April 2024.

ATTEST:

CITY OF MABLETON, GEORGIA:


Susan D. Hiott, City Clerk


Dr. Michael Owens, Mayor

APPROVAL AS TO FORM:


Emilia Walker-Ashby, Interim City Attorney





AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Planning Commission Appointments

BACKGROUND/SUMMARY:

Nominee Name

Robin Meyer (Mayor Owens)

Donte Philpot (D-1 C. Davis)

Undriss Miller (D-2 C. Oladapo)

Jeanette Hardee (D-3 - C. Jeffcoat)

Carl Valenzano (D-4 - C. Auch)

Cheryl Davis D-5 (C. Ferguson)

Vinis Walker D-6 (D. Herndon)

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION:

ATTACHMENTS:

1. Resolution Appointing Inaugural Planning Commission Rev. 10.23.24

**A RESOLUTION CONFIRMING THE APPOINTMENT OF THE CITY’S INAUGURAL
PLANNING COMMISSION AND FOR OTHER LAWFUL PURPOSES**

WHEREAS, the City of McDonough (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City of McDonough, Georgia are the Mayor and Council (“City Council”) thereof;

WHEREAS, the City’s Planning Commission is established pursuant to Mableton Code of Ordinances Ch. 10, Art. 3;

WHEREAS, the City Council desires through this Resolution to confirm the appointment of the City’s inaugural Planning Commission; and

WHEREAS, the City Council finds this Resolution to be in the best interest and general welfare of City residents, businesses and visitors.

NOW THEREFORE, BE IT RESOLVED, by the City Council as follows:

Section 1.

1. **Inaugural Appointments.** The inaugural Members of the City’s Planning Commission are as follows:

Planning Commission Member	Appointing Council Member	Term Ends ¹
Robin Meyer	Mayor Michael Owens (City-wide)	2027
Donte Philpot	Ron Davis (District 1)	2027
Undriss Miller	Dami Oladapo (District 2)	2025
Jeanette Hardee	Keisha Jeffcoat (District 3)	2027
Carl Valenzano	Patricia Auch (District 4)	2025
Cheryl Davis	T.J. Ferguson (District 5)	2027
Vinis Walker	Debora Herndon (District 6)	2025

¹ Pursuant to the City Charter Sec. 2.11(a), Council Members serve until their respective successors are elected and qualified. Pursuant to Mableton Code of Ordinances Ch. 10, Art. 3, Sec. 10.3.1(a)(3), Planning Commission Members serve concurrently with their appointing Council Member’s term of office, and until such Planning Commission Member’s successor is formally appointed by the City Council.

Section 2. The City has not yet determined the date that it will transition zoning services from Cobb County, Georgia, to the City. As such, Planning Commission Members shall not officially act on any actual zoning application and/or case, until such date that the City formally transitions zoning services from Cobb County, Georgia, to the City, in accordance with section 7.15 of the City Charter and/or other applicable laws. Planning Commission Members may meet to participate in training and education related activities prior to the city's transition of zoning services from Cobb County, Georgia,

Section 3. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section 4. The City Attorney and the City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

Section 5. The effective date of this Resolution shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law.

BE IT SO RESOLVED, this _____ day of _____, 2024.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney



AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Nomination and Appointment of Community Development Director

BACKGROUND/SUMMARY: The recommended appointee is Juliana A. Njoku. See resume attached.

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION: I move to

ATTACHMENTS:

1. 20241018172629885

JULIANA A. NJOKU

SEASONED MANAGEMENT EXECUTIVE

COMMUNITY DEVELOPMENT | PUBLIC ADMINISTRATION | ECONOMIC ADVANCEMENT | STRATEGIC PLANNING

PROFILE

Result oriented executive management professional with over (25) years of comprehensive experience and a track-proven record of accomplishments in: planning, zoning and community development, economic development and sustainable initiatives, process improvement (six-sigma Greenbelt), DEI and workforce development, community engagement, public administration, operational management; A strong communicator, excelling at capacity building, public speaking, training and policy analysis.

CAREER HIGHLIGHTS AND ACHIEVEMENTS

PLANNING & DEVELOPMENT

Led Countywide Infrastructure Master Planning; Led Countywide ARC Housing Study; Winner of ACCG Grant for Community Engagement App-PND Panda; Leading UDO Update; AICP seeking November 2024: Code Enforcement On-boarding Training Program; Managed National Stabilization Program to support affordability housing and redevelopment; Led the Department of Public Works to national rankings for Sustainability initiatives to include Clean Cities Award; Designed innovative workforce housing program and development project for private development company. Served as a part of the urban planning team for the completed Indianapolis Cultural Trail.

PUBLIC ADMINISTRATION

Led and participated in the successful execution of over 10 city-wide Lean Six Sigma projects; saving over 10mil USD in city funding. Directed and coordinated public infrastructure and historic preservation initiatives to address citizen service needs; receiving Mayoral Award for a decade of dedicated service in advancing city and community programs. Served on the leadership team to define Key Performance Indicator Tracking Program (INDYSTAT) policies and procedures.

SOCIAL IMPACT & COMMUNITY ENGAGEMENT

Organized Dekalb/Fulton County John Lewis GOVT Initiative, executing innovative programming; adding to historic voter turnout in underserved communities. Organized Inaugural Atlanta Housing Choice Neighborhood Partnership Retreat; served as the facilitator for Invest Atlanta Housing Opportunity Bond Workshops; Served as Community Engagement Consultant for Invest Atlanta Economic Mobility Plan.

ECONOMIC ADVANCEMENT

Led Strategic Planning team for ARPA Small Business and Workforce Development initiatives for the Southern Region Economic Roundtable & Georgia's Coalition of Black Chambers; was appointed Workforce Development Policy Spokeswoman for the Coalition by State Senator Donzella James, Chair of Georgia's Interstate Cooperation.

EXPERIENCE

DIRECTOR, PLANNING & DEVELOPMENT, ROCKDALE COUNTY,
CONYERS, GA — 2023 - 2024

- Was responsible for the operation, planning, administration, financial management and intergovernmental relations for Community Planning, Zoning & Development, Code Enforcement, Infrastructure, Housing and Economic Development activities throughout the County.
- Directed and provided oversight for short and long range goals and objectives for planning and development related activities; oversees the coordination of the department divisions and budget.
- Prepared various technical reports and recommendations regarding department matters to the Board of Commissioners, other government agencies and private foundations.

- Served as the County's representative on behalf of the Chairman of the Rockdale County Board of Commissioners on local, state and regional matters related to planning, land use, development, and related matters.
- Represented Rockdale County on technical issues for the Atlanta Regional Commission, Environmental Protection Division, Environmental Protection Agency, and related planning matters.
- Communicates official plans, policies and procedures to staff and the general public.

PRINCIPAL STRATEGIC CONSULTANT, SAPPHIRE GLOBAL SOLUTIONS,
ATLANTA, GA — 2020 - 2023

- Served as Social Impact and Strategy Consultant for development corporations, government agencies, non-profits and community organization with a focus on community development, economic and engagement strategies.
- Led, trained and advised on program initiatives with a focus on diversity, equity and inclusion-based initiatives, workforce developments, impact strategies, conflict management and sustainable development.
- Developed and managed project timelines, budgets, and plans. Serve as Lead Communication Specialist for large scaled community initiatives; collaborating on high impact messaging and strategies, stakeholder engagements, executive presentations, project reporting and analysis.

POLICY, DEVELOPMENT & COMMUNITY ENGAGEMENT CONSULTANT

Served as Senior Policy Consultant: providing public-private relationship management, government relations, housing and community engagement services.

Highlighted Clients: The Carter Center, Richey & Richey Inc, Urban League of Greater Atlanta, Invest Atlanta, Atlanta Housing, Five Points Development, Atlanta Black Chamber, Southern Region Economic Roundtable, Spellman Consulting Group, STEM Atlanta Women, Terminus Development Group, Tenth Street Developers, and Broadview America

SENIOR POLICY ASSOCIATE, ATLANTA HOUSING
ATLANTA, GA — 2016 - 2017

- Directed and managed business operations strategies during leadership transition; to include staff operations, statistical and data analysis, planning and road mapping for new and proposed agency initiatives.
- Led the design and framework of the 5-year strategic plan, business systems and impact analysis, re-branding, community engagement, policy research, and management reporting.
- Administered agencies Land Use Plan; recommending both people and place-based strategies. Planned and implemented strategies towards the execution of 30 Million-dollar HUD grant (Choice Neighborhoods); administering partnership development projects, workshops, grant review, retreats, and training.
- Executed 128-member partnership retreat and workshop event; Assessing complex local, regional, and national community and civic engagement needs to determine opportunities for public private partnerships, joint program development and implementation.

ASSISTANT ADMINISTRATOR, CITY OF INDIANAPOLIS, DEPT. OF PUBLIC WORKS,
INDIANAPOLIS, IN — 2006 - 2016

- Served as Senior Planner and was promoted to City Administrator and Performance Manager. Led program and project management teams for citywide initiatives; providing planning expertise in the implementation of new initiatives and development projects.

- Oversaw all strategic planning activities for the divisions of Sustainability, Operations, and Enterprise Development; managing long-range planning, placemaking activities and the coordination of cities and county agencies.
- Served on cross-functional team with the Public Information Office; communicating departmental initiatives to corporate partners, community, and government stakeholders. Formulated department policies and procedures for sustainable infrastructure development.
- Led performance initiatives as a part of the Mayor's Office for Enterprise Development; executing integrated public-private strategies; advancing the offices' policy agenda to address small business development, clean cities, urban and rural development initiatives.
- Supported the Mayor's office in developing of green initiatives, to include the establishment of the Office of Sustainability and the completion of the Monon Trail
- Managed and executed strategies and programs related to corporate social responsibility (e.g., philanthropies, accessibility, sustainability); working with Eli Lilly Foundation, The Super Bowl Committee and IUPUI on community strategies for each respective program. Served as Public Works liaison; providing research and recommendations to Transportation, Parks and Continuity of operations (COOP) planning initiatives.

EDUCATION

UNDERGRADUATE

University of Maryland — College Park — Government & Politics — 2000

GRADUATE CERTIFICATION

Harvard University (HES) — Sustainability & Innovation — 2018

PROFESSIONAL CERTIFICATIONS

UNIVERSITY OF MARYLAND, COLLEGE PARK

Certification, Conflict and Peace Management – CIDCM Program — 1999

Leadership Training Certification - Instructor — 1999

CITY OF INDIANAPOLIS, INDIANAPOLIS, IN

Office of Audit & Performance – Six Sigma Greenbelt Certification – 2012

INDIANA SUPREME COURT, INDIANAPOLIS, IN

Robert H. McKinney School of Law - ICLEO - Legal Fellow — 2014

UNIVERSITY OF GEORGIA, ATLANTA, GA

Carl Vinson Institute of Government - Economic Development Certification — 2025

SKILLS

TECHNICAL:

Proficient User of Microsoft / Other Business Technology

INDUSTRY KNOWLEDGE:

Comprehensive and Municipal Planning / Land Use / Urban and Rural Development / Sustainability / Diversity, Equity and Inclusion Strategy / Business, Program & Project Management

REFERENCES

Available Upon Request



AGENDA ITEM MEMORANDUM

MEETING OF: October 23, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Resolution Authorizing and Appointing Lily Smith and Alison Benson to Serve as Deputy Clerks During Absence of Clerk

BACKGROUND/SUMMARY: Whenever the City Clerk is out of the office for conferences, training, vacation and possible sickness, a back up deputy is needed to certify documents, stamping of the City seal, and attesting signatures. State law (O.C.G.A. Sections 36-1-24 and 36-45-20 requires anyone holding or performing the duties of a municipal/county clerk... shall attend a 15-hour mandated orientation training. Both Lily Smith and Alison Benson have taken the mandated training.

BUDGETED/FINANCIAL IMPACT – FUND: N/A

RECOMMENDATION: City Clerk Hiott recommends that Lily Smith and Alison Benson act as deputy clerks in absence of the City Clerk with the approval of Mableton Mayor and Council.

ATTACHMENTS:

1. APPOINTING EAS TO SERVE AS ACTING DEPUTY CLERKS DURING ABSENCE OF CLERK.docx (1)

A RESOLUTION AUTHORIZING LILY SMITH AND ALISON BENSON, EXECUTIVE ASSISTANTS, AS ACTING DEPUTY CLERKS DURING THE ABSENCE OF CITY CLERK AND FOR OTHER LAWFUL PURPOSES

WHEREAS, the City of Mableton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council (“City Council”) thereof;

WHEREAS, in the City of Mableton Charter Section 3.13, the city council shall appoint a city clerk... and the city clerk shall be custodian of the official city seal and city records; and

WHEREAS, Section 3.10 of the City Charter provides that “all appointive officers and directors shall be nominated by the mayor with confirmation of appointment by at least three of the other members of the city council;” and

WHEREAS, on May 11, 2023, Susan Hiott was appointed as Interim City Clerk and City Clerk in April 2024; and

WHEREAS, City Clerk Suan Hiott is responsible for many duties including preparing for city council meetings, preparing and distributing agendas, taking minutes, attesting the Mayor’s signature, overseeing open records, certifying documents, and publicizing all information under the Open Meetings Act; and

WHEREAS, The City Clerk may be out of the office for training, sickness, vacations, and other unforeseen reasons; and

WHEREAS, State law (O.C.G.A. Sections 36-1-24 and 36-45-20 requires anyone holding or performing the duties of a municipal/county clerk... shall attend a 15-hour mandated orientation training; and

WHEREAS, Both Executive Assistant to Mayor, Lily Smith, and Executive Assistant to Council, Alison Benson, have completed the 15-hour mandated training; and

WHEREAS, this Resolution is enacted to safeguard and promote the public health, safety, and general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED, by the governing authority of the City of Mableton, Georgia, as follows:

Section 1. That Lily Smith and Alison Benson are authorized and appointed to serve as Deputy Clerks during the Clerk’s absences, and provide temporary clerk duties, including certification of City documents, stamping of the City seal, and attesting of signatures.

Section 2. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section 3. The City Attorney and the City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

Section 4. The effective date of this Resolution shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law.

BE IT SO RESOLVED, this 23rd day of October, 2024.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Resolution accepted and agreed to by:

Emilia Walker-Ashby, Interim City Attorney