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3 Proposed Amendments
4 Official Code of Cobb County
5 Chapters 1, 2, 6, 22, 34, 54, 78, 102, 106, 114, 122 and 134
6 Public Hearing Dates
7 January 28, 2014 – 7:00 pm
8 February 11, 2014 (Transmit Planning Commission Recommendation) – 9:00 am
9 February 25, 2014 – 7:00 pm
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15

16 Cobb County Community Development
17 P.O. Box 649
18 Marietta, GA 30061
19 www.cobbcounty.org
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Sec. 1-10. General penalty; continuing violations.

- (a) In this section "violation of this Code" means:
- (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
 - (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.
- (b) In this section "violation of this Code" does not include the failure of a county officer or county employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.
- (c) ~~Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not exceeding \$1,000.00 or 60 days imprisonment or both. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.~~ Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine and sentence of imprisonment and/or probation not to exceed the maximum punishment as set out by Georgia law under O.C.G.A. § 15-10-60.
- (d) The imposition of a fine or penalty does not prevent revocation or suspension of a license, permit or franchise.
- (e) Violations of this Code that are continuous with respect to time are a nuisance and may be abated by injunctive or other equitable relief. The imposition of a fine or penalty does not prevent equitable relief.

(Code 1977, § 3-1-10)

State enabling legislation references-Injunctive relief authorized, § 2-38(15); penalty for ordinance violations, § 2-39

Chapter 2 ADMINISTRATION

ARTICLE II. - BOARD OF COMMISSIONERS

DIVISION 2. - CODE OF ETHICS

Subdivision II. Board of Ethics

Sec. 2-66. Homeowners' association; procedure for appointment.

(b) Prior to the expiration of the term or upon vacancy occurring in a position to be appointed by the homeowners' associations, public notice of the vacancy shall be provided by the filing clerk. A meeting shall be called and conducted by the chairman of the ethics board (or vice-chairman in the event the chairman's position is vacant or the chairman is an appointee of homeowners associations), or that person's designee. The notice shall be published once a week for three weeks in the legal organ ~~and in the newspaper having the largest general paid circulation in the county, including its municipalities~~; and said notice shall notify the public of a public meeting to be held for the purpose of selecting the homeowners' associations representative to the board of ethics. Each homeowners' association shall be authorized to appear at the meeting to nominate and vote for the appropriate representative to the board of ethics. Each homeowners' association shall have one vote and the representative shall be selected by a majority of the votes of the homeowners' associations present and voting.

(Ord. of 2-22-00)

- 1 Sec. 2-161. Short title; definitions.
- 2 (a) This division may be referred to as the "South Cobb Development
- 3 Redevelopment Authority Act."
- 4 (b) As used in this division:.....

1 **Sec. 6-1. Definitions.....**

2 *Adequate parking* means one parking space for each 200 square feet of
3 gross floor area within the premises of an applicant.....

4
5 *Adult concession area* means an area designated and identified within an
6 amusement park wherein adults (and minors within their care) may purchase and
7 consume alcoholic beverages while the park is open to the general public.

8
9 Agent means a person designated and/or authorized by a licensee or their employee,
10 whether compensated or not, to conduct business functions or marketing related to the
11 selling or serving of alcoholic beverages.

12 *Licensee* means a person holding any class of license issued under the
13 terms of this chapter who is a full-time employee responsible for the
14 management of the establishment. A licensee must be a resident of the State of
15 Georgia and must be working on site a minimum of one day per week.

16 *Live entertainment* means music, comedy, readings, dancing, acting or
17 other entertainment, excluding adult entertainment, performed on the site. This
18 classification includes dancing by patrons to live or recorded music.

19 *Lounge* means a separate room in which alcoholic beverages are sold,
20 connected with a part of and adjacent to a restaurant or located in a hotel as
21 defined in this section with all booths, stools and tables being unobstructed and
22 open to view. All lounges shall be air condition and have a seating capacity of at
23 least 50. A lounge, as defined in this section, which is operated on a different
24 floor in the premises, or in a separate building, or has a separate customer
25 entrance, or is not connected with a part of and adjacent to a restaurant, shall
26 be considered a separate establishment and shall pay an additional license fee
27 therefore. A lounge operated by a different entity from the hotel or restaurant
28 must have a separate license as a bar or restaurant and meet the food
29 requirements of a bar or restaurant.

30 *Malt beverage* means any alcoholic beverage obtained by the
31 fermentation of any infusion or decoction of barley, malt, hops, or any other
32 similar product, or any combination of such products in water, containing not
33 more than six percent alcohol by volume and including ale, porter, brown, stout,
34 lager beer, small beer, and strong beer. The term does not include sake, known
35 as Japanese rice wine.

36 ~~*Managing capacity* shall mean the president or chief executive officer of~~
37 ~~a corporation, or a person or that person's designee~~ who has responsibility for
38 management of the operations, including sale of alcoholic beverages, at the

location to be licensed, ~~or supervision of management of the operations, including sale of alcoholic beverages, at the location to be licensed and who is a full-time or part-time employee of the corporation, partnership, proprietor or other ownership entity. A manager or manager's designee must be on the premises at all times the business is in operation.~~

Managing capacity shall mean ~~the president or chief executive officer of a corporation, or a person who has responsibility for management of the operations, including sale of alcoholic beverages, at the location to be licensed or supervision of management of the operations, including sale of alcoholic beverages, at the location to be licensed and who is a full-time employee of the corporation, partnership, proprietor or other ownership entity. the responsibility for management of the operation and for designating management of the operation including responsibility for the sale of alcoholic beverages.~~

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. The term also means:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;
- (2) In the case of malt beverages, any brewer; and
- (3) In the case of wine, any vintner.

Minor means a person less than 18 years of age.

Nightclub means an establishment ~~with all booths and tables being unobstructed and open to view, and has as its primary business providing to its patrons a band and/or other professional live entertainment performed onsite of the nightclub, including but not limited to, music, comedy, readings, or acting. As provided in this code section, live entertainment shall not include music provided by a disc jockey(s), karaoke, games, contests, fashion shows, dancing and dance shows, sports events, events on television or monitors and modeling. Live entertainment shall be provided the majority of the time that the nightclub is open for business~~ which operates with its primary income generation from the sales of alcoholic beverages, and which may offer live entertainment. Should any establishment defined herein provide to its patrons entertainment such that the entertainment establishment may also be classified or defined as an adult entertainment establishment pursuant to the provisions of [chapter 78](#), article III, division 8, such establishment must additionally procure a valid license for the operation of an adult entertainment establishment in accordance and through compliance with all requirements of such article. All such nightclubs shall be

1 equipped with air condition and shall maintain an adequate kitchen with a valid
2 full service health department permit and with a sufficient number of servers and
3 employees for cooking, preparing and serving food and meals for their patrons,
4 provided that nightclubs located in hotels having dining room and kitchen
5 facilities may be excluded from the requirement of maintaining a kitchen in
6 connection with such nightclub. The principal business of such nightclubs shall be
7 entertainment, and the serving of food ~~and spirituous liquors~~ shall be incidental
8 thereto.

9 ...

10 *Restaurant* means any public place, ~~kept~~, including establishments
11 referred to as a "sports bar," kept, used, maintained, advertised and held out to
12 the public as a place where meals are served, and where meals are actually and
13 regularly prepared and served, without sleeping accommodations, such place
14 seating a minimum of 40 or more people, and holding a certificate of approval
15 from the county health department. At least one meal per day shall be served at
16 least six days per week, with the exception of holidays, vacations, and periods of
17 redecorating; and the serving of such meals shall be the principal business
18 conducted; with the serving of distilled spirits to be consumed on the premises
19 as only incidental thereto. A restaurant shall have 50 percent or more of its total
20 annual gross sales of food and alcoholic beverage from the sale of prepared
21 meals or food.

22 ...

23 *School* means only such state, county, city, church, private, or other
24 schools, including day care facilities as teach accredited curriculum ~~the subjects~~
25 ~~commonly~~ taught in the common schools of this state, ~~and~~ This definition shall
26 not include private post secondary schools where only specialized subjects such
27 as law, stenography, business, music, art, medicine, dentistry, vocational
28 occupations and other special subjects are taught.

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1 Sec. 6-90. License review board.

2 (a) There is hereby established a license review board.

3 (b) The license review board established by this section shall have the following
4 duties:

5 (1) To hear deferred applications or appeals from administrative decisions by the
6 business license office with regard to applications for licenses, transfers, renewals,
7 change of ownership or other matters affecting such licenses.

8 (2) To hear appeals with regard to issuance or renewal of work permits.

9 (3) To hear matters involving any revocation, suspension or other disciplinary action
10 against the holder of any work permit.

11 (4) To consider and act upon any other matters specifically delegated to the license
12 review board by any other county ordinance or resolution or action of the board of
13 commissioners.

14 (c) Applicants or licensees shall be given notice of the date, time and place when the
15 license review board will consider the respective matter. If the matter to be considered
16 by the license review board concerns an objection to a new application for a license,
17 which shall not include a change of ownership or licensee, a sign meeting the size and
18 location requirements of section 6-94(b) shall be posted by the business license office
19 at the location giving notice of the date, time and place when the license review board
20 shall consider the application. Such applicant and interested parties shall be afforded
21 the opportunity to be heard by the license review board prior to making its decision.

22 (d) The license review board shall have the authority to hear or determine any
23 matter set forth in this chapter and chapter 78 unless specifically prohibited therefrom.

24 (e) The license review board other than as hereinafter authorized in section 6-147
25 shall have no authority or jurisdiction to hear, consider or render decisions of any kind
26 with respect to the suspension, revocation, probation or other disciplinary action against
27 a license or licensee, except for the authority given it in this article with regard to work
28 permits.

29 (f) ~~A~~ The decision of the license review board that is adverse to the applicant shall
30 be final unless appealed to the board of commissioners within ~~30~~ 10 days of the date of
31 decision by the license review board. The board of commissioners shall have 30 days in
32 which to, ~~within 30 days of the date of the decision by the license review board to~~
33 ~~waive distance requirements of section 6-124 or 6-125, review a summary of the~~
34 ~~hearing before the license review, and may, at any time during that 30-day window,~~
35 ~~direct that the application be set for hearing, placed on the board of commissioners'~~
36 ~~consent agenda, and/or, The board of commissioners after such review, may place the~~
37 ~~matter down for a hearing and~~ take any authorized action concerning the applicant's
38 requested license or licenses. No license shall be issued until the board of
39 commissioners has reviewed the summary and made a decision on whether to place the
40 matter down for hearing. In the event the board of commissioners affirms the decision
41 of the license review board the appropriate license or licenses shall be issued.
42

1 (g) The decision of the board of commissioners on an appeal under this article shall
2 be final unless appeal is made to the superior court of the county. Any aggrieved party
3 may appeal a decision of the board of commissioners by filing a petition for writ of
4 certiorari to the superior court within 30 days of the decision of the board of
5 commissioners.

6 (h) The license review board shall have no jurisdiction or authority to hear any
7 appeal from or to reverse, modify or set aside any decision of the board of
8 commissioners.

9 (i) The license review board shall be composed of ~~five~~ four members who shall be
10 appointed by the county manager based on their position within the county and one
11 member who shall be appointed by the sheriff and who shall be a member of the
12 command staff of the sheriff's office. Post 1 shall be a county employee of the finance
13 department, post 2 shall be a county employee appointed at large by the county
14 manager, post 3 shall be ~~a county employee of the sheriff's office or public safety~~
15 ~~agency~~ a member of the command staff of the sheriff's office, post 4 shall be a county
16 employee from the support services agency, and post 5 shall be a county employee
17 from the public services agency.

18 (j) If there is a vacancy in any post on the license review board by virtue of a
19 member resigning, a vacancy by virtue of there being no one filling the office, or at the
20 county manager's discretion to remove a member from a post, then the county
21 manager shall appoint a replacement for the vacant post. If there is a vacancy of the
22 county manager position, the interim county manager shall appoint a person to fill the
23 vacant position.

24 (k) The license review board shall meet at such times as necessary, to be
25 determined by such board, and shall render decisions within a reasonable time.
26 Reasonable time for the purposes of this section shall be no longer than 120 days from
27 the date an application is filed.

28 (l) The license review board shall select one of its members to serve as chair and
29 one of its members to serve as secretary, to serve at the pleasure of the license review
30 board. Minutes and records of all proceedings shall be kept and maintained in the office
31 of the business license division.

32 (Ord. of 4-14-87; Ord. of 10-24-89, § 1; Ord. of 9-25-90; Ord. of 5-11-93; Ord. of 3-25-
33 97 (eff. 4-1-97); Code 1977, § 3-4-100; Ord. of 8-10-99; Ord. of 5-9-00; Ord. of 1-23-
34 01; Ord. of 1-24-06; Ord. of 7-25-06)

35 Cross references: Boards, commissions and authorities, § 2-191 et seq.

36

Sec. 6-98. Time limit to begin business in licensed establishment; forfeiture for nonuse.

(a) All holders of licenses under this chapter must, within ~~three~~ twelve months after the issuance of the license, open for business the establishment referred to in the license ~~unless the time is extended~~. Failure to open the licensed establishment as referred to in this section within the ~~three~~ twelve -month period ~~or the extended period~~ shall serve as an automatic forfeiture and cancellation of the unused license, and no refund of license fees shall be made to the license holder. ~~The license review board may grant an extension of the three-month deadline to begin business but no extensions shall be granted for periods greater than 24 months from the original date of approval of the application by the business license division manager, license review board, or board of commissioners. However, no~~ No alcoholic beverages may be sold until such time as the business is open to the public.

...

Sec. 6-116. Issuance of license to persons with prior convictions.

No license for the sale of alcoholic beverages or the operation of a bottle house for pecuniary gain shall be issued to any person where any individual having an interest either as owner, partner, principal shareholder, or licensee, directly or indirectly, beneficial or absolute, or ~~his~~ spouse, shall have been convicted within ten years immediately prior to the consideration of the alcoholic beverage application for any felony or a violation of federal, state, or local law involving moral turpitude, or for the violation of any county, state, or federal law of soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, gambling; or any charge relating to the sale of alcoholic beverages or serious traffic offense as defined in O.C.G.A. tit. 40, ch. 6, art. 15 (O.C.G.A. § 40-6-390 et seq.), the traffic offense of hit and run or leaving the scene of an accident, but excluding any first conviction for driving under the influence of alcohol or drugs, or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred. If at the time of application the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be ~~suspended until entry of a plea or verdict or dismissal.~~ dismissed without prejudice and the applicant shall be allowed to reapply upon final disposition of any such charge. The license review board may waive ~~this disqualification~~ a denial of an application based on any criteria in this section after hearing in all cases except those involving a felony conviction. The board of commissioners may waive ~~this disqualification~~ a denial after hearing in all cases. The applicant shall appeal any ~~disqualification~~ denial by virtue of a felony conviction directly to the board of commissioners without hearing by the license review board.

Sec. 6-131. License prohibited for package sales in connection with sales of alcoholic beverages by the drink; wine and/or beer sampling.

~~Except in a farm winery, no retail license for the sale of alcoholic beverages by the package shall be allowed where such sale would take place in, or in connection with, any restaurant, cafe or eating place, or in the same room where a bar is maintained for the dispensing and sales of alcoholic beverages. A separate license shall be required for wine package only and alcohol pouring with separate entrances for adjacent establishments but an adjoining door may exist between establishments and may be used for customers but must be able to be locked when sale of alcohol is not allowed by the package on Sunday. Businesses which are licensed only for wine package sales may allow sampling of wines provided there is no charge for admittance or for the wine sample and the serving size of the sample does not exceed two ounces. Businesses other than convenience stores, drug stores, liquor package stores and grocery stores as defined in this chapter, which are licensed for wine and beer package sales may allow sampling of craft beers as defined in this chapter, provided there is no charge for admittance or for the craft beer sample and the serving size of the sample does not exceed two ounces.~~

- (a) Except in a farm winery, no retail license for the sale of alcoholic beverages by the package shall be allowed where such sale would take place in, or in connection with, any restaurant, cafe or eating place, or in the same room where a bar is maintained for the dispensing and sales of alcoholic beverages.
- (b) Businesses with an adjacent or adjoining establishment for the sale of beer and wine by the package are required to obtain the respective beer and/or wine package license. An adjoining door may exist between establishments and may be used for customers during business hours, but must be locked when the sale of alcohol is not allowed.
- (c) Businesses other than convenience stores, drug stores, liquor package stores, and grocery stores as defined in this chapter, which are licensed for wine and/or beer package sales, may allow sampling of wine and/or craft beers as defined in this chapter, provided there is no charge for admittance or for the wine or craft beer sample and the serving size of each sample does not exceed two ounces.

1 **Sec. 6-147. Procedure for suspension and revocation.**

2 ...

3
4 (b) In all hearings held pursuant to this section, the proceedings shall be as
5 informal as compatible with justice, the hearing shall be expedited and
6 normally shall not exceed 30 minutes in length, and the following
7 procedures shall prevail:

8 (1) The charges and specifications against the licensee and the
9 response as filed by the licensee shall be read.

10 (2) The county representative shall present evidence, and then the licensee
11 shall present his evidence, with opportunity for each party to present rebuttal evidence,
12 examination and cross examination of witnesses, and interrogation by the board of
13 commissioners. No evidence shall be presented which is not relevant to the charges...
14

1 Sec. 6-179. Requirements for sale of alcoholic beverages at an amusement park.

2 (a) When an amusement park is not open to the general public, the amusement
3 park may sell or dispense alcoholic beverages to its private party function participants.
4 Alcoholic beverages shall not be removed from the amusement park premises, which
5 premises shall not include the parking ~~or amphitheater~~ areas of the amusement park.

6 (b) When the amusement park is open to the general public, the amusement park
7 may sell or dispense alcoholic beverages at a private party function in restricted areas,
8 which areas are not open to the general public; ~~is not an amphitheater; has~~ and have a
9 fence or barrier which limits access to the restricted areas. ~~s have been submitted to and~~
10 ~~approved by the supervisor of the county's business license office. In the event a~~
11 ~~designated area is not approved by the business license supervisor the owner/licensee~~
12 ~~may appeal said decision to the license review board. The license review board shall~~
13 ~~have the authority to approve a designated area provided it meets the standards of this~~
14 ~~subsection. Any decision of the license review board may be appealed to the board of~~
15 ~~commissioners in the same manner as set forth in section 6-90. Alcoholic beverages~~
16 ~~shall be limited to the restricted areas only and shall not be removed from the restricted~~
17 ~~areas.~~

18 (c) The amusement park may sell or dispense alcoholic beverages in areas that are open
19 to the general public, but have been designated as adult concession areas on a plan
20 that shall be approved by both amusement park management and the board of
21 commissioners. Areas designated as adult concession areas must have a clearly defined
22 entrance for adults only (and minors within their care) to include methods for verifying
23 identification as well as an exterior barrier or partition that reasonably deters minors
24 (not within the care of an adult visiting the concession area) from entering the area. No
25 alcoholic beverages sold or dispensed in areas designated as adult concession areas
26 may be removed from such area. All operations and personnel associated with serving
27 alcoholic beverages within adult concession areas must be in compliance with all
28 applicable provisions of this Code.

29
30 (Ord. of 8-10-99)

31 Secs. 6-180--6-190. Reserved.
32
33

Sec. 22-1. Definitions.

For purposes of this chapter, terms, phrases, words, abbreviations and their derivations shall have the meanings given to them in the 1984 Cable Communications Policy Act of 1984, PL 98-549, as amended by the 1992 Cable Act (Public Law No. 102-385), unless otherwise defined in this section. In addition, the following terms, phrases, words, abbreviations and their deviations shall have the meanings given in this section:

Access channels means those channels on a cable system reserved by a grantee for use by members of the public, the county, or the county board of education for the cablecast of noncommercial programming under section 22-29 and the grantee's rules and regulations promulgated pursuant thereto.

Applicant means any person or entity submitting an application to the county for a franchise to operate a cable system under the terms and conditions set forth by the board of commissioners in this chapter.

Advertising and home shopping services revenues means the amount of a cable service provider or video service provider's nonsubscriber revenues from advertising disseminated through cable service or video service and home shopping services. The amount of such revenues that are allocable to the County shall be equal to the total amount of the cable service provider or video service provider's revenue received from such advertising and home shopping services multiplied by the ratio of the number of such provider's subscribers located in the County to the total number of such provider's subscribers. Such ratio shall be based on the number of such provider's subscribers as of January 1 of the current year, except that in the first year in which services are provided, such ratio shall be computed as of the earliest practical date.

Board of commissioners or board means the present governing body of the county or any successor to the legislative powers of the present board of commissioners.

Cable Act means the Cable Communications Policy Act of 1984, as amended.

Cable service means the one-way transmission to subscribers of video programming or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service. Cable service shall not include any video programming provided by a provider of commercial mobile service as defined in [47 U.S.C. Section 332\(d\)](#) or video programming provided as part of and via a service that enable users to access content, information, e-mail, or other services offered over the public Internet.

Cable service provider means any person or group of persons:

(A) Who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system; or

1 (B) Who otherwise controls or is responsible for, through any arrangement, the
2 management and operation of such a cable system.

3 Cable system means a facility consisting of a set of closed transmission paths
4 and associated signal generation, reception, and control equipment that is designed to
5 provide cable service which includes video programming and which is provided to
6 multiple subscribers within the County, but such term shall not include:

7 (A) A facility that serves only to retransmit the television signals of one or more
8 television broadcast stations;

9 (B) A facility that serves subscribers without using any public right of way;

10 (C) A facility of a common carrier which is subject, in whole or in part, to the provisions
11 of 47 U.S.C. Sections 201 through 276, except that such facility shall be considered a
12 cable system, other than for purposes of 47 U.S.C. Section 541(c), to the extent such
13 facility is used in the transmission of video programming directly to subscribers, unless
14 the extent of such use is solely to provide interactive on-demand services as that term
15 is defined in 47 U.S.C. Section 522(12);

16 (D) An open video system that complies with 47 U.S.C. Section 573; or

17 (E) Any facility of any electric utility used solely for operating such electric utility
18 system.

19
20 *Chairman* means the existing or succeeding chief administrative officer of the
21 county or his designee.

22
23 *County* means Cobb County, a political subdivision of the State of Georgia; when
24 used as a geographical reference, "Cobb County" shall mean unincorporated areas of
25 the county.

26
27 *County manager* means the county official designated by the board of
28 commissioners as such, or his designee, assigned responsibility for administering cable
29 television operations within the county.

30
31 *FCC* means the Federal Communications Commission, an agency of the United
32 States government.

33
34 *Franchise* means an initial authorization or renewal of an authorization issued by
35 the County, regardless of whether the authorization is designated as a franchise,
36 permit, license, resolution, contract, ordinance, certificate, agreement, or otherwise,
37 that authorizes the construction or operation of a cable service provider or video service
38 provider's network in the public rights of way.

39
40 *Franchise agreement* means a written agreement executed by the county and a
41 grantee, pursuant to section 22-29, which evidences the franchise granted by the
42 county to that particular grantee.
43

1 *Grantee* means a person to whom or to which a cable television franchise is
2 granted by the board of commissioners under this chapter, and its successors and
3 assigns.

4
5 *Gross revenue* means all revenues received from subscribers for the provision of cable
6 service or video service, including franchise fees for cable service providers and video
7 service providers, and advertising and home shopping services revenues and shall be
8 determined in accordance with generally accepted accounting principles. Gross
9 revenues shall not include:

10 (A) Amounts billed and collected as a line item on the subscriber's bill to recover any
11 taxes, surcharges, or governmental fees that are imposed on or with respect to the
12 services provided or measured by the charges, receipts, or payments therefor;
13 provided, however, that for purposes of this Code section, such tax, surcharge, or
14 governmental fee shall not include any ad valorem taxes, net income taxes, or generally
15 applicable business or occupation taxes not measured exclusively as a percentage of
16 the charges, receipts, or payments for services;

17 (B) Any revenue, such as bad debt, not actually received, even if billed;

18 (C) Any revenue received by any affiliate or any other person in exchange for supplying
19 goods or services used by the provider to provide cable service or video programming;

20 (D) Any amounts attributable to refunds, rebates, or discounts;

21 (E) Any revenue from services provided over the network that are associated with or
22 classified as noncable or nonvideo services under federal law, including, without
23 limitation, revenues received from telecommunications services, information services
24 other than cable service or video service, Internet access services, or directory or
25 Internet advertising revenue, including, without limitation, yellow pages, white pages,
26 banner advertisements, and electronic publishing advertising. Where the sale of any
27 such noncable or nonvideo service is bundled with the sale of one or more cable
28 services or video services and sold for a single nonitemized price, the term "gross
29 revenues" shall include only those revenues that are attributable to cable service or
30 video service based on the provider's books and records; such revenues shall be
31 allocated in a manner consistent with generally accepted accounting principles;

32 (F) Any revenue from late fees not initially booked as revenues, returned check fees, or
33 interest;

34 (G) Any revenue from sales or rental of property, except such property as the
35 subscriber shall be required to buy or rent exclusively from the cable service provider or
36 video service provider to receive cable service or video service;

37 (H) Any revenue received from providing or maintaining inside wiring;

38 (I) Any revenue from sales for resale with respect to which the purchaser shall be
39 required to pay a franchise fee, provided the purchaser certifies in writing that it shall
40 resell the service and pay a franchise fee with respect thereto; or

(J) Any amounts attributable to a reimbursement of costs including, but not limited to, the reimbursements by programmers of marketing costs incurred for the promotion or introduction of video programming.

Original programming means programming produced specifically for or about a municipality or county or citizens thereof and shall include public government meetings. Original programming shall not include character generated messages, video bulletin board messages, traffic cameras, or other passively produced content.

Person means any person, firm, partnership, association, corporation or other entity of any kind.

Public right of way means the area in, on, along, over, or under the public roads that are part of the County road system.

Service area means the geographic territory within the unincorporated area of the County where a cable service provider or video service provider provides or has proposed to offer cable service or video service pursuant to a franchise.

Subscriber means any person or entity lawfully receiving video service from a video service provider or cable service from a cable service provider.

Video programming means programming provided by, or generally considered comparable to programming provided by, a television broadcast station, as set forth in [47 U.S.C. Section 522\(20\)](#).

Video service means the provision of video programming through wireline facilities located at least in part in the County public rights of way without regard to delivery technology, including Internet protocol technology. This term shall not include any video programming provided by a provider of commercial mobile service as defined in [47 U.S.C. Section 332\(d\)](#) or video programming provided as part of and via a service that enables users to access content, information, e-mail, or other services offered over the public Internet.

Video service provider means an entity providing video service as defined in this Code section. This term shall not include a cable service provider.

(Ord. of 9-8-87; Code 1977, § 3-8-1; Ord. of 4-29-99)
Cross references: Definitions generally, § 1-2.

Sec. 22-2. Grant of authority.

The board of commissioners is hereby authorized to grant the right, privilege and franchise to construct, operate and maintain a cable system within the streets of the

1 county, subject to the terms and conditions of this chapter and a franchise agreement.
2 No person shall operate a cable system or provide cable service or video service in the
3 unincorporated areas of the county without a franchise issued under the provisions of
4 this chapter or obtaining a franchise from the State of Georgia pursuant to OCGA §36-
5 76-1 et seq.

6 (Ord. of 9-8-87; Code 1977, § 3-8-2)

7 8 **Sec. 22-3. Franchise term; renewal.**

9 All franchises granted by the county pursuant to this chapter shall be for a term of 10
10 years or less. Subject to and in addition to the renewal procedures available to the
11 county and grantee under the Cable Act, the grantee may request a renewal of its
12 franchise at any time during its then current term. The grantee's request shall contain
13 any changes it proposes in the terms of its renewed franchise. The county shall
14 consider the grantee's request, current community needs and interests, and may grant
15 the grantee a renewal of its franchise at that time for a term of fifteen years or less and
16 upon such other terms and conditions as are mutually agreed upon between the county
17 and grantee and reflected in a written amendment to the grantee's franchise
18 agreement. Any such grant of a renewal to a franchise shall be proceeded by at least
19 one public hearing.

20 (Ord. of 9-8-87; Code 1977, § 3-8-3; Ord. of 4-29-99)

21 22 **Sec. 22-4. Application for franchise.**

23 (a) To receive a county franchise, a cable service provider or video service provider
24 shall file a written application for a franchise with the County Communications Office at
25 least 45 days prior to offering cable service or video service to subscribers within a
26 specified service area.

27 (b) The County may impose a fee not to exceed \$500.00 for a county franchise
28 application and a fee not to exceed \$250.00 for an amendment to a county franchise.

29 (c) The application for a county franchise shall consist of an affidavit signed by an
30 officer or general partner of the applicant that contains the following:

31 (1) If the applicant is an individual, partnership or unincorporated association,
32 it shall contain the names and addresses of all persons, including corporations, having a
33 controlling interest in and to the prospective grantee's business and franchise in the
34 county.

35 (2) If the applicant is a corporation, it shall contain the names and addresses
36 of the officers, directors and controlling shareholders of the applicant, together with the
37 number of shares held by such shareholders; if the applicant is a corporation with more
38 than ten shareholders, it shall also contain the state in which the applicant is
39 incorporated.

40 (3) A full disclosure of the ownership of the cable system facilities.

41 (4) The source of funds for operation of the cable system and a
42 demonstration of financial ability to provide and extend service to proposed subscribers.

43 (5) A schedule of the initial rates to be charged, and a general description of
44 facilities to be employed, the general routes of the cables used, the service area or

1 areas, the commencement and completion dates of construction of the cable system,
2 and the proposed dates when service will be available to the areas named.

3 (6) An affirmative declaration that the applicant shall comply with all applicable
4 federal, state and local laws and regulations, including county ordinances and
5 regulations regarding the placement and maintenance of facilities in the public right of
6 way that are generally applicable to all users of the public right of way and specifically
7 including Chapter 9 of Title 25, the "Georgia Utility Facility Protection Act" and Chapter
8 106 of the Cobb County, Georgia Code of Ordinances;

9 (7) A description of the applicant's service area. For the purposes of this
10 paragraph, an applicant may, in lieu of or as supplement to a written description,
11 provide a map on 8 ½ by 11 inch paper that is clear and legible and that fairly depicts
12 the service area;

13 (8) The location of the applicant's principal place of business, the name or names
14 of the principal executive officer or officers of the applicant, information concerning
15 payment locations or addresses, and general information concerning equipment
16 returns;

17 (9) Certification that the applicant is authorized to conduct business in the State
18 of Georgia and that the applicant possesses satisfactory financial and technical
19 capability to provide cable service or video service and a description of such capabilities.
20 Such certification shall not be required from an incumbent service provider or any cable
21 service provider or video service provider that has wireline facilities located in the public
22 right of way as of January 1, 2008; and

23 (d) If an application is incomplete, the County shall notify the applicant within ten
24 business days of the receipt of such application and shall provide the applicant with a
25 reasonable period of time in which to provide a complete application. If no such
26 notification is made within ten business days of the receipt of the application, the
27 application shall be deemed complete. Within 90 days of the receipt of a completed
28 application, the County shall conduct a public hearing. The County thereafter shall,
29 except as set forth in subsection (e) of this Code section, vote on the issuance a
30 franchise that contains the following:

31 (1) A nonexclusive grant of authority to provide cable service or video service as
32 requested in the application;

33 (2) A nonexclusive grant of authority to construct, maintain, and operate facilities
34 along, across, or on the public right of way in the delivery of cable service or video
35 service, subject to applicable federal, state and local laws and regulations, including
36 county ordinances and regulations, regarding the placement and maintenance of
37 facilities in the public right of way that are generally applicable to all users of the public
38 right of way and specifically including Chapter 9 of Title 25, the "Georgia Utility Facility
39 Protection Act" and Chapter 106 of the Cobb County, Georgia Code of Ordinances;
40 and

(3) The expiration date of the county franchise, which shall be not more than 10 years from the date of issuance, subject to renewal.

(e) The County may deny an applicant that it reasonably believes has not yet accessed rights of way in the county and does not possess satisfactory financial and technical capability to provide cable service or video service or is not duly authorized to conduct business in the State of Georgia. Upon appeal by the applicant, the Board of Commissioners shall consider whether the objection is well founded and shall make a determination as to whether to grant the county franchise notwithstanding the objection or to deny or suspend the application pending the receipt of information sufficient to demonstrate the applicant has satisfactory financial and technical capability.

(f) All applications for a franchise shall be open to public inspection and shall be kept on file a reasonable length of time at the discretion of the board of commissioners. Any intentional misrepresentation in an application shall be a material violation of this chapter giving rise to a revocation proceeding pursuant hereto. Before issuing a franchise, the county shall conduct at least one public hearing.

(g) All applications for a franchise shall be considered from firm offers to the county and shall be incorporated into the grantee's franchise agreement.

Sec. 22-5. Franchise fee payments.

(a) Each holder of a county franchise shall pay to the county, on or before the 30th day following the end of each quarter a sum of 5% of its gross revenues for the preceding quarter and , all outstanding franchise fees which shall not exceed the maximum percentage rate permitted in 47 U.S.C. Section 542(b) of such holder's gross revenues received from the provision of cable service or video service to subscribers located within such holder's service area.

(b) Within 30 days after the expiration of a grantee's fiscal quarter, a grantee shall file with the county manager or his designee a financial statement or report showing the quarter's and year-to-date gross revenues. Payment of the current franchise fees shall be made to the county at the time of this statement. Within 120 days following the end of a grantee's fiscal year, a grantee shall file with the county manager or his designee its annual financial statements, prepared by an independent, certified public accountant acceptable to the county, showing yearly gross revenues and franchise fee payments to the county, as well as any other relevant financial information which may reasonably be requested by the county.

(c) If a grantee's franchise is forfeited, revoked or terminated prior to the end of its then current term, a grantee shall immediately submit a financial statement or report showing all franchise fees then accrued but unpaid to the county, and the basis for such calculations. The grantee shall pay to the county all such franchise fees and other sums legally due to the county within 30 days following the termination of the franchise.

(d) The County may, no more than once annually, audit the business records of the county franchise holder to the extent necessary to ensure payment in accordance with this Code section. For purposes of this subsection, an audit shall be defined as a comprehensive review of the records of the holder of a county franchise. Once any

audited period of a county franchise holder has been the subject of a requested audit, such audited period of such county franchise holder shall not again be the subject of any audit. In the event of a dispute concerning the amount of the franchise fee due to the County under this Code section, an action may be brought in a court of competent jurisdiction by the County seeking to recover any additional amount alleged to be due or by a county franchise holder seeking a refund of an alleged overpayment; provided, however, that any such action shall be brought within three years following the end of the quarter to which the disputed amount relates. Such time period may be extended by written agreement between the franchise holder and the county. Each party shall bear the party's own costs incurred in connection with any such examination or dispute. In the event that the County files an action to recover alleged underpayments of franchise fees and a court of competent jurisdiction determines the cable service provider or video service provider has underpaid franchise fees due for any 12 month period by 10 percent or more, the cable service provider or video service provider may be required to pay the County its reasonable costs associated with the audit and legal fees along with any franchise fee underpayments; provided, however, late payments shall not apply.

(e) If any franchise fee payment is not made on or before the date upon which it is due, interest on such payment shall accrue from such date at the rate of ten percent per annum.

(f) Franchise fee payments made by a grantee to the county pursuant to this section shall be in addition to any and all taxes which are required to be paid by law of the United States, the state or the county.

(g) No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the County may have for further or additional sums payable as a franchise fee.

(h) Any amounts overpaid by the holder of a county franchise shall be deducted from future franchise payments.

(i) The holder of a county franchise may designate that portion of a subscriber's bill attributable to any franchise fee imposed pursuant to this Code section as a separate item on the bill and recover such amount from the subscriber; provided, however, that such separate listing shall be referred to as a "franchise" or a "franchise fee."

(Ord. of 9-8-87; Code 1977, § 3-8-5)

Sec. 22-6. Insurance.

(a) At all times during the term of a franchise, a grantee shall obtain, pay all premiums for, and file with the county certificates of insurance evidencing the following types and amounts of insurance:

(1) General, comprehensive public liability insurance covering claims by any person on account of injury to or death of a person occasioned by the grantee's operations, with minimum coverage amounts as follows:

Personal injury/death to one person . . . \$ 500,000.00

1 Personal injury/death to two or more persons in any one occurrence . . . 1,000,000.00

2 (2) Property damage insurance covering claims by any person for property
3 damage occasioned by the grantee's operations with a minimum coverage amount of
4 \$250,000.00.

5 (3) Such other insurance coverage as is required by the laws of the state.

6 (b) All of the insurance contracts required by this section shall be in a form
7 reasonably satisfactory to the county and shall be issued and maintained by companies
8 authorized to do business in the state and reasonably acceptable to the county. Each
9 policy shall name the county as an additional insured such that the county is
10 indemnified and held harmless, along with its officers, boards, agents and employees,
11 from any and all claims covered by such policies. All such policies shall require 30 days'
12 written notice to all insureds, including the county, prior to any cancellation.

13 (Ord. of 9-8-87; Code 1977, § 3-8-6)

14 15 **Sec. 22-7. Surety bond or other security.**

16 (a) Each grantee shall maintain throughout the term of its franchise a surety bond,
17 letter of credit, or other equivalent form of security, running in favor of the county, in
18 the penal sum of \$25,000.00. The bond, letter or credit or other form of equivalent
19 security shall guarantee the faithful performance by the grantee of all provisions of this
20 chapter and its franchise agreement. If the grantee is found to be in material violation
21 of this chapter or its franchise agreement, pursuant to section 22-29, the amount of
22 damages suffered by the county shall be recoverable from such bond, letter of credit, or
23 other form of equivalent security, including obligations owed under any indemnity
24 granted by the grantee in favor of the county.

25 (b) The bond, letter of credit or other form of equivalent security shall be in a form
26 reasonably satisfactory to the county and shall contain a provision that it shall not be
27 terminated or otherwise allowed to expire without at least 30 days' prior written notice
28 to that effect to both the county and grantee. Such bond, letter of credit, or other form
29 of equivalent security, along with evidence of payment of the required premiums, shall
30 be filed with the county.

31 (Ord. of 9-8-87; Code 1977, § 3-8-7)

32 33 **Sec. 22-8. Indemnity.**

34 (a) The grantee shall, at its sole cost and expense, fully indemnify, defend and hold
35 harmless the county, its officers, boards, commissions and employees against any and
36 all claims, suits, actions, liability and judgments from third parties for damage arising
37 out of the installation, operation or maintenance of the cable system, including
38 copyright infringement, whether or not the act or omission complained of is authorized,
39 allowed or prohibited by this chapter or a franchise agreement, unless such damage
40 was caused by the negligence of the county or its officers, boards, commissions or
41 employees.

42 (b) The grantee shall pay all expenses incurred by the county, including reasonable
43 attorneys' fees and other costs of litigation, in defending itself with regard to all claims
44 and actions mentioned in subsection (a) of this section.

(Ord. of 9-8-87; Code 1977, § 3-8-8)

Sec. 22-9. Grantee's books and records; operation reports; communications.

(a) The grantee shall file annually with the county, upon request, a reasonably accurate copy of all new maps, plats or similar documentation showing existing and proposed cable installations on county streets which the county has not received previously. These maps and plats shall conform to the reasonable requirements of the county manager and shall, upon request, be kept up-to-date annually.

(b) The grantee shall file annually with the county a current list of its owners (shareholders, partners, etc.) holding a controlling interest in the grantee and a list of its current officers or managing partners or officials, as the case may be, along with their current mailing addresses.

(c) Copies of the grantee's published rules and regulations relating to operation of its cable system shall be made available to the county upon reasonable notice and request.

(d) Within six months of accepting a new franchise, a grantee shall submit to the county manager or his designate a plan summarizing all proposed construction projects required as of that date under the terms of this chapter and the grantee's franchise agreement. The grantee shall continue to provide the county manager with progress reports regarding ongoing construction projects in the county every three months until such projects have been activated and subscribers are being serviced.

(e) Copies of all material petitions, applications and communications submitted by a grantee to the FCC, Securities and Exchange Commission, or other federal or state regulatory agencies having jurisdiction with respect to any matter affecting the grantee's cable system shall be made available to the county upon reasonable notice and request, provided that such documents relate to the grantee's cable system in the county.

(f) The grantee shall notify the County Communications Office at least forty-eight hours in advance of any installation work to be performed on County-owned facility.

(Ord. of 9-8-87; Code 1977, § 3-8-9)

Sec. 22-10. Rates.

(a) Upon receipt of a franchise pursuant to this chapter, a grantee shall give the county a written notice summarizing its rate schedule for the respective tiers of service and significant ancillary services or equipment it proposes to provide. Thereafter, the grantee shall give the county, not less than annually, a current schedule of its rates.

(b) The county shall not regulate any rates for cable, noncable or any ancillary services provided by a grantee in the county; provided, however, if, pursuant to applicable federal law or regulation, rate approval authority exists within the county in the future, the county and grantee shall negotiate, in good faith, a set of amendments to the grantee's franchise agreement and this chapter which shall govern all future rate increase proposals of the grantee which are subject to the regulatory jurisdiction of the county.

(Ord. of 9-8-87; Code 1977, § 3-8-10)

Sec. 22-11. Conditions of right-of-way occupancy.

(a) All transmission and distribution structures, lines and equipment erected by a grantee within the county shall be located so as to cause minimum interference with the proper use of the right-of-ways and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of such right-of-ways. The cable system shall be constructed, operated and maintained in material compliance with all adopted county and applicable national construction and electrical codes.

(b) A grantee shall not erect any poles or facilities within the right-of-ways of the county if other such poles or facilities already exist and are available to the grantee under the terms of the grantee's pole use agreements with the relevant utility companies, unless the grantee can demonstrate a substantial economic or customer service justification for the construction of duplicative facilities. Prior to such construction, the grantee shall obtain the approval of the county department of transportation. The county shall cooperate with a grantee, upon request, in the grantee's negotiations with utilities to obtain or maintain use of the utilities' facilities.

(c) The grantee shall not construct or operate its cable system within the county unless it has complied with all current county regulations and procedures relating to the placement, location, specifications and manner of installation for such cable system facilities. In particular, a grantee shall not locate facilities within the county right-of-ways which are not on utility poles without first disclosing such activity to the county permitting manager and obtaining approval, which approval shall not be unreasonably withheld. Nothing in this subsection shall be interpreted to require a grantee to alter or rearrange its then existing operations or facilities upon the county's adoption of new regulations affecting such operations or facilities unless a failure to do so seriously threatens the health, safety or welfare of county residents.

(d) If the county or state shall require the removal, relocation or reinstallation of any portion of the grantee's cable system within the county's right-of-way, upon written notice from the county, the grantee shall relocate or reinstall those facilities affected as soon as possible. Such relocation, removal or reinstallation shall only be requested if it is necessary for the public health, safety or welfare and in such cases the grantee shall bear all of its costs in completing the removal, relocation or reinstallation.

(e) Where electric or telephone utility facilities are located underground within the county, the grantee shall locate its facilities underground as well, regardless of when the utilities are placed underground. If facilities of a grantee are placed underground at the request of a property owner where other utility facilities are placed aerially, the additional cost of locating the cable facilities underground shall be borne by the property owner making the request.

(f) A grantee shall have the authority to trim trees overhanging the county right-of-way so as to prevent the branches of such trees from coming into contact with the grantee's facilities. All such trimming shall be done under the supervision and direction of the county and at the grantee's expense.

(g) If the grantee disturbs a county right-of-way, it shall, at its own expense and in a manner approved by the utility permitting manager, replace and restore such right-of-way to as good a condition as existed before the grantee's work was begun and in conformance with all county ordinances and Department of Transportation regulations.

(h) At the request of any person holding a valid building moving permit issued by the county, a grantee shall temporarily raise or lower its wires to permit the moving of such building. The grantee's costs in moving its facilities shall be paid by the person holding the permit and the grantee may require payment in advance for its work. Such person shall give the grantee at least 48 hours' notice of such request and any disputes between such person and the grantee shall be resolved by the county manager or his designate.

(i) If, in the case of public emergency, the board chairman or county fire department chief sees it necessary to cut or remove any of the grantee's facilities, they may do so. All necessary repairs shall be completed at the grantee's, or its insurance company's, expense. The grantee shall not be penalized under this chapter or its franchise agreement for any delays or problems incurred in its cable operation as a result of such action by the county.

(j) A grantee's work, while in progress, shall be properly executed at all times with suitable barricades, flags, lights, flares or other devices as are reasonably required to protect the public using the right-of-way or property involved and in conformance with all county ordinances and Department of Transportation regulations.

(Ord. of 9-8-87; Code 1977, § 3-8-11)

Sec. 22-12. Initial system installation schedule.

(a) Within 30 days of receiving an executed franchise agreement for a new cable service area, a grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, without limitation, pole attachment agreements and microwave licenses; provided, however, that this requirement shall only apply to franchises granted to new operators within the county who have received a franchise to build in a new portion of the county.

(b) Unless otherwise set forth in a franchise agreement, a grantee shall extend energized trunk cable to 20 percent of its franchise area within one year from the date it is granted a franchise agreement by the county, and shall extend energized trunk cable to the remaining portions of its franchise area within four years thereafter. The board may extend the time period for extending energized trunk cable for good cause shown. A franchise agreement may set forth terms and conditions for the extensions of energized trunk cable in lieu of the provisions in this section 22-12(b) and 22-13.

(Ord. of 9-8-87; Code 1977, § 3-8-12; Ord. of 4-29-99)

Sec. 22-13. System extension to new subscribers.

The grantee shall provide cable service to any subscriber within its franchise area within six months of receiving a written request from the subscriber or the county on the subscriber's behalf. Notwithstanding the foregoing sentence, the grantee shall not be required to extend its plant and provide cable service to any subscriber within the

1 county unless and until there are at least 30 occupied homes per strand mile as
2 measured and computed from the nearest energized cable plant of the grantee to the
3 residence requesting service.

4 (Ord. of 9-8-87; Code 1977, § 3-8-13)

5
6 **Sec. 22-14. Operational standards.**

7 The holder of a county franchise shall comply with the customer service standards as
8 set forth in [47 C.F.R. 76.309\(c\)](#) and as adopted as by the state of Georgia.

9 =(Ord. of 9-8-87; Code 1977, § 3-8-14)

10
11 **Sec. 22-15. Supervision by the county.**

12 (a) Each grantee shall construct, operate and maintain its cable system subject to
13 the supervision of all county authorities with jurisdiction in such matters and in
14 compliance with all applicable county laws, ordinances and departmental rules and
15 regulations.

16 (b) Each grantee's physical cable system shall be subject to periodic inspection by
17 the county.

18 (c) If, at any time, the powers of the board of commissioners or any agency or
19 official of the county are transferred by law to another board, authority, agency or
20 official, the transferee shall have the powers, rights and duties previously vested under
21 this chapter or by law in the board or such other agency or county official.

22 (d) In the event of an emergency or disaster, upon the request of the chairman of
23 the board, a grantee shall make at least one channel and necessary other facilities and
24 personnel available to the county at no cost for use during the period of the emergency.
25 Each grantee shall have the capability for an emergency override alert whereby the
26 county during such times of emergency can communicate with the grantee's subscribers
27 on its access channel.

28 (Ord. of 9-8-87; Code 1977, § 3-8-15)

29
30 **Sec. 22-16. Compliance with state and federal laws; severability.**

31 (a) Each grantee shall, at all times, comply with the applicable provisions of state
32 and federal laws and regulations, including, without limitation, those promulgated by
33 the FCC.

34 (b) The provisions of this chapter and each grantee's franchise agreement are
35 subject to the relevant provisions of state and federal law and regulation, including,
36 without limitation, the Cable Act.

37 (c) If any section, subsection or other portion of this chapter or a franchise
38 agreement granted pursuant to this chapter is held to be invalid by the decision of any
39 court or federal or state authority of competent jurisdiction, such section, subsection, or
40 other portion or provision shall be considered a separate, distinct and independent part
41 of the franchise agreement, and such decision shall not affect the validity and
42 enforceability of all other portions of this chapter or the franchise agreement.

43 (Ord. of 9-8-87; Code 1977, § 3-8-16)

44

Sec. 22-17. Restrictions against assignment.

(a) The grantee shall not sell, transfer or assign its rights under this chapter and its franchise agreement without the prior approval, by ordinance or resolution, of the county, acting through its board. The granting of such consent shall in no way constitute a waiver or release of the county's underlying ownership rights in and to its streets. By executing and accepting its franchise agreement, a grantee specifically agrees that any such transfer occurring without the county's prior approval shall constitute a material violation of this chapter and its franchise agreement and shall be null and void. For purposes of this subsection, the term "transfer" of franchise rights shall include a transfer of control of a grantee.

(b) Notwithstanding anything to the contrary contained in subsection (a) of this section:

(1) A grantee may transfer its rights under this chapter and its franchise agreement to any person controlling, controlled by, or under common control with the grantee; and

(2) The grantee may grant to any reputable lender security interest in any or all of the assets of the grantee, tangible or intangible, including its franchise agreement. (Ord. of 9-8-87; Code 1977, § 3-8-17)

Sec. 22-18. Discriminatory practices.

(a) A holder of a county franchise shall not deny access to service to any group of potential residential subscribers because of the income of the residents in the local area in which such group resides.

(b) For purposes of determining whether a cable service provider or video service provider has violated subsection (a) of this Code section, cost, density, distance, and technological or commercial limitations shall be taken into account. An alleged violation of subsection (a) of this Code section shall only be considered within the description of the service area set forth in an application or amended application for a franchise. The inability to serve an end user because a holder is prohibited from placing its own facilities in a building or property shall not be found to be a violation of subsection (a) of this Code section. Use of an alternative technology or service arrangement that provides comparable content, service, and functionality shall not be considered a violation of subsection (a) of this Code section. This Code section shall not be construed as authorizing any build-out requirements on a cable service provider or video service provider.

(c) Any potential residential subscriber or group of residential subscribers who believes it is being denied access to services in violation of subsection (a) of this Code section may file a complaint with the County, along with a clear statement of the facts and the information upon which it is relying to support the complaint. Upon receipt of any such complaint, the County shall serve a copy of the complaint and supporting materials upon the subject cable service provider or video service provider, which shall have 60

1 days after receipt of such information to submit a written answer and any other
 2 relevant information the provider wishes to submit to the County in response to the
 3 complaint. If the County is not satisfied with the response, the County shall compel the
 4 cable service provider or video service provider to participate in nonbinding mediation.
 5 If the mediation does not resolve the matter to the satisfaction of the County, the
 6 County may file a complaint with a court of competent jurisdiction. The County shall not
 7 file an action in court without having participated in a mediation of the complaint. If
 8 such court finds that the holder of a county franchise is in material noncompliance with
 9 this Code section, the holder shall have a reasonable period of time, as specified by the
 10 court, to cure such noncompliance. The court may also award the County its reasonable
 11 costs and attorneys fees in seeking enforcement of subsection (a) of this Code section.

12
 13 (Ord. of 9-8-87; Code 1977, § 3-8-18)

14
 15 **Sec. 22-19. Grantee's lack of recourse.**

16 (a) Except as otherwise provided in this chapter or a grantee's franchise agreement,
 17 a grantee shall have no recourse against the county for any loss, cost, expense or
 18 damage arising out of the county's lawful enforcement of this chapter or a franchise
 19 agreement or from the lack of authority to grant such franchise rights.

20 (b) Each grantee acknowledges that upon executing and accepting its franchise
 21 agreement, it:

22 (1) Has done so relying upon its own investigation and understanding of the
 23 power and authority of the county to grant such franchise rights; and

24 (2) Has not been induced to enter into its franchise agreement by any
 25 promise or understanding of the county or any other person other than the terms of
 26 this chapter and the franchise agreement itself.

27 (Ord. of 9-8-87; Code 1977, § 3-8-19)

28
 29 **Sec. 22-20. Nonenforcement does not constitute waiver.**

30 Subject to the provisions of state or federal law, a grantee shall not be excused from
 31 complying with any of the terms of this chapter and its franchise agreement due to the
 32 failure of the county, upon any one or more occasions, to insist upon or to seek
 33 compliance with any such terms and conditions.

34 (Ord. of 9-8-87; Code 1977, § 3-8-20)

35
 36 **Sec. 22-21. Time is of the essence.**

37 Whenever this chapter or a franchise agreement shall set forth a time limit or period for
 38 an act to be performed by or on behalf of a grantee, such time shall be deemed of the
 39 essence, and any failure of a grantee to perform within the time allotted shall be
 40 sufficient grounds for the county to take the position that the particular provision in
 41 question has been violated and therefore is subject to the provisions of section 22-27.

42 (Ord. of 9-8-87; Code 1977, § 3-8-21)

43

Sec. 22-22. Rights reserved to the county.

Without limitation on the rights which the county might otherwise have, the county does hereby expressly reserve the following rights, powers, and authorities:

(1) To exercise its governmental powers to the full extent that such powers may be vested in or granted to the county.

(2) To grant additional franchises within the county to other persons for the conduct of a cable television business.

(Ord. of 9-8-87; Code 1977, § 3-8-22)

Sec. 22-23. Grantee not to engage in television set business.

No grantee shall engage directly in the business of selling, repairing or installing television sets within the county during the term of the grantee's franchise.

(Ord. of 9-8-87; Code 1977, § 3-8-23)

Sec. 22-24. Discrimination in employment.

No grantee shall refuse to hire or employ, nor bar or discharge from employment, nor discriminate against, any person in compensation or in terms, conditions or privileges of employment because of sex, race, creed, color, national origin, disability, religion or age. Each grantee shall take affirmative action to ensure that applicants are employed, and that employees are treated during their employment, in all respects, without regard to their sex, race, creed, color, national origin, disability, religion or age, as required by the Cable Act.

(Ord. of 9-8-87; Code 1977, § 3-8-24)

Sec. 22-25. Reimbursement for right-of-way cost.

If the county is required to pay to obtain right-of-way on private or public property for the benefit of the grantee at the grantee's request, the grantee shall reimburse the county for any payment made for the benefit of the grantee.

(Ord. of 9-8-87; Code 1977, § 3-8-25)

Sec. 22-26. Impossibility of performance.

Notwithstanding anything to the contrary in this chapter or the grantee's franchise agreement, if any failure of the grantee to carry out its obligations thereunder, or to meet time schedules set out therein, shall be due, in whole or in part, to any cause not within the grantee's reasonable control, the grantee shall notify the county in writing as soon as possible after the grantee learns of such factor, circumstance or condition, and such failure by the grantee shall be excused, and any time deadlines established shall be extended for a period of time equal to the period of delay which resulted from such factor, circumstance or condition. The grantee shall at all times use diligent efforts to carry out its obligations under this chapter in a timely manner.

(Ord. of 9-8-87; Code 1977, § 3-8-26)

Sec. 22-27. Violations; penalties; termination and revocation.

(a) If a grantee fails to comply with, or violates, any material provision of this chapter or its franchise agreement, the county shall have the right to impose certain penalties upon the grantee or, under certain circumstances, to terminate the grantee's franchise and revoke the privileges granted thereunder; provided, however, that all of the following procedures and requirements must be met before any such actions may take place:

(1) The county shall notify the grantee in writing of any material violation in or failure to comply with a material term of this chapter or its franchise agreement which the county believes has occurred.

(2) The grantee shall have 30 days following receipt of such written notice from the county to respond that it does not believe a material violation has occurred or to commence correction of the alleged violation or failure to comply and, within a reasonable amount of time thereafter, to correct such violation or failure to comply.

(3) If, after such curative period, the grantee has failed to commence correction of the alleged violation, or failed to correct the violation, as the case may be, or if the grantee disputes the allegation that a material violation has taken place, the county shall schedule a hearing before the board of commissioners, at which time the grantee shall be provided an opportunity to be heard on the issue of noncompliance with full rights of due process. The grantee shall be afforded at least ten days' written notice of such hearing.

(4) If, upon the conclusion of such hearing, the board, by majority vote, concludes that the grantee has violated a material provision of this chapter or its franchise agreement, the county manager shall provide the grantee with written notice of the decision and any monetary penalty the board has decided to impose consistent with subsection (b) of this section. The grantee's surety bond shall act as security for the payment of such penalty until the issue of whether a material violation has taken place has been finally resolved pursuant to this section.

(5) The grantee shall have 30 days after receiving the board's written decision to pay the penalty then accrued or to appeal the decision of the board to a state or federal court of competent jurisdiction as set forth in this section.

(b) As contemplated in this section, the following monetary penalties, not to exceed those set forth in this subsection, may be chargeable to the grantee on a per day basis. Any penalties assessed by the board shall be due and payable, and being to accrue, as of the date of the board's decision that the grantee has violated a material provision of this chapter or its franchise agreement.

(1) For failure to commence operations; to provide access channel capacity or facilities; or to fail to meet service requirements defined in this chapter, per day . . . \$200.00

(2) For failure to provide material data or reports, per day . . . \$50.00

(3) For failure to maintain technical standards imposed by this chapter, per day . . . 100.00

(4) For failure to extend service to qualifying subscribers, per day . . . \$150.00

(5) For failure to meet other material requirements, other than failure to make franchise fee payments, which shall bear interest at a rate of ten percent, per day . . . \$75.00

(c) If the grantee appeals the decision of the board to a court of competent jurisdiction, the decision of the courts, including any decisions rendered on appeal, shall be final and binding upon the grantee and the county with respect to all issues involved. Any penalty previously assessed by the board shall not continue to accrue during such court proceedings. All parties to such court proceedings shall bear their own costs unless the court orders otherwise.

(d) If the grantee fails to pay to the county franchise fees lawfully accrued, undisputed and payable to the county, or commits repeated violations of material provisions of this chapter or its franchise agreement, the county may formally terminate the franchise and revoke the privileges granted thereunder. In such an event, the county shall follow the same procedures as are set forth in subsection (a) of this section, and the grantee shall be afforded the same rights as are set forth in this section. If the county's termination and revocation of grantee's franchise are upheld, the grantee shall be afforded all rights set forth in the Cable Act with respect to disposition of its cable system in the county.

(Ord. of 9-8-87; Code 1977, § 3-8-27)

Sec. 22-28. Access channels; service to public facilities.

(a) A cable service provider or video service provider shall, upon written request by the County, install, at no charge, one service outlet to a demarcation point located on the outside of any designated county building or multibuilding complex, provided such building demarcation point is within 125 feet from the cable service provider or video service provider's activated distribution point of connection. A cable service provider or video service provider shall not be required to extend its facilities beyond the appropriate demarcation point located outside the building or to perform any inside wiring. The cable service provider or video service provider shall provide complimentary basic cable service or video service to public schools and public libraries over that one service outlet free of charge, which service shall not be used for commercial purposes.

(b) Unless otherwise set forth in a franchise agreement, each grantee shall provide, at no cost to the public and on a nondiscriminatory, first come, first served basis, at least one channel for public, educational and governmental access use. If use of the channel is such that more than 24 hours of access programming per day is available, a grantee shall provide additional channel capacity of up to three access channels. As provided under the Cable Act, any unused time on access channels may be used by the grantee in its own discretion.

(b) Upon reasonable notice, the grantee shall make available a reasonable amount of space, lighting and a camera for use by members of the public for production of access programming. If technical personnel are needed to assist the access producers, the grantee shall make available, on a reasonable, limited basis, such personnel.

(c) The grantee's access channels and any studio, equipment or personnel provided pursuant to the requirements of this section shall be administered by the grantee

1 pursuant to reasonable rules and regulations promulgated by the grantee. Such rules
2 and regulations may include requirements relating to security deposits for equipment
3 used, training prerequisites, charges for tape or other materials consumed by the
4 access user, indemnification requirements, etc.
5 (Ord. of 9-8-87; Code 1977, § 3-8-28; Ord. of 4-29-99)

6
7 **Sec. 22-29. Franchise agreement.**

8 Upon the grant of a franchise by the county to a grantee, the county and grantee shall
9 execute a written franchise agreement reflecting the contractual nature of the grantee's
10 franchise, the grantee's acceptance of the then current terms of this chapter, and any
11 other specific terms applicable to that grantee's particular franchise. The franchise
12 agreement shall incorporate any relevant commitments made in the grantee's
13 application for a franchise or its renewal request. Subject to the county's necessary and
14 lawful exercise of its police powers as evidenced by valid amendments to certain
15 provisions of this chapter, a grantee's franchise rights and obligations may only be
16 amended through a written amendment to the grantee's franchise agreement executed
17 by both the county and grantee.

18 (Ord. of 9-8-87; Code 1977, § 3-8-29)

19
20 **Sec. 22-30. Public hearings.**

21 Any public hearings required under the terms of this chapter shall be held in accordance
22 with the county's existing requirements for public hearings, and such requirements shall
23 be satisfied by the conduct of such hearing at a regularly scheduled and publicly
24 announced meeting or work session of the board; provided, however, that there shall
25 be no absolute requirement that members of the public be allowed to participate in
26 such hearings. The extent of public participation at such hearings, if any, shall be
27 decided by the board or, in the case of a hearing pursuant to section 22-27, by the
28 board and grantee jointly.

29 (Ord. of 9-8-87; Code 1977, § 3-8-30)

30
31 **Sec. 22-31. Judicial proceedings.**

32 Notwithstanding anything to the contrary contained in this chapter or its franchise
33 agreement, both the county and a grantee shall have all rights and remedies, in law or
34 in equity, otherwise available to them in connection with the interpretation and
35 enforcement of this chapter and the franchise agreement. The county's authority,
36 actions or decisions shall not be accorded any more weight than those of a private
37 party in any subsequent court proceedings involving the grantee's franchise.

38 (Ord. of 9-8-87; Code 1977, § 3-8-31)

39

Sec. 54-54.1. Tanks.

(a) Scope.....

(b) Zoning and protection.

(1) Storage and fuel tanks shall meet the requirements of NFPA 30, NFPA 30A, NFPA 52, NFPA 58 and any other applicable codes adopted under section 54-54 of this Code.

(2) No aboveground tanks shall be installed in residentially zoned areas, except as to any Cobb County Fire Stations that may be located in any such residentially zoned area.

(3) All aboveground tanks storing gasoline, where allowed by zoning ~~will~~ shall be a vaulted type tank that is projectile resistant and vehicle impact resistant as certified by Underwriters Laboratories or other recognized testing labs. Exception: Bulk plants or terminals.

(4) All aboveground tanks.....

1 Sec. 54-118. Penalties.....

2 (c) The following shall be assessed to individuals who violate the conditions of
3 permits issued by section 54-117(a) or (b), who kindle a fire larger than 12 feet by 12
4 feet, or who kindle a fire which becomes an out of control fire and causes damage to
5 the property of another person:

6 (1) First violation. For the first violation, a summons shall be issued and fine of
7 \$100.00 assessed.

8 (2) Second violation. For the second violation, a summons shall be issued and a fine
9 of \$500.00 assessed.

10 (3) Third and any subsequent violations. For a third violation and any subsequent
11 violations, a summons shall be issued and a fine of \$1,000.00 assessed and/or six
12 months in jail.

13 (d) Multiple violations of this section shall be based upon a consecutive 36 month
14 period.

15

Chapter 78 LICENSES, PERMITS AND BUSINESSES

ARTICLE III. SPECIAL LICENSES AND REGULATORY FEES

DIVISION 2. PEDDLERS, ~~AND~~ DOOR-TO-DOOR SALESPERSONS, AND MOBILE FOOD VENDORS

Subdivision I. - In General

Subdivision II. - Door-to-Door Salesperson's Permit

Subdivision III – Mobile Food Vendors

Article 78.95 - Mobile Food Vendors

Section 78.95 - Definitions.

Section 78.96 - License Required.

Section 78.97 - Prohibited Conduct and Requirements.

Section 78.98 - Indemnity.

Section 78.99 - Revocation and Suspension.

Section 78.100 - Fee.

Section 78.95 - Definitions.

Commissary shall mean an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.

Mobile food vendor shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.

Section 78.96 - License Required.

(a) It shall be unlawful for any person to sell, or offer for sale, food of any type from a commissary or mobile retail food establishment without a license first having been granted under this section, except for county-sponsored events.

(b) An application for a license or a permit hereunder shall be submitted to the Business License Manager or his or her designee setting forth all

information required hereunder and in compliance with this ordinance.
The Business License Manager or his or her designee shall develop a form
of application for the purpose of compliance with this article.

(c) The following information shall be provided with each application for a
mobile food vendor permit:

- (1) Name of the mobile food vendor;
- (2) Make, model, and license plate number of vending unit;
- (3) Owner's contact information;
- (4) Operator's contact information;
- (5) Type of vendor;
- (6) Copy of approved permit from the Cobb County Health
Department;
- (7) List of operating locations and times; frequency not to exceed six
events per year
- (8) Signatures from property owners indicating consent for the use of
their property in accordance with an approved temporary use as
permitted in the underlying zoning district to include locations and
times
- (9) Signature of applicant indicating agreement to the listed
requirements.

Section 78-97 - Prohibited Conduct and Requirements.

- (a) No mobile food vendor shall conduct business or operate in the public
right-of-way.
- (b) An owner of private property, or his or her designee, who desires to invite
a mobile food vendor to operate on such private property must obtain a
temporary use permit pursuant to Chapter 134 for the underlying zoning
district.
- (c) No mobile food vendor shall operate on private property unless a
temporary use permit pursuant to Chapter 134 for the underlying zoning
district has been obtained for the private property and the vendor shall
have obtained a license pursuant to Sec. 78-96.
- (d) When operating on public property, a mobile food vendor shall maintain
and demonstrate proof of a one million dollar (\$1,000,000.00) liability
insurance policy issued by an insurance company licensed to do business
in Georgia, protecting the mobile food vendor, the public and the county
from all claims for damage to property and bodily injury, including death,
which may arise from operation under or in connection with the permit.

1 Such insurance shall name the county as an additional insured and shall
2 provide that the policy shall not terminate or be canceled prior to the
3 expiration date without thirty (30) days advanced written notice to the
4 county. The provisions of this paragraph shall not be construed as a
5 waiver of the county's immunity available at law.

6 (e) A mobile food vendor shall not convey sounds, music or announcements
7 to call attention to the mobile food vehicle either while traveling on the
8 public rights-of-way or when the vehicle is stationary. At all times the
9 mobile food vendor shall comply with the Cobb County noise ordinance.

10 (f) The license under which a mobile food vendor is operating must be firmly
11 attached and visible on the mobile food vending unit at all times.

12 (g) Any driver of a mobile food vendor motorized vehicle must possess a valid
13 driver's license.

14 (h) Mobile food vendors are allowed only in commercial zoning districts.

15 (i) Mobile food vendors shall not be located within fifteen (15) feet of any
16 street intersection or pedestrian crosswalk or ten (10) feet of any
17 driveway.

18 (j) No sale or offer for sale shall be made by any mobile food vendor
19 between 10:00 p.m. and 6:30 a.m. unless such sale is in conjunction with
20 a county-approved special event or film production permit or is held on
21 private property pursuant to a temporary use permit.

22 (k) Mobile food vending units shall not be left unattended or stored at any
23 time on an open vending site when vending is not taking place or during
24 restricted hours of operation.

25 (l) The mobile food vendor shall comply with all state, federal and local
26 health and safety regulations and requirements and shall obtain and
27 maintain any and all licenses required by any other health, organization or
28 governmental organization having jurisdiction over this subject matter.

29 (m) The following safety regulations shall apply to any and all vehicles
30 operating under this article or used for mobile retail food:

31 (1) Every vehicle shall be equipped with a reverse gear signal alarm
32 with a sound distinguishable from the surrounding noise level.

33 (2) Every vehicle shall be equipped with two rear-vision mirrors, one at
34 each side, firmly attached to the outside of the motor vehicle, and
35 so located as to reflect to the driver a view of the highway to the
36 rear, along both sides of the vehicle.

(n) The mobile food vendor may sell food and non-alcoholic beverage items only.

Section 78-98 - Indemnity.

As part of the permitting process, any person or entity receiving a permit for any operation on county property or at a county-sponsored event shall execute an indemnity agreement indemnifying and releasing Cobb County, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever. This provision shall not be construed to waive any immunities available to the county.

Section 78-99 - Revocation and Suspension.

The county shall have the right to revoke or suspend any license granted hereunder for violations of any county ordinance or State law.

Section 78-100 - Fee.

The fee for every application for license under this section shall be set by fee schedule adopted/approved by the Board of Commissioners.

Secs. 78-101 –78-110 . Reserved.

Sec. 78-131. Definitions.

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

Alcoholic beverages includes, but is not limited to, malt beverages, vinous liquors and spirituous liquors.

Amusement activity includes any fair, concert, carnival or sideshow and those activities, rides and games normally associated with such amusements wherein the general public is allowed to view or participate for a price.

Billiard room means any public place with two or more tables on which the game of billiards is permitted to be played.

Billiards means any of the several games played on a table surrounded by an elastic ledge of cushions, with balls which are impelled by a cue, and shall include all forms of the game known as carom billiards, pocket billiards and English billiards. The term shall apply to all tables, both coin-operated and non-coin-operated.

Health spa means a business establishment ~~having ten or less employees with equipment, facilities and staff~~ that derives its primary source of income from massage therapy, as defined in State law, or any other hands-on therapy, including foot massage and the practice of reiki, to help customers ~~lose weight,~~ reduce stress, provide therapy, enhance appearance, enhance or restore health and well-being, or experience sensory pleasure. This term shall not include professional healthcare establishments or fitness centers utilizing equipment only and having two or fewer massage tables or other equipment for massage.

Licensee means any person holding a license issued under this division who is full time employee responsible for the management of the establishment.

Manager means a full time employee who is responsible for the management and operation of the establishment. A manager or manager's designee must be on the premises at all times the business is in operation.

Pawn and *pledge* mean bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the express or implied power of sale on default.

Pawnshop means any business wherein a well-defined part thereof is to take or receive, by way of pledge, pawn or exchange, any goods, wares or

merchandise, or any kind of personal property whatever, as security for the
repayment of money lent thereon.

Pool room. See Billiard room.

Spa. See Health spa.

*(Ord. of 10-25-94; Code 1977, § 3-7-91; Ord. of 7-8-03; Ord. of 7-27-04; Ord.
of 2-26-08)*

Cross reference— *Definitions generally, § 1-2.*

Sec. 78-273. List of employees to be filed with county.

It shall be the duty of all licensees under this division to file with the county, through its business license office, the names of all employees and designated managers, and their home addresses, home telephone numbers, places of employment, date of birth, their duties and services performed, a copy of their Georgia State Massage Therapy License (when applicable), and any other descriptive information that the police department ~~will~~ requires in its ~~their~~ investigation of the establishment and its employees, within ~~ten days~~ seventy two (72) hours of employment. Any changes in information furnished shall be filed within ~~ten days~~ seventy two (72) hours of the change.

Sec. 78-275. Hours and place of operation.

The owner of the health spa shall provide in writing to the Cobb County Business License Division the hours of operation of the health spa. No licensee under this division shall operate a health spa except during the hours of 8:00a.m and 9:00p.m. The licensee or a designated manager shall be on the premises at all hours that the establishment is engaged in or open for business.

Sec. 78-292. Qualifications and Investigation of applicant(s), licensee, and employees.

- (a) The applicant and licensee must be a U.S. Citizen or a legal alien for at least one year prior to making application.
- (b) The licensee is required to be a resident of the State of Georgia and a Georgia State Licensed Massage Therapist.
- (c) Where the applicant for a license under this chapter is a corporation, any license for the operation of a health spa shall be applied for by and shall be issued to the corporation and either the majority shareholder thereof, or a person deemed the licensee by the corporation.
- (d) Where the applicant for a license under this chapter is a partnership, any license for the operation of a health spa shall be applied for by and shall be issued to the partnership and either the managing general partner thereof, or a person deemed the licensee by the partnership.
- (e) Where the applicant for a license under this chapter is a sole proprietor, license for the operation of a health spa shall be applied for by and shall be

issued to the sole proprietor if he is working full-time in a managing capacity on the premises, and if not, then the sole proprietor and a person deemed the licensee by the sole proprietor.

- (f) The county police department shall investigate the background ~~and make a character reference check~~ of both the applicant(s) and the licensee, and his/her spouse, who must meet the same requirements as the applicant and licensee, and employees of the establishment and report its recommendation to the business license division manager for a health spa license.

Sec. 78-293. Qualifications of applicant. Location and Premises Requirements.

(a) An applicant for a health spa license under this subdivision, prior to making application for a license, must have a location in unincorporated Cobb County where the ~~zoned for a~~ health spa is a permitted use in the underlying zoning district.

(b) The establishment shall be subject to inspection at any time during business hours by the business license division manager or his or her designee and/or by the police department to ensure compliance with this article.

(c) All employees and other persons on the premises, with the exception of customers receiving a massage from a state licensed massage therapist, shall be completely clothed at all times when administering a massage. For the purposes of this article, the term "completely clothed" means having on the upper portion of the body appropriate undergarments and either blouse or shirt which shall cover all the upper body save the arms and neck, and shall mean having on the lower body appropriate undergarments plus either pants or skirt, and said pants or skirt must cover from the waist down to a point at least two inches above the knee. All clothes worn in compliance with this article shall be entirely non-transparent.

1 (d) Ordinary beds or mattresses shall not be permitted in any health spa
2 establishment.

3 (e) No licensee under this division shall operate a health spa except
4 during the hours of 8:00a.m and 9:00p.m.

5 (f) The licensee or a designated manager shall be on the premises at all
6 hours that the establishment is engaged in or open for business.

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8

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10

Chapter 102 SOLID WASTE

ARTICLE II. SOLID WASTE COLLECTION

Sec. 102-62. Insurance.

(c) The solid waste insurance schedule shall be on file and available in the office of the solid waste division ~~and clerk of the board of commissioners.~~

ARTICLE VI. PEDESTRIAN ENHANCEMENT DISTRICTS

Sec. 106-169. Purpose.

The board of commissioners finds that the addition of pedestrian enhancements can improve the pedestrian environment and build a sense-of-place in areas where restaurants, shopping, entertainment and other like venues are located. The board further finds it is in the best interest of the citizens of the county to provide a procedure whereby property owners can elect to establish a pedestrian enhancement district in existing commercial and institutional areas for the purposes of promoting a positive sense of community.

Sec. 106-170. Definitions.

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

District means a pedestrian enhancement district.

Enhancement means a decorative banner or flag specifically affixed to a pedestrian lighting fixture pole designed for such use. Enhancements may display only themes relevant and affiliated with public entities within the district, illustrative of seasonal, logo, special events, or commemorations. Enhancements shall not include any advertising or sponsorship for any business, product, or political candidate. Events sponsored by the Cobb-Marietta Coliseum & Exhibit Hall Authority are specifically considered to be special events.

Lot means any single tract of land which falls within any of the zoning classifications defined by the zoning regulations set forth in chapter 134.

Maintenance Agreement means an agreement between a pedestrian enhancement district and the board of commissioners that details the manner in which enhancements shall be maintained at no expense to the board of commissioners. At a minimum, the agreement shall include procedures, duration, placement, maintenance, indemnification, and similar provisions.

Pedestrian enhancement district means a district created by the board of commissioners either upon petition or of their own initiative.

Petitioner means a community improvement district or a college or university under the Board of Regents of the University System of Georgia and/or accredited by the Southern Association of Colleges and Schools (SACS).

1 *Special event* means an event that is planned for a designated time period within the
2 boundaries of the pedestrian enhancement district that does not routinely occur as part
3 of a permitted use/service or attraction within the existing zoning district.

4
5 **Sec. 106-171. Creation of district.**

6 (a) A pedestrian enhancement district may be created by a community improvement
7 district or by a college or university under the Board of Regents of the University
8 System of Georgia and/or accredited by the Southern Association of Colleges and
9 Schools (SACS).

10 (b) In unincorporated areas of the county where a pedestrian lighting district has been
11 established, a petition also may be submitted on behalf of the district requesting the
12 additional designation of a pedestrian enhancement district.

13 (c) Any petition for a pedestrian enhancement district must be made in writing and
14 submitted to the director of the county's department of transportation for consideration.

15 (d) Any petition must include a copy of a resolution by the CID, college or university, or
16 owner's association in the pedestrian lighting district and minutes showing that the
17 petitioner has duly adopted the resolution approving the creation of a pedestrian
18 enhancement district.

19 (e) Any petition for a pedestrian enhancement district on state right-of-way shall
20 include a letter from the Georgia Department of Transportation consenting to its
21 creation.

22 (f) Upon receipt of the petition, the director of the county's department of
23 transportation department shall notify the director of the community development
24 agency, who shall jointly review the petition and present it to the board for
25 consideration, along with a recommendation for approval or denial. No petition shall
26 have been granted until the petition is considered and approved by the board.

27
28 **Sec. 106-172. Enhancements – general requirements.**

29 (a) Enhancement designs are subject to approval bi-monthly by the department of
30 transportation and community development agency. The district shall send
31 designs for each two-month time period to the director of the department of
32 transportation or her/his designee for distribution.

33 (b) Upon approval by the directors of transportation and community development, a
34 maintenance agreement shall be established. Enhancements shall not be
35 permitted absent the existence of the maintenance agreement.

36 (c) The directors of the department of transportation and community development
37 agency shall be empowered to disqualify an enhancement deemed noncompliant
38 with this article, a maintenance agreement, or the sign ordinance, and to
39 demand immediate removal.

40 (d) Maintenance agreements shall require that placement and removal will be
41 determined and executed by a qualified contractor.

42 (e) Enhancements shall only be installed upon pedestrian lighting fixture poles
43 designed for such enhancements and in accordance with the specifications
44 provided by the manufacturer of said assembly.

1 (f) Enhancement material shall be of a durable, weather-resistant material such as
2 canvas, nylon or vinyl-coated fabric, designed for the correct dimensional
3 requirements of the respective fixture pole.

4 (g) The cost of providing and maintaining the enhancement district shall be borne
5 solely by the petitioner in accordance with the required maintenance agreement.

6 In the event of excessive vandalism to pedestrian enhancements within a
7 pedestrian enhancement district which results in the county being billed for
8 repairs, the county has the right to recoup those costs from the petitioner.

9 (h) Enhancements shall remain within the county or state rights-of-way, though
10 depending upon proposed placement, the pedestrian enhancement district may
11 negotiate with a private property owner to encroach beyond the right-of-way.

12
13 **Sec. 106-173. Exceptions to enhancements.**

14 The board in its discretion may grant exceptions to general requirements for
15 enhancements when special conditions or hardships are found to exist.
16

17 **Sec. 106-174. Procedure for exceptions.**

18 In areas where a pedestrian enhancement district seeks a deviation to the general
19 requirements, an established district must submit a request to the board through the
20 director of the department of transportation stating the special conditions or a hardship
21 that would warrant an exception(s) to the general requirements for a designated
22 pedestrian enhancement district.
23

Chapter 114

Article 4- Rental Car Tax Text Provisions to be provided separately by County Attorney.

Article 5 – Cumberland Special Service District I Text Provisions to be provided separately by County Attorney. Map provided at the end of this document.

Article 6 – Cumberland Special Service District II Text Provisions to be provided separately by County Attorney. Map provided at the end of this document.

Chapter 122 UTILITIES

ARTICLE II. WATER AND WASTEWATER SYSTEMS

DIVISION 6. NONDOMESTIC USE OF PUBLIC WASTEWATER FACILITIES

Sec. 122-189. High strength wastewater surcharge.

(a) *Establishment.*

(3) The current domestic limits and rates shall be on file and available at the office of the ~~county clerk and at the office of the manager~~ director of the county water system.

Sec. 134-1. Definitions.....

Building height (height of structure or building) means

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. In the event that a front, rear or side building line contains a water or wastewater easement, the building set back line shall also conform to the provisions established in Section 122-123 of the Cobb County Code.

Business vehicle means a vehicle used as commercial transportation.....

Family means two or more persons related by blood, legal adoption, or marriage, occupying a dwelling. Related means persons 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.

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

...

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, physical therapists, tutoring & music lessons, and the like.

...

Other consumer goods and services means businesses which cater to consumers, providing goods and services such as the following: awning shops and sales, 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 & fortune telling, and the like.

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.

(1) A single-family dwelling unit shall have an interior bathroom and complete kitchen facilities, permanently installed.

(2) 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 each adult occupant.

(3) 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 three or less (of the total) parked outside of a garage, carport or the like for properties zoned RA-5, R-15 and R-20. 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 R-30 and R-40. 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-80 and RR. Other zoning districts used for single family dwelling units shall have no more than two vehicles parked outside. This includes vehicles parked within the right-of-way adjacent to a dwelling unit. "Regularly" means a majority of nights in any seven-day period.

~~Exceptions to subparagraphs (2) and (3)~~ this definition may be considered as part of a land use permit processed in accordance with section 134-36.

1 ~~Sec. 134-5. - Lots requiring lot size variances prior to rezoning. Reserved.~~

2 ~~Any lot which is deficient pertaining to minimum lot size, in which a rezoning is~~
3 ~~contemplated or needed, shall file an application for variance to the board of zoning~~
4 ~~appeals. The application for variance must be approved by the board of zoning~~
5 ~~appeals and ratified by the board of commissioners at least 21 days prior to the board~~
6 ~~of commissioners' zoning hearing. However, if the zoning division manager or~~
7 ~~designee is provided with documentation which demonstrates the lot size deficiency~~
8 ~~was caused by purchase or condemnation by an entity which has the power of~~
9 ~~eminent domain, or the condition existed prior to December 26, 1972, then this Code~~
10 ~~section shall not be applied and the application for rezoning will be processed and~~
11 ~~decided in the usual manner despite the lot size deficiency.~~

12 **Editor's note-** An ordinance adopted (February 25, 2014), deleted §134-5 which had
13 pertained to lots requiring lot size variances prior to rezoning.

14 Sec. 134-6. Property requiring more than one zoning hearing process.

15 In order to consolidate and streamline public hearing processes relating to properties
16 that need more than one zoning hearing process, the Board of Commissioners
17 authorizes Community Development Staff to consolidate multiple applications into one
18 zoning hearing date. The applications will still be submitted separately for the various
19 processes, but will be assigned one hearing date to be heard en masse. The filing fee
20 shall be consolidated into one fee, which shall be the highest single fee for all the
21 processes. Lot size variances will be included as part of a Rezoning or Special Land Use
22 Permit application. Additionally, required signage for each process shall be posted.

23 ~~Secs. 134-6~~ 134-7 – 134-30. Reserved.

24

Sec. 134-35. Administrative variances when property acquired under exercise of eminent domain.

If the county 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 zoning division manager or his designee 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 in order to qualify for an administrative variance. The zoning division manager or his designee 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 division manager of zoning or his designee shall file a certificate of administrative variance on the deed records of the county evidencing such variance. This section shall only apply to property acquired or condemned by an authority exercising eminent domain after December ~~31-26, 1990~~ 1972.

(Ord. of 12-26-72; Ord. of 12-11-90, § 3-28-8.10; Ord. of 8-13-91; Ord. of 1-11-94; Ord. of 9-26-95; Ord. of 11-23-99)

1
2 **Sec. 134-37. Special Land Use Permits.**

3 ...

4 (30) Riding stable (for profit) means a building and/or grounds utilized for horses,
5 ponies and other domestic animals, in which the owner/operator may charge a fee for
6 riding lessons, boarding, feed, grooming, property maintenance and for the care of the
7 animals. A riding stable shall have ten contiguous acres of property, shall locate any
8 structures at least 100 feet from the property line, and shall maintain all animals at
9 least 10 feet from property lines, unless reduced by the board of commissioners. A
10 riding stable may be located in any zoning district with an approved Special Land Use
11 Permit. Along with the criteria contained in section 134-37(e), the board of
12 commissioners' shall also consider other matters, such as signage, lighting, ancillary and
13 accessory sales, restriction of events, parking, hours and days of operation, and the
14 like. All riding stables shall be approved site plan specific. Therapeutic riding stables
15 may also be included in this code section. The filing fee for riding stables (for profit)
16 shall be half the cost of a Special Land Use Permit application.

17 ...

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19

Sec. 134-93. Officers; meetings; rules of procedure.

The board of appeals shall elect one of its members as chairman, who shall serve for one year or until he/she is reelected or his successor is elected. A second appointive member shall be elected as vice-chairman, and he/she shall serve for one year or until he/she is reelected, or a successor is elected. The board of appeals shall appoint a secretary, who may be an officer or employee of the board of commissioners 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 appeals shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board of 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. (Res. of 12-26-72, § X; Ord. of 12-11-90, § 3-28-9.12A)

VERSION 1

Sec. 134-94. Powers

(a) The board of appeals shall have the power to:

(1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter. The person filing the appeal shall pay a filing fee to the Cobb County Zoning Division equal to \$100.00.

(2) 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 134 - Zoning.

Chapter 50-75(b)(15)

Chapter 110 - Subdivisions

Chapter 58- Floods

...

(4) Authorize upon appeal in specific cases related to the minimum lot size of two acres required to maintain poultry as pets or food source. "Poultry" meaning a female pullet or hen of the *Gallus gallus domesticus*; also referred to as backyard chickens which are or may be raised for the purpose of providing food or companionship as a pet. In considering whether to authorize the keeping of poultry as provided in this paragraph, the Board of Zoning Appeals shall take into account the impact upon adjacent and nearby property, and the support or lack thereof of all homeowners associations to which the property at issue is subject, considering the following minimum conditions

~~a. Written consent or opposition of adjacent property owners, including the homeowners association, if applicable~~ Further, all such applications recommended by the Board of Zoning Appeals for approval shall be subject to the following requirements:

~~b. a.~~ The poultry shall be kept/maintained within a fenced area to the rear of the house;

~~e. b.~~ Coops, or other buildings used for the poultry shall be located at least ten feet off any property line and/or in compliance with the accessory structure requirements in each zoning district;

~~d. c.~~ The owner of the poultry shall keep the property maintained in a fashion that eliminates odors, pollution or other negative effects resulting from the poultry;

~~e. d.~~ The poultry shall not cause a nuisance, as defined by state law;

~~f. e.~~ There shall be a maximum ratio of one bird per 5,000 square foot of lot area on any lot less than two acres;

1 ~~g. f.~~ The slaughter of any hen on site is strictly prohibited;

2 ~~h. g.~~ The fee for the variance application shall ~~not exceed~~ be \$150.00; renewal
3 fees shall be \$100.00;

4 ~~i. h.~~ The duration of any variance approved for poultry as pets or food source
5 shall not exceed two years; renewable for ~~subsequent~~ up to two-year terms
6 thereafter;

7 ~~j. i.~~ Any variance approved for poultry as pets or food source shall be
8 considered by the board of commissioners in accordance with section 134-271.
9 The board of commissioners may add, delete or modify any of the board of
10 zoning appeals stipulations pertaining to this section.

11
12

VERSION 2

Sec. 134-94. Powers.

(a) The board of appeals shall have the power to:

(1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter. The person filing the appeal shall pay a filing fee to the Cobb County Zoning Division equal to \$100.00.

(2) 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 134 - Zoning.

Chapter 50-75(b)(15)

Chapter 110 - Subdivisions

Chapter 58- Floods

~~(4) Authorize upon appeal in specific cases related to the minimum lot size of two acres required to maintain poultry as pets or food source. "Poultry" meaning a female pullet or hen of the Gallus gallus domesticus; also referred to as backyard chickens which are or may be raised for the purpose of providing food or companionship as a pet considering the following minimum conditions:~~

~~a. Written consent or opposition of adjacent property owners, including the homeowners association, if applicable;~~

~~b. The poultry shall be kept/maintained within a fenced area;~~

~~c. Coops, or other buildings used for the poultry shall be located at least ten feet off any property line and/or in compliance with the accessory structure requirements in each zoning district;~~

~~d. The owner of the poultry shall keep the property maintained in a fashion that eliminates odors, pollution or other negative effects resulting from the poultry;~~

~~e. The poultry shall not cause a nuisance, as defined by state law;~~

~~f. There shall be a maximum ratio of one bird per 5,000 square foot of lot area on any lot less than two acres;~~

~~g. The slaughter of any hen on site is strictly prohibited;~~

~~h. The fee for the variance application shall not exceed \$150.00;~~

~~i. The duration of any variance approved for poultry as pets or food source shall not exceed two years; renewable for subsequent two-year terms thereafter;~~

~~j. Any variance approved for poultry as pets or food source shall be considered by the board of commissioners in accordance with section 134-271.~~

(b) In exercising the powers described in subsection (a) of this section, the board of 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

1 end shall have all the powers of the officer from whom the appeal is taken, and may
2 issue or direct the issuance of a permit.
3 (Res. of 12-26-72, § X; Res. of 9-25-73; Ord. of 12-11-90, § 3-28-9.12A; Ord. of 12-9-
4 03; Ord. of 2-27-07; Amd. of 2-26-13)

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Sec. 134-121. Generally.

...(b)

(2) The clerk ~~of the~~ Zoning Division shall be responsible for advertising in the legal organ
of the
county pursuant to O.C.G.A. § 36-66-4, as amended from time to time. "

Sec. 134-124. Action by board of commissioners.

(a)

Before taking action 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 board of commissioners shall conduct a public hearing on the application in accordance with rules and procedures as may be adopted by the board of commissioners from time to time. Prior to or in conjunction with the hearing, the board of commissioners shall review the applicant's report, if any, the staff report and the planning commission's recommendation.

(b)

So that the purpose of this chapter will be served and the health, public safety and general welfare secured, the board of commissioners 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 board of commissioners. An action by the board 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.

1 **Sec. 134-198.1. Open space community overlay (OSC) district.**

2 ...

3 (e) *Procedure for OSC overlay utilization.* The OSC district can be utilized in
4 two ways. One way involves utilizing the criteria in conjunction with the existing
5 zoning of the property. The other (second) way involves utilizing the criteria in
6 conjunction with a rezoning application for the property.

7 (1) When the OSC district is overlaid upon an existing zoning district, the
8 project will be reviewed and approved or denied by the board of commissioners.
9 Staff will accept applications, then review and recommend approval or denial. A
10 schedule of application submittal deadlines, concept plan review meetings, and
11 projected planning commission and board of commissioners zoning dates will be
12 made available to the public. As the underlying zoning will not change, staff
13 recommendations will be taken to the planning commission and board of
14 commissioners as an "other business" item on the next available zoning agenda.
15 OSC proposals are required to be posted for ~~15~~ 30 days prior to the planning
16 commission and board of commissioners meetings. Applicants will ~~not~~ be issued
17 signs, ~~and the 15-day posting requirement will not begin until~~ once staff has
18 received and reviewed all information required below. In addition, a public
19 hearing will be held at the time the planning commission and board of
20 commissioners reviews and decides each proposal. If the project is denied by the
21 board of commissioners, no prejudice period will apply. Further, upon gaining
22 approval of an OSC overlay plan, the applicant maintains the option to develop
23 the property according to the requirements of the underlying zoning. The board
24 of commissioners retains the right to approve or deny any OSC plan based on
25 applicable provisions of this chapter.

1 Sec. 134-203.2. RSL nonsupportive residential units.
2 The regulations for the RSL nonsupportive residential units, in addition to all section
3 134-203 regulations are as follows:
4 (1) Purpose and intent. The RSL nonsupportive residential units is established to
5 provide locations for the development of attached and detached dwelling units limited
6 to those persons age 55 and older as defined by the Fair Housing Act as may be
7 amended from time to time and shall not be established as a precedent for any other
8 residential or nonresidential district. This residential use is designed to be located within
9 any land use category other than industrial, industrial compatible, rural residential and
10 very low density residential as defined by the Cobb County Comprehensive Plan, as may
11 be amended from time to time, provided that it must be located along an arterial or
12 collector roadway (as defined by the Cobb County Major Thoroughfare Plan, as may be
13 amended from time to time).....
14
15

Sec. 134-208. MHP/S mobile home subdivision district.

...

(8) Other Regulations.

(i) Livestock, nondomestic and wild animals, and poultry as defined in this chapter shall be

prohibited.

(11) 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 134-1) ~~and two or fewer persons who are not family members~~, or two or fewer unrelated adults and their children and/or grandchildren .

(1) A mobile home may be occupied only by a family ~~and up to two persons who are not family members~~ related in the fourth degree as defined in O.C.G.A., or two or fewer unrelated adults and their children and/or grandchildren.

Sec. 134-210. MHP mobile home park district.

...

(8) *Use limitations.*

...

(c) Livestock, nondomestic and wild animals, and poultry as defined in this chapter shall be

prohibited.

(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 134-1) ~~and two or fewer persons who are not family members~~, or two or fewer unrelated adults and their children and/or grandchildren.

(1) A mobile home may be occupied only by a family ~~and up to two persons who are not family members~~ related in the fourth degree as defined in O.C.G.A., or two or fewer unrelated adults and their children and/or grandchildren.

1 Sec. 134-213. NRC neighborhood retail commercial district.

2 Commencing January 1, 1998, no new applications for a Special Land Use Permit for
3 Self-Service Storage Facilities (SSSF) are to be accepted by the board of commissioners.

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

5 (1) Purpose and intent.....

6 (12) Use limitations.

7 a. Maximum floor area.....

8
9 i. Any emission or automotive inspection station shall be located within a
10 permanent facility. (No temporary buildings/tents are to be utilized after June 30,
11 1998.) Effective April 1, 2014, any new applications (zoning applications, building
12 permit related applications including tenant finish operations and Certificate of
13 Occupancy applications) for emission or automotive inspection stations within
14 permanent facilities shall mean an indoor inspection establishment (no outside storage)
15 with fully enclosed service bay(s) with operable door(s) for performing emission and
16 automotive inspections/testing. The permanent facility must contain wash and
17 restroom facilities compliant with the adopted building and mechanical codes of Chapter
18 18, Article III, Cobb County Code of Ordinances.

19 j. No light automotive repair.....

20 n. Outdoor displays of merchandise must comply with the provision in Section 134-
21 267. ~~Where permitted those displays such as garden centers, home building supplies,~~
22 ~~hardware stores, general merchandise and the like, not including landscape nurseries,~~
23 ~~automotive sales and rentals or heavy equipment sales and rentals, shall be subject to~~
24 ~~the following additional requirements:~~

25 1. ~~— The area displaying the merchandise shall be ancillary to the primary retail~~
26 ~~business on site.~~

27 2. ~~— The location of outdoor displays must be shown on a site/construction plan~~
28 ~~approved by the zoning division manager or his/her designee.~~

29 3. ~~— Outdoor displays located in areas between the building(s) and a public street or~~
30 ~~roadway shall not be located outside the required building setbacks.~~

31 4. ~~— The areas displaying the merchandise must be screened from any adjoining~~
32 ~~residential use or district compliant to an approved landscape plan.~~

33 5. ~~— Areas for outdoor display may not be located within any required buffers.~~

34 6. ~~— Outdoor displays may be allowed in front of the building(s) but must not block~~
35 ~~sidewalks or parking areas. Outdoor displays may not impede vehicular or pedestrian~~
36 ~~traffic, compliant with Americans with Disabilities Act (ADA). At a minimum, a five-foot~~
37 ~~pedestrian access shall be provided.~~

38 7. ~~— Any temporary or seasonal sales conducted within parking spaces can be done~~
39 ~~so only within parking spaces above and beyond the required minimum for the entire~~
40 ~~retail center.~~

41 8. ~~— Due to safety concerns, no permanent or temporary display of merchandise shall~~
42 ~~be allowed on or adjacent to any gasoline pump island(s) or under a canopy covering~~
43 ~~any gasoline pump island(s).....~~

44

- 1 Sec. 134-216. UVC urban village commercial district.
2 The regulations for the UVC urban village commercial district are as follows:.....
3
4 4) Lot size and setback requirements. Lot size and setback requirements are as
5 follows:
6 a. Minimum lot size: ~~20,000 square feet~~ 2 (two) acres.
7 b. Minimum lot width at front setback line: 60 feet.....
8
9

1 Sec. 134-217. PVC planned village community district.
2 Commencing January 1, 1998, no new applications for a Special Land Use Permit for
3 Self-service Storage Facilities (SSSF) are to be accepted by the board of commissioners.
4 The regulations for the PVC planned village community district are as
5 follows:.....
6 (13) Use limitations.....
7 m. ~~Any temporary emission or automotive inspection station shall be contained~~
8 ~~within a wooden or metal framed structure and shall not be approved for more than~~
9 ~~five months. Such temporary use shall not offer repair or maintenance services. Any~~
10 ~~emission or automotive inspection station shall be located within a permanent facility.~~
11 ~~(No temporary buildings/tents are to be utilized after June 30, 1998.)~~ Effective April 1,
12 2014, any new applications (zoning applications, building permit related applications
13 including tenant finish operations and Certificate of Occupancy applications) for
14 emission or automotive inspection stations within permanent facilities shall mean an
15 indoor inspection establishment (no outside storage) with fully enclosed service bay(s)
16 with operable door(s) for performing emission and automotive inspections/testing. The
17 permanent facility must contain wash and restroom facilities compliant with the adopted
18 building and mechanical codes of Chapter 18, Article III, Cobb County Code of
19 Ordinances.
20
21

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

6 (13) Use limitations.....

7 d. Any emission or automotive inspection station shall be located within a
8 permanent facility. (No temporary buildings/tents are to be utilized after June 30,
9 1998.) Effective April 1, 2014, any new applications (zoning applications, building
10 permit related applications including tenant finish operations and Certificate of
11 Occupancy applications) for emission or automotive inspection stations within
12 permanent facilities shall mean an indoor inspection establishment (no outside storage)
13 with fully enclosed service bay(s) with operable door(s) for performing emission and
14 automotive inspections/testing. The permanent facility must contain wash and
15 restroom facilities compliant with the adopted building and mechanical codes of Chapter
16 18, Article III, Cobb County Code of Ordinances.

17 h. Outdoor displays of merchandise must comply with the provision in Section 134-
18 267. ~~Where permitted those displays such as garden centers, home building supplies,~~
19 ~~hardware stores, general merchandise and the like, not including landscape nurseries,~~
20 ~~automotive sales and rentals or heavy equipment sales and rentals, shall be subject to~~
21 ~~the following additional requirements:~~

22 1. ~~The area displaying the merchandise shall be ancillary to the primary retail~~
23 ~~business on site.~~

24 2. ~~The location of outdoor displays must be shown on a site/construction plan~~
25 ~~approved by the zoning division manager or his/her designee.~~

26 3. ~~Outdoor displays located in areas between the building(s) and a public street or~~
27 ~~roadway shall not be located outside the required building setbacks.~~

28 4. ~~The areas displaying the merchandise must be screened from any adjoining~~
29 ~~residential use or district compliant to an approved landscape plan.~~

30 5. ~~Areas for outdoor display may not be located within any required buffers.~~

31 6. ~~Outdoor displays may be allowed in front of the building(s) but must not block~~
32 ~~sidewalks or parking areas. Outdoor displays may not impede vehicular or pedestrian~~
33 ~~traffic, compliant with Americans with Disabilities Act (ADA). At a minimum, a five-foot~~
34 ~~pedestrian access shall be provided.~~

35 7. ~~Any temporary or seasonal sales conducted within parking spaces can be done~~
36 ~~so only within parking spaces above and beyond the required minimum for the entire~~
37 ~~retail center.~~

38 8. ~~Due to safety concerns, no permanent or temporary display of merchandise shall~~
39 ~~be allowed on or adjacent to any gasoline pump island(s) or under a canopy covering~~
40 ~~any gasoline pump island(s).....~~

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1 Sec. 134-224. NS neighborhood shopping district.

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

3 (13) Use limitations.....

4 f. Any emission or automotive inspection station shall be located within a
5 permanent facility. (No temporary buildings/tents are to be utilized after June 30,
6 1998.) Effective April 1, 2014, any new applications (zoning applications, building
7 permit related applications including tenant finish operations and Certificate of
8 Occupancy applications) for emission or automotive inspection stations within
9 permanent facilities shall mean an indoor inspection establishment (no outside storage)
10 with fully enclosed service bay(s) with operable door(s) for performing emission and
11 automotive inspections/testing. The permanent facility must contain wash and
12 restroom facilities compliant with the adopted building and mechanical codes of Chapter
13 18, Article III, Cobb County Code of Ordinances.

14 j. Outdoor displays of merchandise must comply with the provision in Section 134-
15 267. ~~Where permitted those displays such as garden centers, home building supplies,~~
16 ~~hardware stores, general merchandise and the like, not including landscape nurseries,~~
17 ~~automotive sales and rentals or heavy equipment sales and rentals, shall be subject to~~
18 ~~the following additional requirements:~~

19 1. ~~The area displaying the merchandise shall be ancillary to the primary retail~~
20 ~~business on site.~~

21 2. ~~The location of outdoor displays must be shown on a site/construction plan~~
22 ~~approved by the zoning division manager or his/her designee.~~

23 3. ~~Outdoor displays located in areas between the building(s) and a public street or~~
24 ~~roadway shall not be located outside the required building setbacks.~~

25 4. ~~The areas displaying the merchandise must be screened from any adjoining~~
26 ~~residential use or district compliant to an approved landscape plan.~~

27 5. ~~Areas for outdoor display may not be located within any required buffers.~~

28 6. ~~Outdoor displays may be allowed in front of the building(s) but must not block~~
29 ~~sidewalks or parking areas. Outdoor displays may not impede vehicular or pedestrian~~
30 ~~traffic, compliant with Americans with Disabilities Act (ADA). At a minimum, a five-foot~~
31 ~~pedestrian access shall be provided.~~

32 7. ~~Any temporary or seasonal sales conducted within parking spaces can be done~~
33 ~~so only within parking spaces above and beyond the required minimum for the entire~~
34 ~~retail center.~~

35 8. ~~Due to safety concerns, no permanent or temporary display of merchandise shall~~
36 ~~be allowed on or adjacent to any gasoline pump island(s) or under a canopy covering~~
37 ~~any gasoline pump island(s).....~~
38

1 Sec. 134-225. PSC planned shopping center district.
2 Commencing January 1, 1998, no new applications for a Special Land Use Permit for
3 Self-service Storage Facilities (SSSF) are to be accepted by the board of commissioners.
4 The regulations for the PSC planned shopping center district are as
5 follows:.....

6 (12) Use limitations.....

7 h. Any emission or automotive inspection station shall be located within a
8 permanent facility. (No temporary buildings/tents are to be utilized after June 30,
9 1998.) Effective April 1, 2014, any new applications (zoning applications, building
10 permit related applications including tenant finish operations and Certificate of
11 Occupancy applications) for emission or automotive inspection stations within
12 permanent facilities shall mean an indoor inspection establishment (no outside storage)
13 with fully enclosed service bay(s) with operable door(s) for performing emission and
14 automotive inspections/testing. The permanent facility must contain wash and
15 restroom facilities compliant with the adopted building and mechanical codes of Chapter
16 18, Article III, Cobb County Code of Ordinances.....

17 o. Outdoor displays of merchandise must comply with the provision in Section 134-
18 267. ~~Where permitted those displays such as garden centers, home building supplies,~~
19 ~~hardware stores, general merchandise and the like, not including landscape nurseries,~~
20 ~~automotive sales and rentals or heavy equipment sales and rentals, shall be subject to~~
21 ~~the following additional requirements:~~

22 1. ~~The area displaying the merchandise shall be ancillary to the primary retail~~
23 ~~business on site.~~

24 2. ~~The location of outdoor displays must be shown on a site/construction plan~~
25 ~~approved by the zoning division manager or his/her designee.~~

26 3. ~~Outdoor displays located in areas between the building(s) and a public street or~~
27 ~~roadway shall not be located outside the required building setbacks.~~

28 4. ~~The areas displaying the merchandise must be screened from any adjoining~~
29 ~~residential use or district compliant to an approved landscape plan.~~

30 5. ~~Areas for outdoor display may not be located within any required buffers.~~

31 6. ~~Outdoor displays may be allowed in front of the building(s) but must not block~~
32 ~~sidewalks or parking areas. Outdoor displays may not impede vehicular or pedestrian~~
33 ~~traffic, compliant with Americans with Disabilities Act (ADA). At a minimum, a five-foot~~
34 ~~pedestrian access shall be provided.~~

35 7. ~~Any temporary or seasonal sales conducted within parking spaces can be done~~
36 ~~so only within parking spaces above and beyond the required minimum for the entire~~
37 ~~retail center.~~

38 8. ~~Due to safety concerns, no permanent or temporary display of merchandise shall~~
39 ~~be allowed on or adjacent to any gasoline pump island(s) or under a canopy covering~~
40 ~~any gasoline pump island(s).....~~

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1 Sec. 134-226. TS tourist services district.

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

3 (13) Use limitations.....

4 c. Any emission or automotive inspection station shall be located within a
5 permanent facility. (No temporary buildings/tents are to be utilized after June 30,
6 1998.) Effective April 1, 2014, any new applications (zoning applications, building
7 permit related applications including tenant finish operations and Certificate of
8 Occupancy applications) for emission or automotive inspection stations within
9 permanent facilities shall mean an indoor inspection establishment (no outside storage)
10 with fully enclosed service bay(s) with operable door(s) for performing emission and
11 automotive inspections/testing. The permanent facility must contain wash and
12 restroom facilities compliant with the adopted building and mechanical codes of Chapter
13 18, Article III, Cobb County Code of Ordinances.

14 f. Outdoor displays of merchandise must comply with the provision in Section 134-
15 267. ~~Where permitted those displays such as garden centers, home building supplies,~~
16 ~~hardware stores, general merchandise and the like, not including landscape nurseries,~~
17 ~~automotive sales and rentals or heavy equipment sales and rentals, shall be subject to~~
18 ~~the following additional requirements:~~

19 1. ~~The area displaying the merchandise shall be ancillary to the primary retail~~
20 ~~business on site.~~

21 2. ~~The location of outdoor displays must be shown on a site/construction plan~~
22 ~~approved by the zoning division manager or his/her designee.~~

23 3. ~~Outdoor displays located in areas between the building(s) and a public street or~~
24 ~~roadway shall not be located outside the required building setbacks.~~

25 4. ~~The areas displaying the merchandise must be screened from any adjoining~~
26 ~~residential use or district compliant to an approved landscape plan.~~

27 5. ~~Areas for outdoor display may not be located within any required buffers.~~

28 6. ~~Outdoor displays may be allowed in front of the building(s) but must not block~~
29 ~~sidewalks or parking areas. Outdoor displays may not impede vehicular or pedestrian~~
30 ~~traffic, compliant with Americans with Disabilities Act (ADA). At a minimum, a five-foot~~
31 ~~pedestrian access shall be provided.~~

32 7. ~~Any temporary or seasonal sales conducted within parking spaces can be done~~
33 ~~so only within parking spaces above and beyond the required minimum for the entire~~
34 ~~retail center.~~

35 8. ~~Due to safety concerns, no permanent or temporary display of merchandise shall~~
36 ~~be allowed on or adjacent to any gasoline pump island(s) or under a canopy covering~~
37 ~~any gasoline pump island(s).....~~
38

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:

(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 not listed as a permitted uses within the NRC (Neighborhood Retail Commercial) and CRC (Community Retail Commercial) districts and are located in areas delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. 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, shall be deemed to be a grandfathered, nonconforming use after January 1, 1991, and subject to those provisions contained in this chapter.....

b. Any existing, developed

(13) Use limitations.....

c. Any emission or automotive inspection station shall be located within a permanent facility. (No temporary buildings/tents are to be utilized after June 30, 1998.) Effective April 1, 2014, any new applications (zoning applications, building permit related applications including tenant finish operations and Certificate of Occupancy applications) for 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 contain wash and restroom facilities compliant with the adopted building and mechanical codes of Chapter 18, Article III, Cobb County Code of Ordinances.

i. Outdoor displays of merchandise must comply with the provision in Section 134-267. ~~Where permitted those displays such as garden centers, home building supplies, hardware stores, general merchandise and the like, not including landscape nurseries, automotive sales and rentals or heavy equipment sales and rentals, shall be subject to the following additional requirements:~~

1. ~~The area displaying the merchandise shall be ancillary to the primary retail business on site.~~

2. ~~The location of outdoor displays must be shown on a site/construction plan approved by the zoning division manager or his/her designee.~~

3. ~~Outdoor displays located in areas between the building(s) and a public street or roadway shall not be located outside the required building setbacks.~~

4. ~~The areas displaying the merchandise must be screened from any adjoining residential use or district compliant to an approved landscape plan.~~

5. ~~Areas for outdoor display may not be located within any required buffers.~~

6. ~~Outdoor displays may be allowed in front of the building(s) but must not block sidewalks or parking areas. Outdoor displays may not impede vehicular or pedestrian traffic, compliant with Americans with Disabilities Act (ADA). At a minimum, a five-foot pedestrian access shall be provided.~~

7. ~~Any temporary or seasonal sales conducted within parking spaces can be done so only within parking spaces above and beyond the required minimum for the entire retail center.~~

8. ~~Due to safety concerns, no permanent or temporary display of merchandise shall be allowed on or adjacent to any gasoline pump island(s) or under a canopy covering any gasoline pump island(s).....~~

1 Sec. 134-228. RRC regional retail commercial district.

2 Commencing January 1, 1998, no new applications for a Special Land Use Permit for
3 Self-Service Storage Facilities (SSSF) are to be accepted by the board of commissioners.
4 The regulations for the RRC regional retail commercial district are as
5 follows:.....

6 (7) Building and structure requirements. Maximum building height ~~is 100 feet, with~~
7 ~~no more than eight stories~~ to be determined by the Board of Commissioners on a case
8 by case basis considering adjacent land uses, building type and zoning districts.

9 (8) Parking requirements. See section 134-272 for paved parking specifications.
10 Shared parking arrangements are permitted and encouraged in the RRC district.

11 (12) Use limitations.....

12
13 d. Any emission or automotive inspection station shall be located within a
14 permanent facility. (No temporary buildings/tents are to be utilized after June 30,
15 1998.) Effective April 1, 2014, any new applications (zoning applications, building
16 permit related applications including tenant finish operations and Certificate of
17 Occupancy applications) for emission or automotive inspection stations within
18 permanent facilities shall mean an indoor inspection establishment (no outside storage)
19 with fully enclosed service bay(s) with operable door(s) for performing emission and
20 automotive inspections/testing. The permanent facility must contain wash and
21 restroom facilities compliant with the adopted building and mechanical codes of Chapter
22 18, Article III, Cobb County Code of Ordinances.

23 i. Outdoor displays of merchandise must comply with the provision in Section 134-
24 267. ~~Where permitted those displays such as garden centers, home building supplies,~~
25 ~~hardware stores, general merchandise and the like, not including landscape nurseries,~~
26 ~~automotive sales and rentals or heavy equipment sales and rentals, shall be subject to~~
27 ~~the following additional requirements:~~

28 1. ~~The area displaying the merchandise shall be ancillary to the primary retail~~
29 ~~business on site.~~

30 2. ~~The location of outdoor displays must be shown on a site/construction plan~~
31 ~~approved by the zoning division manager or his/her designee.~~

32 3. ~~Outdoor displays located in areas between the building(s) and a public street or~~
33 ~~roadway shall not be located outside the required building setbacks.~~

34 4. ~~The areas displaying the merchandise must be screened from any adjoining~~
35 ~~residential use or district compliant to an approved landscape plan.~~

36 5. ~~Areas for outdoor display may not be located within any required buffers.~~

37 6. ~~Outdoor displays may be allowed in front of the building(s) but must not block~~
38 ~~sidewalks or parking areas. Outdoor displays may not impede vehicular or pedestrian~~
39 ~~traffic, compliant with Americans with Disabilities Act (ADA). At a minimum, a five-foot~~
40 ~~pedestrian access shall be provided.~~

41 7. ~~Any temporary or seasonal sales conducted within parking spaces can be done~~
42 ~~so only within parking spaces above and beyond the required minimum for the entire~~
43 ~~retail center.~~

1 ~~8. — Due to safety concerns, no permanent or temporary display of merchandise shall~~
2 ~~be allowed on or adjacent to any gasoline pump island(s) or under a canopy covering~~
3 ~~any gasoline pump island(s).....~~
4
5

1 Sec. 134-267. General development standards.

2 (a) Prerequisites for moving building.....

3 (j) Outdoor displays of merchandise. Where outdoor displays of merchandise are
4 permitted as part of a retail or service establishment (as distinguished from a sales,
5 contractor or supply operation dealing in material or merchandise that is intended for
6 storage or display outdoors) in any nonresidential zoning district, the following
7 minimum requirements shall apply:

8 (1) Effective July 1, 2014, all existing and new outdoor merchandise display permits
9 shall ~~The area displaying the merchandise shall be limited to an area no greater than 20~~
10 ~~percent of the total lot area.~~ be limited to an area equal to 2 square feet per every
11 linear foot of building/tenant frontage. The maximum area for any singular outdoor
12 merchandise display area shall be 1,000 square feet.

13 (2) The location of the outdoor display of merchandise must be shown on a plan
14 approved by the zoning division manager or his/her designee and a copy of the
15 approved plan must be kept on site and available for review if requested by county
16 staff. The approved outdoor merchandise display is only permitted during the hours of
17 operation of the business and all items must be stored inside during the hours/days the
18 business is closed.

19
20 (3) The area displaying the merchandise must be screened from any contiguous
21 residentially zoned property.

22 (4) The area displaying the merchandise may not be located within any required
23 buffers.

24 (5) The area displaying may be within designated parking spaces, if the spaces are
25 above and beyond the minimum required.

26 (6) The area displaying merchandise shall not impede vehicular traffic within the
27 site, nor shall it prohibit or disrupt traffic entering or exiting the site from or to public
28 rights-of-way, nor shall it impede adequate site distance to vehicles entering or exiting
29 the site to or from public rights-of-way.

30 (7) The area displaying the merchandise shall not impede pedestrian traffic within
31 the site, particularly any sidewalks or pedestrian areas designed in accordance with the
32 Americans with Disabilities Act (ADA).

33 (8) These requirements shall apply to peddlers as defined and regulated in sections
34 78-81 and 78-83 of the Cobb County Code.

35 (k) Limitation on utility meters in certain residential zoning districts. Single-family
36 residential zoning districts shall be limited to a maximum one gas meter and one
37 electrical meter per lot. This requirement shall apply to the R-80, RR, R-40, R-30, R-
38 20, R-15, OSC, CS, R-12, RA-4, RA-5, RA-6, and PRD zoning districts. Additionally,
39 this requirement shall apply to the SC, RSL, RM-8, RM-12, and RM-16 zoning
40 districts when developed for single-family detached uses. Application may be made
41 to the board of zoning appeals for a variance to allow more than one electrical or
42 gas meter per lot. This section shall not apply to additional electrical meters strictly
43 used to operate entrance gates, security lights, electric car charging systems or
44 water irrigation systems.

1 Sec. 134-271. Special exceptions.

2 The following uses are permitted as special exception uses in all districts, provided the
3 conditions listed are met. The division manager of zoning or his designee shall issue a
4 certificate of special exception to an applicant when the conditions relating to the
5 special exception have been met.....

6 (8) Any use proposed for a parcel or tract of land relating to backyard chickens which
7 does not have the minimum lot size required by this chapter, with the following
8 minimum requirements:

9 a. Approval by the board of commissioners after ~~a presentation by the applicant to~~
10 consideration by the board of zoning appeals. This shall apply only to applications and
11 presentations that have been approved/recommended by the board of zoning appeals.
12 The board of commissioners may add, delete or modify stipulations recommended by
13 the board of zoning appeals under this code section.

14
15 (9) Single family residential structures may be used as professional offices subject
16 to the following minimum requirements:

17 a. Residence must not be included within a platted subdivision.

18 b. Residence must be located along a 4 lane arterial roadway.

19 c. Residence may not be architecturally or structurally altered unless necessary to
20 accommodate access required by Accessibility Requirements or in accordance with Fire
21 Safety Regulations. When such alterations are necessary, architectural design shall be
22 subject to review and approval by the Board of Commissioners.

23 d. Any signage must comply with the provisions of 134-315.

24 (10) Farmers Markets that are outdoor markets open to the public subject to the
25 following minimum requirements:

26 a. At least 75 percent of the displayed inventory of the products sold in each
27 Farmers Market is Farm Products or Value-Added Farm Products. For the purposes of
28 this section, Farm Products means fruits, vegetables, mushrooms, herbs, grains,
29 legumes, nuts, shell eggs, honey or other bee products, flowers and nursery stock. Also
30 for the purposes of this section, Value-Added Products means any product processed by
31 a Producer from a Farm Product such as baked goods, jams and jellies, canned
32 vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, tea, smoked or
33 canned meats or fish, sausages to include any Value-Added Product prepared by a
34 Cottage Food Operator as authorized by state and local regulations.

35 b. At least 75 percent of the booths open during the market's hours of operation
36 are Producers, or family members or employees or agents of Producers. For the
37 purposes of this section, Producer means a person or entity that produces farm
38 products on land that the person or entity farms or provides as a Value- Added Product
39 in accordance with state and local regulations.

40 c. Up to 25 percent of the booths open during the market's hours of operation may
41 be operated by persons who are not Producers, or family members or employees or
42 agents of Producers provided that the booth displays product information easily
43 discernible to the purchase or consumer.

d. Site Plan to be approved by the Board of Commissioners as part of the Other Business Agenda that includes:

- Location of all booths to be used as part of the Farmers Market
- Location of parking areas
- Location of portable restroom facilities.
- Location of any temporary signage associated with the Farmers Market

e. Statement of Agreeable Stipulations to be approved by the Board of Commissioners as part of the Other Business Agenda that includes:

- Property owner's acknowledgement and authorization for the Farmers Market including the specific dates and times for the market to occur.
- 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.
- Applicant's acknowledgement that there will be no loudspeakers utilized during the Farmers Market.
- Applicant's acknowledgement that there shall be no mechanized rides, video arcades or games conducted on the premises.
- Applicants acknowledgement that there shall be no firearms or open flame cooking possessed or conducted on the premises.
- Plan for daily clean up activities to include an emergency 24 hour contact for use by applicable county staff.

(Ord. of 12-26-72; Ord. of 12-11-90, § 3-28-16.5; Ord. of 8-13-91; Ord. of 5-26-92; Ord. of 6-9-92; Ord. of 8-8-95; Ord. of 6-24-97 (eff. 7-1-97); Ord. of 9-12-00; Ord. of 7-8-03; Ord. of 7-27-04; Ord. of 2-28-12)

Sec. 134-272. Traffic and Parking.

(5) *Off-street ~~automobile~~ vehicle parking.*

(a) *Design standards.* All parking facilities, including entrances, exits and maneuvering areas, shall comply with the following provisions:

...

9. Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.

1 **Sec. 134-276. Moving buildings.**

2 ...
3 (b) Issuance of permit.
4 ...
5

6 ~~(2) This subsection (2) shall apply only to applicants for permits to move houses~~
7 ~~being located or relocated in the county. The applicants shall show either~~
8 ~~consent of the neighboring property owners surrounding the property on which~~
9 ~~the structure is being placed, or that the neighboring property owners shall have~~
10 ~~had ten days' notice of an intention to place a moved structure on the property.~~
11 ~~Compliance with this notice requirement shall be deemed satisfied when the~~
12 ~~applicant shall post upon the property the notice approved by the division~~
13 ~~manager of code enforcement, which shall provide in block letters the following~~
14 ~~information:~~

15 ~~NOTICE: APPLICATION HAS BEEN FILED BEFORE THE BOARD OF~~
16 ~~COMMISSIONERS OF COBB COUNTY FOR A PERMIT TO PLACE A~~
17 ~~MOVED STRUCTURE UPON THIS PROPERTY. ANY OBJECTIONS MUST~~
18 ~~BE FILED WITH THE COBB COUNTY CODE ENFORCEMENT DIVISION~~
19 ~~ON OR BEFORE THE _____ DAY OF _____,~~
20 ~~20_____.~~
21

22 (2) This subsection (2) shall apply only to applicants for permits to move houses
23 being located or relocated in the county. The applicants shall show consent of
24 the neighboring property owners adjoining the property on which the structure is
25 being placed. In the event that applicant cannot obtain consent from the
26 adjoining property owners, the applicant shall send a letter via first class mail
27 with a certificate of mailing or certified mail to those adjoining property owners
28 which shall contain the Application For Relocating Existing Structure, Statement
29 of All Proposed Improvements and a plat of the property. The certificate of
30 mailing or certified receipts shall be submitted to the Code Enforcement office
31 two weeks prior to the hearing. The applicant shall post an "Other Business"
32 sign on the property thirty (30) days prior to the hearing.
33
34

1 Sec. 134-313. General regulations.

2 (i) Location. All signs must be located on private property, except signs erected on
3 public property by any authorized governmental unit. No sign can be erected on or
4 encroach on any public right-of-way, except as authorized by the governmental unit
5 which controls the right-of-way. For the purposes of this section, Residential Real
6 Estate Signs as defined in Section 134-372 (15) a that are located within platted
7 subdivisions and are accessed only by local roadways as identified in the Cobb county
8 Major Thoroughfare Plan , as may be amended from time to time, may be placed
9 within public right of way provided they are at least 1 foot from the curb line or edge
10 of pavement, are not permanently affixed to the earth and do not obstruct site distance
11 along the roadway.
12

13

1 Sec. 134-372. Exemptions.

2 (a) The following operations shall not be considered as creating a new sign, and
3 therefore shall not require a sign permit:

4 (15) Real estate signs. Signs advertising the lease or sale of the property on which
5 the sign is located are allowed without a permit subject to the following restrictions.





6 a. Residential. In residential zoning districts signs shall not exceed 16 square feet
7 and shall comply with the provisions as noted in Sec. 134-313.

8 b. Nonresidential. In all other zoning districts signs shall not exceed 32 square feet.
9 One sign is allowed for each complete 200 feet of the lot's frontage along any one
10 public road. All real estate signs shall be removed within 30 days of the sale or lease of
11 the last property advertised.

12

13



 SpecialServiceDistrictParcels_Proposal I
 Surrounding Counties
 Marietta
 Smyrna
 Parcels

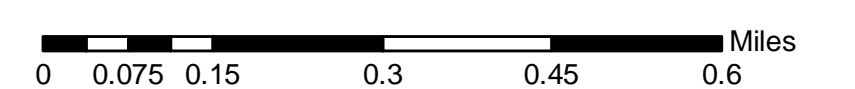
Cumberland Special Service District I

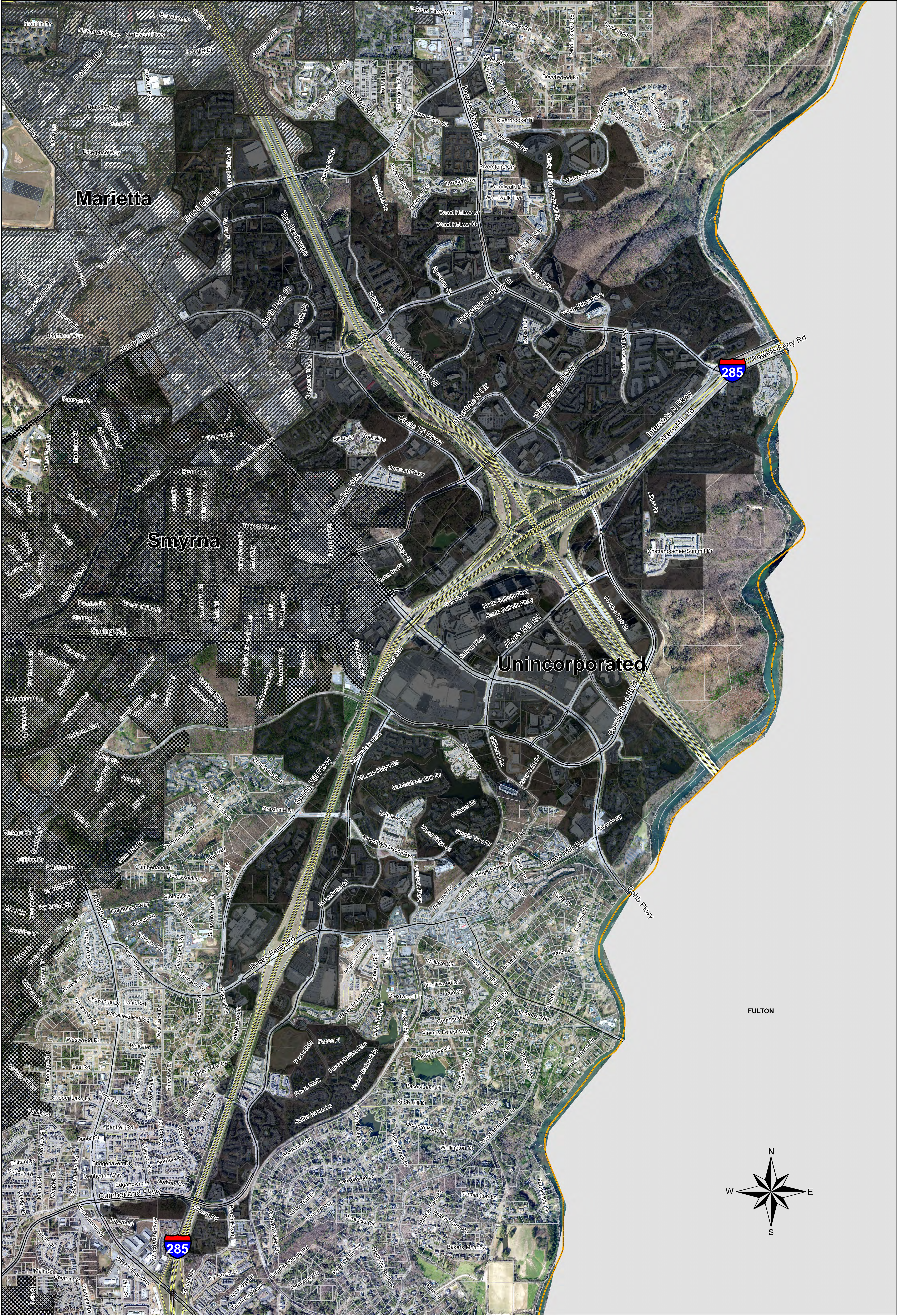
Hotel/Motel Assessment



Cobb County...Expect the Best!

Date: 1/9/2014





SpecialServiceDistrictParcels_Proposal II	Marietta
Surrounding Counties	Smyrna
	Parcels

*For Reference Only

Cumberland Special Service District II

Ad Valorem Assessment (Not including owner occupied residential)

Cobb County...Expect the Best!

0 0.075 0.15 0.3 0.45 0.6 Miles