

Proposed Amendments  
Official Code of Cobb County  
Chapters 2 of Part II, 2, 6, 18, 38, 62, 106, 118, 126 and 134  
Public Hearing Dates  
January 24, 2012 – 7:00 pm  
February 14, 2012 (Transmit Planning Commission Recommendation) – 9:00 am  
February 28, 2012 – 7:00 pm  
Draft Amendment Package 2

Cobb County Community Development  
P.O. Box 649  
Marietta, GA 30061  
[www.cobbcounty.org](http://www.cobbcounty.org)

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Part II \_\_\_\_\_ State Enabling Legislation  
Chapter 2 Administration  
Article II Board of Commissioners

2-26 ~~Use of Voting Machines~~ Reserved

~~If, in the opinion of the ordinary [now probate judge] of Cobb County, it is practicable to hold any election, whether the same be a referendum, special or general election, provided for by this article by use of voting machines, the ordinary is authorized to hold such elections or all or any such elections by means of voting machines in accordance with the provisions of the act of the general assembly approved March 28, 1947 (1947 Ga. Laws, page 1203), as amended [now provided in O.C.G.A. § 21-2-321, derived from 1964 Ga. Laws (Ex. Sess.), pages 26, 104].~~

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Note: Remove entire section based on O.C.G.A. § 21-2-300 stating that the equipment used for casting and counting votes in county, state, and federal elections shall be the same in each county in this state and State Election Board Rule 183-1-12-.01 mandating the use of direct recording electronic voting units for in-person voting and optical scan ballots for absentee voting.

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Part II \_\_\_\_\_ State Enabling Legislation  
Chapter 2 Administration  
Article II Board of Commissioners

2-27 Recall Reserved

~~The chairman or any commissioner shall be subject to a recall election at any time after nine months of his term has expired. In the case of the chairman, the petition for any such recall election must be signed by not less than 25 percent of the qualified registered voters of said county and shall be filed in the office of the ordinary of said county. In the case of a commissioner, the petition for any such recall election must be signed by not less than 25 percent of the qualified registered voters of the district from which such commissioner was elected and shall be filed in the office of the ordinary of the county. No such petition shall be filed with the ordinary, however, unless there is attached thereto a certificate executed by the registrar or deputy registrar having charge of voters' registration cards in Cobb County certifying that the names appearing on said petition have been verified by comparison with the list of qualified registered voters maintained by him, and that the names appearing thereon constitute enough voters for the recall election. Such certificate shall be furnished by said registrar or deputy registrar within 30 days from the date such petition is presented to him for certification. When such certified petition has been so filed with the ordinary, it shall be his duty to call an election to be held not more than 30 days from the date of filing of such petition with him, and to fix the date thereof, and cause notice thereof to be published in the county gazette at least twice before each such election. The ballots or voting machines employed in such election shall state the name of the officer whose recall has been petitioned, the office which he holds, and the dates of the beginning and termination of his official term and shall be prepared so as to enable voters in such election to vote "For recall of the above named officer" or "Against recall of the above named officer." The ordinary shall forthwith publish the results of such election, and if a majority of those voting in such election have voted in favor of recall, the office in question shall be vacated from the date of such publication, and the officer so recalled shall not be eligible to election or appointment to the unexpired term. If a majority of those voting in such election vote against recall, the official shall retain his office. Vacancies created by a recall election shall be filled in the same manner as herein provided for the filling of other vacancies. No officer subject to the provisions of this section shall be subject to more than one recall election during a term of office.~~

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~~(1964 Ga. Laws (Ex. Sess.) (Act No. 22), page 2075, § 6; 1973 Ga. Laws (Act No. 533), page 3120, § 1)~~

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Editor's note— All references in the above section to the ordinary were changed to judge of the probate court by Ga. Const. (1976), art. VI, § VI, ¶ IV.

Note: Remove entire section based on O.C.G.A. § 21-4-2 repealing all local recall laws and prohibiting the future enactment of any local recall laws.

### 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:

- (1) Chapter 18, article II (permits required);
  - (2) Chapter 18, article VI (housing code);
  - (3) Chapter 18, article VII (mechanical code);
  - (4) Chapter 18, article VIII (one and two family dwelling code);
  - (5) Chapter 18, article XI (unsafe building abatement code);
  - (6) Chapter 18, article XII (excavating and trenching);
  - (7) Chapter 26, article II (cemetery preservation);
  - (8) Chapter 50, article III (land disturbing activities);
  - (9) Chapter 50, article II (Chattahoochee River corridor tributary protection area);
  - (10) Chapter 50, article VI (tree preservation and replacement);
  - (11) Chapter 54 (fire prevention and protection);
  - (12) Chapter 58, article II (flood damage prevention);
  - (13) Chapter 78 (licenses, permits and businesses);
  - (14) 83 Nuisances:
  - ~~(14)~~ (15) Chapter 102, (solid waste);
  - ~~(15)~~ (16) Chapter 106, Streets, Sidewalks and Other Public Places, Article II, Section 106-10(c) (Obstructions on right-of-way);
  - ~~(16)~~ (17) Chapter 110 (subdivisions);
  - ~~(17)~~ (18) Chapter 122, Article II (water and wastewater systems);
  - ~~(18)~~ (19) Chapter 134 (Zoning).
  - ~~(19)~~ (20) Volumes 1 and 2 of the Cobb County Development Standards, as may be amended from time to time.
- (Ord. of 3-27-90; Code 1977, § 3-9.5-6; Ord. of 9-12-00; Ord. of 7-10-01; Ord. of 1-22-02; Ord. of 9-10-02; Ord. of 7-8-03)

Secs. 2-104--2-125. Reserved.

Sec. 6-1. 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:.....

Conviction means adjudication of guilt.....

Craft Beer means a beer brewed by an independent brewer with annual production not exceeding 6 million barrels.

Distance means the measurement in lineal .....

Sec. 6-91. Application, filing; form; contents.

- (a) All persons desiring to obtain a liquor, beer, or wine license required under this chapter shall make written application at the business license office for such privilege for each license. Such application shall state the name and address of the applicant; the place where the proposed business is to be located; the nature and character of the business to be carried on; if a partnership, the names of partners; if a corporation, the names of the officers and stockholders; and such other information as may be required by the business license division manager or the police department, and be sworn to by the applicant or agent thereof.
- (b) All applicants shall furnish all data, information and records requested of them by the business license division manager; failure to furnish such data, information and records within 30 days from the date of such request shall automatically serve to dismiss, with prejudice, the application. Applicants, by filing an application, agree to produce for oral interrogation any persons requested by the license review board or a duly authorized representative, such as the business license division manager, the police department, or the county attorney. The failure to produce such persons within 30 days after being requested to do so shall result in automatic dismissal of such application with prejudice.
- (c) For the purpose of this chapter, the term "applicant" shall include in the case of a partnership or corporation all partners, officers, directors and shareholders of such partnership or corporation.
- (d) All applications for licenses, both original and renewal, must be accompanied by a full and complete statement under oath of information relative to any and all interest, as defined in section 6-119, in retail liquor stores. This shall include:
  - (1) The names and addresses of all persons interested in the ownership of the business of selling alcoholic beverages, together with any interest each person or any member of his immediate family has in any other retail liquor store;
  - (2) The ownership of the land and building where such alcoholic beverage business is operated.
  - ~~(3) The amount of rental paid for such land and building and the manner in which the same is determined and to whom and at what intervals it is paid;~~

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- ~~(4)~~(3) The names and addresses, ~~by affidavit from the lessee, owner, lessor or sublessor of such land and building,~~ of all persons having any whole, partial, beneficial or other interest in the business(es) and to the land and building on and in which the alcoholic beverage license is located; and
- ~~(5)~~(4) Should a change of the type of business occur a new application must be filed with the business license division office and approved by the business license manager. Type of business for the purposes of this section shall be a convenience store, grocery store, amusement park, farm winery, nightclub, hotel, motel, lounge, restaurant, package store, private club, bar, manufacturer, and wholesaler as defined in section 6-1.
- ~~(6)~~(5) Any other information called for by the license review board or its duly authorized representative, such as the business license division manager, the police department, or county attorney.
- (e) Each application furnished under this section must be complete in its entirety before being accepted by the county for filing and processing. (Ord. of 8-14-73, art. II, § 2; Ord. of 3-24-87; Ord. of 10-24-89, § I; Ord. of 5-11-93; Code 1977, § 3-4-40; Ord. of 7-10-01 (eff. 1-1-02) ; Ord. of 1-24-06)

Sec. 6-127. Filing of plats.

(a) Each application for an alcoholic beverage license at a location for which there is no existing county license within the preceding 12 consecutive months from the date the application was filed with the Cobb County Business License Division for the same type of alcoholic beverage license in effect shall include a blue line copy of a surveyor's plat, 8 1/2 inches by 11 inches in size, with a scale of one inch equals 200 feet, showing the location of the building or proposed building and location of all customer entries in relation and distance to all real property and buildings on such real property which fall within the distance requirements set forth in sections 6-124 and 6-125, together with the zoning classifications and present uses of all such real property. Each application for an alcoholic beverage license at a location which has not previously been occupied for other than residential purposes or on which there is or is to be new construction shall also include a copy of a site plan approved by the community development department.

(b) All real property, locations, structures and improvements thereon shall comply with all county building codes, zoning and planning ordinances and requirements, and all other county ordinances. After issuance of any license under this chapter, no change in the location of the building or customer entry locations shall be made which would affect compliance with any distance requirements of this chapter.

(Ord. of 10-24-89, § 1; Ord. of 9-25-90; Ord. of 5-11-93; Code 1977, § 3-4-26; Ord. of 7-10-01 (eff. 1-1-02))

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Sec. 6-130. Supplemental requirements for sale of alcoholic beverages for on-premises consumption.

- (a) No license for the sale of alcoholic beverages by the drink shall be issued to any applicant who does not meet the requirements of a restaurant, amusement park, hotel, or private club, lounge, bar, or nightclub as defined in this chapter. No bottle house shall operate unless it shall obtain a pouring license.
- (b) Failure to produce satisfactory evidence that the business meets the percentage of food requirement of its total annual food and beverage sales from the sale of food as required to be a bar or restaurant shall be cause for denial or revocation of the alcoholic beverage licenses.

~~(c) The square foot area of a bar facility in a restaurant shall not be greater than 25 percent of the square footage of the dining area of the establishment where tables are located excluding kitchen area, hall, restrooms, waiting area, and area where games or pool tables are located.~~

(Ord. of 8-14-73, art. II, § 22; Ord. of 10-24-89, § I; Ord. of 5-11-93; Code 1977, § 3-4-48; Ord. of 7-10-01 (eff. 1-1-02); Ord. of 7-8-03; Amd. of 2-24-09)

Sec. 6-131. License prohibited for package sales in connection with sales of alcoholic beverages by the drink.

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

(Ord. of 8-14-73, art. II, § 23; Ord. of 10-24-89, § I; Ord. of 5-11-93; Ord. of 10-11-94, § 3; Code 1977, § 3-4-16; Ord. of 2-26-08; Amd. of 2-23-10)

Sec. 6-207. Work permits.

- (a) For whom required. It is the responsibility of the licensee and designee as stated in section 6-92(g) to ensure that the employees required under this code section obtain and possess the required work permit prior to working. Failure of an employee to possess a work permit while selling or serving alcoholic beverages shall be unlawful and will subject the employee and licensee to prosecution as provided in this chapter and is grounds for suspension or revocation of the license. A permit to work in any of the following establishments shall be required of the following:
- (1) All employees of package stores.
  - (2) All employees of businesses with a pouring license, except busboys, cooks, dishwashers, hostesses, maintenance and administrative staff. Notwithstanding the exception by title in this subsection, any employee serving or selling food or alcohol in an establishment with a pouring license is required to obtain a work permit.
  - (3) All managers, employees serving in a managerial capacity, and any person providing security, including independent contractors, to any establishment with a package or pouring license, whether or not any such person sells or serves alcohol, shall be required to have a work permit.
  - (4) All employees of convenience stores. The licensee to whom an alcoholic beverage license has been issued under this chapter shall not be required to obtain a work permit. Employee for the purposes of this section shall include independent contractors.
- (b) Application, and issuance, denial. Except as otherwise provided, no person requiring a work permit may be employed by an establishment holding a license under this chapter until such person has been issued a work permit from the county police department indicating the person is eligible for employment. The work permit is valid for employment at one business only. The permit may be transferred to another business location, without approval, provided that the ownership of the business is the same as the previous location. If the ownership of the business is different, the person with the work permit must apply and be approved by the Cobb County Police Department in order for the work permit to be valid. All applications required by this section shall be investigated by the police department to include, among other things, an investigation of the criminal record, if any, of the applicant. No work permit shall be issued by the police department if the applicant has violated any of the provisions of section 6-206 hereof. Any applicant who is ~~not issued~~ denied a an alcoholic beverage work permit shall have the right to appeal such decision to the

License Review Board. Appeals to the Cobb County License Review Board regarding the denial of an alcoholic beverage work permit must be filed with the Cobb County Business License Division within 30 days of the denial. In addition, after the hearing, the License Review Board may recommend to the Board of Commissioners approval of a work permit to an employee whose application was originally denied upon any conditions deemed appropriate by the License Review Board. Denied applicants that fail to file a timely appeal shall not be authorized to reapply for an alcoholic beverage work permit for 12 months from the date of the denial. ~~Denied applicants that fail to file a timely appeal shall not be authorized to reapply for an alcoholic beverage work permit for 12 months from the date of denial.~~

- (c) Time limit. All persons subject to the provisions of this section shall, prior to the date of their first work in an establishment holding a license to sell alcoholic beverages, make application for a work permit to the county police department. Work permit requirements do not apply to temporary, nonprofit fundraising events.

(d) Training of permit holders.

- (1) Licensees are required to provide information to all permit holders on provisions of the law of this state regarding the sale of alcoholic beverages to intoxicated and underage persons and the penalties for violating such laws.
- (2) Licensees shall provide regular information, company alcohol sale/service policies and training to all permit holders on the methods, procedures and measures to be taken in order to request, obtain and examine proper identification of patrons to be certain that such patrons are of legal age to purchase alcoholic beverages. Training shall include the methods, procedures and measures to be taken in order to refuse sale/service to underage or intoxicated patrons. Training shall provide permit holders with the opportunity to demonstrate and practice skills required in order to comply with company policies for responsible alcohol sale/service. Training shall include a discussion of how permit holders alcohol sale/service practices shall be monitored by management and enforcement consequences. Training shall include a pre/post test to determine whether training objectives were met and by whom. Evidence of such training records shall be made available upon request for inspection by the county.
- (3) Detailed records of such training, including the content, date, time, persons attending and copy of pre/post test, shall be maintained for a minimum of 48 months of the training. Evidence of such training records shall be made available upon request for inspection by the county.

(4) The failure of the licensee to comply with this subsection regarding the training of permit holders shall be grounds for due cause to suspend and/or revoke the license to sell alcoholic beverages.

~~(d)~~(e) Permit term; prescribing fee. Any permit for employment issued under this section shall expire 12 months from the date of issuance unless earlier suspended or revoked as provided in this section. The police department may prescribe regulations for certifying the eligibility for continued employment without the necessity of the employee's being fingerprinted and may prescribe reasonable fees for certifying the eligibility for employment.

~~(e)~~(f) Possession of permits by employees. Employees holding permits issued pursuant to this section shall at all times during their working hours have the permits available for inspection at the premises.

~~(f)~~(g) Exclusion. This section shall not apply to private clubs.

~~(g)~~(h) Work permit requirement. At all times that the business is open the licensee shall have at least one person on the premises who has a valid work permit.

~~(h)~~(i) Grounds for suspension, revocation, probation. No permit which has been issued or which may hereafter be issued under this section shall be suspended, revoked or placed on probation except for due cause as defined in this subsection, and after a hearing and upon written notice to the holder of such permit of the time, place and purpose of such hearing and a statement of the charge or charges upon which such hearing shall be held. A minimum of three days' notice shall be provided to the applicant or permit holder. "Due cause" for the suspension or revocation of the permit shall consist of the violating of any laws or ordinances regulating the sale of alcoholic beverages or for the violation of any state, federal or local ordinances set out in section 6-206; or for the omission or falsification of any material in any application; or for any reason which would authorize the refusal of the issuance of a permit; or any violation of this chapter. All hearings shall be before the License Review Board and shall be conducted in the manner provided in section 6-147(b). After the hearing if the License Review Board determines due cause exists, the License Review Board may recommend to the Board of Commissioners to suspend, revoke or place on probation for a maximum of 12 months, with or without conditions, the permit. ~~In addition, after the hearing, the License Review Board may grant a work permit to an employee whose application was denied upon any conditions deemed appropriate by the board.~~ The Board of Commissioners shall, ~~at its next meeting~~ within 60 days of the License Review Board's recommendation, review a summary of the appeal or show cause hearing before the License Review Board

wherein the work permit was considered for issuance, suspension or revocation (the summary shall be prepared by the Business License Division Manager) and the Board of Commissioners after such review will either concur with recommendations of the License Review Board or choose to ~~may~~ place the matter down for a hearing. Should the Board of Commissioners place the matter down for hearing the Board of Commissioners, after such hearing, may issue or deny the work permit, suspend or revoke the work permit or place the employee on probation. After the Board of Commissioners meeting, the representative of the Business License office will notify the Cobb County Police Department Permits Unit of the decision. If the permit was approved for issuance by the Board of Commissioners, the Cobb County Police Department Permits Unit will notify the applicant that the permit has been approved. The employee whose work permit was not issued or whose work permit was denied, probated, suspended or revoked may appeal ~~to~~ the Board of Commissioners decision pursuant to section 6-147 hereof. The decision of the Board of Commissioners may be appealed by filing a petition for writ of certiorari to the Superior Court of Cobb County within 30 days of the decision of the Board of Commissioners.

- ~~(i)~~ (j) Notwithstanding any of the provisions in this section, any permits issued through administrative error or an error in the completion of a background investigation may be terminated by the director of public safety or his/her designee.

(Ord. of 8-14-73, art. IV, § 34; Ord. of 3-24-87; Res. of 9-22-87; Ord. of 10-24-89, § I; Ord. of 9-25-90; Ord. of 5-11-93; Ord. of 3-25-97 (eff. 4-1-97); Code 1977, § 3-4-61; Ord. of 8-10-99; Ord. of 7-10-01 (eff. 1-1-02); Ord. of 1-24-06; Ord. of 7-25-06; Ord. of 2-26-08; Amd. of 2-23-10; Amd. of 2-22-11)

International Building Code Amendments

Sec.18-122-Amendments

The following shall be considered amendments, additions to, changes in or exceptions to the building code adopted in [18-121](#):

(1)

Section 108 of the code shall be amended as follows:

Section 108 Fees

108.4 Work commencing before permit issuance. This section will not be a substitute for any other required permit, variance or enforcement measure available to the county.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits, or exceeds the scope of work authorized by the necessary permits, shall be subject to a fee established by the building official that shall be in addition to the required permit fees. The established fee shall be equal to the permit fee, not to exceed \$1000.00 per required individual permit, excluding sub-contractor supplemental permits that would normally be included in the building permit fee.

~~(1)~~-(2)

Section 502 of the code shall be amended as follows:

Section 502 Definitions

a.

The definition of "Height, Building" shall be amended to read:

.....

~~(2)~~ (3)

Emergency closure of a building, structure, or any building system in whole or part.....

## International Residential Code Amendments

### Sec. 18-232 - Amendments

The one- and two-family dwelling code adopted in [section 18-231](#) is amended, modified, deleted and excepted as follows:

(1)

Section R108 of the code shall be amended as follows:

#### Section R108 Fees

Add Section R108.6 Work commencing before permit issuance. This section will not be a substitute for any other required permit, variance or enforcement measure available to the county.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits, or exceeds the scope of work authorized by the necessary permits, shall be subject to a fee established by the building official that shall be in addition to the required permit fees. The established fee shall be equal to the permit fee, not to exceed \$1000.00 per required individual permit, excluding sub-contractor supplemental permits that would normally be included in the building permit fee.

~~(1)~~ (2)

Chapter 11 and chapters 25 through and including [chapter 42](#) Delete each chapter and related appendixes in their entirety.

~~(2)~~ (3)

Definitions: .....

Sec. 38-1.5. Solicitor's authority to bring civil cases for violation of school bus safety regulations.

Pursuant to O.C.G.A. 15-18-66(a)(4), and in addition to all other legal authority, the Cobb County Solicitor is authorized to prosecute violations for civil disregard or disobedience of school bus safety regulations set forth in O.C.G.A. 40-16-163(a) under civil citations issued pursuant to O.C.G.A. 40-16-163(d).

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.
- (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 ~~February 21, 2008~~ April 16, 2009.
- (6) Rules and regulations for tourist courts, adopted by the board of health June 18, 1998.
- 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)

Sec. 106-2. Numbering of buildings.

(b) Each dwelling unit and place of business shall have posted and maintained in a prominent place on the property, legible from the street providing public access, the address of the dwelling unit or place of business as follows:

- (1) For residences, ....
  - (2) For commercial establishments, street numbers shall be posted in figures at least six inches high with a reflective contrasting background or reflective numbers on a contrasting background.
  - (3) For commercial establishments, building numbers shall be posted in figures at least five inches high with a contrasting background and denoted as "BLDG".
  - (4) For commercial establishments, suite numbers shall be posted at all exterior doors or groups of doors in figures at least three inches high with a contrasting background.
- (5) Larger figures may be required than listed above to ensure they are legible from the street.

Sec. 106-3. Utility accommodations in rights-of-way.

(a) Adopted. The 2009 Utility Accommodation Policy and Standards manual, including all references .....

(b) Amendments. The 2009 Utility Accommodation Policy and Standards manual promulgated by the state department of transportation, adopted in section 106-3(a) is amended in order to equate state definitions and provisions with their appropriate and equivalent county counterparts, such that a policy shall be implemented to reflect the intent and effect of the state right-of-way policy as it would logically apply to unincorporated county's rights-of-way, and in order to reflect the county's policies and practices, including, but not limited to, the following:

(1) Definitions and terms substitutions.....

(3) Fees. The board of commissioners shall be authorized to charge fees in accordance with the state department of transportation's utility accommodations policy and standards and any other applicable laws that exist now or may be enacted in the future. Fees shall be determined by the director of the department of transportation ~~and subject to the approval of and publicly disclosed by the board of commissioners.~~ Any fee schedule shall be posted at the offices of the director of transportation or his/her designee ~~and the clerk of the board of commissioners~~ and open for public inspection.

(4) [Deleted provisions.] The following chapters and sections of the 2009 Utility Accommodation Policy and Standards manual are deleted in their entirety:.....

**Sec. 118-201. - Definitions.**

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

*Authorized emergency vehicle* means a motor vehicle designated as an emergency vehicle licensed by the state department of public safety, provided such vehicle is in use as an emergency vehicle by one authorized to use it for that purpose, or a motor vehicle designated as an authorized emergency vehicle by the person designated as the "person in charge" at the scene of an incident.

*Enforcement officer(s)* means any duly authorized law enforcement officer employed by the county.

*Fire Department Connection means a connection through which the fire department can pump supplemental water into the sprinkler system, standpipe, or other system furnishing water for fire extinguishment to supplement existing water supplies.*

*Fire lane* means an area designated by the fire official providing access for fire department vehicles to buildings, fire department connections and fire hydrants. This includes all alleys, driveways or lanes, devoted to public use, where the parking of motor vehicles or other obstructions can interfere with the ingress or egress of fire department vehicles for the protection of persons and properties, including, but not limited to, shopping centers, theaters, hospitals, bowling lanes, churches, multifamily housing, and high-rise buildings.

*Fire official* means the fire officer or other designated authority, or their duly authorized representative, charged with the administration and enforcement of the fire prevention code.

*Master plats* means all original plats drawn in accordance with this division; all copies distributed shall be from this original drawing.

*New building* means any commercial structure or public facility whose certificate of occupancy was issued after May 5, 1989.

*'Park' or 'parking' means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.*

*Plats* means those maps created by the developer and/or property owner which depict the location and boundaries of land and all existing fire lanes in accordance with this division. These maps shall be drawn to scale.

*Property owner* means each person or entity possessing any estate, usufruct or leasehold right in the property being designated as a fire lane.

*Return mail parking citation* means an order issued out of court, by an enforcement officer of the county, directing a violator of this division to comply with all penalties as set forth in this division.

*'Stand' or 'standing' means the halting of a vehicle other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.*

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***(Res. of 5-8-89; Code 1977, § 3-24-118)***

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

**Sec. 118-202. - Purpose and scope.**

It is the declared purpose of this division to provide for the designation and identification of fire lanes, for the manner, method and language for the posting of signs; to establish the penalty for violation of this division; to identify and designate the persons who have authority to enforce this division and the limits of such authority; to prohibit parking in fire lanes; to provide for the method of submitting properties to this division; to repeal all ordinances in conflict with this division; and for other purposes.

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***(Res. of 5-8-89; Code 1977, § 3-24-117)***

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**Sec. 118-203. - Exemptions.**

All buildings built prior to 1971 shall not automatically be subject to this division. Properties may become subject to this division by submitting a petition from the property owner or duly authorized agent of the property owner

requesting that this division apply. The petition shall be submitted to the fire official, and upon approval the property shall become subject to this division and subsequent revisions to this division.

*(Res. of 5-8-89; Code 1977, § 3-24-128)*

**~~Sec. 118-204. — Fire lane descriptions to be shown on plat.~~**

~~Property which falls within the jurisdiction of the county fire department shall have all fire lane delineations visually depicted on a plat. These plats shall be designed by the developer or property owner and filed in the office of the county fire marshal as of the date the property owner assumes occupancy or otherwise assumes use of the property. The county fire department shall distribute the plats to fire stations and to respective county police precincts. Each visual depiction shall identify all building exterior walls, traffic and parking lanes, and sidewalks. The areas to be designated as fire lanes shall be delineated in red ink. The plat shall state a scale of measurement and shall be on paper or a series of pages of 8½ inches by 11 inches. The plat identification shall specify the name of the property, a brief legal description of the property, and the length and width of the fire lane or lanes, as approved by the fire official, with whom all master plats will be filed.~~

*(Res. of 5-8-89; Code 1977, § 3-24-129)*

**Secs. 118-205—118-215. - Reserved.**

**Sec. 118-216. - Penalty for parking in fire lane. Prohibited parking, standing; violations.**

No person shall stand or park a vehicle (other than an authorized emergency vehicle), whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(A) Within 20 feet of a fire hydrant;

(B) Within 20 feet of a Fire Department Connection (FDC); or

(C) In a fire lane.

(D) Vehicles may stand in a fire lane of an educational occupancy (as defined by the Life Safety Code adopted by Section 54-54) for thirty minutes

prior to the afternoon end time and thirty minutes thereafter. Standing or parking of a vehicle in such fire lane at any other time is prohibited.

For purposes of this code section, areas near hydrants and FDCs need not be marked as fire lanes.

The parking of any vehicle other than an authorized emergency vehicle in a fire lane Violations shall be punishable subject to fines or penalties as provided in section 118-31. Enforcement of this division shall be as provided in Section 118-31 and shall be through a civil criminal action in the magistrate court by the issuance of a citation which shall either be left with the vehicle or delivered to the person in possession thereof.

Vehicles that are disabled and/or left unattended in a fire lane or which block emergency vehicle access are subject to being impounded.

*(Res. of 5-8-89; Code 1977, § 3-24-122)*

**Sec. 118-217. - Enforcement authority.**

A duly authorized law enforcement officer employed by the county shall have the authority for enforcement of fire lanes.

*(Res. of 5-8-89; Code 1977, § 3-24-123)*

**Sec. 118-218. - Liability of owner and operator of vehicle.**

The lessee or owner of any motor vehicle shall not be liable for the violation of any provision of this division occurring while such vehicle was not in the lessee's or owner's possession or control if upon notice of the violation the lessee or owner notifies the clerk of magistrate court of the county in which the case is pending of the name and address of the person who, with permission of the lessee or owner, was operating the vehicle on the date the violation occurred. If the lessee or owner fails to submit such notice, the magistrate court may find the lessee or owner of the motor vehicle liable for the violation. For purposes of a civil action, it shall be presumed that the owner of such vehicle is in control and possession thereof.

*(Res. of 5-8-89; Code 1977, § 3-24-124)*

**Sec. 118-219. - County not liable for enforcement pertaining to maintenance and clearing of fire lanes.**

The county assumes no liability for any damages, injuries or deaths resulting from enforcement, or lack of enforcement, of the laws pertaining to maintenance and clearing of the fire lanes. The county has the authority to issue individual citations for fire lane violations, but the property owner has the ultimate responsibility to clear the fire lanes.

*(Res. of 5-8-89; Code 1977, § 3-24-125)*

**Sec. 118-220. - Enforceability of properly placed signs.**

The disregard or disobedience of the instruction of any sign placed in accordance with the provisions of this division by the driver of a vehicle shall be deemed prima facie evidence of a violation of law, without requiring proof by whom and by what authority such sign has been erected.

*(Res. of 5-8-89; Code 1977, § 3-24-126)*

**Sec. 118-221. - Agreement to suspend enforcement.**

Enforcement of this division at a specific location shall be suspended only upon written agreement between the fire official and property owner. This agreement would also make the property owner solely responsible for any damages, injuries or deaths resulting from lack of enforcement of this division. The property owner shall also be required by the agreement to indemnify, release and hold harmless the county and any other person, board, commission, or agent from any cause of action which relates either directly or indirectly to the suspension of enforcement of this division.

*(Res. of 5-8-89; Code 1977, § 3-24-127)*

**Secs. 118-222—118-230. - Reserved.**

**Sec. 118-231. - Required access for fire apparatus; identification.**

**(a)**

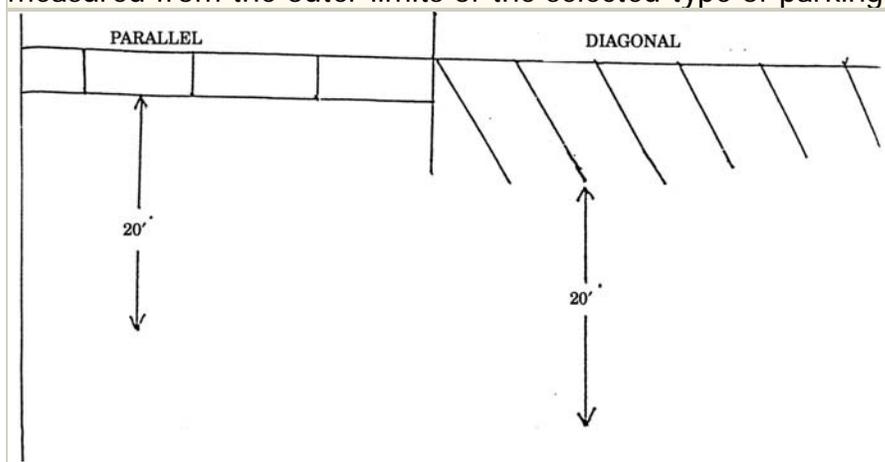
Every existing building, built after the 1971 adoption of section 54-52, as amended, and all new buildings shall be accessible to fire department apparatus and other emergency vehicles by way of designated fire lanes with an all-weather driving surface of not less than 20 feet of unobstructed width. There shall be adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a vertical clearance of 13 feet six

inches. During construction, when combustibles are brought onto the site in such quantities as deemed hazardous by the fire official, access roads and a suitable temporary supply of water acceptable to the fire department shall be provided and maintained.

~~(1)~~

~~Class A mercantile occupancies and covered malls shall have a continuous fire lane along the exposed perimeter, extending outward from the curbing for a distance of no less than 20 feet. This 20-foot distance may be increased at the discretion of the authority having jurisdiction.~~

~~In order to obtain a greater degree of fire protection, the authority having jurisdiction may allow diagonal or parallel parking at other than covered malls or class A mercantile occupancies. The fire lane shall then be measured from the outer limits of the selected type of parking.~~



*parking*

~~(2)~~ (1)

The fire official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

~~(3)~~ (2)

The creation, deletion or modification of a fire lane shall be done solely at the discretion of the fire official.

(b)

The areas designated as fire lanes in all areas other than one-family and two-family dwelling complexes shall have signs posted meeting the following criteria:

(1) Signs shall be a minimum of 12 inches wide by 18 inches high, have red letters on a white background.

~~Signs shall be painted on both sides to read "No parking, fire lane".~~ "No Parking" may be replaced by  provided the "P" is a minimum of 6" in height.

(2) Letters shall not be less than two inches in height.

(3) One sign shall be posted at the beginning of the fire lane and one at the end of the fire lane. ~~Each Intermittent signs shall be erected such that signs shall should~~ not be more than approximately 100 feet apart.

~~(4) Signs posted shall not be more than four feet from the edge of the curb, and shall be visible from both directions of the driving surface with the height of the sign face, as measured from the bottom of the sign, to be no less than four feet nor more than seven feet from ground level. Fire lanes less than 40 feet in length may have one sign posted in the middle of the fire lane.~~

(5)

For fire lanes 20 to 28 feet, signs and markings are required on both sides. For fire lanes 29 to 37 feet, signs and markings are required on one (either) side. For fire lanes in excess of 37 feet, no signs or markings are required.

(6)

Curbing or lineage delineating fire lanes shall be painted red. The top and face of the curb shall be painted. Every existing building shall conform to this subsection when repainting is necessary. New buildings shall conform prior to a certificate of occupancy being issued.

(c)

The areas designated as fire lanes in one-family and two-family dwelling complexes shall have signs posted meeting one of the following criteria:

(1)

Curbing or lineage delineating fire lanes shall be painted red. The top and face of the curb shall be painted. "NO PARKING FIRE LANE" shall be stenciled on the curb every 100 feet. Letters shall not be less than three inches in height, and white in color. Not less than one "NO PARKING FIRE LANE" sign shall be posted within each complex; or

(2)

Curbing shall not be required to be painted red. One sign shall be posted at the beginning of the fire lane and one at the end of the fire lane. Additional signs shall be erected such that signs are spaced not more than 100 feet apart. Signs shall be a minimum of 12 inches wide by 18 inches high, have red letters on a white reflective background, letters shall be not less than two inches in height. Signs shall be single-faced with directional arrow(s).

**(3)**

Fire lanes shall be required as specified in section (b)(5) when parking on the road causes access problems for emergency vehicles.



**Fire Lane No Parking Signs**

*(Res. of 5-8-89; Code 1977, § 3-24-119; Ord. of 7-25-06)*

**Sec. 118-232. - Approval; subsequent maintenance.**

All fire lanes shall be approved by the fire official pursuant to this division, and thereafter the fire lanes shall be maintained by the property owner. Designated fire lanes or roads deemed necessary for fire department access by the fire official shall be maintained in a passable condition.

**(1)**

Private property owners or their representative shall be responsible for keeping all fire lanes on their property free from obstructions.

**(2)**

Public property owners, the county, or their representative shall be responsible for keeping all fire lanes within the county's jurisdiction free of obstructions.

*(Res. of 5-8-89; Code 1977, § 3-24-120)*

**Sec. 118-233. - Erection of signs; penalty for noncompliance.**

No person or property owner shall place, erect or maintain any sign for control of parking or traffic which includes the words "fire lanes" unless such location has been designated a fire lane by the fire official. Any failure to meet the applicable requirements specified in section 118-231 shall be subject to a fine of \$300.00 for each violation. ~~however, the fine will be waived if the required specifications are made within 14 days from the date of the citation. If the private or public property owner fails or refuses to meet such requirements on his property within such 14 days, he shall, on the 15th day after receiving the citation, be subject to the \$150.00 fine for each violation and an additional fine of \$5.00 for each violation for each day that the owner fails to comply with the provisions of this division until the area is properly designated and constructed. All fines assessed under this section shall be paid into the county treasury.~~

*(Res. of 5-8-89; Code 1977, § 3-24-121)*

**Secs. 118-234—118-255. - Reserved.**

ARTICLE III. - AMBULANCES <sup>[112]</sup>

(112) Cross reference— Emergency services, ch. 46; health and sanitation, ch. 62.

(112) State enabling legislation reference—Authority to regulate ambulances, § 2-38(13).

(112) State Law reference— Emergency medical services, O.C.G.A. § 31-11-1 et seq.

[Sec. 126-86. - Definitions.](#)

[Sec. 126-87. - Zones.](#)

[Sec. 126-88. - Public calls.](#)

[Sec. 126-89. - Compensation.](#)

[Sec. 126-90. - Provider to notify caller as to errors.](#)

[Sec. 126-91. - Private calls.](#)

[Sec. 126-92. - Assignment and alteration of zones.](#)

[Sec. 126-93. - Revocation or suspension of zone assignments—  
Generally.](#)

[Sec. 126-94. — Same — Notice of hearing; due cause.](#)

[Sec. 126-95 4- Use of police or fire department radio prohibited.](#)

[Secs. 126-96 5 —126-115. - Reserved.](#)

Sec. 126-86. - 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:

Affected person means any wounded, injured, sick, invalid or incapacitated person requiring emergency care or transportation to a medical care facility.

Affected zone means the zone wherein an affected person is located.

Ambulance service provider or provider means any person furnishing emergency

care and transportation on the public streets and highways of the county for wounded, injured, sick, invalid or incapacitated human beings to or from a place where medical or hospital care is furnished.

Approved ambulance service provider means an ambulance service provider who has been assigned a zone pursuant to the provisions of this article.

County means all portions of Cobb County, including municipalities; however, the enforcement of this article is effective only in the unincorporated areas of the county.

Director of public safety means the director of the county department of public safety or the county manager's designee.

Private call means any call to an ambulance service provider meeting the following criteria:

- (1) The call is initiated by any private person;
- (2) The patient has not been involved in an accident or suffered injury or sickness upon the public streets or roadways immediately prior resulting in the need for service; and
- (3) The patient has not been involved at the time in any incident or accident which requires involvement, investigation or followup by any county department or agency.

Public call means any call to an ambulance service provider meeting the following criteria:

- (1) The call is initiated by a department or agency of the county; or
- (2) The patient or the call involves an incident or accident which will require the involvement, investigation or followup by a department or agency of the county, including but not limited to such matters as calls to ambulance service providers by private persons concerning injuries related to shootings, automobile accidents, and other matters which require the investigative involvement of the county.

(Ord. of 11-14-78, § 2; Ord. of 6-26-84, § 1; Code 1977, § 3-25-62)

Cross reference— Definitions generally, § 1-2.

Sec. 126-87. - Zones.

For the purposes of this article, the county is hereby classified into ~~six~~ five separate zones as shown on the ambulance services zone map, based on the four fire battalions with the fifth zone being the cities of Marietta and Smyrna. Which is adopted hereby and incorporated in this article by express reference, a

copy of which will remain on file for public inspection during normal working hours ~~at Cobb County Fire & Emergency Services Headquarters, in the offices of the clerk to the board of commissioners and in the offices of the department of public safety.~~ Provider zones are regulated by the state of Georgia region III office of emergency medical services (EMS) and their associated zoning plan. Each approved ambulance service provider will be responsible for all calls as provided in this article in the zone assigned to it upon such map.

(Ord. of 11-14-78, § 3; Code 1977, § 3-25-63)

Sec. 126-88. - Public calls.

(a) Service for all public calls will be provided only by the approved ambulance service provider assigned to the zone in which the affected person ~~patient~~ is located except as provided in subsection (b) of this section.

(b) If the provider assigned to the affected zone is unable to respond to the call, the provider to the nearest zone shall provide service. Service shall be provided only following the rules and regulations, policies and procedures for which provision is made in this article.

~~(c) Implementation of this section and provision of services shall be under rules and regulations adopted from time to time by the county manager, or his designee, outlining procedures for the handling of public calls. A copy of the procedures shall be supplied to all providers who shall also be informed of all changes or amendments in the procedures. A copy of the procedures shall be maintained in the office of the clerk of the board of commissioners and in the department of public safety.~~

~~(d)~~ No provider shall respond to a public call outside its zone unless specifically requested to do so by the provider assigned to the affected zone, or by the county department or agency initiating the call.

~~(e)~~ Each provider shall maintain records in accordance with all applicable state rules and regulations, policies and procedures, and may be clarified by contract. ~~Containing at least the following information:~~

- ~~(1) Exact date and time of receipt of a call.~~
- ~~(2) Exact date and time of arrival at the location of the affected person.~~
- ~~(3) Location of the affected person.~~
- ~~(4) Name of the person or agency initiating the call.~~
- ~~(5) Signature or initials of the person the records.~~
- ~~(6) To whom, how and when referral is made if the affected person is~~

~~outside the provider's zone.~~

(~~fd~~) It will be the responsibility of the provider assigned to the affected zone to furnish and dispatch any additional or backup ambulance service facilities that may be required.

(Ord. of 11-14-78, § 4; Ord. of 6-26-84, § II; Code 1977, § 3-25-64)

Sec. 126-89. - Compensation.

(a) Compensation for public calls ~~or for any other calls, including indigent care~~ to be regulated under this article shall be in the amounts and in the manner provided by resolution of the board of commissioners. ~~from time to time. A copy of the schedule or resolution outlining the method and amounts of compensation shall be maintained in the office of the clerk of the board of commissioners.~~

(Ord. of 11-14-78, § 5; Ord. of 5-22-84; Ord. of 6-26-84, § VI; Code 1977, § 3-25-65)

Sec. 126-90. - Provider to notify caller as to errors.

If a county department or agency, by error, initiates a call to an inappropriate provider, it will be the responsibility of that provider to immediately notify the department or agency of the identity of the correct provider ~~under this article~~. If the provider called does not know the identity of the correct provider, he shall nevertheless immediately notify the department or agency that he is not the correct provider.

(Ord. of 11-14-78, § 6; Code 1977, § 3-25-66)

Sec. 126-91. - Private calls.

(a) Nothing in this article will be construed to prohibit any private person from calling any ambulance service provider of his choice to provide service to a private location or where the affected person has not been involved in an accident or injury upon the public roadways or streets resulting in the need for services, or where the call or incident will not involve investigation, followup or services of any county department or agency. Nothing in this article will be construed to prohibit a provider from responding to a private call, as defined in this article, regardless of zone assignments.

(b) No provider will advise or suggest to any person making a private call that he route his call or any future calls to the provider through a county department or agency.

(Ord. of 11-14-78, § 7; Ord. of 6-26-84, § III; Code 1977, § 3-25-67)

Sec. 126-92. - Assignment and alteration of zones.

~~(a) Any application for Assignment to a zone or alteration of a zone assignment under this article will be in accordance with O.C.G.A. 31-11-1 et seq. and the state of Georgia region III office of emergency medical services (EMS) rules and regulations and their associated zoning plan. submitted to the director of public safety, who will review the application and submit it to the board of commissioners, along with his findings and recommendations, for consideration.~~

(b) No ambulance service provider will be approved for zone assignment unless it holds a valid county business license and any required state licenses and permits and complies with all applicable state law.

~~(c) No application provider will be approved if any of the five conditions of Cobb County Code section 78-45(c)(1)—(c)(5) is found to exist. ~~for a new zone assignment will be entertained unless the applicant has operated an advanced life support, as defined by state law and the department of human resources rules and regulations, ambulance service. in the county for a 12-month period immediately preceding the application.~~~~

~~(d) In addition to the provisions of subsection (c) of this section, factors to be considered in passing upon an application under this article will be the quality of service provided in the past by the applicant; quality of service by the existing zone provider; need for additional zones or services within a zone (whether upon private or public calls); response time; arrival time; costs of services provided; or the supplying of false information to any county department or agency.~~

~~(e) In reviewing any application under this article, the director of public safety will consult with the county medical society and include his findings and recommendations with his submission to the board of commissioners.~~

~~(f) Any approved ambulance service provider must have continuously in effect a policy of liability insurance in the amounts of not less than \$100,000.00 per person and \$300,000.00 per incident for bodily injury, and \$25,000.00 for property damage. Upon demand by the director of public safety, the provider will furnish him with the name of the insurance company, the insurance policy number and evidence that the insurance policy is in force. Failure of the provider to furnish such information and evidence or to maintain in effect the insurance provided for in this subsection will constitute due cause for refusal to make a zone assignment, or for suspension or revocation of an existing zone assignment.~~

~~(g) Simultaneously with the filing of any application under this article, the applicant shall pay to the county a nonrefundable application fee in an amount as may be approved from time to time by resolution of the board of commissioners. Such fee shall be shown on a schedule, a copy of which shall be maintained on file with the clerk of the board of commissioners and with the~~

~~county police department. Provided, however, that the same applicant shall pay such fee only once within any 36-month period, provided that any subsequent application is filed in good faith and with the intent to obtain the granting of the application.~~

~~(Ord. of 11-14-78, § 8; Ord. of 6-26-84, § IV; Ord. of 3-10-88; Code 1977, § 3-25-68)~~

~~Sec. 126-93. - Revocation or suspension of zone assignments—Generally.~~

~~(a) The director of public safety may for due cause, as defined in section 78-45(c) of this Code, make appropriate recommendations to the Cobb County Board of Commissioners to request that the state of Georgia region III office of emergency medical services (EMS) open the ambulance zoning process. ~~suspend or revoke zone privileges of any approved ambulance service provider.~~ Additional factors which may be considered are quality of service provided (whether upon public or private calls), response time, costs of services, or the supplying of false information to any county department or agency.~~

~~(b) During the period of suspension of a provider's zone privileges, or until the board of commissioners takes action pursuant to subsection (c) of this section, public calls will be made to the approved provider nearest the location of the affected person by the county departments or agencies initiating such calls. However, if other approved providers have been assigned to the zone, such other providers shall serve such zone.~~

~~(eb) In the event ~~of~~ the County wishes to alter the ambulance provider zones or alter the ambulance provider for a zone ~~revocation of zoning privileges~~ under this article, the Board of Commissioners shall make such a request to the state of Georgia region III office of emergency medical services (EMS). ~~either redraw the zones upon recommendation by the director of public safety, or assign another approved provider to the zone, taking into consideration any applications submitted by ambulance service providers with respect to such zone~~~~

~~(Ord. of 11-14-78, § 9; Code 1977, § 3-25-69)~~

~~Sec. 126-94. — Same — Notice of hearing; due cause.~~

~~(a) The director of public safety shall furnish a provider with a hearing prior to suspension or revocation of its zone privileges, giving the provider at least three days' notice of the time and place for such hearing.~~

~~(b) A revocation of zoning privileges under this article shall terminate all authority and permission with respect to such zone privileges, including compensation from the county. Any provider whose zone privileges have been revoked shall not be eligible to again apply for such privileges for a period of one year from the final date of revocation.~~

~~(c) Any provider whose zoning privileges under this article have been revoked or suspended by the director of public safety may file a notice of appeal with the board of commissioners within ten days from the date of such revocation or suspension. The board of commissioners shall give the provider at least three days' notice in advance of the date of a public hearing with respect to such appeal. Upon hearing of the facts, the board of commissioners may affirm, reverse, vacate or modify the action appealed from.~~

(Ord. of 11-14-78, § 10; Code 1977, § 3-25-70)

Sec. 126-954. - Use of police or fire department radio prohibited.

No unapproved ambulance service provider ~~approved or otherwise~~, shall proceed to the location of an affected person by reason of any information received by monitoring by radio, telephone, electronic or other means, of the county police and/or fire department or any public or private agency or individual.

(Ord. of 11-14-78, § 11; Ord. of 6-26-84, § V; Code 1977, § 3-25-71)

Secs. 126-965—126-115. - Reserved.

Sec. 126-151. License requirements generally.

(a) No person shall engage in the business of operating vehicles for hire, except limousines, in the unincorporated areas of the county without first having been issued a business license. Limousine carriers and other vehicles not regulated by this article but engaged in the business of vehicles for hire which are domiciled within the unincorporated areas of the county must be issued a business license and pay business license fees. All licenses shall be issued by the county business license office.

(b) The license must be posted in public view at the license location.

(c) In order to secure a business license to operate a taxicab service, an applicant must provide information showing its qualifications on a form provided by the business license office of the county, information requested by the public safety agency and must submit to a police clearance consisting of a background investigation and/or fingerprinting. ~~If the applicant is other than a~~ Every applicant including the sole proprietor, all partners, officers, managers, members and stockholders holding a 20 percent or more interest in the company taxi business shall be subject to the provisions of this section. An applicant must:

(1) Be at least 21 years of age.

(2) Be a citizen of the United States or an alien admitted for permanent residence by the United States Citizenship and Immigration Services.

(3) Not have been convicted, pleaded guilty, pleaded nolo contendere or been on probation or parole, for a period of five years previous to the date of application for the violation of any of the following criminal offenses of the state or any other stated or of the United States: criminal homicide; rape; aggravated battery; mayhem; burglary; aggravated assault; kidnapping; robbery; child molestation; any sex-related offense; driving a motor vehicle while under the influence of intoxicating beverages or drugs; leaving the scene of an accident; criminal solicitation to commit any of these listed offenses; any felony in the commission of which a motor vehicle was used; perjury or false swearing; any crime of violence or theft or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants; provided, however, that all applicants shall be entitled to the full benefits of O.C.G.A. § 42-8-60 et seq., relating to first offender status. If at the time of application the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal. Subsections 126-151(c)(1), 126-151(c)(2) and 126-151(c)(3) shall also apply to the spouse of the licensee and all shareholders. If the applicant's spouse does not meet the qualifications of an applicant, particularly if it appears that the applicant's spouse or another person is using the applicant, as a guise or dummy to obtain a license, the vehicle for hire or taxicab application and license and all vehicle stickers shall be denied, suspended, and/or revoked.

(4) Provide a copy of the rate schedule and the daily hours of operation.

(5) Provide the name, address and telephone number of a responsible individual who is a fulltime employee in a management position of the applicant

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residing in the county who will be the registered agent for the purpose of serving of process.

(6) Provide proof of insurance pursuant to section 126-152.

(7) Provide information and verification pursuant to section 126-153.

(8) Provide the address of an office staffed by company agents or employees, including a dispatcher, that will be open between the hours of 7:00 a.m. and 7:00 p.m., and during any additional hours that any vehicle for hire associated with that company is being operated, located in Cobb County including any municipalities within Cobb County.

(d) All taxicab companies and vehicle for hire companies shall submit to the county business license division a list containing each make, model, separate vehicle number, vehicle identification number, tag number, and insurance for each taxicab or vehicle.

(e) All licenses obtained through the business license office of the county for taxicab companies or other entities shall not be transferable.

(Ord. of 4-26-94; Ord. of 9-13-94; Code 1977, § 3-25-83; Ord. of 6-27-95(2); Ord. of 7-10-01; Ord. of 2-26-08; Amd. of 2-22-11)

Sec. 126-172. Denial, suspension, revocation of permits; hearing.

- (a) An operator's permit or an application for an operator's permit under this article may be denied, suspended or revoked for due cause as defined in subsection (d) of this section. An operator's permit shall be granted by the director of public safety or his designee if the application meets all the legal requirements of this article and the public safety agency provides a clearance consistent with the provisions of this article. If the application does not meet all the legal requirements of this article or the public safety agency does not provide a clearance on the application, it shall not be granted by the director of public safety or his designee. Any decision of the director or his designee shall be final unless an appeal is filed by any aggrieved party within ten days from the date of notice to the applicant regarding denial of the application. The appeal shall be to the license review board as provided for in section 6-90. After the hearing the License Review Board may recommend approval of a work permit to the Board of Commissioners for an employee whose application was initially denied upon any conditions deemed appropriate by the License Review Board.
- (b) Grounds for suspension, revocation, probation. No permit which has been issued or which may hereafter be issued under this section shall be suspended, revoked or placed on probation except for due cause as defined in this subsection, and after a hearing and upon written notice to the holder of such permit of the time, place and purpose of such hearing and a statement of the charge or charges upon which such hearing shall be held. A minimum of three days' notice shall be provided to the licensee. "Due cause" for the suspension or revocation of the permit shall be provided in subsection (d) of this Code section; or for the omission or falsification of any material in any application; or for any reason which would authorize refusal of the issuance of a permit; or any violation of this chapter. All hearings shall be before the license review board and shall be conducted in the manner provided in section 6-147(b). After the hearing if the license review board determines due cause exists, the license review board may suspend, revoke or place on probation for a maximum of 12 months, with or without conditions, the permit. ~~In addition, after the hearing, the license review board may grant a work permit to an employee whose application was denied upon any conditions deemed appropriate by the board. Any action taken by the license review board shall be effective immediately.~~ The board of commissioners shall at its next meeting review a summary of the hearing before the license review board wherein the work permit was considered for issuance, suspension or revocation (the summary shall be prepared by the business license division manager) and the board of commissioners after such review may place the matter down for a hearing. Should the board of commissioners

- place the matter down for hearing the board of commissioners, after such hearing, may issue or deny the work permit, suspend or revoke the work permit or place the employee on probation. The employee whose work permit was not issued or whose work permit was probated, suspended or revoked may appeal to the board of commissioners pursuant to section 6-147. The decision of the Board of Commissioners may be appealed by filing a petition for writ of certiorari to the Superior Court of Cobb County within 30 days of the decision of the Board of Commissioners.
- (c) The decision of the license review board shall be final unless appealed as provided for in section 6-90.
- (d) An operator's permit may be denied, suspended or revoked for any of the following reasons:
- (1) Violation of any part of this article.
  - (2) Where the applicant furnishes fraudulent or untruthful information or omits information requested in the application for a permit.
  - (3) Failure to pay any fees imposed by the provisions of this article.
  - (4) Failure to maintain all the general qualifications applicable to the initial issuance of a driver's permit.
  - (5) Having four or more moving traffic violations in any 12-month period.
  - (6) Refusing to accept a passenger solely on the basis of race, color, national origin or religious belief.
  - (7) Operating a vehicle with knowledge, actual or implied, that the required insurance coverage is not current or has lapsed.
  - (8) Operating a vehicle in a manner which threatens a passenger or anyone else.
  - (9) Operating a vehicle the driver knows or should know is not in compliance with the motor vehicle safety standards approved by the board of commissioners.
  - (10) The permit applicant, during the 12-month period next preceding the filing of his application, has suffered a revocation of his operator's permit.
  - (11) A complaint is received pursuant to section 126-130 and determined to be valid by the license review board.
- (e) Notwithstanding any of the provisions in this section, any permits issued through administrative error or an error in the completion of a background investigation may be terminated by the director of public safety or his designee.
- (Ord. of 4-26-94; Code 1977, § 3-25-89; Ord. of 6-27-95(2); Ord. of 1-24-06; Ord. of 7-25-06; Ord. of 2-26-08)

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.....

Basement (for the purposes of determining residential building height) means a portion of a building with ~~its~~ an exterior walls at least 50 percent underground (below finished grade).....

DUA means dwelling units per acre.

"Dwelling unit. A dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for one family or two or fewer unrelated adults and their children and/or grandchildren. ~~A dwelling unit may also be occupied by a family and up to two persons who are not family members.~~

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

(2) A dwelling unit shall have at least 390 square feet of living building square footage (as determined and maintained in the records of the Cobb County Tax Assessor) per each adult occupant.

(3) No more than one vehicle per 390 square feet of living building square footage may be parked regularly overnight ~~at~~ on the property upon which the dwelling unit exists. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of 3 or less (of the total) parked outside of a garage, carport or the like for properties zoned RA-5, R-15 and R-20. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of 4 or less (of the total) parked outside of a garage, carport or the like for properties zoned R-30 and R-40. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of 5 or less (of the total) parked outside of a garage, carport or the like for properties zoned R-80 and RR. This includes vehicles parked within the right-of-way adjacent to a dwelling unit. ~~or within the right-of-way adjacent to a dwelling unit.~~ "Regularly" means a majority of nights in any seven-day period".

Executive golf course means a tract of land not less than 65 acres.....

Family means ~~one~~ two or more persons related by blood, legal adoption, or marriage, ~~or two or fewer unrelated adults~~, occupying a dwelling. Related means persons are all related to each other within the fourth degree, as defined in O.C.G.A. § 53-2-1, which includes parents, children, grandparents, grandchildren, brothers and sisters. State of Georgia authorized foster children of a family member shall also be deemed a member of the family for this purpose.

Floodplain means that area .....

Other consumer goods and services means businesses which cater to consumers, providing goods and services such as the following: awning shops and sales, burglar alarm systems, clothing (secondhand), exhibition houses, furniture, home furnishings, equipment and appliances (secondhand), glass, mirrors, lawn mowers and small motors, precious metal and/or gem buying as a primary use, tattoo and body piecing shops, trading stamp redemption centers, thrift store, and the like.

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, 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.

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, 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.

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Sec. 134-34 Variance applications

(c) Reconsideration of rejected applications. ~~Any variance request may not be reconsidered for a period of three months after it has been rejected by the board of zoning appeals,~~ If an application for variance is rejected, then any portion of the same property may not be considered for a any type of variance for a period of 12 months from the date the application was rejected,

unless by court order or pursuant to a settlement of litigation approved by the board of zoning appeals.

(d) In no event shall an application be withdrawn more than once without prejudicing the right of the applicant or property owner to apply for a variance within 12 months of the first application.

(e) An application which is withdrawn within seven days of the board of zoning appeals hearing without the permission of the board of zoning appeals shall be deemed a rejected application with a 12 month prejudice period.

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.....

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

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

~~(12) Accessory buildings, structures, uses and decks.~~

~~a. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure less than 1,000 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the division manager of zoning or his designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or his designee.~~

~~b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:~~

~~1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.~~

~~2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.~~

~~3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.~~

~~4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.~~

~~5. Architectural style and design are to be approved by the division manager of zoning or his designee.~~

~~6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.~~

~~7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.~~

~~8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.~~

~~9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.~~

~~10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed conditioned hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.~~

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

(12) Accessory buildings, structures, uses and decks.

a. Size and setback limitations:

Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15 foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square-feet must be at least 100 feet from any property line and is subject to the development conditions below.

b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:

1. Maximum height is two stories or 35 feet.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and swimming pools and the like, the footprint shall be used in calculating total gross square feet.
3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.
4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.
5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.
6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building and shall adhere to the building setbacks of the primary structure. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.
7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.
8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.
10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.
11. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.
12. The primary structure in a residential district shall be the principle house on the lot.

~~Sec. 134-194. RR single-family residential district.~~

~~(12) Accessory buildings, structures, uses and decks.~~

~~a. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure less than 1,000 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the division manager of zoning or his designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or his designee.~~

~~b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:~~

~~1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.~~

~~2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.~~

~~3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.~~

~~4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.~~

~~5. Architectural style and design are to be approved by the division manager of zoning or his designee.~~

~~6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.~~

~~7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.~~

~~8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.~~

~~9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.~~

~~10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed conditioned hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.~~

Sec. 134-194. RR single-family residential district.

(12) Accessory buildings, structures, uses and decks.

a. Size and setback limitations:

Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15 foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square-feet must be at least 100 feet from any property line and is subject to the development conditions below.

b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:

1. Maximum height is two stories or 35 feet.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating

square-footage for ground level uses such as tennis courts, basketball courts and swimming pools and the like, the footprint shall be used in calculating total gross square feet.

3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.

4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building and shall adhere to the building setbacks of the primary structure. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

11. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.

12. The primary structure in a residential district shall be the principle house on the lot.

~~(12) Accessory buildings, structures, uses and decks.~~

~~a. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure less than 1,000 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the division manager of zoning or his designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or his designee.~~

~~b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:~~

~~1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.~~

~~2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.~~

~~3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.~~

~~4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.~~

~~5. Architectural style and design are to be approved by the division manager of zoning or his designee.~~

~~6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.~~

~~7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.~~

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed conditioned hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

Sec. 134-195. R-40 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

a. Size and setback limitations:

Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15 foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square-feet must be at least 100 feet from any property line and is subject to the development conditions below.

b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:

1. Maximum height is two stories or 35 feet.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and swimming pools and the like, the footprint shall be used in calculating total gross square feet.

3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which

may be located on the side of the primary structure and located within two feet of the primary structure.

4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building and shall adhere to the building setbacks of the primary structure. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

11. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.

12. The primary structure in a residential district shall be the principle house on the lot.

Sec. 134-196. R-30 single family residential district.

(12) Accessory buildings, structures, uses and decks.

a. Any accessory building or structure in excess of 800 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any

property line. Any accessory building or structure less than 800 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the division manager of zoning or his designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 800 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or his designee.

b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:

1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.

2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.

3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.

4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee.

6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any

~~required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.~~

~~10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed conditioned hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.~~

Sec. 134-196. R-30 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

a. Size and setback limitations:

Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15 foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square-feet must be at least 100 feet from any property line and is subject to the development conditions below.

b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:

1. Maximum height is two stories or 35.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1.

Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and swimming pools and the like, the footprint shall be used in calculating total gross square feet.

3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.

4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.
6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building and shall adhere to the building setbacks of the primary structure. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.
7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.
8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.
10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.
11. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.
12. The primary structure in a residential district shall be the principle house on the lot.

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

(12) Accessory buildings, structures, uses and decks.

a. Any accessory building or structure in excess of 650 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure less than 650 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 650 square feet of gross space must have the approval of the division manager of zoning

or his designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or his designee.

b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:

1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.

2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.

3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.

4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee.

6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure

~~by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.~~

~~10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed conditioned hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.~~

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

(12) Accessory buildings, structures, uses and decks.

a. Size and setback limitations:

Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15 foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square-feet must be at least 100 feet from any property line and is subject to the development conditions below.

b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:

1. Maximum height is two stories or 35.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and swimming pools and the like, the footprint shall be used in calculating total gross square feet.

3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.

4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to

the primary structure may be located to the rear or side of the principal building and shall adhere to the building setbacks of the primary structure. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

11. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.

12. The primary structure in a residential district shall be the principle house on the lot.

Sec. 134-198. R-15 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

a. Any accessory building or structure in excess of 650 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure less than 650 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 650 square feet of gross space must have the approval of the division manager of zoning or his designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding

neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or his designee.

b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:

1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.

2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.

3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.

4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee.

6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed conditioned hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory

~~building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.~~

Sec. 134-198. R-15 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

a. Size and setback limitations:

Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15 foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square-feet must be at least 100 feet from any property line and is subject to the development conditions below.

b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:

1. Maximum height is two stories or 35.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and swimming pools and the like, the footprint shall be used in calculating total gross square feet.

3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.

4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building and shall adhere to the building setbacks of the primary structure. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

11. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.

12. The primary structure in a residential district shall be the principle house on the lot.

Sec. 134-199. R-12 single-family residential district.

(12) Accessory buildings, structures, uses and decks:

a. Any accessory building or structure in excess of 650 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure less than 650 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 650 square feet of gross space must have the approval of the division manager of zoning or his designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community

development department or receive approval from the director of the community development department or his designee.

b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:

1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.

2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.

3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.

4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee.

6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed conditioned hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

Sec. 134-199. R-12 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

a. Size and setback limitations:

Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15 foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square-feet must be at least 100 feet from any property line and is subject to the development conditions below.

b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:

1. Maximum height is two stories or 35.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and swimming pools and the like, the footprint shall be used in calculating total gross square feet.

3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.

4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building and shall adhere to the building setbacks of the primary structure. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

11. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.

12. The primary structure in a residential district shall be the principle house on the lot.

~~Sec. 134-200. RD residential duplex district.~~

~~(12) Accessory buildings, structures, uses and decks.~~

~~a. Any accessory building or structure in excess of 650 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure less than 650 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 650 square feet of gross space must have the approval of the division manager of zoning or his designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or his designee.~~

~~b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:~~

1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.

2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.

3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.

4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee.

6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed conditioned hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

Sec. 134-200. RD single-family residential district.

(12) Accessory buildings, structures, uses and decks.

a. Size and setback limitations:

Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject

to the development conditions list below (except for 15 foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square-feet must be at least 100 feet from any property line and is subject to the development conditions below.

b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:

1. Maximum height is two stories or 35.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and swimming pools and the like, the footprint shall be used in calculating total gross square feet.

3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.

4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building and shall adhere to the building setbacks of the primary structure. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

11. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.

12. The primary structure in a residential district shall be the principle house on the lot.

~~Sec. 134-201. RA-4 single-family attached/detached residential district.~~

~~(12) Accessory buildings, structures, uses and decks.~~

~~a. Any accessory building or structure in excess of 650 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure less than 650 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 650 square feet of gross space must have the approval of the division manager of zoning or his designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or his designee.~~

~~b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:~~

~~1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.~~

~~2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.~~

3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.

4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee.

6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed conditioned hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

Sec. 134-201. RA-4 single-family attached/detached residential district.

(12) Accessory buildings, structures, uses and decks.

a. Size and setback limitations:

Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15 foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building,

structure, use and deck over 650 total gross square-feet must be at least 100 feet from any property line and is subject to the development conditions below.

b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:

1. Maximum height is two stories or 35.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and swimming pools and the like, the footprint shall be used in calculating total gross square feet.

3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.

4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building and shall adhere to the building setbacks of the primary structure. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

11. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.

12. The primary structure in a residential district shall be the principle house on the lot.

~~Sec. 134-201.1 PRD planned residential development district.~~

~~(12) Accessory buildings, structures, uses and decks.~~

~~a. Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the division manager of zoning or his designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or his designee.~~

~~b. Accessory buildings, structures, uses and decks shall be subject to the following conditions:~~

~~1. Maximum height is two stories or 35 feet.~~

~~2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.~~

~~3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.~~

~~4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.~~

~~5. Architectural style and design are to be approved by the division manager of zoning or his designee.~~

~~6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.~~

~~7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.~~

~~8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.~~

~~9. No garage or accessory building, structure, use or deck shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater.~~

~~10. When an accessory building is attached to the principal building by breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached. This shall not apply to decks.~~

Sec. 134-201.1 PRD planned residential development district.

(12) Accessory buildings, structures, uses and decks.

a. Size and setback limitations:

Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15 foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square feet must be at least 100 feet from any property line and is subject to the development conditions below.

b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:

1. Maximum height is two stories or 35 feet.
2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and swimming pools and the like, the footprint shall be used in calculating total gross square feet.
3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.
4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.
5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.
6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building and shall adhere to the building setbacks of the primary structure. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.
7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.
8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.
10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.
11. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.
12. The primary structure in a residential district shall be the principle house on the lot.

~~Sec. 134-201.2 RA-5 single-family attached/detached residential district.~~

~~(12) Accessory buildings, structures, uses and decks.~~

~~a. Any accessory building or structure in excess of 650 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure less than 650 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 650 square feet of gross space must have the approval of the division manager of zoning or his designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or his designee.~~

~~b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:~~

~~1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.~~

~~2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.~~

~~3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.~~

~~4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.~~

~~5. Architectural style and design are to be approved by the division manager of zoning or his designee.~~

6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed conditioned hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

Sec. 134-201.2 RA-5 single-family attached/detached residential district.

(12) Accessory buildings, structures, uses and decks.

a. Size and setback limitations:

Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15 foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square-feet must be at least 100 feet from any property line and is subject to the development conditions below.

b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:

1. Maximum height is two stories or 35.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating

square-footage for ground level uses such as tennis courts, basketball courts and swimming pools and the like, the footprint shall be used in calculating total gross square feet.

3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.

4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building and shall adhere to the building setbacks of the primary structure. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

11. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.

12. The primary structure in a residential district shall be the principle house on the lot.

~~(12) Accessory buildings, structures, uses and decks.~~

~~a. Any accessory building or structure in excess of 650 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure less than 650 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 650 square feet of gross space must have the approval of the division manager of zoning or his designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or his designee.~~

~~b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:~~

~~1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.~~

~~2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.~~

~~3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.~~

~~4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.~~

~~5. Architectural style and design are to be approved by the division manager of zoning or his designee.~~

~~6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.~~

~~7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.~~

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed conditioned hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

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

(12) Accessory buildings, structures, uses and decks.

a. Size and setback limitations:

Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15 foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square-feet must be at least 100 feet from any property line and is subject to the development conditions below.

b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:

1. Maximum height is two stories or 35 feet.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and swimming pools and the like, the footprint shall be used in calculating total gross square feet.

3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which

may be located on the side of the primary structure and located within two feet of the primary structure.

4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building and shall adhere to the building setbacks of the primary structure. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.

10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

11. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.

12. The primary structure in a residential district shall be the principle house on the lot.

Sec. 134-223 OS office/services district

(3) Permitted uses.

Corporate or administrative offices. ~~for any use permitted uses within this district.~~

Sec. 134-230 LI light industrial district

(3) Permitted uses.

Corporate or administrative offices. ~~for any use permitted uses within this district.~~

Sec. 134-231 HI heavy industrial district

(3) Permitted uses.

Corporate or administrative offices. ~~for any use permitted uses within this district.~~

Sec. 134-267. - General development standards.

(b)

Height of fences and walls. No fence or freestanding wall other than a retaining wall shall be more than eight feet in height, or be constructed in a public road right-of-way ~~as defined by the county major thoroughfare plan~~. If a fence is adjacent to a public road right-of-way ~~and within the required setback~~, or is in front of or to the side of the house in a residential district, or is in front of or to the side of the building in a non-residential district, such fence shall not exceed six feet in height and shall further meet the requirements set forth in section 134-263. The required height limitation (which includes posts and ornaments on top of fence) must be met on both sides of fence, and measured from the existing grade upon which it is erected. No more than six inches of backfill shall be allowed on the existing grade against the fence. This six inches of backfill shall be included when determining the height of the fence. Fences and walls shall be maintained in a structurally sound condition. When retaining walls are constructed on residential lots, excluding subdivisions or other residential developments that are under active construction and have not yet been accepted for maintenance by Cobb County, the exposed portion of a retaining wall, as measured from the adjacent property owners side of the wall, cannot exceed six feet in height when constructed within five feet of the property line. The height of a retaining wall can increase an additional five feet in height, as measured from the adjacent property owners side of the exposed wall, per each additional five feet that the retaining wall is off of the property line, provided that a landscape buffer is provided and approved by county staff. Interpolation of the five feet increments from the property line is not permissible. Tiered retaining walls must be at least five feet apart measuring from the top of the bottom wall to the bottom of the top wall.

Sec. 134-271. Special exceptions.

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

(1) Any other facility for the disposal of the dead, provided all requirements for a cemetery have been satisfied.....

(4) Churches, chapels, temples, synagogues and other such places of worship when located within the R-80, RR, R-40, R-30, R-20, R-15, OSC, R-12, RD, RA-4, PRD, RA-5, SC, RA-6, RSL, RM-8, RM-12, RM-16, MHP/S, MHP, AND RMR districts with the following minimum requirements:.....

k. Where department of community affairs (DCA) buildings are utilized, the following requirements shall apply:

1. The roof shall have a minimum four in twelve pitch;
2. The building shall be permanently affixed and totally underpinned;
3. An overall parking and landscape plan for entire site to be approved by county staff; and
4. Parking required under section (4)g. of this chapter.

(l). A church may have an accessory daycare facility (commonly known as pre-k, daycare school, child development center, "mother's morning out", and the like) program for the members of the church and up to 25% non-church members of the total number of children in the daycare program. Any signage for this use shall be incorporated into the main church signage, which cumulatively shall meet the sign requirements of this chapter. The church may be required to submit a traffic circulation and parking plan to the Cobb County Department of Transportation for review and approval if there is a potential the daycare facility could negatively affect adjacent roadways. The church daycare shall adhere to all State of Georgia requirements relating to the operation of the daycare facility. The daycare facility shall be located on the same lot as the main church building or facility, and stand alone facilities are not permitted. Any proposed accessory church daycare facility that exceeds the 25% non-church member clause of this section may file a petition the Board of Commissioners' for consideration of a Temporary Land Use Permit.

5) Mausoleums when used in conjunction with a cemetery, provided that all requirements for the cemetery have been satisfied.....

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## Sec. 134-272 – Traffic and Parking

(5) Off-street automobile parking. Off-street automobile parking shall be provided in accordance with all applicable provisions of this section.

b. Location. All parking facilities shall be located in accordance with the following provisions:

1. The required space shall be provided on the same plot with the use it serves, except as provided in this section.

2. If vehicular parking or storage space required cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit such space to be provided on other off-street property provided such space lies within 400 feet of the main entrance to such principal use. Such vehicular parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

3. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at nights or on Sundays.

4. The required number of parking spaces for non-residential uses may be reduced if a property owner or developer provides a parking study that is prepared by a design professional in accordance with industry standards that demonstrates the proposed number of reduced or shared parking spaces will not cause a burden, nuisance or safety concern to the subject property, adjacent properties or the right-of-way. The parking study must be approved by the Cobb County Department of Transportation, the Cobb County Stormwater Management Division and the Cobb County Zoning Division to be implemented or constructed, Cobb County reserves the right, at any time, to require additional parking spaces if the parking study turns out to be erroneous, or if uses change that revise the merits of the parking study or if problems arise relating to the reduced number of parking spaces that are causing harm to the subject property, adjacent property or the right-of-way.

4. 5. Any parking facilities that will be located on the roof top of any structure, must obtain a special land use permit as required by [section 134-37](#) of this chapter.

Sec. 134 – 275 Civilian Airport Hazard District

~~(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:~~

~~(1) — Airfield means Dobbins Airfield, McCollum Airport and other airfields in the county.~~

~~(2) — Flight hazard means any structure or natural growth or use of land which obstructs or restricts the airspace required for the safe flight of aircraft in landing, takeoff or maneuvering areas at or in the vicinity of the airfield.~~

~~(3) — 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.~~

~~(4) — Person means any individual, firm, copartnership, corporation, company, association, joint stock association or body politic, and also any trustee, receiver, assignee or other similar representative thereof.~~

~~(5) — Structure means any object constructed or installed by man, including, without limitation, buildings, towers, smokestacks and overhead transmission lines.~~

~~(6) — Landing area means that part of the airfield that is used or intended to be used for landing and takeoff of aircraft.~~

~~(7) — Approach-departure clearance surface. This surface is symmetrical about the runway centerline extended. It begins as an inclined plane (glide angle) 200 feet beyond the end of the runway at the same elevation as the runway end, and extends for 50,000 feet. The slope of this surface is 50 to one (glide angle) for military airports, along the runway centerline extended for 25,000 feet, at which point it reaches an elevation of 500 feet above the elevation of the runway end. It then continues horizontally at this elevation for an additional 25,000 feet. The width of this surface at the starting point (200 feet from the runway end) is 2,000 feet. It flares uniformly and the width at 2.5 miles is 5,696 feet.~~

~~(8) — Obstruction to air navigation. An object of greater height than any of the heights or surfaces presented in subpart C of Code of Federal Regulations (14 CFR), Part 77. (Obstructions to air navigation are presumed to be hazards to air navigation until an FAA aeronautical study has determined otherwise.)~~

~~(9) — Hazard to air navigation. 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.~~

~~(b) — Compatible use zones. To carry out the purposes of this section, all of the land within the boundaries of the airfields in the county and within one mile of the runway centerline extended of each instrument runway affected, for a distance of 2.5 miles from each end of such runway, is hereby declared to be a compatible use zone (CUZ) divided into three subzones. The subzones are:~~

~~(1) — CUZ-1: From the end of the runway extending outward in a fan-shaped fashion matching the horizontal dimension of the approach-departure clearance surface for a distance of 2,500 feet.~~

~~(2) — CUZ-2: From the end of CUZ-1 to a point 2.5 miles from the end of the runway, extending in fan-shaped fashion to match the horizontal dimension of the approach-departure clearance surface.~~

~~(3) — CUZ-3: All of the CUZ not included in CUZ-1 or CUZ-2.~~

~~The boundaries of such zones and subzones are shown on the county zoning map, which is made a part of this section.~~

~~(c) — Height limit. Except as otherwise provided in this section, no obstructions to air navigation, structure or natural growth shall be erected, altered, allowed to grow or maintained of greater height than any of the heights presented in subpart C of Code of Federal Regulations (14 CFR), Part 77.~~

~~(d) — Use restrictions.~~

~~(1) — Generally. Notwithstanding any other provisions of this chapter, no use may be made of land within the zones listed in subsection (c) of this section in such a manner as to create electrical interference with radio communication between the airfield and 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 aircraft.~~

~~(2) — CUZ-1. Residential, commercial, industrial or recreation uses which result in a gathering of people with a density not to exceed 25 persons per net acre are permitted in CUZ-1.~~

~~(3) — CUZ-2. In addition to those uses allowed in CUZ-1 under subsection (d)(2) of this section, manufacturing, warehousing and wholesale merchandising, outside storage, scrap and wrecking yards, sanitary landfills, water and sewage treatment plants, cargo transportation terminals, maintenance, repair and overhaul facilities are permitted, provided the proposed use complies with all the restrictions under this chapter and a permit has been obtained under subsection (g) of this section. Additional nonresidential uses compatible with the conditions prevailing in airport environs may also be authorized by permit under subsection (f) of this section.~~

~~(4) — CUZ-3. CUZ-3 is in general a noise level region in which the 1972 vintage standard jet can cause a noise level of 100 decibels in the audio region of the electrical spectrum.~~

~~(e) — Nonconforming uses. Any person desiring to erect any structure or increase the height of any structure, or permit natural growth, or use his property, not in accordance with the regulations prescribed in this section, may apply for a variance therefrom. Such variance may be allowed, if an FAA aeronautical study has determined there is no hazard to air navigation, and where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but substantial justice done, and would be in accordance with the spirit of this chapter.~~

~~(f) — Permits.~~

~~(1) — Future uses. No material change shall be made in the use of land, and no structure or natural growth shall be erected, altered, planted or otherwise established, in any of the compatible use zones specifically listed in this section, unless a permit therefor shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or natural growth would conform to the regulations prescribed in this section. If such determination is in the affirmative, the permit applied for shall be granted.~~

~~(2) — Existing uses. Before any existing use, structure or natural growth may be replaced, substantially altered, rebuilt, allowed to grow higher than the permitted height, or replanted, within any of the specified compatible use zones, a permit must be secured. No such permit shall be granted that would:~~

~~a. — Allow the establishment or creation of a flight hazard or use not authorized by this section; or~~

~~b. — Permit a nonconforming use, structure or natural growth to be made, become higher, or become a greater hazard to air navigation or become less compatible in use than it was on the effective date of the ordinance from which this section is derived, or than it is when the application for a permit is made. Except as indicated, all other applications for a permit for replacement or change of an existing use, structure or natural growth shall be granted.~~

~~(g) — Hazard marking and lighting. Any permit or variance granted under subsection (e) or (f) of this section, if such action is considered advisable to effectuate the purposes of this section and reasonable in the circumstances, may be so conditioned as to require the owner of the structure or natural growth in question, at its expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to aircraft pilots the presence of a flight hazard.~~

~~(h) — Dimensions of imaginary surfaces. Dimensions of imaginary surfaces are as presented in subpart C of Code of Federal Regulation (14 CFR), Part 77,~~

~~Objects Affecting Navigable Airspace, incorporated herein by reference and as amended from time to time.~~

~~NOTE: Zoning map to include CUZ for McCollum Field and Charlie Brown Field.~~

a. Definitions and Acronyms - 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:

1. Above Ground Level ("AGL") means a reference of elevation above ground level.
2. Airport means Cobb County Airport-McCollum Field and Fulton County Airport – Charlie Brown Field and other civilian use public-owned airfields, including heliports as recognized by the State of Georgia.
3. Airport Manager means the administrative representative of each Airport.
4. Runway Elevation means height limitations originate from the nearest Airport's runway Mean Sea Level. Runway Elevations are documented in the Airport's Master Plan.
5. Airport Impact Zones means the Six (6) areas closest to Airport under which Airport operations regularly occur, as shown on the Airport Impact Zones Land Use Map.
6. Airport Operations means take off, climb out, approach, landing, and traffic pattern operations that may vary for each aircraft.
7. Airport Impact Zones Land Use Map means map describing compatible land uses within the vicinity of each Airport.
8. Airspace Surfaces means the same areas as stated in the Federal Aviation Regulations ("FAR") Part 77 Airspace Surfaces as amended from time-to-time.
9. 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.
10. 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.
11. 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
12. Mean Sea Level ("MSL") means the elevation reference for objects above sea level.

13. Non-conforming 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.
14. 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.)
15. 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.
16. Runway means an airport's paved or cleared strip on which planes land and take off.

b. 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 Twenty-five (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 Civilian Airport Hazard District Ordinance does not preclude approval of obstructions to air navigation with heights in excess of those height limitations prescribed in FAR Part 77 and/or TERPS, if either of the following is met:
  - i. A determination of "No Hazard to Air Navigation" is issued from a FAA Airspace Study resulting from the Notice Requirement of FAR part 77.17 and the Airport Manager supports the determination; or
  - ii. A variance application may be considered by the Board of Zoning Appeals when such action is considered advisable to effectuate the purposes of this section and reasonable in the circumstances when considering the results of the determination of an FAA Airspace Study and the input from the Airport Manager.

c. 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. Table 1 presents recommended conforming land uses within each Airport Impact Zone.

TABLE 1  
AIRPORT IMPACT ZONES LAND USE RECOMMENDATIONS

<u>Land Usage</u>	<u>Runway Protection Zone</u>	<u>Inner Safety Zone</u>	<u>Turning Zone</u>	<u>Outer Safety Zone</u>	<u>Side Line Safety Zone</u>	<u>Traffic Pattern Zone</u>
<u>Residential</u>	<u>N</u>	<u>N</u>	<u>Y (1)</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Commercial</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Industrial</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Schools/Institutional</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
<u>Day Care Center</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
<u>Place of Worship</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
<u>Parks/Open Space</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y/Y</u>
<u>Passive Parks</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Nursing Home</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
<u>Hospital</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
<u>Solid Waste Landfill</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

1/ Low density residential

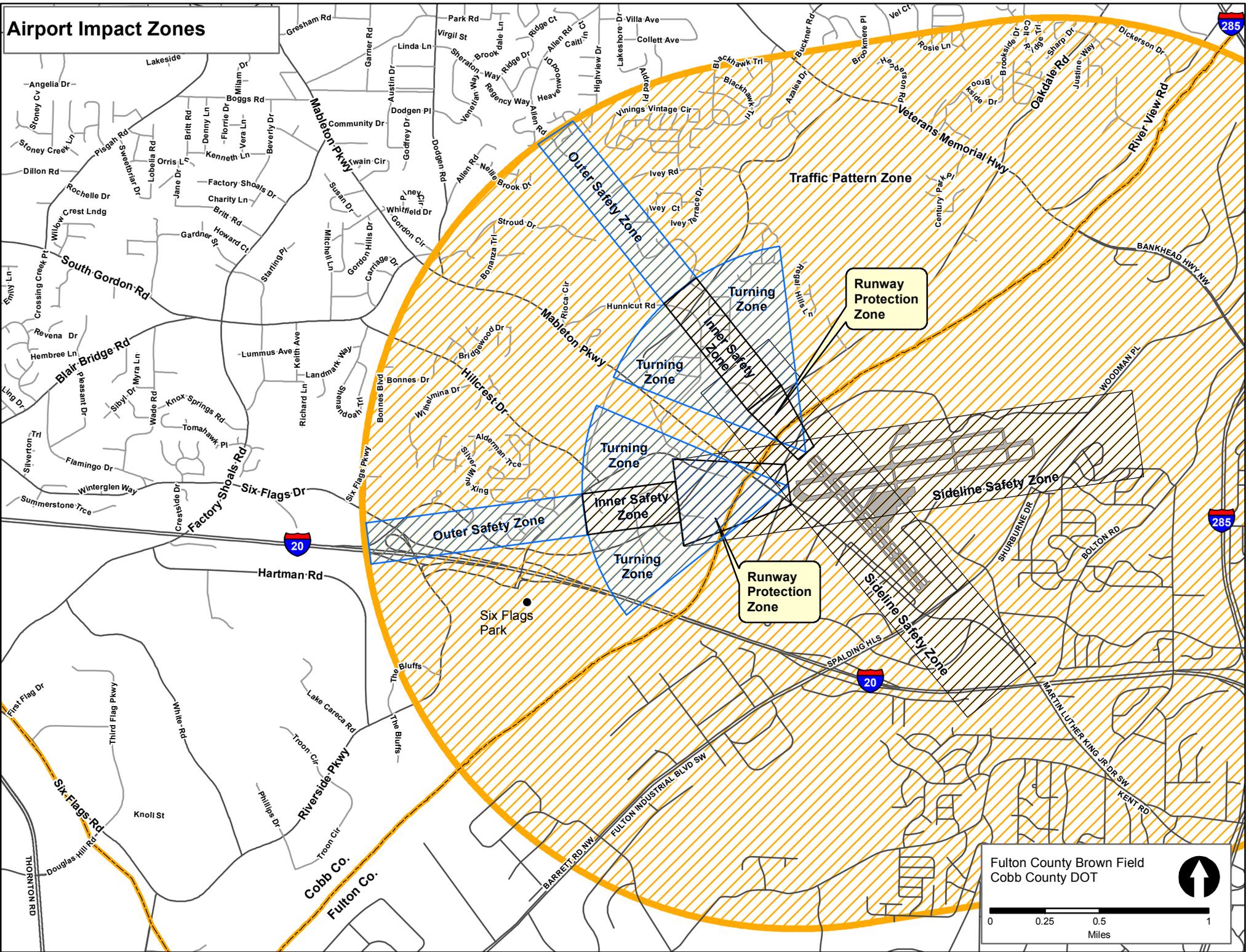
1. Generally. Notwithstanding any other provisions of this chapter, no use may be made of land within the zones listed in this section in such a manner as to create electrical interference with radio communication between the Airport and any aircraft, make it difficult for flyers to distinguish between 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.

d. Existing Non-Conforming Uses or Heights. This Ordinance 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 Non-conforming Uses of a building, structure or land as described in Section 134-31 of the County Ordinances—Non-conforming Uses.
2. Notwithstanding the preceding section, this Ordinance 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 section, no existing non-conforming natural growth may become higher, or become a greater hazard to air navigation than it was on the effective date of this ordinance.

e. Conflicting Regulations. In case of conflict between the regulations of this Chapter and other regulations, unless otherwise stated, the more stringent regulations shall control.

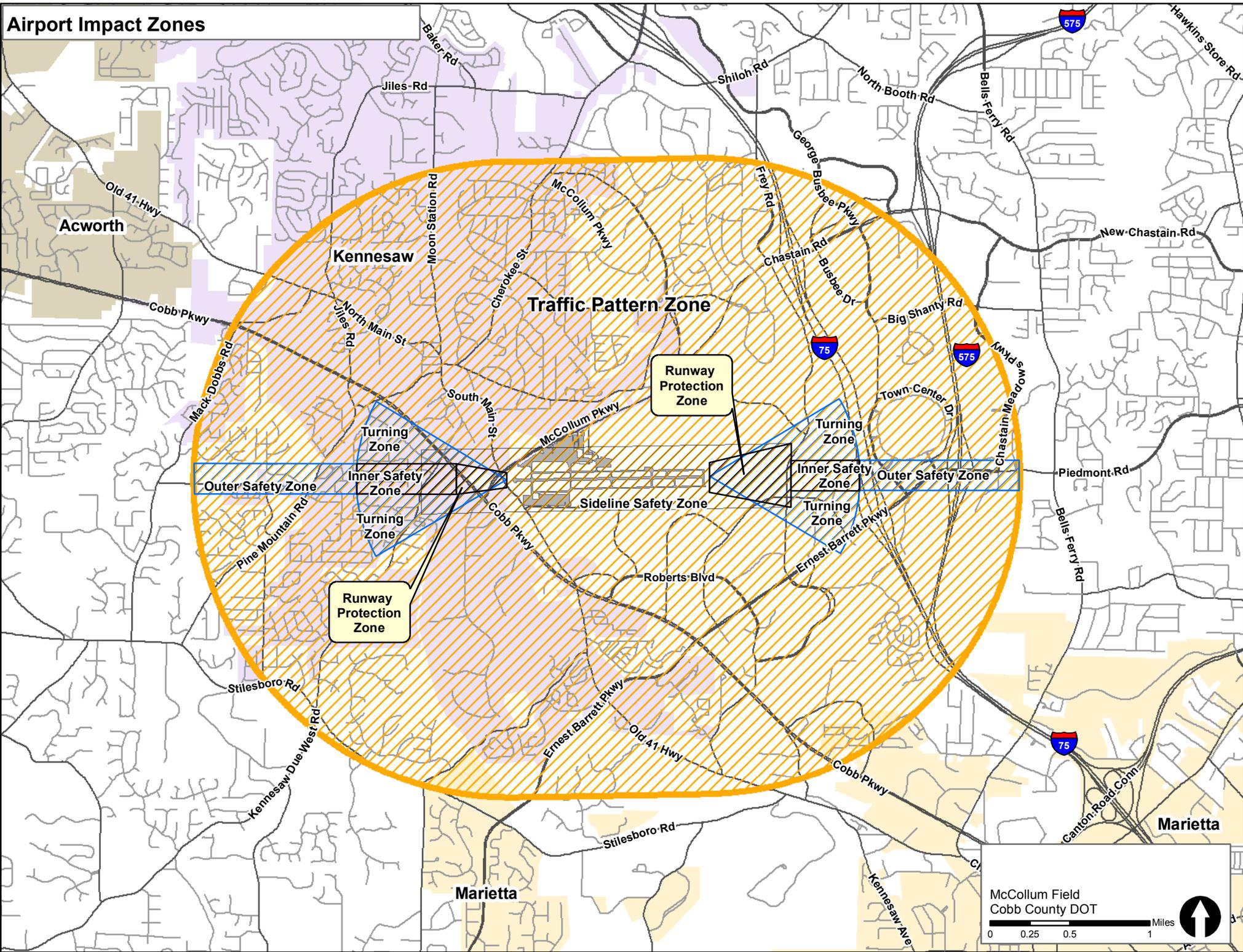
# Airport Impact Zones



Fulton County Brown Field  
Cobb County DOT

0 0.25 0.5 1  
Miles

# Airport Impact Zones



McCollum Field  
Cobb County DOT

0 0.25 0.5 1 Miles



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

a. Class I manufactured home means a single-family dwelling unit that is constructed in accordance with the Federal Manufactured Home Construction and Safety Standards.....

(f) Violations. Any violation of the provisions of this section shall be punishable as provided in section 1-10, or by loss of the business license of any seller. In addition, any manufactured home or industrialized building erected, constructed, parked, occupied or used in violation of the terms of this section shall be termed a nuisance and a continuing nuisance so long as such violation may be continued, and such violation may be subject to abatement as a nuisance as provided by the laws of this state, and the industrialized building or manufactured home shall be instantly removed from the site. In addition, the terms of this section may be enforced by the county, or proper county authority authorized by the county manager, by injunction or otherwise. This right to injunctive relief is cumulative and is not to be construed as curtailing the rights of any resident, property owner or other person regarding enforcement of this section or of such rules and regulations as may be promulgated by the county in pursuance of this section.

(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.

(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)

Sec. 134-318.1. Reduction in number of off-premises outdoor advertising signs

(a) Purpose: The board of commissioners finds that all off-premises outdoor advertising signs in unincorporated Cobb County are legal nonconforming uses, and consistent with the provisions of section 134-346, nonconforming signs, it is the desire of Cobb County that such nonconforming uses be permitted to continue, but that they be reduced over time. Despite this intent, the number of legal nonconforming off-premises outdoor advertising signs has not been materially reduced in a significant fashion. The board of commissioners further finds that the development of electronic signs provides a valuable opportunity to enhance the utilization of existing signage within Cobb County, although such electronic signs must be properly regulated to insure they do not constitute a traffic hazard or otherwise negatively impact the aesthetics of Cobb County. As such, the board of commissioners finds that the modification of a limited number of existing legal nonconforming static signs to electronic signs, in exchange for a reduction in the overall number of nonconforming off-premises outdoor advertising signs constitutes a benefit to Cobb County in regard to traffic safety and aesthetics.

(b) Exchange ratio and permitting: Notwithstanding any other provision of this ordinance, any existing legal nonconforming off-premises outdoor advertising sign face(s) or panel(s) existing on the date of adoption of this ordinance amendment and not located within 500 feet of a residence may be modified to an electronic sign face(s) or panel(s), provided that the applicant remove from within Cobb County (including both incorporated and unincorporated areas) not less than three legal nonconforming off-premises outdoor advertising sign face(s) or panel(s) of equal or greater square footage to that sign being converted to an electronic sign. Any existing legal nonconforming off-premises outdoor advertising sign face(s) or panel(s) existing on the date of adoption of this ordinance amendment that is located within 500 feet of a residence may be modified to an electronic sign face(s) or panel(s), in accordance with all other applicable criteria listed above subject to:

(i) Approval by the Board of Commissioners as an Other Business Agenda Item, including applicable posting, certified mailings to residents within 500 feet and public hearing requirements. When determining the appropriateness of modifying an existing legal nonconforming off-premises outdoor advertising sign to an electronic sign if located within 500 feet of a residence, the Board of Commissioners will consider whether or not the electronic sign face will be visible from the residence(s) that is within 500 feet; whether or not electronic sign faces visible from the residence(s) are properly buffered and screened from lighting cast from the sign; whether or not there are other existing or changing conditions that would give supporting grounds for either approval or disapproval of the requested modification.

- (c) Determination criteria: Provided, in determining the exchange ratios:
  - (1) Multiple sign panels may be combined to satisfy the necessary sign face or panel removals;.....