

CODE AMENDMENTS
OFFICIAL CODE OF COBB COUNTY
PART I. - CHAPTERS 78 and 134

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Board of Commissioners Public Hearing Dates
September 27, 2016 – 7:00 pm
October 25, 2016 – 7:00 pm

Planning Commission Public Hearing Date
October 4, 2016 – 9:00 am

Cobb County Community Development
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1 **PART 1. – OFFICIAL CODE OF COBB COUNTY, GA**

2 **CHAPTER 78 – LICENSES, PERMITS, AND BUSINESSES**

3 **ARTICLE III. – SPECIAL LICENSES AND REGULATORY FEES**

4 **DIVISION 2. – PEDDLERS, DOOR-TO-DOOR SALES PERSONS AND MOBILE FOOD VENDORS**

5 **SUBDIVISION IV. - VENDING**

6
7 Section 78-120 is amended to read as follows:

8 **Sec. 78-120. Violation of this article is a misdemeanor.**

9 (a) Any person who violates Sections 78-117 to 78-121 is guilty of a misdemeanor.

10 (b) Penalties for violations of this division shall be punished as follows: as set out by Georgia law under
11 O.C.G.A §15-10-60.

12 ~~(1) First conviction. A fine of not less than \$100.00 nor more than \$1,000.00 and costs and/or~~
13 ~~imprisonment in the county jail for not more than 60 days or both.~~

14 ~~(2) Second conviction. A fine of not less than \$200.00 nor more than \$1,000.00 and costs and/or~~
15 ~~imprisonment in the county jail for not more than 60 days or both.~~

16 ~~(3) Third conviction. A fine of not less than \$500.00 nor more than \$1,000.00 and costs and/or~~
17 ~~imprisonment in the county jail for not more than 60 days or both.~~

18 ~~(4) Fourth conviction. Any person convicted of four or more violations of this article shall be subject~~
19 ~~to a fine of not less than \$1,000.00 and costs and/or imprisonment in the county jail for not~~
20 ~~more than 60 days or both. A fourth conviction shall be considered a misdemeanor of a high and~~
21 ~~aggravated nature.~~

22 ...

23
24 **DIVISION 10. ACCESSORY SPECIAL EVENT PARKING**

25 **Sec 78.406. Accessory special event parking.**

26 The following division sets forth provisions for the licensing of accessory special event parking.

27
28 Section 78-406.1 is amended to read as follows:

29 **Sec. 78-406.1 – Definitions Purpose.**

30 The purpose of this division is to promote the health, safety, and welfare of Cobb County citizens
31 and visitors and to preserve ~~promote~~ neighborhood integrity by addressing issues of traffic flow and
32 pedestrian safety that may occur when paid parking is offered by private property owners, not part of
33 the major tourist attraction, to supplement parking provided for special events ~~that occur when~~
34 ~~property is used for the parking of motor vehicles by persons attending special events.~~ The
35 establishment of a limited access zone and appropriate signs and barricades on public right-of-way
36 during special events is intended to reduce neighborhood impact, improve traffic conditions, increase
37 pedestrian safety in the area of the highest pedestrian volumes, and increase the ability of residents and
38 public safety officials to obtain neighborhood access and adequate parking. The establishment of
39 accessory special event parking license for accessory special event parking addresses private property
40 use for parking in areas that were not originally designed or licensed for special event parking; the
41 safety of persons and property; traffic problems created by payment for parking; motorized and non-
42 motorized vehicle and pedestrian traffic management; emergency vehicle and public safety access; and/or
43 litter created by operation and maintenance by a lot operator to ensure a properly administered
44 lot and adjacent area ~~a lot operator's failure to properly administer the lot and adjacent area after the~~
45 ~~special event.~~ These provisions are intended to promote the safety of area visitors, residents, and
46 businesses, and to provide a systematic approach to parking and traffic management for special events.
47 Appropriate signs, barricades on public rights-of-way, and other safety related requirements during

1 special events are intended to reduce neighborhood impacts, improve traffic conditions, increase
2 pedestrian safety in the area of the highest pedestrian volumes, and increase the ability of residents and
3 public safety officials to obtain safe neighborhood access and parking.

4
5 Section 78-406.2 is amended to read as follows:

6 **Sec. 78-406.2 – ~~Purpose-Definitions.~~**

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

9 *Accessory special event parking* means the provision of special event parking to the public for a
10 fee in a parking area that normally provides required or excess parking for a particular nonresidential
11 establishment or for parking as a primary use.

12
13 *Accessory special event parking area* means the designated area(s) to be used for accessory
14 special event parking as shown on the parking plan submitted by an applicant pursuant to Section 78-
15 406.3(d)(6).

16
17 *Accessory special event parking license* means the document issued by the Business License
18 Manager allowing the holder to provide accessory special event parking for the term of the license,
19 subject to the provisions of this Division and any additional conditions.

20
21 ~~*Limited access zone* means the streets described in this division where accessory special event~~
22 ~~parking licenses shall not be issued.~~

23
24 *Major tourist attraction* means a site of 12 acres or more devoted to a single use as an
25 amusement theme attraction, park, convention center, performing arts center, amphitheater, or
26 stadium which promotes the tourism interests of the county.

27
28 *Special event* means a event or gathering using private or public property, that draws an
29 estimated number of participants and spectators for or has the seating capacity to accommodate at
30 least two thousand (2,000) people present on any day of the event and that involves one or more of the
31 following activities:

- 32 (1) Closing of a public street;
- 33 (2) Blocking or restricting streets, sidewalks, alleys, or other public places, in whole or in part;
- 34 (3) Sale or distribution of food or beverages on streets, sidewalks, alleys, or other public places
35 or public property, or on private property pursuant to Section 6-133 or 78-117 to 78-121
36 where otherwise prohibited by ordinance;
- 37 (4) Erection or placement of a tent, utility pole, or other temporary structure on a street,
38 sidewalk, alley, or other public place;
- 39 (5) Erection or placement of a stage, bandshell, trailer, van, portable building, grandstand,
40 bleachers, or other apparatus used for entertainment purposes on public property, or on
41 private property where otherwise prohibited by ordinance; or
- 42 (6) Erection or placement of temporary signage, banners, or displays of any kind in or over a
43 public right of way, or on private property where otherwise prohibited by ordinance.

44
45 Section 78-406.3 is amended to read as follows:

46 **Sec. 78-406.3. Applicability and requirements for the issuance of an accessory special event parking**
47 **license.**

PLEASE NOTE THAT ALL CODE AMENDMENTS ARE CONSIDERED TO BE IN DRAFT FORM AND MAY BE AMENDED UNTIL FINAL APPROVAL BY THE COBB COUNTY BOARD OF COMMISSIONERS

- 1 (a) No person shall provide special event parking for a fee, including within the four-hour period before
2 the scheduled start time of the special event, and the two-hour period after the completion of the
3 special event, without an accessory special event parking license.
- 4 (b) An accessory special event parking license will only be issued ~~only where the property to be utilized~~
5 for accessory special event parking has an active, nonresidential use as the primary use or where
6 parking is the primary use. ~~to property with an active nonresidential use as the primary use of the~~
7 property. ~~An accessory special event parking license will not be issued if primary access to the~~
8 accessory special event parking area is from public right-of-way within the limited access zone.
- 9 (c) Governmental owned or controlled properties and parking lots that satisfy zoning requirements for
10 major tourist attractions are not required to obtain an accessory special event parking license. ~~The~~
11 limited access zone(s) shall be within 1/2 mile (2,640 feet) from the special event.
- 12 (d) All ~~Each~~ applicants for an accessory special event parking license shall submit an completed
13 application, available through the Community Development Agency, to the Business License Division
14 of the ~~Community Development Agency~~ at least thirty (30) days prior to the initial special event and
15 any subsequent events of the same nature. A final determination on the license shall be made
16 within fifteen (15) days of receipt of the completed application or the license is deemed granted.
17 Only completed applications will be considered. The application must contain the following:
- 18 (1) The applicant's name, address, phone number, email address, and proof of identity;
- 19 (2) A description of the primary use of the property, copies of valid occupational tax certificates for
- 20 all businesses located on the property, and an affidavit that the primary use, as set forth in the
- 21 certificate of occupancy and occupational tax certificates for the property, is an active use at the
- 22 property;
- 23 (3) The name of the property owner, address, phone number, e-mail, and evidence of payment of
- 24 property taxes;
- 25 (4) Written, notarized statement of consent from property owner for use of the property for
- 26 accessory special event parking if the applicant is not the owner;
- 27 (5) The name, address, phone number, email, and proof of identity of the person responsible for
- 28 the operation of the special event parking area, if not the owner or the applicant;
- 29 (6) A parking plan in compliance with the Cobb County Code and Development Standards
- 30 indicating the address and name of the primary use on the property, as shown on the signage
- 31 for the primary use, boundaries of the parking area, preservation of parking for the primary use,
- 32 ingress and egress locations, the parking layout (no stacking is permitted, parking must be in
- 33 existing striped parking spaces), parking sign locations, and the area on the property where
- 34 payment will be received;
- 35 (7) An impact statement detailing how the applicant's operation will mitigate potential impact on
36 roadway operations, incorporation safety features for pedestrians and addressing crime
37 prevention or any other public safety concerns relevant to this property;
- 38 (8) An application fee in the amount as approved by the board of commissioners for all accessory
- 39 special event parking license; and
- 40 (9) Evidence of any shared parking arrangements or parking agreements with any other property
- 41 owner or business and their written approval, if such an agreement exists.
- 42 (e) Only completed applications will be considered. In the event an incomplete application package is
43 received, Community Development shall notify the applicant who shall forward the missing
44 information with three (3) business days. The fifteen day approval period shall not begin until the
45 completed application package is received by Community Development.
- 46 (f) If approved, a license expires one year from the date of issuance and may be renewed only by
- 47 subsequent application.

1 (g) A license may be denied on a determination that the proposed accessory special event parking
2 would adversely affect traffic management, pedestrian safety, or public safety. ~~based on the~~
3 ~~Community Development Agency's determination that the proposed accessory special event parking~~
4 ~~would adversely impact traffic management or public safety~~ If the application for a license is denied,
5 the applicant may appeal that decision as provided in this division. In the event the license is denied
6 for this reason, the community development director shall provide notice to the applicant with the
7 reason(s) for denial and shall add, to the next available board of commissioners' meeting, an agenda
8 item for the board to consider approval of the accessory special event parking license which said
9 hearing shall be conducted in accordance with Section 78-406.6.

10 ~~(h) Licenses under this division do not authorize the use of the lots for paid parking other than for~~
11 ~~special events.~~

12
13 Section 78-406.4 is amended to read as follows:

14 **Sec. 78-406.4. Revocation Operational Requirements for Accessory Special Event Parking.**

15 By acceptance of an approved accessory special event parking license, the licensee agrees the following
16 operational requirements shall be met every time accessory special event parking is provided for the
17 public:

- 18 (a) On the day of a special event, a temporary sandwich-board sign must be displayed in the accessory
19 special event parking area near each entrance to the parking area in the location(s) shown on the
20 parking site plan. The sign copy area must be at least 18 inches high and 24 inches wide (but no
21 larger than 24 inches by 36 inches) with a maximum height from grade to the top of the sign of four
22 feet, including a parking symbol, at least 10 inches in height designated by the county, and include
23 the following wording with the blanks filled in appropriately: "Special Event Parking Lot, License #
24 ____, Parking Fee \$ ____, Operator phone # ____-____-____." The parking fee must be in a font that is at
25 least 6 inches in height. When the lot is full, the sign must be turned around to display wording
26 visible from the street that the parking lot is full. The sign is a traffic management device and a
27 display of license, so no other wording is permitted on the front of the sign. The sign must be of a
28 durable material, such as plastic, metal, wood, or like material, and must be professionally
29 fabricated and maintained in good repair. A sign permit is not required for this sign, which may be
30 displayed four hours prior to the event and removed two hours after completion of the special
31 event. The parking symbol, the wording, and the fee must be visible from the adjacent street. The
32 parking fee must remain the same throughout the day of the special event unless decreased, and
33 the amount charged for parking must not exceed the amount stated on the sign. The sign must be
34 visible on the special event parking area from the time cars are admitted for the special event
35 parking until the property has been cleaned of litter at the end of the special event.
- 36 (b) The accessory special event parking license and parking plan must be available for immediate on-site
37 inspection by county staff or public safety officials.
- 38 (c) The accessory special event parking area must be paved, striped, and lit in compliance with
39 standards prescribed by county ordinances for parking areas. Vehicles must be parked on approved
40 surfaces and in compliance with the parking plan.
- 41 (d) The accessory special event parking area must be staffed by at least two attendants, and an
42 additional attendant for each additional 100 parking spaces provided pursuant to the parking plan.
43 The attendant(s) who must be present on the accessory special event parking area from the time
44 the operator starts accepting payment on the lot for parking until the lot is full or the start of the
45 special event, whichever occurs first. A minimum of one attendant must remain on the lot at all
46 times until one hour after the end of the special event. Attendants shall guide vehicles in and out of
47 the parking area and monitor the accessory special event parking area for any unsafe activities. The

1 attendants must be easily identifiable by uniform clothing indicating that they are employed to
2 provide accessory special event parking.

3 (e) The operator must provide clean up service on parkways, parking spaces, and sidewalks to remove
4 litter, trash, junk, or other debris found throughout the accessory special event parking area. The
5 attendants must be easily identifiable by uniform clothing indicating that they are employed to
6 provide accessory special event parking. Clean up service shall be completed within two hours of
7 after the end of the special event.

8 (i) Operators of accessory special event parking shall comply with all traffic management plans for the
9 major tourist attraction.

10 (j) The accessory special event parking must be operated in compliance with this Division and any
11 conditions set forth on the accessory special event parking license.

12 (k) Where a public safety issue occurs during the operation of the accessory special event parking lot,
13 the attendant(s) shall cooperate fully with the public safety agency which shall require such actions
14 as are in the best interests of the public. Operators shall take reasonable steps necessary to
15 maintain a safe lot and assist in preventing crime.

16 The county may revoke an accessory special event parking license issued under this division for
17 violations of any provision in this division if the accessory special event parking at the location adversely
18 affects traffic management, public safety, or other good cause; for making any material false
19 representation in an application for an accessory special event parking license; or if the primary use
20 ceases to operate. In the event of revocation, the procedures for appeal set out in this division apply
21 commencing with the date of revocation notice is provided to the applicant.

22
23 Section 78-406.5 is amended to read as follows:

24 **Sec. 78-406.5. Procedures for appeal of denial or revocation of an accessory special event parking**
25 **license Revocation.**

26 (a) The Community Development director may revoke an accessory special event parking license issued
27 under this division based on any material false representation in an application for an accessory
28 special event parking license; for violation of any provision in this division; if, in the opinion of public
29 safety officials, accessory special event parking operators allow unsafe areas or crimes against
30 persons; if, in the opinion of public safety officials, the operation of the accessory special event
31 parking area adversely affects traffic management or public safety; if the primary use ceases to
32 operate; or other good cause.

33 (b) Revocation notice shall be issued in accord with the following:

34 (1) Prior to the revocation of any accessory special event parking license, the community
35 development director shall provide notice to the applicant detailing the violation(s);

36 (2) The licensee shall have fifteen (15) days to address and correct the violation(s);

37 (3) Failure to correct the violation(s) within the required timeframe and communicate such
38 correction to the community development director shall result in a written notice of revocation
39 being issued to the licensee.

40 (c) Any licensee whose license is revoked may, within ten (10) days of the date of written notice, file a
41 written appeal with the community development agency director. The community development
42 director shall schedule an appeal hearing at the next available board of commissioners' meeting
43 which said hearing shall be conducted in accordance with Section 78-406.6.

44 (d) Any appeal filed pursuant to this section shall state succinctly the grounds upon which it is asserted
45 that the determination should be modified or reversed and shall be accompanied by copies of the
46 permit application, the written notice of the determination of the county, and any other
47 documents material to the determination.

1 Section 78-406.6 is amended to read as follows:

2 **Sec. 78-406.6. Board of commissioners hearing procedures.**

3 The hearing held pursuant to this division shall be as informal as compatible with justice, the hearing
4 shall be expedited and normally shall not exceed 30 minutes in length, and the following procedures
5 shall prevail:

- 6 a. The reasons for Community Development not issuing a license or an existing license being revoked
7 shall be read. In the case of a revocation, the response from licensee shall also be read.
8 b. The county representative shall present evidence, and then the applicant/licensee shall present his
9 or her evidence with opportunity for each party to present rebuttal evidence, examination and cross
10 examination of witnesses, and questioning by the board of commissioners. No evidence shall be
11 presented which is not relevant to the charges.
12 c. After the hearing under this section the board of commissioners may take any of the following
13 actions: approve, approve with conditions in addition to those required by this division, or deny the
14 issuance of an accessory special event parking license. In the case of revocation hearing, the board
15 of commissioners may take any of the following actions: uphold, modify, or reverse the decision of
16 the community development agency director.
17

18 The Official Code of Cobb County, Georgia, is amended by adding an Article numbered Chapter 78,
19 Article III, Division 10, Section 78-406.7 to 78-408.9 to read as follows:

20 **Sec. 78-406.7. Appeal of a decision of the board of commissioners.**

21 If a hearing occurred before the board of commissioners, such decision is final unless appeal is made to
22 the superior court of the county. Any aggrieved party may appeal a decision of the board of
23 commissioners by filing a petition for writ of certiorari to the superior court within 30 days of the
24 decision of the board of commissioners. For the purpose of this section, the appeal time shall run from
25 the day the particular vote or action is taken

26 **Sec. 78-406.8. Offenses.**

- 27 (a) It shall be unlawful to:
28 (1) Submit false documents, or otherwise make false statements of a material fact on an application
29 for any license submitted under this division;
30 (2) Provide special event parking for any vehicle during a special event in violation of this division;
31 (3) Violate any other provision of this division.
32 (b) Public safety officials may block access from the public right-of-way to any accessory special event
33 parking area that has not obtained the necessary license or to a licensed accessory special event
34 parking area that poses a public safety hazard, in the sole discretion of the public safety officer for
35 the best interests of the public.
36 (c) In the prosecution of an offense under this division, it is presumed that the property owner and
37 applicant for the accessory special event parking license, and the responsible person named on the
38 application for the operation of the special event parking area, are jointly and severally responsible
39 for violations of this division and for compliance with this division in the operation of the accessory
40 special event parking area.
41

42 **Sec. 78-406.9. Penalties.**

43 A violation of this chapter shall be punishable as provided in Section 1-10.

44 ~~(a) Review by Administrator~~

- 45 ~~(1) Any applicant who is denied an accessory special event parking license, or person whose~~
46 ~~license is revoked (an "appellant") may, within ten (10) days of the service of notice of such~~

determination, file a written appeal from such determination with the Community Development Agency Director.

~~(2) The Community Development Agency Director shall have ten (10) days from the date on which the appeal was received in which to provide appellant a written notice that the decision was affirmed, modified, or reversed. The notice to the appellant shall be deemed served upon the appellant when it is personally delivered or when it is sent by regular mail and certified mail by the United States Postal Service, to the name and address set for on the application for permit.~~

~~(3) A decision by the Community Development Agency Director adverse to the applicant can be appealed by the applicant for a show cause hearing with the board of commissioners. The applicant will need to file a written appeal within ten (10) days of the service of notice of such determination with the County Clerk or within ten (10) days plus three (3) days for mailing from when the notice is sent to the applicant by regular and certified mail.~~

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

~~d. The charges and specifications against the licensee and the response as filed by the licensee shall be read.~~

~~e. The county representative shall present evidence, and then the licensee shall present his evidence, with opportunity for each party to present rebuttal evidence, examination and cross-examination of witnesses, and interrogation by the board of commissioners. No evidence shall be presented which is not relevant to the charges.~~

~~f. After the hearing under this section the board of commissioners shall uphold, modify, or reverse the decision of the Community Development Agency Director.~~

~~(5) Any appeals filed pursuant to this division shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the permit application, the written notice of the determination of the county, and any other papers or material to the determination.~~

~~(b) Any further judicial review shall be in accordance with law.~~

~~Sec. 78-406.6. Offenses.~~

~~(d) It shall be unlawful to:~~

~~(1) Submit false documents, or otherwise makes false statements of a material fact on an application for any license submitted under this division;~~

~~(2) Provide special event parking for any vehicle during a special event in violation of this division;~~

~~(3) Each vehicle charged a fee for parking on a parking area during a special event in violation of this division constituted a separate offense; and/or~~

~~(4) Violate any other provision of this division.~~

~~(e) In the prosecution of an offense under this division, it is presumed that:~~

~~(1) The property owner, applicant for the accessory special event parking license, and the responsible person named on the application for the operation of the special event parking area, are jointly and severally responsible for parking violations under this division and for compliance with this division in the operation of the accessory special event parking area; and~~

~~(2) All vehicles parked on property during a special event have been charged a fee for parking during the special event.~~

~~Sec. 78-406.7. Violation.~~

~~(c) Any person who violates this division is guilty of a misdemeanor.~~

~~(d) Penalties for violations of this division shall be as follows:~~

- 1 ~~(5) First conviction. A fine of not less than \$100.00 nor more than \$1,000.00 and costs and/or~~
2 ~~imprisonment in the county jail for not more than 60 days or both.~~
3 ~~(6) Second conviction. A fine of not less than \$200.00 nor more than \$1,000.00 and costs and/or~~
4 ~~imprisonment in the county jail for not more than 60 days or both.~~
5 ~~(7) Third conviction. A fine of not less than \$500.00 nor more than \$1,000.00 and costs and/or~~
6 ~~imprisonment in the county jail for not more than 60 days or both.~~
7 ~~(8) Fourth conviction. Any person convicted of four or more violations of this article shall be subject~~
8 ~~to a fine of not less than \$1,000.00 and costs and/or imprisonment in the county jail for not~~
9 ~~more than 60 days or both. A fourth conviction shall be considered a misdemeanor of a high and~~
10 ~~aggravated nature.~~
11 ~~(c) Public safety officials may block access from the public right-of-way to any accessory special event~~
12 ~~parking area that has not obtained the necessary license or to a licensed accessory special event~~
13 ~~parking area that poses a public safety hazard, in the sole discretion of the public safety officer.~~
14

15 CHAPTER 134 – ZONING

16 ARTICLE VI. – SIGNS

17 DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

18 Subdivision II. - Permit

19
20 Section 134-375, is amended to read as follows:

21 **Sec. 134-375. - Fees.**

22 The application for a permit shall be accompanied by the appropriate permit fee as established by the
23 board of commissioners from time to time. The board of commissioners may by amendment to this
24 article establish any other fees, or amend fees set by this article. The sign permit fees shall be:

- 25 (1) Temporary banner permits shall be \$25.00 each.
26 (2) Renewal fee for existing off-premises signs shall be ~~\$50.00~~ \$75.00 per face.
27 (3) Wall signs, freestanding signs, panel changes, or any other sign not covered under [subsections]
28 (1) and (2) of this section shall be ~~\$50.00 for up to the first \$1,000.00 of sign construction cost,~~
29 ~~plus one percent of the sign construction cost exceeding the initial \$1,000.00 cost~~ \$50.00 for up
30 to the first 50 square feet, \$100.00 for signs between 51 feet to 100 square feet, \$200.00 for
31 signs between 101 square feet to 150 square feet, \$300.00 for signs over 151 square feet.
32 Additionally, double faced (two-sided) signs are an additional \$0.75 per square foot for the
33 second side of the sign.
34 (4) Any person, company or entity who commences work on a sign before obtaining the
35 necessary permits, or exceeds the scope of work authorized by the necessary permits, shall be
36 subject to a penalty fee equal to the required permit fees. The penalty fee shall be paid in
37 addition to the required permit fee. The penalty fee shall not to exceed \$1,000.00.
38