

Proposed Amendments
Official Code of Cobb County
Chapters 2, 6, 30, 34, 50, 54, 62, 90, 122 and 134
Public Hearing Dates
January 22, 2013 – 7:00 pm
February 12, 2013 (Transmit Planning Commission Recommendation) – 9:00 am
February 26, 2013 – 7:00 pm

Cobb County Community Development
P.O. Box 649
Marietta, GA 30061
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Sec. 2-103. - Authority.

Employees of the code enforcement division have enforcement authority to issue citations for violations of this code in accordance with [section 1-10](#). Employees of code enforcement shall have citation authority over the following portions of this Code, unless specific authority is given exclusively to another agency or department within a code section or such exclusivity is otherwise determined by federal or state law or by agreement with another jurisdiction Personnel from the Cobb County Stormwater Management Division of the Cobb County Water System shall have citation authority for Chapter 50, Articles IV and V, Chapter 58, Chapter 102-92 and Chapter 110-61 (f). Personnel from the Environmental Compliance Division of the Cobb County Water System shall have citation authority over Chapter 122, Article II, Sections 181 through 193 :

- (1) Chapter 18, article II (permits required);
- (2) Chapter 18, article III (building code);
- (3) Chapter 18, article IV (electrical code);
- (4) Chapter 18, article V (gas code);
- (5) Chapter 18, article VI (housing code);
- (6) Chapter 18, article VII (mechanical code);
- (7) Chapter 18, article VIII (one and two family dwelling code);
- (8) Chapter 18, article IX (plumbing code);
- (9) Chapter 18, article X (swimming pool code and wastewater discharge);
- (10) Chapter 18, article XI (energy code)
- (11) Chapter 18, article XII (excavating and trenching);
- (12) Chapter 26, article II (cemetery preservation);
- (13) [Chapter 50](#), article III (land disturbing activities);
- (14) [Chapter 50](#), article II (Chattahoochee River corridor tributary protection area);
- (15) [Chapter 50](#), article VI (tree preservation and replacement);
- (16) [Chapter 54](#) (fire prevention and protection);
- (17) [Chapter 58](#), article II (flood damage prevention);
- (18) [Chapter 78](#) (licenses, permits and businesses);
- (19) [Chapter 102](#), (solid waste);
- (20) [Chapter 106](#), Streets, Sidewalks and Other Public Places, Article II, [Section 106- 10\(c\)](#) (Obstructions on right-of-way);
- (21) [Chapter 110](#) (subdivisions);
- (22) [Chapter 122](#), Article II (water and wastewater systems);

(23) [Chapter 134](#) (Zoning).

(24) Volumes 1 and 2 of the Cobb County Development Standards, as may be amended from time to time.

Sec. 2-142. Purchases exceeding \$50,000.00.

(a) The following policy and procedures with respect to certain purchases exceeding \$50,000.00 shall be construed and interpreted as, and have the effect of, the exercise of the authority of the board of commissioners to make these specific purchases.....

e) The policy and procedure described in this section is not intended to restrict the county budget management personnel's prior approved authority to make transfers within the budget, except that any proposed transfer relating to capital expenditures over \$50,000.00 not originally included in the annual budget shall be first approved by the board of commissioners before the procedure described in this section will apply.

Sec. 2-143. Employment of Unauthorized Aliens Prohibited. It is the policy of Cobb County that unauthorized aliens shall not be employed to perform work on County contracts involving the physical performance of services. Therefore, the County shall not enter into a contract for the physical performance of services within the State of Georgia unless the contractor shall provide evidence on County-provided forms that it and its subcontractors have registered for and are participating in the federal work authorization program as defined by O.C.G.A. § 13-10-90 et seq. to verify information of all newly hired employees.

Sec. 2-172. Commercial and industrial property rehabilitation incentive program

Definitions...

Corridor study area means a corridor study that has been prepared by county staff for a select area of the county (as depicted in the exhibits to this ordinance contained in the Comprehensive Plan Appendix) and formally adopted by the Cobb County Board of Commissioners. For the purposes of this ordinance, the following are areas that currently qualify as corridor study areas: Atlanta Road, Canton Road, Veterans Memorial Highway including West Corridor, Powers Ferry Road, and Six Flags Drive. These areas can be modified and new areas can be added by action of the Cobb County Board of Commissioners via an official agenda item.

...

Substantially rehabilitated or renovated commercial use structure or industrial use structure means an existing commercial use structure, no less ~~that~~ than 20 years of age (calculated from the date in which the original certificate of occupancy was issued), located in a corridor study area or included among those sites listed in the inventory of redevelopment sites (as shown in Exhibits ~~5 and 6~~ contained in the Comprehensive Plan Appendix and considered a part of this ordinance hereto)...

ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

Closed function means an event sponsored by a nonprofit organization not open to the general public which must have a written, limited guest list prepared at least 48 hours in advance of the date on which the closed function is to occur, and which occurs at the Cobb Civic Center, Jim R. Miller Park, Mable House, a county community centers, or a county art place centers which is are managed by the parks, recreation and cultural affairs department. No pay-at-the-door guests or drop-ins are to be permitted. Alcoholic beverages may be served without charge and consumed at closed functions, but the offer and sale of alcoholic beverages at such functions is prohibited; except that a general admission fee permitting attendance at the closed function may be collected in advance.

CIVIC AND CULTURAL AFFAIRS

Sec. 30-1. Cultural affairs policy for the county.

(a) Purpose. For both philosophical and practical reasons, the county needs a policy on cultural affairs. The philosophical reason for needing a cultural affairs policy is a concern over the verdict of history; how we ourselves, our children, and generations to follow will view us. The practical reason for a cultural affairs policy is that a good cultural climate adds dimension to human life far beyond the mere gaining of necessities. The county has made enviable advances in providing technology for living. Yet citizens of the county measure their standard of living not only by their material goods, but also by the quality of choices in their standard of living. Finally, a sound program of cultural affairs helps the local economy. At a practical level, business and industry seek locations which promise people a broad range of cultural options. Thus, cultural programs and events add to water, power, labor, and roads in attracting new businesses. Also, dollars spent on cultural affairs circulate widely.

~~(b) Mission of the arts board.~~

- ~~(1) The board of commissioners has appointed the arts board as its advisory body and conduit in determining the level and types of art and cultural programs needed and desired by county citizens and visitors. The arts board has the mission of studying and formulating long- and short-range plans for the county cultural programs. The arts board serves as an advocate for art and cultural programs in the county.~~
- ~~(2) This mission embraces the tasks of identifying needs, recommending facilities and programs, and recommending goals and objectives for art and cultural affairs. As one specific task, the arts board approves the annual budget prepared by the arts and cultural affairs unit of the department of parks, recreation and cultural affairs. The arts board then recommends the arts and cultural affairs unit portion of the annual budget to the board of commissioners.~~
- ~~(3) The arts board supports the concept of government's role in supporting arts and cultural activity of the public. However, it also recognizes that government has limited resources to meet great demands for services. Hence, the arts board shall:
 - ~~a. Determine potential resources available;~~
 - ~~b. Identify ways for arts and cultural resources to serve citizens best;~~
 - ~~c. Advise the board of commissioners about the most effective cultural programs;~~~~

- d. ~~Assess the most appropriate mechanisms to promote and bring these programs to fruition; and~~
- e. ~~Evaluate results.~~

~~(e)~~(b) Cultural affairs policy. The board of commissioners acting on behalf of all of the county's citizens, does hereby proclaim the following policy for the cultural affairs of the county:

- (1) The county's cultural policy encourages the public's appreciation of and participation in art and cultural affairs. This policy shall promote the maximum range of cultural activities and events to meet the interest of a diverse population and of visitors to the county.
- (2) The county shall stimulate the broadest possible support of culture from a wide range of private individuals and groups. The arts, artists and performers all thrive best in an atmosphere of broadly based community support of arts and cultural activities. This approach shall serve the wide variances in residents' and visitors' interests and needs for cultural affairs.
- (3) Given its always limited resources, county government must play a role in developing and supporting arts and cultural affairs. As the one local institution shared by all citizens of and visitors to the area, the county's government can offer leadership in support of art and cultural affairs. This leadership shall focus on the work of the ~~arts board and the~~ cultural affairs unit of the department of parks, recreation and cultural affairs.
- (4) Beyond the steps already taken, the county's government shall continue to support the arts by two major thrusts:
 - a. Financial support, through a grants program, where private efforts cannot provide adequate support. ~~The arts board shall recommend a procedure for equitable allotments of public funds to produce the greatest effectiveness and void unneeded duplication of services.~~
 - b. Facility development, with both public and private sectors working together to provide appropriate facilities.
- (5) Other concerns of the county government will include:
 - a. Recognition by public officials of artists and performers and their artistic products and services.
 - b. Attention and publicity focused on successes in arts and cultural affairs.
 - c. Cooperation from all appropriate governmental agencies in arts and cultural events and program.
 - d. Technical personnel support, where private efforts cannot meet the needs of programs which serve the larger communities.
 - e. Program, resource and educational development, through sponsorship, cosponsorship, and technical assistance.
 - f. Cultural programs for special audiences, by recognizing and providing opportunities to audiences with special needs.

- (6) To encourage support for arts and cultural affairs, the county government shall follow these guidelines:
- a. The government shall leave to artists, performers and sponsors the greatest possible control and decision over their programs. The board of commissioners therefore affirms arts groups' and artists' rights to free expression. When acting officially, government employees shall avoid the roles of censors. All grants shall call for an evaluation of results. However, evaluation shall not focus on censorship, but rather on effectively extending cultural affairs.
 - b. The government should encourage private persons and groups to support art and cultural affairs. Direct public funding should serve as a catalyst to encourage private support. Grant recipients must understand that awarding of a grant does not necessarily imply long-term or indefinite commitment on the part of the county.
 - c. Government support of the arts should encourage volunteer help for groups which support cultural programs. The department may offer technical help when requested. The cultural affairs unit of the department of parks, recreation and cultural affairs should not compete with private business or with groups which support cultural programs.
 - d. County government will stretch the public dollar and welcome private funds to leverage public funds.

(Ord. of 9-13-88; Code 1977, § 3-2-15.1)

Secs. 30-2—30-25. Reserved.

~~ARTICLE II. ARTS BOARD*~~

~~Sec. 30-26. Findings and purpose.~~

~~The board of commissioners finds that the general welfare of the people of the county will be promoted by giving recognition to the arts as a vital part of the county's culture and heritage; that with increasing leisure time, the practice and enjoyment of the arts are of increasing importance; that many of the county's citizens lack the opportunity to view, enjoy and participate in the arts or cultural activities; that many of the county's citizens possess talents of an artistic and creative nature which are not currently utilized to the fullest extent; that broadened activity in the arts will increase employment within the county by encouraging additional activities in the arts throughout the county, thus utilizing the talents and abilities of many more citizens; and that the standards of arts programs and endeavors will be further improved by continuing encouragement and support. The board of commissioners, therefore, declares it to be the public policy of this county to encourage the development of the arts.~~

~~(Res. of 11-11-86, § 1; Code 1977, § 3-2-15(a))~~

~~Sec. 30-27. Created.~~

~~There is created an arts council to be known as the Cobb County Arts Board, referred to in this article as the arts board.~~

~~(Res. of 11-11-86, § 2; Code 1977, § 3-2-15(b))~~

~~Sec. 30-28. Position within county government.~~

~~The arts board shall be considered a part of the parks, recreation and cultural affairs function of the county.~~

~~(Res. of 11-11-86, § 11; Code 1977, § 3-2-15(k))~~

~~Sec. 30-29. Composition; appointments; terms; vacancies; compensation.~~

~~(a) The arts board shall consist of ten members to be appointed by the board of commissioners. Each member of the board of commissioners shall be entitled to appoint two members to the arts board. Initial terms shall be as follows: Post one, one year; post two, one year; post three, two years; post four, two years; post five, three years; post six, two years; post seven, two years; post eight, one year; post nine, one year; post ten, three years, and until each respective successor is appointed and qualified. Thereafter, terms of office for posts one through ten shall run concurrently with and at the pleasure of the appointing commissioner's term of office and until a successor is appointed and qualified. If an appointing commissioner is no longer in office due to a general election or a special election in which more than one year remains in that commissioner's term, any member appointed by that commissioner shall be subject to removal with or without cause and without regard to any unexpired term by the newly elected commissioner filling such seat. The newly elected commissioner shall have the right to appoint a new member to the commission after taking office.~~

~~(b) Vacancies on the arts board shall be filled by the appointing commission for the remainder of an unexpired term and members shall serve without compensation. Any member may be removed from membership by the board of commissioners upon failure to attend three consecutive meetings of the arts board, either regular or special, after notice and opportunity to be heard before the board of commissioners.~~

~~—(Res. of 11-11-86, § 3; Res. Of 3-22-88; Ord. of 3-9-93; Code 1977, § 3-2-15(c))~~

~~Sec. 30-30. Meetings.~~~~The arts board shall meet at least annually, but may meet more frequently as may be determined by the arts board.~~~~(Res. of 11-11-86, § 4; Code 1977, § 3-2-15(d))~~~~Sec. 30-31. Officers.~~~~The officers of the arts board, to be elected by the members of the arts board, shall be at least a chairman, vice chairman and secretary, all of whom shall be board members. Officers shall serve for one year or until a successor is elected and qualified. The arts board may have such other officers as it may elect. The duties of the officers shall be as prescribed by the arts board.~~~~(Res. of 11-11-86, § 5; Code 1977, § 3-2-15(e))~~~~Sec. 30-32. Organization, bylaws, quorum.~~~~Immediately after all members are initially appointed, the arts board shall meet and organize and elect officers and adopt bylaws. A quorum for the conduct of business shall consist of six members.~~~~(Res. of 11-11-86, § 6; Res. Of 3-22-88; Code 1977, § 3-2-15(f))~~~~Sec. 30-33. Powers and duties generally.~~~~(a) The arts board shall serve in an advisory capacity to the board of commissioners. It shall study and formulate plans for development of an arts program for the county. The arts board shall recommend public arts facilities and programs and guidelines for their operation to the county. It may undertake programs delegated to it by the county. It may conduct such activities on properties under its own control, on public properties with the consent of the authorities thereof, and on private properties with the consent of the owners.~~~~(b) Any project or undertaking begun by the arts board shall be terminated at any time upon the decision of the county that such program or project be discontinued. The arts board shall have no authority or responsibility with respect to any facility, project or program of the county recreation commission.~~~~(Res. of 11-11-86, § 7; Code 1977, § 3-2-15(g))~~~~Sec. 30-34. Budget, gifts.~~~~Annually, the arts board shall submit a budget recommendation to the board of commissioners for the arts and cultural affairs unit of the department of parks,~~

~~recreation and cultural affairs, through the department, for its consideration. The arts board may also solicit or receive donations and gifts or bequests of real property or money or other personal property on behalf of or in the name of the county, to be applied as principal or income for either temporary or permanent use for arts facilities, programs or special events purposes.
(Res. of 11-11-86, § 8; Code 1977, § 3-2-15(h))~~

~~Sec. 30-35. Annual report.~~

~~The arts board shall annually provide the board of commissioners with a comprehensive report of its actions and proceedings in connection with each project or undertaking. The first such report shall be made 12 months after the organizational meeting of the arts board and each 12 months thereafter. In addition, the arts board shall make more frequent reports, including such information as may from time to time be requested by either the board of commissioners or the county manager, whenever requested to do so. The arts board's records shall be kept in a manner that will enable it to make such reports, and shall be subject to review and examination by the county.
(Res. of 11-11-86, § 9; Code 1977, § 3-2-15(i))~~

~~Sec. 30-36. Financial powers limited.~~

~~The arts board shall not have the power to financially obligate the county in any manner without prior approval of the board of commissioners. The arts board shall have no authority to incur bonded indebtedness or to levy taxes for any purpose.
(Res. of 11-11-86, § 10; Code 1977, § 3-2-15(j))~~

~~Sec. 30-37. Records.~~

~~The arts board shall at all times comply with laws applicable to open meetings and records. A public record shall be kept of the arts board's resolutions, proceedings, meetings and actions.
(Res. of 11-11-86, § 12; Code 1977, § 3-2-15(l))~~

~~Sec. 30-38. Dissolution.~~

~~The arts board may be abolished by action of the board of commissioners at any time without regard to any unexpired term of any member of the arts board.
(Res. of 11-11-86, § 13; Code 1977, § 3-2-15(m))~~

Sec. 34-2. Emergency management and response powers.

- (a) Declaration of emergency.....
- (4) Effect of declaration of emergency.
- d. Additional emergency powers. The chairman of the board of commissioners shall have and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:
 - 1. To direct
 - 3. To suspend or limit the sale, dispensing or transportation of alcoholic beverages, ~~firearms, explosives and flammable liquids and substances;~~
 - 4. To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical shelters.....

Sec. 50-113. Violations, enforcement and penalties.....

(f) Criminal penalties. For intentional and flagrant violations of this article, the community development department and/or personnel from the stormwater management division of the water system may issue a citation to the applicant or other responsible person, requiring such person to appear in Cobb County Municipal or Magistrate Court, as deemed appropriate by the Cobb County Legal Department, to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.....

ARTICLE III. FIRE SAFETY STANDARDS

Sec. 54-52. International Fire Code adopted.

The edition of the International Fire Code is adopted under section 54-54; the county further adopts Section 108, 109, 110, and 111 of Chapter 1 ~~and section 903.3.1.2.1 of Chapter 9~~ of such International Fire Code for administration of such code, unless

Sec. 54-54.1. - Tanks.

(a) Scope.

- (1) Section 54-54.1 shall apply to all storage and fuel tanks.
- (2) Section 54-54.1 shall not apply to propane containers used exclusively for heating or cooking purposes for detached one- and two-family dwellings, provided the tank capacity does not exceed 1,000 water gallons.
- (3) Section 54-54.1 shall not apply to containers of Class I liquids with capacity of less than 25 gallons.
- (4) Section 54-54.1 shall not apply to containers of Class II or III liquids with a capacity of less than 60 gallons.
- (5) Liquid classes are defined by NFPA 30 as adopted by section 54-54, Cobb County Code.

(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 will be a vaulted type tank that is projectile resistant and vehicle impact resistant as certified by Underwriters Laboratories or other recognized testing labs.
- (4) All aboveground tanks must be approved for aboveground use by Underwriters laboratories or other recognized testing labs.
- (5) The Cobb County Fire Marshal's Office shall be provided a site plan and closure report for any underground tank(s) that is/are removed.

(c) Permit.

- (1) All tanks will be permitted through the Cobb County Fire Marshal's Office;
- (2) Temporary tanks (90 days or less) do not require a permit. Temporary tanks must be located no closer than 100 feet from any structure or building and must comply with all other code requirements.
- (3) Plan review fee will be \$300.00 for each permit, regardless of number of tanks on the permit;
- (4) Fines assessed for failure to obtain a permit will be \$1,000.00; and
- (5) Fines assessed for failure to call for an inspection will be \$500.00.

Sec. 54-60. Fire hydrant installation for existing apartment complexes.

(d) Flow Rates. Where there is substantial documentation that compliance with the minimum flow rates of this section would require exigent steps by a property owner, the Fire Code Official may deem such hydrants as acceptable.

Sec. 54-61. One- and Two- Family Dwellings in Subdivisions. Cobb County Fire and Emergency Services shall have authority to enforce emergency vehicle access and hydrant placement requirements in one- and two-family dwelling subdivisions as defined in Section 110-1.

ARTICLE IV. FIRE ~~SPRINKLER~~ PROTECTION CONTRACTORS

Sec. 54-81. - 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:

~~Building official means the county building official.~~

Certificate or certificate of competency means the document issued by the commissioner to a certificate holder which authorizes a fire protection sprinkler contractor to engage in the business of installation, repair, alteration, addition, maintenance or inspection of fire protection sprinkler systems or water-spray systems, ~~or the document issued by the county in the case of a fire protection sprinkler contractor II.~~

Certificate holder means an individual who has satisfactorily met the requirements to obtain a certificate from the commissioner, or from the county ~~in the case of a fire protection sprinkler contractor II~~, and who is the owner, partner or officer of the company or corporation or such employee who performs or supervises the installation, repair, alteration, addition, maintenance or inspection of a fire protection sprinkler system or water-spray system.

Commissioner means the state safety fire commissioner.

County modified system means any system not required by any other code, which does not comply with NFPA ~~standard 13~~, but is approved for use in county buildings not required to be sprinklered under ~~NFPA standard 13~~ the Life Safety Code or the International Building Code.

Fire marshal means the county fire marshal.

Fire protection sprinkler contractor † means an individual, partnership, corporation, association, joint venture or other entity operated for profit that supervises or performs the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems or water-spray systems as per NFPA ~~standard 13~~, NFPA 13R, NFPA ~~standard 13D~~, NFPA ~~standard 15~~, NFPA 25, and county modified systems, and who has a valid certificate from the commissioner. ~~A fire protection sprinkler contractor I shall be allowed to install, repair, and inspect NFPA standard 13, NFPA standard 13D, NFPA standard 15 and county modified systems.~~

~~Fire protection sprinkler contractor II means an individual, partnership, corporation, association, joint venture or other entity operated for profit that supervises or performs the installation, repair, alteration, addition, maintenance or inspection of fire protection sprinkler systems or water-spray systems as per NFPA standard 13D and county modified systems. A fire protection sprinkler contractor II shall be allowed to install, repair and inspect NFPA standard 13D and county modified systems only, and must have a valid certificate from the county.~~

Fire protection sprinkler system or water-spray system means an NFPA standard 13, NFPA 13R, or NFPA ~~standard 13D~~ or the county modified sprinkler system standard.

NFPA means the National Fire Protection Association.

Sec. 54-82. - Powers and duties of fire marshal, delegation of authority.

- (a) The fire marshal is charged with the duty and responsibility for the enforcement of this article.
- (b) Any authority, power or duty vested in the fire marshal by any provision of this article may be exercised, discharged or performed by any deputy, assistant or other designated employee acting in the fire marshal's name and by his delegated authority. The fire marshal shall be responsible for the official acts of such persons who act in his name and by his authority.
- (c) The fire marshal may, in his discretion, require proof of competency of a certificate holder.
- (d) The fire marshal may promulgate such rules and regulations as he deems necessary to effectuate the provisions of this article. The fire marshal may, in his discretion, have the competency test required under this article prepared and administered by others.
- (e) The fire marshal may prescribe any forms required for the administration of this article.

Sec. 54-83. - Proof of competency required for license or ~~building~~ permit; payment of fees; insurance.

- (a) Before the ~~building official~~ Fire Marshal shall issue any ~~building~~ permit which authorizes ~~the construction of any installation, repair or modification of building or structure containing~~ a fire protection sprinkler system or water-spray system, the ~~building official~~ Fire Marshal shall require a copy of a valid certificate of competency issued by the commissioner from the fire protection sprinkler contractor ~~† or from the county for fire protection sprinkler contractor ††~~. The fire protection sprinkler contractor shall be required to pay any fees normally imposed for licenses ~~or~~ permits, or plan review.
- (b) The ~~building official~~ Fire Marshal shall not issue any fire sprinkler ~~building~~ permit unless the applicant provides proof of comprehensive liability insurance coverage. The liability insurance policy shall provide coverage in an amount not less than \$300,000.00, and shall cover any loss to property or personal injury caused by the fire protection sprinkler contractor. The policy shall be purchased from an insurer authorized to do business in the state.

Sec. 54-84. - Demonstration of competency; ~~application for certificate; expiration and renewal of certificate.~~

- (a) Prior to obtaining a sprinkler ~~building~~ permit, the applicant shall demonstrate his competence and knowledge of fire protection sprinkler systems or water-spray systems by-
- (†) ~~P~~roviding proof of certificate of competency issued by the commissioner ~~or~~

~~(2) For fire protection sprinkler contractor II: Providing proof of certificate issued by the county:~~

~~a. Such certificate shall be issued by the fire marshal in the name of the applicant for applicants who submit:~~

~~1. Sworn affidavits demonstrating that the applicant has satisfactorily designed and installed at least three NFPA 13D fire protection sprinkler systems of ten or more sprinkler heads, including the name, description and location of each of the three systems; and~~

~~2. Proof of owning at least one copy of the currently adopted edition of NFPA 13D.~~

~~b. The fire protection sprinkler contractor II certificate shall be valid from December 31 to December 31 of the following year. The certificate shall be renewed between December 1 and December 31 annually.~~

~~If the county's minimum fire safety standards regarding the installation or maintenance of fire protection sprinkler systems have been revised since the date the certificate holder's expiring certificate was issued, the fire marshal may, upon 30 days' notice, require the certificate holder to again meet one of the requirements for original issuance prior to the renewal of his certificate.~~

~~(b) In no case shall a county level II sprinkler contractor obtain a sprinkler permit for more than one contractor or company at a time.~~

~~(c) (b) No fire protection sprinkler contractor shall permit any person under his employ or control to install, repair, alter, maintain or inspect any fire protection sprinkler system or water-spray system unless such person is under the direct supervision of the fire protection sprinkler contractor.~~

Sec. 54-85. - Plans and specifications; inspections; fees; regulations cumulative.

(a) Nothing in this article limits the power of the fire marshal or building official to require the submission and approval of plans and specifications or to regulate the quality and character of work performed by contractors through a system of permits, fees and inspections otherwise authorized by law for the protection of the public health and safety.

(b) Nothing in this article is intended to repeal or modify the provisions or requirements of any other ordinance, but is cumulative thereto.

~~(c) Fees may be charged by the county for issuance of certificates to fire protection sprinkler contractor II or for other services performed and shall be in amounts set from time to time by resolution of the board of commissioners.~~

(c) Any installation, repair or modification of a fire protection sprinkler system or water-spray system without prior approval by the Fire Marshal shall be prohibited. Stamped plans or a Limited Work Permit approved by the Fire Marshal shall be deemed as approval.

Sec. 54-86. - Compliance required.

No fire protection sprinkler system shall be installed, repaired, altered, modified, added to, maintained or inspected except in compliance with this article and in accordance with and in compliance with any codes applicable to such system which are in effect in the county.

Sec. 54-87. - Enforcement and penalties.

(a) Whenever the fire marshal shall have reason to believe that any individual is or has been violating any provisions of this article, he or his deputy or assistant may issue and deliver to the individual an order to cease and desist such violation. Any person who is guilty of such violation and who fails to comply with any order under this section may be punished by fine not exceeding \$1,000.00 and by imprisonment for not more than 60 days or any combination thereof. Violation of any provision of this article or failure to comply with a cease and desist order is cause for revocation of any existing sprinkler ~~building~~ permit and of the privilege to obtain a future county sprinkler ~~building~~ permit until all such violations are cured.

(b) In addition to any other remedy available, whenever, in the judgment of the fire marshal, any person has engaged in, is currently engaged in, or is about to engage in any act or practice which constitutes or will constitute a violation of this article, the fire marshal may make application, on behalf of the county, to the superior court for an order enjoining such act or practice or for an order requiring compliance with this article. The certificate issued by the county of any person failing to comply with an order issued pursuant to this subsection shall be revoked upon the date specified in such order.

Sec. 54-88. - Exemptions.

This article shall not apply to state or building officials, fire inspectors, fire marshals, building inspectors, or insurance inspectors when acting in their official capacities.

Secs. 54-89—54-90. - Reserved.

ARTICLE V. FIRE PROTECTION SPRINKLER SYSTEM REQUIREMENTS.

Sec. 54-91. Definitions.

Approved sprinkler system means.....to NFPA 13, 13R, or 13D standards.

Board and care occupancy means a building or space used for lodging and boarding of four or more residents, not related by blood or marriage to the owners or operator, for the purpose of providing personal care services.

Dormitory means a building

Sec. 54-93. Fire protection sprinkler systems requirements.

(d) All existing hotels,.....shall meet the requirements of this code.

(e) Except as otherwise provided, all new board and care occupancies (personal care homes) with 4 or more clients shall be equipped with an approved sprinkler system.

(f) Sections 903.3.1.2.1, 903.4, 903.4.1, 903.4.2, and 903.4.3 of the International Fire Code adopted in section 54-52 are adopted for enforcement on new installations and buildings that undergo substantial renovation or a change in the classification of occupancy.

ARTICLE VII. OUTDOOR BURNING

Sec. 54-112. - Definitions.

(a) Clean wood means natural wood which has not been painted, varnished, or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

(b) Bonfire means an outdoor fire larger than a recreational fire in which only logs or clean wood are being burned for ceremonial purposes.

(c) Fire chief means the Chief of Cobb County Fire and Emergency Services or his or her designee.

(d) Garbage means any waste material other than charcoal, logs or clean wood that includes but is not limited to plastic products, Styrofoam, fiberglass, recycling wire (burned to access metal), tires, painted/varnished wood, clothing, furniture, mattresses, boxes, papers, and kudzu vines.

(e) Logs mean pieces of wood cut from trees that are dried and clean of soil so as not to produce large amounts of smoke when burning.

(f) Outdoor burning means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

(g) Recreational fire means an outdoor fire in which only logs or clean wood are being burned where the fuel is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of three feet or less in diameter and two feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes, and which is not used to dispose of garbage or yard waste.

(h) Yard waste (small) means limited yard debris: leaves, pine straw, and dry brush/limbs no more than six inches in diameter that have fallen or been cut from growth on one's own property.

(i) Yard waste (large) means limited yard debris: leaves, pine straw, and dry brush/limbs/logs ~~no more than 12 inches in diameter~~ that have fallen or been cut from growth on one's own property.

(j) Out of control fire means a fire this is no longer manageable or limited and requires a fire department response to control and extinguish the fire.

(k) The meaning of property includes but is not limited to any structure, building, fence, vehicle, land, landscaping, etc.

(l) Incinerator or Combustion Unit means a commercially constructed container designed for burning yard waste which has a minimum of 36% of its surface area open. Any incinerator or combustion unit must be operated in accordance with the manufacturer's specifications. Incinerators or combustion units which are home-made, modified from original design, or non-commercially available are prohibited.

Sec. 54-114. - Burning prohibitions.

(a) Burning of petroleum-based products, such as tires, plastics, and roof shingles, which produce black smoke, is prohibited.

(b) Burning of garbage of any kind is prohibited.

(c) Burning of any material in a barrel is prohibited. An incinerator or combustion unit is not a barrel.

(d) No burning is allowed on windy days (ten miles per hour sustained or higher) or on days when the atmospheric conditions (cloudy, overcast, or raining) would cause the smoke to remain low to the ground.

(e) Burning of yard waste, large or small, on property other than that which it fell or was cut from is prohibited.

(f) Burning is prohibited on county or private roads and streets.

(g) The fire chief shall be authorized to ban any or all forms of outdoor burning when atmospheric or local conditions make outdoor fires hazardous.

(h) The fire chief shall be authorized to require the extinguishment of any fire if it adversely interferes with the enjoyment of life, use of property.

(i) The fire chief shall be authorized to ban outdoor burning in a limited geographical area upon receipt of medical documentation from a resident that the resident has a medical condition(s) adversely affected by smoke.

Sec. 54-116. - Safeguards and limitations for outdoor burning.

(a) Recreational fires. Recreational fires shall not be located within 25 feet of a structure or other combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. Burning is allowed between 10:00 a.m. and 10:30 p.m.

(b) Yard waste (small). When burning small yard waste, the fire pile shall not be larger than six feet by six feet and shall not be located within 50 feet of a structure or other combustible material and/or within 25 feet of a public roadway with a posted speed limit greater than 35 mph. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition. Multiple fires on the same property must be at least 50 feet apart and each fire must comply with all provisions of this article. Burning is allowed between 10:00 a.m. and one hour before sunset, October 1 through April 30.

(c) Fire must be attended. Any type of outdoor burning referenced in this article must be constantly attended by an adult who must be watching the fire at all times-, within 100 feet of the fire, and in the out of doors. A water-charged hose that can reach the fire or minimum 4-A fire extinguisher must be on hand and ready for use if needed to limit or extinguish the fire. The nozzle of such water hose or fire extinguisher must be kept within 25 feet of the fire.

(d) Extinguishing of fire. When extinguishing an outdoor fire, no smoldering or hot coals shall remain.

Sec. 54-117. - Outdoor burning requiring a permit.

No person shall start or maintain any outdoor burning listed in this section without first obtaining a permit issued by Cobb County Fire and Emergency Services. Permits may be revoked or withheld by the Fire Chief for just cause.:

(a) Bonfire. A bonfire shall not be located within a minimum of 50 feet of a structure or other combustible material, and shall be a minimum of 100 feet from property lines. There shall be a 50-foot clear area around the fire area, clear of combustible materials, debris or material that could cause fire to spread. Distances may be increased by the fire chief depending on the size of the bonfire. Bonfires shall be a maximum of 12 feet in each length, width, and height. Burning is allowed between 10:00 a.m. and 10:30 p.m. The permit will be valid for specified dates and times.

(b) Yard waste (large). The following conditions shall govern the open burning of a large yard waste fire:

- (1) Burning is allowed between 10:00 a.m. to one hour before sunset, October 1 through April 30.
- (2) The fire pile shall not be larger than 12 feet by 12 feet and shall not be located within 100 feet of any property line or structure owned by the property owner performing the burn.
- (3) There shall be a 50-foot clear area around the fire area, clear of debris or material that could cause the fire to spread.
- (4) The fire shall not be located within 300 feet of a structure that is not owned by the property owner performing the burn.
- (5) No stumps or root balls shall be burned.
- (6) The fire must be completely extinguished, using water, covering with dirt or using another acceptable method.
- (7) The permit will be valid for specified dates, not to exceed seven days- with a minimum of seven days between permits for the same property.
- (8) Multiple fire piles on the same property shall not be burned simultaneously and each location must comply with all applicable provisions of this article.

(c) Open burning for purposes of land clearing. The following conditions shall govern open burning for the purposes of land clearing:

- (1) Open burning for the purpose of land clearing is per.....

Sec. 54-118. Penalties.

(a) The following shall be assessed to individuals who fail to obtain permits in accordance with 54-117(a) and 54-117(b), or who are in violation of sections 54-113, 54-114, including the violation of any total burn ban enacted by the fire chief, 54-115 or in violation of section 54-116:

- (1) First violation. For the first violation, a written warning notice shall be issued, and the individual shall be advised of corrective measures to maintain compliance with this article.
- (2) Second violation. For a second violation, including a second violation issued for the failure to take corrective measures after a first violation, a summons shall be issued and fine of \$100.00 assessed.

(3) Third violation. For a third violation, including a violation issued for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$250.00 assessed.

(4) Fourth violation. For a fourth violation, including a violation issued for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$500.00 assessed.

(5) Fifth and any subsequent violations. For a fifth violation and any subsequent violations, including for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$1,000.00 assessed and/or six months in jail.

(b) The following shall be assessed to individuals who do not obtain required permits or who engage in permitted burning in violation of 54-117(c):

- a. First Violation. For the first violation, a summons shall be issued and fine of \$500.00 assessed.
- b. Second Violation. For the second violation, a summons shall be issued and a fine of \$1,000.00 assessed.
- c. Third and any subsequent violations. For a third violation and any subsequent violations, a summons shall be issued and a fine of \$1,000.00 assessed and/or six months in jail.

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

- a. First Violation. For the first violation, a summons shall be issued and fine of \$100.00 assessed.
- b. Second Violation. For the second violation, a summons shall be issued and a fine of \$500.00 assessed.
- c. Third and any subsequent violations. For a third violation and any subsequent violations, a summons shall be issued and a fine of \$1,000.00 assessed and/or six months in jail.

Sec. 62-33. Rules and regulations adopted.

The county hereby adopts the following rules and regulations that have been adopted by the county board of health:

- (1) Rules and regulations for on-site sewage management systems, adopted by the board of health February 21, 2008.
- (2) An ordinance concerning nuisances, adopted by the board of health April 1, 1948.
- (3) Regulations concerning trailer parks, adopted by the board of health ~~June 17, 1999.~~ June 21, 2012
- (4) Food service rules and regulations, adopted by the board of health February 21, 2008.
- (5) Rules and regulations for swimming pools, adopted by the board of health April 16, 2009.
- (6) Rules and regulations for tourist courts, adopted by the board of health ~~June 18, 1998.~~ June 21, 2012
- (7) Rules and regulations for body art, adopted by the board of health August 19, 2010.
- (8) Rules and regulations for hand watering with gray water, adopted by the board of health April 16, 2009.

These ordinances and regulations are on file with the clerk of the county and may be reviewed during normal business hours. Any amendment to these ordinances and regulations shall not be effective for enforcement as a county ordinance until the amendments are approved and adopted by the county board of commissioners and such amendments are placed on file with the clerk of the county.

(Ord. of 8-22-95; Ord. of 12-9-03; Ord. of 7-27-04; Ord. of 6-24-08; Ord. of 2-28-12)

PARKS AND RECREATION

ARTICLE II. RECREATION BOARD*

Sec. 90-26. Established; membership; terms of office; filling of vacancies.

Under the provisions of O.C.G.A. tit. 36, ch. 64 (O.C.G.A. § 36-64-1 et seq.), there is hereby established a recreation board. This board shall consist of ~~seven~~ nine persons, serving without pay. The term of office shall be five years or until successors are appointed and qualified, except that the members of such board first appointed shall be appointed for such terms that the term of one member shall expire annually thereafter. Vacancies in such board occurring otherwise than by expiration of term shall be filled by another appointment for the unexpired term.

(Res. Of 3- -65, § 1; Mo. of 3-8-66; Mo. of 2-8-72; Code 1977, § 3-19-20)

Sec. 90-27. Organization; recommending bylaws, rules and regulations.

Immediately after their appointment, the members of the recreation board shall meet and organize by electing one of their number as chairman and such other officers as may be necessary. The recreation board shall recommend for adoption by the board of commissioners bylaws, rules and regulations for the proper conduct of recreation for the county.

(Res. Of 3- -65, § 2; Code 1977, § 3-19-21)

Chapter 122 - UTILITIES

Sec. 122-26. - Definitions.

The following words, phrases, when used in this article, shall have the meanings.....

Authorized representative of nondomestic user. An authorized representative of a nondomestic user may be:

- ~~(1) If the user is a corporation:~~
 - ~~a. The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or~~
 - ~~b. The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~
- (1) If the nondomestic user is a corporation, the president, secretary, treasurer or a vice president of the corporation in charge of a principal business function, or any other person who is delegated and performs similar policy or decision-making functions for the corporation; the manager of one or more manufacturing, production, or operating facilities, but only if the manager:
 - a. Is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;
 - b. Can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements and is knowledgeable of county reporting requirements; and
 - c. Has been assigned or delegated the authority to sign documents, in accordance with corporate laws, governing documents, policies or procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- ~~(3) If the user is a federal, state or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or his designee.~~
- (3) If the user is a limited liability company: a member, manager or officer with the delegated authority to act on behalf of and to bind the limited

liability company, in accordance with applicable laws, governing company documents, policies or procedures.

- (4) If the user is a government agency, a director or highest official appointed or designated to oversee the operation and performance of the facility.
- ~~(4) The individuals described in subsections (1) through (3) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the county water system.~~
- (5) The individuals described in 1 through 4 above may designate an authorized representative if:
- a. The authorization is submitted to the county in writing; and
 - b. The authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company or agency.

Biochemical oxygen demand (BOD) means.....

Significant Industrial User ~~contributing industry means any industry whose discharge meets the following:~~

- (1) Any nondomestic user whose discharge meets any of the following, except as provided in subparagraphs 2 and 3:
- ~~(1)~~a. Any user discharging greater than 25,000 gallons per average working day of nondomestic wastewater into the county wastewater system (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - ~~(2)~~b. Any user who contributes five (5) percent or more of the average dry weather hydraulic or organic loading to a POTW;
 - ~~(3)~~c. Any user who discharges wastewater that violates any of the prohibited discharges in section 122-181 or who is believed by the county to discharge wastewater that violates any of the aforementioned prohibited discharges;
 - ~~(4)~~d. Or who is subject to any Federal Categorical Pretreatment Standard. Any user subject to Categorical Pretreatment Standards under 40 CFR 403 and 40 CFR chapter I, subchapter N. Upon finding that an industrial user meeting this criteria has no reasonable potential for adversely affecting any part of a water system POTW's operation or for violating any pretreatment standard or requirement, the water system may at any time on its own initiative or in response to a petition from an industrial user or

~~POTW and in accordance with 40 CFR 403.8(f)(6) determine that such industrial user is not a significant industry.~~

~~(5)e. Or a~~ Any user which would be a "significant industrial user" as defined in 40 CFR 403.3(~~t~~).

(2) The water system may determine that a significant industrial user subject to a categorical Pretreatment Standard is a Non-Significant Categorical Industrial User rather than a significant industrial user upon finding that the significant industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

a. The significant industrial user has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

b. The significant industrial user never discharges any untreated concentrated wastewater.

c. The significant industrial user submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement.

(3) Upon finding that a nondomestic user meeting the criteria in Subparagraph (1) a through c has no reasonable potential for adversely affecting any part of a water system POTW's operation or for violating any pretreatment standard or requirement, the water system may at any time on its own initiative or in response to a petition from a nondomestic user or POTW and in accordance with 40 CFR 403.8(f)(6) determine that such nondomestic user is not a significant industrial user.

Sec. 122-41. - Violations.

- (a) General. Except as otherwise provided herein, the failure of any person to comply with any provision contained in this article, any provision of a permit or order issued pursuant to this article, or any other pretreatment standard or requirement shall be a violation of this Code as same is defined in section 1-10 and subject to the penalties provided therein. Enforcement may be carried out by any means authorized by this article or any provision of this Code.
- (b) Discharge violations. Any violation of the wastewater discharge prohibitions set forth in section 122-181 or violations of the conditions contained in a discharge permit issued by the county pursuant to section 122-184 shall be defined herein and enforced as follows:

- (1) ~~Major~~discharge violations, defined. ~~Major~~discharge violations shall be defined as follows:
- ~~a.~~ ~~The discharge by any user of a concentration greater than 1.4 times the allowable limit as set forth in this article, or a county-issued wastewater discharge permit, for BOD, TSS, ammonia, total phosphorus of 24-hour composite sample or oil and grease on a grab sample.~~
 - a. Any discharge by any user of a concentration greater than the allowable limit as set forth in this article, or a county-issued wastewater discharge permit.
 - ~~b.~~ ~~The discharge by any user of a concentration greater than 1.2 times the allowable limit as set forth in this article, or a county-issued discharge permit, for all regulated parameters other than those shown in subsection (b)(1)a. of this section on a 24-hour composite sample.~~
 - ~~e.~~b. Any discharge that exceeds the pH limit.
 - ~~d.~~c. Any other discharge violation that the water system believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.
 - ~~e.~~d. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance.
 - ~~f.~~e. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the department director's exercise of his emergency authority to halt or prevent such a discharge.
 - ~~g.~~f. Failure to provide within 30 days of the due date any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules.
 - ~~h.~~g. Failure to accurately report noncompliance.

~~i.~~h. Any other violations which the water system determines will adversely affect the operation or implementation of the local pretreatment program.

~~j.~~ Any consecutive series of four minor violations.

~~k.~~i. Any significant violation as defined by 40 CFR 403.8(f)(2)(vii) shall also be considered a violation.

(2) ~~Major~~dDischarge violations, enforced.

~~a.~~a. The county shall provide written notice to the party in violation stating the nature of violation and any other pertinent information regarding the violation or the need for corrective action.

~~a.~~b. ~~Major~~dDischarge violations shall be enforced in ~~the same manner as other violations of~~ accordance with this Code and as provided in subsection (a) hereof.

~~b.~~ ~~The water system shall publish annually in the largest daily county newspaper a list of users found in major violation and the enforcement action taken during the previous 12-month period.~~

~~(3) Minor discharge violations, defined. Minor discharge violations shall be defined as any wastewater discharge violation which is not a major discharge violation, as defined in subsection (b)(1) of this section.~~

~~(4) Minor discharge violations, enforced. Minor discharge violations shall be enforced by written warning only. The county shall provide written notice to the party in violation stating the nature of the violation and any other pertinent information regarding the violation or the need for corrective action.~~

(c) Other violations.....

(d) Significant Noncompliance (SNC)

(1) For the purposes of this provision, a user is in significant noncompliance if its violation meets one or more of the following criteria:

a. Chronic violations of wastewater permit discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

b. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements

taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

c. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph 403.8(f)(1)(vi)(B) of this section to halt or prevent such a discharge;

e. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

f. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance;

h. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

(2) Annually, the water system shall publish in a newspaper(s) of general circulation that provides meaningful public notice, a list of users which, at any time during the previous 12 months, were in SNC with applicable Pretreatment requirements. The notice shall

also summarize any enforcement action(s) taken against the user and the user's response to such action.

Sec. 122-45. - Administrative orders and penalty.

- (a) Compliance or administrative orders. When it is found that ~~an industrial~~ user has violated or continues to violate this article, or a permit or an order issued thereunder, the water system may issue an order to the ~~industrial~~ user responsible for the discharge directing that, following a specific time period, water and wastewater service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.
- (b) Cease and desist orders. ...
- (c) Penalty. Notwithstanding any other section of this article, any user who is found to have violated any provision of this article or permits and orders issued pursuant to this article shall be fined in an amount not to exceed \$1,000.00 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer charge and the water system shall have such other collection remedies as necessary to collect these and other service charges. Unpaid charges, fines and penalties shall constitute a lien against the ~~individual's~~ user's property. ~~Industrial u~~Users desiring to dispute such fines must file a request for the director to reconsider the fine within ten days of being notified of the fine. Where the water system director believes a request has merit, he shall convene a hearing on the matter within 15 days of receiving the request from the ~~industrial~~ user.

Sec. 122-82. - Wastewater system fees.

- (a) System development fee.....
- (c) Surcharge for high strength wastewater. See section 122-189
- (d) Exceptions to rule that wastewater service charge for usage be based on water consumed.
 - (1) Wastewater retained by significant ~~contributing industries~~ industrial users. Provision is made in subsection 122-189(d) for significant ~~contributing industries~~ industrial users to have wastewater service

charges based on quantities of wastewater generated which are different than the quantities of water consumed, as metered. Significant ~~contributing industries~~ industrial users may have wastewater quantities for billing purposes of less than the metered water consumed due to "retainage" by following the procedures set forth in subsection 122-189(d) and 122-190.

- (2) Increased wastewater flows due to inflow. Significant ~~contributing industries~~ industrial users who discharge polluted surface drainage into the county wastewater system shall be assessed a charge for the treatment thereof. The quantity of surface runoff to be assessed in this instance shall be determined by an independent registered engineer acceptable to the county.

Sec. 122-121. - Cross-connection control and backflow prevention.

- (a) Purpose and intent....
- (b) Definitions. In this section:
 - (1) Air-gap means the unobstructed vertical distance through the free...
 - (2) Hazard, ~~pollutional~~ means an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable as to taste, odor or color or could cause damage to the system or its appurtenances, but would not necessarily be dangerous to the health of the water consumer.
 - (23) Hazard, system means an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system. ~~A pollution or contamination which would have a protracted effect on the quality of the potable water system.~~
 - (24) Industrial fluids system means any system containing a fluid or solution which ~~may be chemically, biologically or otherwise contaminated or polluted, in a form or concentration such as would constitute a health, system or pollutional hazard if introduced into an approved water supply. This may include, but not be limited to: Polluted or contaminated waters; process waters and "used waters" originating from the public potable water system which may have~~

deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis, circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; oils, gases, glycerin, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for firefighting purposes; or contaminated natural waters emanating from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems.

(25) Pollution or polluted.....

(c) Duties

(1) Department. The director shall be primarily responsible for the protection.....

- a. Program implementation and execution....
- b. Discretion.....
- c. Right to enter and to test. Pursuant to [section 122-57](#), the director, or the director's authorized representative, shall have the right to enter ~~and to test, at any reasonable time,~~ a customer's premises to inspect and to test the piping system or systems thereof for cross-connections and compliance with the county's backflow prevention ordinance and policy. On request, the customer or occupant of any property so served shall furnish to the inspections agency any pertinent information regarding the piping system or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. Pursuant to section 12-59, the department is authorized to seek an inspection warrant when a customer or occupant of premises refuses access.....

(d) Requirements. The following requirements are part of the department's policy for protection of the water supply:

- (1) Protection.....
- (5) Types of devices required or prohibited. The type of protective device required shall be provided by and at the expense of the customer and shall depend upon the degree of hazard on premises.

-
- a. The public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device ~~under the~~ whenever any of the following conditions exist:
1. Where there is an auxiliary water supply ~~and it is not subject to any of the following rules.~~
 2. Where there is any health hazard which is handled in such a fashion as to create an actual or potential hazard to the public water system, ~~the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device, at the expense of the owner of the premises.~~ Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.
 3. Where there are uncontrolled cross-connections, either actual or potential, ~~the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection, at the expense of the owner of the premises.~~
 4. Where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey or inspection, ~~the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced pressure principle backflow prevention device on each service to the premises, at the expense of the owner of the premises.~~
- b. The public water system shall be protected by an approved air-gap separation or an approved double check valve assembly ~~the whenever any of the following conditions exist.~~

whenever there exists a substance that would be objectionable but not hazardous to health if introduced into the public water system.

- c. Any backflow prevention device required herein shall be of an appropriate model and size ~~approved by the director~~. In addition, if a device is installed such that it directly affects fire hydrants, standpipes and/or sprinkler systems, the county fire marshal's office must approve the device prior to installation.

Cross reference— Enforcement; establishment and duties of bureau of fire prevention; authority of fire marshall, § 54-55.

- d. The customer shall install an ~~approved~~ thermal expansion relief device in the customer's water system whenever a backflow prevention device is installed.
- e. Unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system shall be prohibited.

(6) Effective dates.....

Sec. 122-126. - Wastewater lift station.

- (a) Public lift stations....
- (b) Private lift stations.
- (1) Private lift stations which serve a single property may be acceptable if owned by the property owner and the station pumps to a manhole on said property from which sewage can flow by gravity to ~~the public sewer-system~~.
- (2) The pumping capacity of a private lift station which serves a single residential property shall not exceed 40 gallons per minute.
- ~~(2)~~(3) Force mains from private lift stations are not allowed in the public right-of-way.
- ~~(3)~~(4) Private lift stations serving more than one residential or nonresidential properties may be considered subject to the following conditions:
- a. A single viable entity is responsible for ongoing costs associated with operation, maintenance, repair and replacement of the lift station and force main;
- b. The station pumps to a manhole located on one of the properties served from which sewage can flow by gravity to ~~the public system sewer~~;

- c. No feasible means of serving the properties without use of a private lift station is available;...

Sec. 122-151. - General.

- (a) Unauthorized connections prohibited.....
- (b) Requirement to prevent cross-connections. The construction and operation of all water and wastewater system piping shall be in such a manner so as to eliminate cross connections or the possibility thereof. It is the intent of this section to protect the public health by providing regulations whereby the possibilities for the contamination of the water supply due to cross connections with the wastewater system are greatly reduced or eliminated. For that reason the provisions and requirements contained in the county cross connection control program are adopted herein by reference.
- (c) Malicious damage to equipment.....

Sec. 122-152. - Water system.

- ...
 - (e) Assured water pressure; pressure reducing valves, the user's responsibility. The county will provide all users in the county located at or below the elevation of 1,150 feet mean sea level with a minimum of 20 psi pressure.
 - (1) Excess water ...
 - (2) Fire protection....
 - (f) Use of master meters for multiple customers.
 - (1) Buildings containing two or more family...
 - (2) For all new multifamily buildings where a water master meter is utilized, installation of a sub-unit water meter for each dwelling unit is required at the time of construction for all new multifamily buildings where a water master meter is utilized. Purchase and installation of sub-unit water meters are the responsibility of the owner. The owner, or a homeowners association for such buildings provided there are multiple owners, shall be solely responsible for the operation, maintenance, repair and replacement of water facilities on the user side of the master meter. The county shall bill the owner or homeowners association for water and wastewater

service based on the master meter readings. The owner or homeowners association shall seek reimbursement for water and wastewater usage by dwelling unit through an economic allocation methodology which is based on the measured quantity of water used by each unit. ~~is responsible for any billing of residents based on sub-unit meters and may charge tenants separately for water and wastewater service, provided that the total amount of the charges to the tenants of such a building shall not exceed the total charges paid by the owner or operator for water and wastewater service for such building plus a reasonable fee for establishing, servicing, and billing for water and wastewater service and provided, further, that the terms of the charges are disclosed to the tenants prior to any contractual agreement.~~

- (3) New single-family residential subdivisions constructed with a water master meter shall have an individual meter installed for each residence. The purchase and installation of the individual meters are the responsibility of the developer. The developer or homeowners association shall be solely responsible for the operation, maintenance, repair, and replacement of water facilities on the user side of the master meter. The county shall bill the developer or homeowners association of such subdivisions for water and wastewater service based on the master meter readings. The developer or homeowners association may seek reimbursement for water and wastewater usage by residence through an economic allocation methodology which is based on the measured quantity of water used by each unit.
- (4) For all new multiunit retail and light industrial buildings, installation of a sub-unit water meter for each unit is required at the time of construction. The county shall bill the owner or operator of such building's water and wastewater service based on the master meter readings. The owner or operator of the building shall seek reimbursement for water and wastewater usage by unit through an economic allocation methodology which is based on the measured quantity of water used by each unit. This subsection is not intended to apply to newly constructed multiunit office buildings or office units in mixed use developments. The owner or operator of multiunit office buildings and mixed use developments may seek reimbursement from office tenants for water and waste-water use through an economic allocation which approximates the water use of each tenant based on square footage. Installation of a sub-unit water meter and reimbursement for water and wastewater usage for the retail units of a mixed use development is required.
- (5) The total amount of the charges to the units or residences under paragraphs (2), (3) and (4) of this subsection shall not exceed the

total charges paid by the owner, operator or homeowners association for water and wastewater service for such building plus a reasonable fee for establishing, servicing, and billing for water and wastewater service, except that the charges may include reimbursement for common area water and wastewater use through an economic allocation which approximates the portion of the common area water and wastewater services to each unit. The terms of the charges shall be disclosed prior to any contractual agreement.

- (4)(6) The water master meter provided in this section shall be installed at or near the customer's property line as the water system director or his/her representative may designate.

Sec. 122-182. - Significant ~~contributing industries~~ Industrial User.

- (a) General. All significant industrial users ~~contributing industries~~ (see definition of significant industrial users ~~contributing industries~~ in section 122-26) that discharge wastewater effluent into the county wastewater system shall comply with the following subsections of this section.
- (b) Sampling manhole. In order to provide for accurate sampling and measurement of industrial wastes, each significant ~~contributing industries~~ industrial user shall provide and maintain, on each of its industrial waste outlet sewers, a large manhole or sampling chamber to be located outside the plant. If inside the plant fence, there shall be a gate near the sampling manhole with a key furnished to the county. There shall be ample room provided in each sampling manhole to enable convenient inspection and sampling by the county, or its agent. In certain sampling manholes where noxious fumes may accumulate, the county may require a fume exhaust system to protect the life and health of the county employees who are required to enter the sampling manhole. The fume exhaust system should extract the fumes from the bottom of the manhole and provide not less than one air change per minute. The manhole shall include a waterproof 120V, single phase electrical outlet at or near the installation.

Sec. 122-183. - Wastewater permit application and questionnaire.

- (a) Application. All nondomestic users shall, upon the request of the county complete and submit to the county a wastewater permit application. The wastewater permit application shall be on a form provided by the county

and attached to a questionnaire provided by the county. The information on the questionnaire shall be used for the purpose of determining whether the industry is a significant ~~contributing industries~~ industrial user and for other purposes.

Sec. 122-184. - Discharge permits.

- (a) General.
- (1) It shall be unlawful for any significant ~~contributing industries~~ industrial user, as determined under this article, to discharge wastewater into the county wastewater system without a county-issued discharge permit.
 - (2) All significant ~~contributing industries~~ industrial users proposing to connect to or to contribute to the county wastewater system shall obtain a wastewater discharge permit before connecting to or contributing to the county system.
 - (3) All existing significant ~~contributing industries~~ industrial users connected to or contributing to the county wastewater system shall obtain a wastewater discharge permit.
- (b) Application. When requested to do so by the county, all significant ~~contributing industries~~ industrial users shall complete and file with the county an application in the form prescribed by the county and accompanied by a fee as set by the county from time to time. Existing users shall apply for a discharge permit within 60 days of notification by the county that a discharge permit is required. Proposed new users shall make application not less than 90 days prior to connecting to or contributing to the county wastewater system. Each discharge permit application shall be completed as described in section 122-186(a).
- ...
- ~~(i) Publication of names of permit violators. The county shall annually publish in the largest daily newspaper a list of major violators as defined in [section 122-41](#) during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user and the user's response to such enforcement actions during same 12 months.~~
- ~~(j)(i) Wastewater discharge permit appeals. The department director shall provide public notice of the issuance of a wastewater discharge~~

~~permit.~~ Any person, including the user, may petition the department director to reconsider the terms of a wastewater discharge permit within 15 days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.....

Sec. 122-185. – Sampling and testing procedures

- (a) Sampling procedures. When wastewater sampling is required by the county of any user for any purpose, the following sampling procedures shall be utilized:
 - (1) For conventional pollutants, metals, acid organics, base/neutral organics and pesticides, a 24-hour composite sample shall be collected from a well-mixed waste stream. Samples shall be taken at increments of not less than one per hour over 24 hours or the time of discharge. Where batches of wastewater are treated and released, single grabs from each well-mixed batch discharged during a 24-hour period may be used to form the composite in relation to volumes discharged.
 - (2) Cyanide, pH, grease and oil, phenols, volatile organics, sulfides and temperature shall consist of a minimum of ~~four~~ four grab samples collected from a well-mixed waste stream. Volatile organic samples shall be collected in triplicate bottles.
 - (3) The county may require special sampling.....

Sec. 122-188.1. - ~~Food service and food preparation~~ Grease recovery systems.

- (a) Definitions and abbreviations. The following definitions and abbreviations shall apply only to this [section 122-188.1](#)

~~Active interior recovery device (AIRD). An active automatic separator and remover of grease, fats and oils from effluent discharge that cleans itself of accumulated grease, fats and oils at least once every 24 hours, utilizing an electromechanical apparatus to accomplish removal.~~

Active interior recovery device (AIRD). A grease interceptor housed inside a building or structure that automatically cleans itself of accumulated fats, oils and grease at least once every 24 hours.

~~CCWS. The Cobb County water system.~~

Clean-out port. A pipe that extends from the ground surface to the interior of the passive exterior device ("PED") so as to allow access to and inspection of the interior of the PED.

~~Effluent T-valve. A T-shaped valve extending from the ground surface below grade into the PED to a depth allowing recovery of water located under the layer of grease, fats and oils to be discharged.~~

Effluent tee. A T-shaped pipe extending from a passive exterior device at such a depth to allow recovery and discharge of water located under the separated layer of fats, oils and grease.

~~Exterior grease trap. A grease trap which contains baffles sufficient to allow a proper separation of grease from water.~~

Fats, oils and grease (FOG). Any substance, such as a vegetable or animal product, that is used in, or is a by-product of, the food preparation process, that turns or may turn viscous or solidifies or may solidify with a change in temperature or other conditions.

~~— Grease, fats and oils recovery system or Ggrease recovery system. A single unit or a system of interceptors, separators, or traps, ~~or grease recovery devices,~~ which prevents free floating ~~grease, fats and oils~~ fats, oils and grease from entering the sewage system by recovering and removing these substances from water.~~

Grease-laden waste. Effluent discharge that is produced from food processing, food preparation or other commercial source where ~~grease, fats and oils~~ fats, oils and grease may enter the wastewater system. ~~automatic dishwasher pre-rinse stations, sinks or other appurtenances.~~

Grease interceptor. A plumbing appurtenance that is installed in a sanitary drainage system to intercept fats, oils and greases from a wastewater discharge.

(Grease) trap. An interceptor, separator or recovery vehicle that prevents free-floating ~~grease, fats and oil~~ fats, oils and grease from entering the sewage ~~disposal~~ system. See also grease interceptor. ~~Also includes a passive interceptor whose rated flow exceeds 50 gallons per minute or minimum storage capacity of 750 gallons or more and which is located outside the building.~~

~~Grease recovery device. Any separator of fats, oils or grease, excluding passive interior devices.~~

~~Interior grease trap. A grease trap located inside a food service establishment; may be an active or passive trap.~~

Influent Tee. A T-shaped pipe extending into a passive exterior device to a depth allowing grease-laden wastes to be discharged beneath the layer of separated grease in a controlled manner.

Manifest. A log or recording of the volume, date of removal and disposal destination of pumped materials from a grease trap ~~or other device.~~

Passive exterior device (PED). ~~An oil/water separating container~~ grease interceptor that requires pumping and is housed outside a building or structure.

Passive interior device (PID). ~~An oil/water separating container that requires normal manual cleaning, by pumping or bailing, and is housed inside a building or structure. A passive interceptor with no moving parts with a rated flow of 50 gallons per minute or less that serves as a fixture trap and is located inside a building.~~ A grease interceptor that requires pumping and is housed inside a building or structure.

~~Solids transfer/grease recovery device. An active automatic pretreatment device which macerates coarse solids and separates/recovers free floating grease, fats and oils from effluent. The device cleans itself of accumulated grease, fats and oils at least once every 24 hours, utilizing electromechanical apparatus to accomplish recovery and removal.~~

Solids interceptor. A device installed to separate food wastes from the discharge prior to connecting to the grease interceptor.

User. Food service or food preparation establishments, their owners or operators, or their agents, that receive county wastewater system service and/or reclamation facility service.

(b) General.

(1) Users that generate or use ~~grease, fats or oil,~~ fats, oils, or grease or any combination thereof, and discharge water to a county wastewater reclamation facility shall be required to install, operate, clean and maintain a grease recovery system of appropriate size and design to achieve compliance with requirements set forth under this section.

(2) Users with ~~grease recovery devices~~ passive interior devices which were in existence prior to January 1, 2001, may continue to

operate with such devices until such time as there is a change of owner or operator, expansion of the establishment, change from a fast food to full service establishment, or they receive official notice from ~~CCWS~~ the county water system.

(3) ~~The CCWS~~ the county water system may exempt food service establishments that are known to not be a source of ~~grease, fats, and oils~~ fats, oils, or grease from the grease recovery system installation requirement.

(c) Administration.

- (1) Registration requirement. Each user required to install a grease, ~~fats and oils~~ recovery system shall register its grease recovery system with the ~~CCWS~~ the county water system for the purpose of obtaining a discharge permit. Such permit application shall include the name, address, telephone number and factors indicating the potential for grease-laden waste to be introduced into the wastewater ~~collection~~ system. ~~CCWS~~ The county water system shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant grease ~~removal~~ recovery system. ~~CCWS~~ The county water system shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user. ~~CCWS~~ The county water system may review discharge permits annually. The discharge permits of those found to be in compliance with existing federal, state, and local laws and regulations will be renewed by ~~CCWS~~ the county water system.
- (2) Inspection fees. No fee will be charged for an annual inspection by ~~CCWS~~ the county water system of the grease recovery system for the discharge permit. However, if the grease recovery system is not in compliance with this section, a reinspection fee will be charged for each inspection thereafter until the grease recovery system is in compliance and approved by ~~CCWS~~ the county water system. Failure to pay the reinspection fee shall result in the forfeiture of the discharge permit.
- (3) Records. All users with a grease recovery system must keep a record of any cleaning or maintenance of their grease recovery system. The following records must be kept on-site at the food service establishment for a minimum of three years:

- a. Manifest. The removal of grease trap contents (PEDs or PIDs) must be tracked by a state approved manifest that confirms the pumping, transport, and disposal of the contents.
 1. Information. ...
 2. Reporting. Completed ~~exterior~~ grease trap cleaning manifests must be ~~mailed~~ submitted to the county water system Office of Environmental Compliance within 14 days after the trap is cleaned.
 - b. Maintenance log. For all AIRDs, a continuous log indicating each cleaning and/or maintenance for the previous 12 months, including the disposal of the recovered grease and oil, shall be maintained. This log shall be kept in a conspicuous place where it can be inspected by the health department and/or ~~CCWS~~ county water system personnel upon request.
- (d) Grease recovery systems.
- (1) Where required. Grease, ~~fats and oils~~ recovery systems shall be installed where grease-laden waste from food preparation, food processing or other commercial use will be discharged into the ~~CCWS~~ county wastewater collection system.
 - (2) Technology required. An approved grease, ~~fats and oils~~ recovery system shall be installed consisting of one or a combination of the following methods:
 - a. Passive technology that is an approved passive exterior device (PED) grease trap.
 - b. Active technology ~~including~~ that is an approved active interior recovery device (AIRD).
 1. ~~An approved grease recovery device; or~~
 2. ~~An approved solids transfer/grease transfer device.~~
 - (3) Prohibited discharge.
 - a. Waste that does not contain grease, fats or oils fats, oils or grease and that otherwise does not require grease separation treatment shall not be discharged into the grease recovery system.

- b. Wastewater from dishwasher machines or wastewater that otherwise exceeds 130 degrees Fahrenheit shall not be introduced into any interior grease ~~trap~~ recovery device.
- c. Food-waste grinders shall not discharge into the building drainage system through an interior grease trap unless preceded by a solids interceptor ~~or grease recovery device.~~
- (4) Dumpsters/dumpster pads. Dumpsters/dumpster pads may be allowed to connect to the wastewater ~~collection~~ system under the following conditions:
- a. The dumpster/dumpster pad is covered and constructed in such a manner so as to protect the drainage connection from storm water runoff; and
 - b. The drain is connected to a passive exterior device ~~an exterior grease trap~~ which will be maintained by the user in the method prescribed by this section for other passive exterior devices ~~exterior grease traps~~. The trap shall be at least 750 gallons where restaurants or food preparation establishments are the users or are in the vicinity and the trap shall comply with the grease trap detail approved and amended from time to time by ~~CCWS~~ the county water system. The trap shall be at least 300 gallons for offices, retail and other non-food preparation users and shall comply with the dumpster trap detail approved and amended from time to time by ~~CCWS~~ the county water system.
 - c. Each user who installs a dumpster trap shall register its grease recovery system with the ~~CCWS~~ the county water system for the purpose of obtaining a discharge permit. Such application shall include the name, address, telephone number and factors indicating the potential for grease-laden waste to be introduced into the wastewater ~~collection~~ system. ~~CCWS~~ The county water system shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant grease recovery ~~removal~~ system. ~~CCWS~~ The county water system shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user. ~~CCWS~~ The county water system may review discharge permits

annually. The discharge permits of those found to be in compliance with existing federal, state, and local laws and regulations will be renewed by ~~CCWS~~ the county water system.

(5) Passive exterior device (PED) requirements.

- a. Each PED design, including size, type and location shall be reviewed and approved by the engineering and records division of the ~~CCWS~~ the county water system in substantial conformity to a grease trap detail approved and amended from time to time by ~~CCWS~~ the county water system. PEDs shall:
 1. Be sized and engineered based upon the anticipated load and/or conditions of actual use.
 2. Shall be constructed of sound durable material, not subject to excessive corrosion or decay, and shall be water and gas tight ~~if PEDs of precast or poured in place concrete.~~
 3. Be traffic-worthy with at least one manhole opening ~~and one clean-out port or manhole~~ over each of the influent and discharge effluent tees/T-valve. If the PED has more than two compartments, there must be a traffic-worthy manhole opening over the additional compartment(s).
 4. Contain baffles sufficient to allow a proper separation of grease from water.
 5. Be a minimum of 750 gallons and a maximum of 3,000 gallons in size. (300 gallons allowed for nonfood prep dumpster pads only, as noted in previous section). Multiple PEDs are allowed, configured in series where possible.
- b. Sizing. All passive exterior devices shall have a capacity and design in compliance with the following equations:
 1. Restaurants ...
 2. Fast Food (disposable serviceware)

$$\underline{(S) \times (12) \times (Hr/12) \times (LF) + (TO) \times 2.5 = \text{capacity in gallons}}$$

$$\underline{S = \text{number of seats in dining/bar area}}$$

$$\underline{Hr = \text{number of hours open}}$$

LF = loading factor:

1.25 interstate highways

1.00 other freeways, shopping centers, recreational areas

0.8 main highways

TO = Take-out orders/day.

32. Hospitals, schools, nursing homes, or other types of commercial food preparation facilities:

$(M) \times (5) \times (LF) = \text{capacity in gallons}$

M = meals per day

LF = loading factor:

1.0 with ~~dishwasher~~ regular serviceware

0.5 without ~~dishwasher~~ disposable serviceware

- (6) Passive interior devices (PIDs). There shall be no PIDs installed in any user's premises upon the effective date of this article.
- (7) Active interior recovery device requirements. AIRDs may be allowed in lieu of PEDs in accordance with the following conditions
- ~~a. AIRDs may be allowed in lieu of PEDs in accordance with the following conditions:~~
- a.1. A technically logistical reason exists as to why a passive exterior device ~~an exterior grease trap~~ cannot be installed (i.e., conflicts with existing utilities, elevation disparities or location on a second floor).
- b.2. The installation or use of all active interior grease-recovery devices must be approved by the Engineering and Records Division of the ~~CCWS~~ the county water system.
- ~~b. Location. Grease recovery devices shall receive all grease-laden waste discharge from the major point sources. A floor drain shall not be considered a major point source.~~
- ~~c. Sizing. Grease recovery devices shall be sized based upon the anticipated load and/or conditions of actual use and the manufacturer's recommendation.~~

~~(e) Alternative methods.~~

~~(1)(e)~~ Alternative technology/methods. Engineered alternative technology or methods may be permitted, provided the technology or method meets the minimum performance standards set forth by this section or by ~~CCWS~~ the county water system.

~~(2) Biological or chemical treatment agents. The use of biological or chemical treatment agents may be allowed in addition to, but not in lieu of, required grease removal systems, provided the user supplies verification that discharge requirements are being met. To verify compliance, beginning 90 days from the last trap cleaning, the discharge must be sampled four times within 24 hours during the hours of operation and analyzed for oil and grease concentrations. In addition, the depth of bottom and top solids must be measured. This testing must be performed monthly and the results submitted to CCWS within the same testing monthly. When the oil and grease concentrations exceed the county's daily maximum discharge limits and/or the combined depth of bottom and top solids exceeds 50 percent of the total depth of the trap, the trap must be cleaned and the process started again.~~

~~(3) Monitoring. The user may be required to install a manhole on the discharge sewer to allow observation, sampling and measurement of grease recovery system discharges. This manhole shall be installed so as to be safe and accessible at all times.~~

(f) User responsibility.

(1) User responsibility and acknowledgement.

- a. Users that are required to install a grease, ~~fats and oils~~ recovery system shall be responsible for the cleaning and maintenance of the grease, ~~fats and oils~~ recovery systems located on the property. The user shall be responsible for maintaining any grease recovery system pursuant to subsection b. below and in such a manner that the grease discharge shall not exceed the county's daily maximum discharge limits as developed and approved by the county board of commissioners. The currently adopted limits shall be on file at the office of the county clerk and at the office of the director of the county water system.

- b. The user shall maintain accurate records (manifests and logs) of the dates of cleaning and the means of disposal of ~~grease, fats and oils~~ fats, oils, and grease. These records are subject to inspection and review by ~~CCWS~~ the county water system pursuant to and in accordance with subsection (c)(3) above.
 - c. Any removal and hauling of ~~grease, fats and oils~~ fats, oils, and grease shall be performed by a registered commercial waste transporter. If the grease recovery system fails to prevent discharge over the daily maximum, ~~CCWS~~ the county water system will require the user to repair, replace or upgrade their grease ~~removal~~ recovery system, which may include one or more of the user's devices, at the user's expense.
 - d. All costs related to the building's sewer installation, grease recovery system or connection and registration shall be borne by the user.
 - e. The user shall be required to sign an Acknowledgment Form furnished by ~~CCWS~~ the county water system attesting to the user's understanding of the aforementioned responsibility.
- (2) Grease trap maintenance.
- a. All grease traps shall be maintained by the user at the user's expense. For passive internal devices and passive external devices, maintenance shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludges and solids. All grease recovery systems; ~~including passive interior devices, passive exterior devices, and any grease recovery devices,~~ shall be properly and adequately maintained by the user so as to achieve the intended purpose of the device.
 - b. In the maintaining of these grease recovery systems, the user shall be responsible for proper recovery, removal and disposal by appropriate, approved means of the captured material by a licensed waste disposal or rendering firm.
 - c. ~~Pumping/cleaning frequency.~~ All PEDs shall be completely pumped out at a minimum of once every three months, or more frequently as required by ~~CCWS~~ the county water system to protect the wastewater system. The ~~CCWS~~ county

water system may establish a less frequent schedule to address unusual situations such as schools closed during the summer or establishments with known low usage of ~~grease, fats, and oils~~ fats, oils, and grease. The frequency of removal shall be such as to ensure that no overflows of ~~oils or grease~~ fats, oils or grease into the wastewater ~~collection~~ system ever results. Decanting or discharging of removed waste back into the trap from which the waste was removed or to any other grease trap or sanitary sewer connection for the purpose of reducing the volume to be hauled is prohibited.

- d. All PIDs shall be completely pumped out at a frequency established by ~~CCWS~~ the county water system to ensure the protection of the wastewater system.
 - e. All ~~PIDs~~ AIRDS shall be maintained in accordance with the manufacturers recommendations and a copy of same shall be maintained at the site for review and inspection by ~~CCWS~~ the county water system. A continuous log indicating each cleaning and/or maintenance for the previous 12 months, including the disposal of the recovered grease and oil, shall be maintained. This log shall be kept in a conspicuous place where it can be inspected by the health department and/or ~~CCWS~~ county water system personnel upon request.
- (g) Inspection and entry. Any authorized representative of ~~CCWS~~ the county water system bearing proper credentials and identification shall be permitted to enter and inspect all properties, without prior notification, for compliance with code. This right of inspection shall include the right to measure, observe, monitor, sample, test, record, review and make copies of all pertinent documents in accordance with this section.
- (h) Violations and enforcement.
- (1) Violations. It shall be unlawful for any user or customer to discharge water to ~~CCWS~~ the county wastewater system in a manner in violation of this section, or of any conditions set forth in this article. Any ~~person~~ user who violates any provision of this section shall, in addition to the penalties specified herein, be subject to the provisions contained in sections [122-41](#) through [122-56](#) to the extent such violations, notice and penalties are not addressed in this section.

- (2) Noncompliance. If it is determined that the user has failed to comply with the provisions of this section, a written notice of violation shall be given to the user, the contractor named in the permit, or the user's authorized agent. If the user is not a customer (e.g., if the user is a tenant in a master-metered development), then the customer for the property on which the user is located shall receive a copy of the notice of violation. The notice shall set forth the violation and the measure needed to achieve compliance. The user shall ~~have seven days from receipt of this notice~~ be given a reasonable time frame to comply. Where an emergency exists, a written warning shall be given to the user, and user will have 24 hours to comply.
- (3) Failure to comply. Any user who fails to comply with a written notice of violation may be fined in an amount not to exceed \$1,000.00 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such fines may be added to the next scheduled sewer charge of the user or the customer for the property on which the user is located. ~~CCWS~~ The county water system shall have the power and authority to enter upon the property of any user who fails to comply with a notice of violation to terminate the user's water and/or wastewater service in any manner deemed necessary and appropriate by ~~CCWS~~ the county water system. If a user who fails to comply with a notice of violation is not a customer, then ~~CCWS~~ the county water system shall have the power and authority to terminate the water and/or wastewater service of the customer for the property on which the user is located in any manner deemed necessary and appropriate by ~~CCWS~~ the county water system. Additionally, ~~CCWS~~ the county water system may request that the county board of commissioners suspend or revoke the user's business license after a show cause hearing, pursuant to sections [122-44](#) and [78-45](#)
- (4) Overflow charge. Any sewer or manhole overflow traced to an inadequately operating grease recovery system or lack of a grease recovery system will result in a service charge to the user or the customer for the property on which the user is located. The service charge shall include the cost of cleaning up the overflow and for cleaning grease out of the immediately adjacent contaminated

~~CCWS~~ wastewater-collection system. A fine in an amount not to exceed \$1,000.00 may be added to the service charge for each successive overflow. These charges and fines shall not impede other enforcement actions as delineated in sections [122-41](#) through sections [122-60](#). Additionally, the user or customer for the property on which the user is located, shall be responsible for payment of any fine levied by the Georgia Environmental Protection Division against the county as a result of overflows in the county wastewater-collection-system caused by grease traced to any inadequate or absent grease recovery system.

- (5) Alternative penalties. Any violation of this section may also be enforced by a citation or accusation returnable to the magistrate court of the county pursuant to [section 1-10](#)

Sec. 122-189. - High strength wastewater surcharge.

- (d) Measurement of flow used in computing wastewater service charges and surcharges. The volumes of flow used in computing wastewater surcharges shall be based upon metered, estimated or prorated water consumption as shown in the records of meter reading maintained by the county water ~~department~~-system. If a significant ~~contributing industries~~ industrial user discharging wastewater into the county wastewater system provides evidence to the county that a significant portion of the total annual volume of water used for all purposes does not reach the county wastewater system, an estimated percentage of total water consumption to be used in computing charges may be approved by the county. The estimated water usage which is retained by the significant ~~contributing industries~~ industrial user (not discharged to the wastewater system) shall be determined by an independent engineer acceptable to the county, who shall provide such analysis based on all available information. This retainage analysis shall then be submitted to the county by the significant industrial user to obtain proper credit for retainage to be credited against its surcharge and normal wastewater service charges.

Sec. 122-191. - Wastewater discharge permits for discharges from ~~leaking underground storage tank~~ groundwater remediation sites.

- (a) Permit required. All ~~underground~~ groundwater remediation projects that discharge to the sewer shall be required to possess a wastewater discharge permit before connecting to or contributing to the county wastewater system as required in section 122-153
- ~~(b) Equipment requirements. (LUST) remediation projects shall contain the following treatment equipment, including:~~
- ~~(1) Pump. Contaminated groundwater is removed from the recovery wells.~~
 - ~~(2) Gravity separation. The groundwater must pass then through an API type oil/water separator with a minimum design API retention time of 30 minutes.~~
 - ~~(3) Volatile removal. The groundwater must then pass through one of the following devices to remove volatile organic compounds.~~
 - ~~a. A carbon adsorption unit.~~
 - ~~b. An air stripping device.~~
 - ~~c. A bio-reactor.~~
 - ~~d. An ultraviolet/peroxide oxidation device.~~
 - ~~(4) Metering. The water must then pass through a flow meter and an effluent sampling device (tap) before discharge to the sanitary sewer. Records of daily flow must be maintained and submitted on a monthly report.~~
- ~~(e)~~(b) Permit conditions. The permitting process shall require that the following discharge criteria and permit conditions must be met for continued use of the sewer system.
- (1) Discharge limits. Local limits will be used for permitted discharge limits for the pollutants of concern for the site.
 - ~~Benzene — 20 ppb~~
 - ~~Toluene — 200 ppb~~
 - ~~Ethyl benzene — 70 ppb~~
 - ~~Xylene, total — 1,000 ppb~~
 - ~~Lead — 137 ppb~~
 - ~~Ph range, 5.5 — 12.5 S.U.~~
 - ~~Total Polynuclear aromatics (PNA) — 1 ppm~~
 - (2) Sampling frequency. Based on the design flow of the treatment system (discharge rate in GPM). Sites that are not occupied or staffed by the holder of the remediation permit, gas stations, closed industrial sites or sites which the remediation is the responsibility of another party, may be required to monitor the discharge on a more frequent schedule than sites that are occupied or staffed by the holder of the remediation permit, for select parameters and a monthly basis for all other permitted parameters.
 - a. Start-up (first 30 days of operation). All remediation sites

during the first 30 days of operation of the remediation system and remediation sites that are restarted after 90 days of inactivity will be required to sample at a more frequent schedule than their normal sampling frequency. This sampling schedule will be delineated in and determined by the discharge permit.

On-line Discharge	Indicator Pollutant	Total VOC Scan
1—10 GPM	2/week	1/week
10—25 GPM	3/week	1/week
25 GPM and up	Daily	1/week

- b. On-line (after initial 30 day start-up of treatment system). After 30 day initial start up period, the standard sampling schedule in the permit shall be followed.

On-line Discharge	Indicator Pollutant	Total VOC Scan
1—10 GPM	1/week	1/month
10—25 GPM	2/week	1/month
25 GPM and up	Daily	1/month

~~*Indicator pollutant: Benzene for gasoline sites, TPH for diesel fuel location.~~

~~(d)(c)~~ General conditions.

- (1) Air quality permit. If an air stripping device is to be used at a site, an air quality permit issued by the state EPD must be obtained, if necessary, by the permittee prior to issuance of a wastewater discharge permit. A copy of the air quality permit must be submitted with the wastewater discharge permit application.
- (2) Metering. The treated water must pass through a flow meter and an effluent sampling device before discharge to the sanitary sewer.
- ~~(2)(3)~~ Plans and specifications. Application for permit. The permit application shall be accompanied by: ~~a set of plans and specifications signed by a professional engineer registered in the state and include the following:~~
 - a. Plans and specifications. A set of plans and specifications signed by a professional engineer registered in the state and include the following:
 - ai. Plot plan of the site, showing all buildings, sewers, storm sewers, natural streams, sewer connection points, process equipment locations and meter locations.
 - aj. A schematic diagram of the treatment system and the design criteria used to develop the treatment system.
 - aiii. ~~The operations manual: a total O & M manual,~~ Operating procedures, including emergency shutdown procedures.

- b. Corrective Action Plan (CAP). The most recent CAP must be included with the permit application.
- c. Sampling Plan. Based on the site history and CAP, at minimum the parameters identified in the CAP shall be sampled for, as well as potential breakdown products from the spilled materials. The sampling for the CAP may be used to satisfy the sampling requirements contained in the permit application if the analysis was completed by a certified laboratory and reported within a year of applying for a discharge permit with the county water system. The county water system reserves the right to request sampling for any additional parameters and to request re-sampling of any or all parameters contained in the CAP.
- ~~(3)~~(4) Site security. ~~All~~ Permitted sites that are unmanned or accessible to the public (for example closed industrial sites or gas stations) shall be fenced and locked to maintain adequate security. The county shall be provided with a copy of the key.
- ~~(4)~~(5) Pump control. The master pump control for sites that are unmanned or accessible to the public (for example closed industrial sites or gas stations) shall be clearly labeled and must be accessible to the permitting agency at all times.
- ~~(5)~~(6) Reporting frequency. The permittee shall report, on a monthly basis, to the county the following information:
- a. Sample data for the preceding month.
 - ...
- ~~(6)~~(7) Inspection prior to permit issuance. The facility shall be inspected by a member of the county's environmental compliance program prior to issuance of a discharge permit.

Sec. 122-192. - Accidental discharges.

- (a) Protection against.
- (1) Generally. Each significant ~~contributing industry~~ industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Additionally, any person or industry which handles hazardous wastes, any priority pollutant as shown on the EPA list or any prohibited materials shall, upon the request of the county, provide proof of protection from accidental discharge of hazardous wastes, priority pollutants or prohibited materials. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the

owner's or user's own cost and expense. Detailed plans showing facilities and operating procedure to provide this protection shall be submitted to the county for review and shall be approved by the county before construction of the facilities. All existing users shall complete such a plan within 90 days after the effective date of this article. Construction shall be completed within 180 days of approval of plans by the county. No significant ~~contributing industries~~ industrial user who commences contribution to the county wastewater system after the effective date of the ordinance from which this article was derived shall be permitted to introduce pollutants into the system until accidental discharge procedures and facilities, if required, have been approved by the county. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this article.

- (2) Slug control plan. ~~All significant contributing industries shall maintain such records as may be necessary to implement a slug control plan as contemplated in 40 CFR 403.8(f)(2)(v), which plan may be required by the county at least every two years. A slug control plan shall contain, at a minimum, the following elements: The county shall evaluate all significant industrial users, within one year of being designated a significant industrial user, to determine whether a plan or other action to control slug discharges is necessary. If the county determines that a slug control plan is needed, the plan shall be based on requirements in 40 CFR 403.8(f)(2)(vi).~~

A slug control plan shall contain, at a minimum, the following elements: Description of discharge practices, including nonroutine batch discharges.....

Sec. 134-1. Definitions.

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

Accessory building or structure.....

Community fair means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.

Community retail uses means commonly found low scale and low intensity retail uses that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as the following: auto parts store, antique shop, appliance store (home use), bakery, barber shop or beauty shop, beverage shop, bookstore (but not including adult bookstores), bridal shop, camera shop, china and pottery store, clothing store, dance studio, martial arts, pet store and pet supply store, pilates, yoga and the like studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drug store, dry goods store, florist, furniture store, gifts and stationery store, gym and fitness facility, hardware store, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store.

Component means any assembly,.....

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

Condominium means individual ownership of

License review board means the board established under section 6-90.

Light automotive repair establishment means an indoor repair establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing light auto and small truck repair and maintenance (under one ton) such as brakes, oil changes, lubrication, transmission, belts, hoses, inspections,

tire mounting and installation and the like. Activities such as battery replacement, light bulb changes, wiper blade replacement, "check engine light" diagnostics, or other minor things done complimentary and the like may be outside of a retail automotive parts store with non-powered hand tools.....

Livestock, nondomestic and wild animals, and poultry means animals, nondomestic and wild animals, and species of the avian family which are or may be raised for the purpose of providing food or transportation, or being resold or bred, excluding only dogs, cats, rabbits, fish, pet mice, hamsters, gerbils, parrots and parakeets.

- (1) Such animals shall only be permitted on a lot containing not less than two acres.
- (2) All buildings used for animals shall be set back not less than 100 feet from any property line.
- (3) All animals shall be maintained at least ten feet from any residential property line.
- (4) Except in the RR district, there shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm.
- (5) These rules are effective with respect to new construction, not existing uses.

(6) Exceptions to items 1 thru 5 may be considered as part of a special land use permit processed in accordance with section 134-37. In addition to the criteria listed in 134-37 that the Board of Commissioners may consider in its determination of whether or not to grant a special land use permit for exceptions to items 1 thru 5, the Board of Commissioners may also consider:

- Number of animals to be maintained on property in relation to the size of the lot/tract.
- Location, setback, size, height and architectural style of any building or structure that will house the animals.
- Potential restriction of certain types of animals.
- Potential buffering or screening measures to protect adjacent properties.

.....

Neighborhood activity center. The purpose of the neighborhood activity center (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail uses and grocery stores.

Neighborhood retail uses means commonly found low scale and low intensity retail uses (with square footages in accordance with the use limitations established within the individual zoning districts of this chapter) that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as, but not limited to, an auto parts store, antique shop, appliance store (home use), bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstore), bridal shop, camera shop, china and pottery store, clothing store, dance studio, martial arts, pilates, yoga and the like studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore, hardware store, dry goods store, florist, furniture store, gifts and stationery store, gym and fitness facility, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, pet store and pet supply store, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store.....

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

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

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

Townhouse means an attached house in a row or group, each house separated from adjoining houses in the same row or group by architectural style, changing of facade, or offsets, and by firewalls or fire separations. Ownership is in fee simple.

Trailer, camping means any portable structure or vehicle designed for highway travel which is used or intended to be used for temporary ~~either~~ living, sleeping, cooking and/or eating purposes, ~~and~~ which may ~~does not~~ include some and/or all of the following facilities: a flush water closet, a lavatory, a bath or shower, sleeping quarters, eating quarters and a kitchen ~~sink~~. Portable structures or vehicles within this definition shall not be used as a dwelling unit

except within a campground or Recreational Vehicle (RV) park. These portable structures or vehicles shall include travel trailers, folding campers, pop-up campers, fifth-wheel trailers, RV's, or any of the like.

Transfer station means a facility.....

Sec. 134-31. – Nonconforming uses.

- (c) Continuance of nonconforming structure or building. A building or structure that is nonconforming or that contains a nonconforming use at the time of enactment of the ordinance from which this chapter is derived or at the time of enactment of an amendment to this chapter may be retained, except that it shall not be:
- (1) Enlarged, altered or rebuilt, except for repairs necessary to maintain the structure or building in a safe and sanitary condition.
 - (2) Rebuilt, altered or repaired after damage or deterioration exceeding 75 percent of its replacement cost at the time of destruction, except in conformity with this chapter.
 - (3) Section 134-31 does not apply to signs. See_section 134-311 et seq.
 - (4) The criteria of this chapter shall not apply to properties that have valid and enforceable zoning stipulations that govern the use of said property.

Sec. 134-36. - Temporary land use permits.

(a)

The board of commissioners may permit temporary land use permits for limited periods of time for uses, exceptions or professions in areas and districts where the zoning regulations would otherwise prohibit such operations. Customary home occupations as defined in this chapter, do not require a temporary land use permit.

(b)

In addition thereto, the board of commissioners may grant temporary land use permits for limited periods of time for occupations or businesses compatible with the neighborhood from which such business or occupation is operated and where no nuisance as defined in state law or other significant adverse effect would result to the area or district zoned.

(c)

All applications for temporary land use permits shall be advertised in the same manner as applications for rezoning, and public hearings will be held thereon in the same manner as hearings on applications for rezoning are conducted.

(d)

The board of commissioners has determined that temporary land use permits are only appropriate if granted for a limited period of time. In no event shall the board of commissioners grant a land use permit on a residentially zoned property for a period of time in excess of 24 months, ~~except on reapplication, readvertisement and public hearing.~~ Land use permits that have been in existence for ten years or more from the adoption date of this amendment will continue to be considered upon each renewal, until the use ceases to operate or is relocated. Land use permits for exceptions to the county's minimum square footage per adult occupant, minimum square footage per vehicle parked at a dwelling unit or mobile home, ~~and~~ churches with accessory day care facilities (commonly known as pre-K, day care school, child development center, "mother's morning out", and the like) programs that have greater than 25 percent non-church members of the total number of children in the day care program) and professional office users that have customarily resided in the offices where they provide services will be considered upon each renewal. Land use permits, (other than those for exceptions to the county's minimum square footage per adult occupant and minimum square footage per vehicle parked at a dwelling unit or mobile home) that have been in existence less

than ten years from the adoption date of this amendment will be allowed to apply for one more renewal, which, if granted, may be granted for up to 24 months. Once the period of time for which the temporary land use permit was granted has expired, the use must cease or relocate.

All new applications, (other than those for exceptions to the county's minimum square footage per adult occupant, minimum square footage per vehicle parked at a dwelling unit or mobile home and churches with accessory day care facilities (commonly known as pre-K, day care school, child development center, "mother's morning out", and the like) programs that have greater than 25 percent non-church members of the total number of children in the day care program) that have been approved for a temporary land use permit after the adoption date of this amendment may only be considered for one renewal up to 24 months from the date the temporary land use permit was granted. Once the period of time for which the temporary land use permit was granted has expired, the use must cease or relocate.

If the property where a land use permit has been granted is sold or otherwise conveyed, or the business for which the land use permit was granted is sold or otherwise conveyed, requiring a change in the business license, the approved land use permit shall no longer be valid. In order for the use to resume operation, a new land use permit must be applied for and approved by the board of commissioners.

(e)

The applicant or operator must reside full-time at the residence where the temporary home occupation or temporary business is performed if the property is located in a platted subdivision.

(f)

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

(g)

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

(1)

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

(2)

Parking and traffic considerations;

(3)

Number of nonrelated employees;

- (4) Number of commercial and business deliveries;
- (5) The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses;
- (6) Compatibility of the business use to the neighborhood;
- (7) Hours of operation;
- (8) Existing business uses in the vicinity;
- (9) Effect on property values of surrounding property;
- (10) Circumstances surrounding neighborhood complaints;
- (11) Intensity of the proposed business use; and
- (12) Location of the use within the neighborhood.

(h) The board of commissioners has determined that temporary land use permits are only appropriate if granted for a limited period of time. In no event shall the board of commissioners grant a land use permit on a commercially zoned property, including professional office users that have customarily resided in the offices where they provide services, for a period of time in excess of 60 months.

(i) The board of commissioners has determined that there are certain residentially zoned properties that are not within platted subdivisions that abut 4 lane arterial roadways. The configuration and size of these properties may limit the residential redevelopment potential of these properties and as such, these parcels may be granted a temporary land use permit for a period of time up to 60 months and can be considered upon each renewal. The board of commissioners may consider the criteria listed in item (g) of this code section when making a determination of whether or not to grant a temporary land use permit along 4 lane arterial roadways.

(j) The board of commissioners may conduct a show cause hearing to revoke any temporary land use permit that is in violation of any of the stipulations or terms of the temporary land use permit. The property shall be posted 30 days prior to the hearing by the Zoning Division manager, or designee.

(Ord. of 1-8-74; Ord. of 12-11-90, § 3-28-10.1; Ord. of 11-23-99; Ord. of 12-9-03; Ord. of 2-26-08; Ord. of 3-13-12)

Sec. 134-37. Special land use permits.

(a) A special land use permit shall be required for the following types of uses of property regardless of the zoning classification or district for the realty:

(1) Radio, television, microwave, land mobile, telephone or other communication towers or antennas, including antennas or other communications equipment or facilities to be placed on a tower that was or will be constructed pursuant to the exemption set forth in section 134-3(2).....

(13) Trash/garbage handling, hauling or disposal facilities or any use associated with these uses, except for general offices, dispatch offices, maintenance facilities or truck terminals for empty and clean trucks only.

(14) Auto salvaging and wrecking yards.....

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 shall pay a filing fee to the Cobb County Zoning Division equal to the General Civil Filing Fee charged by the Superior Court of Cobb County.

(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

(3) Authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board of appeals that:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - b. The application of this chapter to this particular piece of property would create an unnecessary hardship;
 - c. Such conditions are peculiar to the particular piece of property involved;
- and
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.

No variance may be granted for a use of land or building or structure that is prohibited by this chapter. No variance may be granted that would conflict with or alter a stipulation or condition imposed by the board of commissioners, except for setback variances.

Sec. 134-193. R-80 single-family residential district.

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

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

Clubs or lodges (noncommercial).

Community fairs.

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-194. RR rural residential district.

The regulations for the RR rural residential district are as follows:.....

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:.....

Clubs or lodges (noncommercial).

Commercial greenhouses and plant nurseries, so long as set back at least 100 feet from any residential property line.

Community fairs.

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-195. R-40 single-family residential district.
The regulations for the R-40 single-family residential district (40,000-square-foot lot size) are as follows:.....

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:
Clubs or lodges (noncommercial).
Community fairs.

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-196. R-30 single-family residential district.
The regulations for the R-30 single-family residential district (30,000-square-foot lot size) are as follows:.....

3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:
Clubs or lodges (noncommercial).
Community fairs.

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-197. R-20 single-family residential district.

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

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

Clubs or lodges (noncommercial).

Community fairs.

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-198. R-15 single-family residential district.
The regulations for the R-15 single-family residential district (15,000-square-foot lot size) are as follows:.....

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:
Clubs or lodges (noncommercial).
Community fairs.

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-199. R-12 single-family residential district.
Commencing April 4, 1996, no new applications for rezoning to the R-12 district will be accepted by the board of commissioners. The regulations for the R-12 single-family attached/detached residential district are as follows:.....

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:
Clubs or lodges (noncommercial).
Community fairs.

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-200. RD residential duplex district.

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

3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

Clubs or lodges (noncommercial).

Community fairs.

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-201. RA-4 single-family attached/detached residential district. Commencing April 4, 1996, no new applications for rezoning to the RA-4 district will be accepted by the board of commissioners. The regulations for the RA-4 single-family attached/detached residential district are as follows:.....

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:
Community fairs.

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-201.1. PRD planned residential development district.
Commencing April 14, 1999, no new applications for rezoning to the PRD planned residential development district will be accepted by the board of commissioners. The regulations for the PRD planned residential development district are as follows:.....

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

Community fairs.
Condominiums.

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-201.2. RA-5 single-family attached/detached residential district.
The regulations for the RA-5 single-family attached/detached residential district are as follows:.....

3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:
Community fairs.

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-202. - RA-6 single-family attached/detached residential district.

~~Commencing April 4, 1996, no new applications for rezoning to the RA-6 district will be accepted by the board of commissioners.~~ The regulations for the RA-6 single-family attached/detached residential district are as follows:

(1)

Purpose and intent. The RA-6 district is established to provide locations for the development of affordable single-family detached or attached residential dwelling units including the combination of duplexes, triplexes and quadruplexes. The dwelling units are to be designed so as to be placed on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall. This residential use is designed to be located within ~~or on the edge of properties delineated for low and medium density residential categories~~ a Regional Activity Center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the RA-6 district they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:
Community fairs.

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-204. RM-8 residential multifamily district.

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

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

Community fairs.

Condominiums (attached and detached).

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-205. FST fee simple townhouse residential district.

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

3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:
Community fairs.

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

Sec. 134-206. RM-12 residential multifamily district.

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

3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

Community fairs.

Condominiums (attached and detached).

Cottage Food Operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the Cottage Food Operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc. limited to one per week by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No Cottage Food Products prepared by the Cottage Food Operator may be picked up by a commercial carrier.
4. There shall be no employees unless approved by the Board of Commissioners in accordance with 134-36 of the Cobb County Code.

Customary home occupations.....

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

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

3. Being regarded as having such an impairment.

However, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.....

~~e. Light automotive repair establishment means an indoor repair establishment (no outside storage) for performing light auto and small truck repair (under one ton) such as brake repair, oil changes, lubrication, transmission repair, installation of belts and hoses, inspections and the like, with a maximum size of 8,000 square feet.~~

e. Light automotive repair establishment means an indoor repair establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing light auto and small truck repair and maintenance (under one ton) such as brakes, oil changes, lubrication, transmission, belts, hoses, inspections, tire mounting and installation and the like. Activities such as battery replacement, light bulb changes, wiper blade replacement, "check engine light" diagnostics, or other minor things done complimentary and the like may be done outside of a retail automotive parts store with non-powered hand tools.....

~~f. Neighborhood retail uses means commonly found low scale and low intensity retail uses, with square footages as defined in the use limitations section (11) of this district, that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as the following: auto parts store, antique shop, appliance store (home use), bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstores), bridal shop, camera shop, china and pottery store, clothing store, dance studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore, hardware store, dry goods store, florist, furniture store, gifts and stationery store, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store.~~

f. Neighborhood retail uses means commonly found low scale and low intensity retail uses (with square footages in accordance with the use limitations established within the individual zoning districts of this chapter) that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as, but not limited to, an auto parts store, antique shop, appliance store (home use), bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstore), bridal shop, camera shop, china and pottery store, clothing store, dance studio, martial arts, pilates, yoga and the like studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore, hardware store, dry goods store, florist, furniture store, gifts and stationery store, gym and fitness facility, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, pet store and pet supply store, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store.

g. Nonautomotive repair uses means commonly found low intensity repair shops such as jewelry, camera, home appliance, television and videocassette recorder repair shops.....

Sec. 134-218. CRC community retail commercial district.

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

c. Community fair means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.....

~~d. Community retail uses means commonly found low scale and low intensity retail uses that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as the following: auto parts store, antique shop, appliance store (home use), bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstores), bridal shop, camera shop, china and pottery store, clothing store, dance studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore, dry goods store, florist, furniture store, gifts and stationery store, hardware store, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store. The maximum size for any community retail use shall be 140,000 square feet, including temporary space, outdoor garden centers and the like.~~

d. Community retail uses means commonly found low scale and low intensity retail uses that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as the following: auto parts store, antique shop, appliance store (home use), bakery, barber shop or beauty shop, beverage shop, bookstore (but not including adult bookstores), bridal shop, camera shop, china and pottery store, clothing store, dance studio, martial arts, pet store and pet supply store, pilates, yoga and the like studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drug store, dry goods store, florist, furniture store, gifts and stationery store, gym and fitness facility, hardware store, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store. The maximum size for any community retail use shall be 140,000 square feet, including temporary space, outdoor garden centers and the like.

3. Being regarded as having such an impairment.

However, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.....

~~h. Light automotive repair establishment means an indoor repair establishment (no outside storage) for performing light auto and small truck repair (under one ton) such as brake repair, oil changes, lubrication, transmission repair, installation of belts and hoses, inspections and the like.~~

h. Light automotive repair establishment means an indoor repair establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing light auto and small truck repair and maintenance (under one ton) such as brakes, oil changes, lubrication, transmission, belts, hoses, inspections, tire mounting and installation and the like. Activities such as battery replacement, light bulb changes, wiper blade replacement, "check engine light" diagnostics, or other minor things done complimentary and the like may be done outside of a retail automotive parts store with non-powered hand tools.....

i. Nonautomotive repair uses means commonly found low intensity repair shops such as jewelry, camera, home appliance, television and videocassette recorder repair shops.....

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:.....

k. Heavy automotive repair establishment means an indoor/outdoor repair establishment for performing automotive and truck repair, including engine and transmission overhauls.....

~~l. Light automotive repair establishment means an indoor repair establishment (no outside storage) for performing light auto and small truck repair (under one ton) such as brake repair, oil changes, lubrication, transmission repair, installation of belts and hoses, inspections and the like.~~

l. Light automotive repair establishment means an indoor repair establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing light auto and small truck repair and maintenance (under one ton) such as brakes, oil changes, lubrication, transmission, belts, hoses, inspections, tire mounting and installation and the like. Activities such as battery replacement, light bulb changes, wiper blade replacement, "check engine light" diagnostics, or other minor things done complimentary and the like may be done outside of a retail automotive parts store with non-powered hand tools.....

m. Nonautomotive repair uses means commonly found low intensity repair shops such as jewelry, camera, home appliance, television and videocassette recorder repair shops.....

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

3. Being regarded as having such an impairment.
However, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.....

~~g. Light automotive repair establishment means an indoor repair establishment (no outside storage) for performing light auto and small truck repair (under one ton) such as brake repair, oil changes, lubrication, transmission repair, installation of belts and hoses, inspections and the like.~~

e. Light automotive repair establishment means an indoor repair establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing light auto and small truck repair and maintenance (under one ton) such as brakes, oil changes, lubrication, transmission, belts, hoses, inspections, tire mounting and installation and the like. Activities such as battery replacement, light bulb changes, wiper blade replacement, "check engine light" diagnostics, or other minor things done complimentary and the like may be done outside of a retail automotive parts store with non-powered hand tools.....

h. Nonautomotive repair uses means commonly found low intensity repair shops such as jewelry, camera, home appliance, television and videocassette recorder repair shops.....

134.275.1 Military Airport Hazard District

(1) Intent and Purpose.

The Military Airport Hazard District is established to contribute to the safe operation of Dobbins Air Reserve Base (ARB), to facilitate orderly development around the airfield, to protect property values, and to control and minimize noise and potential accident impacts on the surrounding areas of Cobb County and the City of Marietta. The Military Airport Hazard District promotes development patterns which are appropriate for the airfield vicinity and protect the public's safety and welfare by limiting land uses near the airport which require or generate large concentrations of individuals. The boundaries, contained herein are taken directly from the 2011 Air Installation Compatible Use Zone Study at Dobbins Air Reserve Base conducted by the United States Air Force.

(2) Applicability.

Properties subject to the Military Airport Hazard District provisions and the specific land use controls encumbering those properties shall be referenced as an overlay on the Official Zoning Map of Cobb County and contained in the Cobb County Comprehensive Plan and known as airport impact zones. The Military Airport Hazard District regulates and recommends uses for the affected properties within the accident potential and noise zones depicted on the maps and shall be considered complementary of any other zoning district standards. Properties located within the Military Airport Hazard District and seek to develop after the adoption of this ordinance are subject to the rules and regulations set by this ordinance.

(3) Definitions

Definitions and acronyms. The following words, words and phrases, when used in this section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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

Accident Potential Zone I - This is a airport impact zone area extending outward from the Clear Zone an additional 5,000 ft. by 3,000 ft. (the runway centerline is the midpoint for the width) presenting a risk of aircraft accident less than the Clear Zone but greater than APZII; thereby, extra protection is

required. Accident Potential Zone I includes all land encompassed within the area designated APZ I on the Official Zoning Map of Cobb County.

Accident Potential Zone II - This is an airport impact zone area extending outward from Accident Potential Zone I an additional 7,000 ft. by 3,000 ft. (the runway centerline is the midpoint for the width) presenting a risk of accident less than both the Clear Zone and Accident Potential Zone I, but a measurable risk nonetheless; thereby, extra protection is required. Accident Potential Zone II includes all lands encompassed within the area designated APZ II on the Official Zoning Map of Cobb County.

Airport manager means the administrative representative of each airport.

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

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

Clear Zone - This is a airport impact zone area starting at the end of the runway and extending outward 3,000 ft. by 3,000 ft. (the runway centerline is the midpoint for the width), presenting the greatest accident risk of all the designated accident potential zones; thereby, extra protection is required The Clear Zone includes all lands encompassed within the area designated CZ on the Official Zoning Map of Cobb County.

DBA – the "A" weighting in noise measurements (an official method of measuring sound per industry accepted standards) that assists in determining acceptable noise levels

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

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

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

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

Noise Contour 1 – This is a depiction of an area that has a day night average sound level of between 65 and 69 DBAs.

Noise Contour II – This is a depiction of an area that has a day night average sound level of between 70 and 74 DBAs.

Noise Contour III – This is a depiction of an area that has a day night average sound level of between 75 and 79 DBAs.

Nonconforming use means any structure, natural growth or use of land which does not conform to a regulation prescribed in this chapter or an amendment thereto, as of the effective date of such regulations.

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

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

Runway elevation means an elevation as measured by mean sea level. Height limitations established herein will be measured against the closest runway and its mean sea level. Runway elevations are documented in the airport's master plan.

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

(4) Permitted Uses.

1. Three primary determinants are used in promoting compatibility between the airfield and nearby areas: accident potential to land users, aircraft noise, and hazards to operations from land uses (height, obstructions, etc.). The Military Airport Hazard District establishes use restrictions, recommended noise reduction measures, and height limitations as necessary to produce compatible land uses in each of these three areas: Clear Zones, Accident Potential Zone I, Accident Potential Zone II. No development in a accident potential zone shall be approved unless in accordance with the requirements of this section, including the Land Use Compatibility Standards Chart.
2. Land use zoning recommendations. Land use zoning recommendations prescribes land uses and zoning designations that are deemed compatible within the airport operations areas, as shown on the airport impact zones land use maps. The Land Use Compatibility Standards Table presents recommended conforming land uses within each airport impact zone and noise contour. If there is a conflict between an airport impact zone and a noise contour area recommendation, the more restrictive regulation shall control. The Board of Commissioners may use the Future Land Use map designations and this code to determine appropriate density and intensity of land uses in order to protect individual property owners and Dobbins Air Reserve Base.

<u>Land Use Compatibility Standards</u>						
	<u>Clear Zone</u>	<u>APZ I</u>	<u>APZ II</u>	<u>Noise Contour 1</u>	<u>Noise Contour 2</u>	<u>Noise Contour 3</u>
<u>Residential</u>	<u>N</u>	<u>N</u>	<u>Y²</u>	<u>Y¹</u>	<u>Y¹</u>	<u>N</u>
<u>Commercial</u>	<u>N</u>	<u>N</u>	<u>Y²</u>	<u>Y</u>	<u>Y¹</u>	<u>Y¹</u>
<u>Industrial</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y¹</u>	<u>Y¹</u>
<u>Schools/Institutions</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y¹</u>	<u>N</u>	<u>N</u>
<u>Day Care Center</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y¹</u>	<u>N</u>	<u>N</u>
<u>Place or Worship</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y¹</u>	<u>Y¹</u>	<u>N</u>
<u>Parks/Open Space</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>
<u>Passive Park</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>

<u>Nursing Home</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y¹</u>	<u>Y¹</u>	<u>N</u>
<u>Hospital</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y¹</u>	<u>Y¹</u>	<u>N</u>
<u>Solid Waste Landfill</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

Legend:

Y – a use is compatible

N – a use is not compatible

Y¹ – a use is compatible if noise reduction measures are required in construction

Y² – density and intensity of land uses should reviewed for compatibility with operations at Dobbins Air Reserve Base on a case by case basis.

3. Land uses not specifically listed in the Land Use Compatibility Standards Table shall be governed by the standards applicable to the land use most similar to the proposed use.
4. Generally, notwithstanding, any other provisions of this chapter, no use may be made of land within the zones listed in this section in such a manner as to create electrical interference with radio communication between the Airport and any aircraft, make it difficult for flyers to distinguish between airfield lights and other lights, result in glare in the eyes of flyers using the airfield, impair visibility in the vicinity of the airfield attract birds, or otherwise endanger the landing, takeoff, or maneuvering of any aircraft.
5. The Community Development Agency shall notify any person submitting a building permit application, application for rezoning or variance, or an application for Land Use Permit or Special Land Use Permit if the property in question is within the Clear Zone, or APZ I or APZ II.
6. The Community Development Agency shall notify Dobbins Air Reserve Base if an application for a rezoning, variance, land use permit or special land use permit is submitted for consideration. This provides the Commander of Dobbins ARB, or his/her designee with an opportunity to provide an official response.
7. The Cobb County Department of Transportation shall notify the FAA when a rezoning, variance, land use permit or special land use permit is

submitted for consideration. This provides the FAA with an opportunity to provide an official response.

(5) Height zoning.

Height limitation zoning applies to structures and natural growth objects within the airspace as defined by the Federal Aviation Regulations Part 77 Airspace Surfaces and TERPS.

1. Construction or alteration requiring notice to the FAA. Except for construction less than 25 feet AGL or as provided in FAR Part 77.15, any construction or alteration that meets or exceeds the height criteria established in FAR Part 77.13 as amended from time to time, shall complete the FAA notification process as provided in FAR Part 77.17 as amended from time to time, using the FAA Notice of Proposed Construction or Alteration form 7460-1 as amended from time to time.
2. Height limitation. The Military Airport Hazard District Ordinance does not preclude approval of obstructions to air navigation with heights in excess of those height limitations prescribed in FAR Part 77 and/or TERPS, if either of the following is met:
 - a. A determination of "No Hazard to Air Navigation" is issued from a FAA Airspace Study resulting from the Notice Requirement of FAR part 77.17 and the Airport Manager supports the determination; or
 - b. A variance application may be considered by the Board of Zoning Appeals, when such action is considered advisable to effectuate the purposes of this section and reasonable in the circumstances when considering the results of the determination of an FAA Airspace Study and the input from the Airport Manager.

(6) Permits.

Any building permit or business license application submitted for properties within the Military Airport Hazard District shall be reviewed by the Community Development Agency to determine whether it meets the standards set forth in this code. Those applications which do not meet these criteria shall be required to seek a variance from the Board of Zoning Appeals.

1. No permit shall be granted by the Community Development Agency that would allow the establishment of a flight hazard or use not authorized by this ordinance or permit a non-conforming use, structure, or natural growth to become higher, or become a greater hazard to air navigation or become less compatible in use than it was on the effective date of this ordinance
2. Before any existing use or structure within any portion of the Military Airport Hazard District may be altered in such a manner as to increase its base height, a letter from Dobbins Air Reserve Base is required. The letter should state that the Air Base does not object to the alteration of the height limit.

(7) Existing nonconforming uses or heights.

This section shall not be construed to require the removal, lowering, change or alteration of any previously approved nonconforming use or structure, or otherwise interfere with the continuance of any previously approved nonconforming use or structure, except as otherwise provided by this section, including those previously approved nonconforming uses or structures under construction.

1. Nothing in this section shall contradict the limitations placed on nonconforming uses of a building, structure or land as described in section 134-31 of the county ordinances, nonconforming uses.
2. Notwithstanding the preceding subsection, this section shall provide the right to require the owner of any existing nonconforming structure to mark and/or light any structure as deemed necessary by Cobb County.
3. Notwithstanding the preceding subsection, no existing nonconforming natural growth may become higher, or become a greater hazard to air navigation than it was on the effective date of this ordinance.

(8) Conflicting regulations.

In case of conflict between the regulations of this chapter and other regulations, unless otherwise stated, the more stringent regulations shall control.

Sec. 134-278. Erection, installation and use of factory-built buildings and dwelling units and manufactured homes.

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

(g) Steel shipping containers. Steel shipping containers or the like shall not be used for or converted to a dwelling unit, other living space or storage space in residentially zoned districts.

(h) Portable Storage Units

1. Only one portable storage unit may be placed on a residential property.
2. A portable storage unit or similar enclosure shall only be placed on a driveway which is a hardened surface and shall be located at the furthest point away from the street.

3. A portable storage unit or similar enclosure is limited to 30 days on a property during any consecutive 365 day period beginning on the date of the placement of the unit.

4. In cases where there is an active building permit to significantly perform a major remodel to an existing home or to construct a new home the portable storage unit or similar enclosure may be placed on the property as long as there is an active building permit and work is progressing to the satisfaction of the Building Official. In no event will the storage unit be allowed to remain over 180 days. At the time of issuance of a Certificate of Occupancy or Letter of Completion the removal of the storage unit will be required within 5 days after the issuance date.

5. In cases where a hardship can be demonstrated, the Director of Community Development may grant an extension on a property for 30 days. Additional 30 day periods may be granted by request. A hardship may be caused by an accidental or unintentional fire, flood or natural disaster that creates a need for additional time for the unit to be on the property. The applicant for the extension bears the burden of proof to document and demonstrate, in writing, to the Director the basis for the required extension.

(Ord. of 2-25-86; Ord. of 12-11-90, § 3-28-17.4; Ord. of 2-26-08; Amd. of 2-23-10; Ord. of 7-27-10; Ord. of 2-28-12)

ARTICLE VI. SIGNS

DIVISION 1. GENERALLY

Sec. 134-311. 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:

Animated illumination or effects means.....

Real estate marketing sign means a temporary real estate sign located at the entrance to a subdivision/real estate development that shows the name of the project or development, name and phone number of real estate agent or agency that is handling the listing or sales, price range and hours of sales, and not to exceed 16 square feet in area.

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

Roof sign means a sign erected, constructed or maintained above the roof of any building. The sign or copy area shall not extend beyond the pitch boundaries or extremities of the roof line. The sign shall be mounted flush as depicted in the illustrations below. Square footage is to be calculated the same as wall signage. Permit applications shall be accompanied by a site plan which shall be stamped by a registered engineer or architect as to dimensions, above requirements and structural integrity.

Sec. 134-313. General regulations.

(a) Applicability.

(p) Prohibited signs. The following signs are prohibited in any zoning district in the unincorporated areas of the county:

(1) Banners and streamers,.....

(12) Signs which advertise an activity which is illegal under the laws of the state, federal laws or regulations, or any county ordinance.

(13) Signs or advertising devices attached to any vehicle or trailer parked so as to be visible from a public right-of-way for the purpose of providing advertisements of products, services or events or directing people to a business or activity, except for a common carrier or other vehicle which is used for daily transportation with a valid license plate. Any allowable vehicle or common carrier having a sign attached thereto as a part of the operational structure of the vehicle is to be parked in a legal parking space a minimum of 50 feet off the right of way and in a space rented, leased or belonging to the business or on the property to which the sign makes reference. Any vehicle or common carrier having directional arrows directing public attention to the location of the business on any portion of the vehicle is prohibited. No signs on trailers or other nonmotorized vehicles will be allowed under this subsection.

(14) Signs placed in parking spaces which are required to meet the minimum parking requirements.....

Sec. 134-191. Summary of bulk regulations.

TABLE INSET:

District	Designation	Min. Lot Area	Min./Max Acreage Required	Units per Acre/ Max. FAR	Min. Floor Area (sq. ft.)	Min. Lot Width at Front Setback	Minimum Front Yard Setback ¹			Major Side Yard ²	Min. Side Yard ³	Min. Rear Yard ⁴	Max. Coverage (%)	Max. Height	
							Arterial	Collector	Local						
Rural Residential	RR	40,000 sq. ft.	N/A	1.0 avg.	1,050	100 ft.	50 ft.	50 ft.	50 ft.	25 or 35 ft.	25 ft.	35 ft.	25%	35 ft.	
Single-Family Detached:															
2 acres	R-80	80,000 sq. ft.	N/A	0.5 avg.	1,600	75/70* ft.	60 ft.	60 ft.	60 ft.	25 or 35 ft.	25 ft.	50 ft.	25%	35 ft.	
1 acre	R-40	40,000 sq. ft.	N/A	1.0 avg.	1,450	75/50* ft.	50 ft.	50 ft.	50 ft.	25 or 35 ft.	15 ft.	40 ft.	25% ← 30%	35 ft.	
3/4 acre	R-30	30,000 sq. ft.	N/A	1.1 avg.	1,350	75/50* ft.	50 ft.	50 ft.	50 ft.	25 or 35 ft.	12 ft.	40 ft.	25% ← 35%	35 ft.	
1/2 acre	R-20	20,000 sq. ft.	N/A	1.75 avg.	1,200	75/50* ft.	40 ft.	40 ft.	40 ft.	25 or 35 ft.	10 ft.	35 ft.	35%	35 ft.	
1/3 acre	R-15	15,000 sq. ft.	N/A	2.1 avg.	1,150	75/50* ft.	40 ft.	40 ft.	40 ft.	25 or 35 ft.	10 ft.	30 ft.	35%	35 ft.	
1/3.5 acre	R-12°	12,000 sq. ft.	12,000 sq. ft./20 ac.	3.0 avg.	1,000	75/50* ft.	40 ft.	40 ft.	40 ft.	15 or 25 ft.	20† or 5**5 ft.	40† or 20** ft.	35%	35 ft.	
	PRD=°°	See District Regulations. Commencing April 14, 1999, no new applications for rezoning will be accepted by the board of commissioners (Ordinance of April 13, 1999)													
	OSC Overlay	See District Regulations													
Single-Family, Attached or Detached: (If single-family residences are attached, there must be thirty (30) feet between end units)															
Cluster Residential	RA-6°	6,200 sq. ft.	80,000 sq. ft./20 ac.	max. of 6 u.p.a.	950	70/50* ft.	50 ft.	50 ft.	50 ft.	40/20** ft.	20 or 35 ft.	20† or 5** ft.	40†/30** ft.	45%	35 ft.
Cluster Residential	RA-5=	7,000 sq. ft.	80,000 sq. ft./20 ac.	max. of 5 u.p.a.	950	70/50* ft.	50 ft.	50 ft.	50 ft.	40/20** ft.	20, 25 or 35 ft.	20†/ 5** ft.	40†/30** ft.	40%	35 ft.
Cluster Residential	RA-4°	8,400 sq. ft.	80,000 sq. ft./20 ac.	max. of 4 u.p.a.	950	70/50* ft.	50 ft.	50 ft.	50 ft.	40/20** ft.	20, 25 or 35 ft.	20†/ 5** ft.	40†/30** ft.	40%	35 ft.
Other Residential															
Residential Duplex	RD	20,000 sq. ft.	N/A	max. of 4 u.p.a.	700/unit	75/50* ft.	50 ft.	50 ft.	50 ft.	35 ft.	25 or 35 ft.	35†/ 10** ft.	35† or 25** ft.	35% ← 40%	2 stories 35 ft.

District	Designation	Min. Lot Area	Min./Max Acreage Required	Units per Acre/ Max. FAR	Min. Floor Area (sq. ft.)	Min. Lot Width at Front Setback	Minimum Front Yard Setback ¹			Major Side Yard ²	Min. Side Yard ³	Min. Rear Yard ⁴	Max. Coverage (%)	Max. Height		
							Arterial	Collector	Local							
Multiple-Fam (8 units per acre)	Rm-8=	80,000 sq. ft.	N/A	max. of 8 u.p.a.	1,600 2,750 3,900 E 450	75 ft.	75 ft.	50 ft.	50 ft.	35 or 25**	25 or 35 ft.	35 ft.	40 ft.	25%	4 stories 40 ft.	45%
Fee Simple Townhouse: Maximum 6 units per row	FST	80,000 sq. ft.	20 acres	max. of 10 u.p.a.	1BR-900 2BR-1,000	20/End Unit 30 ft.	50 ft.	50 ft.	35 or 25**	25 or 35 ft.	40 ft./10**/0±	35 ft or 25** ft.	36%	35 ft.	45%	
Multiple-Fam (12 units per acre)	RM-12=	80,000 sq. ft.	N/A	max. of 12 u.p.a.	1,600 2,750 3,900 E 450	75 ft.	75 ft.	50 ft.	50 ft.	35 ft.	35 ft.	35 ft.	40 ft.	35%	3 and 4 stories 40 ft.	45%
Multiple-Fam (16 units per acre)	RM-16°	80,000 sq. ft.	N/A	max. of 16 u.p.a.	1,600 2,750 3,900 E 450	75 ft.	75 ft.	50 ft.	50 ft.	35 ft.	35 or 25 ft.	35 ft.	40 ft.	35%	3 and 4 stories 40 ft.	45%
Residential Mid-Rise	RMR°	40,000 sq. ft.	N/A	33/N/A	N/A	60 ft.	75 ft.	50 ft.	50 ft.	50 ft.	35 or 25 ft.	35 ft.	40 ft.	35%	75 ft.	45%
Residential High Rise	RHR°	80,000 sq. ft.	N/A	66/N/A	N/A	60 ft.	75 ft.	50 ft.	50 ft.	25 or 35 ft.	40 ft.	40 ft.	40 ft.	FAR	to stories	45%
Mobile Home Park	MHP	See District Regulations														
Mobile Home Subdivision	MHP/S	See District Regulations														
Suburban Condominium	SC	5 acres	5 ac./20 ac.	Max. of 5. u.p.a.	N/A	75 ft.	50 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	40 ft.	55%	2 stories 35 ft.	45%
Urban Condominium	UC	N/A	10 ac.	N/A	N/A	75 ft.	50 ft.	35 ft.	35 ft.	35 ft.	35 ft.	40 ft.	55%	N/A	N/A	45%
Residential Senior Living Facilities	RSL	N/A	3 ac./N/A	50 NAC .75 CAC 2.0 RAC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2 stories--NAC CAC 4 stories--RAC	45%

District	Designation	Min. Lot Area	Min./Max Acreage Required	Units per Acre/ Max. FAR	Min. Floor Area (sq. ft.)	Min. Lot Width at Front Setback	Minimum Front Yard Setback ¹			Major Side Yard ²	Min. Side Yard ³	Min. Rear Yard ⁴	Max. Coverage (%)	Max. Height
							Arterial	Collector	Local					
Office:														
Low-Rise Office	LRO	20,000 sq. ft.	N/A	N/A	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.		
Office/Service	OS	40,000 sq. ft.	N/A	N/A	N/A	75 ft.	50 ft.	50 ft.	50 ft.	25 or 35 ft.	15 ft.	30 ft.	N/A	4 stories
Office/Institutional	OI	20,000 sq. ft.	N/A	N/A	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.	N/A	4 stories
Office Mid-Rise	OMR	40,000 sq. ft.	N/A	N/A/.75 office .25 retail	N/A	60 ft.	75 ft.	50 ft.	50 ft.	25 or 35 ft.	35 ft.	40 ft.	N/A	8 stories or 104 ft.
Office High-Rise	OHR	80,000 sq. ft.	N/A	2.0 office .25 retail	N/A	60 ft.	75 ft.	50 ft.	50 ft.	25 or 35 ft.	40 ft.	40 ft.	N/A	In excess of 9 stories requires BOC approval; 23 stories max.
Commercial														
Limited Retail Commercial	LRC	20,000 sq. ft.	N/A	N/A/.057 office	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.	N/A	35 ft.
Neighborhood Retail Commercial	NRC	20,000 sq. ft.	N/A	N/A/.5 office	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.	N/A	35 ft.
Community Retail Commercial	CRC	20,000 sq. ft.	N/A	N/A/.5 office .25 retail	N/A	75 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	10 ft.	30 ft.	N/A	50 ft.
Neighborhood Shopping	NS	20,000 sq. ft.	N/A	N/A	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.	N/A	35 ft.
Planned Shopping Center	PSC	200,000 sq. ft.	5 ac./N/A	N/A	N/A	200 ft.	100 ft.	100 ft.	---	50 ft.	50 ft.	50 ft.	N/A	75 ft.
General Commercial	GC	20,000 sq. ft.	N/A	N/A	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	10 ft.	30 ft.	N/A	4 stories
Tourist Services	TS	20,000 sq. ft.	N/A	N/A	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	10 ft.	30 ft.	N/A	4 stories

District	Designation	Min. Lot Area	Min./Max Acreage Required	Units per Acre/Max. FAR	Min. Floor Area (sq. ft.)	Min. Lot Width at Front Setback	Minimum Front Yard Setback ¹			Major Side Yard ²	Min. Side Yard ³	Min. Rear Yard ⁴	Max. Coverage (%)	Max. Height
							Arterial	Collector	Local					
Urban Village Commercial	UVC	20,000 sq. ft.	N/A	N/A	See District Regulations	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	10 ft.	30 ft.		40 ft.
Planned Village Commercial	PVC	20,000 sq. ft.	N/A	50 ac./N/A	See District Regulations	75 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.		
Industrial														
Light Industrial	LI	40,000 sq. ft.	N/A			100 ft.	75 ft.	50 ft.	50 ft.	25 or 35 ft.	20 ft.	30 ft.		4 stories
Heavy Industrial	HI	40,000 sq. ft.	N/A			150 ft.	75 ft.	50 ft.	50 ft.	25 or 35 ft.	20 ft.	40 ft.		4 stories

Explanation of Symbols

- * Distance required fronting cul-de-sac
- ** Distance if inferior portion of development (interior shall be considered the portion which does not abut an exterior property boundary)
- † Distance if not interior portion of development
- ‡ Attached units
- Commencing April 4, 1996 no new applications for rezoning will be accepted by the board of commissioners for these districts (Ordinance of February 27, 1996)
- Commencing April 14, 1999 no new applications for rezoning will be accepted by the board of commissioners (Ordinance of April 13, 1999)
- = The overall density of the development may be reduced due to the topography, drainage, deforestation or sediment and erosion concerns (Ordinance of February 27, 1996)

Notes:

1. Minimum front yard setback is measured from the future public right-of-way (see diagrams within each district for specific setback requirements)
2. Major side yard setback is measured from the future public right-of-way (see diagrams within each district for specific

4. See diagrams within each district for specific setback applications.
5. R-12 District requires 15 feet between dwellings
(Ord. of 12-26-72; Ord. of 12-11-90, § 5.0; Ord. of 10-27-92; Ord. of 2-22-94; Ord. of 9-13-94; Ord. of 10-25-94; Ord. of 2-27-96; Ord. of 6-24-97 (eff. 7-1-97); Ord. of 6-23-98; Ord. of 3-9-99; Ord. of 3-16-99; Ord. of 4-13-99; Ord. of 11-23-99; Ord. of 1-23-01; Ord. of 9-10-02)