

Proposed Amendments
Official Code of Cobb County
Chapters 2 and 134
Public Hearing Date
July 8, 2008 – 9:00 a.m.
Draft Amendment Package 3

Cobb County Community Development
191 Lawrence Street
Marietta, GA 30060
www.cobbcounty.org

Sec. 2-2. Retention of records; state act adopted.

The county does hereby adopt the Georgia Records Act (O.C.G.A. § 50-18-90 et seq.) and such rules and regulations established pursuant to such act as a basis for establishing a records management program.

Sec. 2-3. Sale or disposition of County-owned uneconomic remnants of real property authorized.

The Official Code of Georgia Annotated provides at §36-9-3 that "[n]otwithstanding any provisions of this Code section or of any other law, ordinance, or resolution to the contrary, a county governing authority is authorized to sell and convey parcels of small or narrow strips of land, so shaped or so small as to be incapable of being used independently as zoned or under applicable subdivision or other development ordinances or land use plans, or as streets, whether owned in fee or used by easement, to abutting property owners where such sales and conveyances facilitate the enjoyment of the highest and best use of the abutting owner's property without first submitting the sale or conveyance to the process of an auction or the solicitation of sealed bids; provided, however, that each abutting property owner shall be notified of the availability of the property and shall have the opportunity to purchase said property under such terms and conditions as set out by ordinance. "

Sec. 2-4. Terms and Conditions of Purchase.

(a) If County-owned property is recommended for sale or conveyance pursuant to Section 2-3, the County, by and through its County Manager, shall determine:

(1) If the County-owned real property sought to be sold or conveyed pursuant to Section 2-3 is no longer serviceable to the County and is appropriate for surplus; and

(2) If the County-owned real property sought to be sold or conveyed pursuant to Section 2-3 meets the criteria set forth in Sec. 2-3 and state law, as amended; and

(3) The fair market value of such property.

(b) Upon the satisfactory completion of the steps set forth in subsection (a) above, the County will notify each abutting property owner by certified mail sent to the abutting property owner's last known address and to the address of the

abutting property if different from the last known address, of the availability of the property and his/her/its ability to purchase the property.

(c) The notice shall contain the fair market value established by the County, and a statement that the owner will have 30 days from the date of the notice to express his/her/its desire in writing to purchase the property at the fair market value established by the County. The notice will also include the name of the County representative and his or her contact information to whom such response from each abutting property owner shall be sent.

(d) If the County receives a response from one abutting property owner wishing to purchase the property, then a recommendation may be presented to the Board of Commissioners for its consideration and approval to deem such property unserviceable to the County and to sell such property to the abutting property owner for the County established fair market value.

(e) If the County receives a response from more than one abutting property owner wishing to purchase the property, advice and approval as to how to sell or convey the property will be made by and through the Cobb County Property Advisory Commission. The goal of such recommendation from the Commission shall be the disposition of the property that best facilitates the enjoyment of the highest and best use of an abutting property, and consideration shall be given as to whether an equitable division of the property amongst more than one, though not necessarily all, of the abutting owners is appropriate. However, nothing herein shall prohibit the County from selling the entire property to one abutting owner. Any such resulting sale shall be for County established fair market value.

(f) Nothing contained in this Section shall obligate the County in any manner to sell any property identified hereunder and all sales and conveyances shall be formally approved by the Board of Commissioners.

(Res. of 4-13-82; Code 1977, § 3-2-1.1)
Secs. ~~2-32-5~~--2-25. Reserved.

(Res. of 4-13-82; Code 1977, § 3-2-1.1)
Secs. ~~2-32-5~~--2-25. Reserved.

Sec. 134-1. Definitions.

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

Accessory building or structure means a building.....

Automotive salvage and wrecking yard means any place where two or more motor vehicles not in running condition, or parts thereof,

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.

Freestanding ice vending machine means a machine that freezes and dispenses ice for purchase by the general public via an automated attendant.

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

Sec. 134-36. Temporary land use permits

(a) The board of commissioners may permit temporary land use permits for limited periods of time for uses, exceptions or professions in areas and districts where the zoning regulations would otherwise prohibit such operations.

Customary home occupations as defined in this chapter, do not require a temporary land use permit.

(b) In addition thereto, the board of commissioners 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.

(c) 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.

(d) The board of commissioners has determined that temporary land use permits are only appropriate if granted for a limited period of time. In no event shall the board of commissioners grant a land use permit for a period of time in excess of 24 months except on reapplication, readvertisement and public hearing. Land use permits that have been in existence for ten years or more from the adoption date of this amendment will continue to be considered upon each renewal, until the use ceases to operate or is relocated. Land use permits for exceptions to the county's minimum square footage per adult occupant ~~and~~ minimum square footage per vehicle parked at a dwelling unit or mobile home and for Freestanding Ice Vending Machines will be considered upon each renewal. Land use permits, (other than those for exceptions to the county's minimum square footage per adult occupant ~~and~~ minimum square footage per vehicle parked at a dwelling unit or mobile home and for Freestanding Ice Vending Machines) that have been in existence less than ten years from the adoption date of this amendment will be allowed to apply for one more renewal, which if granted may be granted for up to 24 months. Once the period of time for which the temporary land use permit was granted has expired, the use must cease or relocate. All new applications, (other than those for exceptions to the county's minimum square footage per adult occupant and minimum square footage per vehicle parked at a dwelling unit or mobile home) that have been approved for a temporary land use permit after the adoption date of this amendment may only be considered for one renewal up to 24 months from the date the temporary land use permit was granted. Once the period of time for which the temporary land use permit was granted has expired, the use must cease or relocate. 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 board of commissioners.

(e) 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.

(f) Any temporary signage approved with a temporary land use permit must be consistent with 134-314(f)(7) and 134-315(a).

(g) The board of commissioners shall consider, at a minimum, the following in its determination of whether or not to grant a temporary land use permit:

(1) Safety, health, welfare and moral concerns involving the surrounding neighborhood;

(2) Parking and traffic considerations;

(3) Number of nonrelated employees;

(4) Number of commercial and business deliveries;

(5) The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses;

(6) Compatibility of the business use to the neighborhood;

(7) Hours of operation;

(8) Existing business uses in the vicinity;

(9) Effect on property values of surrounding property;

(10) Circumstances surrounding neighborhood complaints;

(11) Intensity of the proposed business use; and

(12) Location of the use within the neighborhood.

(Ord. of 1-8-74; Ord. of 12-11-90, § 3-28-10.1; Ord. of 11-23-99; Ord. of 12-9-03)

Sec. 134-213. NRC neighborhood retail commercial district.
Commencing January 1, 1998, no new applications for a Special Land Use Permit for Self-service Storage Facilities (SSSF) are to be accepted by the board of commissioners. The regulations for the NRC neighborhood retail commercial district are as follows:.....

(3) Permitted uses. Permitted uses are as follows:
Banks and financial institutions with drive-in establishment or automated transfer machines.....

Film developing and printing facilities.

Freestanding Ice Vending Machines, subject to the following minimum requirements:

- a. Countywide architectural guidelines including no wall mounted signage or advertising. Further, the architectural style must be similar to or complimentary to the architectural styles of contiguous properties.
- b. Any roof mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties.
- c. Temporary land use permit as required in 134-36.

Full service gasoline stations.....

Sec. 134-218. CRC community retail commercial district.
Commencing January 1, 1998, no new applications for a Special Land Use Permit for Self-service Storage Facilities (SSSF) are to be accepted by the board of commissioners. The regulations for the CRC community retail commercial district are as follows:.....

3) Permitted uses. Permitted uses are as follows:
Ambulance services, if accessory to hospitals or funeral homes.....

Freestanding climate controlled self-service storage facilities (only in CAC or RAC). The following minimum standards shall apply to freestanding climate controlled self-service storage facilities:

1. Maximum building height of two stories or 35 feet or as approved by the board of commissioners.
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. 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 board of

commissioners. Any roof mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.

5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. 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.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every 25 individual storage units/areas.
12. Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural feature.
13. Lighting plan to be approved by the board of commissioners.
14. No units shall be used to manufacturer, 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.
15. Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.

Freestanding Ice Vending Machines, subject to the following minimum requirements:

- a. Countywide architectural guidelines including no wall mounted signage or advertising. Further, the architectural style must be similar to or complimentary to the architectural styles of contiguous properties.
- b. Any roof mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties.
- c. Temporary land use permit as required in 134-36.

Full service gasoline stations.....

Sec. 134-224. NS neighborhood shopping district.

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

3) Permitted uses. Permitted uses are as follows:

Ambulance services, if accessory to hospitals or funeral homes.....

Fraternity and sorority houses and residence halls.

Freestanding Ice Vending Machines, subject to the following minimum requirements:

- a. Countywide architectural guidelines including no wall mounted signage or advertising. Further, the architectural style must be similar to or complimentary to the architectural styles of contiguous properties.
- b. Any roof mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties.
- c. Temporary land use permit as required in 134-36.

Funeral homes.....

Sec. 134-225. PSC planned shopping center district.

Commencing January 1, 1998, no new applications for a Special Land Use Permit for Self-service Storage Facilities (SSSF) are to be accepted by the board of commissioners. The regulations for the PSC planned shopping center district are as follows:.....

Permitted uses. Permitted uses are as follows:

Ambulance services, if accessory to hospitals or funeral homes.....

Fraternity and sorority houses and residence halls.

Freestanding Ice Vending Machines, subject to the following minimum requirements:

- a. Countywide architectural guidelines including no wall mounted signage or advertising. Further, the architectural style must be similar to or complimentary to the architectural styles of contiguous properties.
- b. Any roof mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties.
- c. Temporary land use permit as required in 134-36.

Full service gasoline stations.....

Sec. 134-226. TS tourist services district.

The regulations for the TS tourist services district are as follows:.....

Permitted uses. Permitted uses are as follows:

Amphitheaters.....

Film developing and printing facilities.

Freestanding Ice Vending Machines, subject to the following minimum requirements:

- a. Countywide architectural guidelines including no wall mounted signage or advertising. Further, the architectural style must be similar to or complimentary to the architectural styles of contiguous properties.
- b. Any roof mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties.
- c. Temporary land use permit as required in 134-36.

Full service gasoline stations.....

Sec. 134-227. GC general commercial district.

Commencing January 1, 1998, no new applications for a Special Land Use Permit for Self-service Storage Facilities (SSSF) are to be accepted by the board of commissioners. The regulations for the GC general commercial district are as follows:.....

Permitted uses. Permitted uses are as follows:

Adult entertainment.

Ambulance services, if accessory to a hospital or funeral home.....

Freestanding climate controlled self-service storage facilities (only in CAC or RAC). The following minimum standards shall apply to freestanding climate controlled self-service storage facilities:

1. Maximum building height of two stories or 35 feet or as approved by the board of commissioners.
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. 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 board of commissioners. Any roof mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.
5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.

6. 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.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every 25 individual storage units/areas.
12. Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural feature.
13. Lighting plan to be approved by the board of commissioners.
14. 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.
15. Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.

Freestanding Ice Vending Machines, subject to the following minimum requirements:

- a. Countywide architectural guidelines including no wall mounted signage or advertising. Further, the architectural style must be similar to or complimentary to the architectural styles of contiguous properties.
- b. Any roof mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties.
- c. Temporary land use permit as required in 134-36.

Full service gasoline stations.....

Sec. 134-228. RRC regional retail commercial district.
Commencing January 1, 1998, no new applications for a Special Land Use Permit for Self-service Storage Facilities (SSSF) are to be accepted by the board of

commissioners. The regulations for the RRC regional retail commercial district are as follows:.....

Permitted uses. Permitted uses are as follows:

Ambulance services, if accessory to hospitals or funeral homes.....

Freestanding climate controlled self-service storage facilities (only in CAC or RAC). The following minimum standards shall apply to freestanding climate controlled self-service storage facilities:

1. Maximum building height of two stories or 35 feet or as approved by the board of commissioners.
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. 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 board of commissioners. Any roof mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.
5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. 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.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every 25 individual storage units/areas.
12. Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural feature.
13. Lighting plan to be approved by the board of commissioners.
14. No units shall be used to manufacturer, 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.

15. Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.

Freestanding Ice Vending Machines, subject to the following minimum requirements:

- a. Countywide architectural guidelines including no wall mounted signage or advertising. Further, the architectural style must be similar to or complimentary to the architectural styles of contiguous properties.
- b. Any roof mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties.
- c. Temporary land use permit as required in 134-36.

Full service gasoline stations.....