



CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
August 26, 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 AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. AGENDA ITEMS AND DISCUSSION**
 - a. YMCA Presentation - Lauren Koontz, President and CEO of YMCA of Metro Atlanta**
 - b. Transition of Cobb County Zoning Ordinance and Map Into A Mableton Zoning Ordinance and Map - Objectives, Deliverables and Draft Mableton Zoning Code - Rob Hosack and Chris Miller**
- 4. PRE REGULAR MEETING AGENDA REVIEW**
- 5. ANNOUNCEMENTS**
- 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))**
- 7. 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: August 26, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: YMCA Presentation - Lauren Koontz, President and CEO of YMCA of Metro Atlanta

BACKGROUND/SUMMARY: Lauren Koontz, President and CEO of YMCA Metro Atlanta, will speak about the programs and opportunities in the Mableton area.

BUDGETED/FINANCIAL IMPACT – FUND:

MOTION: N/A

ATTACHMENTS:

1. Mableton City Council v2



The Power of Partnership

City of Mableton, GA



>> Introduction



For 165 years, the YMCA of Metro Atlanta has provided a place of safety, health, and growth for the people who need it most.

While we continue to uphold our longstanding values of Caring, Honesty, Respect, and Responsibility, as we look to the future, we are doubling down on our vision to champion communities where everyone belongs.

With this in mind, as we design for the future, we are guided by a key question from our Y-2025 Strategic Plan: What does building healthy mind, body, and spirit — with equity at the heart of our work — mean today and in the future?

Let us share what we're doing to answer that question, how we're meeting the challenges of our communities, and explore together the ways we may partner with you to expand our collective impact.





The Y Today

As a “165-year-old start-up,” we’re laser-focused on being relevant for our communities today and always.

The Y leads, convenes and collaborates to help people live more connected and healthier lives.

Through our staff, volunteers, and aligned partnerships, we’re meeting communities where they are within the walls of the Y and beyond.

»» Our Mission, Vision and Values

Inspired by **OUR VISION**

Be the organization that champions communities where everyone belongs.

Guided by **OUR VALUES**

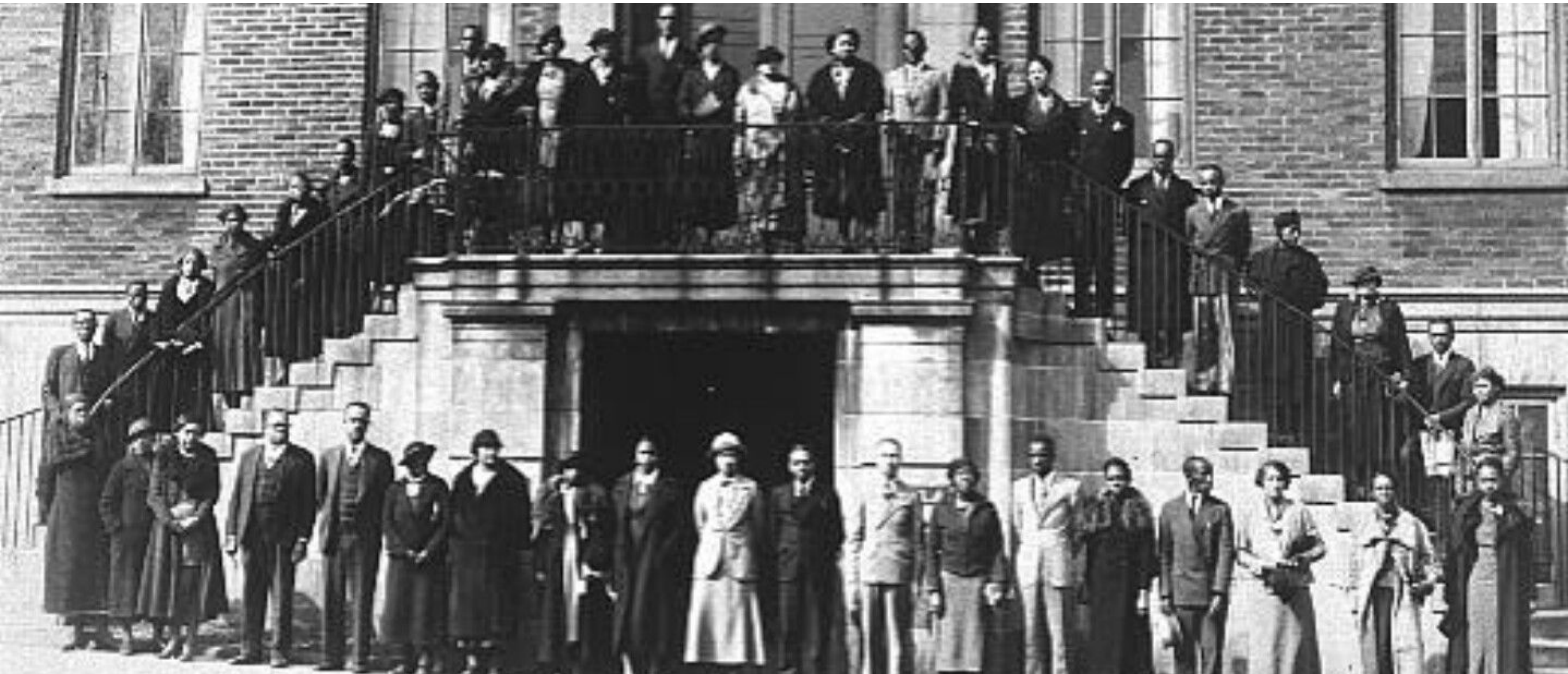
Caring, Honesty, Respect & Responsibility

Grounded in **OUR MISSION**

Reflecting its Judeo-Christian heritage, the YMCA of Metro Atlanta is an association of volunteers, members and staff, open to and serving all, with programs and services which build spirit, mind, and body.



» And we have been for more than 165 Years...





OUR FOUNDING

The YMCA is founded in Atlanta, offering prayer meetings and social gatherings for young men, focused on building spirit, mind and body. The YMCA begins by operating in borrowed spaces in churches, and later in rented rooms on Whitehall Street – a frugal operation since the beginning – staffed only by volunteers for several decades.

1858

1884

1885

FIRST YMCA BRANCH

The Railroad YMCA, founded in 1884, was located in rented space in the Williams building on Pryor Street and offered railroad workers a more wholesome alternative to their typically raucous lifestyle.

FIRST FITNESS PROGRAMS

The Y's first gymnasium in Atlanta is created in 1885 and by 1890, the YMCA's physical health program hits its stride, helping young men develop their bodies as well as their minds and spirits.





1888

FIRST YMCA BUILDING

The YMCA builds our first YMCA-owned building at the intersection of Pryor and Wheat Street in Downtown Atlanta.

1889

EDUCATION CLASSES

The YMCA begins offering night school classes for Atlanta's young men, including bookkeeping, mathematics, mechanical drawing, penmanship and hygiene.

1889

SWIM LESSONS

The late 1800s is a time when thousands die annually from drowning. In response to this need, the Y begins incorporating swimming pools into facilities.

CAMP THORNTON

The Y's first overnight camp opens in North Georgia, with 34 boys and six leaders attending the first session and setting a precedent for fun and fellowship that continues to this day with Y camps.

NEWSBOYS CLUB

The Y partners with Atlanta's newspapers to open The Newsboys Club to provide a safe haven for newspaper boys, who were often homeless and abandoned children who sold newspapers on the streets.



1900

1925

1941-
1945

1942



SERVING THE TROOPS

During World War II, the Y serves more than one million service men in Atlanta through various programs, from housing, to social events and more.

Y DAY CAMP BEGINS

The Atlanta YMCA's first day camp opens with 50 boys attending at a cost of \$4 for two weeks of camp. Day camp provides a safe, adventurous way to spend summer days closer to home.

GRA-Y CLUBS & TEAM SPORTS

Gra-Y and High-Y Clubs in grade schools and high schools around the city provide a first Y experience for many young people growing up in Atlanta, including team sports like football, baseball, basketball, track and cheerleading. Later, in 1968, the Decatur Family Y pioneers youth soccer for YMCAs across the U.S., offering the first youth soccer league in the country.

1950s &
1960s



OPEN TO ALL

After expanding its reach into the suburbs through local programs, the Y opens its first four suburban branch facilities to meet the needs of a rapidly growing city. Though Y facilities had been open to men and boys only up until this time, the Y now serves the entire family, welcoming women and girls as well. Shortly after, all Y facilities integrate, making the Y open to all.

1959-
1962



MEETING THE NEEDS OF WORKING PARENTS

As more women enter the workforce, and families realize a need for safe, reliable, after-school care for their elementary age children, the Y meets the need by providing high-quality afterschool programs.

EARLY LEARNING

South DeKalb Early Learning Center opens, marking the start of the Y's early learning programs. This was the first stand-alone early learning facility. Shortly after, the Y begins offering Head Start services and continues to expand early learning programs.

1970s

1990s





2000–
2019

EXPANSION AND IMPACT

Branches and early learning centers open across the metro Atlanta area, including the opening of the Leadership and Learning Center, serving both the suburbs and urban center along with programs designed to meet the needs of the individual communities the Y serves.

PANDEMIC PIVOT

In a matter of days the YMCA of Metro Atlanta closes all locations for member services and pivots to meet the most pressing needs of Atlanta's children, seniors, and families as the Covid 19 pandemic reaches Atlanta. The Y activates — joining arms with community partners across the city and state — to offer emergency childcare for essential workers and hunger relief for children, families and seniors, with specific outreach programs for seniors.

2020–
2023

A key feature of this era is innovative partnership, signified by the introduction of Y programming at Morehouse School of Medicine (2020) and Good Samaritan Health Center (2022).

20 YMCA LOCATIONS



1. Andrew and Walter Young Family YMCA

2. Carl E. Sanders Family YMCA at Buckhead

3. Covington Family YMCA

4. Cowart Family YMCA

5. Decatur Family YMCA

6. East Lake Family YMCA

7. Ed Isakson/Alpharetta Family YMCA

8. Forsyth County Family YMCA

9. G. Cecil Pruett Community Center Family YMCA

10. J.M. Tull-Gwinnett Family YMCA
11. McCleskey-East Cobb Family YMCA

12. Northeast Cobb Family YMCA

13. Northwest Family YMCA

14. Robert D. Fowler Family YMCA

15. Summit Family YMCA

16. The Villages at Carver Family YMCA

17. Wade Walker Park Family YMCA

18. YMCA at Good Samaritan Health Center

19. YMCA at Morehouse School of Medicine

20. Leadership and Learning Center

13 Early Learning Centers

* Not indicated on map.

1. Andrew & Walter Young Family YMCA Early Learning Center
2. Arthur M. Blank Early Learning Center at E.A. Ware
3. Arthur M. Blank Family Youth YMCA Early Learning Center
4. East Lake Family YMCA Early Learning Academy
5. YMCA Academy of South Dekalb Early Learning Center
6. YMCA Barrow County Early Learning Center*
7. YMCA Chattahoochee Early Learning Center
8. YMCA Dean Rusk Early Learning Center
9. YMCA Early Learning Center at Hollis Innovation Academy
10. YMCA Greene County Early Learning Center*
11. YMCA Morgan County Early Learning Center*
12. YMCA Paulding Early Learning Center
13. YMCA Woodson Park Early Learning Academy

6 Youth Program Sites + Camps

1. Cherokee Outdoor YMCA
2. South Dekalb YMCA
3. Arthur M. Blank Family Youth YMCA
4. YMCA Camp High Harbour at Lake Allatoona
5. YMCA Camp High Harbour at Lake Burton* (in Rabun Co.)
6. YMCA Youth and Teen Development Center



Y-2025 Strategic Plan Pillars and Priorities



MIND

EARLY LEARNING

Increase access for children and families, explore new models, develop best practices, and influence policy to improve child outcomes.

YOUTH ACHIEVEMENT

Provide educational support, social-emotional learning, and real-world skills and workforce development for youth to close the opportunity gap.



BODY

HOLISTIC WELLNESS

Be the leading community resource for preventative wellness to reduce chronic and progressive disease through partnerships with the health care community.

HEALTH EQUITY

Address health disparities across race and socio-economic conditions, lead with education, and provide connections to health services and resources.



SPIRIT

INCLUSION + EMPOWERMENT

Create spaces and experiences that foster equity and inclusion, promote understanding and acceptance of people of all faiths and backgrounds, and be an organization that welcomes all.

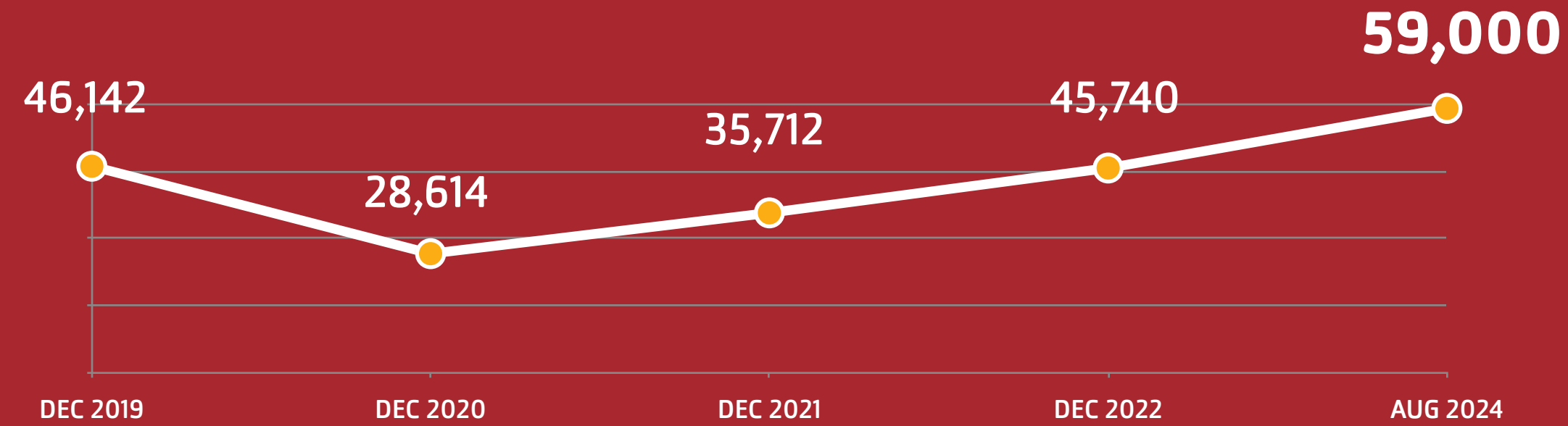
PEOPLE ARE THE WHY

Connect individual passion to purpose for team members, volunteers and members with opportunities and experiences for each individual to create positive change in our community.

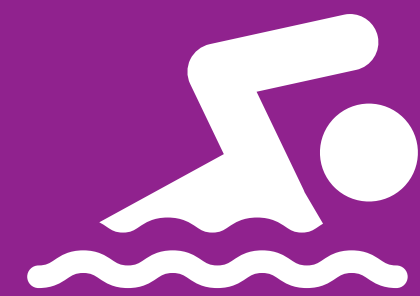
»» Our Reach is Growing



7M
experiences
towards five-
year goal of
15M.



53,186 ACTIVE PAID MEMBERSHIP UNITS;
currently churn is consistently under 5%.



7,438 TO DATE

Approaching 75%
of safety around water/swim goal.

GOAL 10,000

**VOLUNTEER
ENGAGEMENTS**

14, 580
IN 2024
as of 6/30/2024

***On track to
exceed total
volunteer
engagements
this year**





Y Without Walls

Community engagement from the very beginning is essential.

- McCleskey Y has a full-time position to lead community work and secured funding to wrap 2 vehicles with Y on the Fly branding
- 8 Ys distribute food and resources from extended stay motels, churches, schools and apartment complexes
- Safety Around Water in neighborhoods and communities



Public/Private Partnership Models



City of Canton

- G. Cecil Pruett Community Center Family YMCA
- City of Canton provided the land and built the facility
- YMCA operation of the facility and an outdoor location
- Longterm lease — \$1/year

City of Alpharetta

- Ed Isakson/Alpharetta Family YMCA
- City of Alpharetta provided the land, built the facility
- YMCA operation of the facility / the city also uses the space for a variety civic reasons
- Branch focus — a strong ephasis on Active Older Adult programming
- Longterm lease — \$1/year

DeKalb County

- Wade Walker Park Family YMCA A
- County provided the land and half the capital / the Y raised other half
- YMCA operation of the facility
- Branch focus — strong Hunger Relief and Teen Outreach programming
- Longterm lease — \$1/year

Partnering with cities to meet the unique needs of their communities.

Partnership Model Innovations



Morehouse School of Medicine

The 10,000 square foot fitness facility, built and owned by Morehouse School of Medicine serves the school's students, faculty, staff and the local community with programming provided the YMCA of Metro Atlanta. The facility opened in Dec. 2020.



Good Samaritan Health Center

The Wellness Center at Good Sam, operated by the YMCA, offers programming that includes group fitness and healthy eating classes to Good Sam's patients and area residents.



Atlanta Water Safety Coalition

The Atlanta Water Safety Coalition, established in 2023, is dedicated to developing age-appropriate strategies and enhancing access to swimming and water safety instruction for Atlanta's youth, particularly individuals from Black and Brown communities who are at higher risk. The coalition includes the City of Atlanta Department of Parks and Recreation, YMCA of Metro Atlanta, Children's Healthcare of Atlanta, the American Red Cross, WABE and Sears Pool Management.



Our Promise

The Y provides financial assistance so no one is ever turned away.

\$9.2M

2023 Financial Assistance Amount Provided



 Incredible Possibility. **What Can We Do Together?**



AGENDA ITEM MEMORANDUM

MEETING OF: August 26, 2024

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Transition of Cobb County Zoning Ordinance and Map Into A Mableton Zoning Ordinance and Map - Objectives, Deliverables and Draft Mableton Zoning Code - Rob Hosack and Chris Miller

BACKGROUND/SUMMARY: Please see memos attached.

BUDGETED/FINANCIAL IMPACT – FUND:

MOTION:

ATTACHMENTS:

1. Technical Memo #1(MZC) 7-6-24
2. Technical Memo #2 (MZC) 8-6-24
3. Draft MZC (with tables) 8-6-24



To: Mableton Mayor and Council

Thru: Bill Tanks, City Manager

CC: Amelia-Walker Ashby, City Attorney

Susan Hiott, City Clerk

From: Rob Hosack

A handwritten signature in purple ink, appearing to be 'RH' or 'Rob Hosack', is written next to the name.

Chris Miller

Date: July 8, 2024

Re: Deliverable #1, Technical Memorandum #1

Relevant Objectives for Deliverable #1

1. Facilitate a smooth transition in readoption of the Cobb County Zoning Ordinance into a Mableton Zoning Ordinance with minimal disruption and extraction of provisions that are not relevant to Mableton.
2. Incorporate best practices, including lessons from Hosack's previous work.

Overarching Principles for Deliverable #1 – Talking Points

1. Combine/shorten (where appropriate) various articles in Cobb County's current zoning ordinance to reduce redundancy and duplicative provisions.
2. Where possible, shorten by referencing applicable statute versus copying and pasting/insert.
3. Identify applicable zoning districts to include and exclude from Cobb's zoning ordinance (via GIS).
4. Develop individual district regulations by setting uniform standards for all residential, commercial and industrial districts (same as Cobb's).
5. Identify any conflicting ordinance provisions for Mayor and Council to make decisions in advance of finalizing draft of MZC.

Deliverable #1: Technical Memorandum #1: Framework Development
Mableton Zoning Code

6. Develop new organizational structure for MZC to facilitate a user-friendly flow of ordinance provisions.
 7. Identify tasks for City Attorney that are necessitated by the adoption of a new zoning ordinance.
 8. Create a demonstratable document to facilitate explanation of Deliverable #1 to Mayor and City Council.
 9. Maintain all 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.
 10. Incorporate the Mableton Form-Based Code and the South Cobb Implementation Strategy into the MZC.
 11. Inquire as to recommended numbering system to be utilized for MZC.
2. Develop outline for MZC (See attached **Exhibit “A”** for draft outline of MZC.)

Tasks for City Attorney:

1. Draft/develop penalties provision of MZC
2. Review ordinance for compliance with Zoning Procedure Act
3. Prepare Resolution to adopt regulations governing Sexually Oriented Businesses (both land use regulations in Mableton Zoning Code and in Licensing of Sexually Oriented Businesses – need secondary effects evidence presented and reviewed by Mayor and City Council before adoption of these regulations)

Decisions for Mayor and City Council:

1. Where permitted use chart and district regulations conflict, how to decide? **Recommend allowing use if reflected on either chart or district regulations.**
2. Where bulk regulations chart and district regulations conflict, how to decide? **Recommend using most liberal regulation.**
3. Does the City of Mableton want a Historic Preservation Commission at this time?
4. Does the City of Mableton want a License Review Board at this time?
5. For those residential zonings that indicate landscape and buffer requirements do not apply, but also have language regarding an undisturbed buffer, how to handle those?
6. Does the City want the same titles for departments and staff as Cobb County; or does the city want to set its own departments and staff titles?
7. How does the city want the MZC numbered?
8. Where Cobb County no longer allows property to be rezoned to certain districts, does the City want that same prohibition?
9. Does City need a Civilian airport hazard district?
10. Does City need a military airport hazard district?

Deliverable #1: Technical Memorandum #1: Framework Development
Mableton Zoning Code

Tasks for City of Mableton:

1. Develop Zoning map through assistance with GIS – Rob’s discussion with Jennifer Lana;
2. Draft and adopt ordinance governing the licensing and sale of alcoholic beverages;
3. Draft and adopt ordinance governing the licensing of Sexually Oriented Businesses.

EXHIBIT A

Proposed Draft Outline for MZC

I. GENERAL PROVISIONS

- a. Title
- a. Authority
- b. Applicability
- c. Exemptions
- d. Penalties
- e. Purpose and Intent
- f. Rules of Interpretation
- g. Rules of Construction
- h. Sale, refinancing or leasing of portion of the property.
- i. Definitions (identical as Cobb definitions; adapt where appropriate to Mableton; eliminate duplicative definitions where possible)

II. ADMINISTRATION OF ZONING ORDINANCE

- a. Planning Commission – COPY FROM COBB
- b. Board of Zoning Appeals – COPY FROM COBB
- c. Historic Preservation Commission (DOES CITY WANT THIS?)
- d. License Review Board (DOES CITY WANT THIS?)

III. ZONING DISTRICTS ESTABLISHED, ZONING MAP, ZONING REGULATIONS

- a. Zoning Map adopted
- b. Zoning Districts Enumerated

R-80 (Single family residential district 80,000 square foot lot size)

R-40 (Single family residential district 40,000 square foot lot size)

R-30 (Single family residential district 30,000 square foot lot size)

R-20 (Single family residential district 20,000 square foot lot size)

Deliverable #1: Technical Memorandum #1: Framework Development
Mableton Zoning Code

R-15 (Single family residential district 15,000 square foot lot size)

OSC Overlay (Open Space Community Overlay)

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

RD (Residential Duplex)

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

PRD (Planned Residential Development)

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

SC (Suburban Condominium)

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

RM-8 (multi-family residential district 8 units per acre)

FST (Fee Simple Townhouse)

RM-12 (multi-family residential district 12 units per acre)

MHP/S (Mobile Home Subdivision)

MHP (Mobile Home Park)

RSL (Residential Senior Living)

LRO (Low Rise Office)

CF (Future Commercial)

LRC (Limited Retail Commercial)

NRC (Neighborhood 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)

PSC (Planned Shopping Center)

TS (Tourist Services)

Deliverable #1: Technical Memorandum #1: Framework Development
Mableton Zoning Code

GC (General Commercial)

IF (Future Industrial)

LI (Light Industrial)

HI (Heavy Industrial)

c. Zoning District Regulations

- Purpose and intent same as Cobb County with reference to Cobb County Comprehensive Plan.
- Permitted uses in chart form only.
- Eliminate definitions in individual zoning districts relying on definitions in General Provisions to govern.
- Bring over all use limitations as is
- Bulk regulations in chart form only
- Eliminate duplicative reference to the public right of way set back diagram.
- Refer district regulations to one stop shop regulation for:
 - flood plain and wetland preservation management
 - parking
 - lighting
 - antennas and satellite dishes
 - accessory buildings, structures and decks
 - landscape buffer and screening requirements (if any).

d. Zoning Process and Procedures

e. Special Exception Uses

f. Appeals

IV. ZONING PROCESSES AND PROCEDURES

- a. Staff report (criteria to review)
- b. Planning Commission (criteria to review)
- c. Mayor and City Council (criteria to review)
- d. Adoption of rules and policies to govern hearings
- e. Procedures for meetings
- f. Requirements to submit rezoning application
- g. Standards to govern rezoning applications
- h. Public notice and advertising for hearings
- i. Notice to adjacent property owners
- j. Withdrawal of applications
- k. Resubmission of rejected/deleted applications
- l. Subdivision of land

V. PERMITS AND VARIANCES

- a. Variances
 - Administrative
 - Authority to grant
 - In cases of eminent domain
 - Non-administrative
- b. Special Land Use Permits
- c. Temporary land use permits (including temporary mobile home occupancy and land use permit)
- d. Limited professional services permit
- e. Sign Permits
 - Generally
 - Administration and Enforcement

VI. SUPPLEMENTAL REGULATIONS

- a. Nonconforming uses
- b. Street frontage
- c. Classification of streets
- d. Vision clearance of intersections
- e. Non applicability of setbacks to railroad spurs.
- f. Gasoline pumps/electric car charging stations and canopies.
- g. General development standards
- h. Lighting plan
- i. Golf courses.
- j. Traffic and parking
- k. Television, land mobile, communication, microwave and radio transmission antennas and towers over 35 feet in height
- l. Satellite television antennas and dishes and other receiving antennas
- m. Civilian airport hazard district

Deliverable #1: Technical Memorandum #1: Framework Development
Mableton Zoning Code

- n. Moving buildings
- o. Junk abandoned or inoperative vehicles.
- p. Erection, installation and use of factory-built buildings and dwelling units and manufactured homes
- q. Self-service storage facilities
- r. Automotive and scrap salvage yards and scrap metal processing
- s. Residential agricultural farm and wood products and livestock and poultry sales
- t. Commercial produce and agricultural produce stands
- u. Standards for state mountain and river corridor protection act areas
- v. Standards for state metropolitan river protection act areas
- w. Landscape enhancement strip.
- x. Mableton form-based redevelopment (make sure to incorporate by reference and link the other documents related to the Mableton form-based redevelopment code here)
- y. Unattended donations drop boxes.
- z. Mableton Parkway/Veterans Memorial Highway design overlay district
- aa. Backyard chickens for properties under two acres
- bb. Austell Road design overlay district
- cc. Property maintenance



To: Mableton Mayor and Council

Thru: Bill Tanks, City Manager

CC: Amelia-Walker Ashby, City Attorney

Susan Hiott, City Clerk

From: Rob Hosack *RH*

Chris Miller

Date: August 6, 2024

Re: Deliverable #1, Technical Memorandum #2 and Draft Mableton Zoning Code

Notes

- Draft MZC is work product that is consistent with the technical memo summarized and presented to Mayor and Council (see attached)
- Items highlighted in blue are for City Attorney to review and provide substantive input
- Recommend no changes to definitions, district regulations or permitted uses
- Recommend removing all provisions relating to appeals and drafting (with cooperation of City Attorney) one appeals provision that informs citizens how to appeal within the MZC and outside of MZA to Superior Court
- Recommend reviewing all processes and boards (i.e., Board of Zoning Appeals, Licensing Review Board, etc.) and deciding if as a city, that is something the city wants to mimic from Cobb County
- Items unaccomplished to date:
 - Review all permitted uses in Cobb's ordinance to make sure the new chart is consistent
 - Review all bulk regulations in Cobb's ordinance to make sure the new bulk use chart is consistent
 - Insert MZC code references where appropriate (see narrative parentheticals – they need to be replaced with citation numbers once the final draft is accepted)

- Add substantive provisions provided by City Attorney
 - Discussion regarding Cobb County Development Standards and decision made regarding how best to incorporate those standards into MZC
 - Does the city want to add any other districts that exist in Cobb County considering ZPA?
 - Review South Cobb Implementation Strategy and decide how to incorporate if applicable
 - Final review and final edits
- Suggested items to consider incorporating into MOA with Cobb County DOT
 - Review and approve assumptions technical memorandum for all traffic studies required by the zoning process
 - Review and approve all traffic studies required by the zoning process
 - Review and approve mitigation packages to address the cumulative impacts of a given project
 - Review and approve lighting plans for all rezoning applications
 - Review and approve turning radii of the aiseways for Climate controlled self service storage facilities (both principal use and accessory use)
 - Review and approve traffic circulation and parking plans for churches and other developments (Coliseums, stadiums, convention centers, etc.)
 - Approve access to a public street by means of a recorded easement
 - Review and approve parallel parking plans and striping
 - Review and approve shared parking studies
 - Make estimations of the time involved in the moving process under Section 7.22 (moving buildings)
 - Make determinations regarding operational requirements under Section 7.22 (moving buildings)
 - Review and approve all sight distance standards for zonings and plantings for landscape enhancement strips
- Businesses to consider regulating via licensing ordinance before or simultaneously with the MZC (mandatory in yellow):
 - Carnivals and/or circuses
 - Flea markets
 - Peddlers
 - Sale of tobacco and tobacco products
 - Sexually oriented businesses (city also needs to undertake land use study to identify actual locations in LI and HI districts that adult businesses can locate prior to adopting the MZC and any licensing ordinance regulating same – if not sufficient number of locations are available, city should consider allowing them in additional districts – see advise of City Attorney)

- Sale of alcohol
- Tree Preservation Ordinance
- Massage therapy
- Pawnbrokers
- Pain management clinics
- Dealers in precious metals and gems
- Solicitations, generally – door to door
- Charitable solicitations
- Bail bondsman
- Wrecker and towing services
- Garage and yard sales
- Fireworks sales
- Short term rentals
- Pet shops
- Vehicles storage yards
- Food trucks
- Insurers
- International Building Code per OCGA 8-2-5
- National Electrical Code per OCGA 8-2-5
- International Fuel Gas Code per OCGA 8-2-5
- Housing Code-International Property Maintenance Code per OCGA 8-2-5
- International Mechanical Code per OCGA 8-2-5
- One- & Two-Family Dwelling Code-International Residential Code per OCGA 8-2-5
- International Plumbing Code per OCGA 8-2-5 with attention to the fact that the City is within boundaries of the Metropolitan North Georgia Water Planning District, there are some extra provisions that will need to be added to the International Plumbing Code.
- International Swimming Pool and Spa Code per OCGA 8-2-5
- International Energy Conservation Code per OCGA 8-2-5

MABLETON ZONING CODE

DRAFT

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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”).

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 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.

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- (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 in order 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 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.
- 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.

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- 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.

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- 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:

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- c) 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.
 - d) 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.
 - e) 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.
 - f) 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

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 the context clearly indicates a different meaning:

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. 5.01 for Additional Regulations By Use.

Accessory uses means retail sales and services ancillary to the operation the primary use(s) of an OS development, conducted wholly within the building housing the use to which such activities are accessory,

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. 5.01 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. 5.01 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. 5.01 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 set forth in Section (BZA).

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 Thanksgiving 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. 5.01 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. 5.01 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. 5.01 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.

Commissioner means the commissioner of community affairs for the state.

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 such as the North Georgia State Fair conducted wholly within public areas owned by a local government. See Sec. 5.01 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. 5.01 for Additional Regulations By Use.

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.

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 the purpose of 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 store 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. 5.01 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. 5.01 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. 5.01 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.

A 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 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 Health Department. At least one meal per day shall be served at least six 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, as follows:

= Floor Area Ratio

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.

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. 5.01 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. 5.01 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. 5.01 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. 5.01 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.

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.

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.

License review board means the board established under Section (LRB).

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. 5.01 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. 5.01 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.

Manufacture means the process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished or semifinished materials.

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 ("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 (Parking).

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 means 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 set forth in Section (PC).

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 county 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.

Purpose built student housing means a multi-family residential development marketed to affiliates of an academic or professional college or university, or other recognized institution of higher learning. These developments are typically located near college campuses and offer amenities such as individual leases for each occupant, fully furnished units, and residence life programs specific to college students.

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.

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. 5.01 for Additional Regulations By Use.

Regional activity center. The purpose of the regional activity center (RAC) category is to provide for areas that can support a high intensity of development per the Cobb County Comprehensive Plan and Future Land Use Map, as amended from time to time. Typical land uses in these areas include high-rise office buildings and regional malls.

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:

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- (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.

A 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. 5.01 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. 5.01 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. 5.01 for Additional Regulations By Use.

School means state, county, city, church, or other schools, public or private, as 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 in the [City of Mableton Code Section \(SOB Ordinance\)](#).

Shelter (homeless) means charitable, nonprofit, short-term housing or room and board accommodations for poor, transient or needy individuals. See Sec. 5.01 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. 5.01 for Additional Regulations By Use.

Site (manufactured home only) means the entire tract, subdivision, or parcel of land on which the industrialized building or manufactured home is installed.

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 means 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.

System means structural, plumbing, mechanical, electrical or fire safety elements, materials or components used separately or combined for use in a building.

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 means 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. 5.01 for Additional Regulations By Use.

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

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. **Variance decisions by the board of zoning appeals pursuant to Section 3.02 of this chapter are deemed to be quasi-judicial 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 The City of Mableton hereby creates a Planning Commission.

- 1) Membership, Term of Office, Compensation of Members, Vacancies. The planning commission shall be composed of five members. Each member of the city council shall be entitled to appoint one member to the commission. Each member appointed by a member of the city council shall serve concurrently with and at the pleasure of the appointing council member's term of office and until a successor is appointed. If an appointing council member is no longer in office due to a general election or a special election in which more than one year remains in that council member's term, any member appointed by that council member shall be subject to removal with or without cause and without regard to any unexpired term by the newly elected council member filling such seat. The newly elected council member shall have the right to appoint a new member to the commission in the same manner as his or her predecessor. Ex officio members of the commission who hold public office shall serve on the commission during the term they hold such public office. The compensation of the members, if any, shall be determined by the Mayor and City Council and shall be paid for each meeting of the commission attended. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the original appointment. No person who holds elective public office shall be eligible to serve as a member during the term of such elective office, and the position of any member shall be deemed vacant upon such member qualifying as a candidate for elective public office. Such vacancy shall be filled for an unexpired term in the manner that original appointments are required to be made.
- 2) Officers, Meetings, Staff, Finances. The planning commission shall elect one of its appointive members as chairperson, who shall serve for one year or until said chairperson is reelected or a successor is elected. A second appointive member shall be elected as vice-chairperson and said vice-chairperson shall serve for one year or until said vice-chairperson is reelected or a successor is elected. The planning commission shall appoint a secretary, who may be an officer or an employee of the Mayor and City Council or of the planning commission. The planning commission shall meet at least once each month at the call of the chairperson and at such other times as the chairperson or planning commission may determine, and shall adopt rules for the actions, findings and determinations, which record shall be a public record. The planning commission may appoint such employees and staff as it may deem necessary for its work. In the performance of its duties the planning commission may cooperate with, contract with, or accept funds from federal, state or local public or semipublic agencies or private individuals or corporations, may expend such funds, and may carry out such cooperative undertakings and contracts. It may make expenditures for the purchase of required equipment and supplies. The expenditures of the planning commission, exclusive of gifts to the commission or contract

receipts, shall be within the amounts appropriated for the purpose by the Mayor and City Council.

- 3) Preparation of Development Regulations. It shall be the function and duty of the planning commission to make such careful and comprehensive surveys and studies of existing conditions and probable future developments and to prepare such plans for physical, social and economic growth as will best promote public health, safety, morals, convenience, property or general welfare, as well as efficiency and economy, in the development of the city. In particular, the planning commission shall have the power and duty to: Prepare a master plan or parts thereof for the development of the city.
- 4) Preparation of ordinance and map. Prepare and recommend for adoption to the Mayor and City Council a zoning ordinance or resolution and map for the city.
- 5) Preparation of regulations for subdivision of land. Prepare and recommend for adoption to the Mayor and City Council regulations for the subdivision of land within the city, and to administer the regulations that may be adopted.
- 6) Preparation of official map. Prepare and recommend for adoption to the Mayor and City Council a plat or an official map showing the exact location of the boundary lines of existing, proposed, extended, widened or narrowed streets, public open spaces or public building sites, together with regulations to control the erection of buildings or other structures within such lines, within the city or a specified portion thereof.
- 7) Additional Powers. The planning commission may make, publish, and distribute maps, plans and reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens. It may recommend to the executive or legislative officials of the city programs for public improvements and financing thereof. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, and its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon; provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom. In general, the planning commission shall have such powers as may be necessary to enable it to perform its functions and promote the planning of the city.
- 8) Preparation of Master Plan. It shall be the duty of the planning commission to make a master plan of the city and to perfect it from time to time. Such master plan may show, among other

things, existing and proposed streets, highways, expressways, bridges, tunnels and viaducts and approaches thereto; routes of railroads and transit lines; terminals, ports and airports; parks, playgrounds, forests, reservations and other public open spaces; sites for public buildings and structures; districts for residence, business, industry, recreation, agriculture or forestry; special districts for other purposes; limited development districts for purposes of conservation, water supply, sanitation, drainage, protection against floods and the like; areas for housing developments, slum clearance, and urban renewal and redevelopment; location of public utilities, whether publicly or privately owned, including, but not limited to, sewerage and water supply systems; zoning districts and other planning features, together with time and priority schedules and cost estimates for the accomplishment of the proposals. The master plan shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other useful data. Such a plan may be adopted, added to and changed, from time to time, by a majority vote of the planning commission. It shall be a public record, but its purpose and effect shall be solely to aid the planning commission in the performance of its duties.

- 9) Rules of Procedure, Deposit of Costs Prior to Hearing on Zoning Amendments. The planning commission shall adopt such rules and regulations as it may deem advisable for the governing of the commission and adopt such rules and regulations as may be deemed advisable for the public to appear before the planning commission and be heard as to any changes, modifications, or amendments to any planning or zoning resolution that may have been passed on by the Mayor and City Council. The commission may require a deposit of such advertising costs or other costs as may in its discretion seem proper before it will conduct a hearing regarding any application regarding any change, modification or amendment and before it will make a recommendation on the change, modification or amendment to the Mayor and City Council.

Section 2.02 The City of Mableton hereby creates a Board of Zoning Appeals.

- 1) Membership, Term of Office, Compensation of Members, Removal of Members. The board of zoning appeals shall be composed of five members. Each member of the city council shall be entitled to appoint one member to the board. Each member appointed by a member of the council shall serve concurrently with and at the pleasure of the appointing council member's term of office and until a successor is appointed. If an appointing council member is no longer in office due to a general election or a special election in which more than one year remains in that council member's term, any member appointed by that council member shall be subject to removal with or without cause and without regard to any unexpired term by the newly elected council member filling such seat. The newly elected council member shall have the right to

appoint a new member to the board in the same manner as his or her predecessor. The Mayor and City Council shall determine the amount of compensation, if any, to be paid to the members of the board of zoning appeals. No person who holds elective public office shall be eligible to serve as a member during the term of such elective office, and the position of any member shall be deemed vacant upon such member qualifying as a candidate for elective public office, except that members may be also members of the planning commission. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the original appointment.

- 2) Officers, Meetings, Rules of Procedure. The board of zoning appeals shall elect one of its members as chairperson, who shall serve for one year or until said chairperson is reelected or a successor is elected. A second appointive member shall be elected as vice-chairperson, and he/she shall serve for one year or until said vice-chairperson is reelected, or a successor is elected. The board of appeals shall appoint a secretary, who may be an officer or employee of the Mayor and City Council or of the planning commission. The board of appeals shall adopt rules in accordance with the provisions of this chapter. Meetings of the board of zoning appeals shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in the absence of the chairperson or the acting chairperson, may administer oaths and compel the attendance of witnesses by subpoena. The board of zoning appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- 3) Power. The board of zoning appeals shall have the power to:
 - a) 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. The person filing the appeal shall pay a filing fee to the City Community Development Department equal to \$100.00.
 - b) Hear and decide special exceptions to the terms of this chapter upon which such board is required to pass under this chapter. The following chapters are the only chapters of this Code that the board of appeals may consider: Chapter ____ - Zoning; Chapter ____ - Environment; Chapter ____ - Subdivisions; Chapter ____ - Floods; Chapter ____ - Sidewalks.
 - c) 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

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- 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 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 Mayor and City Council, except for setback variances which are less than 25 percent than the underlying requirement and do not alter the basic tenets of any site plan included and approved as a stipulation.
- d) Make recommendations to the Mayor and 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 Mayor and 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 Mayor and 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 30 days prior to the Mayor and 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.
- e) In exercising the powers described in subsection 3) of 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.
- 4) Appeal Procedure, Effect of an Appeal. Appeals to the board of zoning appeals may be taken 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 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 appeals the notice of appeal with all supporting documents received.

- 5) 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.
- 6) 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 parties in interest, and decide the matter within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The hearing procedures are set forth in the rules of procedure.
- 7) 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 to the superior court. The appeal to the superior court shall be by writ of certiorari. Such appeal may be filed within 30 days from the date of the decision of the board of zoning appeals, and upon failure to file the appeal within 30 days the decision of the board of zoning appeals shall final.
- 8) The Chairperson of the board of zoning appeals is authorized, without additional board approval, to approve or issue any form or certificate necessary to perfect the petition in O.C.G.A. Section 5-3-1 et.seq.
- 9) The City Clerk, Assistant City Clerk(s) and Deputy City Clerk(s) of the Mayor and City Council are authorized, for 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.
- 10) Hearing Notice. In addition to the notice requirements set forth in subsection 2.06, at least 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 owner whose property or interest is the subject of such hearing, as applicable.

Section 2.03 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 2.04 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. Any two members of the city council, through a clerk's note at a zoning meeting, can provide direction to the planning commission for a held or continued case on

the planning commission's agenda to be considered and voted on at the next available planning commission hearing. 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 2.05 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, a 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.

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- 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.
- 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.

Section 2.06 Policies and Procedures

- 1) The Mayor and City Council, planning commission and board of zoning appeals members (hereinafter collectively referred to as “members”) shall adopt separate policies, rules and procedures for the conduct of public hearings. Any rules for hearings which are currently in effect at the time of the passage of the ordinance from which this chapter is derived shall remain in effect unless in conflict with this chapter, and the procedures set forth in this chapter shall be controlling.
- 2) The planning commission shall adopt such rules and regulations for the conduct of public hearings and meetings as are consistent with state law and this Code, which shall be published and available to the public. 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.
- 3) Any rules and procedures adopted by the Mayor and City Council, planning commission or board of zoning appeals members shall contain, at minimum, the following:
 - a) An agenda for the meetings will be established by the Community Development Director and available to the members and the public in advance of the public meeting.
 - b) A portion of the agenda may be designated as a consent agenda and all items contained therein may be voted on engross following presentation of the consent items. Any member

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- or any citizen may have an item withdrawn from the consent agenda so that it shall be placed on the regular agenda for a full public hearing.
- c) The regular agenda contains those cases which, in the opinion of staff, raise issues which should be considered following a full public hearing.
 - d) Representatives/applicants, as a group, and representatives/opponents, as a group, shall be given a maximum of ten minutes for each side to present its case, unless, by consensus, more time is allotted to a member. No further public input will be allowed except responses to questions asked by the members.
 - e) All witnesses for the applicant and opponents shall be sworn in prior to making their presentations.
 - f) Voting on cases on the regular agenda will take place as to each case immediately following the close of the public hearing and commissioner discussion of the same case.
- 4) 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").
 - 5) For applicant or owner initiated rezoning applications, the process set forth in subsection 7 below should be followed.
 - 6) For a city-initiated rezoning, the Mayor and City Council shall adopt a resolution authorizing staff to prepare an application and submit it for consideration following the procedures in this section, where applicable. The city Community Development Department shall notify all impacted property owners of the potential rezoning application in writing via certified mail, return receipt requested, no less than 15 days prior to the Mayor and City Council' consideration of the resolution authorizing staff to prepare and submit an application for a city-initiated rezoning.
 - 7) 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.
 - b) The notarized signatures of the applicant and record titleholder shall appear upon the application.
 - c) The application fee which has been established from time to time by resolution of the Mayor and City Council shall be paid. A copy of the fee schedule shall be maintained for public inspection in the Community Development Department 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

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- 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 Health Department, and written approval from the health department must be filed with the application. Private sewage disposal shall be subject to the requirements of Cobb County regulations 122-241 and 122-242).
 - 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.
- 8) 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 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) Any application for a rezoning involving a development expected to generate using gross trip generation more than 750 vehicle trips during a single day and/or more than 75 vehicle trips during a single hour, 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 a mitigation package to address the cumulative effects from the project's impact.

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- c) Any application for a rezoning involving a development expected to generate using gross trip generation more than 3,000 vehicle trips during a single day and/or more than 250 vehicle trips during a single hour, 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), the scope of which shall be determined by the Director of the Cobb County Department of Transportation or his/her designee and shall at a minimum address conditions and impacts resultant from the project within a ten-year scope. The applicant shall also include a mitigation package to address the cumulative effects from the project's impact.
 - 9) 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 2.07 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 zoning division shall supply a sign that contains the following language:

"PURSUANT TO THE OFFICIAL CODE OF THE CITY OF MABLETON ZONING - SECTION _____ 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.

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- 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 _____ 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 2.08 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. 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.
- 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

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- 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.

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- 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 2.09 APPEALS

1) Appeals

- 2) Any person, persons or entities jointly or severally aggrieved by any decision of the Mayor and City Council on a rezoning application may take an appeal to the superior court of Cobb County. Any appeal must be filed within 30 days of the decision by the Mayor and City Council, and, upon failure to file the appeal within 30 days, the decision of the Mayor and City Council shall be final. The appeal time shall run from the day the vote or action is taken.
- 3) Any person, persons or entities jointly or severally aggrieved by any decision by the Mayor and City Council on land use or a special land use permit application may take an appeal to the superior court of Cobb County. The quasi judicial appeal shall be limited to the proceedings and record before the Mayor and City Council. Any appeal must be filed within 30 days of the decision of the Mayor and City Council, and, upon failure to file the appeal within 30 days, the decision of the Mayor and City Council shall be final. For this section, the appeal time shall run from the day the vote or action is taken.
- 4) The Mayor of the City is authorized, without additional council approval, to approve or issue any form or certificate necessary to perfect the petition in O.C.G.A. § 5-3-1 et seq.
- 5) The City Clerk, Assistant City Clerk(s) and Deputy City Clerk(s) of the Mayor and City Council are authorized, for matters arising under the MZC, 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 under 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. In addition to the adoption of the official zoning map of the city as referenced in the preceding paragraph, 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (Subdivisions), 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) 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.
 - f) 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting).
 - 8) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite).
 - 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
 - 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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) All uses are subject to Section (Subdivision), pertaining to subdivisions.
 - e) 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.
 - f) 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 (site plan/stipulation amendments).

- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting).
- 8) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite).
- 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
- 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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) All uses are subject to Section (Subdivisions) pertaining to subdivisions.
 - e) 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.
 - f) 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 (site plan/stipulation amendments).

- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting Plan).
- 8) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite)
- 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
- 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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) All uses are subject to Section (Subdivisions), pertaining to subdivisions.
 - e) 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.
 - f) 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 (site plan/stipulation amendments).

- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting Plan).
- 8) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite).
- 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
- 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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) All uses are subject to Section (Subdivisions), pertaining to subdivisions.
 - e) 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.
 - f) 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 (site plan/stipulation amendments).

- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting).
- 8) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite).
- 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
- 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 (SE). A Special Land Use Permit may be a requirement for a Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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) All uses are subject to Section (Subdivisions), pertaining to subdivisions.

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- i) 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.
 - j) 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 (site plan/stipulations amendments).
- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting).
 - 8) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite).
 - 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
 - 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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) 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 (site plan/stipulation amendments).

- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting).
- 8) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite).
- 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
- 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 (site plan modification).
 - 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.

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- 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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) All uses are subject to Section (Subdivision), pertaining to subdivisions.

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- 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) 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.
 - k) 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 (site plan modification).
- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting).
 - 8) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite).
 - 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
 - 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 (site plan modification).

- 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. Special Exception regulations for this district are contained in Section (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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.
 - g) All PRD developments shall be zoned and subject to a specific site plan.

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- 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, unless otherwise allowed in this ____.
 - 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 (site plan modification).
- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting Plan).
 - 8) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite).
 - 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
 - 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 (site plan modification).

- 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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) All uses are subject to Section (Subdivisions), pertaining to subdivisions.

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- 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 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.
 - k) 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 (site plan modification).
- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting).
 - 8) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite).
 - 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
 - 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 (site plan modification).

- 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).

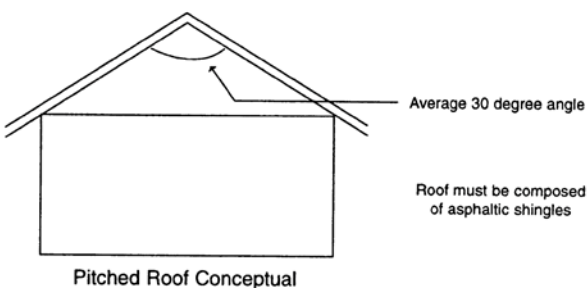
The regulations for the SC suburban condominium residential district are as follows:

- 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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) 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) All uses are subject to Section (Subdivision), the city's subdivision regulations.
 - g) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.

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- 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) Impervious surface shall not exceed 55 percent of the total site area.
 - j) 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 (site plan modification).
 - 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;
 - b) Any structure within the SC district shall have a pitched roof conceptually consistent with the following diagrams;

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- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting).
- 10) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite).
- 11) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
- 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 (site plan modification).

- 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.
 - 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 3.13 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. This residential use is designed to be located within a regional activity center as defined and shown on the Cobb County Comprehensive Plan. When residentially compatible institutional and recreational uses are developed within the RA-6 district they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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) 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) All uses are subject to Section (Subdivision), 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

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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.
- 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.
 - k) 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 (site plan modification).
- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting).
 - 8) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite).
 - 9) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
 - 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 (site plan modification).

- 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 and regional activity center categories as defined and shown on the Comprehensive Plan. 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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, 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) All uses are subject to Section (Subdivisions), pertaining to subdivisions.

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- i) Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.
 - 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 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.
 - 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 (site plan modification).
- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting).

- 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 (Satellite).
- 10) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
- 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 (site plan modification).
 - 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 and regional activity center categories as defined and shown on the Comprehensive Plan. 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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) 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) All uses are subject to Section (Subdivisions), pertaining to subdivisions.
 - 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 ordinance.
 - i) 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 (site plan modification).
- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting).
- 9) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite).
- 10) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
- 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 (site plan modification).

- 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 and regional activity center categories as defined and shown on the Comprehensive Plan. 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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) Maximum acreage is 40 acres.
 - h) Buildings within the RM-12 district may be split level, 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 (Subdivisions), the city's 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 (site plan modification).
- 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting).
 - 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 (Accessory).
 - 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 (site plan modification).
 - a) Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

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- 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 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 increased crime; guard against traffic congestion; maintain aesthetics; regulate population density; prevent waste and sewage problems; 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 should 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 (Subdivisions), 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 (site plan modification).
 - 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 (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.
 - 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 (Definitions)), 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 in O.C.G.A., or two or fewer unrelated adults and their children and/or grandchildren.
 - m) A mobile home shall have an interior bathroom and complete kitchen facilities, permanently installed.

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- 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 processed in accordance with Section (land use permit).

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 increased crime; guard against traffic congestion; maintain aesthetics; regulate population density; prevent waste and sewage problems; 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.

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- iii) Each trailer space shall be defined by a marker at each corner.
 - 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 (site plan modification).
 - 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 (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.
 - 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 (Definitions)), 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 in O.C.G.A., 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 processed in accordance with Section (land use permit).

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 in order 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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 (Parking) 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 (Lighting).
 - 9) Antennas and satellite dishes shall meet the requirements as set forth in Section (Satellite).
 - 10) Accessory buildings, structures, uses and decks shall meet the requirements set forth in Section (Accessory).
 - 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. in order 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 (site plan modification).
 - 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 regional activity center, 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 (Lighting).
- 8) Accessory buildings, structures, uses and decks. Accessory buildings, structures, uses and decks shall be as regulated by Section (RSL District).
- 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 a nonsupportive living facility when located within a regional activity center or high density residential 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) Facilities must be limited to those persons aged 55 and older as defined by the Fair Housing Act as amended from time to time.
- f) 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 a regional activity center or high density residential as shown on the Cobb County comprehensive plan, as may be amended from time to time.
- g) 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.
- h) Each facility must meet all applicable requirements regarding emergency response.
- i) Each facility must include a centralized area or areas denoted solely for resident activities proportionate to size of facility.
- j) 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.
- k) 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.
- l) Accessory retail uses in RSL is a permitted use for occupants, guests, and employees.
- m) HVAC and other mechanical equipment must be adequately screened.
- n) Dumpsters shall be adequately screened and trash pick-up shall be between 7:00 a.m.—9:00 p.m. only.
- o) Exhaust fumes generated from the centralized kitchen and dining facility must meet all required codes and ordinances.
- p) When an RSL supportive facility is located within a neighborhood activity center, the maximum floor area ratio is 0.50.
- q) When an RSL supportive facility is located within a community activity center or high density residential, the maximum floor area ratio is 0.75.

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- r) When an RSL supportive is located within a regional activity center, the maximum floor area ratio is 2.0.
 - s) Each facility must be protected by a fire sprinkler system.
 - t) Maximum impervious surfaces (80 percent—RAC, 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. 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 (RSL District).
- 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 (site plan modification).

(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 regional activity center or 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 (RSL District).
- 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 or automotive uses shall be allowed.
 - 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.

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- f) All uses are subject to Section (Subdivision), the city's subdivision regulations.
 - 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 (site plan modification).
- 9) Maximum building height is eight stories.

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- 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).

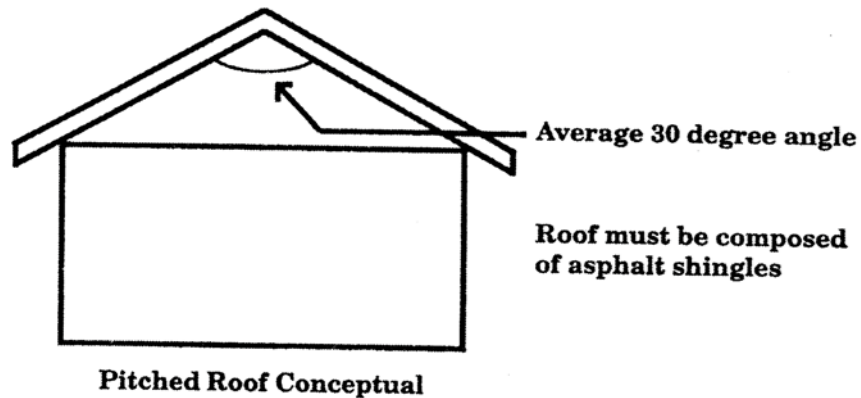
The regulations for the LRO low-rise office district are as follows:

- 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, community activity center or regional 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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 (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.
- 6) Parking requirements. See Section (Parking) 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 (Lighting).
- 8) Special exception uses. See Section (SE) 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 (land use permits) 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 (80%-RAC, 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 (site plan modification).
- 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 (Satellite).
 - 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, community activity center or regional 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 or a regional 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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 (Parking) for paved parking specifications.

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- 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 (SE) for special exception uses and requirements for all districts.
 - 8) Temporary land use permits and special land use permits. See Sections (Temporary) and Section (land use permits) 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. Outside storage shall include any automobiles or vehicles that are being repaired or serviced in conjunction with 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 adopted building regulations found in chapter (city building regulation code).

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- 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.
 - 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 (General Development Standards).
 - r) Maximum impervious surfaces (80%-RAC, 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.

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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.
 - b) Antennas and satellite dishes, which shall meet the requirements set forth in Section (Satellite).
 - 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.
 - 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, community activity center or regional 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 or a regional 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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 (Parking) 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 (Lighting).
 - 7) Special exception uses. See Section (SE) for special exception uses and requirements for all districts.
 - 8) Temporary land use permits and special land use permits. See Sections (Temporary) and Section (land use permits) 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 (80 percent—RAC, 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 (Satellite).
- 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 and a regional 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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 (Parking) 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 (Lighting).
- 7) Special exception uses. See Section (SE) 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 (Temporary) and (land use permits) 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 (80%-RAC, 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 (Satellite).
- 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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 (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.
- 6) Parking requirements. See Section (Parking) 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 (Lighting).
 - 8) Special exception uses. See Section (SE) for special exception uses and requirements for all districts.
 - 9) Temporary land use permits and special land use permits. See Section (Temporary) and Section (land use permit) 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 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 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 (80 percent—RAC, 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 a 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 (Satellite).
 - 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.
 - 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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, unless located within a RAC. When located in a RAC, building heights will be approved by the Mayor and City Council on a case-by-case basis (RAC—as approved by the Mayor and City Council,

CAC—four stories, NAC and Residential—two stories). The Mayor and City Council shall consider the RAC's sub area classification and any specific text related to transitional land uses, densities and building heights.

- 5) 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.
- 6) Parking requirements. See Section (Parking) 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 (Lighting).
 - 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 (SE) for special exception uses and requirements for all districts.
- 10) Temporary land use permits and special land use permits. See Sections (Temporary) and Section (land use permits) 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 25 contiguous acres.
- 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 (Parking).
- 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 floorspace 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

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- 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.
- 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 of 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 adopted building regulations found in chapter (building regulations) of the city code.
 - 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, CAC or RAC 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. There shall be a maximum of 210,000 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 RAC. 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 (80 percent—RAC, 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.

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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 (Satellite).
 - 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 and regional 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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 (Parking) 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 (Lighting).

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- 7) Special exception uses. See Section (SE) for special exception uses and requirements for all districts.
 - 8) Temporary land use permits and special land use permits. See Sections (Temporary) and Section (land use permits) 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 adopted building regulations found in chapter (city building regulation code).
 - 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 (General Development Standards).

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- i) Maximum impervious surfaces (80%-RAC, 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.
- 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 (Satellite).
 - 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.

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- 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 3.27 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) which are on properties delineated within a regional activity center as defined and shown on the Comprehensive Plan.
- 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 (Temporary) and Section (land use permits). Special exception uses for this district are the uses listed in Section (SE).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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 (Parking) 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 (Lighting).
- 7) Special exception uses. See Section (SE) for special exception uses and requirements for all districts.
- 8) Temporary land use permits and special land use permits. See Sections (Temporary) and Section (land use permits) 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.

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- 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 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 (80%-RAC, 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.

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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.
 - c) Antennas and satellite dishes, which shall meet the requirements set forth in Section (Satellite).
 - 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 a RAC category, 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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 (Parking) 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 (Lighting).
 - 7) Special exception uses. See Section (SE) for special exception uses and requirements for all districts.
 - 8) Temporary land use permits and special land use permits. See Sections (Temporary) and Section (land use permits) for additional uses and requirements for all districts.
 - 9) Use limitations.
 - a) When delineated in an area identified as a regional activity center category on the comprehensive plan land use map, 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 (80%-RAC, 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:

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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.
- b) Antennas and satellite dishes, which shall meet the requirements set forth in Section (Satellite).
 - 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 or regional 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 or regional 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 or regional 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (site plan modification) 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 (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 (Parking) 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 (Lighting).
 - 7) Special exception uses. See Section (SE) for special exception uses and requirements for all districts.
 - 8) Temporary land use permits and special land use permits. See Sections (Temporary) and Section (land use permits) 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 or regional 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 or regional 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 adopted building regulations found in chapter (city building regulation code).
 - 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.

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- i) Outdoor displays of merchandise must comply with the provision in Section (General Development Standards.
 - j) Maximum impervious surfaces (80%-RAC, 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 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 (Satellite).
 - 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 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 or regional activity center as defined and shown on the Comprehensive Plan. Any existing, developed PSC zoning/use located outside of a community activity center or regional 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 or regional 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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 (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 (Parking) 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 (Lighting).
 - 7) Special exception uses. See Section (SE) for special exception uses and requirements for all districts.
 - 8) Temporary land use permits and special land use permits. See Sections (Temporary) and Section (land use permits) 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 adopted building regulations found in chapter (city building regulation code).
 - 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 (General Development Standards).
 - o) Maximum impervious surfaces (80%-RAC, 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 (Satellite).
 - 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, regional 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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 (Parking) 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 (Lighting).
- 7) Special exception uses. See Section (SE) 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 (Temporary) and Section (land use permits) 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 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 adopted building regulations found in chapter (city building regulation code).
 - 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 (80%-RAC, 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.

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- 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 (Satellite).
 - 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 and regional 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, were 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 or regional 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 or regional 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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 (Parking) 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 (Lighting).
- 7) Special exception uses. See Section (SE) for special exception uses and requirements for all districts.
- 8) Temporary land use permits and special land use permits. See Section (Temporary) and Section (land use permit) 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 adopted building regulations found in chapter (city building regulation code).
 - 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 (General Development Standards).
 - g) Maximum impervious surfaces (80%-RAC, 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 (Satellite).
- 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 3.33 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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 area)s. No floodplains and/or wetlands may be used in calculating the overall density of the development.
- 5) Parking requirements. See Section (Parking) 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 (Lighting).

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- 7) Special exception uses. See Section (SE) for special exception uses and requirements for all districts.
 - 8) Temporary land use permits and special land use permits. See Section (Temporary) and Section (land use permits) 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 (80%-RAC, 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 (Satellite).
 - 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 (SE). A Special Land Use Permit may be a requirement for Special Exception use. Temporary Land Use Permit regulations are contained in Section (Temporary).
- 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 (site plan modification). Refer to Section (non-residential landscape) 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 (Parking) 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 (Lighting).
- 7) Special exception uses. See Section (SE) 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 (Temporary) and Section (land use permits) 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 (80%-RAC, 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 (Satellite).
 - 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) Review criteria.
- 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 (Lighting).
 - 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 (Standards for state mountain and river corridor protection act areas), regarding mountain and river corridor protection act areas, and Section (Standards for state metropolitan river protection act areas). 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) 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.

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- (2) That growth strategies should encourage infill development in parity with the development of new communities.
 - (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.

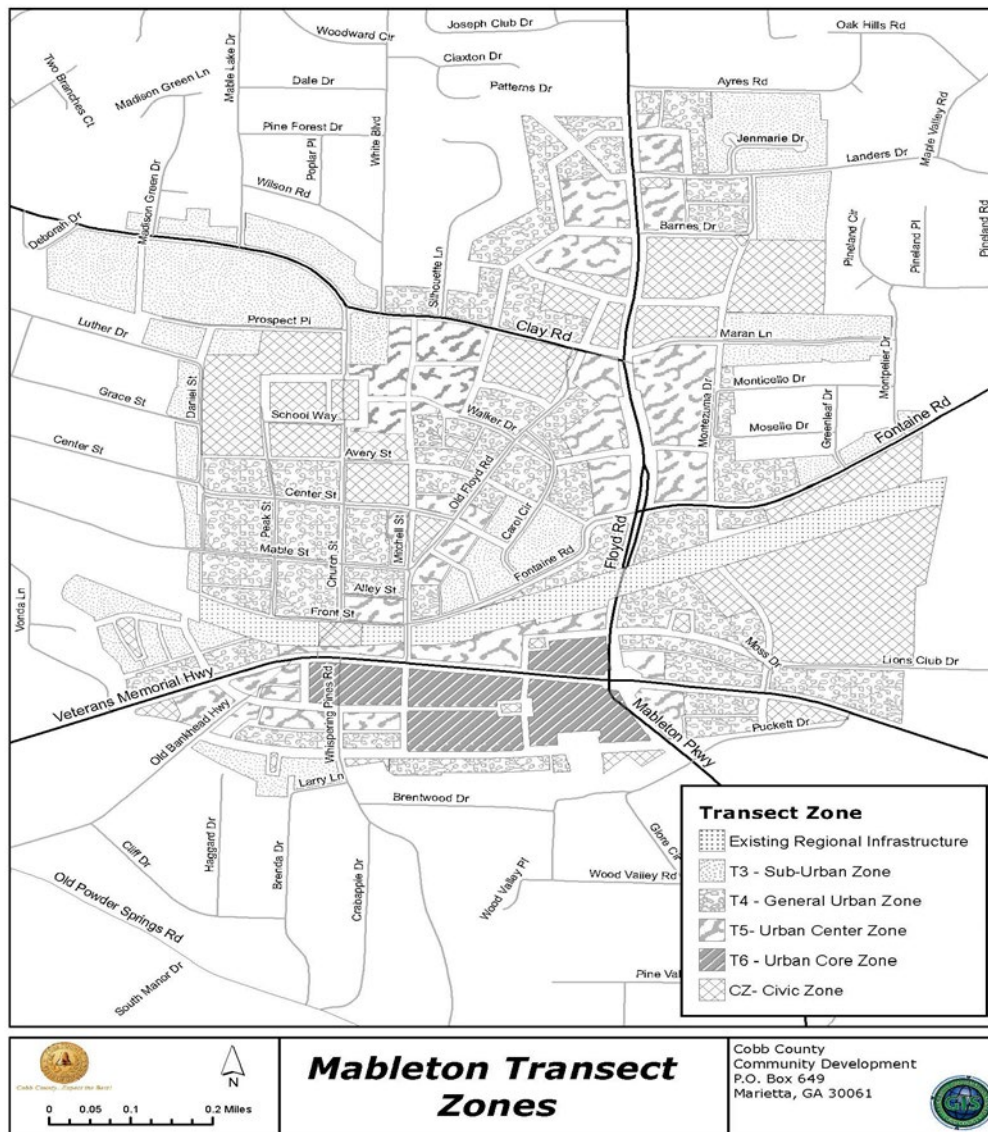
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- (7) That civic buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
 - (8) That the preservation and reuse of historic buildings should be facilitated.
 - (9) That 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 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.

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- 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 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.

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- 4) Warrants and variances.
- 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.

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 as defined in section 134-290.2 (talk to JP) 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.

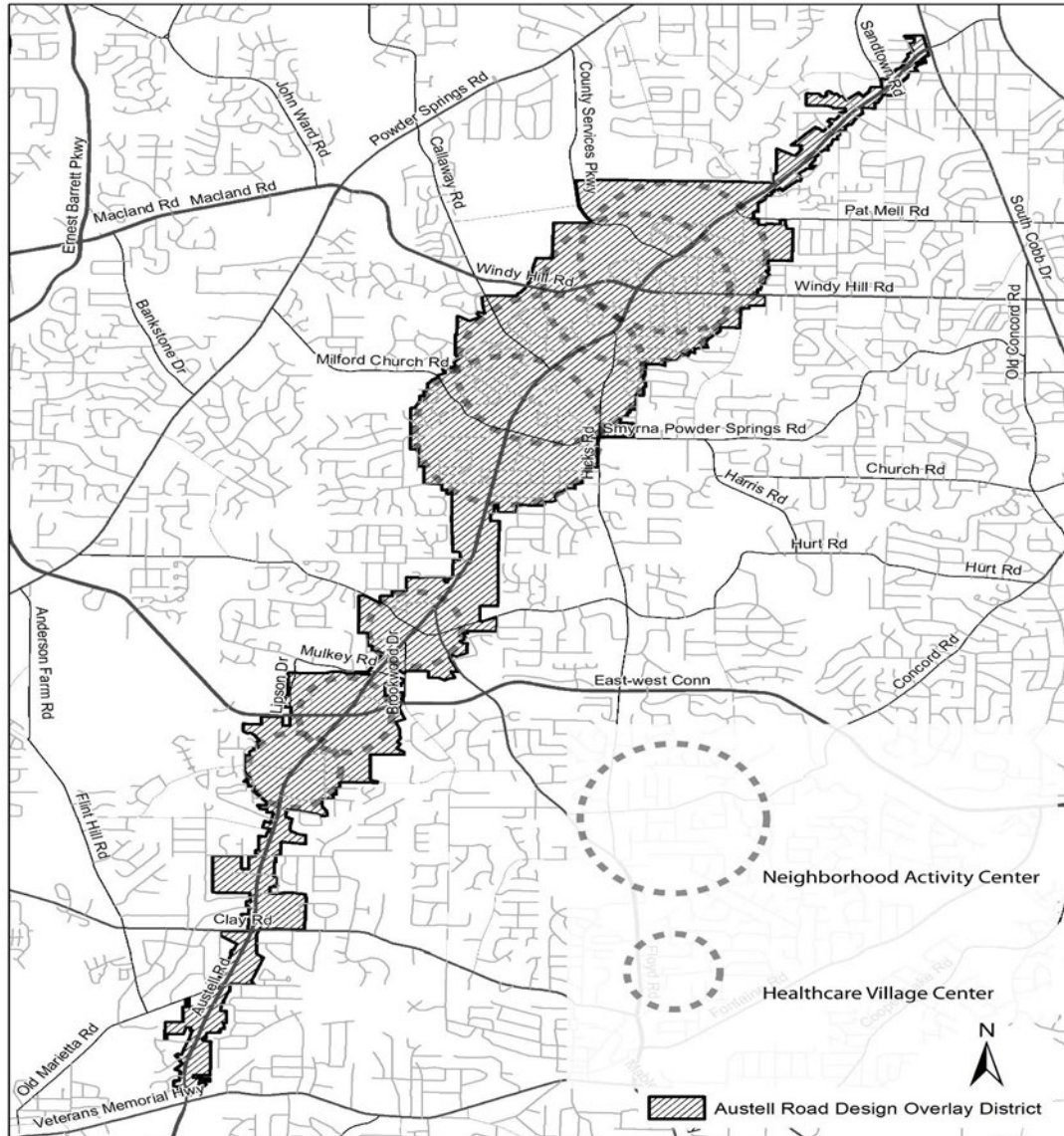


Figure 1

- 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).

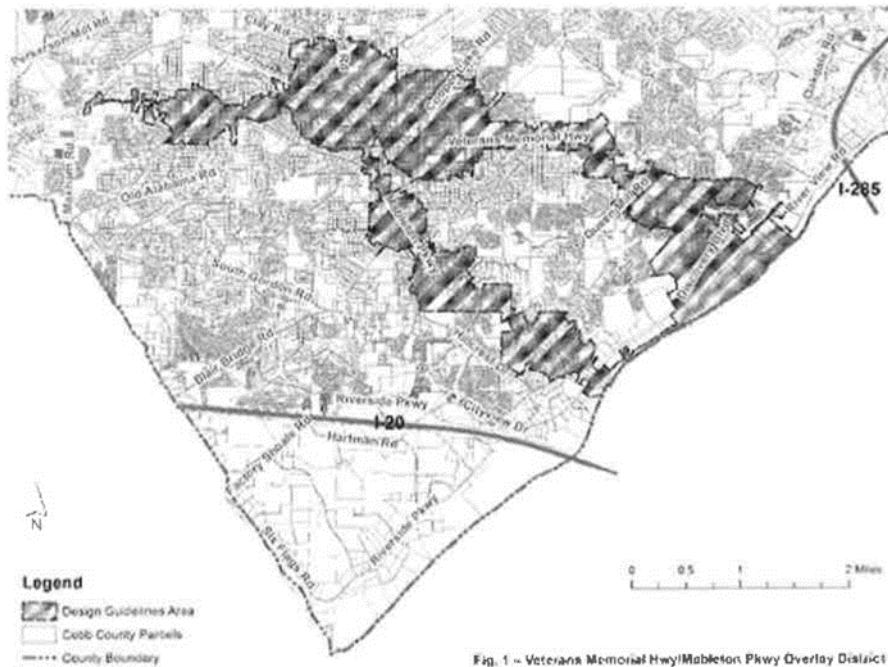


Figure 2—Mableton Parkway/Veterans Memorial Highway Design Overlay District

- 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. Section (Sign Ordinance).
 - 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.

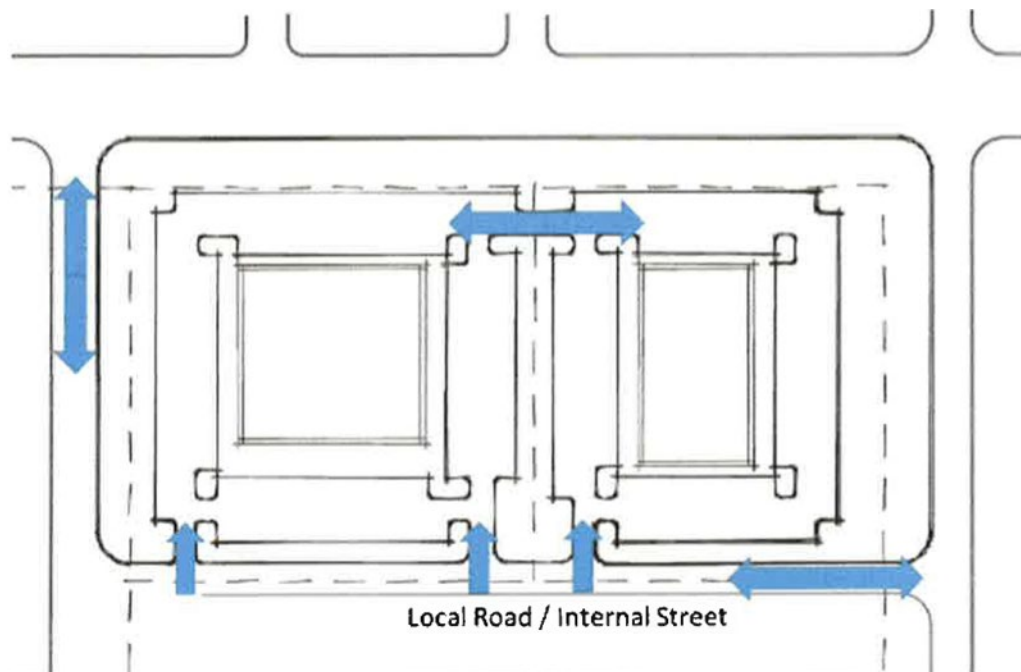


Figure 3—Access Management

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 be at least two acres.
 - b) Only hens are kept on the property.
 - c) The backyard chickens shall be kept/maintained within a fenced area to the rear of the house.
 - d) Coops, or other buildings used for the poultry shall be located at least 25 feet off any property line. Coops are considered an accessory structure and all conditions for accessory structures in that zoning district shall also apply for any coop over 144 square feet.
 - e) The owner(s) of the poultry shall keep the property maintained in a fashion that eliminates the potential negative effects resulting from the poultry, including but not limited to, odors, pollution, noise, insects, rodents and other wild animals.
 - f) The backyard chickens shall not cause a nuisance, as defined by state law.

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- 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.
 - vii) No outside storage of empty containers such as boxes, crates, pallets, etc., is permitted.

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- 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 (Temporary).
- 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.**

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- 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 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.
- 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;

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- 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.
- 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.

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- 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.
- 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.

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- 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 (SLUP).

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 (Lighting).
 - 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 (Parking) 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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- e) Animal hospitals are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 2) **Asphalt plants or concrete plants**, subject to the following minimum standards:
 - a) A special land use permit is required as provided in Section (SLUP).
 - 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.
 - 3) **Athletic and health clubs** are subject to 35-foot landscape screening buffer adjacent to all residentially zoned property.
 - 4) **Automobile salvage and wrecking yards**, subject to the following minimum requirements:
 - a) A special land use permit is required as provided in Section (SLUP).
 - 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.
 - 5) **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.
 - 6) **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.
 - 7) **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 (SLUP).
 - 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.
- 8) **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.
- 9) **Circuses and carnivals** subject to provisions established in chapters (comparable Cobb regulations 78-151 through 78-167).
- 10) **Clubs or lodges (noncommercial)** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 11) **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 (SLUP).
 - 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.
- 12) **Commercial indoor recreation uses** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 13) **Contractor (specialized) without heavy equipment** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 14) **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.

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- 15) **Drive-in theaters**, subject to the following minimum requirements:
- 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.
- 16) **Flea markets**, provided that the applicant meets the requirements of Chapter (comparable Cobb regulations chapter 78, article V).
- 17) **Heavy manufacturing establishments**, subject to the following minimum requirements:
- a) A special land use permit is required as provided in Section (SLUP).
 - 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.
- 18) **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

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- facilities or restaurants or other type of eating facilities within a suite hotel shall be calculated as provided for each use in Section (Parking), 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 (SLUP).
- 19) **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.
- 20) **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.
- 21) **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).
- 22) **Mining**, subject to the following minimum requirements:
- a) Removal or extraction of dirt, sand and soil is subject to the following:
 - 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.

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- 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.
- 23) **Offices not elsewhere classified** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 24) **Other consumer goods and services** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 25) **Other service establishments** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 26) **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 (SLUP).
 - 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 as per the **city noise ordinance**.
- 27) **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 (SLUP).
 - 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.
 - i) A fire prevention, evacuation and safety plan shall be approved by the fire marshal.
- 28) **Photography studios** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.
- 29) **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.

30) **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 (SLUP).
- 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.

31) **Recreation grounds other than tennis courts and golf courses** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.

32) **Reupholstery and furniture repair establishments** are subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property.

33) **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.

34) **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 Health Department, 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.
 - 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 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 (Lighting).

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

- 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) Purpose built student housing.

- a) Sites shall be in areas under the regional activity center (RAC) future land use designation.
- b) Sites are required to have principal access from an arterial or major collector roadway, as identified on the Cobb County Roadway Functional Classification Plan.
- c) Density shall be calculated using equivalent apartment units rather than the actual number of units. There shall be 0.5 equivalent apartment units per bedroom.
- d) Sites shall be designed to accommodate on-site parking for at least one vehicle for each unit, based on the equivalency calculation listed above in item (c). Parking may be reduced to 0.75 paved parking spaces per unit if the project is located within a tenth of a mile from a public transit stop, has direct bus service to the college or university, or is located within one-quarter mile of the college or university campus. Additional parking shall be provided for visitors. Accommodation for rideshare pick up/drop off shall also be provided.
- e) Traffic impact study required per section 2.06. Traffic counts shall be within the last three years and performed while school is in session.
- f) Sites shall be designed with lighting that does not spill over into abutting properties and is the minimum to provide security for residents of multi-family housing developments.
- g) Buildings and sites shall be designed to minimize the transfer of noise using noise absorbing/blocking material such as rough surface building facades, site fencing and vegetation.
- h) Minimum tract size is four acres.
- i) Maximum building height is 55 feet. When adjacent to single-family residential zoning districts, maximum building height is 35 feet.
- j) Maximum impervious surface coverage: 70 percent. For zoning districts in which the maximum coverage is less than 70 percent, the maximum per the zoning district shall prevail.
- k) No portion of floodplain, wetland area, or impervious community area (pools, clubhouses, tennis courts and parking facilities) may be used in calculating density.
- l) 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.
- m) A 30-foot landscape buffer shall be provided on any exterior property line that abuts existing single-family residential uses. The buffer shall be natural but may need to be enhanced with additional landscaping to provide sufficient screening between the new development and the existing neighborhood. Privacy fencing shall be required on a case-by-case basis.

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- n) When abutting residential uses, structures associated with the use shall be located a minimum of 50 feet from the property line. When abutting commercial uses, structures associated with the use shall be located a minimum of 35 feet from the property line.
 - o) Floodplain and wetlands preservation requirements. Any development must meet all county, state and federal requirements relating to floodplains and wetlands. The Mayor and City Council encourages preservation of wetland areas.
 - p) On-site management shall be required, 24 hours per day, seven days per week.
- 23) **Quarries or mining operations.**
- 24) **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.
- 25) **Recreational grounds or private parks** provided the proposed uses within the property are consistent with the uses in other City of Mableton public parks (e.g., _____); provided however, where the proposed use contains a commercial component, the owner must also apply for the appropriate commercial zoning district.
- 26) **Sawmills.**
- 27) **Scrap metal, iron or steel collection/recovery.**
- 28) **Stadiums.**
- 29) **Trade shows/expositions.**
- 30) **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.
- 31) **Truck stops/refueling stations.**
- 32) **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.
- 33) **Used or discarded tire storage/disposal facilities.**
- 34) **Waste transfer stations.**
- 35) **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 (Exempt signs) 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 and that market will comply with the provisions of the **City of Mableton Noise ordinance.**
 - (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 (Prohibited signs) and Section (Exempt signs).
 - 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 (Exempt Signs).
- 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

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- 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/RAC 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 O.C.G.A. § 15-10-63 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.
- a) Any person who violates any section or provision of the Mableton Sign Ordinance, after the conviction upon a citation issued to the magistrate court of the county, for the first violation, shall be incarcerated for a period not to exceed 60 days and/or fined \$200.00, with the exception of those specific fines imposed in subparagraph (2) of this subsection, and not to exceed the maximum penalty prescribed by O.C.G.A. § 36-1-20, as amended from time to time. If any person is found to be guilty of more than one violation in any 12-month period the following fines are established:
 - b) \$300.00 for the second violation of this ordinance in any 12-month period.
 - c) \$650.00 for the third violation of this ordinance in any 12-month period.
 - d) \$1,000.00 for the fourth violation and each successive violation of this ordinance.
 - e) Any person or business entity who violates the provisions of this ordinance regulating oversized signs or the provisions of this ordinance regulating temporary signs, after the conviction upon a citation issued to the magistrate court of the county, for the first and each successive violation, shall be incarcerated for a period not to exceed 60 days and/or fined \$1,000.00, and not to exceed the maximum penalty prescribed by O.C.G.A. § 36-1-20, as amended from time to time.
- 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 O.C.G.A. § 15-10-66, 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) (b) 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.

Sec. 6.23 through Sec. 6.99 Reserved.

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 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 VISIONS 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) The city hereby adopts [decide what part of the development standards we want to adopt]
- 2) Prerequisites for moving 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 (moving buildings).
- 3) 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.
- 4) 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.

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- 5) 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.
 - 6) 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.
 - 7) 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.
 - 8) 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.
 - 9) 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.
 - 10) 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, RM-8, RM-12 and RSL:

- 1) Size and setback limitations: Any accessory building, structure, use and deck 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 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 shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which

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- 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 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 shall be located closer to the side street right-of-way line than the principal building.
 - i) 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. The breezeway may be enclosed or open.
 - j) When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled 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.
 - k) 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.
 - l) 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 (Satellite).
 - 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 (Parking).
- (3) No parking shall be allowed within a front yard setback.

(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.

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- 3) Antennas and satellite dishes shall meet the requirements set forth in Section (Satellite).
 - 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.

(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:

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- 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:
 - 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 (Satellite).
 - 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.
 - 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 (Satellite).
- 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.

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- 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.
 - (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 (Parking). 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:

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- 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.
- 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.

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- 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.
 - 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. Maximum building height is 35 feet.
 - 10) Parking requirements. See Section (Parking) 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 (Lighting).
 - 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 (Lighting).
 - 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.

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- 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:

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- (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.
 - (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 (Lighting).
 - 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.

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- 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 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	Needs a standard
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 and rental facilities (principal use)	1 space per employee, 1 space per 250 square feet (net) of floorspace, 1 space per vehicle parked on-site.
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	Needs a standard
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 fast food 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	
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, unless the multifamily dwelling units are purpose built student housing which shall require 1.5 parking space per bedroom.
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)	Needs a standard
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	1 space per 200 square feet (net) of floorspace, 1 space per employee.

lithography establishments	
Private community centers	1 space per every 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.

Roominghouses and boardinghouses	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	N/A
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	Needs a standard

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.

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.
 - 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) 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

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- 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.
 - 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.
- 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.

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- 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 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.

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- 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.
 - (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.

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- 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 (site plan modification). 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.
 - 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.

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- 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.

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- 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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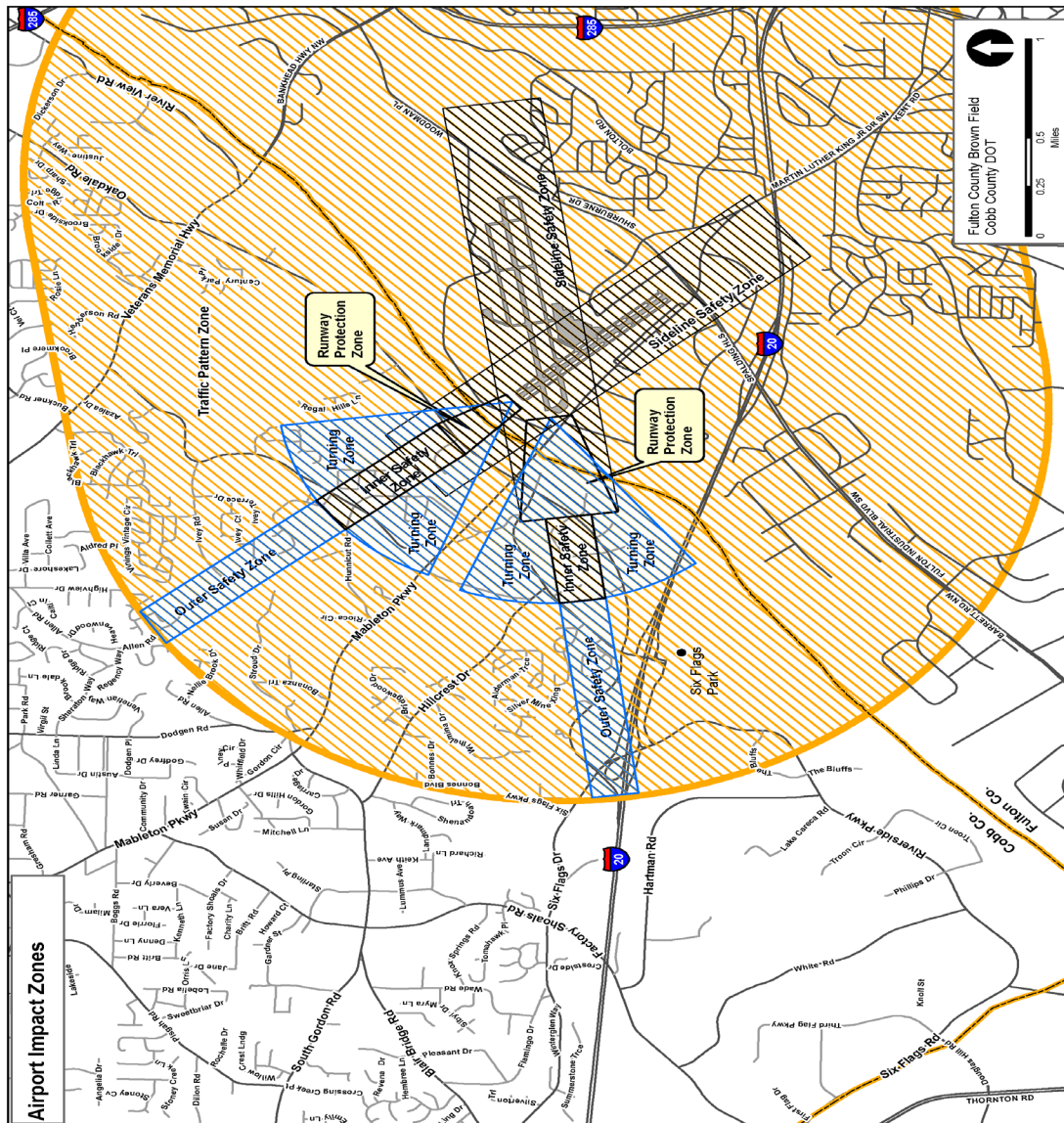
AIRPORT IMPACT ZONES LAND USE RECOMMENDATIONS

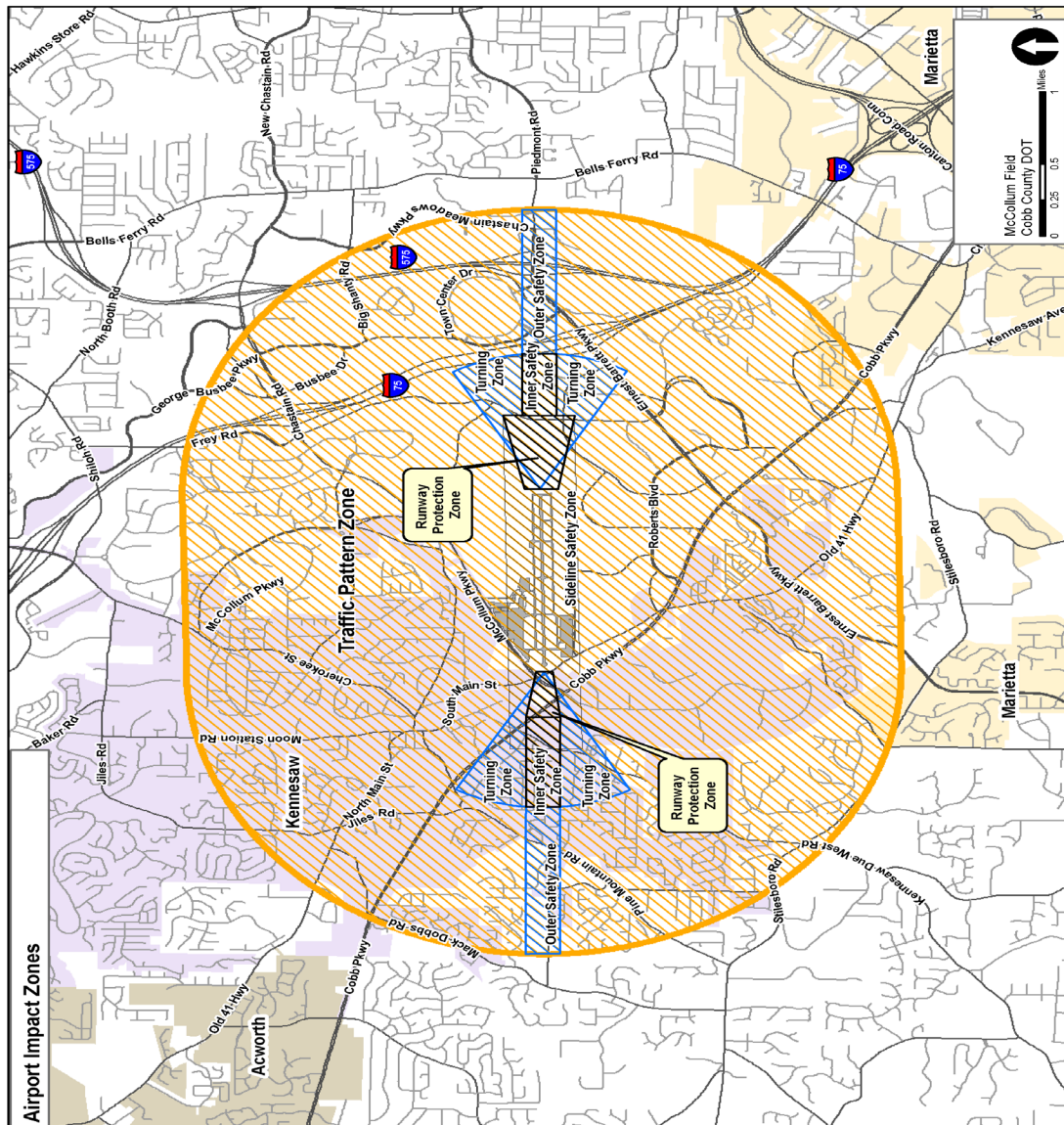
Land Usage	Runway Protection one	Inner Safety Zone	Turning Zone	Outer Safety Zone	Side Line Safety Zone	Traffic Pattern Zone
Residential	N	N	Y*	Y	N	Y
Commercial	N	N	Y	Y	N	Y
Industrial	N	Y	Y	Y	N	Y
Schools/Institutional	N	N	N	N	N	Y
Day Care Center	N	N	N	N	N	Y
Place of Worship	N	N	N	N	N	Y
Parks/Open Space	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 or not 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) 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.
- 2) 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:

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- (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 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.

- 3) 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.
- 4) 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.

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- 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 (Temporary).
- 5) 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.
- 6) 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.
- 7) 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 _____.
 - 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 (see Development Standards section _____) 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. 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).
 - e) Information identifying the organization(s) responsible for operation and maintenance of the UDDDB 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

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- 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 (Violations and penalties UDDB).
 - 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 (Unattended donations drop boxes). 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 (SE related to churches in residential zone).
- 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;
 - 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 (Unattended donations drop boxes).

(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 window panes 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 T3-1 (RESIDENTIAL DISTRICTS)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	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																			
6	Amphitheaters																			
7	Amusement centers																			
8	Ancillary retail sales																			
9	Animal hospitals																			
10	Appliance repair (major)																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
11	Arcades																			
12	Asphalt plants																			
13	Assembly halls																			
14	Assisted living facilities																			P
15	Athletic and health clubs																			
16	Automobile and truck sales and service facilities																			
17	Automobile storage yards and wrecker services																			
18	Automobile, truck, and trailer lease and rental facilities																			
19	Automobile, truck, and trailer lease and rental facilities																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
20	Automotive paint and body repair shops																			
21	Automotive parking lots or garages																			
22	Automotive repair and maintenance facilities																			
23	Automotive salvage and wrecking yards																			
24	Automotive upholstery shops																			
25	Aviation airports (private)																			
26	Banks/financial institutions with drive-in establishments																			
27	Bed and breakfast homestays	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
28	Billiards and pool halls																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
29	Bio-medical waste transfer and disposal facilities																			
30	Boat sales and service establishments																			
31	Breeding and boarding kennels																			
32	Building materials stores																			
33	Bulk landscape materials business																			
34	Bus stations																			
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	SE

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
38	Chemical plants or storage facilities																			
39	Churches, chapels, temples, synagogues, and other places of	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
40	Clinics																			
41	Clubs or lodges (non-commercial)	SLUP	SLUP	SLUP	SLUP	SLUP		SLUP	SLUP											
42	Coliseums, stadiums, and convention centers																			
43	Colleges and universities (private), including but																			
44	Commercial greenhouses and plant nurseries																			
45	Commercial indoor recreation uses																			
46	Commercial outdoor recreation uses																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
47	Commercial produce and agricultural product stands																			
48	Commercial recreation restaurant																			
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			
54	Contractors (general, heavy, special)																			
55	Convenience food stores with self-service fuel sales																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
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																			
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																			
64	Dry cleaning plants																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
65	Eating and drinking establishments (including drive-																			
66	Electrical supply stores																			
67	Emissions/inspection stations (No temporary buildings/tents																			
68	Executive golf courses	P	P	P	P	P		P	P	P	P	P		P	P	P	P			
69	Exterminating facilities (insect and/or rodent)																			
70	Farm and garden supply stores																			
71	Farm equipment stores/repair establishments																			
72	Farmers markets (fully enclosed)																			
73	Field crops																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
74	Film developing and printing facilities																			
75	Flea markets																			
76	Fraternity and sorority houses/residence halls														SLUP		SLUP			
77	Freight terminals																			
78	Fruit trees, nuts, vegetables	P	P	P	P	P		P	P	P	P	P		P	P	P	P			
79	Fuel and ice dealers																			
80	Full service gasoline stations																			
81	Funeral homes																			
82	Golf courses (Par 3)	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	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
83	Golf courses (18-hole regulation; public and private)	P	P	P	P	P		P	P	P	P	P		P	P	P	P			
84	Group homes	P	P	P	P	P		P	P	P	P	P		P	P	P	P			
85	Halfway houses														P		P			
86	Hazardous waste sites																			
87	Heavy automotive repair establishments																			
88	Heavy manufacturing establishments																			
89	Heavy repair services and trade stores																			
90	Helicopter landing areas																			
91	High-rise apartments																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
92	Hospitals																			
93	Hotels																			
94	Independent living facilities																			
95	In-home day care	P	P	P	P	P		P	P	P	P	P		P	P	P	P			
96	Landfills (private)																			
97	Laundry and dry cleaning pick-up establishments																			
98	Light automotive repair establishments																			
99	Light manufacturing establishments																			
100	Linen and diaper services																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
101	Livestock, non-domestic and wild animals, and poultry	P	P	P	P	P		P	P	P	P	P		P	P	P	P			
102	Livestock sales pavilions																			
103	Machine shops																			
104	Mausoleums	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
105	Medical and dental laboratories, provided that no																			
106	Mining operations																			
107	Motels																			
108	Motorcycle, ATV, and three-wheel vehicle sales and service																			
109	Multifamily dwelling units														P		P			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
110	Neighborhood retail uses																			
111	Newspaper publishing facilities																			
112	Nightclubs																			
113	Non-automotive repair service establishments																			
114	Non-profit private community center	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
115	Non-profit riding stables																			
116	Non-profit (seasonal use) fishing lakes	P	P	P	P	P		P	P	P	P	P		P	P	P	P			
117	Nonsupportive residential facilities																			P
118	Nonsupportive Urban Rental Units																			P

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
119	Nursery schools and child day care centers																			
120	Offices not elsewhere classified																			
121	Office service and supply establishments																			
122	Other consumer goods and services																			
123	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	SE
124	Other service establishments																			
125	Outdoor commercial racing (motorcycle,																			
126	Outdoor golf driving ranges																			
127	Overnight travel trailer parks																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
128	Parking for vehicles	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P			
129	Pawn shops																			
130	Personal vehicle and equipment sales	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P			
131	Petroleum or bulk storage stations																			
132	Photography studios																			
133	Plumbing and/or heating equipment dealers																			
134	Poultry hatcheries																			
135	Printing, publishing, and lithography establishments																			
136	Private parks	P																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
137	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	SE
138	Pro shops (accessory to driving ranges/golf																			
139	Professional offices																SLUP			
140	Purpose Built Student Housing																			
141	Radio and television stations																			
142	Radio, television, and other communication	P																		
143	Rail stations																			
144	Railroad car classification yards																			
145	Railroad stations for freight																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
146	Recreation grounds other than tennis courts and golf	P																		
147	Recycling centers																			
148	Research and development centers																			
149	Research testing laboratories																			
150	Residential, agricultural, farm and wood products, and	P	P	P	P	P		P	P	P		P		P	P					
151	Rest/personal care/convalescent homes																			
152	Reupholstery and furniture repair establishments																			
153	Riding Stables	P	P	P	P	P		P	P	P	P	P		P		P	P			
154	Rooming and boarding houses																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
155	Sawmills (temporary)																			
156	Self-service laundry facilities																			
157	Self-service storage facilities																			
158	Sexually oriented businesses																			
159	Shelters (homeless)																			
160	Signs and outdoor advertising facilities																			
161	Single-family dwelling units (attached)									P	P	P		P			P			
162	Single-family dwelling units (detached)	P	P	P	P	P		P		P	P	P		P	P		P			
163	Studios and supplies																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
164	Supportive residential facilities																			P
165	Taxi stands and dispatching agencies																			
166	Telephone business offices																			
167	Temporary uses	P	P	P	P	P		P	P	P	P	P		P	P	P	P			
168	Theaters																			
169	Tire retreading and recapping facilities																			
170	Townhouse dwelling units (attached)										P				P	P	P			
171	Trailer salesrooms and sales lots																			
172	Transportation equipment storage and maintenance																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
173	Truck terminals																	P		
174	Two-family dwelling units								P		P									
175	Utility facilities (private)																			
176	Vending machine sales, service, rental, or repair																			
177	Vocational schools (commercial)																			
178	Warehouse and storage facilities																			
179	Wholesale sales offices																			
180	Wholesale trade and distribution facilities																			
181	Wholesale trade offices in conjunction with office																			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	TYPE OF USE	R-80	R-40	R-30	R-20	R-15	OSC	R-12	RD	RA-4	PRD	RA-5	SC	RA-6	RM-8	FST	RM-12	MHP/ S	MHP	RSL
182	Zoos																			
183																				
184																				
185																				
186																				
187																				
188																				
189																				
190																				

(b) TABLE T3-2 (NONRESIDENTIAL AND MIXED-USE DISTRICTS)

TYPE OF USE	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 (in RAC only)	SE	SE
Ancillary retail sales														
Animal hospitals		SE (in NAC only)	P		P (only within CAC or RAC)	P	P		P	P		P	P	P
Appliance Repair (major)													P	
Arcades						P				P		P		

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Asphalt plants														SE/SLUP
Assembly								P						
Assembly halls			P		P	P					P	P	P	P
Athletic and health clubs		SE (in NAC only)	P		P (only within a CAC or RAC)	P	P	P	P	P	P	P		
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						SLUP					SLUP	SLUP	SLUP	SLUP
sales and service facilities (used or pre-owned separate from a new car dealership)						SE (in CAC and RAC only)						SE (in CAC only)	SE	SE
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

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Automotive repair and maintenance facilities													P	P
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		SE/SLUP
Automotive upholstery shops						P					P	P	P	P
Aviation airports (private)													P	P
institutions with drive-in establishments and/or automated transfer machines	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
Billiards and pool halls		P			P	P			P	P		P		
Biomedical waste transfer and disposal facilities														SE

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Boat sales and service establishments											P	P	P	P
Breeding and boarding kennels													SLUP	SLUP
Boarding kennels (indoor)		SE (in NAC only)				P				P		P		
Building materials stores					P	P				P		P	P	P
Bulk landscape materials business													P	P
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
Chemical plants or storage facilities														

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
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
Clinics			P		P	P	P	P	P	P	P	P	P	P
Clubs or lodges (noncommercial)		SE (in NAC only)	P		(only within a CAC or RAC)	P	P	P	P	P	P	P	P	P
Coliseums, stadiums and convention centers (privately owned)												SE/SLUP (in CAC only)		SE/SLUP
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		
Commercial produce and agricultural product stands	P	P		P	P	P			P	P	P	P	P	P

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Commercial recreation restaurant						P			P			P		
Community fairs	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community retail uses					P (only within a CAC or RAC)	P				P	P	P		
Composting facilities														SLUP
Concrete plants														SE/SLUP
Condominiums														
Contractors (general, heavy, special)													P	P
Contractors (specialized) without heavy equipment		SE (in NAC only)			P	P						P		
Convenience food stores with self service fuel sales		P			(provided that the building shall not	P				P	P	P		
Corporate or administrative offices for any permitted use					P (only within CAC or RAC)	P		P					P	P

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Cottage Food Operators					P									
Crematories, human or animal												SE	SE	SE
Cultural facilities	P	P		P	P	P				P		P		
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
Drive in theaters												SE (in CAC only)	SE	SE
Dry cleaning plants													P	P
Eating and drinking establishments (including drive in fast food restaurants)		P		P (no bars or nightclubs)	P	P			P	P	P	P		
Electric supply stores													P	P

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
stations (No temporary buildings/tents to be utilized)		P				P		P	P	P	P	P	P	P
Executive golf courses		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	
Field crops														
Film and movie studios													P	P
Film developing and printing facilities	P	P			P	P				P	P	P		
Flea markets												SE/SLUP		

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Fraternity and sorority houses and residence halls			P		P	P			P	P		P		
Free Standing Ice Vending Machines		P (see additional regulations)				SLUP				SLUP		SLUP		
Free Standing Self-service storage facilities		P (.75 FAR)	P (1.0 FAR)			P (1.0 FAR)						P (2.0 FAR)		
facilities (when complimentary or accessory to an office park or building)			SE (1.0 FAR and in CAC and RAC only)			SE (1.0 FAR and in CAC and RAC only)	SE (2.0 FAR and in RAC 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 or RAC)	P				P	P	P	P	P
Funeral homes		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

TYPE OF USE	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
Group home	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
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		

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Hotels			P		P (only within in a CAC or RAC)	P	P	P	P	P	P	P		
Hotels (suite)			SE/SLUP (in RAC only)		SE/SLUP	SE/SLUP (in RAC only)	SE/SLUP (in RAC only)	SE/SLUP (in RAC only)	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
Landfills (private)														SE/SLUP
Laundry and dry cleaning pick-up establishments	P	P			P	P			P	P		P	P	P
Light automotive repair establishments		exceed 8,000 square feet in			P (only within a CAC or RAC)	P				P	P	P	P	P
Light manufacturing establishments													P	P
Limited Office Establishments								SE						
Limited Retail Uses	P													
Linen and diaper services													P	P

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Livestock, nondomestic and wild animals, and poultry													P	P
Livestock sales pavilions													P	
Machine shops														P
Mausoleums	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	P
Mining operations														SE/SLUP
Motels			P		P	P	P	P	P	P	P	P		
Motorcycle, ATV, and three-wheel vehicle sales and service facilities												P	P	
Multifamily dwelling units					P									
Neighborhood retail uses		P		exceed 1,000 square feet of gross floor area	P	P			P	P		P		

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
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	
Nonprofit riding stables														
Nonprofit (seasonal use) fishing lakes	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		
Offices not elsewhere classified		SE (in NAC only)				P	P		P	P		P		

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Office service and supply establishments		P		P	P (only within a CAC or RAC)	P		P	P	P	P	P	P	P
Other consumer goods and services		SE (in NAC only)				P				P		P		
Other facilities for disposal of the deceased	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Other service establishments		SE (in NAC only)								P		P	P	
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 when located in a NAC)			SLUP								
Parking for vehicles	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pawn shops												P		

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
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	no more than 50% of the total gross floor area		P	P	P		P	P	P
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
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		

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Purpose Built Student Housing				SLUP	SLUP									
Radio and television stations			P		P	P	P	P	P	P		P	P	P
Radio, television and other communication towers and antennas	P/SLUP	P/SLUP	P/SLUP		P/SLUP	P/SLUP	P/SLUP	P/SLUP	P/SLUP	P/SLUP	P/SLUP	P/SLUP	P/SLUP	P/SLUP
Rail stations (commuter)													P	P
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														
Research and development centers													P	P
Research testing laboratories													P	P

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
agricultural, farm and wood products, and livestock and poultry sales														
Rest/personal care/convalescent 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		
Self-service laundry facilities		P			P	P				P		P		
Self Service Storage Facilities													P	P
Sexually oriented businesses *subject to licensing													P*	P*

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Shelters (homeless)												P	P	P
Signs and outdoor advertising facilities													P	P
Single-family dwelling units (attached)				P	P								P	
Single-family dwelling units (detached)				P	P									
Sports and training facilities													P	P
Studios and supplies		SE (in NAC only)			P	P		P		no more than 50% of total gross floor area		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

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Theaters						P			P	P		P		
Tire disposal storage (used or discarded)														
Tire retreading and recapping facilities												P		P
Tool Rental		SE (in NAC only)												
Townhouse dwelling units (attached)					P									
Tradeshows/Exposi- tions												SLUP		
Trailer salesrooms and sales lots													P	P
Transportation equipment storage and maintenance facilities													P	P
Trash/garbage handling/ refueling stations														SLUP
Truck stops/refueling stations														SLUP

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
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
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					P	P

TYPE OF USE	LRC	NRC	OI	UVC	PVC	CRC	OMR	OS	NS	PSC	TS	GC	LI	HI
Zoos												P		

(c) TABLE T3-3 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	underlying district regulations	underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	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	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)	75 (50 if interior to development)	35
11	PRD	See underlying district regulations	See underlying district regulations	underlying district regulations	underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district 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)
12	RA-5	7,000	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)	interior to the development	35
13	SC	217,880	5 acres/20 acres	5.00	N/A	N/A	75	50	35	35	35	35	40	35 (2 stories)	75	
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)	interior to the development	35
15	RM-8	80,000	N/A	8.00	N/A	sq ft 2BR 750 sq ft 3BR 900	75	75	50	50	35	35	40	40 (4 stories)	75	
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)	interior 0 if attached to the development	
17	RM-12	80,000	N/A	12.00	N/A	sq ft 2BR 750 sq ft 3BR 900	75	75	50	50	35	35	40	40 (4 stories)	75	
18	MHP/S	See underlying district regulations	See underlying district regulations	underlying district regulations	underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	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	underlying district regulations	underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	See underlying district regulations	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	N/A	3 acres	N/A	NAC .50 CAC .75 RAC 2.0	N/A	N/A	N/A	N/A	N/A	N/A	N/A		See underlying district regulations	N (N/A if interior the development)	
21	LRO	20,000	N/A	N/A		N/A	60	50	40	40	25/35	15	30	35 (2 sto)	50	50

	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)
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 (no more than 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	N/A	50.00	N/A	See district regulations	200	50	40	40	25/35	15	30	unless located within a RAC	100	100
27	CRC	20,000	N/A	N/A	.5 office and .25 retail	N/A	60	75	50	50	25/35	40	40	50 no more than 4 stories	50	50
28	OMR	40,000	N/A	N/A	.75 office and .25 retail	N/A	60	75	50	50	25/35	35	40	104 no more than 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 no more than 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 no more than 2 stories	50	50
31	PSC	200,000	5 acre min.	N/A	N/A	N/A	200	100	100		50	50	50	75 no more than 6 stories	100	100

	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)
32	TS	20,000	N/A	N/A	N/A	N/A	60	50	40	40	25/35	10	30	50 no more than 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 no more than 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 no more than 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 no more than 4 stories	50	50
36													40			

(d) TABLE T3-4 EXPLANATION OF SYMBOLS CHART

Symbol, Abbreviation and notes chart for Table 3-3 (T3-3)

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

Sec. 7.32 through Sec. 7.99 Reserved.