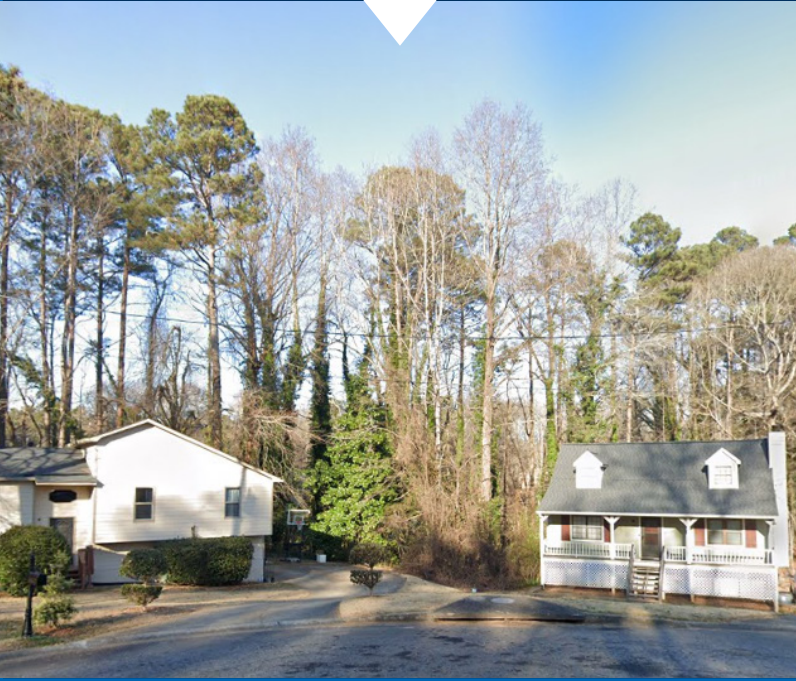


**C O D E**  
**ASSESSMENT**  
**PUBLIC VERSION**  
NOVEMBER 2023







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# I. Introduction and Overview

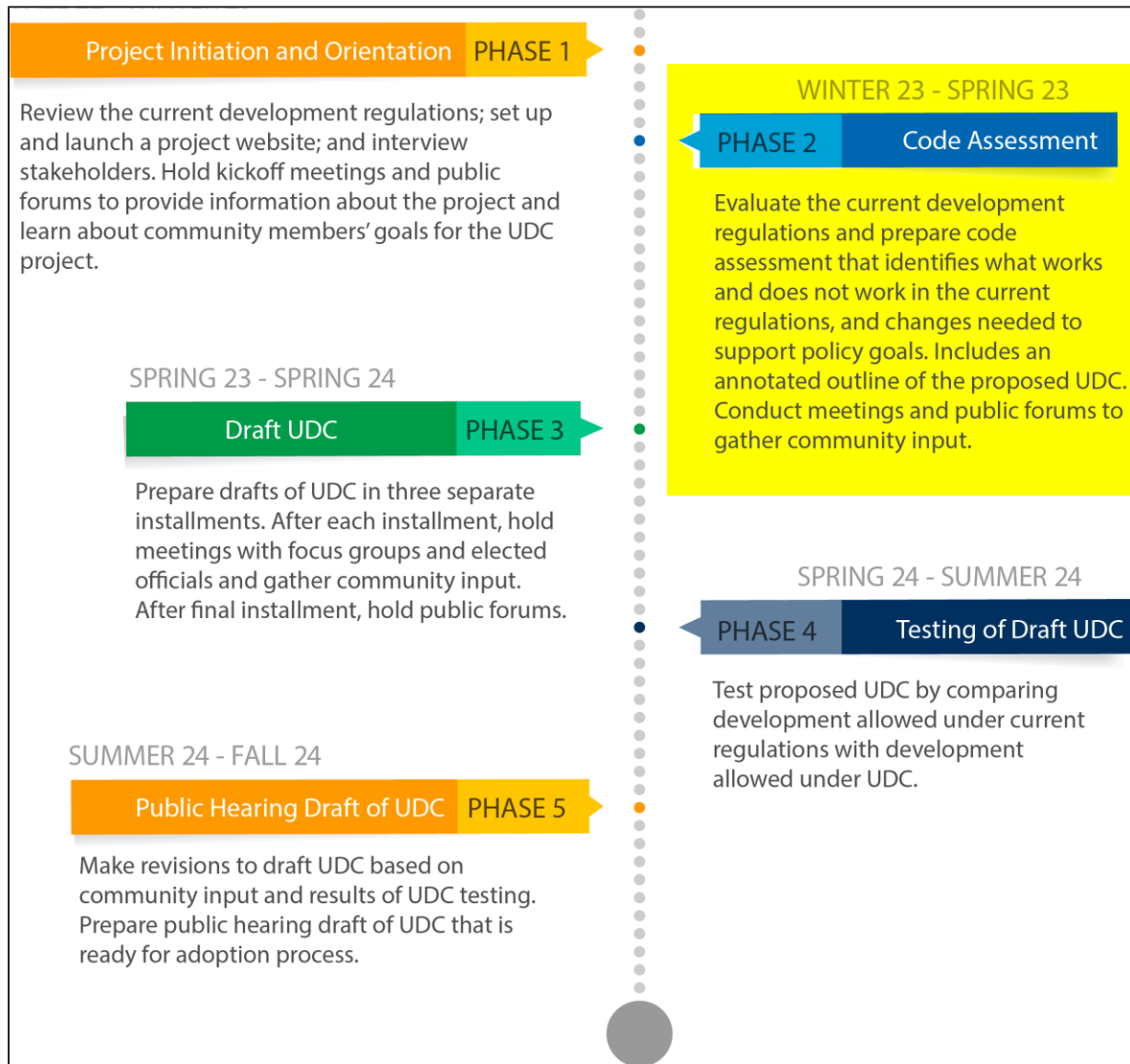
## Introduction and Purpose

The Cobb County Unified Development Code (UDC) project involves a comprehensive update of the county's current zoning and other development regulations. There are three primary reasons for the update:

- ★ First, it has been nearly 50 years since Cobb County's initial set of zoning and development regulations were adopted. While there have been many piecemeal amendments adopted over the years to address specific land use and development issues, the regulations have never been comprehensively updated since their original adoption. These piecemeal amendments, while necessary and important, have resulted in a set of development regulations that are not user-friendly. The regulations are found in several different documents, are poorly organized, include conflicting and in some instances antiquated provisions, and are difficult to read and understand for the public, review boards, elected officials, and staff. In addition, they do not include broad use of many of the basic tools used in modern development codes to make the regulations more user-friendly, such as graphics, illustrations, tables, the use of a clean page layout, and a well-organized numbering system. It is very important that the County's development regulations be updated and made more user-friendly.
- ★ Second, over the past 50 years, the County has seen dramatic changes: significant population growth and development, changing demographics, and changing lifestyles. The development regulations, while addressing some of these changing conditions, do not address them all. These changes need to be accommodated as the development regulations are updated.
- ★ Third, the County's recently updated 2040 Comprehensive Plan was further amended in the fall of 2022. It establishes the community's updated policy direction for growth and development over the coming decades. Some of the policies included in the Plan are not supported or otherwise furthered by the current development regulations. Consequently, the updated development regulations provide an opportunity to implement this new policy direction in the Plan.

The update to the development regulations will be accomplished over a two-year period, in five phases. Each phase and the project schedule are summarized on the next page in Figure I-1: Work Plan for Unified Development Code. Phase 1: Project Initiation and Orientation, was completed in late 2022. This Code Assessment is the key work product completed in Phase 2. Based on the community input in Phase 1, and the policy direction in the Plan, it identifies the key goals for the update, and provides recommendations for how the development regulations should be restructured and changed to address these key goals. The Code Assessment has been made available for public review as of November 2023. Public meetings will follow to gain community input about the recommendations proposed for the update.

Figure I-1: Work Plan for Unified Development Code



## Overview of Code Assessment

The Code Assessment identifies the key goals for the update and then provides recommendations for how the development regulations should be restructured and changed to address these key goals. It is intended to be a focal point for discussions about potential changes to the County's zoning and development regulations. Once public input is received, and a general consensus reached on the suggested changes, the actual drafting of the updated UDC will begin in Phase 3: Draft UDC. The Code Assessment will serve as a roadmap for the drafting of the updated Unified Development Code (UDC). Generally, the Assessment recommends the following changes to the development regulations:

- ★ The addition of user-friendly elements such as graphics, flowcharts, and tables and the use of a modern and easier to understand document format and referencing;

- ★ Restructuring the organization of the regulations to make them more logical, intuitive, and understandable;
- ★ Updating, streamlining, and clarifying the development review procedures to make them more efficient;
- ★ Modernizing, simplifying, and revising the zone districts and their structure, to achieve the key goals for the project. This includes:
  - ★ Carrying forward the existing residential districts with no significant changes to the uses permitted in those districts or applicable dimensional standards, to ensure the preservation of the existing single-family residential neighborhoods;
  - ★ Modernizing and aligning the zone districts to ensure they are consistent with the land use categories in the Plan.
  - ★ Restructuring, as appropriate, some of the zone districts for the Activity Centers in the Plan to support walkable, and moderate and higher density/intensity mixed use development;
  - ★ Providing several new higher density multifamily districts;
  - ★ Coordinating land use and transportation while supporting neighborhood design that adds to accessibility and connectivity for all;
- ★ Modernizing, simplifying, and incorporating zoning best practices concepts in the development standards;
- ★ Providing opportunities for housing that accommodates households of all sizes and incomes and at all stages of life in appropriate locations in the County;
- ★ Adding measurable and specific residential compatibility standards to better protect the character of existing single-family neighborhoods from incompatible uses around the edges; and
- ★ Supporting the redevelopment and revitalization of older commercial corridors and other select areas in the County.

The Assessment should not be read as a criticism of the current regulations, which have served the County well for many years of explosive growth. Instead, it should be read as a report that, after evaluation of current policies and regulations, offers tools to help the County realize its vision and goals for growth and development moving forward.

### Organization of Code Assessment

The Assessment is organized into three parts. Part 1 is this Introduction. Part 2 is the Diagnosis, which identifies the key goals for the UDC, and includes recommendations for how these goals can best be achieved. Part 3 is an Annotated Outline that shows how the new UDC would be organized if the goals identified in the Diagnosis are implemented as recommended.

Residents, business and property owners, elected and appointed officials, and everyone else in Cobb County are encouraged to read this Assessment and note the parts you agree with—as

## I. Introduction and Overview

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well as the parts that should be changed—to help promote a vigorous and open exchange of ideas. We also ask that you read the Assessment with an open mind about different ways of collaborating in order to achieve the County’s desired goals for future growth and development.

## II. Diagnosis

### Theme 1: Make the Updated Development Regulations More User-Friendly and Streamlined

Cobb County’s land-use code and subdivision regulations were initially adopted more than 50 years ago. They have been amended and revised many times since then. The result is that today the development regulations are hundreds of pages long and spread across multiple documents. They are also poorly organized, which makes it a challenge to locate specific provisions. They are unwieldy and difficult to understand for everyone—residents, developers, county staff, advisory and review board members, and elected officials alike. In addition, the current regulations lack features commonly included in more modern codes, such as:

- ★ A logical and intuitive organization;
- ★ Integration of graphics, illustrations, photographs, and modern tables to help explain zoning terms;
- ★ Clear formatting that makes it easy to navigate the document;
- ★ Cross references that make the document easier to understand;
- ★ Consistent review standards that apply logically to different types of applications;
- ★ Use tables that provide clarity about what uses are allowed in different districts and clear definitions of allowable uses;
- ★ Consistent, easy-to-locate definitions; and
- ★ Regulations and definitions written in “plain English.”

There is a general consensus in the community that one of the key goals of the update project should be to update and reorganize the current regulations to make them more user-friendly. We suggest this can be done in five ways.

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#### 1.1. Make the Structure More Logical and Intuitive

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The County’s development and zoning regulations include its specific chapters in the County Code and the Development Standards. Within the County Code, most provisions relating to land development are included in Chapter 134, Zoning, and Chapter 110, Subdivisions. However, other regulations that impact land use are included in Chapter 50, Environment (including Article VI, Tree Preservation and Replacement), Chapter 58, Floods (Article II, Flood Damage Prevention), Chapter 82, Manufactured Homes and Trailers, and Chapter 106, Streets, Sidewalks, and Other Public Places (such as Section 106-96 which requires sidewalks in all new developments). There are other regulatory documents located outside the County Code, such as the Design Guidelines for Austell Road (2018). In addition, there are other design guidelines that have not been codified and do not have the force of law, such as the Canton Road Design Guidelines (2014).



As noted above, most of the regulations specific to zoning are consolidated in Chapter 134, Zoning. However, in that chapter the regulations are not organized in a logical, easy-to-understand way. Here are a few examples:

- ★ Definitions are scattered throughout the document. While Section 134-1 contains a general set of definitions, additional definitions are located elsewhere. Some definitions for the same term are included multiple times, with inconsistencies between them. For example, the term “customary home occupation” is defined in Section 134-1. However, very similar (but not identical) definitions are included in the sections establishing multiple zone districts; three examples are at Section 134-193(2)(b) for the R-80 district, Section 134-194(2)(c) for the RR district, and Section 134-199(2)(b) for the R-12 district.

Another example: Section 134-270 contains standards and requirements for golf courses, and Section 134-270(1) includes definitions that apply to golf courses only. One term that is defined in Section 134-270(1) is clubhouse, which is also defined in Section 134-1.

- ★ Article V, Supplemental Regulations, is a grab-bag of unrelated provisions. The article includes the following types of regulations:
  - ★ Use-specific standards for principal uses (such as the regulations that apply to golf courses in Section 134-270, and the regulations for communication antennas and towers in Section 134-273);
  - ★ Use-specific standards for accessory uses (such as unattended donation drop boxes in Section 134-287 *et seq.*, and backyard chickens in Section 134-290);
  - ★ Administrative procedures and standards (such as the regulations that apply to special exceptions in Section 134-271);
  - ★ Overlay zone districts (for the civilian airport hazard district in Section 134-275, and the military airport hazard district in Section 134-275.1);
  - ★ Development standards (such as Section 134-272, Traffic and parking); and
  - ★ Application requirements (such as Section 134-269, Lighting plan).
- ★ There are also inconsistent standards. Section 134-191 includes a summary table of dimensional standards for all of the districts, and Section 134-192 includes summary tables of allowed uses in each district. However, the regulations in those sections in some cases do not line up with the text that establishes each of the zone districts in Sections 134-193 through 134-231. (Staff have directed that inconsistencies are resolved in favor of the establishing text, not the summary tables.) Such inconsistencies and conflicting standards make the regulations very difficult to use.

The internal organizational structure of the code chapters is largely consistent. The code uses section numbers, lettering, numbering, and indentation to show the organization and hierarchy of the document. Multiple cross-references are included. However, because the code is presented online in Municode, it has few visual cues to help the user organize themselves in the document. Finally, the current regulations generally consist of full-text pages and do not make

good use of white space, paragraph alignment, and succinct section headings, which impedes their readability.

Adding more complexity to the current structure of the development regulations is the existence of the separate Development Standards document. This document includes a number of provisions typically found in development regulations (either the zoning or subdivision regulations) like standards related to site plans, structural plans, subdivision, utilities, mixed-use developments, off-street parking, sidewalks, tree preservation, and historic properties; and certain rules governing development review.

Typically, modern codes address these above identified problems in several ways. The first is by consolidating all relevant regulations into a Unified Development Code (UDC), either as a separate document or as a consolidated portion of the full County Code. The second is to organize the regulations in a more logical and intuitive way through a hierarchy based on procedural and substantive relationships. This organization, which is shown here as Figure II-1, is set out in more detail in Part III, Annotated Outline of New UDC. This is what is recommended for the rewrite.

More specifically, this would result in the following consolidated structure for the new UDC. Following an article with general provisions in Article 1, all procedures would be consolidated into Article 2: Administration. Provisions common to multiple procedures, such as application submission, would be included in a standard procedures section, while each application type would be listed separately, as discussed in Section 1.5, Reorganize, Update, and Streamline Review Procedures. Zone districts would be consolidated into Article 3: Zone Districts, while use regulations—including an updated use table and use-specific standards—would be consolidated in Article 4: Use Regulations. All development standards (like off-street parking, tree preservation and replacement, historic properties, etc.) would be consolidated in Article 5: Development Standards.

The subdivision standards would be consolidated in Article 6: Subdivision Standards (subdivision procedures will be included in Article 2: Administration). The existing technical standards would continue to be included in a separate Development Standards document. Nonconformity provisions would be consolidated into one article (Article 7: Nonconformities), while enforcement provisions are proposed to be consolidated in Article 8: Enforcement. Rules of measurement and construction, and all definitions would be consolidated in Article 9: Rules of Measurement and Construction and Definitions.

Finally, zone districts that are currently applied to land in the County and are proposed to be carried forward in the UDC, but are not intended to be applied by the County Commission to additional lands (“Retired Districts,” discussed in Section 2.2.8, Retired Districts), would be carried forward in an Appendix.

**Figure II-1: Proposed Outline of New UDC**

<b>Article 1.</b>	<b>General Provisions</b>
<b>Article 2.</b>	<b>Administration</b>
<b>Article 3.</b>	<b>Zone Districts</b>
<b>Article 4.</b>	<b>Use Regulations</b>
<b>Article 5.</b>	<b>Development Standards</b>
<b>Article 6.</b>	<b>Subdivision Standards</b>
<b>Article 7.</b>	<b>Nonconformities</b>
<b>Article 8.</b>	<b>Enforcement</b>
<b>Article 9.</b>	<b>Rules of Measurement and Construction, and Definitions</b>
<b>Appendix</b>	<b>Retired Districts</b>

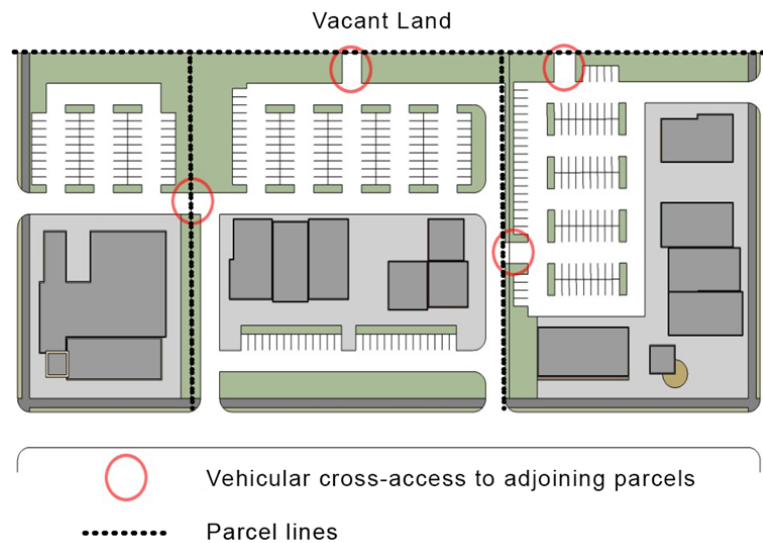
## 1.2. Graphics, Illustrations, Flowcharts, and Tables

Another way to make regulations user-friendly is through the use of graphics, illustrations, photos, flowcharts, and tables. They assist with communicating zoning concepts and improving the readability of the regulations. Graphics, illustrations, photos, flowcharts, and tables are also helpful in development regulations because they convey information concisely and, in many instances, more clearly, which eliminates the need for lengthy, repetitive text. Repetitive text, as mentioned in the previous section, is an especially noteworthy issue in the current code. The current regulations do not take advantage of modern graphic design concepts and tools that produce clear illustrations and graphics to help explain or establish zoning requirements.

### 1.2.1. Graphics and Illustrations

There are few graphics or illustrations in the current development regulations. Furthermore, illustrations in the Development Standards focus on technical engineering considerations, not zoning provisions. For the most part, therefore, the current regulations present the user with a formidable wall of text. We suggest that adding graphics and illustrations throughout the regulations that illustrate procedures, development form, and other zoning concepts (see an example in Figure II-2 for vehicular cross-access requirements from another code) would make the regulations more user-friendly.

Figure II-2: Sample Illustration from Another Code

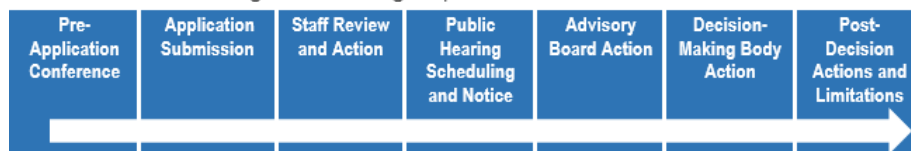


### 1.2.2. Flowcharts and Summary Tables

Flowcharts and summary tables are also helpful in presenting information succinctly and eliminating repetition or inconsistent terminology. For example, flowcharts can be used along with text in the procedures section of the regulations to graphically portray the process required for review of a specific type of development application, from the time of application submission to the final decision on the application. See Figure II-3: Sample Process Flowchart, for an example flowchart used in another community’s code.

Figure II-3: Sample Process Flowchart

Figure 2-1: Zoning Map Amendment Procedure



Tables are also effective ways to present certain types of information. Chapter 134 includes a few simple tables, such as the ones that list the permitted uses, dimensional standards, off-street

parking requirements, and other standards in the zone districts (although, as noted earlier, they are inconsistent with standards established elsewhere in the regulations). Chapter 110 includes a single table under Sec. 110-89 that lists minimum required pavement widths. However, the tables could be better designed and easier to use; furthermore, there are many other places where the use of tables would improve the ease of understanding the regulations.<sup>1</sup> See Figure II-4: Sample Table from Another Code for an example of a table.

We suggest the new UDC use well-designed and well-formatted tables that make appropriate use of color and consolidate as much information as practical. These tables can be especially useful when presenting dimensional standards that apply in each zone district (see the discussion in Section 2.3, Improve the Formatting of Zone District), or uses that are allowed, allowed with a special land use permit, allowed with special exception

approval, or prohibited (see the discussion in Section 2.4, Clarify Uses in a More Logical and Functional Framework). In addition, all tables should be labeled according to the subsection in which they are located, so they can be more easily referenced from elsewhere in the document, and they should be consistently formatted for readability.

**Figure II-4: Sample Table from Another Code**

Lot Size	Minimum Number of Trees	Minimum Diameter of Trees (inches dbh)
8,000 sf or less	2	7
More than 8,000 and less than 16,000 sf	4	14
More than 16,000 and less than 24,000 sf	7	22
More than 24,000 and less than 36,000 sf	10	31
More than 36,000 and less than 43,560 sf	12	37
43,560 sf or more	N/A	37 in per acre

### 1.3. Improve Document Formatting and Referencing

The current regulations are also functionally difficult to navigate and use. Each document is accessed through Municode. The zoning regulations contain no active links or bookmarks. There are no section “breadcrumbs” in the page headers or footers, making it hard for readers to understand where they are located in the document, especially in the context of longer, multiple-page provisions.

To improve readability, modern codes use distinctive heading styles to distinguish various sections, subsections, paragraphs, and subparagraphs more clearly. We have included an example page layout from another community’s code in Figure II-5. When combined with better alignment, white space, tables, and graphics, the text becomes much easier to read and interpret. Other features of modern codes include:

- ★ An easy-to-understand referencing system;
- ★ A detailed table of contents;
- ★ Detailed headers and footers that highlight the section number and topic on each page, allowing a reader to navigate to desired locations;
- ★ Numerous cross-references that are “live” when exported to PDF or other formats;

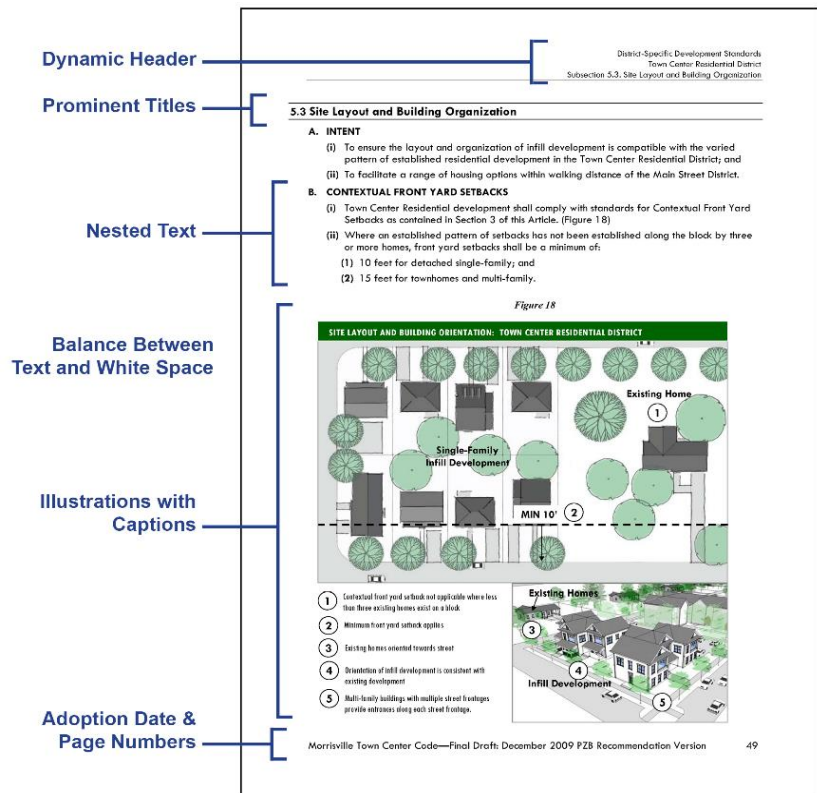
<sup>1</sup> In addition, the two primary tables, the dimensional standards table and use table, are not kept up-to-date and may be inconsistent with the district regulations. This reduces their usefulness.

## II. Diagnosis

- ★ Color and bold text in appropriate locations; and
- ★ Tables that are clearly separate from the code text and are well-designed and easy to understand.

As illustrated in the example page layout, we suggest all these techniques be used to enhance user-friendliness in the UDC. The UDC can be prepared using dynamic references in a Microsoft Word document so that the new regulations can be easily amended in the future, and staff will be able to generate revised versions of the document with active cross-references.

Figure II-5: Sample Code Page



In addition, we recommend that the UDC establish a hierarchy of articles and sections with a logical numbering system—one that anchors regulations within clearly defined articles and sections. Although the current County Code uses mostly consistent numbering and lettering schemes, the lack of both section “breadcrumbs” and no differentiation in font type, size, or color make it challenging to navigate the regulations. In addition, the separate Development Standards and design guideline/standards documents use different and inconsistent numbering schemes.

To better organize the rewritten regulations, we recommend using a more accessible and consistent hierarchy of articles followed by section numbers. The top level of the new hierarchy would begin with the articles (e.g., Article 5: Development Standards); the second level would be sections (e.g., Section 5.3, Landscaping Standards), and the regulations that relate to each section would be organized in a consistent hierarchy underneath (e.g., Section 5.3.1, Section 5.3.2, and so forth). The same hierarchy would be used throughout each article of the updated regulations. A suggested hierarchy is used within the Annotated Outline in Part III of the Assessment.

### 1.4. Make the Language Clearer and More Precise

Another way to make regulations user-friendly is to ensure language is clear and precise. Standards, other requirements, and procedures that are unclear invite different interpretations and create uncertainty for development applicants as well as review boards, the public, and staff. Although some regulations do not lend themselves to exact metrics, the use of numerical



ranges and elimination of general or aspirational language can generate greater certainty about what is required by a regulation. Using clear and objective standards helps ensure the regulations are consistently applied to each project that comes forward for review.

In some places in the existing regulations there is language that is general and imprecise and is not written in “plain English.” During the rewrite, all procedures, standards, and other regulatory language will be reviewed and, where appropriate, modified with clear, precise, consistent, and measurable standards, as appropriate, consistent with the County’s planning and development goals. Special effort will be made to make sure provisions are easy to understand for users.

One place where the use of precise language is particularly important is the definitions section. As discussed previously, in the current zoning regulations, the definitions are located throughout the document and are often repeated multiple times, sometimes inconsistently. The same is true with the Development Standards. Definitions should be located in one section of the code, never repeated (instead, they should be cross-referenced), and be written as precisely as possible. As part of this effort, we will relocate all definitions that have been placed in other sections of the code into the definitions article (such as definitions related to donation drop boxes, factory-built buildings, and signs), while making certain that definitions neither repeat nor contradict each other. We will also review each definition and, as appropriate, modernize and refine it. In addition, new definitions will be added where they are needed, and existing definitions removed when unnecessary.

Finally, we will relocate any development standards found in definitions to use-specific standards that apply to the use, to the Definitions article.<sup>2</sup> Definitions can be a source of confusion with some users, in part, because they include substantive standards.

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## 1.5. Reorganize, Update, and Streamline Review Procedures

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### 1.5.1. Overview of Current Review Procedures

The current development review procedures in the development regulations are summarized in Table II-1: Existing Development Review Procedures. There are two sources of procedures. Most are referenced in the County Code, primarily Chapter 134, Zoning, but also Chapter 110, Subdivision, and other chapters. Other procedures are listed in the Development Standards Manual. In Table II-1: Existing Development Review Procedures, these procedures are identified as “DS.”

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<sup>2</sup> During the kickoff meetings, County enforcement staff noted that the comingling of use-specific standards with definitions made it challenging to enforce certain provisions in the code. For example, in the current code, the definition of a “customary home occupation” includes not only the definition (“...those occupations, which are customarily performed in a small area of a residence...”), but specific standards that the County is to apply to the use (“no more than 25 percent of the dwelling unit may be used for the operation.”). These standards are best included as use-specific standards for a home occupation in the accessory use section of the regulations, which will be done at the drafting stage.

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<b>Table II-1: Existing Development Review Procedures</b> D = Decision   R = Recommendation   S = Staff Review   A = Appeal <> = Public Hearing Required   <<>> = Optional Public Hearing				
Review Procedure	Community Development Agency <sup>3</sup>	Board of Zoning Appeals	Planning Commission	Board of Commissioners
<b>Discretionary Approvals</b>				
Zoning Ordinance text amendments [a] <i>Sec 1-7, 134-64</i>			R	<D> [b]
Zoning map amendment <i>Sec. 134-121 to 128</i>	R		<R>	<D>
Site plan/stipulation amendment <i>Sec. 134-126, DS 103.40</i>	R		R	D [c]
Special land use permit <i>Sec. 134-37, DS 103.43</i>	[d]		<R>	<D>
Limited professional services permit [e] <i>Sec. 134-39</i>	R		<R>	<D>
<b>Subdivision</b>				
Subdivision <i>Sec. 110-26, 134-68, DS 200</i>	[f]			
<b>Permits and Other Approvals</b>				
Special exception use [g] [h] <i>Sec. 134-271, DS 103.41</i>	D			
Certificate of appropriateness [i] <i>Sec. 66-61 to 98, DS 103.06</i>				A
Class II manufactured home permit [j] <i>Sec. 134-278(b)</i>	S			D
Personal care home permit [k] <i>DS 103.34, 108.19</i>				
Chattahoochee River development certification [l] <i>Sec. 134-284, DS 103.08</i>				D
Flood damage prevention improvement or development permit <i>Sec. 58-52 and 58-53, DS 103.17</i>	D	A		
Building moving permit <i>Sec. 134-276, DS 103.24</i>	D			A
Temporary land use permit [m] [n] <i>Sec. 134-36, DS 103.27</i>			<R>	D
Temporary tent permit [o] <i>DS 103.52</i>	D	A [p]		
Temporary mobile home occupancy permit [q] <i>Sec. 134-38</i>	R			
Sign permit <i>Sec. 134-343, DS 103.39</i>	D	A		
<b>Relief</b>				
Administrative variance [r] <i>Sec. 134-35, DS 103.01</i>	D			
Flood damage prevention variance <i>Sec. 58-53</i>		D		
Zoning Variance [s] <i>Sec. 134-34, 134-94(a)(3)</i>	R	<D>		
Appeal [t] <i>Sec. 134-95</i>		<D>		

<sup>3</sup> This includes tasks that are assigned to the Zoning Division Manager.

### NOTES

- [a] There is no specific text amendment procedure for Section 134, Zoning, or other development-related ordinances. Rather, general amendment procedures apply from Section 1-7, including notice and two public hearings before the Board of Commissioners. There is no specific reference to a procedure for Planning Commission review, but Section 134-64 provides Planning Commission the power and duty to "[p]repare and recommend for adoption to the board of commissioners a zoning ordinance or resolution and map for the county."
- [b] An appeal of a decision on a zoning ordinance text amendment and other decisions by the Board of Commissioners is made to the Superior Court.
- [c] On any rezoning (zoning map amendment), temporary land use permit, special land use permit, or other agenda item conditioned upon a site plan or a stipulation, a minor modification of the site plan which does not conflict with its basic intent, or a minor amendment to a stipulation which does not conflict with the basic intent of the rezoning to which it applies, "may be approved by the zoning division manager... after presentation and approval by the board of commissioners," without the need to comply with the standard advertising and hearing process for a full rezoning.
- [d] Application for Special Land Use Permit filed with Zoning Division. The County Code, Sec. 134-37, does not include a role for the Planning Commission in the process, but the DS states that the Planning Commission makes a recommendation on the application following a public hearing, and transmits the recommendation to the Board of Commissioners.
- [e] Applications are subject to the same requirements and processes for a zoning map amendment.
- [f] Proposed subdivisions are submitted to the subdivision administrator (and the County Health Department if septic tanks are proposed to be used). The Development Review Committee approves the initial construction plans, and the subdivision administrator approves the final plats. Sec. 110-26. The Development Standards include final plat requirements, and one of the certificates requires the signature of the Board of Commissioners, but there is no process described either in the Development Standards or the County Code for approval of a subdivision. Sec. 110-30(d); DS 202.2, 202.3.
- [g] Section 134-271 identifies special exception uses and states that the division manager of zoning or a designee shall issue a certificate of special exception where the conditions relating to the special exception use are met. Development Standards Section 103.41 states that an applicant must obtain approval from the Zoning Division Manager to move forward with a special exception use. However, Section 134-94(a)(2) authorizes the Board of Zoning Appeals to "[h]ear and decide special exceptions to the terms of this chapter upon which such board is required to pass under this chapter." It is unclear how this grant of authority to the Board of Zoning Appeals relates to the issuance of a special exception.
- [h] Section 134-94, Powers, of the Zoning Ordinance gives the "board of appeals" [sic] the power to "[h]ear and decide special exceptions to the terms of this chapter upon which such board is required to pass under this chapter," and references the Zoning Ordinance, Chapter 110, Subdivisions, Chapter 58, Floods, and Chapter 106, Article III-Sidewalks, along with Section 50-75(b)(15) regarding erosion and sedimentation control. However, these powers (identified in subsection (b)), contradict the special exception regulations, and subsection (3) refers to the board of appeals' power to grant variances. It is not clear whether the use of "special exception" is erroneous or has a different meaning than when used elsewhere in the Zoning Ordinance.
- [i] While the County Code is silent, the Development Standards states that the application is filed with the Historic Planner in the Community Development Agency. DS 103.06. The decision is made by the Historic Preservation Commission following an optional public hearing. Sec. 66-85.
- [j] Permit required for installation of a class II manufactured home on a lot that is not zoned to the MHP or MHPS districts, provided that it may not be installed on a lot that is part of a platted subdivision. In addition, the County Code references a home location permit issued by the Tax Commissioner. Sec. 82-28. DS 103.28 states "Authorization must be obtained from the Office of Environmental Health, Zoning Division, Permitting Section, and Water System to operate any property where two or more mobile homes are parked for residential purposes." However, there is no discussion of any such procedure in Chapter 134.
- [k] Personal care homes are a permitted use in certain districts in the Zoning Ordinance. However, the County Code does not establish an approval procedure. The Development Standards require that a personal care home obtain approval from the Zoning Division, Code Enforcement Division, Business License, Structural Plan

**Table II-1: Existing Development Review Procedures**

D = Decision    R = Recommendation    S = Staff Review    A = Appeal  
 <> = Public Hearing Required    <<>> = Optional Public Hearing

Review Procedure	Community Development Agency <sup>3</sup>	Board of Zoning Appeals	Planning Commission	Board of Commissioners
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Review, and Fire and Emergency Services before beginning operations. DS 103.34. The application and permit process is described in DS 108.19 and involves referral “to the local Zoning Board” for consideration.

- [l] This procedure governs development within the Chattahoochee River Tributary Protection Area. The application is made to the Atlanta Regional Commission and the Board of Commissioners for a development certificate, which the Board of Commissioners may award, on the recommendation of the Atlanta Regional Commission, upon making a determination that the proposal conforms with the Chattahoochee Corridor Plan and Vulnerability Standards and the standards in Sec. 134-284. Application is made through the Stormwater Management Division. DS 103.08. Authorization is granted by the Permitting Section of the Community Development Agency’s Development and Inspections Division, and may include granting of either a “regular permit” or a “provisional permit.”
- [m] There may be overlap with the “Model home permit” listed separately in the Development Standards.
- [n] The maximum period of validity for a temporary land use permit (also known as a land use permit) is 24 months, although a subsequent application for another term may be filed. Sec. 134-36(d), and temporary land use permits that were in existence for ten years or more from the adoption date of the amendment may continue to apply for additional renewals until the use ceases. A very limited set of uses may be authorized for temporary use in accordance with this procedure, including "Land use permits for exceptions to the county's minimum square footage per adult occupant, minimum square footage per vehicle parked at a dwelling unit or mobile home," churches with accessory day care facilities with more than 25 percent of the children being non-church members, single-family residential developments used as professional offices not included within a platted subdivision, and farmers markets.
- [o] This procedure, which is not referenced in the County Code, authorizes issuance of a permit used for a maximum of 14 days and does not apply to tents used for personal recreation. Inspection by Fire Marshal is required.
- [p] The Board of Adjustment and Appeals adjudicates appeals.
- [q] Authorizes the Board of Commissioners to permit the temporary siting of a mobile home on a site in the following circumstances: 1) On a lot where a building permit has been applied for and obtained for the construction of a home or place of business; 2) On a lot in a residential area where a medical hardship exists, as defined in the statute; 3) In any commercial or industrial district where a building permit has been applied for and the mobile home is used for storage, office, or related purposes; 4) On a church or school site for no more than 12 months where its primary function is for an office, classroom, storage, or related purposes; may be renewed up to four times for a maximum of five years); 5) As a real estate sales office in a new residential subdivision; 6) In all classifications, the board "may grant a temporary use permit for the use of the land itself under the same ordinance governing mobile home use." In all circumstances where an application for a mobile home has been submitted, the board “shall take into consideration the need for such permit, the aesthetic effect that it may have on the neighborhood, and the location on the property of the mobile home, and may in its discretion grant or refuse a permit, and the grant or refusal shall not be mandatory, but in all instances shall be permissible depending on the finding of the board of commissioners as to the conditions stated in this section and any other lawful criteria.” Sec. 134-38(b)(6).

There may be overlap with the "Construction and sales office permit" listed separately in the Development Standards. Sec. 134-38(b)(5) references the use of a model home or the parking of a constructed home or a mobile home for such use. DS 103.29, Model Home permit, only references construction of a model home and not the use of a mobile home on the site.

- [r] This is a limited procedure allowed only on property acquired by an authority through eminent domain after December 26, 1972, where the condemnation or acquisition creates a nonconformity in setback lines, required lot size, density, or parking regulations. The allowed modification is limited to no more than 25 percent of the

Table II-1: Existing Development Review Procedures				
D = Decision   R = Recommendation   S = Staff Review   A = Appeal				
<> = Public Hearing Required   <<>> = Optional Public Hearing				
Review Procedure	Community Development Agency <sup>3</sup>	Board of Zoning Appeals	Planning Commission	Board of Commissioners

existing requirements (although overall density as of time of acquisition is permitted on the site), and property must have been legally conforming prior to the land acquisition.

[s] The appellate body is referred to as “board of appeals” and “board of zoning appeals” in the current Zoning Ordinance. For variance applications requesting a reduction in road frontage or lot size, the Board of Zoning Appeals’ decision is advisory; the final decision lies with the Board of Commissioners, who makes a determination whether to grant the variance as a special exception. Sec. 134-271.

[t] The decision of the Board of Zoning Appeals may be appealed to Superior Court.

The Development Standards includes an additional set of development permits and approvals that are listed in the table at DS 103, and described in DS 103.01 and the following sections. For each of these approvals, there are no corresponding regulations in the current Zoning Ordinance.

Based upon our independent review of the procedures, and feedback received from staff, elected officials, focus group members, and other members of the public, we outline below the following general concerns with the current development review procedures:

**Review procedures are poorly organized**

The provisions regulating administration of the code are scattered throughout the existing regulations. Zoning map amendments are included in Sections 134-121 through 127, while special land use permits are described in Section 134-37, even though both are granted by the Board of Commissioners. These are included in Article II, Administration and Enforcement, of the current Zoning Ordinance, but other procedures are located elsewhere, such as the procedures governing special exceptions (Section 134-271) and sign permits (Section 134-343). Moreover, the review procedures also are not arranged in a way that is easy to understand. For example, the variance procedure is integrated into a general section that describes the powers of the Board of Zoning Appeals (Section 134-94).

In addition, there is no summary table or other list of development application procedures. The Development Standards Manual contains a table of additional permit and approval processes for procedures in the Zoning Ordinance, but it is organized alphabetically. In addition, the manual includes dozens of development-related procedures that are relevant to site development but not regulated by the Zoning Ordinance or, in some cases, even by the County (such as federal Section 404 wetland permits).

**Relevant procedures for most development application processes are not clearly set out**

For rezonings, the current Zoning Ordinance establishes clear guidance regarding each step of the development application and review process. This includes rules governing:

- ★ Application submission, Section 134-121(a);



- ★ Application content, Section 134-121(b);
- ★ Required public notice, Section 134-121(c);
- ★ Public hearings, Section 134-121(d);
- ★ Application withdrawal and submission, Section 134-121(e)-(f);
- ★ Staff review of the application, Section 134-122;
- ★ Planning Commission review and recommendation, Section 134-123; and
- ★ The Board of Commissioner's decision, Section 134-124.

The Zoning Ordinance incorporates these review procedures by reference for certain other development applications, such as applications for a special exception for limited professional services permit. Section 139-39(c)(9). However, other types of development applications lack the same procedural clarity.

### **Several key procedures are missing**

There are several standard procedures that are missing from the current Zoning Ordinance and the Subdivision Regulations, such as procedures relating to land subdivision. Common procedures that other communities find helpful that are also absent from Cobb County's regulations, such as a procedure to allow staff to authorize minor modifications to development standards without governing body approval.

Recommendations to address these concerns are discussed in greater detail below.

### **1.5.2. Recommendations for Streamlining**

Based upon a review of the current procedures and the goals identified by the County for the update, we suggest the current development review procedures be updated as follows:

- ★ Consolidate all development review procedures into Article 2: Administration, as shown in Part III, Annotated Outline of New UDC.
- ★ Clarify the responsibilities of each review and decision-making body (the Board of Commissioners, the Planning Commission, the Board of Zoning Appeals, the Development Review Committee, and the Community Development Director).
- ★ Authorize the Community Development Director to delegate responsibilities and duties to other professional-level staff, which allows the Director to revise internal processes and procedures without updating the UDC.
- ★ Establish a set of standard procedures. The standard procedures would:
  - ★ Locate in one place the review procedures that apply to all development applications;
  - ★ Authorize pre-application conferences for more complex development applications;
  - ★ Clarify when an application is complete, and when formal review timelines are initiated;
  - ★ Consolidate public notice requirements; and

## II. Diagnosis

- ★ Establish a common set of rules that apply after specific development applications are approved;
- ★ Add a procedure for an optional or, in some cases, required pre-application meeting between the applicant and staff.
- ★ Add provisions for neighborhood meetings, and require that applicants hold neighborhood meetings before certain types of development applications.
- ★ Streamline, modify, and clarify certain application-specific review procedures, including the role and responsibilities of each review and decision-making body, and the review standards that apply to each type of application.
- ★ Streamline the review procedures, where appropriate, to make the review of development more efficient.

Table II-2: Proposed Development Review Procedures, outlines the suggested review procedures in the new UDC.<sup>4</sup> These recommendations are discussed in more details after Table II-2: Proposed Development Review Procedures.

<b>Table II-2: Proposed Development Review Procedures</b> D = Decision   R = Recommendation   S = Staff Review   A = Appeal <> = Public Hearing Required   <<>> = Optional Public Hearing				
Review Procedure	Community Development Director [1]	Board of Zoning Appeals	Planning Commission	Board of Commissioners
<b>Discretionary Approvals</b>				
UDC Text Amendment	See Section 1-7 of the County Code			
Official Zoning Map Amendment	R		<R>	<D>
Planned development	R		<R>	<D>
Special land use permit	R		<R>	<D>
Site plan/stipulation amendment	R			<D>
Limited professional services permit	R		<R>	<D>
Temporary land use permit	R		<R>	<D>
<b>Site Development and Subdivision</b>				
Site Plan	D			
Major Subdivision				
Construction Plans	D			
Final Plat	R			D
Minor Subdivision	D			
Plat Vacation	[2]			[2]
Lot Line Adjustment	D			
Recombination Plat	D			
<b>Permits and Other Approvals</b>				
Special exception	D			
Land disturbance permit	D			A
Class II manufactured home permit	S			D
Mobile home permit	D	A		

<sup>4</sup> The following procedures are not carried forward: personal care home permit (DS 103.34/108.19) and tourist court permit (DS 103.54).

<b>Table II-2: Proposed Development Review Procedures</b>				
D = Decision   R = Recommendation   S = Staff Review   A = Appeal <> = Public Hearing Required   <<>> = Optional Public Hearing				
Review Procedure	Community Development Director [1]	Board of Zoning Appeals	Planning Commission	Board of Commissioners
Chattahoochee River development certification				D
Flood damage prevention improvement or development permit	See Section 5.13, Flood Damage Prevention			
Sign permit	D	A		
Zoning compliance permit	D	A		
<b>Relief and Interpretation</b>				
Administrative adjustment	D	A		
Variance due to eminent domain	D	A		
Flood damage prevention variance	See Section 5.13, Flood Damage Prevention			
Zoning Variance	R	<D>		
Interpretation	D	A		
Appeal		<D>		
<b>Other Procedures</b>				
Certificate of appropriateness	See Chapter 66, Article IV of the County Code			
Building moving permit	D			A

**NOTES**

- [1] All procedures involving administrative review or approval are assigned to the Community Development Director, who will have broad authority to delegate review and decision-making authority to other professional-level staff. See Section 9.1, Rules of Construction and Interpretation, of the Annotated Outline.
- [2] The decision-making body for a plat vacation depends on the body that approved the original subdivision. For an application for plat vacation relating to a minor subdivision, the Director makes the decision on an application. For an application for plat vacation related to a major subdivision, the Board of Commissioners makes the decision.

**1.5.2(a). Consolidate Procedures into One Article**

As discussed in Section 1.1, Make the Structure More Logical and Intuitive, we suggest locating all procedures for development review in one article, Article 2: Administration. This new Article 2 would lay out the roles and responsibilities of each review body and establish standard procedures common to all development applications, as well as review standards and any special rules needed for specific development applications.

The only exception to this reorganization would be the variance and appeal procedures relating to flood damage prevention, currently located in Section 58-33 of the County Code. These would remain consolidated with the substantive flood damage provisions due to their specific applicability and the requirements of state and federal law.

In particular, we recommend that the new Article 2: Administration, be organized into five sections.

- ★ Section 2.1 will provide an overview of the entire article.
- ★ Section 2.2 will include a summary table of development procedures, similar to Table II-2 above. This table would list each development review procedure in the

new UDC and identify each body with responsibility for review and decision-making, as well as whether a public hearing is required.

- ★ **Section 2.3** will establish the different County entities involved in the development review process (the Board of Commissioners, the Planning Commission, the Board of Zoning Appeals, the Development Review Committee, and the Community Development Director).<sup>5</sup> For each entity, its roles, responsibilities, powers, and duties in the development review process will be clearly set forth and described. This will be particularly useful for the Development Review Committee, which plays an important role in the development process but is only mentioned once in the subdivision regulations and not at all in the current Zoning Ordinance.
- ★ **Section 2.4** will describe a set of standard procedures that apply to most development review procedures. See Section 1.5.2(b) below for a more detailed discussion.
- ★ **Section 2.5** will describe the specific procedure for each type of development application, identifying any modifications from the standard procedures, and include the decision standards.

### **1.5.2(b). Establish a Set of Standard Procedures**

As noted earlier, the current Zoning Ordinance and the Development Standards provide limited detail about different steps of the development review process.

In the existing Zoning Ordinance, some procedures that apply to individual application types are applied, by reference, to other procedures. For example, in Section 134-124(b), the regulations establish the Board of Commissioners' authority to approve a rezoning application, modify it, or allow for withdrawal without being subject to the 12-month waiting period for a resubmission. In the next sentence, it states that the Commissioners' authority to waive the waiting period also extends to applications for a special land use permit, temporary land use permit, special exception, or other items. However, a landowner reviewing the regulations governing the special land use permit may not realize this.

To address this problem, modern codes typically establish a set of standard review procedures that generally apply to all development application procedures. Exceptions for specific procedures, if applicable, are noted. We suggest the UDC include a set of standard review procedures that apply to all development applications. This new section would include common procedural requirements, similar to those currently established for rezonings (Sections 134-121 through 127 of the current Zoning Ordinance) that address such matters as:

- ★ Who has authority to submit applications;
- ★ Application fees and schedule;

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<sup>5</sup> The Development Review Committee (DRC) will continue to play the same role in the subdivision approval process as it does under the current Zoning Ordinance, but because subdivision is the only procedure in which the DRC has approval authority, its role will be identified in a table note to make the table easier to read and understand.

- ★ Completeness determination provisions (the rules staff uses to determine if a development application is complete, and an applicant’s opportunity to submit revisions if the application is incomplete);
- ★ Neighborhood meetings;
- ★ Rules governing preparation of the staff report (including referral to other County or state agencies, as appropriate);
- ★ Public notification and public hearing requirements;
- ★ Deferral and withdrawal of applications;
- ★ Procedures for review and approval of applications by staff, the Board of Zoning Appeals, the Planning Commission, and the Board of Commissioners (including the imposition of conditions of approval);
- ★ Appeals;
- ★ Post-decision actions and notifications;
- ★ Amendments or minor modifications to approved applications; and
- ★ Expiration and lapse of approval.

**Figure II-6. Sample List of Applicable Review Procedures**

<b>a. Informational Meeting</b>
Not Applicable.
<b>b. Pre-Application Community Meeting</b>
Not Applicable.
<b>c. Application Submission</b>
Applicable (See 2.4.3, Application Submission).
<b>d. Determination of Completeness</b>
Applicable (See Sec. 2.4.4, Determination of Completeness).
<b>e. Application Amendment or Withdrawal</b>
Applicable (See Sec. 2.4.5, Application Amendment or Withdrawal).
<b>f. Staff Review and Action</b>
Applicable (See Sec. 2.4.6, Staff Review and Action). The Director reviews the application and makes a decision based on the review standards in Sec. 2.5.4.A.4, Arbor Permit Review Standards. The Director’s decision shall be one of the following:
1. Approval of the application; or
2. Denial of the application.
<b>g. Scheduling of Public Hearing and Public Notification</b>
Not Applicable.
<b>h. Deferral of Public Hearing</b>
Not Applicable.

In the section that follows the standard procedures, the new UDC will identify special rules and the decision standards for each different type of development application, and list which of the standard review procedures apply. For example, a pre-application conference would not be required for a variance request but might apply to an application for a major subdivision. See Figure II-6. Sample List of Applicable Review Procedures, for an example from another community’s code of a set of review procedures for a specific type of development application.

### **1.5.2(c). Add a Neighborhood Meeting Requirement**

A neighborhood meeting is a procedure used by an increasing number of local governments to augment public participation in the development review process. The reason is they provide a framework for a development applicant to get together with neighbors and landowners surrounding a proposed development to (1) educate the neighbors about a proposed project, (2) hear neighbor concerns, and (3) attempt to resolve these concerns in an informal setting. These kinds of meetings provide an opportunity for neighbors and applicants to engage early in the development plan process and inform each other of their perspectives.

The timing and requirements for neighborhood meetings vary from community to community. In some communities, the neighborhood meeting is optional. If the applicant decides to proceed with the neighborhood meeting, parameters are established in the code about how notice is to be given and how the meeting is conducted. In other communities, neighborhood meetings are required to be conducted prior to submission of an application. In still other communities, the neighborhood meeting is required prior to completion of staff review of the application.

In addition, in some communities the Community Development Director is authorized to require an applicant to conduct a neighborhood meeting following application submission, but prior to completion of the staff report on the application, if the proposed development is anticipated to generate a certain level of impact on adjacent lands, roads, or public facilities.

The current Zoning Ordinance does not require a neighborhood meeting at any stage of the development process. One of the policies included in the 2022 update to *Cobb 2040* (LU2-P13) states: “Encourage relationships between developers and neighborhoods to address neighborhood concerns.” We recommend that the County consider requiring applicants to hold neighborhood meetings ahead of public hearings for certain types of applications. Meetings would be optional for other application types. We further suggest that the neighborhood meeting requirement include these provisions:

- ★ The applicant must provide written notification to surrounding landowners and affected neighborhood organizations a reasonable period of time before the meeting(s);
- ★ All meetings must be held in person at an accessible location close to the project site, or virtually subject to approval of the Community Development Director, at a time when neighbors can reasonably attend (usually after 6:00 pm on a weekday);
- ★ The applicant must make specific types of information available to the public about the development proposal;
- ★ Ground rules for the meeting(s) should be established to require the applicant to explain the development proposal and provide neighbors an opportunity to ask questions, provide comments, and voice concerns;
- ★ Staff is not required to but may attend, and only to provide general information about the development review process; and
- ★ The applicant must submit a written summary of the neighborhood meeting(s).

If a neighborhood meeting requirement is included in the updated regulations, we suggest it be required for the following types of applications, with the option for the Community Development Director to waive the requirement if it is determined that it is not necessary because the application will not have a significant impact on surrounding land uses or public facilities:

- ★ Official Zoning Map amendment that increases density/intensity, or that is adjacent to single-family development or a single-family zone district;



- ★ Planned Development applications;
- ★ Special Land Use Permit applications;<sup>6</sup>
- ★ Preliminary plats for more significant subdivision applications; and
- ★ Limited Professional Services Permit applications.

### **1.5.2(d). Clarify Development Review Types and Establish General Guidelines for Public Hearings**

In 2022, the Georgia Legislature passed, and the governor signed into law, a bill that clarifies the two types of development review public hearing procedures and decision-making processes.

Some development review applications are legislative in nature, and thus subject to the broad discretion of the governing body. These include the adoption of, repeal, or amendment to the text of a zoning ordinance; the adoption or denial of an amendment to the zoning map; and the grant or denial of a special use permit. The grant or denial of a variance or conditions that are included in conjunction with a zoning map amendment or special use permit is also considered to be a legislative decision. O.C.G.A. § 36-66-3(4). To help them make their decision, members of the decision-making body can take into account any information they choose, both from the applicants and other members of the community.

Other decisions are “quasi-judicial” in nature, which means they are similar to judicial proceedings, since they involve the application of particular facts to the decision standards found in the text of the zoning ordinance or other regulations. These are decisions such as permits or requests for variance (when not approved concurrent and in conjunction with a zoning map amendment or special use permit). These decisions may be delegated by the governing body to other review boards. O.C.G.A. § 36-66-3(b)(2). One purpose of the regulations is to ensure that members of the public receive due process in the application of the local government’s authority to regulate land use. O.C.G.A. § 36-66-2(a).

This new state law also requires that the policies and procedures that govern the noticing and conduct of required public hearings be included in the adopted zoning ordinance. O.C.G.A. § 36-66-5(c).

We suggest that the new UDC include language that clarifies whether a specific type of development application is legislative or quasi-judicial in nature. In addition, and in accordance with this new state law, we suggest that the UDC include procedures that govern the public hearings held for both legislative and quasi-judicial decisions. These procedures would establish basic ground rules for the conduct of the proceedings. They would establish the rights of the applicant and the public (or, for quasi-judicial hearings, a party aggrieved by the application) to participate and the order of testimony heard by the advisory or decision-making body.

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<sup>6</sup> In our review we identified a footnote in a stipulation letter which stated that a neighborhood meeting was required prior to submission of an application for a Special Land Use Plan. However, we were unable to identify any such requirement in the current Zoning Ordinance.

For quasi-judicial public hearings, the procedures would establish a requirement that witnesses testify under oath, as well as establish rules governing the submission of evidence and the contents of the record on the application on which the decision-making body is required to base its decision. It is intended that these public hearing procedures would supplement, and not replace, the existing policies and procedures adopted by the Board of Commissioners, the Board of Zoning Appeals, and the Planning Commission that govern public hearings.

### **1.5.2(e). Add a Consolidated and Updated Notice Provision**

Specific notice requirements for public hearing(s) rezonings (amendments to the zoning map) are included in Section 134-121(c) of the current Zoning Ordinance. Public notice requirements are also incorporated by reference for variances (Section 134-34), temporary land use permits (Section 134-36), and special land use permits (Section 134-37). However, there are no specific public notice requirements provided for other procedures, such as appeals heard by the Board of Zoning Appeals (see Section 134-95, which requires the board to give “reasonable... public notice thereof” of public hearings).

We recommend that all public notice requirements be consolidated into one subsection in the standard procedures section and shown in a table, to the extent possible. This will provide greater clarity as to the notice requirements for public hearings that apply for different application types, and provide the County flexibility for incorporating different types of notice requirements in the future.<sup>7</sup>

### **1.5.2(f). Develop a Procedures Manual to Accompany the UDC**

The current regulations include specific details relating to application submittal requirements. We recommend removing submittal requirements from the regulations and the Development Standards Manual and placing them in a Procedures Manual that is authorized to be prepared by the Community Development Director, in consultation with other County departments, such as Public Works, as applicable.

The Procedures Manual (see Figure II-7 for an example) would include application content requirements, information about application fees, schedules for application processing, and details about nuts-and-bolts staff review processes. The manual might also include a summary or explanatory information on how to use the regulations or more effectively participate in application review processes, as well as checklists to ensure applicants address required issues up-front.

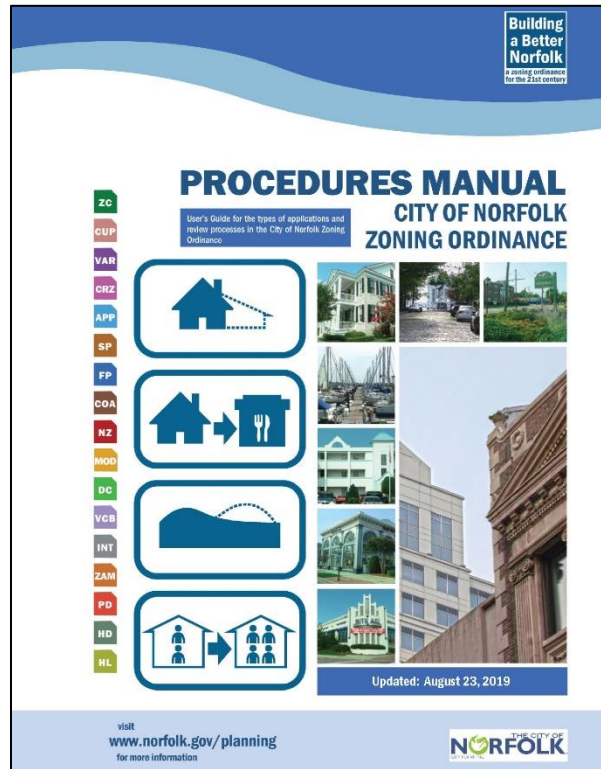
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<sup>7</sup> HB 1405, adopted by the Georgia legislature and signed by the governor in 2022, establishes additional notice and hearing requirements for text amendments that authorize multifamily uses of property in zoning classifications or in areas that previously permitted only single-family residences. The law requires that two additional public hearings take place between three and nine months before final action is taken on the amendment, with at least one of the public hearings taking place between 5 pm and 8 pm. Posted notice is required on all properties or, if more than 500 properties are involved, at least every 500 feet in areas impacted. In addition, the state law establishes content and size requirements for the required published notice. O.C.G.A. § 36-66.4(h). It is proposed that these highly specific requirements not be included in the new UDC, as they would rarely be used (and do not apply when a property owner is requesting a rezoning).

These detailed requirements are typically subject to frequent minor modifications and corrections as practices evolve and new technologies become available. If they are included in the regulations, the County would be required to amend the regulations every time the requirements change.

As noted above, some details of this sort are included in the Development Standards Manual, while others (such as some application requirements) are included in the current Zoning Ordinance. Including these specifics in a dedicated Procedures Manual avoids cluttering the code, eliminates the necessity of amending the regulations every time a minor modification or correction to application material requirements is needed, helps ensure application of a fair and consistent land development review process, and reduces confusion among staff, elected officials, and property owners. Many modern codes use a Procedures Manual to assist in the efficient administration of regulations. We recommend this practice for Cobb County.

Figure II-7. Sample Procedures Manual



### 1.5.3. Recommendations for Specific Development Application Procedures

#### 1.5.3(a). Add a Planned Development Procedure

The current regulations do not include any planned development (PD) districts. The intent of planned developments is to offer an applicant flexibility from the strict application of the zone district regulations and development standards in return for greater development quality, and, in some instances, encouraging preferred development types.

We recommend the County add two planned development districts to the line-up of zone districts: a general planned development district and a traditional neighborhood planned development district (see discussion in Section 2.2.6, Planned Development Base Districts). Approval of a PD district is legislative in nature (like a rezoning). Because of this, for landowners/developers who want to have the PD district designation apply to their land, it will also be necessary to establish a planned development procedure that would apply to both PD districts. Like a rezoning or conditional rezoning, a planned development district approval would require a review and recommendation by the Planning Commission, followed by a review and final decision by the Board of Commissioners.

Because a planned development approval allows an applicant flexibility from the strict application of the zone district regulations (dimensional and related standards), as well as specific development standards (off-street parking, landscaping, exterior lighting, signage,

etc.), the recommended procedure will require an applicant to submit and have approved as part of the PD rezoning both a PD Plan and a PD Agreement. The PD Plan requires the applicant to prepare a comprehensive and integrated plan for development of the site subject to the PD; the PD Plan would specifically identify the development parameters for the project (the type and density and intensity of residential, mixed-use, or nonresidential development, its general location and layout, its phasing, etc.), as well as how the development proposes to vary from the development standards in the code. The PD Agreement would identify the conditions of approval for the project—such as the ways in which needed public facilities will be provided and coordinated with development, how environmentally sensitive lands will be protected and monitored, and other provisions important to the administration of project development.

The new UDC would also include an amendment process to allow staff to approve minor changes to the terms of a PD Plan. The list of changes that staff could authorize would be precisely defined and limited to those that address technical considerations that could not reasonably be anticipated during approval of the original PD, and that have no material impact on the character of the district or on surrounding property. The regulations would make clear that more significant changes to a PD require an amendment in accordance with the procedures and standards for its original approval.

### **1.5.3(b). Include New Subdivision Procedures**

Chapter 110 of the County Code includes most of the County’s subdivision regulations. Along with provisions governing design standards and required improvements and requirements for a final plat, the regulations require that a proposed subdivision be submitted to the subdivision administrator. Section 110-26. Following review of construction plans by the Development Review Committee, the applicant is required to submit revised plans which address staff comments. After verifying that comments have been addressed, the County will issue a land disturbance permit allowing initial work before a final plan is submitted and accepted.<sup>8</sup> The final plat is required to include certification by, among others, the Zoning Division, Development & Inspections Division, and the Board of Commissioners. Section 110-30. In the Zoning Ordinance, Section 134-68, Subdivisions, establishes the requirement that land may not be sold or otherwise transferred, or plats filed, unless they have been subdivided in compliance with the County’s standards.

There are, however, no subdivision procedures in the ordinance. Staff reports that in practice, subdivision is managed through the land disturbance permit review process, which is overseen by the Development Review Committee (DRC). While there is discussion of the required elements of a complete subdivision in the Subdivision Regulations, they do not provide clear guidance as to what an applicant can expect from the process. In particular, there is no procedure established for common minor subdivision procedures such as plat vacations.

It is a best practice to include basic subdivision procedures because subdivision is a key part of the land development process. Clear and straightforward subdivision procedures are easier to understand for both developers and residents. This transparency gives

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<sup>8</sup> Land disturbance permits are regulated by Ch. 50, Art. III, Land Disturbing Activities, of the County Code.

participants confidence in the fairness of the process. We recommend that the new UDC include, at minimum, procedures for review and approval of construction plans and final plats. These subdivision procedures would be established in the same manner as the other review procedures in the new UDC, setting forth which standard procedures do not apply, and the different review bodies that are involved in the review and approval of a plat.

Some subdivision regulations establish a more streamlined process for “minor” plats, which are generally defined to include subdivision of property into three or fewer lots with no required extension of public utilities or the creation of new rights-of-way. Other common procedures that are included in development codes address lot recombinations which merge lots, and plat vacations, which reverse prior subdivision decisions or eliminate easements within a subdivision. A complete set of subdivision procedures will make the UDC more transparent and easier to understand. We suggest the County also consider adding these procedures.

### **1.5.3(c). Add a New Site Plan Review Procedure**

Many development codes include specific provisions for review of site plans to ensure that proposed development on a site complies with the relevant regulations. Site plans are integral parts of the development review process in the current Zoning Ordinance. For example, site plans can be included as stipulations with rezoning requests, Special Land Use Permits, and other approvals. Section 134-126. Site plans are required with rezonings to certain zone districts, such as an R-80, R-40, R-30, R-20, or R-15 district rezoned with an OSC overlay, Section 134-198.1(a), and the PRD district. Section 134-201.1(10)(e). In districts where they are allowed, neighborhood recreation centers are permitted subject to staff approval of a site plan. See, e.g., Section 134-197(13)(e). The Community Development Department includes a Site Plan Review Division which reviews final plans before a Land Disturbance Permit is issued, and the procedures are set out in Section 102.3 of the Development Standards. All of the site plans are reviewed and approved administratively.

There is no procedure set forth for a site plan in the County Code, including Chapter 134. We recommend that the new UDC include a Site Plan review procedure that, as with current practice, authorizes administrative review and approval of site plans before land disturbance activities take place on a site. As with the current practice, development on individual residential building lots would be exempted.

### **1.5.3(d). Add a Zoning Compliance Procedure**

Another common procedure missing from the County’s current zoning ordinance is a process for ensuring that smaller projects that do not involve land disturbance comply with the County’s regulations. Typically called a “zoning compliance” procedure, it is intended to provide a means for local governments to evaluate changes in use or smaller projects that do not involve significant physical changes to the site. For example, in the County’s current regulations, most projects that involve the creation of less than 5,000 square feet of impervious area are exempted from the requirements to obtain a land disturbance permit (Sec. 50-74). Staff reports that these types of projects are reviewed and approved through a “light” version of the land disturbance permit review procedure, even though there is no formal process.



A zoning compliance permit procedure would provide clear guidance to landowners about the process for ensuring compliance with the UDC, and establish clear authority for the County’s review and decision-making process. We recommend that the County add such a procedure, which would involve review and approval by the Community Development Director.

**1.5.3(e). Add an Administrative Adjustment Procedure**

Many communities offer a mechanism for staff to authorize minor modifications to some of the dimensional and development standards in the development regulations in specific, limited circumstances. This tool, called an administrative adjustment, allows minor adjustments (e.g., by five or ten percent) from dimensional standards (like setbacks, lot area, or height) or development standards (like the amount of required parking) if the adjustment does not detrimentally affect the character of the area or surrounding lands, does not have an adverse impact on surrounding lands, and results in development that conforms with the general intent of the district where the adjustment is proposed.

Administrative adjustments are typically used to adjust setbacks by a minor amount as a means of protecting resources, to adjust height limits for greater compatibility, or to preserve local development contexts like building façade rhythms. In addition to clear standards of approval, the procedure includes specific expiration and amendment standards to help ensure the provision is not abused. These adjustments are more limited than those available through the standard variance process, and as such, do not require the applicant to demonstrate “hardship.”

We suggest that the County consider adding an Administrative Adjustment procedure to allow for minor departures from specific measurable standards in the code (like numerical dimensional requirements, parking requirements, etc.), which are reviewed and decided

administratively by the Community Development Director, based upon an established set of clear and measurable standards. See the sample table provided in Figure II-6.

**Figure II-8. Sample Administrative Adjustment Table**

TABLE 2.5.5.B.2: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS	
STANDARD	MAXIMUM ADJUSTMENT (%)
Lot Width and/or Depth (Minimum)	15
Front Yard Setback (Minimum)	15
Side Yard Setback (Minimum)	15
Rear Yard Setback (Minimum)	15
Lot Coverage Maximum	15
Height (Maximum)	10
Setback Area Encroachment (Maximum)	15
Off-Street Parking, Loading, or Stacking Space Number (Minimum)	10

**1.5.3(f). Add an Interpretation Procedure**

Many modern development codes include provisions that authorize the Community Development Director to issue formal written interpretations of the text of the code, as well as the boundaries on the zoning map. These interpretations are typically issued in response to questions posed by citizens regarding textual interpretations, interpretations of the zone district boundaries, and interpretations of whether an unspecified use falls within a use classification.

Section 134-164 authorizes the Zoning Division Manager to interpret the provisions of Chapter 134, and includes specific criteria to use for interpretation of zone district boundaries and allowed uses. However, the current Zoning Ordinance does not establish a formal procedure for an applicant or citizen to request an interpretation, and there is no



process established for collecting interpretations and making them available to the public for review. We recommend that this kind of interpretation procedure be included in the new UDC.

### **1.5.3(g). Update Special Exception Procedure and Relocate Board of Commissioners' Authority to Grant Variances from Minimum Public Road Frontage or Lot Size Requirements**

The Special Exception procedure in the current Zoning Ordinance, at Section 134-271 authorizes two actions. First, it grants authority to the Community Development Department to review proposed uses that are listed as special exception uses and, if a proposed use complies with the specific standards established for the special exception use, to issue a Special Exception approval. It is recommended that the Special Exception procedure be carried forward, but that the UDC add clear procedural guidance in accordance with the recommendations in Section 1.5.2, Recommendations for Streamlining. In addition, it is recommended that the Special Exception procedure be relocated to Article 2: Administration, and further that the uses that are allowed as special exceptions be identified in a Use Table in Article 4: Use Regulations, and the applicable use-specific standards be relocated to Article 4: Use Regulations (see Section 2.4, Clarify Uses in a More Logical and Functional Framework, and Section 2.5, Consolidate and Update Uses and Use-Specific Standards).<sup>9</sup> We also recommend adding clear review standards to guide the Community Development Director's decision on a Special Exception application.

The second action authorized by the special exception procedure in the current regulations permits the Zoning Division Manager to certify a certificate of special exception. This certificate allows a use otherwise permitted in a district on a lot that does not meet the minimum public road frontage or minimum lot size standards of the district, but only if the application is approved by the Board of Commissioners. This is a type of exception to generally applicable regulations that most communities typically handle through the quasi-judicial variance procedure, with decisions rendered by the Board of Zoning Appeals. We suggest doing the same here, by removing this provision from the special exception regulations, and authorizing exceptions from the minimum public road frontage and minimum lot size standards through the typical variance procedure.

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<sup>9</sup> Special exception uses that are allowed in only one or a limited number of districts, such as the special exception uses listed in Sec. 134-213 for the NRC district, should also be listed in Article 4.

## **Theme 2: Update and the Zone District and Use Regulations, Consistent with the County’s Policy Direction and Comprehensive Plan**

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### **2.1. Overview of Current Zone Districts**

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Cobb County’s current Zoning Ordinance has 43 base zone districts and four overlay districts. The base zone districts include:

- ★ Twenty-three (23) residential districts, including:
  - ★ Seven single-family residential districts;
  - ★ One townhouse residential district;
  - ★ Six mixed residential districts that allow a variety of middle-sized housing types such as duplexes, triplexes and fourplexes;
  - ★ Six multifamily residential districts that allow single-family buildings with more than four dwelling units, at a variety of densities;
  - ★ Two districts that accommodate mobile homes; and
  - ★ One residential district intended for senior-only (55+) residential communities.
- ★ Twelve commercial districts;
- ★ Four office districts; and
- ★ Four industrial districts.

For six of the 43 base districts, the district regulations state that the Board of Commissioners will not accept new rezonings to those districts, which means that the district regulations continue to apply to lands where the district has been applied, but new lands will not be rezoned to the district. These include the Commercial Future (CF), Future Industrial (IF), Planned Residential Development (PRD), Recreational Outdoor Golf Driving Range (RDR), Residential High-Rise (RHR), and Residential Mid-Rise (RMR) zone districts. Of those districts, three are residential, two are commercial, and one is industrial. Despite this restriction, staff reports that land continues to be rezoned to the PRD district.

Table II-3: Current Zone Districts, identifies the current zone districts, and describes their general character.

**Table II-3: Current Zone Districts**

Current Zone Districts	Description
<b>Residential Districts</b>	
<b>Single-Family</b>	
RR: Rural Residential	District for limited residential, agricultural, park, and open space needs. Serves as a holding zone for limited development until higher intensity development is warranted.
R-80: Single Family Residential R-40: Single-Family Residential R-30: Single-Family Residential R-20: Single-Family Residential R-15: Single-Family Residential R-12: Single-Family Residential	Districts for single-family dwellings on lots of minimum sizes (e.g., 80,000 sf for R-80, 40,000 sf for R-40, and so forth). Compatible institutional and residential uses are allowed.
<b>Townhouse</b>	
FST: Fee Simple Townhouse	District for affordable attached single-family (townhouse) dwelling units at six, eight, or ten units per acre. They are to be developed in a form compatible with adjacent single-family dwellings.
<b>Mixed</b>	
RD: Residential Duplex	District for single-family dwellings and duplexes on lots at least 20,000 sf in size. Compatible institutional and residential uses are also allowed.
RA-4: Single-Family Attached/Detached RA-5: Single-Family Attached/Detached RA-6: Single-Family Attached/Detached	Districts for a mix of medium-density housing types, from single-family detached and attached dwellings up to fourplexes, at densities that vary by district (four units/acre in RA-4, five units/acre in RA-5, six units/acre in RA-6)
PRD: Planned Residential Development	District for residential development within a unified plan of development that allows for a flexible site plan and building arrangement. The Board of Commissioners does not accept applications for rezoning to this district according to the text of the Zoning Ordinance.
SC: Suburban Condominium	District for medium-density condominium dwelling units, from single-family detached and attached dwellings up to fourplexes, as well as compatible institutional and residential uses.
<b>Multifamily</b>	
RM-8: Residential Multifamily	District for medium- and high-density residential uses, up to eight units/acre, as well as compatible institutional and recreational uses.
RM-12: Residential Multifamily RM-16: Residential Multifamily	Districts for high-density residential uses (up to 12 units/ acre in RM-12, 16 units/acre in RM-16), including purpose-built student housing, as well as compatible institutional and recreational uses.
RMR: Residential Midrise RHR: Residential Highrise	District that supports high-density residential units (up to 33 units/acre in RMR, 66 units/acre in RHR), with limited accessory retail uses. The Board of Commissioners does not accept applications for rezoning to these districts.
UC: Urban Condominium	District for mixed-density condominium dwelling units, including low-, medium-, and high-rise buildings, located near employment centers.

## II. Diagnosis

**Table II-3: Current Zone Districts**

Current Zone Districts	Description
<b>Mobile Home</b>	
MHP: Mobile Home Park	District for mobile homes that are placed on individual spaces in mobile home parks, with a maximum of two unrelated persons per mobile home.
MHP/S: Mobile Home Subdivision	District for mobile homes that are placed on individually owned lots in a mobile home subdivision, with a maximum of two unrelated persons per mobile home.
<b>Senior Living</b>	
RSL: Residential Senior Living	District for supportive and unsupportive residential facilities, as well as non-supportive urban rental units, intended for persons 55 years and older, as well as accessory retail uses that support residents and guests of the facility.
<b>Commercial Districts</b>	
LRC: Limited Retail Commercial	District for low-intensity shopping facilities within a Neighborhood Activity Center, Community Activity Center, or Regional Activity Center with a small number of allowed uses that is oriented towards a neighborhood.
NRC: Neighborhood Retail Commercial	District for convenience shopping centers within a Neighborhood Activity Center, Community Activity Center, or Regional Activity Center that supply daily necessities to a surrounding neighborhood or neighborhoods, with “anchor” uses up to 70,000 sf in gross floor area in conjunction with additional smaller retail uses.
CRC: Community Retail Commercial	District for retail, commercial, and service uses within a Community Activity Center or Regional Activity Center, with the form of a compact unified center that serves several neighborhoods, and a minimum lot size of 20,000 sf.
NS: Neighborhood Shopping	District for retail, commercial, and service uses within a Community Activity Center or Regional Activity Center, which are designed to serve two to four neighborhoods.
PSC: Planned Shopping Center	District for retail, commercial, and service uses within a Community Activity Center or Regional Activity Center, with the form of a compact unified center that serves several neighborhoods and a minimum lot size of 200,000 sf.
GC: General Commercial	District within a Community Activity Center or Regional Activity Center that supports a broad range of retail, commercial, and service uses that are visible from major roads.
TS: Tourist Services	District near highways that support commercial and service uses oriented towards highway travelers. Located within a Community Activity Center, Regional Activity Center, or Industrial areas
RRC: Regional Retail Commercial	District for intense retail development that exceeds a half million net square feet, in the form of a compact unified center that serves a regional market.
UVC: Urban Village Commercial	District for planned development of a mix of low-intensity commercial, office, and residential uses that are not subdivided into separate lots.

## II. Diagnosis

<b>Table II-3: Current Zone Districts</b>	
Current Zone Districts	Description
PVC: Planned Village Community	District for planned development of retail, commercial, and service uses under a common plan of development designed and oriented as a self-sufficient neighborhood in a compact unified center form of development.
RDR: Recreational Outdoor Golf Driving Range	District for outdoor recreational golf driving ranges. The Board of Commissioners does not accept applications for rezoning to this district.
CF: Future Commercial	District for land designated for future commercial uses only after a future rezoning to another commercial district. The Board of Commissioners does not accept applications for rezoning to this district.
<b>Office Districts</b>	
LRO: Low-Rise Office	District for low-intensity professional offices and compatible non-retail commercial uses such as offices and nursery schools.
OI: Office/Institutional	Districts for non-retail commercial uses such as offices and financial institutions, and related uses such as hotels, up to four stories in height in OI, between four and eight stories in height in OMR, and between eight and 24 stories in height in OHR.
OMR: Office Mid-Rise	
OHR: Office High-Rise	
<b>Industrial</b>	
OS: Office/Service <sup>10</sup>	District for offices, distribution and service facilities, and assembly processes with no external impacts, which do not involve manufacturing or product fabrication.
LI: Light Industrial	District for low-intensity industrial uses such as automobile repair and service, livestock, poultry, distribution centers, warehousing, and transportation terminals.
HI: Heavy Industrial	District of higher intensity industrial uses including heavy manufacturing, chemical manufacturing and storage, and warehousing.
IF: Industrial Future	District for land designated for future industrial use only after a future rezoning to another industrial district. The Board of Commissioners does not accept applications for rezoning to this district.
<b>Overlay</b>	
OSC Open Space Community Overlay	When overlaid on certain residential districts, allows for a reduction in minimum lot size in exchange for preservation of additional open space.
Civilian Airport Hazard District	Establishes recommendations for land uses within civilian airport operations areas and establishes notification requirements for construction that exceeds FAA minimum heights.
Military Airport Hazard District	Establishes recommendations for land uses within military airport operations areas and establishes notification requirements for construction that exceeds FAA minimum heights.
Austell Road Design Overlay	Incorporates the Design Guidelines for the Austell Road area.

<sup>10</sup> In the Zoning Ordinance, the OS district is listed as a commercial district, but the mix of uses is more aligned with an industrial use.

## 2.2. Proposed Revised Zone District Structure

### 2.2.1. Overview of Proposed Zone Districts

Based on this evaluation of the current zone district structure, the land-use policy directed in *Cobb 2040* and the 2022 update, feedback received during the project kickoff meetings, discussions with County staff, and a project goal of modernizing and improving the effectiveness, efficiency, and user-friendliness of the new UDC, we recommend some refinements to the current zone district structure. It is suggested the districts in the new UDC be organized into the following categories:

- ★ Residential districts;
- ★ Commercial and office districts;
- ★ Mixed-use districts;
- ★ Industrial districts;
- ★ Planned development districts;
- ★ General overlay districts;
- ★ Design overlay districts; and
- ★ Retired districts.

The key recommendations are listed in the text box on the right and discussed in further detail in the following sections.

The zone district structure proposed for the new UDC is provided in Table II-4: Proposed Zone Districts. The table is organized as follows. The first column identifies the zone district in the current Zoning Ordinance (If a new district is proposed, the first column will be blank.) The second column identifies the district in the new UDC; if the district is proposed to be carried forward, it is shown as being carried forward with no special symbol; if a new district is proposed, the symbol **NEW DISTRICT** is found in the column, in addition to the name of the new district. The third column summarizes the key characteristics of the proposed district. Finally, the fourth column identifies the most appropriate FLUM categories in which the proposed district could be located. The table, and Table II-5: Proposed Retired Districts, is followed by a more detailed discussion of the proposed zone districts for the new UDC.

#### Key Zone District Recommendations

**No changes** to the single-family residential districts (RR and R-80 through R-12) or duplex district (RD)

**Higher-density residential districts** to be applied in Activity Centers

**Consolidation of office districts** and use of new contextual standards for that district

**New mixed-use districts** for the Activity Centers that support walkability and a high-quality public space, and encourage vertical mixed-use development (such as retail over residential or office)

**New Planned Development districts**



**Table II-4: Proposed Zone Districts**

<b>Current District</b>	<b>Proposed District</b>	<b>Description</b>	<b>FLUM categories [1]</b>
<b>Residential</b>			
RR: Rural Residential	<b>RR: Rural Residential</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	RR, VLDR
R-80: Residential Single-Family	<b>R-80: Residential Single-Family</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	RR, VLDR
R-40: Residential Single-Family	<b>R-40: Residential Single-Family</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	RR, VLDR, LDR
R-30: Residential Single-Family	<b>R-30: Residential Single-Family</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	VLDR, LDR
R-20: Residential Single-Family	<b>R-20: Residential Single-Family</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	VLDR, LDR
R-15: Residential Single-Family	<b>R-15: Residential Single-Family</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	LDR, MDR
R-12: Residential Single-Family	<b>R-12: Residential Single-Family</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	LDR, MDR
RD: Residential Duplex	<b>RD: Residential Duplex</b>	District carried forward. No substantive changes to existing dimensional standards; a variety of housing types may be included in accordance with the discussion in Theme 3: Support the Development of Additional Types of Housing to Support Households at All Sizes, Income Levels, and Stages of Life.	LDR, MDR

II. Diagnosis

Table II-4: Proposed Zone Districts			
Current District	Proposed District	Description	FLUM categories [1]
FST: Fee Simple Townhouse	<b>FST: Fee Simple Townhouse</b>	District carried forward. Recommend establishing that district is not recommended in Regional Activity Center and allowing townhouses in the appropriate mixed-use districts. A variety of housing options may be included in accordance with the discussion in Theme 3.	MDR, HDR
PRD: Planned Residential Development	<b>PRD: Planned Residential Development</b>	District carried forward. It will continue to support planned residential development with creative, high-quality design; potentially increase open space requirements and allow a variety of housing options in accordance with the discussion in Theme 3.	VLDR, LDR, MDR, HDR
RA-4: Single-Family Attached/Detached	<b>RA-4: Single-Family Attached/Detached</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses, except will clarify in the permitted use table that duplexes, triplexes, and fourplexes are permitted and potentially allow a variety of housing options in accordance with the discussion in Theme 3.	LDR, MDR
RA-5: Single-Family Attached/Detached	<b>RA-5: Single-Family Attached/Detached</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses except will clarify in the permitted use table that duplexes, triplexes, and fourplexes are permitted and potentially allow a variety of housing options in accordance with the discussion in Theme 3.	MDR
RA-6 Single-Family Attached/Detached	<b>RA-6: Single-Family Attached/Detached</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses, except will clarify in the permitted use table that duplexes, triplexes, and fourplexes are permitted and potentially allow a variety of housing options in accordance with the discussion in Theme 3.	MDR

## II. Diagnosis

**Table II-4: Proposed Zone Districts**

<b>Current District</b>	<b>Proposed District</b>	<b>Description</b>	<b>FLUM categories [1]</b>
RM-8: Residential Multifamily	<b>RM-8: Residential Multifamily</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	MDR
RM-12: Residential Multifamily	<b>RM-12: Residential Multifamily</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	MDR, HDR
RM-16: Residential Multifamily	<b>RM-16: Residential Multifamily</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	RAC
RMR: Residential Midrise	<b>RM-24: Residential Multifamily</b>	District carried forward with a slight reduction in allowable density. Intended for Activity Center.	RAC
RHR: Residential Highrise	<b>RM-60: Residential Multifamily</b>	District carried forward. Intended for Activity Center.	RAC
RSL: Residential Senior Living	<b>RSL: Residential Senior Living</b>	District carried forward. Refine the dimensional standards and simplify organization by linking development standards to the different types of senior living uses.	LDR, MDR, HDR, NAC, CAC, RAC
MHP: Mobile Home Park	<b>MHP: Mobile Home Park</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses, with refinements to development standards, as appropriate.	MDR, HDR
<b>Commercial and Office</b>			
LRC: Limited Retail Commercial	<b>LRC: Limited Retail Commercial</b>	District carried forward. Consider adding form/design standards, for example, to improve walkability to the site from surrounding neighborhoods (e.g., access via safe pedestrian paths) and limit square footage of allowed uses to be compatible with district purpose and neighborhood context.	NAC

Table II-4: Proposed Zone Districts			
Current District	Proposed District	Description	FLUM categories [1]
NRC: Neighborhood Retail Commercial	<b>NRC: Neighborhood Retail Commercial</b>	District carried forward. Continue to permit a wider range of commercial services than the LRC district, such as restaurants, office service and supply establishments, and offices. Development will be allowed at slightly higher intensities than the LRC.	NAC
CRC: Community Retail Commercial	<b>CRC: Community Retail Commercial</b>	District carried forward. Continue to allow a wide range of commercial uses.	CAC, RAC
TS: Tourist Services	<b>TS: Tourist Services</b>	District carried forward. Continue to support long-distance travelers from throughout the region	IND, HI, CAC, RAC
O&I: Office & Institutional	<b>OI: Office Institutional</b>	District carried forward. Continue to support low-intensity office uses.	IC, NAC, CAC, RAC
LRO: Low-Rise Office	<b>OLR: Office Low-Rise</b>	District carried forward. Continue to support medium-intensity office uses.	IC, CAC, RAC
OMR: Office Mid-Rise	<b>OMR: Office Mid-Rise</b>	District carried forward. Continue to support higher-intensity office uses.	IC, RAC
<b>Mixed-Use<sup>11</sup></b>			
UVC: Urban Village Commercial	<b>MX-N: Mixed Use AC Neighborhood</b> <b>NEW DISTRICT</b>	<p>New zone district that permits a variety of small-scale commercial (retail and office) and residential development that are mixed either horizontally or vertically, within a development.</p> <p><u>Potential standards</u>                      New zone district. Maximum residential density: 8 du/acre. Maximum nonresidential intensity: 0.4 Floor Area Ratio (FAR).<sup>12</sup> Also include basic form and design standards that support walkability and high-quality public spaces. Provide incentives for vertical mixed use.</p>	NAC, CAC

<sup>11</sup> The three new proposed mixed-use districts are suggested to be assigned to land in existing zone districts, but with changes to the list of allowed uses and the nonresidential intensities. The proposed standards listed for each district are suggestions for discussion purposes, and different tools to control the intensity of development other than density and FAR maximums may ultimately be used in the new UDC.

<sup>12</sup> Current UVC FAR maximum is 0.25.

Table II-4: Proposed Zone Districts			
Current District	Proposed District	Description	FLUM categories [1]
PVC: Planned Village Community	<b>MX-C: Mixed Use AC Community</b> <b>NEW DISTRICT</b>	<p>New zone district that provides a range of non-residential uses designed as compact unified centers, and also permits residential uses. Intensity and density allowed in the district is moderate, and district standards support walkability and district parking.</p> <p><u>Potential standards</u> Maximum residential density: 35 du/acre. Maximum nonresidential intensity: 2.0 FAR Also include basic form and design standards that support walkability and high-quality public spaces. Provide incentives for vertical mixed use.</p>	CAC, RAC
RRC: Regional Retail Commercial	<b>MX-R: Mixed Use AC Regional</b> <b>NEW/Consolidated DISTRICT</b>	<p>New zone district that consolidates two existing districts that provides a range of non-residential uses designed as compact unified centers, and also permits residential uses of compatible intensity.</p> <p><u>Potential standards</u> Maximum residential density: 60 du/acre. Maximum nonresidential intensity: 3.5 FAR Also include basic form and design standards that support walkability and high-quality public spaces. Provide incentives for vertical mixed use.</p>	RAC
OHR: Office High-Rise			
<b>Industrial</b>			
OS: Office/Service	<b>OSI: Office/Service Industrial</b>	District carried forward. Continues to include the lowest-intensity industrial uses such as distribution and service facilities, and low-intensity assembly processes.	RAC, IC, IND
LI: Light Industrial	<b>LI: Light Industrial</b>	District carried forward. Same dimensional standards, but updates uses (removes livestock, adds light manufacturing that takes place inside buildings).	IC, IND

Table II-4: Proposed Zone Districts

Current District	Proposed District	Description	FLUM categories [1]
HI: Heavy Industrial	<b>HI: Heavy Industrial</b>	District carried forward. Same dimensional standards. Review and revise allowed uses and use-specific standards to meet best practices.	IND
<b>Planned Development</b>			
	<b>PD: Planned Development NEW DISTRICT</b>	New planned development district that provides flexibility from development standards of base district in return for innovative design and increased development quality. See Section 2.2.6.	
	<b>PD-TND: Planned Development Traditional Neighborhood Development NEW DISTRICT</b>	New planned district for development with traditional neighborhood design elements. See Section 2.2.6.	
<b>General Overlay</b>			
OSC Open Space Community Overlay	<b>OSC-0: Open Space Community Overlay</b>	District carried forward, with revisions to ensure that high-quality land is protected for open space purposes, including land usable for recreational purposes, in return for smaller lot sizes and improved design and compatibility of small-lot development with adjacent development. It will continue to be available to overlay the R-30, R-20, and R-15 districts.	
Civilian Airport Hazard District	<b>AHC-0: Airport Hazard Civilian Overlay</b>	District carried forward (see Sec. 134-275), with no substantive changes.	
Military Airport Hazard District	<b>AHM-0: Airport Hazard Military Overlay</b>	District carried forward (see Sec. 134-275.1), with no substantive changes.	
<b>Design Overlay</b>			
	<b>ATRD-0: Atlanta Road Design Overlay NEW DISTRICT</b>	New district that codifies the separate Atlanta Road Design Guidelines.	
Austell Road Design Overlay	<b>AURD-0: Austell Road Design Overlay</b>	District carried forward (see Sec. 134-291), and implements the Design Guidelines for Austell Road, with revisions in accordance with recommended changes to the development standards in the new UDC	



Table II-4: Proposed Zone Districts			
Current District	Proposed District	Description	FLUM categories [1]
	<b>CRDD-0: Canton Road Design Overlay</b> <b>NEW DISTRICT</b>	New district that codifies the separate Canton Road Design Guidelines.	
	<b>DHD-0: Dallas Highway Design Overlay</b> <b>NEW DISTRICT</b>	New district that codifies the separate Dallas Highway Design Guidelines.	
	<b>JHD-0: Johnson Ferry Design Overlay</b> <b>NEW DISTRICT</b>	New district that codifies the separate Johnson Ferry Design Standards.	
	<b>MRD-0: Macland Road Design Overlay</b> <b>NEW DISTRICT</b>	New district that codifies the separate Macland Road Design Guidelines.	
	<b>VVD-0: Vinnings Village Design Overlay</b> <b>NEW DISTRICT</b>	New district that codifies the separate Design Guidelines for Vinnings Village.	

**NOTES**

[1] The FLUM categories are listed to indicate the most appropriate locations for each of the zone districts and will not be included in the new UDC:

RAC: Regional Activity Center	PRC: Park/Recreation/Conservation
CAC: Community Activity Center	TCU: Transportation/Communication/Utilities
NAC: Neighborhood Activity Center	MTC: Mableton Town Center
IC: Industrial Compatible	RR: Rural Residential
IND: Industrial	VLDR: Very Low Density Residential
PIA: Priority Industrial Area	LDR: Low Density Residential
PI: Public/Institutional	MDR: Medium Density Residential
	HDR: High Density Residential

In addition, as discussed in Section 2.2.8, Retired Districts, we recommend that districts where the current Zoning Ordinance states that the Board of Commissioners will not accept new rezonings to those districts, as well as several additional districts that will not be expanded in the future, be designated as “retired” districts and placed in an appendix to the code. That way, the districts and their regulations will continue to exist and remain on the Official Zoning Map but will not be expanded onto other lands in the future. The proposed retired districts are set forth in Table II-5: Proposed Retired Zone Districts.

Table II-5: Proposed Retired Zone Districts	
Current District	Proposed District
<b>Base Districts</b>	
SC: Suburban Condominium	<b>D-SC: Retired Suburban Condominium</b> This is a proposed new retired district.
UC: Urban Condominium	<b>D-UC: Retired Urban Condominium</b> This is a proposed new retired district.

**Table II-5: Proposed Retired Zone Districts**

<b>Current District</b>	<b>Proposed District</b>
MHP/S: Mobile Home Subdivision	<b>D-MHP/S: Retired Mobile Home Subdivision</b>
RDR: Recreation Outdoor Golf Driving Range	<b>D-RDR: Retired Recreation Outdoor Golf Driving Range</b>
GC: General Commercial	<b>D-GC: Retired General Commercial</b> This is a proposed new retired district.
CF: Future Commercial	<b>D-CF: Retired Future Commercial</b>
PSC: Planned Shopping Center	<b>D-PSC: Retired Planned Shopping Center</b>
NS: Neighborhood Shopping	<b>D-NS: Retired Neighborhood Shopping</b>
IF: Future Industrial	<b>D-IF: Retired Future Industrial</b>
CS: Conservation Subdivision <sup>13</sup>	<b>D-CS: Retired Conservation Subdivision</b>
<b>Overlay District</b>	
ROD: Redevelopment Overlay District <sup>13</sup>	<b>D-ROD: Retired Redevelopment Overlay District</b>

**2.2.2. Residential Base Districts**

The current residential districts are intended to accommodate lands for residential development at a wide range of development intensities, from the 80,000 square foot minimum for a single-family detached dwelling in the R-80 district, up to 12 units per acre in the RM-12 district, with even higher densities permitted in the UC district.<sup>14</sup>

During our discussions with stakeholders during the kickoff meeting, there was a general desire to maintain the character of the County’s current single-family neighborhoods, along with the limited number of allowed uses in those districts. In addition, opportunities were identified for higher-density development within the Activity Centers designated on the County’s Future Land Use Map.

For these reasons, the proposed set of zone districts carries forward all of the single-family and duplex zone districts in the current Zoning Ordinance. Furthermore, no changes are proposed for either the dimensional standards or the types of uses allowed in these districts; they will continue to allow only residential uses and compatible institutional and recreational uses. We do note, however, that during the drafting of the new UDC, we will work with staff to identify if there

<sup>13</sup> This is a zone district that was previously removed from the Zoning Ordinance. There is still land that is zoned to this district. For this reason, the district will be included in the new UDC as a retired district to facilitate reference to the regulations that continue to apply to land in this district.

<sup>14</sup> Currently, the RMR and RHR districts allow residential development at densities up to 33 and 66 units per acre, respectively, but in the current Zoning Ordinance those districts are no longer assigned by the Board of Commissioners.

are districts with common and uncontroversial variance requests that could be eliminated by making minor adjustments to dimensional standards.

The following districts will be carried forward with no substantive changes:

- ★ **RR: Rural Residential**
- ★ **R-80: Residential Single-Family**
- ★ **R-40: Residential Single-Family**
- ★ **R-30: Residential Single-Family**
- ★ **R-20: Residential Single-Family**
- ★ **R-15: Residential Single-Family**
- ★ **R-12: Residential Single-Family**
- ★ **RD: Residential Duplex**

We also propose to carry forward the County’s current **FST: Fee Simple Townhouse** district, which allows single-family attached dwellings, also known as townhouses, at densities up to ten units per acre. The current FST district limits the maximum length of a row of townhouse to six units, and requires that the design and architectural style of the units “be compatible with or upgrade the existing neighborhood.” We propose replacing that vague guideline with more precise standards as discussed in Section 4.7, Integrate Existing Design Guidelines and Add New Generally Applicable Form and Design Standards. In addition, we recommend that the district be allowed in appropriate locations outside the Regional Activity Centers identified on the FLUM, while other districts, such as the RM (Residential Multifamily) and mixed-use districts, are used to accommodate townhouses within the Activity Centers.

The **PRD: Planned Residential Development** district is proposed to be carried forward and continue to support creative, high-quality design in planned residential developments. Most standards will be carried forward, and the open space requirements will be reviewed and updated as necessary to ensure the preservation of high-quality open space.

The three middle housing zone districts are also proposed to be carried forward—**RA-4: Single Family Attached/Detached**, **RA-5: Single Family Attached/Detached**, and **RA-6: Single Family Attached/Detached**. Each of these districts will continue to allow a mix of residential housing, from single-family detached dwellings up to triplexes and fourplexes, at the maximum density of the current districts (four units/acre in RA-4, five units/acre in RA-5, and six units/acre in RA-6).<sup>15</sup>

The three multifamily zone districts are also proposed to be carried forward—**RM-8: Residential Multifamily**, **RM-12: Residential Multifamily**, and **RM-16: Residential Multifamily**. Each

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<sup>15</sup> The sections in the current Zoning Ordinance that establish RA-4, RA-5, and RA-6 districts state that they are intended to accommodate a variety of housing types “including the combination of duplexes, triplexes, and quadruplexes.” See, e.g., Section 134-201(1). However, the list of permitted uses in the districts (see, e.g., Section 134-201(3)), and the summary of uses in Section 134-192, do not identify triplexes or fourplexes as permitted. Nevertheless, according to staff those uses are permitted in the RA districts; we propose to explicitly allow them in the new UDC.

district accommodates primarily multifamily dwellings at a variety of allowed densities (eight units/acre in RM-8, 12 units/acre in RM-12, and 16 units/acre in RM-16). We also propose that two of the existing zone districts that provide for higher-density residential development, but that are listed as no longer options for rezoning, be carried forward, renamed, and updated as options for future zoning map amendments. The RMR: Residential Midrise district is proposed to be renamed **RM-24: Residential Multifamily**, with a slight reduction in allowed density up to 24 units per acre (down from 33 units per acre) in buildings up to 60 feet in height. Likewise, the RHR: Residential Highrise district is proposed to be renamed **RM-60: Residential Multifamily** and allow up to 60 units per acre in buildings up to 100 feet in height.

Finally, two others residential districts are proposed to be carried forward with minimal changes. The **RSL: Residential Senior Living** district will be carried forward and simplified by linking development standards to the different types of senior living uses, and not to different variants of the RSL district as in the current Zoning Ordinance. Second, the **MHP: Mobile Home Park** district will be carried forward with refinements to development standards, as appropriate, to ensure mobile home development provides a higher quality of design than the current district.

### 2.2.3. Commercial and Office Base Districts

The proposed zone district structure also largely carries forward the existing lineup of commercial and office districts, with some consolidation and modest refinements to the dimensional and other standards to better meet the purposes of each district.

The **LRC: Limited Retail Commercial** district is carried forward. To better serve its intended purpose of providing lands for low-intensity retail uses serving a community, it is proposed that the LRC district be updated to include new form and design standards to improve access from nearby neighborhoods. In addition, the updated district is proposed to include restrictions on the size of the “floorplate” of buildings, to provide more assurance that the development will be compatible with the district purpose and the intended neighborhood context.

The **NRC: Neighborhood Retail Commercial** district is also carried forward. As with the current Zoning Ordinance, the NRC district in the new UDC will continue to permit a wider range of retail and other commercial uses of slightly greater intensity than the LRC district.

Also carried forward is the **CRC: Community Retail Commercial** district, which will continue to accommodate a very wide range of commercial uses at higher intensities than in the NRC district, as well as the **TS: Tourist Services** district, which will continue to support uses for long-distance travelers near major roadway interchanges and intersections.

The three current office districts are proposed to be carried forward, with two being renamed for consistency changes. O&I: Office and Institutional will be renamed **OI: Office Institutional**, LRO: Low-Rise Office will be renamed **OLR: Office Low-Rise**, and OMR: Office Mid-Rise will be carried forward. The most intensive office uses will be supported in the Regional Activity Centers or in one of the new mixed-use districts discussed in Section 2.2.4, Mixed-Use Base Districts, below.

### 2.2.4. Mixed-Use Base Districts

Development that mixes multiple types of uses, including residential and nonresidential uses, has become increasingly popular both nationwide and in Cobb County, with The Battery a high-profile example. They offer County residents the opportunity to live, work, and recreate in the

same neighborhood. These mixed-use development projects typically emphasize high-quality public spaces, walkability, and other forms of mobility, and allow residents of the district and nearby neighborhoods to fulfill many of their daily needs nearby instead of requiring long drives in an automobile to regional shopping centers. The Neighborhood, Community, and Regional Activity Centers designated on the County's Future Land Use Map fully support mixed-use development.

To better support integrated mixed-use development, it is proposed that the new UDC include three mixed-use districts. These districts will build on districts in the current Zoning Ordinance which allow for a mix of uses. Each district will include basic standards that support walkability and the development of high-quality public spaces, and potentially may include incentives to encourage the vertical mixing of uses in the same building. The first proposed mixed-use district is the **MX-N: Mixed Use Activity Center Neighborhood** district. Based off the current UVC: Urban Village Commercial district, the MX-N district will permit moderate-density residential development that is integrated with small-scale commercial development. Maximum residential density is proposed to be eight units per acre, while the maximum nonresidential intensity is proposed to be 0.4 Floor Area Ratio (FAR).<sup>16</sup>

The second mixed-use district is the **MX-C: Mixed Use Activity Center Community** district. An evolution of the PVC: Planned Village Community district, this district will support a high level of residential density with up to 35 units an acre, and moderate intensity nonresidential development of up to 2.0 FAR.

The third mixed-use district is the **MX-R: Mixed Use Activity Center Regional** district, which consolidates two existing high-intensity districts: the RRC: Regional Retail Commercial district (which currently permits multifamily dwellings) and the OHR: Office High-Rise district (which does not allow multifamily dwellings). This district is designed to support the very highest density and intensity of mixed-use development, with up to 60 units an acre of residential development, and nonresidential development up to 3.5 FAR.

### 2.2.5. Industrial Base Districts

The current Zoning Ordinance contains a complete set of industrial zone districts that support all levels of industrial activities, from small-scale industrial operations that take place inside a building and have limited impacts on neighboring properties, to larger industrial operations that may have noise, traffic, odor or other impacts. It is proposed that the County's three industrial zone districts be carried forward.

The OS: Office Service district is carried forward with a modest name change to better reflect that it allows a combination of office and low-intensity industrial uses. The renamed **OSI: Office/Service Industrial** district will continue to permit uses that have limited impacts on neighboring properties, particularly those in non-industrial districts. As such, it is well suited for

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<sup>16</sup> Floor Area Ratio is a metric to control development intensity by limiting the ratio of indoor floor space to the area of the lot. In this example, an 0.4 FAR means that a nonresidential building on the site of a 43,560 square foot lot (one acre) could have up to 0.4 times 43,560 square feet of interior space, or 17,424 square feet, regardless of the height of the building. On this one-acre lot, the structure could be a one-story building with 17,424 square feet of interior space on one floor, a four-story building with an average of 4,356 square feet of interior space per floor, or any other permutation so long as the interior space does not exceed the 0.4 FAR limit. Any development must comply with all other dimensional and development standards such as setbacks and required transitional buffers.

use in transitional areas between commercial and residential districts and districts that support higher-intensity industrial operations.

The **LI: Light Industrial** district is carried forward, with modernization of the allowed uses. The **HI: Heavy Industrial** district also is carried forward with updates to the uses and use-specific standards.

### 2.2.6. Planned Development Base Districts

Planned development (PD) districts are intended to offer flexibility to modify the base zone district regulations and development standards in return for innovative design, greater development quality, and in some instances community benefits. Many communities of Cobb County's size include PD districts as an option in their development toolbox. We recommend that the County do so as well.

Each Planned Development district includes two key components—a PD Plan and PD Agreement which together establish the standards that apply to the proposed development. The PD Plan sets forth the standards that apply in the district, including permitted uses, project density and intensity, dimensional and development standards (including elements such as parking, open space, and public infrastructure), the general location of each development area in the district, and phasing plans, if applicable. The regulations establishing the district will provide detail about which development standards may be varied and which may not (for example, many PDs do not allow variation in open space, environmental protection, and development form standards, which we suggest should be the case in the new UDC). Any such variations will be established in the PD Plan.

The PD Agreement helps carry out the planned development standards by expressly spelling out the relevant development parameters, establishing phasing (where relevant), providing for environmental mitigation, and outlining how public facilities will be provided to serve the planned development.

The PD districts will be supported by a new Planned Development procedure, as discussed in Section 1.5.3(a), Add a Planned Development Procedure.

Two types of PD districts are proposed. The **PD-TND: Planned Development-Traditional Neighborhood Development** district is proposed to allow for neo-traditional neighborhood developments in greenfield or already-developed areas. The PD-TND District would provide a planned development option for development that uses traditional neighborhood design (TND) elements, such as civic buildings, a town center, mixed uses, open space integrated throughout the development, and a variety of housing types, in order to support meaningful public spaces and walkable communities. The second PD district would be the general **PD: Planned Development** district which would allow maximum development flexibility.

### 2.2.7. Overlay Districts

An overlay district is a zone district that is placed atop one or more base districts and includes standards that apply in addition to the base district standards, or that preempt the base district standards. The current Zoning Ordinance has four overlay districts, scattered throughout Chapter 134. We propose that the existing districts be carried forward and additional overlay districts be added, as discussed below, and that the overlay districts be split into two categories—general overlay districts and design overlay districts.



### 2.2.7(a). General Overlay Districts

Three general overlay districts are proposed to be included.

The OSC: Open Space Community district is proposed to be carried forward with a minor name change to the **OSC-O: Open Space Community Overlay** district. The district will continue to permit residential development with smaller lot sizes in exchange for the preservation of additional open space. The standards will be revised to ensure that the preserved open space includes high-quality land, not just land which could not be used for residential purposes, and to ensure better design of the small-lot development.

The two airport hazard districts—the civilian district at Section 134-275 of the current Zoning Ordinance and the military district at Section 134-275.1—will be carried forward with no substantive changes. For consistency with the other districts in the new UDC, they will be called the **AHC-O: Airport Hazard Civilian Overlay** and the **AHM-O: Airport Hazard Military Overlay** districts.

Finally, we suggest that the new UDC include regulations that provide for future Neighborhood Conservation Overlay districts (NCDs). An NCD is primarily used to ensure the desired character of a neighborhood is protected and can be an appropriate tool in both stable traditional neighborhoods and at-risk neighborhoods to improve, re-build, preserve, and protect desired neighborhood character.

NCD zones are similar to, but distinct from, traditional historic districts. Whereas the primary purpose of a historic district is to protect the historic integrity of an area (usually by preventing or discouraging demolition and requiring appropriate renovation or highly compatible new construction), NCD zones are more flexible and are based on a pre-approved area or neighborhood plan. NCD standards typically require infill and redevelopment to comply with additional modest development standards within the base zone to protect neighborhood character. The standards might address such issues as building height, setbacks, roof pitch, garage location and setbacks, front porches, driveway access, street trees, and landscaping. Typically, only a handful of character-defining features are regulated. Detailed architectural design standards like those found in most historic districts are not included. Development applications in a NCD district are administratively reviewed for consistency with the applicable standards.

A framework for the establishment of the zone will be included in the regulations so that the community can tailor and adopt individual NCD zone standards for different neighborhoods.

### 2.2.7(b). Design Overlay Districts

As discussed in Section 4.7, Integrate Existing Design Guidelines and Add New Generally Applicable Form and Design Standards, it is proposed that the existing design guidelines, which are separate documents that are not part of the development regulations, be incorporated into the new UDC as new overlay districts. Each overlay district will be assigned to the same geographic area to which the current design guidelines apply. These new design overlay districts will include an overlay district that carries forward the Design Guidelines for Austell Road, which are currently codified at Section 134-291 and will be renamed as the **ARD-O: Austell Road Design Overlay** district.

### 2.2.8. Retired Districts

The current Zoning Ordinance includes several districts that are applied to lands in the County on the zoning map, which the Board of Commissioners has expressly stated in the Zoning Ordinance should not be applied to new lands in the future. It is recommended that these districts be carried forward in the new UDC, but designated as “retired districts” and relocated to Appendix A of the updated UDC, as discussed in Part III, Annotated Outline of New UDC. The proposed retired districts include those for which the Board of Commissioners have said new applications for rezoning will not be accepted. They include the following districts:

- ★ SC: Suburban Condominium
- ★ UC: Urban Condominium
- ★ MHP/S: Mobile Home Subdivision
- ★ RDR: Recreation Outdoor Golf Driving Range
- ★ CF: Future Commercial
- ★ NS: Neighborhood Shopping
- ★ IF: Future Industrial

Three additional districts are also proposed to be added to the set of retired districts. The first is the GC: General Commercial district. This is done to simplify the proposed new lineup of commercial and office districts, which will support the types of development that might be included within the GC district.

In addition, it is proposed that two districts that have previously been deleted from the County’s Zoning Ordinance be included in the UDC as retired districts—the CS: Conservation Subdivision district and the ROD: Redevelopment Overlay district.

All retired districts are proposed to be renamed with the addition of the name “Retired.” For example, NS: Neighborhood Shopping will be renamed **D-NS: Neighborhood Shopping**. (A “D” is used instead of “R” to reduce confusion with the Residential zone districts.)

See Table II-5: Proposed Retired Zone Districts in Section 2.2.1, Overview of Proposed Zone Districts, for the full set of proposed retired districts.

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## 2.3. Improve the Formatting of Zone District Regulations

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Along with restructuring the zone districts, we also recommend changes to improve the user friendliness of the zone district regulations. Currently, the regulations that apply to different districts are duplicated throughout the current Zoning Ordinance. For example, the allowable uses for each district or groups of similar districts are included within each set of district regulations; in several instances, the definitions are also included.

The current Zoning Ordinance has been updated over time to reduce some of this duplication within the districts. For example, the purpose and intent statements for each district are currently listed in the first subsection of each district regulation (e.g., Section 134-220(1) for the OMR district). Previously, each purpose and intent statement was also included in Section 134-162, General description of zone districts. That duplicate section was repealed by the Board of

## II. Diagnosis

Commissioners in 2022. However, there remain multiple other opportunities to streamline the district regulations and reduce repetitive text.

Modern approaches to the layout of zone district regulations include an attractive layout, consistent structure, and effective use of tables and graphics. We recommend each district in the new UDC be consolidated or referenced in one location. For each district, the UDC will include a purpose statement, a reference to the use table and use-specific standards, applicable intensity and dimensional standards, and form and design standards, where appropriate. In addition, graphics and photos should depict the desired character of development within the district, typical lot patterns, and the application of dimensional standards. An example of this suggested zone district layout from another community's code is shown in Figure II-9: Sample Zone District Layout. A full-size version is included in Appendix B.

**Figure II-9: Sample Zone District Layout**

Article 3 Zoning Districts  
Division 3. Residential Districts

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**Sec. 24-3306. R-1A One-Family Residence District**

**A. Purpose**

The purpose of the R-1A One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 21,500 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**

**C. Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

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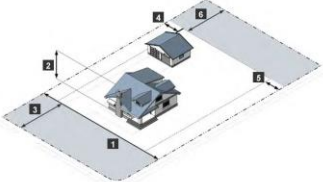
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**D. R-1A District Dimensional Standards**

Standard	Dwellings	All other uses
1 Lot area, minimum	21,500 sq. ft.	1 ac.
1 Lot width, minimum (feet)	125	150
2 Structure height, maximum (feet)	40	45
3 Front yard, minimum (feet)	45 <sup>[1]</sup>	50
4 Interior side yard, minimum (feet)	15	40
5 Street side yard, minimum (feet)	25 <sup>[1]</sup>	40
6 Rear yard, minimum (feet)	45 <sup>[1]</sup>	50

**NOTES:**

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.0, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions

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Board of Supervisors Final Draft - June 22, 2021

## 2.4. Clarify Uses in a More Logical and Functional Framework

As noted in Section 2.3, Improve the Formatting of Zone District, lists of allowable uses as well as the applicable use regulations are currently established alongside zone district regulations in Article IV: District Regulations of the current Zoning Ordinance. The presentation does not allow for a side-by-side comparison of allowed uses by zone district. In addition, use-specific and district-specific standards are inserted directly into the list of allowed uses, and in some cases

into the definitions of different uses, making it hard to gain an “at-a-glance” view of allowed uses, or to compare uses across zone districts.<sup>17</sup>

In many modern codes, use regulations are established in a separate article and organized into unified use tables, which show the list of allowed uses by zone district. It is best to consolidate the list into as few tables as possible—for example, using one table each for principal, accessory, and temporary uses. The table would identify uses permitted by right, uses permitted following approval of a special exception (by staff), and uses permitted following approval of a special land use permit (by the Board of Commissioners), and also include a cross-reference to any applicable use-specific standards. This is the approach we suggest be used in the new UDC.

In the current Zoning Ordinance, uses are organized within each zone district by permitted uses. Uses that require special exceptions or special land use permits, as well as uses that require temporary land use permits, are listed in a different part of district regulations or, in some cases, separate sections altogether. There is no classification or organization of uses, making it difficult to determine if a new use is similar to an existing use (because of its functions and features) and should or should not be allowed in a particular zone district. Based on best practices, we suggest that the new UDC incorporate a three-tiered use classification system that adds text descriptions to clarify use groups at three different levels:

- ★ **Use Classifications** (broad general classifications such as Residential, Commercial, and Public/Civic/Institutional);
- ★ **Use Categories** (major subgroups within Use Classifications that are based on common characteristics, such as Group Living and Household Living under the Residential classification); and
- ★ **Uses** (specific uses within the Use Categories, such as single-family detached dwelling, duplex, townhouse, triplex, and multifamily dwelling under the Household Living category and the Residential classification).

Many communities are moving to this use classification approach due to its more robust structure and flexibility. A portion of a use table from another community’s code is included in Figure II-10. In Figure II-10, the use classification is listed in white text on the dark blue background and the use category is shown in black text on the light blue background.

In addition, we suggest the rewritten use regulations define use categories broadly and list specific uses only if they sufficiently differ from similar broad use categories to justify allowing them in different zone districts. This allows staff more flexibility in determining whether a proposed use is allowed and reduces the number of developments that must go through a lengthy and uncertain rezoning or text amendment process just because the proposed use is not expressly listed.

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<sup>17</sup> The current Zoning Ordinance does include several tables that list allowable uses by district in Section 134-192, Summary of uses, but staff reports that these tables have not been well maintained and do not accurately reflect the uses that are currently permitted in each district as set forth in the individual sections that establish district regulations.

Figure II-10: Sample Use Table

Table 7.3.2-A Base and NNA-O District Use Table		P = Permitted C = Conditional use										A = Accessory to primary use T = Temporary use					R = Allowed pursuant to regulating plan			Use-Specific Standards								
		Residential										Mixed-Use					Indus.				Spec P.			NNA-O				
Zone District →	Land Use ↓	A	R-E	R-1 9	R-1 6	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North		
	Library, Museum, or Cultural Facility											C	P	P	P	P	R			C	C	P	P	P	P	P	P	
	Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R					P			P	P	P	
	Public Safety Services		C	C	C	C	C	C	C	C	C	C	P	P	P	P	R	P	P	P	P	P			P	P	P	
	Religious Institution	P	C	C	C	C	P	P	P	P	P	P	P	P	P	P	R	P	C	C	C	P			P	P	P	7.3.302B
	School, Elementary or Secondary	P	C	C	C	C	C	C	C	C	P	C	P	P	P	P	R	C	C	C					P	P	P	7.3.302B
	School, Higher Education	P										C	P	P	P	P	R	P	C	C	C				P	P	P	
<b>COMMERCIAL AND INDUSTRIAL USES</b>																												
<b>Agriculture and Animal-Related Uses</b>																												
	Agricultural Production	P															R											
	Agricultural Sales and Service	C												P	P		R		C	C								
	Animal Care Facility	P															R		C	C								7.3.303A.1
	Commercial Feedlot	C															R											

## 2.5. Consolidate and Update Uses and Use-Specific Standards

### 2.5.1. Review, Add, and Refine Uses

In conjunction with the changes in the classification and organization of uses discussed above, we also suggest a thorough review of uses in the current UDC to identify specific uses that should be added or revised. For example, while the purpose statements for the RA districts assert that they permit triplexes and fourplexes, and staff confirms that triplexes and fourplexes are allowed in those districts, the list of permitted uses does not include triplexes or fourplexes, and neither use is defined in Section 134-1, Definitions.

We also suggest that new use-specific standards be added as appropriate for new use types and that existing use-specific standards be evaluated and updated as appropriate. This evaluation should be informed by input from County staff and stakeholders, as well as current best practices.

As part of updating the use-specific standards, we also recommend uses requiring a special exception or a special land use permit be evaluated to determine whether additional standards, or limiting the uses to particular districts, would allow some to become uses permitted by-right rather than requiring approval by the Community Development Director or the Board of Commissioners. This would improve the predictability and efficiency of the development review process for these uses.

### **2.5.2. Consolidate and Update Use-Specific Standards**

Use-specific standards are those that apply to specific uses. In some cases, use-specific standards apply to all uses throughout a jurisdiction, while other use-specific standards only apply in certain zone districts.

In the current Zoning Ordinance, many use-specific standards are included within the regulations for each individual zone district, even though they apply throughout all or most of the unincorporated County. This has led to significant duplication in the regulations. For example, the use “Community fair” is defined identically at least 34 separate times in the district regulations, and is also defined within the general definitions in Section 134-1. Likewise, the definition of and regulations that apply to “customary home occupations” are identical but set out separately in multiple zone districts, including R-80 (Section 134-193(2)(b)); R-40 (Section 134-195(2)(b)); and R-12 (Section 134-199(2)(b)). General development standards such as restrictions on outdoor storage are similarly duplicated throughout the regulations.

As part of the proposed reorganization of the new UDC, and to make the code more user-friendly, the use-specific standards should be consolidated into one section. All use-specific standards that are included in the district regulations in Article IV of the current Zoning Ordinance will be consolidated in one section, with revisions as necessary; where different use specific standards apply to different districts, they will be distinguished. In addition, this new section will consolidate use-specific standards listed elsewhere in the code such as those in Section 134-270 (golf course), Section 134-273 (communications antennas), and Section 134-277 (junk or abandoned vehicles), as well as the lists of uses in Section 134-37 (uses requiring a special land use permit), and Section 134-271 (uses requiring a special exception).

In addition, as discussed in Section 1.4, Make the Language Clearer and More Precise, definitions which integrate use-specific standards will be simplified and placed in the Definitions article. New definitions will be drafted and existing definitions updated to precisely identify each use, and the use-specific standards within the current definitions will be moved and consolidated with the other use-specific standards.

### **2.5.3. Review and Update Accessory Uses and Structures**

Accessory uses and structures are uses or structures that are subordinate to the principal use on a site. The Zoning Ordinance allows accessory uses and structures, and there are regulations in each district that regulate accessory buildings and structures (e.g., Section 134-196(13) for the R-30 district); however, the language is duplicative and imprecise.<sup>18</sup> In addition, except for the district-specific regulations, there are no general accessory use or structure standards; standards for accessory uses are duplicated throughout multiple district regulations.

Similar to our recommendation for a unified principal use table in Section 2.4 above, we suggest that the County include an accessory use table in the new UDC. The accessory use table will list specific accessory uses and structures that are allowed in each district and include any use-

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<sup>18</sup> For example, accessory uses are defined to include “garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses, playgrounds and the like” in Section 134-1 of the current Zoning Ordinance. In the R-30 district, accessory uses are allowed by reference to the definition in Section 134-1 and are also defined to include “Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds.” Section 134-196(13)(b)(2). In other words, five of the six additional items listed as permissible accessory uses in Section 134-196(13)(b)(2) are also included in the overall definition.



specific standards that might apply. The list of accessory uses will include some of the current accessory uses, with definitions and standards as appropriate. It will also include additional accessory uses or structures that may be appropriate, such as automated teller machines.

### **2.5.4. Review and Update Temporary Uses and Structures**

Temporary uses and structures are uses or structures that are proposed to be located in a zone district only for a limited duration. They include special or temporary events, which typically last for a short duration and are intended to attract large numbers of people at one time (e.g., concerts, fairs, large receptions or parties, and community festivals). Temporary uses generally do not include private parties attracting less than a certain number of persons, nor events normally associated with a permitted principal or accessory use (such as a wedding reception at a reception hall or a funeral at a funeral home).

The current Zoning Ordinance identifies several temporary uses which require approval from the Board of Commissioners, as well as temporary uses involving the use of a mobile home structure. Sections 134-36 and -38. Additional temporary uses are identified in some of the district regulations, such as commercial produce and agricultural product stands in the UVC district. See Section 134-216(2)(a) (definition and standards) and (3) (listed as a permitted use), and those standards are duplicated in Section 134-282. The supplemental regulations identify temporary residential dumpsters as an additional temporary use. Section 134-288.

As with the principal and accessory uses and structures, we recommend that all temporary uses and structures be consolidated into a single temporary use table. All use-specific standards that apply to temporary uses in the current Zoning Ordinance will be reviewed, updated, and consolidated, and unneeded duplication will be eliminated to the extent practical. In addition, and where appropriate, when new temporary uses are added, use-specific standards will be added (if appropriate).

## Theme 3: Support the Development of Additional Types of Housing to Support Households at All Sizes, Income Levels, and Stages of Life

### 3.1. County's Recent Housing Assessment Identifies Need for Additional Housing Options

Cobb County has seen a consistent population growth post World War II as businesses have relocated to the County and people with jobs in other parts of the Atlanta metro area have been attracted to the County's great residential neighborhoods and numerous cultural and social opportunities. Unfortunately in recent years, according to the [Housing Assessment for Cobb County](#),<sup>19</sup> housing opportunities have not matched recent population growth in terms of the number of available housing units.

While the County has added around 3,000 units annually in recent years, population projections suggest that 4,600 units per year are needed.<sup>20</sup> Rental vacancy is lower than in the rest of the state or the Atlanta metro region, and as of August 2022, the County only had 1.5 months of rental supply (six months of supply is considered necessary to accommodate new residents and prevent increases in rent). As a result of this decrease in housing supply, the cost of both renting and owning a home in the County is increasing. In 2015, nearly 50 percent of the rental dwelling units in Cobb had a rent of \$1,000 per month or less. In 2020, fewer than 20 percent of the rental dwelling units had a rent of \$1,000 or less. On the ownership side, the median home sale price increased 51 percent from 2013 to 2020.

The Housing Assessment also shows there is also a mismatch between the types of housing being built and that currently exist in the County, and the types of housing that is needed for new households. The Housing Assessment notes that from 2010 to 2020, there were more one- and two-person households added than households with three or more persons. However, with 67 percent of the County's housing stock consisting of single-family detached homes, there is a shortfall in residential units for the two- or three-person households. See Figure II-11: Comparison of Cobb County Household Size to Bedrooms in Housing Stock.<sup>21</sup> Additionally, older residents who are ready to downsize lack options to do so. According to the Housing Assessment's data, while there are about 164,000 households with one or two persons, there are only about 87,000 housing units with only one or two bedrooms. At the same time, there is plenty of housing for larger households.

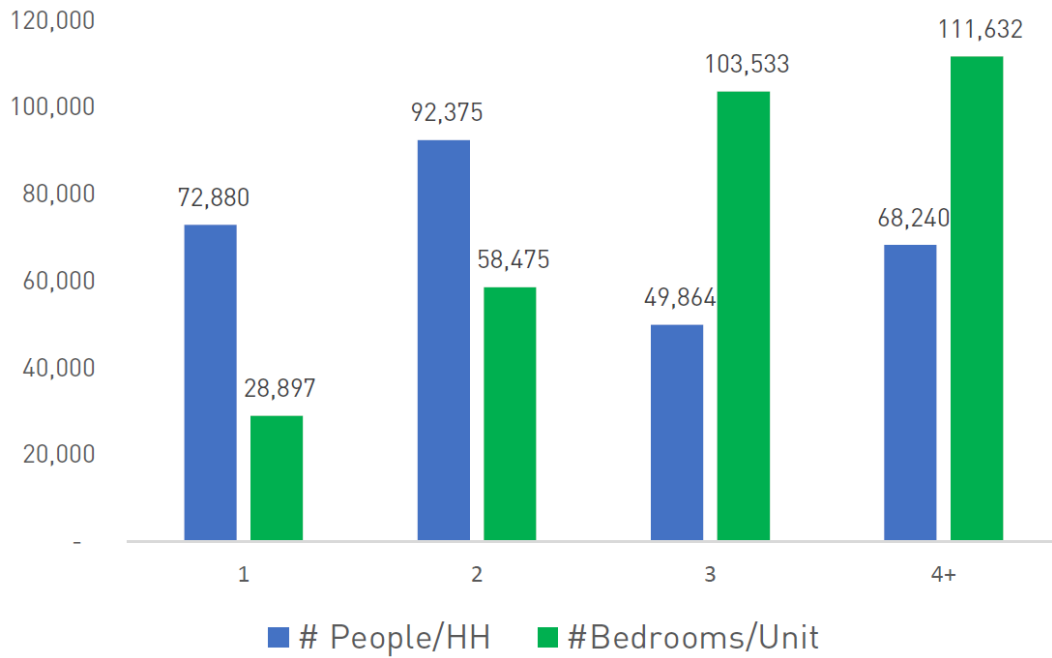


<sup>19</sup> The *Housing Assessment for Cobb County* was published in April 2023; it was prepared by the Atlanta Regional Commission.

<sup>20</sup> All facts and figures are from the *Housing Assessment for Cobb County*. It can be downloaded at <https://www.cobbcounty.org/community-development/news/housing-assessment-cobb-county-now-available>.

<sup>21</sup> Data is from the 2020 American Community Survey 5-year estimates.

**Figure II-11. Comparison of Cobb County Household Size to Bedrooms in Housing Stock in 2020**



In all cases, the cost of housing has outpaced the increase in median household income. For example, the monthly median rent increased by 35.5 percent between 2010 and 2020, while the annual median family income grew by only 25.6 percent over the same time period.

The Housing Assessment concludes that the County lacks adequate housing options for smaller households, including both young adults and empty nesters, as well as households with more limited incomes. It includes several recommended actions the County should consider taking to address this growing problem in attainable housing. The key recommendation related to the code update project is to modify the development regulations to expand and allow for a greater diversity and supply of new types of housing that provide opportunities to develop housing for these smaller households.

### 3.2. Current Development Regulations Support Limited Types of Housing

In initially considering how to address this recommendation in the Housing Assessment to expand and allow for a greater diversity and supply of new types of housing for smaller households, it is important to evaluate what the current regulations allow. In sum, the current regulations place a strong emphasis on single-family detached housing, with only limited options for a diverse range of housing options—especially mid-range or “missing middle” type housing options that support smaller units (with fewer bedrooms) at densities of six to nine units an acre.<sup>22</sup> More specifically, the current regulations allow by right:

- ★ Single-family detached homes in all residential zoning districts except FST: Fee Simple Townhouse;

<sup>22</sup> Which also can result in an increase supply of housing (potentially dampening increases in rent prices and housing cost).

- ★ Duplexes only in one zone district, RD: Residential Duplex;
- ★ Single-family detached units in the RA-4, RA-5, and RA-6 Single-Family Attached/Detached districts (at densities of four, five, or six units to the acre, respectively), as well in the RM-12 and RM-16: Residential Multifamily districts (they are not listed as permitted in the RM-8 district)
- ★ Multifamily development in the RM-8, RM-12, and RM-16 districts; and
- ★ Condominiums in the SC: Suburban Condominium and UC: Urban Condominium districts.

Different types of housing are also permitted in other planned districts and some nonresidential districts, although some of those districts are designated in the current Zoning Ordinance as districts that the Board of Commissioners will not apply to new lands.

In addition, there is limited land available in unincorporated parts of the County for residential uses other than single-family detached homes. More than 68 percent of the land in the County is assigned to one of the Residential Single-Family districts that only allow single-family detached homes, including R-20 (39 percent of the land in unincorporated Cobb County); R-30 (13.7 percent), and R-15 (12.4 percent). In these districts, the minimum lot sizes for these single-family detached units is 20,000 square feet (R-20), 30,000 square feet (R-30), and 15,000 square feet (R-15), and district regulations also impose significant setbacks and other dimensional limitations (for example, 35 or 40 foot front setback and 35 foot rear setback in the R-20 district).

By contrast, less than three percent of the land in the unincorporated County is assigned to the Single-Family Attached/Detached districts (RA-4, RA-5, and RA-6), and only 3.6 percent is assigned to the Residential Multifamily districts (RM-8, RM-12, and RM-16).

These figures show that the existing regulations limit opportunities to develop mid-range or missing-middle housing without first filing a costly and uncertain application for rezoning. There are no provisions that allow two-, three- or four-unit buildings by right in the most prevalent zoning districts. Alternate housing types that could be compatible with existing residential development, such as cottage home developments, are also not authorized or defined in the County's current Zoning Ordinance.

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### **3.3. In the Updated Development Regulations, Allow for a Greater Diversity and Supply of New Types of Housing, by Right, for Smaller Households, in Appropriate Locations**

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Given the treatment of housing units in the current development regulations and the policy direction in the Housing Assessment, it is recommended that the updated regulations allow for a greater diversity and supply of new types of housing, by right, for smaller households, in appropriate locations. It is important to note that this is an issue that is not unique to Cobb County. In fact, it is an issue that many communities across the country are currently facing. In many places it is characterized as a need to provide a broad range of opportunities for a diverse range of mid-range or missing-middle housing, by right, that allows for maximum densities of six to nine units an acre. In its recent guide encouraging the development of new housing options,

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*Discovering and Developing Missing Middle Housing*, the American Association of Retired Persons (AARP) advocates allowing these types of housing options throughout communities, noting that “they provide the size and affordability options that people of all ages — including older adults — very much need but often don’t find,” and that “the design and size of the buildings fit comfortable among detached single-family homes.”<sup>23</sup>

It is suggested that the County consider allowing missing middle housing types in the updated regulations, in an effort to address the current housing problem. The types of housing that the County might consider including in this category of mid-range or “missing-middle housing” (in addition to duplexes, detached units, and condominiums which are currently allowed), include:

- ★ Fourplexes;<sup>24</sup>
- ★ Mansion apartments;<sup>25</sup>
- ★ Live/work units;<sup>26</sup>
- ★ Cottage homes;
- ★ Cottage court units;<sup>27</sup> and
- ★ Courtyard apartments.<sup>28</sup>



*Example of a mansion apartment*

<sup>23</sup> Mid-range or “missing middle” housing is a set of residential building units that exist in the middle of the continuum between detached single-family houses and large apartment buildings. Such midsized, often moderately priced homes are referred to as missing because very few have been built in the U.S. since the early 1940s. The shortage is largely due to zoning constraints, the shift to car-centric patterns of development, and the challenges of financing smaller multiunit housing developments. One of the benefits of this type of housing is the provision of homes whose size and affordability are such that people of all ages, but especially young adults and older adults (“empty nesters”), need but cannot find in many instances. See *Missing Middle Housing: Thinking Big and Building Small to Respond to Today’s Housing Crisis*, Dan Parolek (Island Press); *Discovering and Developing Missing Middle Housing*, AARP and Opticos Design, available at <https://www.aarp.org/livable-communities/housing/info-2022/missing-middle-housing>.

<sup>24</sup> The fourplex consists of two side-by-side units on the ground floor, with two more units stacked directly above. They can be designed to look like a single-family home.

<sup>25</sup> A mansion apartment maintains the form and scale of a larger house, while accommodating multiple units, typically more than four. Six units is a typical number of units included in a mansion apartment.

<sup>26</sup> A live/work unit combines a conventional dwelling unit, usually located upstairs, with a ground-floor flex space that can accommodate a range of nonresidential uses. The building is well suited for a street-level retail shop, office, or business. Live/work units are typically clustered. They can be used as a transition between residential areas and more intense commercial areas.

<sup>27</sup> Single-unit, cottage court houses are typically one to one and one-half stories tall and are oriented around a courtyard that serves as an outdoor community space in lieu-of rear yards. Cottage (or bungalow) communities typically have shared parking areas. Many include a common building that can be used for community gatherings or reserved for private parties. Since the homes are small, the developments sometimes offer shared laundry facilities, storage spaces, and secondary housing units that can accommodate guests.

<sup>28</sup> A courtyard apartment is a medium-sized structure that consists of multiple side-by-side and/or stacked dwelling units oriented around a courtyard or series of courtyards. Often, each unit has its own exterior entrance, although up to four units may share a common stoop, staircase or entryway. The courtyard-accessed entries—and the views into the courtyard from upper-story living spaces—are important. The building itself is composed of wings that define the courtyard. Because the wings are no deeper than an individual house, a courtyard building can appear to be house-scale despite typically occupying a larger lot than what’s needed for a single-family home. The wings surrounding the courtyard (or courtyards) can take various configurations: L-shaped, C-shaped, and O-shaped courtyard buildings are all common. Open-air passages through the wings can provide access into the courtyard or between courtyards.



## II. Diagnosis

In addition, the County should also consider providing incentives for the provision of affordable housing units.

Each of the mid-range or missing-middle housing types identified above should be subject to basic form and design standards, to ensure they are consistent with the type of development and unit proposed. Finally, and if the County wants to move forward with including this broader range of housing options, it is suggested that during the drafting stage the consultant team work with staff and include these additional residential uses (and appropriate form and design standards), as by right uses, in the appropriate zoning districts. These districts would most likely include:<sup>29</sup>

- ★ RD: Residential Duplex;
- ★ FST: Fee Simple Townhouse;
- ★ PRD: Planned Residential Development;
- ★ RA-5: Single-Family Attached Residential-5;
- ★ RA-6: Single-Family Attached Residential-6;
- ★ RM-8: Residential Multifamily-8;
- ★ MX-N: Mixed-Use AC Neighborhood;
- ★ MX-C: Mixed-Use AC Community;
- ★ PD: Planned Development; and
- ★ PD-TND: Planned Development- Traditional Neighborhood Development.



*Example of a duplex home*



*Example of a cottage court home development*



*Example of a fourplex with a design similar to single-family detached homes*

<sup>29</sup> Each use likely would not be included in each district.



## **Theme 4: Update, Consolidate, and Make the Development Standards More User-Friendly in Ways That Better Implement the Policy Direction of the County and Comprehensive Plan**

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### **4.1. Protect the Character of Existing Single-Family Neighborhoods from Incompatible Development**

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Cobb County is blessed with a number of wonderful and well-established single-family neighborhoods, both old and new. The comprehensive plan, the current development regulations, and the public are clear about the importance of protecting the character of these neighborhoods.

In the 2022 update to *Cobb 2040*, Land Use Goal 1 (LU-Goal 1) prioritizes “preserving established suburban and rural communities.” Land Use Goal 1, Policy 1 (LU1-P1) identifies the need to “[f]acilitate projected growth while preserving and protecting existing stable neighborhoods and community character, while LU1-P8 emphasizes the importance of considering “impacts to area residents and address[ing] compatibility between land uses when making land use decisions.”

The regulations that apply within the single-family residential districts help assure development within each district is compatible with existing development, and feedback from the kickoff trip was that they were effective. However, there are limited other features in the current Zoning Ordinance to protect and maintain the character of the County’s existing single-family neighborhoods.

During the kickoff trip meetings with citizens, stakeholders, and elected officials, the importance of protecting and maintaining the character of the county’s single-family neighborhoods was also made clear. In addition, the impacts of new commercial development on nearby residential neighborhoods were identified as a key concern to be addressed in the new UDC.

Carrying forward the existing Residential zone districts and uses will lay the foundation for protecting neighborhood character. However, it will not completely solve the problem. The problem of compatibility can become especially difficult when a multi-story mixed-use building is erected adjacent to single-family backyards. Such conflicts typically line up neighbors or neighborhood groups against development applicants over issues the neighbors believe would affect the character and quality of their neighborhoods—building height, mass, or design; site lay-out; parking quantity or location; lighting; land uses; noise; and expected (or feared) volumes of traffic. There are, however, zoning tools other communities are using to better address this concern.

Based on community input, our experience in updating development codes, and best zoning practices, there are four actions we suggest the County include in the UDC to strengthen the protection of its existing single-family neighborhoods. They are discussed below.

#### **4.1.1. Carry Forward the Existing Residential Districts, with No Substantive Changes**

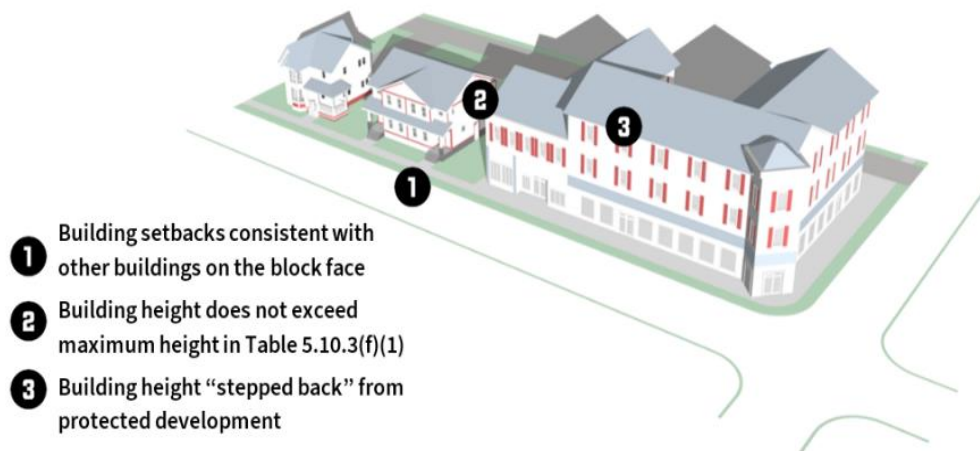
As is discussed in Theme 2: Update and the Zone District and Use Regulations, Consistent with the County’s Policy Direction and Comprehensive Plan, the initial action is to carry forward the

existing single-family residential zone district regulations and uses, with no substantive changes, and to carry forward the other residential districts, with either no substantive changes or minor refinements (to align the standards and uses with the character of the district). The only changes to the districts will be to their general format and layout, to make them more user-friendly and graphically rich.

### 4.1.2. Neighborhood Compatibility Standards

To better protect the character of existing single-family residential neighborhoods from encroachment, we also suggest that the UDC include a set of residential compatibility standards, which are specific and measurable, and establish minimum standards about building height and massing, architectural design, the location of parking, and related matters -- when certain types of development are proposed to be located adjacent to single-family development, or single-family zone districts. If included in the UDC, these residential compatibility standards would typically apply to any new nonresidential development, mixed-use development, and multi-family development above a certain density that is adjacent to, across the street from, or within a certain distance from single-family and other lower-density residential development, or any single-family residential zone district. Table II-6: Potential Residential Compatibility Standards, includes a sampling of the types of neighborhood compatibility standards the County should consider including in the UDC, and Figure II-12 shows an illustration of potential standards from another community's code.

**Figure II-12. Example Neighborhood Compatibility Illustration**



<b>Table II-6: Potential Residential Compatibility Standards</b>	
Standards	Potential Requirement
<b>Building Façade Standards</b>	Requires construction of a similar roof type as single-family or other low-density residential development in terms of slope and arrangement to prevent abrupt changes in roof form
	Requires porches, balconies, outdoor space, and other site attributes such as vending machines associated with nonresidential development to be oriented away from adjacent single-family and other low-density residential development
	Requires adjacent development to use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations as that included on adjacent single-family and other low-density residential development
<b>Building Dimension Standards</b>	Requires that no building be higher than ___ feet within 100 or 150 feet of a single-family or other low density residential development, and that buildings over ___ feet in height be stepped back in height, so that the tallest part of the structure is the furthest from single-family and other low-density residential development
	Requires massing standards for building façades visible from single-family or other low-density residential development that include articulation of the façade in the form of projections or recesses with a minimum depth so that no single wall plane extends for more than 40 or 50 linear feet without some form of projection or recess; covered porches, building wings, bay windows, pilasters, might be required to meet these requirements
<b>Site Design Standards</b>	Requires that multi-building development include a continuum of use intensity that locates uses of lowest intensity closest to the single-family and other low-density residential development, and places moderate-intensity uses between high-intensity uses and the lowest intensity uses
<b>Location of Drive-Thrus and Outdoor Dining</b>	Requires drive-thru facilities and outdoor dining areas to be located away from single-family and other low-density residential development, to the maximum extent practicable
<b>Parking and Driveway Area Standards</b>	Requires parking spaces be oriented away from single-family and other low-density residential development
	Requires a fully opaque vegetated buffer, fence, or wall, or a comparable buffer between single-family and other low-density residential development and nonresidential and high-density multi-family development
	Requires that parking structure façades adjacent to single-family or other low-density residential development receive enhanced design treatment to soften their visual impact
<b>Loading and Refuse Storage Area Standards</b>	Requires loading and refuse storage areas be located beyond a certain distance from single-family and other low-density residential development
	Requires loading and refuse storage areas be screened from view of single-family and other low-density residential development, using materials that are the same as, or of equal quality to, the materials used for the principal building
<b>Signage Standards</b>	Where adjacent and visible to single-family and other low-density residential development, limit the sign area and maximum height of all signs by 25 percent of that normally allowed
<b>Open Space Set-Aside Standards</b>	Requires open space set-asides be located in a transition area between the nonresidential, mixed-use, or high-density multi-family development, and the single-family or other low-density residential development, unless there is a compelling reason for it to be located elsewhere on the site

#### 4.1.3. Neighborhood Meetings for Certain Types of Development Review

As is discussed in Section 1.5.2(c), Add a Neighborhood Meeting Requirement, we also suggest the County consider adding a neighborhood meeting requirement, for certain types of applications (e.g., rezonings that increase density or intensity; rezonings that are adjacent to existing single-family development or zone districts; planned developments; special land use

permits; preliminary plans for major subdivisions; and limited professional services permits), to provide a framework for a development applicant to get together with neighbors and land owners surrounding a proposed development to (1) educate the neighbors about a proposed project, (2) hear neighbors' concerns, and (3) attempt to resolve these concerns in an informal setting. The meeting would ideally occur before an application is submitted.

Such a provision, if added as part of the development review procedures, should provide neighborhoods an opportunity to provide input on proposed development applications, early in the process.

### **4.1.4. Neighborhood Conservation Overlay (NCO) Districts**

Another regulatory tool many local governments use in their codes to protect the special or unique character in certain single-family residential districts are Neighborhood Conservation Overlay (NCO) districts. The County should also consider this. An NCO district is primarily used to ensure the desired character of a neighborhood is protected. It can be an appropriate tool in both stable traditional neighborhoods and at-risk neighborhoods to improve, re-build, preserve, and protect desired neighborhood character. Typically, a framework for the establishment of an NCO district is included in the UDC so that the community can tailor and adopt individual NCO district standards for different neighborhoods.

Typically, they are only established when a large percentage of the neighbors in a neighborhood petition the local government (in this instance the County), and request that such a district be established.

NCO districts are similar to, but distinct from, traditional historic districts. Whereas the primary purpose of a historic district is to protect the historic integrity of an area (usually by preventing or discouraging demolition and requiring appropriate renovation or highly compatible new construction), NCO districts are more flexible and are based on a pre-approved area or neighborhood plan. NCO standards typically require infill and redevelopment to comply with additional modest development standards within the base zone district to protect neighborhood character. The standards might address such issues as:

- ★ Building height;
- ★ Setbacks;
- ★ Roof pitch;
- ★ Garage location and setbacks;
- ★ Front porches;
- ★ Driveway access;
- ★ Street trees; and
- ★ Landscaping.

Typically, only a handful of character-defining features are regulated. Detailed architectural design standards are generally not included, but could be included. Finally, development

applications in an NCO district are administratively reviewed for consistency with the applicable NCO district standards, which is an efficient review procedure.

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### **4.2. Reorganize and Update Mobility, Circulation, and Connectivity Standards**

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The County defines transportation-based requirements other than off-street parking primarily in its Subdivision Ordinance (Chapter 110) and the Development Standards, where Section 400 and its component subsections focus on transportation and streets. Regulations on street design are extensive and detailed, with more detail in the Development Standards than in the subdivision provisions. Generally, but not always, the standards addressed in the subdivision provisions establish more general requirements, such as street functional classifications, and a need to design streets to be compliant with County standards, etc. The Development Standards provides the more detailed technical standards. There are a few instances where there is a conflict between the subdivision provisions and the Development Standards.

#### **4.2.1. Current Mobility, Circulation, Connectivity, and Street Standards**

##### **4.2.1(a). Street and Network Standards**

In the current regulations, street standards are defined mostly in the Development Standards, though the subdivision provisions define more systemwide design-related features such as block dimensions (specifically in Section 110-57), conformity to a major thoroughfare plan that is incorporated by reference in the Development Standards (Section 110-78), and maximum lengths of dead end and cul-de-sac streets (Section 110-80). Additionally, the current Zoning Ordinance also establishes requirements for applying functional classification to streets (Section 134-262) and specific standards for limiting vertical obstructions from lines of sight at intersections (Section 134-263). These dimensions are similar to standards in comparable suburban jurisdictions and generally follow the requirements of the International Fire Code, which sets its own requirements for street designs for fire engines. Block lengths may be no more than 1,200 feet, although this is not clearly defined as being along the edge of right-of-way or between intersecting street centerlines, which may cause confusion in interpretation. In addition, cul-de-sac and dead-end streets may not exceed 800 feet in length without having an intersection with another street.

However, there is no requirement for basic connectivity in a subdivision, such as a required connectivity index relating street links to intersections. Critically, there is also no defined requirement for stub-outs or connections between subdivisions that would allow adjacent developments to connect over time. Section 110-87 states that developments will extend existing streets (or street segments) at the same or greater width than their current design, but the provision does not clearly state that new streets must include connections for as-of-yet undeveloped or unplatted streets.

The Development Standards also address general standards for private streets, without defining detailed quantitative standards. It sets an overall requirement that private streets be designed and constructed to Cobb County Department of Transportation standards for public streets (Section 110-86(5)), essentially requiring the same standards for public and private streets.

### 4.2.1(b). Street Design

Most of the specific geometric and construction standards for streets are defined in Section 401 of the Development Standards. Street design standards appear to be generally set by the Cobb Department of Transportation; DOT staff have expressed a general openness to streets supporting more compact forms of development as long as they are compliant with Fire Code and Cobb DOT standards. However, the current development regulations do not clearly establish such rules, and do not provide a clear sense of linkages between "conventional" street designs and more traditional neighborhood development-appropriate designs.

Basic standards, such as the ten-foot minimum lane width standard of Section 401.3, reflect overall best practices but do not require construction of overly large streets; however, many of these requirements, such as corner radii, superelevation, and vertical and horizontal alignments, do not have clearly defined standards and only feature narrative text descriptions and references to other County processes. While it is clear that Cobb DOT plays a significant role in design review, it may be useful to collect and state basic standards in a single location.

The Development Standards include a more straightforward set of standards for new streets in Section 401.8, although these appear to be oriented to concerns typical of fire codes and refer to building heights and other site development features not related to streets. This section sets a minimum width requirement of 24 feet for local streets, with two ten-foot lanes, and two feet of curb and gutter drainage on either side. This section states that such a design includes no space for on-street parking; the intent of this standard is unclear about how on-street parking is to be treated.

The Development Standards also includes a section on Traditional Neighborhood Design and Mixed-Use Villages (Section 425) and Urban Design Standards (Section 427), both of which include alternate standards relating to streets and landscaping.<sup>30</sup> For example, it includes an alternate set of standards for streets (Section 425.5) which is distinct from the standards that apply to streets identified on the County's Major Thoroughfare Plan (Section 401). It is suggested (though not clearly stated) that these alternate standards would always govern in the event of conflicts with the base set of street standards. however, it is not apparent from the Development Standards (or the current Zoning Ordinance or subdivision regulations) when each set of standards should be applied.

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<sup>30</sup> Examples of these standards include:

- A separate street typology (as defined in Section 425.5), which defines streets generally at a smaller scale that is more compatible with compact development forms. The relationship between these street types and the other street standards of Section 401 is not clear.
- Some street design standards, such as sight distances, curve design, and corner radii, that refer back to previous sections of the Development Standards (even though some do not).
- References to design elements not previously introduced also appear in some sections, without a clear explanation of applicability: for example, "private alleys" are referenced in the Pavement Design paragraph of the Design Standards in Section 425.5, but this is not a defined street type in the Street Types and Widths table in the same section.
- As with other elements of the current regulations, there are also conflicts between certain standards and other standards in other chapters: for instance, the current regulations disallow private alleys for residential uses (per Section 110-77), though they are suggested as an option in the TND Design Guidelines in Section 425.5 of the Development Standards, with specific guidance on pavement to be used.

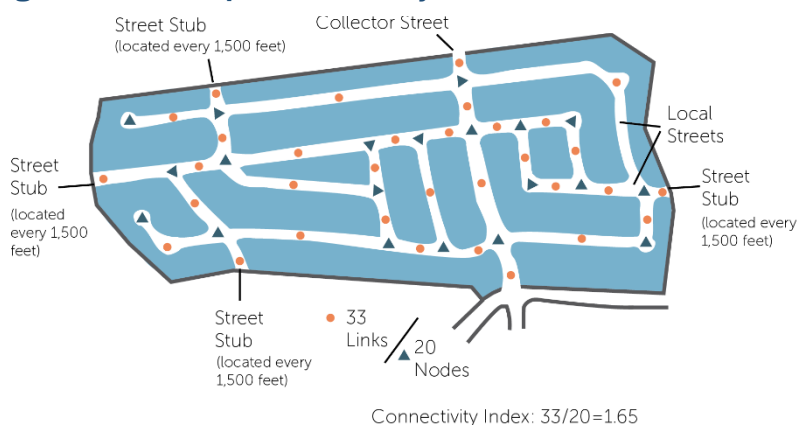


### 4.2.2. Recommendations for Changes in the Unified Development Code

Initially, and to make the current mobility, circulation, connectivity, and street standards more user-friendly, it is suggested they be re-organized in the new UDC by placing the primary and basic standards in a section in the UDC, while keeping the detailed and technical street design standards in a separate document (like the Development Standards document). The primary standards placed in the UDC would generally be more detailed than is what is found in the current regulations, and factor in the various conditions that call for different standards to be used—major thoroughfare plan streets and Village or TND streets—to succinctly state how the standards are different. This information could be collected in a table or matrix form.

Perhaps the most important recommendation is to address connectivity more comprehensively in the UDC. Modern codes have approached this in different ways; some use calculation tools such as a connectivity index or ratio (see illustration in Figure II-13 for an example from another community's code), an intersection density standard, or shorter block

**Figure II-13. Example Connectivity Index Illustration**



lengths allowed as a maximum approach. The County's natural features, especially its topography, may make uniform application of these kinds of approaches difficult in some instances (and would have to be accounted for); however, if included in the UDC, they would at least provide basic guidance for a connected network (as an alternative, these standards could be just be applied in specific geographic areas of the County or zone districts).

In addition, and at a minimum, we also suggest that the UDC should set more clearly defined conditions and standards for stub-out connections in subdivisions and organize these requirements clearly in the other sections on street design. Other code requirements on continuing development from existing streets seem to suggest that stub-outs could be provided and designed under existing street design standards, but it is not clear that a development or subdivision would need to do this.

The street design standards are also silent on on-street parking, and although it has not been heavily used to meet general parking needs throughout the County, it can be a useful resource in more mixed-use areas (like the Activity Centers) where public streets are part of a subdivision.

### 4.3. Update Off-Street Parking Standards and Add Off-Street Loading Requirements

Cobb County's off-street parking requirements are established in the current Zoning Ordinance. The current regulations follow a conventional practice and include and organize the minimum requirements by allowed land uses. There are no requirements in the Development Standards

for parking spaces to be provided, although the Development Standards do address parking lot and space design extensively.

### 4.3.1. Current Off-Street Parking and Loading Standards

#### 4.3.1(a). Required Off-Street Parking Spaces

Parking standards are defined in a standard use table in Section 134-272 of the current Zoning Ordinance, and based on defining minimum requirements for off-street parking and loading, as is common practice in many zoning ordinances. They are comparable to standards in other suburban jurisdictions, especially in the Atlanta metropolitan area, with a broad focus on ensuring ample available parking and reducing spillover onto adjacent properties or land uses.

However, there are notable exceptions to this:

- ★ Both medical offices (defined as clinics in the use table) and hospitals have relatively low minimum requirements (1 space per 285 square feet and 1 space per 2 beds, respectively). compared to national trends for healthcare-oriented uses.
- ★ Hotels and motels differentiate between a minimum requirement for facilities with restaurants or event space and those without, but the requirement for those without (one space per room) is generally higher than industry trends (which have followed a downward trend over the last two decades). Even in suburban locations, it is common to see minimum parking requirements for hotels below one space per room.
- ★ Convenience retail (defined as associated with fuel filling stations) and neighborhood retail are both generally low minimum requirements relative to market trends. While this is not inherently a concern, it suggests that both of these uses might experience instances of parking pressure on surrounding land use districts if parking is built to minimum standards.
- ★ Multifamily residential uses require a standard 1.75 spaces per unit, unless they are built with an intended use as student housing, in which case the minimum requirement is 1.5 spaces per bedroom. Both of these are likely high relative to national trends and practices, especially for student-oriented housing. This compares to one space for every 1.5 units of assisted living facilities, 1 space per 2 residents at group homes, and 1.5 spaces per unit at independent living facilities.

There is also considerable variety in the requirements between specialized uses, especially the different commercial uses, which are defined in detail by their uses and generally range from one space per 200 to 500 feet. As with many development code parking requirements, there is no reasoning provided for why one nonresidential use would have a different standard from another. The variety of uses in the table sometimes includes different standards for what might be interpreted as very similar land uses. For example, community and neighborhood retail require one space per 200 feet, though convenience retail associated with self-service fuel simply requires a minimum of 5 spaces (regardless of intensity of the use) with one space per employee.

The current regulations do not use any other type of regulation than a minimum required number of vehicle spaces per land use. There are no maximum requirements defined, and no requirements for bicycle parking. There is also no set of standards in the parking requirements of Section 134-272 for off-street loading, as is typical in many development codes. The Development Standards do not appear to include these requirements, either: Section 403.1.9 on Required Spaces simply refers to Section 134-272.

### **4.3.1(b). Parking Space and Lot Dimensional and Design Standards**

In addition to the minimum off-street parking requirements, Section 134-272 also establishes specific standards for parking space dimensions, with detailed length, width, and square-footage requirements for different angle alignments of parking spaces. The standards themselves focus on the size and configuration of actual spaces and drive aisles. These are in line with industry practices for parking spaces, though may reflect the suburban nature of the County's development patterns: for instance, all spaces must be at least 8.5 feet in width, a large parking space width when compared to parking spaces in more land-constrained communities; additionally, there is no specific allowance for dedicating spaces to compact vehicles and allowing smaller dimensions for these (provisions that are found in most modern codes). The current regulations also refer to 'passageways' which are reasonably interpreted as the circulation aisles for moving vehicles to reach parking spaces. However, Section 134-272 does not discuss other components of parking design, such as the maximum length of a parking aisle before turning access is required.

The Development Standards (Section 403.1.6) mirror these same standards, with most language defining parking lot design standards identical to the language in the zoning provisions. However, the Development Standards do not define additional requirements or standards for layout and overall circulation of parking lots. As discussed in Section 4.4, Reorganize and Refresh Landscape and Tree Protection Standards, as Appropriate, the parking lot design standards do not clearly define how parking lots should include landscaping islands among parking spaces, and the standards of Section 403.1.6 do not require pedestrian walkways. The Development Standards do mention a need for accessible parking spaces, but do not establish a specific standard or refer to the requirements in the Americans with Disabilities Act (ADA).

### **4.3.1(c). Off-Site and Shared Parking**

Section 134-272 of the current Zoning Ordinance generally requires off-street parking for a use to be on the same property as that use; however, it does allow for other off-street parking to be counted toward requirements as long as it is within 400 feet from a main entrance to the principal use. Additionally, shared parking is generally allowed, with Section 134-272.6(b)(3) stating that parking for multiple uses on a lot may be provided together on that lot, as long as a parking space's assignment to different uses does not occur at the same time. For determining a number of spaces that would serve multiple uses, the current regulations require a shared parking study prepared by a professional engineer.

The current regulations and Development Standards have no provisions for use of valet parking or other similar services to reduce on-site parking when viable locations for sharing parking may be nearby.

### 4.3.2. Recommendations for Changes in the Unified Development Code

Overall, the Code will benefit from a comprehensive review of current parking minimums to determine if these still reflect current parking and transportation dynamics. This will include considering multiple perspectives, such as maximum parking requirements or the ability to exchange vehicle parking spaces for spaces for bicycles, motorcycles, or other more compact forms of travel. However, what is likely the most common recommended change will be a reduction in minimum requirements that are higher than actual use patterns suggest. This should be undertaken jointly with a review of the current use table in the zoning provisions, determining appropriate parking requirements for what may be a more consolidated or updated list of uses.

Lowering parking minimum parking standards for certain uses, as long as it is justified by sound professional transportation studies and practices such as the Institute for Transportation Engineers Parking Generation or Urban Land Institute Shared Parking reference manuals, is a modern trend in development codes, especially since it can result in lower development costs and help make certain land uses (e.g., certain types of residential development) more attainable to a broader cross-section of the population. However, uses that only can accommodate a lesser amount of parking on-site, or have other justifiable reasons for reducing parking, require more creative approaches to managing parking supply. The current regulations allow for ways to do this, but they are limited. For example, remote parking (parking located on another site), is allowed, but must be 400 feet from the entrance of a principal use. This may be limiting in some circumstances where a building entrance is on the far side of a property from a viable source of parking that may be shared. The current regulations also authorize shared parking for multiple uses on the same property, though with no guidance on computation of the number of spaces that may be lower than the sum total of minimum requirements for each individual use. Any such reductions appear to be allowed under shared parking studies that an applicant may prepare, although these require approval of multiple County departments (including the Stormwater Management division).

Current best practices in parking standards have introduced well-tested methods for making each of these factors more predictable and easy to calculate, such as introducing a shared use parking calculation methodology based on when different uses typically use their parking at different times of the day, and providing specific conditions for use of remote parking over longer distances than the County's current 400 feet. Even if the County continues to prefer that special parking studies be required for shared parking, the UDC should include some basic parameters for acceptable shared parking conditions in an effort to standardize the approaches used in these studies.

There is benefit to keeping the minimum off-street parking standards in a table, as is currently done. However, we suggest more detailed and measurable standards be added for the design and arrangement of parking facilities, such as how they should be arranged with circulation, how they should be landscaped, and how and where other forms of parking or standing (such as for electric vehicles, curbside pick-up of merchandise, or other special uses) should be placed within an overall parking area. Parking lot design requirements should also include specification for pedestrian passageways through and between parking bays, with a standard for either maximum distance between these passageways or a maximum number of parking bays that

may separate them. (An example of an illustration that is used to help explain dimensional standards in off-street parking facilities is included as Figure II-14.)

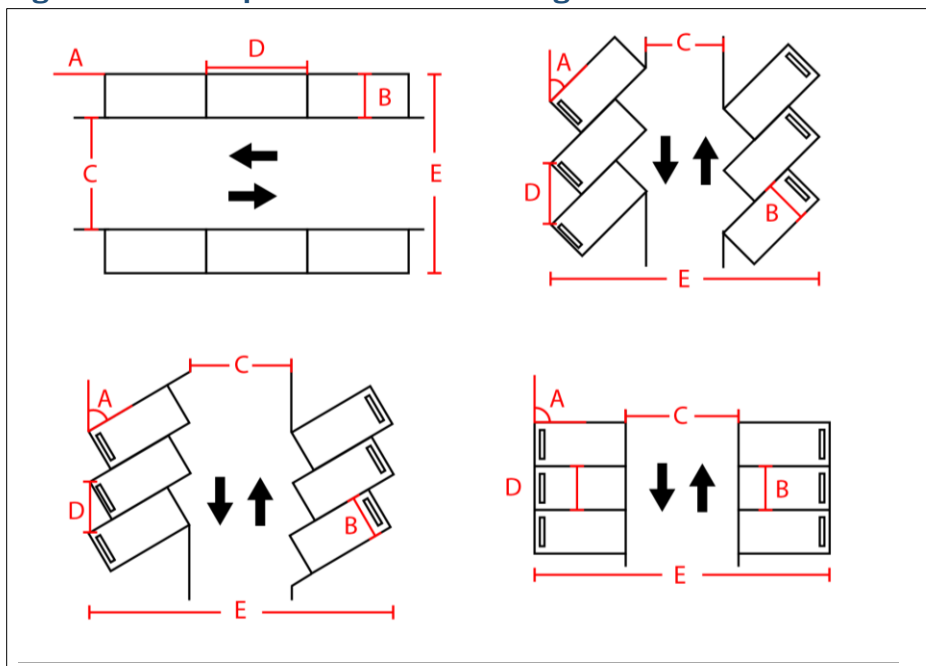
Perhaps the most significant recommendation for off-street parking and loading is that standards for off-street loading requirements be clearly established in the UDC.

The County should also consider introducing bicycle parking standards and electric vehicle requirements for parking spaces, even if these are only applied in select zone

districts (like in the Activity Centers) or above certain levels of development intensity. Common practice for defining bicycle standards is either as a number of spaces (capacity for bicycles in racks or other forms of storage), similar to requirements for vehicles, or as a percentage of the number of vehicle spaces. Specific approaches to this can be defined more closely in drafting actual code language, but with growing interest in multimodal transportation and investment in trails, on-street bicycle facilities, and other options for cycling, the County should begin to recognize this in its development review.

Electric vehicle charging standards are more of an emerging practice than bicycle parking standards, but examples from other jurisdictions suggest that similar approaches are used: either a percentage of required spaces must include electric vehicle charging infrastructure, or a minimum number of spaces calculated per intensity of development. If the County and its development community have not yet identified strong demand for this charging infrastructure, one suitable near-term approach may be to focus these requirements on land uses that typically experience longer parking stays (such as offices, schools, or other daytime employment uses). Finally, in addition to a number of spaces needed for electric vehicle charging, the Code should also include basic standards around types of charging infrastructure (e.g. quick-charge infrastructure oriented to short stays and requiring higher voltage charging equipment, or longer-term charging for longer parking stays). This should address both what types of parking are required and the basic standards for utility connection to this charging equipment, especially in surface parking lots.

**Figure II-14. Example Illustration of Parking Lot Dimensional Standards**



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#### **4.4. Reorganize and Refresh Landscape and Tree Protection Standards, as Appropriate**

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The landscape and tree protection standards are included in both the current regulations and the Development Standards. They include standards on landscape buffers, planting in parking lots, and tree preservation and planting. Notably, the current regulations and the Development Standards do not include specific standards for green infrastructure.

##### **4.4.1. The Current Landscape and Tree Protection Standards**

###### **4.4.1(a). Buffers**

The current regulations include transitional buffer requirements (Chapter 134) in certain zone districts.<sup>31</sup> These buffers are used to separate incompatible properties from one another, such as a residential use from a commercial use. The width of the buffers depends on the zone district in which the development is located and the zone district of the adjacent property. For example, a vegetated buffer at least 20 feet in width is required between a development in the NRC district and an adjacent residentially zoned property, Section 134-213(5), while in the CRC district a vegetated buffer at least 35 feet in width is required adjacent to a residentially zoned property. Section 134-218(5). The types of plant material required in the buffers, such as the minimum number of trees or shrubs per linear foot, are applied inconsistently (in some instances in detail; in other instances, only in a general way). Because buffer regulations are listed separately and not consolidated into a separate section, there is significant repetitive language, and instances where language is different; however, it is difficult to understand why it is different. For example, the NRC district requires “Fencing or walls are to be a minimum of six feet in height as approved by the county landscape architect or county arborist.” Section 133-215(5)(b)1.v. In the CRC district, the regulations state that “Fencing or walls are to be a minimum of six feet in height as approved by county staff.” Section 134-218(5)(b)5. It is not clear whether there are different review processes required for the CRC district (where County staff generally may sign off on fence and wall height) or the NRC district (where the County’s landscape architect or arborist is required to give their approval).

There are also instances of special screening requirements, such as screening requirements for specific elements such as dumpsters, but they do not include detail of the actual standards that should be applied (such as the size and type of plant material for these screenings, minimum height at planting, etc.). See, e.g., Section 134-203.1(11)(n).

###### **4.4.1(b). Parking Lot Landscaping**

The current Zoning Ordinance does not include regulations regarding landscaping in parking lots. The only reference to landscaping within the interior of a parking lot is listed in the use-specific standards for suite hotels, which requires that the application for a special exception include a landscaping plan “to be approved by staff with emphasis on planting within the parking facilities.” See, e.g., Section 134-226(12)(b)14.

The Development Standards include minimal landscape standards for parking lots. For commercial developments, in the interior of parking lots, one tree is required per 1,140

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<sup>31</sup> The regulations do not require buffers in the following Residential districts: R-80, RR, R-40, R-30, R-20, R-15 and R-12.



square feet of lot area, and each parking space must be located within 50 feet of a tree trunk. Section 416.2.4. Root zones are required to be at least eight feet in width, with different planting area requirements for overstory and understory trees. Grass is prohibited in islands and medians used for tree planting. Section 416.4.3.

Several of the small-area design guidelines include parking lot landscaping provisions. One example, the Dallas Highway Design Guidelines, which is not codified, suggest that parking lots contain interior landscape islands at least seven feet in width with at least ten square feet of planting area, and that each lot contain two trees for every 36 parking spaces. End islands are suggested to include at least 100 square feet of planting area, and one large maturing shade tree or two small maturing evergreen or flowering trees. The codified Austell Road Design Guidelines require a landscaped interior island every 10 parking spaces, distributed evenly, with at least one shade tree per 150 square feet.

Finally, a “landscape enhancement strip” is required between off-street parking lots and a public street in nonresidential zone districts. Section 134-285. The strip is required to be eight feet in width and may include only required street yard trees as well as shrubs, grasses, and berms. A provision in the general development standards of the regulations (Sec. 134-285), defines a landscape enhancement strip for any nonresidential zone district that functions as a buffer between public streets and parking lots (which may be a parking lot or sections of driveway in parallel alignment with a street).<sup>32</sup>

### **4.4.1(c). Tree Preservation and Replacement**

Article VI of Chapter 50, Environment, of the County Code establishes general standards for Tree Preservation and Replacement. These regulations establish general requirements that compliance with the tree preservation and replacement provisions is required before a land disturbance permit may be issued (Section 50-220), prohibits removal of trees in a protected zone (defined in Section 50-216) unless the applicant can demonstrate retaining the trees would constitute economic hardship (Section 50-222), requires a total site density factor of 15 units per acre (Section 50-223),<sup>33</sup> authorizes a fiscal surety and maintenance period requirement (Section 50-224), and provides for enforcement and inspection (Sections 50-225 and 226). However, the regulations do not provide specific requirements, but instead refer to tree preservation and replacement standards in Section 416 of the Development Standards.

The Development Standards establish specific tree density requirements. Each site is required to provide a Site Density Factor (SDF) of trees calculated as the number of site acres multiplied by 15 per acre, with some adjustments for easements and 100-year floodplains and wetlands. The SDF is calculated by adding together the Existing Density Factor (EDF) of existing trees and the Replacement Density Factor (RDF) of new trees, with the unit value (for SDF purposes) calculated for each tree. However, the landowner/developer has the discretion to determine the extent of existing trees that will

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<sup>32</sup> There is no direct, clear reference between this and other requirements, including Section 416.6.3 of the Development Standards.

<sup>33</sup> The regulations do not define "total site density factor," although it is defined in the Development Standards as discussed below.

be removed from a site, as long as new trees are added that results in a SDF of 15 or more per acre.<sup>34</sup> Section 416.2.

- ★ The EDF measures the density of existing trees on site based on the unit value of each existing tree. For example, a tree with between 21 and 24 inches dbh is given a unit value of 2.8. A tree with between 33 and 36 inches dbh is assigned a unit value of 6.5.
- ★ The RDF measures the density of new trees planted on a site; it uses three tables to provide unit values for different types of new trees.
  - ★ For deciduous trees normally sold by caliper size, a unit value is assigned based on the caliper size -- for example, 0.7 for a caliper size between 4 and 4.5 inches, and 1.2 for a caliper size between 7 and 7.5 inches.
  - ★ For deciduous trees not normally sold by caliper size, the unit value is assigned based on height. Thus, a deciduous tree between 14 and 16 feet in height would have a unit value of 0.6.
  - ★ Evergreen trees are also assigned a unit value based on height. For example, an evergreen between 5 and 6 feet in height is assigned a unit value of 0.4, while an evergreen between 18 and 20 feet in height is assigned a unit value of 0.9.

Additional standards apply for specific categories of uses. Section 416.2.4. These include the following:

- ★ In a residential subdivision with a minimum lot area of at least 15,000 square feet, each lot is required to have a minimum of two units of trees. Other tree preservation areas are required to be in common areas, or buffers that are required to be kept undisturbed.
- ★ In commercial development, one tree is required for every 35 linear feet of a street yard, in addition to the parking lot tree requirements discussed above.
- ★ In redevelopment projects, the SDF requirements are waived, trees are required to be planted only in redeveloped areas of parking lots, and the minimum caliper size otherwise required for new street yard trees and parking lot trees is reduced.

Trees that are used to meet the density requirements are required to be inventoried, although sampling methods can be used for large forested areas, if approved by the Cobb County Arborist.<sup>35</sup>

Specimen trees also are required to be protected. These are defined in Section 416.5.1 as the following trees that are in good health with a life expectancy in excess of 15 years:

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<sup>34</sup> This means a landowner/developer can in most instances clear a site of existing trees (except specimen trees), and replace them with new trees; however, there is an incentive to retain existing trees, since their EDF is greater RDF values.

<sup>35</sup> The Development Standards make reference to guidelines for sampling but do not include them.

- ★ Overstory hardwoods at least 30 inches in diameter;<sup>36</sup>
- ★ Overstory softwoods at least 36 inches in diameter; and
- ★ Understory trees at least 12 inches in diameter.

The applicant is required to identify each specimen tree on a development site that may be impacted by the proposed development. A density credit equal to three times the assigned unit value is given for specimen trees that are “successfully saved by a design feature specifically designated for such purpose.” Section 416.5.2.

A specimen tree may be removed if a plan or other written documentation describing the reason for the removal is submitted to the Community Development Agency. However, there are no criteria established for the Community Development Agency’s review and approval. If removal of the specimen tree is approved, there are two mitigation opportunities. First, the specimen tree may be replaced with trees of comparable species with at least four inches caliper that is equal to the unit value of the removed tree, and these replacement trees cannot be counted towards meeting the site’s SDF requirement. Second, the specimen tree may be mitigated through the preservation of strands of high value forest or specimen trees equal to three times the unit value of the removed tree. These tree protection areas must be designated on a plat, and trees cannot be removed from these areas without a permit from the Community Development Agency.

A specimen tree that is removed without approval from the Community Development Agency must be replaced by trees equal to three times the unit value of the removed specimen tree. Section 415.5.3.

#### **4.4.1(d). Tree and Plant List**

Finally, it should be noted that there is no list of approved tree or plant species. Individual design guidelines for small areas and corridors, such as the Johnson Ferry Guidelines, which are not codified, do have approved plant lists. However, there is not a document that provides a plant palette that is approved by the County to be used for plantings. Many modern codes include such a Tree and Plant List, which is something the County should consider doing as part of the update process. It would include a list of acceptable plants including trees, shrubs, and groundcovers. Without an approved plant palette, developers and designers may propose to use inappropriate plant material or use plant material that is less proven to be successful in the climate particular to Cobb County.

#### **4.4.2. Recommendations for Changes in the Unified Development Code**

As with many elements of the current regulations, reorganization of the landscape and tree preservations standards will improve the user-friendliness of the UDC.

##### **4.4.2(a). Streamline Transitional Buffer Requirements**

One key recommendation is to consolidate the transitional buffer standards into one section, in-lieu of the separate standards established in each zone district. The section would establish the minimum width of the buffer, the vegetation requirements, and other standards. We suggest that each zone district reference a consolidated transitional buffer section which will include generally applicable standards that apply to buffers. We further

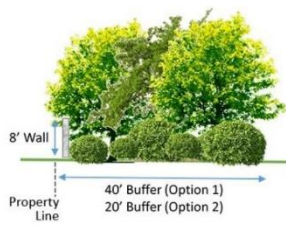

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<sup>36</sup> This presumably is a measurement dbh, but that Development Standards do not say so explicitly.

suggest that the UDC establish several different types of buffers, which vary in width and density of vegetation. See an example from another code in Figure II-15: Example Table of Transitional Buffer Types. The regulations would establish requirements for buffer width based on the intensity and compatibility of adjoining uses. For example, a commercial use adjacent to another commercial use might not require a buffer; however, a commercial use adjacent to a residential use would require a buffer.

As illustrated in Figure II-15, greater specificity should be added to the standards related to the buffer planting types (e.g., requirements for numbers of evergreen shrubs per 100 linear feet, numbers of canopy trees per 100 linear feet, and numbers of understory trees per 100 linear feet). Each buffer planting type requirement should also provide a minimum and maximum width for the buffer.

Figure II-15: Example Table of Transitional Buffer Types

Table 5.3.4(c)(2): Landscape Buffer Options			
Buffer Type/Image	Description	Minimum Width and Screening	
		Option 1	Option 2
<p><b>Type A: Opaque</b></p> 	<p>This buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong separation.</p>	<p>40 ft</p> <p>6 trees (including 3 canopy trees) and 120 shrubs per 100 linear feet</p>	<p>20 ft</p> <p>3 trees (all canopy trees) and 120 shrubs per 100 linear feet, and a wall (see Sec. 5.3.4(c)(5)(A) below)</p>
<p><b>Type B: Semi-Opaque</b></p> 	<p>This buffer functions as semi-opaque screen from the ground to at least a height of six feet.</p>	<p>30 ft</p> <p>5 trees (including 3 canopy trees) and 100 shrubs per 100 linear feet</p>	<p>15 ft</p> <p>3 trees (all canopy trees) and 120 shrubs per 100 linear feet</p>

Finally, the following are also recommended approaches to make the buffer requirements easier to follow and understand, as well as to bring the overall requirements closer to best practices in landscape design:

- ★ Allowing provision for planted berms or opaque fencing to be used at required minimum heights in-lieu of buffer planting when it can be shown that conflicts would occur with the typical required buffer plantings.
- ★ Allowing for planting of understory trees when overhead utility conflicts are present.
- ★ Establishing a plant list for ‘screening’ elements, with specific plants such as evergreen trees/shrubs and dense deciduous shrubs.

### **4.4.2(b). Consider Strengthening Tree Protection Standards**

The current regulations include a comprehensive set of tree protection standards that incentivize the preservation of existing trees and include more stringent requirements for the replacement of specimen trees. We suggest the County consider the following refinements to the tree protection standards to improve their user-friendliness, and make them more effective:

First, relocate the tree preservation regulations from Chapter 50 of the County Code to the new UDC (in Article 5: Development Standards), and relocate some of the basic requirements now included in the Development Standards into that section of the UDC. One of the key considerations during design of a new development site should be how to optimize site design to maximize the preservation of trees. Integrating the tree preservation requirements into the UDC will help to do so. In addition, most of the tree preservation requirements are not particularly technical in nature, and it is appropriate for those to be included in the text of the UDC, not in a separate set of development standards.

Second, consider increasing the unit values for existing trees that are preserved (the EDF) to establish stronger incentives for those who retain existing trees. During the kickoff meeting we heard from several neighborhood stakeholders that new development often begins by clearcutting all existing trees on a site. By providing increased incentives to retain existing trees, the UDC could encourage the preservation of additional trees. Alternatively, the UDC could prohibit clearcutting and require that a minimum percentage of trees on a site, or a minimum amount of EDF unit value, be preserved. The applicant could obtain a waiver from the requirement if they can demonstrate that strict enforcement of this tree preservation requirement would cause an economic hardship.

Third, include new standards to govern the removal of specimen trees. The current regulations require that an applicant explain why they want to remove a specimen tree, and provides for review and approval by the Community Development Agency; however, the current regulations do not require that the applicant provide any specific reasons for removal, and they do not establish criteria for the Community Development Agency's review of the decision. We suggest the UDC require that the applicant demonstrate that retention of the specimen tree will cause an economic hardship, or that it is impractical to design the site in such a way that will accomplish the applicant's development goals. In addition, we recommend that the UDC better describe what constitutes "a design feature specifically designated" for the protection of specimen trees which provides the applicant a bonus of three times the tree's assigned unit value.

### **4.4.2(c). Establish Clear Street Tree Standards**

The current regulations establish requirements for street yards, but there are no standards or requirements for street trees, except that the Development Standards exclude trees planted in the public right-of-way from calculation of a project's SDF without approval by the Community Development Agency and Cobb DOT. Several of the design guidelines, such as the Dallas Highway Design Guidelines (which has not been codified), do recommend the installation of street trees. The Austell Road Design Guidelines, which have been codified, also includes detailed street tree standards, requiring that they be installed in front of commercial and residential development and evenly spaced.

Street trees help provide more attractive streetscapes, particularly along streets that are intended to be complete streets that support users walking or traveling via bicycles such as in mixed-use areas in the activity centers.

We recommend that the UDC require street trees in appropriate locations of the County (with the current street yard tree requirements carried forward in other areas), and that those street trees be counted towards a site's required SDF. Like the buffer planting chart and types, standards for street tree or street yard types that are applicable to particular zone districts or areas would add clarity to the regulations. These street tree standards could be established in a table. Like the buffer planting types, this could potentially include different categories of required street trees. For instance, a more intense development in an Activity Center might require a specific type of overstory tree at a closer spacing. Conversely, a more suburban area might require different spacing, and a single family residential development on a rural road may not require street tree plantings whatsoever.

#### **4.4.2(d). Enhance Parking Lot Landscaping Requirements**

Finally, it is recommended that the specific parking lot layout requirements be coordinated with the parking lot landscape planting requirements, so there is adequate space in the parking lot design for the required planting requirements to be planted and survive. This is especially important since there might be one professional or firm engaged in laying out the parking spaces and lot while another professional or firm designs the landscape for the parking lot.

In addition, the following is recommended regarding landscaping in parking lots:

- ★ The specific requirements for islands and the quantities of trees and landscape material in the interior and around the parking lot need to be established in the standards. The distance between shade trees or the overall parking lot shade coverage should be used as a basic standard for this, with a recommended minimum of one canopy tree per parking island (we suggest the County consider a standard that there be one island and one tree per every 10 contiguous parking spaces<sup>37</sup>).
- ★ A minimum square footage of landscape area within the parking lot as a ratio to overall square footage of the parking lot should be established. This planting area should be encouraged to be in the interior of the parking lot, but a percentage should be allowed to be counted when immediately adjacent to the parking lot.
- ★ Overstory trees should be required for landscape island planting and should be required to be a maximum of 50 feet apart, trunk to trunk, to ensure adequate shade coverage of the parking lot.<sup>38</sup>

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<sup>37</sup> For the planting standards established for trees in parking lots, the regulations should, instead of giving a root zone minimum width and minimum square footage, give minimum dimensions for parking lot islands that accommodate the desired root zone area. This would address one of the fundamental gaps in overall parking lot design standards, but also allow for a more sustainable landscaping approach. As one potential example, parking lot islands are usually between 9 feet by 18 feet or 10 feet by 20 feet in size, so require a minimum parking lot island of 162 square feet.

<sup>38</sup> Similar provisions are discussed in the Commercial Developments section under Sec. 416.2.4 on Unique Density Requirements, but should be added in the parking lot landscape section.



- ★ In addition to parking lot island trees, a mix of evergreen shrubs and groundcover should be required, to be planted in every parking lot island, as well as in adjacent landscape areas that are counted in the overall landscape square footage requirements.
- ★ Shrubs planted in parking lot islands or adjacent to parking lots should not be allowed to reach a height over three feet.

**Figure II-16. Example Parking Lot Landscaping Illustration**



### 4.5. Add General Open Space Set-Aside Requirements that Apply Throughout the County

The current development regulations have limited rules governing the provision of common open space on a specific development site. In addition, the existing provisions only apply to certain types of development. Section 134-1 establishes a definition of what constitutes open space, but it includes front, rear, and side yards around buildings, and not common open space open to the public. The OSC district is a conservation residential overlay district that requires a minimum amount of open space in exchange for smaller lot sizes and modest additional design flexibility. It requires at least 35 percent of land be set aside as common open space. The PRD district requires 1,000 square feet of common open space per dwelling unit in the development, while the PVC district requires 550 square feet of open space per dwelling unit. These standards relative to those applied in modern codes are modest, and are certainly not comprehensive in their application. Additionally, only in the OSC, PRD and PVC districts do the current regulations provide specific direction on what does and does not constitute open space set-asides<sup>39</sup> for purposes of open space set-aside requirements.

Establishment of open space set-asides and provision of land for recreation are key components to quality development and a healthy community. To further improve the open space set-aside requirements in the current regulations, it is suggested that the County consider establishing a uniform and comprehensive set of open space set-aside standards that are context sensitive. This would be accomplished by establishing a set of open space set-aside standards, based on

<sup>39</sup> Open space set-asides are private lands on a development site that are set aside in perpetuity for the purpose of preserving environmentally sensitive lands, buffer areas, tree canopy, recreational lands (passive and active), required landscape areas, meeting or gathering places, and the like. These lands can be maintained in perpetuity through a variety of tools—including, but not limited to, easements, covenants, dedication (donation of the land to a public agency for public use), conveyance of the lands to a third-party beneficiary, etc. It is a concept used in modern development codes to ensure the maintenance and preservation of different types of open space while at the same time conforming to the requirements of the federal and state laws on exactions and the imposition of conditions of approval on development.



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geographical location and development type (new residential, mixed-use, or nonresidential development). The different geographical locations that we propose for consideration are:

- ★ Lands within the Activity Centers;
- ★ Lands within the OSC district; and
- ★ All other zone districts in the County.

The open space set-aside standards would ensure a minimum level of “green” area and site amenities. The open space set-asides could be defined to include the types of open space included in Table II-7: Potential Types of Open-Space Set Asides.

**Table II-7: Potential Types of Open-Space Set Asides**

	<p><b>Natural Features</b></p> <p>Description: Natural features (including lakes, ponds, rivers, streams, bays, shorelines, wetlands, drainageways, and other riparian areas), riparian buffers, flood hazard areas, steep slopes (15 percent or more), wildlife habitat, and woodland conservation areas.</p>
	<p><b>Active Recreational Areas</b></p> <p>Description: Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses, and land dedicated for parks.</p>
	<p><b>Passive Recreational Areas (Including Plantings and Gardens)</b></p> <p>Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens (including community gardens), gazebos, and similar structures.</p>

**Table II-7: Potential Types of Open-Space Set Asides**



**Squares, Forecourts, and Plazas**

Squares, forecourts, plazas, and civic greens that provide active gathering places and opportunities to create special places.



**Required Landscape Areas**

All areas occupied by required landscaping areas, tree protection areas, perimeter buffers, vegetative screening, and riparian buffers, and agricultural buffers, except landscaped area within parking lots.



**Stormwater Management Areas Treated as Site Amenities**

Land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices), when such features are treated as an open space site amenity.

They, however, would recognize that open space needs and functions are different in the Activity Centers and the other areas in the County. For example, open space standards in a Regional Activity Center might require a lower set-aside percentage than in the other areas, and would be flexible enough to allow features more prevalent in compact, mixed-use environments to count as open space (e.g., plazas and other public gathering spaces, fountains, use of stormwater infrastructure as site amenities, sidewalk furniture, rooftop or terrace gardens—perhaps even indoor atriums). In certain areas, green roofs might also count towards meeting open space requirements.

Open space set-aside standards would also reflect the different needs of various types of development. For example, multifamily residential development would be generally subject to higher open space set-aside requirements than mixed-use, commercial, or industrial development, and open space would generally be more focused on active recreational uses.



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Regardless of the location and type of development, standards should also ensure that required open space set-asides are usable and functional for designated open space purposes—and do not merely consist of undevelopable “leftover” land. This can be achieved by adding locational and design rules governing the location, configuration, and usability of the open space. Those rules would give priority to protecting natural resources, and environmentally sensitive areas, floodplains, riparian buffers, and natural hazard areas.

Finally, open space set-aside standards should include provisions addressing the ownership of and maintenance responsibilities for required open space set-asides, to ensure the open space remains as open space, in perpetuity.

### 4.6. Include New Exterior Lighting Standards

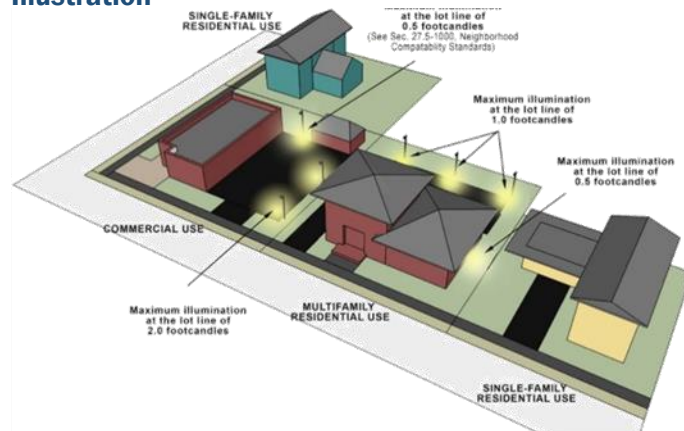
The current development regulations include minimal exterior lighting provisions, and few standards. Section 134-269 establishes the minimum standards for a lighting plan, and requires that they show the location and height of all light poles, the number of luminaries and their height, their wattage, and type of light. Lighting plans are explicitly required for certain uses, for example, clubs or lodges that require a special land use permit (Section 134-37(31)(h)), or nonresidential and multifamily uses in the R-80 and other residential districts (e.g., Section 134-193(9)) with special standards for neighborhood recreation centers (e.g., Section 134-193(13)(e)(5)). Lighting in parking lots is required to not reflect or cause glare on abutting properties. Section 1134-272(5)(a)(6). In addition, lighting plans are required in the nonresidential districts, although they typically do not include substantive standards. In all cases, the County Department of Transportation is listed as the body that approves the lighting plan, not the Community Development Department.

While there are some isolated substantive standards or requirements—for example, a use authorized under a limited professional services permit may include only lighting that does not cast light over a property line. Section 134-39(c)(3), the regulations lack general standards that address light spillover and glare on adjacent properties and protect the night sky.

Clear and enforceable exterior lighting standards that apply throughout the unincorporated County are not hard or lengthy to draft. We suggest the UDC establish objective, measurable exterior lighting standards that address all of the key elements to protect the night sky and reduce glare. These new provisions would include:

- ★ Mandatory use of full cutoff light fixtures to prevent light overflow and glare on adjacent lands;
- ★ Minimum energy efficiency standards, all of which are achievable through off-the-shelf products;
- ★ Minimum and maximum foot-candle limits to ensure adequate

**Figure II-17. Example Exterior Lighting Illustration**



lighting of public and parking areas, and to prevent glare (see an example illustration in Figure II-17);

- ★ Maximum light fixture pole or mounting heights that vary for different development contexts (shorter in residential areas and taller in commercial and industrial areas);
- ★ Prohibitions on canopy lighting that extends below the edge of the canopy;
- ★ Prohibitions on full floodlighting of uniquely colored or designed façades (which turns an entire building façade into a form of signage) and on colored accent lighting;
- ★ Prohibitions on the up-lighting of signs, monument features, buildings, and the like;
- ★ Light uniformity standards, to ensure that parking areas and pedestrian areas do not create edges where brightly lit areas are adjacent to dark areas (which provide opportunities for crime and mischief); and
- ★ A provision that would allow modifications to the requirements for safety reasons.

By including these provisions in the UDC, and making them applicable throughout the unincorporated County, the community will better protect the night sky on a much more comprehensive basis.

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### **4.7. Integrate Existing Design Guidelines and Add New Generally Applicable Form and Design Standards**

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Form and design standards can improve the design of buildings and development projects. Adding well-thought-out building and site design standards can help address concerns about the impacts of new development on existing commercial and residential areas.

There are eight sets of design guidelines that have been prepared by the County for eight different areas of the County. However, only two of those guidelines are incorporated into the current development regulations—the Austell Road Design Guidelines and the Design Guidelines for Mableton Parkway and Veterans Memorial Highway.<sup>40</sup> The other six sets of design guidelines have not been adopted by the Board of Commissioners and are not included in the Zoning Ordinance; however, according to staff these unadopted guidelines are evaluated by staff and review boards during the review of a development application in the applicable area, and requested changes to the application may be recommended or requested to ensure compliance with the guidelines.

The actual text of the Zoning Ordinance contains limited form and design standards. The Development Standards contain additional standards, including a scoring system for architectural elements on many nonresidential buildings.

We suggest that any design guidelines that are going to be used as criteria in the development review process should be included in the code. This is particularly important when the guidelines are used in the review of applications such as a site plan, where the review board

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<sup>40</sup> The Design Guidelines for Mableton Parkway and Veterans Memorial Highway are not further discussed in this section or included in Table II-8: Summary of Design Guidelines. The area subject to the design guidelines is entirely within the corporate limits of the City of Mableton and will not be incorporated into the new UDC.

does not have the broad discretion it has to approve or reject a rezoning request. Therefore, the separate design guidelines are proposed to be included as new overlay districts.

At our kickoff meetings, and based on our review of the small area design guidelines, it is clear that development aesthetics are important to the County. We suggest it would be appropriate to add new general design standards in the UDC that apply throughout the County to particular types of development. This could include multifamily residential standards, commercial and mixed-use standards, as well as standards for large "big box" retail stores. They would be precise, measurable standards and establish a baseline for development quality in the County.

The standards could vary based on the area in which development occurs. For example, multifamily development in more intensively developed areas such as a Regional Activity Center might include additional standards compared to multifamily development outside an activity center. In addition, design guidelines currently included in the separate small area plans could be included in the text of the new UDC and applied in those specific areas.

This section first provides a summary of the form and design regulations within the current Zoning Ordinance. Next, there is a summary of the types of form and design regulations included within the small area and corridor design guidelines. Finally, the section provides recommendations for form and design controls that could be included in the UDC and apply throughout the County.

### **4.7.1. Material, Form, and Aesthetic Standards in the Current Zoning Ordinance**

The current Zoning Ordinance contains a limited number of material or aesthetic/design standards. The only material standards apply to non-supportive residential units in the RSL district (Section 134-203.2(11)(q)) and the enclosures around self-service storage facilities (Section 134-279(c)(3)), along with limited roof material standards that apply to structures in the SC and LRO districts (Sections 134-201.3(7), 134-211(7)), supportive residential units in the RSL district, and suite hotels in multiple districts (e.g. Section 134-215(12)(1)(6)).

Additionally, there are no standards relating to fenestration, such as minimum or maximum transparency requirements along a façade, or minimum reflectivity standards. There are no standards that govern the streetscape that require activity areas adjacent to sidewalks, or that require buildings to front a street and have their front building façade within a certain maximum distance from the right-of-way.

The Development Standards include Architectural Design Guidelines that apply to commercial development, redevelopment, or building renovations. Section 426. The goals and objectives of these guidelines are to discourage "a featureless redundancy of architecture and [improve] the visual interest in a building's appearance from the street." The guidelines use a scoring system divided into six categories, and sets targeted minimum scores which provide applicants with "a good degree of comfortableness that their design meets all minimum standards." The scoring system "is designed to achieve" 10 points for buildings intended for industrial use, 20 points for buildings planned for office or institutional uses, and 25 points for buildings planned for retail or commercial uses.

Points are awarded based on formulas in the following six categories:



- ★ **Exterior Wall Length:** The use of breaks in long façades through projections or other variations;
- ★ **Exterior Surface Areas:** The use of breaks in walls in the vertical plane;
- ★ **Shade Coverage Areas:** The use of building features that provide shadows such as balconies, porches, and canopies;
- ★ **Exterior Wall Interruptions:** The use of doors, windows, and other framed building openings that help to provide variation in façade design;
- ★ **Architectural Design Treatments:** The use of architectural design treatments, landscaping, and trees; and
- ★ **Façade Detail Treatments:** The use of two or more detail features.

The Standards also include architectural design requirements. Section 426.5. These provisions include:

- ★ A requirement that building façades include architectural treatments of glass and brick, stone, architectural block, stucco, wood, singly and in combination;
- ★ A prohibition on using metal on the exterior of buildings except on industrial buildings, and only on 50 percent of the side or rear of an industrial building that does not face a residentially zoned property.
- ★ Preferred roofing materials are metal, tile, slate, stone, or wood shake;
- ★ Façades of anchor stores in multi-tenant buildings should have varied footprint depth and roofline height, with distinct architectural identity for the entries into separate businesses;
- ★ Exterior building walls should incorporate changes in building material, color, or façade with elements such as windows, doors, trellises, or landscaping adjacent to or growing on the building.
- ★ All mechanical systems should be screened from view from streets, driveways, and residential sites, with an opaque wall or fence of masonry, stucco, split-faced block, wood, or similar material used to screen equipment on the ground.

### 4.7.2. Summary of Existing Design Guidelines

A summary of the guidelines included in seven of the County's eight sets of small-area/corridor design guidelines are provided in Table II-8: Summary of Design Guidelines.

Table II-8: Summary of Design Guidelines		
Standard	Requirements	Plans
<b>Building Materials</b>	Material standards, limitations on the amount of façade that can include accent colors (generally 15 percent) and accent materials. Several districts suggest predominant use of brick; Johnson Ferry guidelines recommend predominant use of white clapboard siding with stone or brick as accent materials. Others reference architectural treatments including glass, architectural block, stucco, and wood	Austell Road, Johnson Ferry, Vinnings Village, Dallas Hwy, Canton Road, Macland Road, Atlanta Road
<b>Building Façades</b>	Requirements that façades contain elements that provide visual interest, such as requirements that façades 100 feet in length or longer be broken up by recesses or projections, or architectural features such as windows, bays, balconies, awnings, trellis, archways, and with variations in parapet height	Austell Road, Vinnings Village, Canton Road, Dallas Hwy, Atlanta Road
<b>Roof</b>	Maximum pitch standards for some building types, requirements for architectural elements such as a parapet and cornice for certain types of roofs, as well as some roof material requirements	Austell Road, Vinnings Village, Canton Road, Dallas Hwy, Macland Road, Atlanta Road
<b>Building Orientation and Configuration</b>	Variety of standards, including minimum front setback, access to entrances from public sidewalk, required plaza fronting street. For certain uses (e.g., drive-through, gas station, other car-related uses), additional building orientation standards	Austell Road, Vinnings Village, Canton Road, Johnson Ferry, Dallas Highway, Macland Road, Atlanta Road
<b>Façade Striping</b>	Along the entire front and extending at least 10 feet on the sides of buildings, minimum one-foot-deep cornice and minimum one-foot height contrasting base	Canton Road, Dallas Hwy, Atlanta Road,
<b>Transparency</b>	Dallas Highway and Atlanta Road contain façade fenestration requirements that windows cover at least 75 percent of the street frontage, with no more than a 10-foot linear gap along the frontage, and that the glass be kept clear and unblocked	Dallas Hwy, Atlanta Road
<b>Parking Placement and Configuration</b>	Requirements that parking be placed to the side or rear of building	Johnson Ferry, Vinnings Village, Dallas Hwy, Atlanta Road
<b>Fences, Walls, and Screening Material Standards</b>	Material requirements for walls, fences, and materials used to screen appurtenances such as mechanical equipment and dumpsters	Austell Road, Canton Road
<b>Signs</b>	Material standards and other restrictions for signage	Austell Road, Vinnings Village, Dallas Highway, Atlanta Road

**4.7.3. Proposed Form and Design Standards in the New UDC**

Given the desire to ensure quality development in Cobb County, we suggest that the County consider including basic sets of form and design standards that would apply to basically all types of development in the County except for single-family development and industrial development. This would be achieved by the establishment of form and design standards for multifamily, mixed-use, and nonresidential development, and design and form standards for large, “big box” retail stores. These standards would be specific and measurable, and over time new standards could be included that would apply in all or specific areas of the County.

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Form and design standards that might be considered for multifamily development are summarized in Table II-9: Potential Multifamily Design Standards.

Table II-9: Potential Multifamily Design Standards	
Standard	Potential Requirements
<b>Building Orientation</b>	Orient primary building entrance to a street or open space area (e.g., courtyard) rather than a parking area, where practicable
	Avoid long linear corridors and hidden entrances
<b>Building Mass</b>	Limit the length and footprint area of individual buildings
<b>Building Façades</b>	Provide wall offsets and other articulation features (recessed entrance, covered porch, pillars and columns, bay windows, eaves, integrated planters) along long building façades
<b>Roofs</b>	Limit pitch of sloped roofs
	Conceal flat roofs with parapets
	Locate and configure roof-based mechanical equipment to minimize view from street
<b>Materials</b>	Provide changes in building material where building forms meet
	Locate heavier façade materials below lighter materials
<b>Parking Placement and Configuration</b>	Limit parking areas between buildings and the streets they face
	Locate guest and overflow parking for townhouse units to side or rear of the building with the unit
	Limit frontage taken up by parking by locating to the sides and rear of buildings
	Locate detached garages to the side or rear of buildings
<b>Storage and Service Areas</b>	Locate storage buildings, garbage and recycling facilities, and other service areas to be conveniently accessible to residents, yet minimize noise and odor impacts on the residents and on adjacent residential development
	Enclose or otherwise fully screen outdoor garbage and recycling facilities, and other outdoor service areas to minimize views from dwelling units and adjacent residential development
<b>Open Space</b>	Locate and configure open spaces so they are visible from dwelling units

Design standards that might be considered for mixed-use and nonresidential development are included in Table II-10: Potential Mixed-Use and Non-Residential Design Standards.

Table II-10: Potential Mixed-Use and Non-Residential Design Standards	
Standard	Potential Requirements
<b>Building Orientation and Configuration</b>	Orient buildings to front streets, not parking areas
	Orient around a central spine street or accessway (for multi-building developments)
	Locate and configure outparcels and their buildings to define street edges, development entry points, and gathering spaces
	Use design features (canopies, recesses, arcades, raised parapets, roof forms, adjacent display windows) to establish clearly defined, highly visible, primary building entrances
<b>Building Façades</b>	Use design features to configure tall buildings with a clearly recognizable base, middle, and top

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Table II-10: Potential Mixed-Use and Non-Residential Design Standards	
Standard	Potential Requirements
	Provide wall offsets and other articulation features (changes in color, recessed entrance, awnings, pillars and columns, bay windows, eaves, integrated planters) along a long front building façade and along façades facing residential development
<b>Transparency</b>	Incorporate windows and doors along the front building façade to cover a certain percentage of the façade area (with separate standards for ground floors and upper floors)
	Ensure ground-level windows that are transparent, allowing views into the building
<b>Roofs</b>	Provide a variety of three or more sloping roof planes
	Incorporate roof line changes reflecting the required façade massing changes
	Locate and configure roof-based mechanical equipment to minimize view from street
<b>Parking Placement and Configuration</b>	Limit frontage taken up by parking located to the sides of buildings
	Organize large surface parking lots into a series of parking bays surrounded by buildings, landscaped medians, or accessways designed to look like streets
<b>Storage and Service Areas</b>	Locate storage buildings, garbage and recycling facilities, and other service areas to be conveniently accessible to occupant, yet minimize noise and odor impacts on the occupants and on adjacent residential development
	Enclose, incorporate into overall building design, or otherwise fully screen outdoor storage, garbage and recycling facilities, and other service areas from view from the street and adjacent residential development
<b>Open Spaces</b>	Provide outdoor gathering spaces such as courtyards, plazas, pocket parks
	For development in more dense locations, provide pedestrian amenities such as plazas, seating areas, or gathering spaces between buildings
	Locate and configure open spaces so they are visible from buildings

In addition, we suggest that the County consider standards to apply to large (50,000 square foot or greater) single-tenant retail buildings, commonly known as “big-box” stores. These new standards might include requirements such as those included in Table II-11: Potential Large-Format Single-Tenant Retail Building Standards. An example graphic that illustrates similar standards from another community’s code is provided as Figure II-18.

**Figure II-18: Example of “Big Box” Store Design Standards**



Table II-11: Potential Large-Format Single-Tenant Retail Building Standards	
Standard	Potential Requirements
<b>Building Entrances</b>	Include well-defined building entrances that include highly visible features such as porticos, display windows, entry recesses or projections, or arcades integrated with the entrance

<b>Table II-11: Potential Large-Format Single-Tenant Retail Building Standards</b>	
Standard	Potential Requirements
<b>Building Façades</b>	Along façades that face a street, incorporate features that reduce perceived building mass and scale such as variations in roof form and parapet height, pronounced wall offsets, or changes in texture and color of wall surfaces
	Along façades that do not face a street, incorporate articulating elements such as columns or changes in plane, texture or masonry patterns
<b>Parking Placement and Configuration</b>	Limit frontage taken up by parking located to the sides of buildings
	Organize large surface parking lots into a series of parking bays surrounded by buildings, landscaped medians, or accessways designed to look like streets

#### **4.8. Implement Green Building Incentives and Standards**

This comprehensive rewrite of the development regulations affords the County an opportunity to incorporate incentives and standards for developers to incorporate green building features in their development. This is something an increasing number of communities are doing in their development codes. Green building features involve much more than the design of individual buildings. In fact, by the time specific buildings are being designed, many opportunities to improve energy conservation (e.g., through optimizing building orientation), better manage stormwater (e.g., through low impact development or environmental site design), or reduce vehicle miles traveled through better site design will have been lost unless tools to promote those results are included in the UDC.

The current development regulations contain limited references to green building features. For example, pervious pavement systems are allowed, but are not incentivized or encouraged. In the Development Standards, stormwater treatments such as dry swales and bioretention filters are permitted if approved by the Stormwater Management Division Manager (Section 409.3.2). But common green features such as solar panels and low-flow fixtures are not referenced anywhere in the regulations.

We suggest the County consider including in the UDC provisions that define, incentivize, support and possibly require green building practices, as many communities’ development codes are doing today. In the County’s consideration of this issue, we note that in over a decade of practice now related to this issue, we have learned several important lessons about how to incentivize or support green building practices in development regulations, if a community decides to include them. These key lessons are summarized below:

- ★ First, explicitly define key terms like wind, solar, universal design, connectivity, bioswales, rain gardens, rain barrels, electric vehicle charging stations, alternative fuel filling stations, and recycling collection, transfer, treatment, and disposal facilities, in the code.
- ★ Second, remove barriers to market-driven innovations in these areas. Explicitly address where on residential, commercial, office, and mixed-use developments, solar or wind energy systems may be installed—both as accessory to another primary use of the land, and as primary uses of the land. Do not require variances or approvals for installing smaller and accessory devices, such as rooftop solar. For larger and primary devices, establish objective standards and allow by-right development subject to those

standards, wherever possible. Ensure that site design and landscaping standards do not prohibit bioswales, rain gardens, and other tools of low impact development, but instead allow them to be counted towards required open space set-asides and landscaped areas.

- ★ Third, create meaningful incentives for those features that are most expensive and hardest to achieve. Resist the temptation to write an incentive for each desired site feature, because most of them will be ignored. Resist the temptation to give token incentives that do not begin to offset the added cost of installing the facility just to say that the regulations include an incentive. Development incentives must be designed strategically and must be balanced with incentives needed to achieve other important goals.
- ★ Fourth, where standards or requirements are included in the code, write reasonable, objective, and enforceable standards for the green building features that can be included at low or moderate cost, if possible, during early phases of site or building design. There are energy and water conserving, low-impact development, and resource recycling features where the additional cost is mitigated by the savings in time and expense by avoiding a variance procedure. Sometimes, these are the “tipping point” issues—areas where efficient market driven solutions are available, and the role of the development code is to strongly encourage their use through reasonable standards and procedural efficiencies.
- ★ Finally, be sure to coordinate the standards and incentives in the UDC with related provisions of the Building Code. Generally, if the topic is adequately addressed in other codes, it should not be repeated in the UDC, because repetition often leads to inconsistencies over time. On the other hand, site design features can and should be addressed in the UDC with little worry that those provisions will become inconsistent with other code provisions over time.

If the County wants to include incentives or requirements for green building practices in the UDC, it is suggested that the green building incentives and standards relate to the following types of practices:

- ★ The development of higher density/intensity, mixed use, and walkable development in the Activity Centers;
- ★ The development of LEED certified or comparable building design;
- ★ Alternative energy systems that would include, but are not be limited to, solar, wind energy conversion systems (WECs), thermal heating and cooling systems, electric vehicle charging stations, and alternative fuel filling stations;
- ★ Energy conservation techniques and devices including, but not limited to, building design, cool roofs, green roofs, roof gardens, and green walls (see image of a green roof on the previous page);
- ★ Water conservation techniques and devices;



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- ★ Low impact development/environmental site design standards for storm water management;
- ★ Conservation of green infrastructure;
- ★ Neighborhood agriculture activities including, but not limited to, community gardens and farmers markets;
- ★ Recycling practices; and
- ★ The incorporation of universal design techniques in homes, so people can live-in-place as they age.



## Theme 5: Support the Redevelopment and Revitalization of Older Commercial Corridors

Commercial corridors are the “arteries” through which much local economic activity flows. By their nature and design, they move cars. If well designed, they also move busses, bicycles, and pedestrians. If very well designed, they also help treat and transmit cleaner stormwater in ways that keep streams and rivers clean, and use trees and landscaping to offset the heat island impact of concrete lane-miles.

But they also serve as a catalyst for economic development, particularly the retail and service establishments that serve the citizens of the County. High quality commercial corridors not only provide mobility, they attract higher quality commercial development that is a better neighbor to the residential development nearby. Well-designed corridors can also provide the mix of uses necessary to provide jobs and services closer to home and reduce the frequency and length of auto trips. Finally, the quality, diversity, and functionality of commercial corridors establish the image of the County to the thousands of commuters and visitors who pass through and who make decisions about where they want to live, work, and shop based on those impressions.

Unfortunately, some of the commercial corridors in Cobb County both inside and outside of the Activity Centers fail a few of these tests. They are characterized by older commercial uses interspersed with vacant and underutilized lands. Much of the development is auto-oriented and includes large expanses of unbroken parking areas, numerous access points, minimal to modest landscaping, overhead power and utility lines, and tall signage. Even though the comprehensive plan does not focus top priority on the County’s commercial corridors, some of the interviewees identified the commercial corridors as areas whose redevelopment is important to the County’s future growth and development.

The quality and functionality of the County’s commercial corridors can be improved through redevelopment, but it will require a multi-dimensional approach that involves both regulatory changes and non-regulatory actions such as public investment in assembling and reselling development sites, constructing streetscape improvements, adding landscaping, and siting public facilities at strategic locations. Great corridors require five things:

- ★ **Private Development.** High-quality private development;
- ★ **Street Frontages.** Carefully designed street edges—the areas between building frontages and the street curb, which may include trees, street furniture, patios, landscaping, bioswales, or other features to improve appearance and usability;
- ★ **Transitions to Residential.** Strong protections for the stability and integrity of the residential neighborhoods immediately behind or beside commercial development along the corridors (which is often overlooked, but critical to preserving the value of both commercial and residential areas—and therefore the health of the commercial corridor—over time);
- ★ **Streets.** Well designed and engineered multi-modal travel lanes reflecting complete streets and green street design principles; and

- ★ **Traffic Management.** Good traffic management to optimize traffic flow at safe speeds and to eliminate choke points in the system.

The UDC can influence private development, street frontages, and transitions to residential development. Private development and street frontages are discussed here. Transitions to residential development are discussed in greater detail in Section, 4.1, Protect the Character of Existing Single-Family Neighborhoods from Incompatible Development, as that topic is relevant beyond just the commercial corridors.

To address these current conditions and support and encourage the redevelopment of higher quality commercial corridors, we recommend the County consider including in the UDC, standards designed to improve the quality of private development and street frontages along commercial corridors by:

- ★ **Street Frontage Standards.** This is one of the “missing links” that led previous generations of zoning regulations, including those in the County, to allow and even encourage monotonous, unattractive, and auto-oriented commercial corridors. The design and construction of what happens between the building and the curb line is critical to great corridors—and the regulations for those areas need to be closely tailored to the context of the area. While walkability is achievable on some types of smaller corridors (often those with narrower widths and building constructed not too far from the street), it is not realistically achievable along most corridors in the County. To be most successful, frontage standards need to vary based on the realistically achievable levels of walkability and multi-modal transport, and where those are very limited, focus on improvements to the design of the street frontages as viewed from cars. These issues are addressed in the recommended changes in Section 4.4, Reorganize and Refresh Landscape and Tree Protection Standards, as Appropriate.
- ★ **Building Design Standards.** Buildings along commercial corridors are by their nature highly visible, and the appearance and quality of each building affects how much neighboring landowners are willing to spend on their new building or renovation. Like many communities across the United States, Cobb County has zoned lengthy sections of its commercial corridors for retail and commercial development. This often leads to an oversupply of commercially zoned land along corridors, and when the market cannot support the amount of land zoned, vacancies and disinvestment occur. Left unaddressed, this often leads to a “race to the bottom” in which each succeeding owner or tenant of a second- or third-quality commercial corridor space tries to make as little investment as possible in order to protect ever-thinner operating profit margins. Reversing this trend involves drafting and adopting reasonable nonresidential and multi-family design standards to require redevelopment to maintain or improve the building appearance, and to require that new development improve the corridor appearance through better building siting, entries, windows and doors, and screening of equipment, among others. The framework and parameters for these design standards are discussed in Section 4.7, Integrate Existing Design Guidelines and Add New Generally Applicable Form and Design Standards. Market testing of these standards prior to adoption is important, but the standard of review should be whether they are reasonable to the top two-thirds of market rents in the area. Basing the review on the lowest market rent will only lead to a continuation of current trends. There is no way to upgrade the

appearance of commercial corridors without “raising the bar” to some degree, and raising the bar always results in some potentially low-quality investors leaving the field. If the County cares enough about the image and economic health of these corridors, it should be willing to accept that tradeoff.

- ★ **Higher Landscaping Standards.** Adopting improved landscaping quality standards for high visibility sites along commercial corridors. Key corridors are “image makers” for the County, and the overall quality of landscaping in these areas does much to influence commuter and visitor impressions of the area. Just as importantly, it affects the impressions of potential home buyers and their decisions as to how much money they are willing to spend for a home in the community. These issues are addressed in Section 4.4, Reorganize and Refresh Landscape and Tree Protection Standards, as Appropriate.
- ★ **Parking and Access Design Standards.** One common complaint about the commercial corridors is the excessive and unattractive parking lots that are often the key development feature visible from the street. While possibly appealing in the past, those large parking lots discourage patronage and convey an image of the County as a home of outdated development. The key first step in addressing this problem is to review the required minimum off-street parking standards against the experience of comparable communities to see if they can be lowered. Next, require that a reasonable percentage of the required parking go beside or behind the building (with the balance of the parking out front), and require that larger parking areas be broken up into “parking rooms or pods” through the use of landscaping or site features. In addition, circulation and access layouts should be designed to better manage access onto adjacent streets. The parking standards should also include a variety of flexibility provisions to allow appropriate and technically justifiable reductions of parking through shared parking, off-site parking, transportation demand management, and the like. Because these issues are best addressed in the parking standards section of the UDC, a framework and the suggested changes to the parking standards along commercial corridors are outlined in Section 4.3, Update Off-Street Parking Standards and Add Off-Street Loading Requirements.
- ★ **Neighborhood Compatibility Standards.** Because neighborhood protection issues are relevant to a number of different edge conditions, a framework and suggested standards to protect neighborhoods from the impacts of adjacent development of different scale and character are outlined in Section 4.1, Protect the Character of Existing Single-Family Neighborhoods from Incompatible Development.
- ★ **Easing Transition to Residential Use.** One important consequence of zoning too much commercial corridor land for retail and service development is that not all of it will be economically viable. This truth is impacting corridor development not just in Cobb County but throughout the United States, particularly with the shift towards online retail and delivery. While there is often an oversupply of corridor-oriented retail space, most markets are also experiencing an undersupply of mixed-use development incorporating affordable workforce housing. Corridors often make good locations for this type of housing for several reasons: key infrastructure is already in place; the introduction of more housing helps reduce the peak traffic problems associated with commercial, service, and office development; and locating attached and multifamily housing along

major corridors keeps the traffic associated with that use out of lower density residential areas. For all these reasons, good corridor zoning not only improves the appearance and functioning of the corridor, but also makes it easy to convert surplus commercial land to housing and mixed-use development that incorporates a variety of housing types (including affordable workforce housing, senior and age-restricted housing, and other highly desired housing types). The zone district standards that apply in the corridors should include a wider variety of housing uses, establish objective character and design standards for this emerging change in development type, and minimize the number of public hearings necessary to convert obsolete retail and service developments to this more productive use.

Finally, we point out that while these proposed standards can be applied to new sites along the commercial corridors, it will be very important to have a thoughtful discussion of what level of reinvestment should “trigger” the need to meet the new corridor zoning standards. Set the bar too high (i.e., only major redevelopments need comply) means that the image and function of the corridors will change very slowly over time, leading to community frustration. Set the bar too low (i.e., almost all reinvestment or expansion projects must comply) and you risk adding significant costs to small projects that cannot absorb them, and the desired type of redevelopment will not occur. Most communities opt for a sliding scale in which different levels of investment require compliance with some—but not all—of the new standards.

## **III. Annotated Outline of New UDC**

This part of the Assessment provides an overview of the proposed structure and general substance of the UDC that would address the issues identified in Part II related to the current Zoning Ordinance. As part of the review and discussion of the Assessment, the County will provide more detailed direction about the nature and scope of the new regulations and specific provisions. When this process is completed, the actual drafting of the new regulations will begin.

The following pages are a general outline of the proposed UDC. We view the annotated outline and the previous parts of the Assessment as vehicles for helping to define expectations about what is to be accomplished before beginning the detailed drafting work. In addition to providing a road map for drafting the new code, the outline provides an organizing framework for continued conversations with the County about key code issues.

The sidebar outlines the proposed new structure, which includes nine articles and an appendix that incorporates the Retired zone districts.

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<b>Article 1.</b>	<b>General Provisions</b>
<b>Article 2.</b>	<b>Administration</b>
<b>Article 3.</b>	<b>Zone Districts</b>
<b>Article 4.</b>	<b>Use Regulations</b>
<b>Article 5.</b>	<b>Development Standards</b>
<b>Article 6.</b>	<b>Subdivision Standards</b>
<b>Article 7.</b>	<b>Nonconformities</b>
<b>Article 8.</b>	<b>Enforcement</b>
<b>Article 9.</b>	<b>Definitions, Rules of Construction and Interpretation, and Rules of Measurement</b>
<b>Appendix</b>	<b>Retired Zone Districts</b>

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# ARTICLE 1: GENERAL PROVISIONS

**Article 1: General Provisions, plays an important part in making the new UDC user-friendly by including certain overarching rules, and establishing a clear basis for the authority by which the regulations are adopted and administered. These “boilerplate” sections will state the title of the document, the legal authority by which the County regulates zoning, and the general purposes of the UDC.**

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## SECTION 1.1. TITLE

This new section sets forth the official name by which the regulations may be cited (e.g., “the Cobb County Unified Development Code”) as well as any acceptable shortened references (e.g., “this UDC”).

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## SECTION 1.2. AUTHORITY

This new section contains references to the County’s authority to adopt the UDC in accordance with state law. It also includes a provision stating that if the regulations cite a provision of state or federal law that is amended or superseded, the regulations will be deemed to refer to the amended section or the section that most nearly corresponds to the superseded section.

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## SECTION 1.3. GENERAL PURPOSE AND INTENT

This general purpose and intent section informs decision-makers and the courts in future years about the purpose and intent of the Board of Commissioners when it adopted the UDC. It includes statements of intent, as appropriate, to reflect the goals, objectives, and policies in the *Cobb 2040* Comprehensive Plan. Purpose statements related to the zone districts, the development standards, and the procedures are located in those specific sections.

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## SECTION 1.4. APPLICABILITY

This section builds on Section 134-3 of the current Zoning Ordinance, and makes clear who is subject to the requirements of the UDC. It states that unless stated otherwise or exempted, the standards and requirements of the UDC apply to all development within the unincorporated County, except for development by federal, state, County, and municipal governments, and development following the exercise of eminent domain which is related to the purposes for which the eminent domain authority was granted.

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## SECTION 1.5. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DECREES

This is a new section that clarifies the relationship between the UDC and other laws or regulations. It provides that in case of conflict between the UDC and other legislative enactments of the federal government, the state, or the County, the stricter provision applies, to the extent allowed by law. The section also expresses that it is not the intent of the regulations to annul private covenants, easements, or other agreements, but if the regulations establish stricter requirements, the County’s regulations apply. The section clarifies that the County will not be responsible for monitoring or enforcing private easements, covenants, and restrictions, though it may inquire into private easements and

restrictions when reviewing plans for the purpose of ensuring consistency with County requirements.

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## **SECTION 1.6. OFFICIAL ZONING MAP**

This section builds on Section 134-163 of the current Zoning Ordinance, and incorporates by reference the Official Zoning Map as well as any related maps. It provides for amendment of the Official Zoning Map upon the approval of a rezoning application. It states that the Official Zoning Map is maintained in a digital format. It also:

- Adds rules for interpretation of zone district boundaries;
- Carries forward the existing provision in Section 134-166 that in the case of conflicts between the Official Zoning Map and the County Clerk’s meeting records, the County Clerk’s record prevails; and
- Identifies the Community Development Director as the person authorized to interpret the Official Zoning Map and determine where the boundaries of the different zone districts fall, if in dispute. It provides that appeals from the Director’s interpretations may be made to the Board of Zoning Appeals.

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## **SECTION 1.7. TRANSITIONAL PROVISIONS**

This is a new section that establishes rules governing continuing violations of the regulations, pending development applications at the time of adoption, and existing development approvals. More specifically, subsections in this section state:

- Violations of the current regulations continue to be violations under the

new regulations (unless they are no longer considered violations), and are subject to the penalties and enforcement provisions in Article 8: Enforcement.

- How to treat development applications that are already submitted and in the midst of the development approval pipeline at the time the regulations become effective. During the meeting on the Assessment, and during the code drafting process, we will explore with the County different options for handling this type of application.
- Existing development approvals are recognized as valid. These approvals may proceed with development, as long as they comply with the terms and conditions of their approvals; the rules in existence at the time of the approval will continue to govern the development. An amendment that results in a substantial change to the development originally approved, will subject the development to the new UDC.
- Applications submitted after the effective date of the new UDC are subject to its procedures and standards.

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## **SECTION 1.8. PROPERTY MAINTENANCE**

This section will carry forward the regulations relating to property maintenance in Article II, Division V of the current Zoning Ordinance.

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## **SECTION 1.9. SEVERABILITY**

This standard provision builds on Section 134-350 of the current Zoning Ordinance which applies to the sign regulations, and

**III. Annotated Outline of New UDC**  
**Article 1. General Provisions**

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applies similar regulations to the entire UDC. This section states that if any part of the UDC is ruled invalid, the remainder of the code is not affected and continues to apply, and that if application of a code provision to a particular circumstance is

ruled invalid, that decision does not affect its application to other circumstances.

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**SECTION 1.10. EFFECTIVE DATE**

This section establishes the effective date of the UDC.



## ARTICLE 2: ADMINISTRATION

For regulations to be effective, it is important that development review processes are efficient, and that the community's substantive planning and development goals are embedded in the development review standards. An efficient process is achieved when the general framework for review is not redundant, the procedures used and the review standards included result in a reasonable degree of certainty, and the review process for each type of development approval is streamlined to the greatest extent possible without sacrificing assurance that the relevant substantive planning and development goals are used in making development decisions.

As discussed in Section 1.5 of the Diagnosis, Article 2: Administration consolidates all development review procedures and creates a set of standard procedures that apply to all development applications. It also makes changes to the development review procedures to streamline and simplify the review process. It includes the following five sections:

**Section 2.1, Purpose and Organization**, provides an overview of the organization of the article.

**Section 2.2, Summary Table of Development Review Responsibilities**, includes a summary table of development review procedures that provides an overview of the development approvals under the UDC.

**Section 2.3, Advisory and Decision-Making Bodies and Persons**, identifies and clarifies the roles of the different advisory and decision-making bodies and staff responsible for review, advice, and decision-making on applications for development approvals.

**Section 2.4, Standard Application Requirements and Procedures**, establishes a standard set of review procedures that are generally applicable to the review of all applications for development approvals.

**Section 2.5, Application Specific Review Procedures and Decision Standards**, includes the specific review standards and any unique procedural review requirements for each individual application.

### SECTION 2.1. PURPOSE AND ORGANIZATION

This introductory section outlines the organization of Article 2, as discussed in the summary above, and serves as a roadmap for readers.

### SECTION 2.2. SUMMARY TABLE OF DEVELOPMENT REVIEW RESPONSIBILITIES

This section provides an overview of the updated review procedures. It identifies which board or person is responsible for review, advice, or making the decision. The proposed set of review procedures are included in Table II-2: Proposed



Development Review Procedures, from the Diagnosis, which is included below.

<b>Table II-2: Proposed Development Review Procedures</b>				
D = Decision   R = Recommendation   S = Staff Review   A = Appeal <> = Public Hearing Required   <<>> = Optional Public Hearing				
Review Procedure	Community Development Director [1]	Board of Zoning Appeals	Planning Commission	Board of Commissioners
<b>Discretionary Approvals</b>				
UDC Text Amendment	See Section 1-7 of the County Code			
Official Zoning Map Amendment	R		<R>	<D>
Planned development	R		<R>	<D>
Special land use permit	R		<R>	<D>
Site plan/stipulation amendment	R			<D>
Limited professional services permit	R		<R>	<D>
Temporary land use permit	R		<R>	<D>
<b>Site Development and Subdivision</b>				
Site Plan	D			
Major Subdivision				
Construction Plans	D			
Final Plat	R			D
Minor Subdivision	D			
Plat Vacation	[2]			[2]
Lot Line Adjustment	D			
Recombination Plat	D			
<b>Permits and Other Approvals</b>				
Special exception	D			
Land disturbance permit	D			A
Class II manufactured home permit	S			D
Mobile home permit	D	A		
Chattahoochee River development certification				D
Flood damage prevention improvement or development permit	See Section 5.13, Flood Damage Prevention			
Sign permit	D	A		
Zoning compliance permit	D	A		
<b>Relief and Interpretation</b>				
Administrative adjustment	D	A		
Variance due to eminent domain	D	A		
Flood damage prevention variance	See Section 5.13, Flood Damage Prevention			
Zoning Variance	R	<D>		
Interpretation	D	A		
Appeal		<D>		
<b>Other Procedures</b>				
Certificate of appropriateness	See Chapter 66, Article IV of the County Code			
Building moving permit	D			A

Table II-2: Proposed Development Review Procedures				
D = Decision    R = Recommendation    S = Staff Review    A = Appeal <> = Public Hearing Required    <<>> = Optional Public Hearing				
Review Procedure	Community Development Director [1]	Board of Zoning Appeals	Planning Commission	Board of Commissioners

**NOTES**

- [1] All procedures involving administrative review or approval are assigned to the Community Development Director, who will have broad authority to delegate review and decision-making authority to other professional-level staff. See Section 9.1, Rules of Construction and Interpretation, of the Annotated Outline.
- [2] The decision-making body for a plat vacation depends on the body that approved the original subdivision. For an application for plat vacation relating to a minor subdivision, the Director makes the decision on an application. For an application for plat vacation related to a major subdivision, the Board of Commissioners makes the decision.

## SECTION 2.3. ADVISORY AND DECISION-MAKING BOARDS AND PERSONS

This section identifies the advisory and decision-making bodies and persons responsible for the review and approval of development under the UDC (including the Board of Commissioners, the Development Review Committee, the Planning Commission (building on Article II, Division 2 of the current Zoning Ordinance), the Board of Zoning Appeals (building on Article II, Division 3 of the current Zoning Ordinance), and the Community Development Director (“Director”).

## SECTION 2.4. STANDARD APPLICATION REQUIREMENTS AND PROCEDURES

This section establishes general review procedures that apply to all development, as discussed in Section 1.5, Reorganize, Update, and Streamline Review Procedures, of the Diagnosis. It builds on the provisions scattered across the current Zoning Ordinance.

### Sec. 2.4.1. Application Submission

This subsection includes procedures related to submitting application materials and required fees, which is what many consider the “beginning” of the development review process. It establishes general requirements for who may file an application and requires that development applications be submitted according to the form and content requirements established by the Director.

It is proposed that the Director be authorized to establish application requirements and a submission and review schedule for all development applications. It is also suggested that the updated regulations follow the modern trend in zoning administration with respect to application forms and content requirements by authorizing the Director to place forms, application requirements, fee information, and review and submittal schedules in a separate Procedures Manual (see Section 1.5.2(f), Develop a Procedures Manual to Accompany the UDC, of the Diagnosis). An alternative would be to include them in an appendix to the UDC. Applicants can refer to the Procedures Manual to determine what materials and fees must be included in

the application submission. If the Procedures Manual is used, the County will be able to respond much more easily to changing needs for application requirements.

This subsection also includes provisions governing the revision or withdrawal of applications, including rules governing the administrative/staff withdrawal of an application that has been inactive for an established period of time. It also establishes basic guidance concerning the timing under which the application fee for a withdrawn application may be refunded, and the review procedures for resubmitted applications containing substantial changes.

Finally, this subsection builds on Section 134-6 of the current Zoning Ordinance, by allowing simultaneous processing of applications whenever two or more forms of review and approval are required under the regulations, at the discretion of the Director and so long as all applicable state and local requirements are satisfied.

It concludes with rules governing the examination and copying of application documents and related materials by members of the public.

#### **Sec. 2.4.2. Determination of Completeness**

This subsection establishes a process at the outset of the development review process for determining whether all materials required for an application have been provided, and the application is ready for review.

#### **Sec. 2.4.3. Neighborhood Meeting**

See Section 1.5.2(c). Add a Neighborhood Meeting Requirement, of the Diagnosis.

#### **Sec. 2.4.4. Staff Review and Action**

This subsection establishes the standard review procedures for staff (the Director or a designee) to review and make a recommendation on an application before it is reviewed by an advisory or decision-making body (this includes the authority to refer the application to other County departments for review, as they apply the standards of the ordinance to an application).

The subsection will also include the procedures for the staff review and decision on an application.

#### **Sec. 2.4.5. Scheduling of Public Hearing and Notification**

See Section 1.5.2(e), Add a Consolidated and Updated Notice Provision, of the Diagnosis.

#### **Sec. 2.4.6. Advisory Body Hearing, Review, and Decision**

For applications subject to review by an advisory body such as the Planning Commission, this subsection establishes the procedures for review and recommendation.

#### **Sec. 2.4.7. Decision-Making Body Hearing, Review, and Decision**

This subsection includes procedures pertaining to the conduct of a meeting or public hearing before the decision-making body (typically the Board of Commissioners or the Board of Zoning Appeals), and the body's review and decision on the application. It describes generally the types of conditions that may be attached to certain forms of approvals where the procedure expressly allows applications to be "approved with conditions." It also establishes "lapse of approval" provisions.

Depending upon the specific type of approval, rules governing extensions are also included, where appropriate. These specify that an applicant may request an extension (for a period up to a time period stated in the UDC) by submitting a request prior to the expiration period, and that the extension is granted upon a showing of good cause by the applicant. Extensions may be granted by the person or body that granted the initial approval of the application.

#### **Sec. 2.4.8. Public Hearing Procedures**

This subsection sets out the public hearing procedures that the advisory and decision-making bodies should follow at public hearings, both legislative/discretionary and quasi-judicial, as discussed in Section 1.5.2(d), Clarify Development Review Types and Establish General Guidelines for Public Hearings, of the Diagnosis.

#### **Sec. 2.4.9. Notification to Applicant of Decision**

This subsection explains the various ways in which an applicant receives notification of a decision made by a decision-making body or person.

#### **Sec. 2.4.10. Post-Decision Actions**

This subsection describes actions that occur after a decision has been rendered, including appeals.

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### **SECTION 2.5. APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS**

This section includes the review procedures for each individual type of development application. For each application type it identifies which standard procedures apply, the review standards that are required to be

applied, and any special rules or exceptions. Each procedure is accompanied by a review process flowchart.

### **Discretionary Approvals**

#### **Sec. 2.5.1. Official Zoning Map Amendment**

This subsection establishes the procedure for an amendment to the Official Zoning Map. The procedure includes review and a recommendation by the Director, a recommendation from the Planning Commission following a legislative public hearing, and a decision by the Board of Commissioners following a legislative public hearing.

#### **Sec. 2.5.2. Planned Development**

This subsection establishes the procedure for a zoning map amendment to a planned development district, as discussed in Section 1.5.3(a), Add a Planned Development Procedure of the Diagnosis. The procedure includes review and a recommendation by the Director, a recommendation from the Planning Commission following a legislative public hearing, and a decision by the Board of Commissioners following a legislative public hearing.

#### **Sec. 2.5.3. Special Land Use Permit**

This subsection establishes the procedure for a special land use permit. The procedure includes review and a recommendation by the Director, a recommendation from the Planning Commission following a legislative public hearing, and a decision by the Board of Commissioners following a legislative public hearing.

### **Sec. 2.5.4. Site Plan/Stipulation Amendment**

This subsection establishes the procedure for a site plan/stipulation amendment. It builds on Section 134-126 of the current Zoning Ordinance. The procedure includes review and a recommendation by the Director and a decision by the Board of Commissioners.

### **Sec. 2.5.5. Limited Professional Services Permit**

This subsection establishes the procedure for a limited professional services permit. It builds on Section 134-39 of the current Zoning Ordinance. The procedure includes review and a recommendation by the Director, a recommendation from the Planning Commission following a legislative public hearing, and a decision by the Board of Commissioners following a legislative public hearing.

### **Sec. 2.5.6. Temporary Land Use Permit**

This subsection establishes the procedure for a temporary land use permit. It builds on Section 134-36 of the current Zoning Ordinance. The procedure includes review and a recommendation by the Director, a recommendation from the Planning Commission following a legislative public hearing, and a decision by the Board of Commissioners following a legislative public hearing.

## **Site Development and Subdivision**

### **Sec. 2.5.7. Site Plan**

See discussion of proposed site plan procedure in Section 1.5.3(c), Add a New Site Plan Review Procedure of the Diagnosis.

### **Sec. 2.5.8. Major Subdivision**

See discussion of proposed major subdivision procedure in Section 1.5.3(b), Include New Subdivision Procedures, of the Diagnosis. This includes two procedures:

#### **Sec. 2.5.8(a). Construction Plans**

#### **Sec. 2.5.8(b). Final Plat**

### **Sec. 2.5.9. Minor Subdivision**

See discussion of proposed minor subdivision procedure in Section 1.5.3(b), Include New Subdivision Procedures, of the Diagnosis.

### **Sec. 2.5.10. Plat Vacation**

See discussion of proposed plat vacation procedure in Section 1.5.3(b), Include New Subdivision Procedures, of the Diagnosis.

### **Sec. 2.5.11. Lot Line Adjustment**

See discussion of proposed minor lot line adjustment procedure in Section 1.5.3(b), Include New Subdivision Procedures, of the Diagnosis.

### **Sec. 2.5.12. Recombination Plat**

See discussion of proposed recombination plat procedure in Section 1.5.3(b), Include New Subdivision Procedures, of the Diagnosis.

## **Permits and Other Approvals**

### **Sec. 2.5.13. Special Exception**

This subsection establishes the procedure for a special exception. It builds on Section 134-271 of the current Zoning Ordinance. The Director makes a decision, which may be appealed to the Board of Zoning Appeals. See discussion in Section 1.5.3(g),

Update Special Exception Procedure and Relocate Board of Commissioners' Authority to Grant Variances from Minimum Public Road Frontage or Lot Size Requirements, of the Diagnosis.

#### **Sec. 2.5.14. Land Disturbance Permit**

This carries forward the land disturbance permit procedure in Section 50-76 of the County Code.

#### **Sec. 2.5.15. Class II Manufactured Home Permit**

This subsection establishes the procedure for approval of an installation of a Class II manufactured home on property outside of an MHP or MHP/S zone district. The procedure involves review and recommendation by the Director and a decision by the Board of Commissioners.

#### **Sec. 2.5.16. Mobile Home Permit**

This subsection establishes the procedure for review and approval of an application to establish two or more mobile homes on a site for residential purposes, as set forth in Section 103.28 of the Development Standards. The Director makes a decision, which may be appealed to the Board of Zoning Appeals.

#### **Sec. 2.5.17. Chattahoochee River Development Certification**

This subsection establishes the procedure for a Chattahoochee River Development Certification, in accordance with Section 134-284 of the current Zoning Ordinance. The procedure involves review by the Director, referral to the Atlanta Regional Commission for a recommendation in accordance with O.C.G.A. § 12-5-445, and a decision by the Board of Commissioners.

#### **Sec. 2.5.18. Flood Damage Prevention Improvement or Development Permit**

This subsection will be a cross-reference to the flood damage prevention improvement or development permit procedure in Section 5.13, Flood Damage Prevention, of the new UDC.

#### **Sec. 2.5.19. Sign Permit**

This subsection establishes the procedure for a sign permit. It builds on Section 134-343 of the current Zoning Ordinance. The Director makes a decision, which may be appealed to the Board of Zoning Appeals.

#### **Sec. 2.5.20. Zoning Compliance Permit**

This subsection establishes the procedure for a zoning compliance permit. See discussion in Section 1.5.3(d), Add a Zoning Compliance Procedure, of the Diagnosis.

### **Relief and Interpretation**

#### **Sec. 2.5.21. Administrative Adjustment**

See discussion in Section 1.5.3(e), Add an Administrative Adjustment Procedure, of the Diagnosis.

#### **Sec. 2.5.22. Variance Due to Eminent Domain**

This subsection renames the "Administrative variance" procedure in Section 134-35 of the current Zoning Ordinance. The Director makes a decision, which may be appealed to the Board of Zoning Appeals.

#### **Sec. 2.5.23. Flood Damage Prevention Variance**

This subsection will be a cross-reference to the flood damage prevention variance



procedure in Section 5.13, Flood Damage Prevention, of the new UDC.

### **Sec. 2.5.24. Zoning Variance**

This subsection establishes the procedure for review of a variance. It builds on the procedures in Section 134-94(a)(3) of the current Zoning Ordinance. In most cases, the procedure includes review by the Director and a decision by the Board of Zoning Appeals. This procedure will include variances from subdivision standards, currently listed in Section 110-52 of the Subdivision Regulations. For variances from the minimum road frontage requirements or minimum lot size requirements, the procedure includes review by the Director, review and a recommendation by the Board of Zoning Appeals, and a decision by the Board of Commissioners.

### **Sec. 2.5.25. Interpretation**

See Section 1.5.3(f), Add an Interpretation Procedure, of the Diagnosis.

### **Sec. 2.5.26. Appeal**

This subsection establishes the procedure for an appeal of an administrative decision. It builds on Section 134-95 of the current Zoning Ordinance. The procedure involves a decision by the Board of Zoning Appeals following a quasi-judicial public hearing.

## **Other Procedures**

### **Sec. 2.5.27. Certificate of appropriateness**

This subsection references the certificate of appropriateness procedure for properties in a historic district in Ch. 66, Article IV of the County Code.

### **Sec. 2.5.28. Building Moving Permit**

This subsection establishes the procedure for approval of a building moving permit, building on Section 134-276 of the current Zoning Ordinance. The Director makes a decision, which may be appealed to the Board of Zoning Appeals.

# ARTICLE 3: ZONE DISTRICTS

**Article 3: Zone Districts, establishes and describes the zone districts which govern the types of development and uses allowed in different parts of the County, as discussed in Section 2.2, Proposed Revised Zone District Structure, of the Diagnosis.**

## SECTION 3.1. GENERAL PROVISIONS

### Sec. 3.1.1. Compliance with Zone District Standards

This subsection establishes the general rule that land may not be developed in the County or its planning jurisdiction except in accordance with the regulations that apply within the zone district(s), as well as other regulations within the UDC and the County Code.

### Sec. 3.1.2. Establishment of Zone Districts

This subsection describes base zone districts, planned development districts, overlay districts, and retired districts, and explains how they relate to one another. The

subsection describes overlay districts as superimposed over portions of an underlying base district, which applies additional or alternative development regulations to those applied by the underlying base district.

The subsection then establishes the various zone districts, with a summary table that identifies the district by name and official abbreviation. The table has a hierarchical format, organizing zone districts by base districts (residential, commercial and office, mixed use, and industrial), planned development districts, overlay districts, and retired districts. Within each group, zone districts are generally listed from the least to the most intensive. Table II-4: Proposed Zone Districts and Table II-5: Proposed Retired Zone Districts, show the proposed line-up of zone districts compared to the current set of zone districts.

**Table III-1: Proposed Zone Districts**

Current District	Proposed District	Description	FLUM categories [1]
<b>Residential</b>			
RR: Rural Residential	<b>RR: Rural Residential</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	RR, VLDR
R-80: Residential Single-Family	<b>R-80: Residential Single-Family</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	RR, VLDR
R-40: Residential Single-Family	<b>R-40: Residential Single-Family</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	RR, VLDR, LDR

Table III-1: Proposed Zone Districts			
Current District	Proposed District	Description	FLUM categories [1]
R-30: Residential Single-Family	<b>R-30: Residential Single-Family</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	VLDR, LDR
R-20: Residential Single-Family	<b>R-20: Residential Single-Family</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	VLDR, LDR
R-15: Residential Single-Family	<b>R-15: Residential Single-Family</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	LDR, MDR
R-12: Residential Single-Family	<b>R-12: Residential Single-Family</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	LDR, MDR
RD: Residential Duplex	<b>RD: Residential Duplex</b>	District carried forward. No substantive changes to existing dimensional standards; a variety of housing types may be included in accordance with the discussion in Theme 3: Support the Development of Additional Types of Housing to Support Households at All Sizes, Income Levels, and Stages of Life.	LDR, MDR
FST: Fee Simple Townhouse	<b>FST: Fee Simple Townhouse</b>	District carried forward. Recommend establishing that district is not recommended in Regional Activity Center and allowing townhouses in the appropriate mixed-use districts. A variety of housing options may be included in accordance with the discussion in Theme 3.	MDR, HDR
PRD: Planned Residential Development	<b>PRD: Planned Residential Development</b>	District carried forward. It will continue to support planned residential development with creative, high-quality design; potentially increase open space requirements and allow a variety of housing options in accordance with the discussion in Theme 3.	VLDR, LDR, MDR, HDR

Table III-1: Proposed Zone Districts			
Current District	Proposed District	Description	FLUM categories [1]
RA-4: Single-Family Attached/Detached	<b>RA-4: Single-Family Attached/Detached</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses, except will clarify in the permitted use table that duplexes, triplexes, and fourplexes are permitted and potentially allow a variety of housing options in accordance with the discussion in Theme 3.	LDR, MDR
RA-5: Single-Family Attached/Detached	<b>RA-5: Single-Family Attached/Detached</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses except will clarify in the permitted use table that duplexes, triplexes, and fourplexes are permitted and potentially allow a variety of housing options in accordance with the discussion in Theme 3.	MDR
RA-6 Single-Family Attached/Detached	<b>RA-6: Single-Family Attached/Detached</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses, except will clarify in the permitted use table that duplexes, triplexes, and fourplexes are permitted and potentially allow a variety of housing options in accordance with the discussion in Theme 3.	MDR
RM-8: Residential Multifamily	<b>RM-8: Residential Multifamily</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	MDR
RM-12: Residential Multifamily	<b>RM-12: Residential Multifamily</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	MDR, HDR
RM-16: Residential Multifamily	<b>RM-16: Residential Multifamily</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses.	RAC
RMR: Residential Midrise	<b>RM-24: Residential Multifamily</b>	District carried forward with a slight reduction in allowable density. Intended for Activity Center.	RAC
RHR: Residential Highrise	<b>RM-60: Residential Multifamily</b>	District carried forward. Intended for Activity Center.	RAC

Table III-1: Proposed Zone Districts

Current District	Proposed District	Description	FLUM categories [1]
RSL: Residential Senior Living	<b>RSL: Residential Senior Living</b>	District carried forward. Refine the dimensional standards and simplify organization by linking development standards to the different types of senior living uses.	LDR, MDR, HDR, NAC, CAC, RAC
MHP: Mobile Home Park	<b>MHP: Mobile Home Park</b>	District carried forward. No substantive changes to existing dimensional standards or allowed uses, with refinements to development standards, as appropriate.	MDR, HDR
<b>Commercial and Office</b>			
LRC: Limited Retail Commercial	<b>LRC: Limited Retail Commercial</b>	District carried forward. Consider adding form/design standards, for example, to improve walkability to the site from surrounding neighborhoods (e.g., access via safe pedestrian paths) and limit square footage of allowed uses to be compatible with district purpose and neighborhood context.	NAC
NRC: Neighborhood Retail Commercial	<b>NRC: Neighborhood Retail Commercial</b>	District carried forward. Continue to permit a wider range of commercial services than the LRC district, such as restaurants, office service and supply establishments, and offices. Development will be allowed at slightly higher intensities than the LRC.	NAC
CRC: Community Retail Commercial	<b>CRC: Community Retail Commercial</b>	District carried forward. Continue to allow a wide range of commercial uses.	CAC, RAC
TS: Tourist Services	<b>TS: Tourist Services</b>	District carried forward. Continue to support long-distance travelers from throughout the region	IND, HI, CAC, RAC
O&I: Office & Institutional	<b>OI: Office Institutional</b>	District carried forward. Continue to support low-intensity office uses.	IC, NAC, CAC, RAC
LRO: Low-Rise Office	<b>OLR: Office Low-Rise</b>	District carried forward. Continue to support medium-intensity office uses.	IC, CAC, RAC
OMR: Office Mid-Rise	<b>OMR: Office Mid-Rise</b>	District carried forward. Continue to support higher-intensity office uses.	IC, RAC

Table III-1: Proposed Zone Districts			
Current District	Proposed District	Description	FLUM categories [1]
<b>Mixed-Use<sup>41</sup></b>			
		New zone district that permits a variety of small-scale commercial (retail and office) and residential development that are mixed either horizontally or vertically, within a development.	
UVC: Urban Village Commercial	<b>MX-N: Mixed Use AC Neighborhood</b> <b>NEW DISTRICT</b>	<p><u>Potential standards</u>  New zone district. Maximum residential density: 8 du/acre. Maximum nonresidential intensity: 0.4 Floor Area Ratio (FAR).<sup>42</sup> Also include basic form and design standards that support walkability and high-quality public spaces. Provide incentives for vertical mixed use.</p>	NAC, CAC
		New zone district that provides a range of non-residential uses designed as compact unified centers, and also permits residential uses. Intensity and density allowed in the district is moderate, and district standards support walkability and district parking.	
PVC: Planned Village Community	<b>MX-C: Mixed Use AC Community</b> <b>NEW DISTRICT</b>	<p><u>Potential standards</u>  Maximum residential density: 35 du/acre. Maximum nonresidential intensity: 2.0 FAR  Also include basic form and design standards that support walkability and high-quality public spaces. Provide incentives for vertical mixed use.</p>	CAC, RAC

<sup>41</sup> The three new proposed mixed-use districts are suggested to be assigned to land in existing zone districts, but with changes to the list of allowed uses and the nonresidential intensities. The proposed standards listed for each district are suggestions for discussion purposes, and different tools to control the intensity of development other than density and FAR maximums may ultimately be used in the new UDC.

<sup>42</sup> Current UVC FAR maximum is 0.25.



Table III-1: Proposed Zone Districts

Current District	Proposed District	Description	FLUM categories [1]
RRC: Regional Retail Commercial	<b>MX-R: Mixed Use AC Regional NEW/Consolidated DISTRICT</b>	New zone district that consolidates two existing districts that provides a range of non-residential uses designed as compact unified centers, and also permits residential uses of compatible intensity.  Potential standards Maximum residential density: 60 du/acre. Maximum nonresidential intensity: 3.5 FAR Also include basic form and design standards that support walkability and high-quality public spaces. Provide incentives for vertical mixed use.	RAC
OHR: Office High-Rise			
<b>Industrial</b>			
OS: Office/Service	<b>OSI: Office/Service Industrial</b>	District carried forward. Continues to include the lowest-intensity industrial uses such as distribution and service facilities, and low-intensity assembly processes.	RAC, IC, IND
LI: Light Industrial	<b>LI: Light Industrial</b>	District carried forward. Same dimensional standards, but modernizes uses (removes livestock, adds light manufacturing that takes place inside buildings).	IC, IND
HI: Heavy Industrial	<b>HI: Heavy Industrial</b>	District carried forward. Same dimensional standards. Review and revise allowed uses and use-specific standards to meet best practices.	IND
<b>Planned Development</b>			
	<b>PD: Planned Development NEW DISTRICT</b>	New planned development district that provides flexibility from development standards of base district in return for innovative design and increased development quality. See Section 2.2.6.	
	<b>PD-TND: Planned Development Traditional Neighborhood Development NEW DISTRICT</b>	New planned district for development with traditional neighborhood design elements. See Section 2.2.6.	

Table III-1: Proposed Zone Districts

Current District	Proposed District	Description	FLUM categories [1]
<b>General Overlay</b>			
OSC Open Space Community Overlay	<b>OSC-O: Open Space Community Overlay</b>	District carried forward, with revisions to ensure that high-quality land is protected for open space purposes, including land usable for recreational purposes, in return for smaller lot sizes and improved design and compatibility of small-lot development with adjacent development. It will continue to be available to overlay the R-30, R-20, and R-15 districts.	
Civilian Airport Hazard District	<b>AHC-O: Airport Hazard Civilian Overlay</b>	District carried forward (see Sec. 134-275), with no substantive changes.	
Military Airport Hazard District	<b>AHM-O: Airport Hazard Military Overlay</b>	District carried forward (see Sec. 134-275.1), with no substantive changes.	
<b>Design Overlay</b>			
	<b>ATRD-O: Atlanta Road Design Overlay</b> <b>NEW DISTRICT</b>	New district that codifies the separate Atlanta Road Design Guidelines.	
Austell Road Design Overlay	<b>AURD-O: Austell Road Design Overlay</b>	District carried forward (see Sec. 134-291), and implements the Design Guidelines for Austell Road, with revisions in accordance with recommended changes to the development standards in the new UDC	
	<b>CRDD-O: Canton Road Design Overlay</b> <b>NEW DISTRICT</b>	New district that codifies the separate Canton Road Design Guidelines.	
	<b>DHD-O: Dallas Highway Design Overlay</b> <b>NEW DISTRICT</b>	New district that codifies the separate Dallas Highway Design Guidelines.	
	<b>JHD-O: Johnson Ferry Design Overlay</b> <b>NEW DISTRICT</b>	New district that codifies the separate Johnson Ferry Design Standards.	
	<b>MRD-O: Macland Road Design Overlay</b> <b>NEW DISTRICT</b>	New district that codifies the separate Macland Road Design Guidelines.	
	<b>VVD-O: Vinnings Village Design Overlay</b> <b>NEW DISTRICT</b>	New district that codifies the separate Design Guidelines for Vinnings Village.	

Table III-1: Proposed Zone Districts			
Current District	Proposed District	Description	FLUM categories [1]

**NOTES**

[1] The FLUM categories are listed to indicate the most appropriate locations for each of the zone districts and will not be included in the new UDC:

RAC: Regional Activity Center	PRC: Park/Recreation/Conservation
CAC: Community Activity Center	TCU: Transportation/Communication/Utilities
NAC: Neighborhood Activity Center	MTC: Mableton Town Center
IC: Industrial Compatible	RR: Rural Residential
IND: Industrial	VLDR: Very Low Density Residential
PIA: Priority Industrial Area	LDR: Low Density Residential
PI: Public/Institutional	MDR: Medium Density Residential
	HDR: High Density Residential

Table II-5: Proposed Retired Zone Districts	
Current District	Proposed District

**Base Districts**

SC: Suburban Condominium	<b>D-SC: Retired Suburban Condominium</b> This is a proposed new retired district.
UC: Urban Condominium	<b>D-UC: Retired Urban Condominium</b> This is a proposed new retired district.
MHP/S: Mobile Home Subdivision	<b>D-MHP/S: Retired Mobile Home Subdivision</b>
RDR: Recreation Outdoor Golf Driving Range	<b>D-RDR: Retired Recreation Outdoor Golf Driving Range</b>
GC: General Commercial	<b>D-GC: Retired General Commercial</b> This is a proposed new retired district.
CF: Future Commercial	<b>D-CF: Retired Future Commercial</b>
PSC: Planned Shopping Center	<b>D-PSC: Retired Planned Shopping Center</b>
NS: Neighborhood Shopping	<b>D-NS: Retired Neighborhood Shopping</b>
IF: Future Industrial	<b>D-IF: Retired Future Industrial</b>
CS: Conservation Subdivision <sup>43</sup>	<b>D-CS: Retired Conservation Subdivision</b>

<sup>43</sup> This is a zone district that was previously removed from the Zoning Ordinance. There is still land that is zoned to this district. For this reason, the district will be included in the new UDC as a retired district to facilitate reference to the regulations that continue to apply to land in this district.

**Table II-5: Proposed Retired Zone Districts**

Current District	Proposed District
<b>Overlay District</b>	
ROD: Redevelopment Overlay District <sup>13</sup>	<b>D-ROD: Retired Redevelopment Overlay District</b>

## SECTION 3.2. RESIDENTIAL DISTRICTS

### Sec. 3.2.1. General Purpose of Residential Districts

This subsection sets out the general purpose of the Residential zone districts.

### Sec. 3.2.2. RR: Rural Residential

This carries forward the RR: Rural Residential district in the current Zoning Ordinance.

### Sec. 3.2.3. R-80: Residential Single-Family

This carries forward the R-80: Residential Single-Family district in the current Zoning Ordinance.

### Sec. 3.2.4. R-40: Residential Single-Family

This carries forward the R-40: Residential Single-Family district in the current Zoning Ordinance.

### Sec. 3.2.5. R-30: Residential Single-Family

This carries forward the R-30: Residential Single-Family district in the current Zoning Ordinance.

### Sec. 3.2.6. R-20: Residential Single-Family

This carries forward the R-20: Residential Single-Family district in the current Zoning Ordinance.

### Sec. 3.2.7. R-15: Residential Single-Family

This carries forward the R-15: Residential Single-Family district in the current Zoning Ordinance.

### Sec. 3.2.8. R-12: Residential Single-Family

This carries forward the R-12: Residential Single-Family district in the current Zoning Ordinance.

### Sec. 3.2.9. RD: Residential Duplex

This carries forward the RD: Residential Duplex district in the current Zoning Ordinance.

### Sec. 3.2.10. FST: Fee Simple Townhouse

This carries forward the FST: Fee Simple Townhouse district in the current Zoning Ordinance.

### Sec. 3.2.11. PRD: Planned Residential Development

This carries forward the PRD: Planned Residential Development district in the current Zoning Ordinance, with revisions as

discussed in Section 2.2.2, Residential Base Districts, of the Diagnosis.

**Sec. 3.2.12. RA-4: Single-Family Attached/Detached**

This carries forward the RA-4: Single-Family Attached/Detached district in the current Zoning Ordinance, with revisions to clarify that duplexes, triplexes, and fourplexes are permitted uses.

**Sec. 3.2.13. RA-5: Single-Family Attached/Detached**

This carries forward the RA-5: Single-Family Attached/Detached district in the current Zoning Ordinance, with revisions to clarify that duplexes, triplexes, and fourplexes are permitted uses.

**Sec. 3.2.14. RA-6: Single-Family Attached/Detached**

This carries forward the RA-6: Single-Family Attached/Detached district in the current Zoning Ordinance, with revisions to clarify that duplexes, triplexes, and fourplexes are permitted uses.

**Sec. 3.2.15. RM-8: Residential Multifamily**

This carries forward the RM-8: Residential Multifamily district in the current Zoning Ordinance.

**Sec. 3.2.16. RM-12: Residential Multifamily**

This carries forward the RM-8: Residential Multifamily district in the current Zoning Ordinance.

**Sec. 3.2.17. RM-16: Residential Multifamily**

This carries forward the RM-8: Residential Multifamily district in the current Zoning Ordinance.

**Sec. 3.2.18. RM-24: Residential Multifamily**

This carries forward and renames the RMR: Residential Midrise district in the current Zoning Ordinance.

**Sec. 3.2.19. RM-60: Residential Multifamily**

This carries forward and renames the RHR: Residential Highrise district in the current Zoning Ordinance.

**Sec. 3.2.20. RSL: Residential Senior Living**

This carries forward and simplifies the RSL: Residential Senior Living district in the current Zoning Ordinance.

**Sec. 3.2.21. MHP: Mobile Home Park**

This carries forward the MHP: Mobile Home Park district in the current Zoning Ordinance.

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**SECTION 3.3. COMMERCIAL AND OFFICE DISTRICTS**

**Sec. 3.3.1. General Purpose of Commercial and Office Districts**

This subsection sets out the general purpose of the Commercial and Office zone districts.

### **Sec. 3.3.2. LRC: Limited Retail Commercial**

This carries forward the LRC: Limited Retail Commercial district in the current Zoning Ordinance with revisions as discussed in Section 2.2.3, Commercial and Office Base Districts, of the Diagnosis.

### **Sec. 3.3.3. NRC: Neighborhood Retail Commercial**

This carries forward the NRC: Neighborhood Retail Commercial district in the current Zoning Ordinance.

### **Sec. 3.3.4. CRC: Commercial Retail Commercial**

This carries forward the CRC: Community Retail Commercial district in the current Zoning Ordinance.

### **Sec. 3.3.5. TS: Tourist Services**

This carries forward the TS: Tourist Services district in the current Zoning Ordinance.

### **Sec. 3.3.6. OI: Office General**

This carries forward and renames the O&I: Office & Institutional district in the current Zoning Ordinance.

### **Sec. 3.3.7. OLR: Office Low-Rise**

This carries forward and renames the LRO: Low-Rise Office district in the current Zoning Ordinance.

### **Sec. 3.3.8. OMR: Office Mid-Rise**

This carries forward the OMR: Office Mid-Rise district in the current Zoning Ordinance.

## **SECTION 3.4. MIXED-USE DISTRICTS**

### **Sec. 3.4.1. General Purpose of Mixed Use Districts**

This subsection sets out the general purpose of the mixed-use zone districts.

### **Sec. 3.4.2. MX-N: Mixed Use Activity Center Neighborhood**

This is a new district, based off the UVC: Urban Village Commercial district, that supports moderate-density residential development that is integrated with small-scale commercial development as discussed in Section 2.2.4, Mixed-Use Base Districts, of the Diagnosis.

### **Sec. 3.4.3. MX-C: Mixed Use Activity Center Community**

This is a new district, based off the PVC: Planned Village Community district, that supports high-density residential development that is integrated with moderate-density commercial development as discussed in Section 2.2.4, Mixed-Use Base Districts, of the Diagnosis.

### **Sec. 3.4.4. MX-R: Mixed Use Activity Center Regional**

This is a new district that consolidates the RRC: Regional Retail Commercial and OHR: Office High-Rise districts, and supports the highest density of residential and commercial development as discussed in Section 2.2.4, Mixed-Use Base Districts, of the Diagnosis.



## **SECTION 3.5. INDUSTRIAL DISTRICTS**

### **Sec. 3.5.1. General Purpose of Industrial Districts**

This subsection sets out the general purpose of the industrial zone districts.

### **Sec. 3.5.2. OSI: Office/Service Industrial**

This carries forward and renames the OS: Office Service district in the current Zoning Ordinance.

### **Sec. 3.5.3. LI: Light Industrial**

This carries forward the LI: Light Industrial district in the current Zoning Ordinance.

### **Sec. 3.5.4. HI: Heavy Industrial**

This carries forward the HI: Heavy Industrial district in the current Zoning Ordinance.

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## **SECTION 3.6. PLANNED DEVELOPMENT DISTRICTS**

### **Sec. 3.6.1. General Purpose of Planned Development Districts**

This subsection sets out the general purpose of the Planned Development districts.

### **Sec. 3.6.2. PD: Planned Development**

See discussion in Section 2.2.6, Planned Development Base Districts, of the Diagnosis.

### **Sec. 3.6.3. PD-TND: Planned Development Traditional Neighborhood Development**

See discussion in Section 2.2.6, Planned Development Base Districts, of the Diagnosis.

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## **SECTION 3.7. GENERAL OVERLAY DISTRICTS**

### **Sec. 3.7.1. General Purpose of General Overlay Districts**

This subsection sets out the general purpose of the general overlay districts.

### **Sec. 3.7.2. OSC-O: Open Space Community Overlay**

This carries forward the OSC: Open Space Community district in the current Zoning Ordinance, with revisions as discussed in Section 2.2.7, Overlay Districts, of the Diagnosis.

### **Sec. 3.7.3. AHC-O: Airport Hazard Civilian Overlay**

This carries forward the civilian airport hazard overlay district, as discussed in Section 2.2.7, Overlay Districts, of the Diagnosis.

### **Sec. 3.7.4. AHM-O: Airport Hazard Military Overlay**

This carries forward the military airport hazard overlay district, as discussed in Section 2.2.7, Overlay Districts, of the Diagnosis.

### **Sec. 3.7.5. Neighborhood Conservation Overlay Districts**

This establishes a framework for Neighborhood Conservation overlay

districts, as discussed in Section 2.2.7, Overlay Districts, of the Diagnosis.

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## **SECTION 3.8. OVERLAY DESIGN DISTRICTS**

### **Sec. 3.8.1. General Purpose of Overlay Districts**

This subsection sets out the general purpose of the overlay design districts.

### **Sec. 3.8.2. ATRD-O: Atlanta Road Design Overlay**

This updates and integrates into the UDC the separate Atlanta Road Design Guidelines.

### **Sec. 3.8.3. AURD-O: Austell Road Design Overlay**

This carries forward the Austell Road Design Guidelines district at Section 134-291 of the current Zoning Ordinance.

### **Sec. 3.8.4. CRD-O Canton Road Design Overlay**

This updates and integrates into the UDC the separate Canton Road Design Guidelines.

### **Sec. 3.8.5. DHD-O Dallas Highway Design Overlay**

This updates and integrates the separate Dallas Highway Design Guidelines.

### **Sec. 3.8.6. JHD-O: Johnson Ferry Design Overlay**

This updates and integrates into the UDC the separate Johnson Ferry Design Standards.

### **Sec. 3.8.7. MRD-O: Macland Road Design Overlay**

This updates and integrates into the UDC the separate Macland Road Design Guidelines.

### **Sec. 3.8.8. VVD-O Vinnings Village Design Overlay**

This updates and integrates into the UDC the separate Design Guidelines for Vinnings Village.

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## **SECTION 3.9. RETIRED DISTRICTS**

### **Sec. 3.9.1. Established Retired Districts**

This subsection establishes the retired districts that are carried forward and renamed in this UDC, as discussed in Section 2.2.8, Retired Districts, of the Diagnosis.

### **Sec. 3.9.2. Retired District Regulations**

This subsection provides a reference to the regulations that apply to the retired zone districts, which will be included in Appendix A of this UDC.



## ARTICLE 4: USE REGULATIONS

**Article 4: Use Regulations, consolidates all use regulations, including the principal uses, accessory uses and structures, and temporary uses and structures. Article 4 is organized into five sections. It begins with a section containing general provisions; this is followed by sections on principal uses, accessory uses and structures, and temporary uses and structures, and a final section on interpreting unlisted uses.**

### SECTION 4.1. GENERAL PROVISIONS

This section provides a general overview of the contents of this article.

### SECTION 4.2. PRINCIPAL USES

#### Sec. 4.2.1. General

This subsection sets out the purpose of the principal use table and explains how it is organized.

#### Sec. 4.2.2. Principal Use Table

This is the core of the article. It includes the principal use table that identifies all principal uses allowed in the County and whether each use is permitted, permitted with a special land use permit, permitted as a special exception, or prohibited in each zone district.

The subsection begins with introductory material explaining how to use the table. Along the left side of the table, all uses will be listed and organized in accordance with the new classification system for principal uses (see Section 2.4, Clarify Uses in a More Logical and Functional Framework, of the Diagnosis). Across the top of the table will be columns that reflect the new lineup of zone districts as discussed in Section 2.2, Proposed Revised Zone District Structure, of the Diagnosis. At the intersection of each use and district, a symbol will be used to identify whether the use is permitted,

permitted with a special land use permit, permitted as a special exception, or prohibited.

The current lists of principal uses, and their designation as permitted, permitted with a special land use permit, permitted as a special exception, or prohibited, will serve as a starting point for modernizing the uses in each zone district. The principal use table will also include new uses that do not appear in the current code and will update the existing lineup of allowable principal uses. In addition, a final column of the principal use table will contain references to applicable use-specific standards (see Sec. 4.2.4 below) for those uses that are subject to specific regulations in addition to general development standards. (An example of a principal use table in another community is included in Figure II-10: Sample Use Table, in the Diagnosis, on page II-50.)

#### Sec. 4.2.3. Classification of Principal Uses

As discussed in Section 2.4, Clarify Uses in a More Logical and Functional Framework, of the Diagnosis, in an effort to provide better organization, precision, clarity, and flexibility to the principal uses listed in the principal use table and the administration of the table, the table and use-specific standards will be organized around the three-tiered concept of use classifications, use categories, and uses.

This subsection describes each use category, outlining the principal

characteristics of uses in the category and noting examples of included uses and examples of uses and structures deemed accessory to the included uses.

All uses identified in the principal use table will be defined in Article 9: Definitions, Rules of Construction and Interpretation, and Rules of Measurement. This three-tiered system of use classifications, use categories, and uses provides a systematic basis for assigning present and future land uses into the zone districts.

#### **Sec. 4.2.4. Standards Specific to Principal Uses**

This subsection sets out standards that apply to specific principal uses, either in all districts or only in particular districts. This subsection will consolidate and revise the use-specific standards as discussed in Section 2.5.2, Consolidate and Update Use-Specific Standards, of the Diagnosis. Any exceptions to the use-specific standards will be identified as well.

Special attention is paid to standards for new principal uses, new standards for carried-forward principal uses, and evaluating the use-specific standards in the current Zoning Ordinance.

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### **SECTION 4.3. ACCESSORY USES AND STRUCTURES**

Accessory uses or structures are those uses or structures that are subordinate to the principal use of a building or land, that are located on the same lot as the principal use, and that are customarily incidental to the principal use. For example, a stand-alone automated teller machine (ATM) is considered as an accessory use to a commercial use, such as a bank or grocery store.

As discussed in Section 2.5.3, Review and Update Accessory Uses and Structures, of the Diagnosis, this section adds a table of accessory uses and structures and additional detail about their use and application. This will build on the accessory uses and structures in the current Zoning Ordinance, and add several additional common accessory uses.

#### **Sec. 4.3.1. General**

This subsection sets out the purpose of the section and outlines its organization.

#### **Sec. 4.3.2. Accessory Use/Structure Table**

This subsection includes an accessory use table that lists accessory uses and structures and for each, shows the zone district where the use is allowed, and references any use-specific standards applicable to the accessory use or structure.

#### **Sec. 4.3.3. Standards for All Accessory Uses and Structures**

This subsection includes a set of general standards that generally apply to all accessory uses and structures. It will build on the standards included in the district regulations.

#### **Sec. 4.3.4. Specific Standards for Accessory Uses and Structures**

This subsection sets out standards that always apply to certain accessory uses or structures (or if appropriate, apply to certain accessory uses or structures in particular zone districts). As with the standards specific to principal uses, special attention will be paid to standards for new accessory uses and structures and new standards for carried-forward accessory uses and structures, as well as improving the

standards specific to accessory uses and structures that are included in the current Zoning Ordinance.

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## **SECTION 4.4. TEMPORARY USES AND STRUCTURES**

Temporary uses or structures are those uses or structures that are intended to be located in a zone district only for a limited period of time. As discussed in Section 2.5.4, Review and Update Temporary Uses and Structures, of the Diagnosis, this section will build on the existing set of temporary uses.

### **Sec. 4.4.1. General**

This subsection sets out the purposes of the section and outlines its organization.

### **Sec. 4.4.2. Temporary Use/Structure Table**

This subsection includes a temporary use table that lists allowed temporary uses and

structures and references any use-specific standards applicable to the temporary use or structure, including applicable time limitations.

### **Sec. 4.4.3. Standards Specific to Temporary Uses and Structures**

This subsection sets out standards that always apply to certain temporary uses, structures, or events (or if appropriate, apply to certain temporary uses, structures, or events in particular zone districts).

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## **SECTION 4.5. INTERPRETATION OF UNLISTED USES**

This section provides a procedure and standards to guide how to interpret uses not defined and used in the UDC. The Director is authorized to make this interpretation.





## ARTICLE 5: DEVELOPMENT STANDARDS

Article 5: Development Standards, contains the development standards in the UDC related to the physical layout of new development.

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### SECTION 5.1. ACCESS, MOBILITY, AND CIRCULATION STANDARDS

This updates the County’s access, mobility, and connectivity standards, and integrates provisions from the Development Standards as discussed in Section 4.2, Reorganize and Update Mobility, Circulation, and Connectivity Standards, of the Diagnosis.

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### SECTION 5.2. OFF-STREET PARKING AND LOADING

This updates and refines the County’s off-street parking and loading standards, as discussed in Section 4.3, Update Off-Street Parking Standards and Add Off-Street Loading Requirements, of the Diagnosis.

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### SECTION 5.3. LANDSCAPING AND TREE PROTECTION STANDARDS

This refines, updates, and reorganizes the current landscaping and tree protection standards as discussed in Section 4.4, Reorganize and Refresh Landscape and Tree Protection Standards, as Appropriate, of the Diagnosis.

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### SECTION 5.4. OPEN SPACE SET-ASIDE STANDARDS

This is a new section that incorporates comprehensive open space set-aside standards, as discussed in Section 4.5, Add General Open Space Set-Aside Requirements that Apply Throughout the County, of the Diagnosis.

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### SECTION 5.5. FENCE AND WALL STANDARDS

This is a new section that includes new, basic fence and wall standards that apply throughout the unincorporated County.

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### SECTION 5.6. EXTERIOR LIGHTING STANDARDS

This is a new section that includes new exterior lighting standards, as discussed in Section 4.6, Include New Exterior Lighting Standards, of the Diagnosis.

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### SECTION 5.7. NEIGHBORHOOD PROTECTION STANDARDS

This is a new section that includes neighborhood compatibility standards, as discussed in Section 4.1, Protect the Character of Existing Single-Family Neighborhoods from Incompatible Development, of the Diagnosis.

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### SECTION 5.8. ENVIRONMENTAL STANDARDS

This incorporates cross-references to standards outside of the UDC that apply to development. This will also include the substantive standards relating to land where development requires a Chattahoochee River development certificate, in accordance with Section 134-284 of the current Zoning Ordinance.

## **SECTION 5.9. LAND DISTURBANCE**

This will carry forward the substantive standards relating to the land disturbance permit procedure in Chapter 50, Article III, Land Disturbing Activities, of the County Code. Permit procedures will be carried forward and integrated into the general administrative procedures in Article 2: Administration. Enforcement provisions will be consolidated with similar procedures in Article 8: Enforcement.

## **SECTION 5.10. BUILDING FORM AND DESIGN CONTROLS**

This new section includes basic building form and design controls that apply to multifamily, nonresidential and mixed-use, and “big-box” development, as discussed in Section 4.7, Integrate Existing Design Guidelines and Add New Generally

Applicable Form and Design Standards, of the Diagnosis.

## **SECTION 5.11. GREEN BUILDING STANDARDS AND INCENTIVES**

These are new standards that include green building incentives and/or requirements, as discussed in Section 4.8, Green Building Incentives and Standards, of the Diagnosis.

## **SECTION 5.12. SIGNS**

This section carries forward the County’s recently updated sign regulations in Article VI of the current Zoning Ordinance.

## **SECTION 5.13. FLOOD DAMAGE PREVENTION**

This carries forward the County’s flood damage prevention ordinance in Chapter 58, Article II of the County Code.

## ARTICLE 6: SUBDIVISION STANDARDS

**Article 6: Subdivision Standards, carries forward, reorganizes, and updates the substantive standards that apply to the design of a subdivision, the required infrastructure improvements, and requirements for performance and maintenance**

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### SECTION 6.1. GENERAL PROVISIONS

This section is an introduction to the article and requires that all land subdivision comply with applicable standards in this article and the UDC. It builds on Section 110-53 of the Subdivision Regulations.

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### SECTION 6.2. BLOCK AND LOT STANDARDS

This section establishes specific rules governing nonconforming structures, building upon Article VI, Sections 6c and 6d of the current Zoning Ordinance governing restoration to a safe condition and reconstruction or restoration after damage. It also will clarify whether nonconforming structures can be enlarged and identify limitations, such as not increasing the nonconformity.

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### SECTION 6.3. EASEMENTS AND UTILITIES

This section carries forward the standards relating to easements in Sections 110-61 and 110-63 of the Subdivision Regulations.

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### SECTION 6.4. STREET STANDARDS

This section carries forward many standards relating to streets in Section 110-76 through 110-90 of the Subdivision Regulations. Standards relevant to redevelopment (and not just subdivision), such as Section 110-82, Intersections, will be relocated to Section 5.1, Access, Mobility, and Circulation Standards, of this UDC.

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### SECTION 6.5. CONDOMINIUM STANDARDS

This section will simplify Article IV of the Subdivision Regulations by carrying forward only those regulations that differ from the subdivision regulations that apply to non-condominium development.

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### SECTION 6.6. GUARANTEES

This section will consolidate and carry forward the standards relating to bonding, including bonding to secure for approval of final plat before completion of improvements, and maintenance bonds, in Sections 110-54 through 56 of the Subdivision Regulations.



# ARTICLE 7: NONCONFORMITIES

**Article 7: Nonconformities, consolidates all rules pertaining to nonconformities. It builds on the nonconformity provisions in Section 134-31 of the current Zoning Ordinance, and the nonconforming sign regulations in Section 134-319. This article incorporates these existing provisions, with updates to incorporate best practice provisions that are found in modern codes to better support project goals.**

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## SECTION 7.1. GENERAL APPLICABILITY

### Sec. 7.1.1. Purpose and Scope

This subsection establishes that the article addresses legally established uses, structures, lots, and signs that do not comply with requirements in the UDC.

### Sec. 7.1.2. Authority to Continue

This new subsection recognizes that all lawfully established nonconformities will be allowed to continue in accordance with the standards of this article.

### Sec. 7.1.3. Determination of Nonconformity Status

This subsection includes a standard provision stating the landowner, not the County, has the burden of proving the existence of a lawful nonconformity.

### Sec. 7.1.4. Minor Repairs and Maintenance

This subsection states that routine maintenance of nonconforming structures, nonconforming uses, nonconforming lots, and nonconforming signs is permitted and that landowners will be allowed to maintain these nonconformities in the same condition they were at the time the nonconformity was established.

### Sec. 7.1.5. Changes in Tenancy or Ownership

This subsection establishes that change of tenancy or ownership will not, in and of itself, affect nonconformity status.

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## SECTION 7.2. NONCONFORMING USES

This section sets forth specific rules governing nonconforming uses. It will generally carry forward the provisions in Section 134-31(b) of the current Zoning Ordinance, with some refinement and clarification.

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## SECTION 7.3. NONCONFORMING STRUCTURES

This section sets forth rules for nonconforming structures, generally carrying forward Section 134-31(c) of the current Zoning Ordinance, with some refinement and clarification.

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## SECTION 7.4. NONCONFORMING LOTS OF RECORD

This section sets forth rules for lots that are not conforming as to lot size. It builds on Section 134-31(d) of the current Zoning Ordinance.



## **SECTION 7.5. NONCONFORMING SIGNS**

This section carries forward the provisions relating to nonconforming signs in Section 134-319 of the current Zoning Ordinance.

## ARTICLE 8: ENFORCEMENT

**Article 8: Enforcement, establishes procedures and standards to ensure compliance with the provisions of the UDC, and obtain corrections for violations. It builds on Section 134-2 of the current Zoning Ordinance, and Section 110-2(d) of the Subdivision Regulations. It also sets forth the remedies and penalties that apply to violations of the**

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### SECTION 8.1. PURPOSE

This section sets forth the purpose of the enforcement article.

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### SECTION 8.2. COMPLIANCE REQUIRED

This section clarifies that compliance with all provisions of the UDC is required, and that noncompliance constitutes a violation.

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### SECTION 8.3. VIOLATIONS

This section describes what constitutes a violation of the UDC. It explains that it shall constitute a violation to fail to comply with any provision of the UDC, a stipulation, or the terms or conditions of any development approval or authorization granted in accordance with the UDC. The section also more specifically identifies both general violations as well as specific violations.

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### SECTION 8.4. RESPONSIBLE PERSONS

This section indicates who is responsible for a violation when it occurs. The section will

be drafted to assign responsibility as broad as legally possible, and state that any person who violates the Zoning Ordinance is subject to the identified remedies and penalties.

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### SECTION 8.5. ENFORCEMENT, REMEDIES, AND PENALTIES

This section will include general provisions regarding enforcement of any UDC violations, including who is responsible for enforcement, as well as available remedies and penalties. It will augment the general enforcement provisions in Sections 2-101 through 2-203 of the County Code, and include authority for the County to issue stop orders, revoke development authorizations, conduct repairs or correct other code violations that pose a serious threat to public health, safety, or welfare, and seek orders of abatement and other forms of relief.

In addition, it will integrate the penalty provisions for violations of the land disturbing activity requirements that are contained in Sections 50-73 and 50-78 of the County Code.



# ARTICLE 9: DEFINITIONS, RULES OF CONSTRUCTION AND INTERPRETATION, AND RULES OF MEASUREMENT

**Article 9: Definitions, Rules of Construction and Interpretation, and Rules of Measurement, builds on the provisions and definitions in the current Zoning Ordinance. In addition, it will include new, modernized, refined, and modified definitions, as appropriate. It will also enhance the definitions and the use of definitions by:**

- Including rules of construction;
- Consolidating all rules of measurement;
- Adding definitions of all uses identified in the use tables in Article 4: Use Regulations; and
- Removing standards from the definitions and relocating them to appropriate

## SECTION 9.1. RULES OF CONSTRUCTION AND INTERPRETATION

This section addresses general issues relating to the construction of language, including the computation of time, mandatory versus discretionary terms (e.g., shall vs may), tenses, and so forth that are not included in Section 1-2 of the County Code. It also includes a provision authorizing the Community Development Director to delegate any tasks and responsibilities to other professional-level staff. Rules for interpreting the UDC, building on the provisions in Section 134-164 of the current Zoning Ordinance, are also included.

## SECTION 9.2. RULES OF MEASUREMENT

This section consolidates and establishes the rules for all types of measurement used in the UDC (such as how to measure bulk and dimensional requirements like height,

width, setbacks, lot area, how encroachments into required yards will be determined and regulated, and the other measurements that are required to interpret standards). It provides a central location where the user can go if there is a need to apply a rule of measurement. Graphics will be used in this section to assist in the explanation of the different rules of measurement, with the proviso that in cases of conflict between a graphic and the text of the UDC, the text controls.

## SECTION 9.3. DEFINITIONS

This section consolidates all definitions of terms that are located throughout the current Zoning Ordinance and the UDC, including the general definitions in Section 134-1, the definitions throughout the district regulations, and definitions elsewhere in the code, such as Section 134-270, Golf Courses, Section 134-274, Satellite television antennas and dishes and other receiving antennas, Section 134-279, Self-service storage facilities, Section 134-283, Standards for state mountain and river

### III. Annotated Outline of New UDC

#### Article 9: Definitions, Rules of Construction and Interpretation, and Rules of Measurement

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corridor protection act areas, and Section 134-312, Definitions (for signs). As discussed in Section 1.4, Make the Language Clearer and More Precise, of the Diagnosis, we will evaluate all existing definitions, and then refine and update the definitions and add new definitions, as appropriate, so the updated UDC has a clear, modern, and workable set of definitions. We will use the definitions found in the existing Zoning Ordinance as a

starting point for the definitions section, but will add definitions related to the zone districts, the uses, and the development standards, as necessary. We will also revise definitions as necessary to ensure that the definitions do not contain substantive or procedural requirements. Finally, we will verify that key definitions conform to state and federal law, and constitutional requirements.

## IV. Appendix

### A. Disposition of Sections in Article V of the Current Zoning Ordinance

Article V of the current Zoning Ordinance includes many different types of zoning regulations—administrative procedures, zone district regulations, principal uses and use-specific standards, temporary uses and use-specific standards, and general development standards. Table IV-1: Article V Section-by-Section Analysis, identifies where each section in Article V is anticipated to be located in the new UDC.

Table IV-1: Article V Section-by-Section Analysis	
Current Section	Proposed Disposition
Sec. 134-261. Street frontage requirement.	Section 3.1, General Provisions
Sec. 134-262. Classification of streets.	Section 5.1, Access, Mobility, and Circulation Standards
Sec. 134-263. Vision clearance at intersections.	Section 5.1, Access, Mobility, and Circulation Standards
Sec. 134-264. Nonapplicability of setback requirements to railroad spurs.	Section 3.1, General Provisions
Sec. 134-265. Nonresidential access not to cross residential property.	Section 5.1, Access, Mobility, and Circulation Standards
Sec. 134-266. Setbacks for gasoline pumps and canopies.	Sec. 4.2.4, Standards Specific to Principal Uses
Sec. 134-267. General development standards.	Article 5: Development Standards and Sec. 4.3.4, Specific Standards for Accessory Uses and Structures (standards for outdoor display of merchandise)
Sec. 134-269. Lighting plan.	Section 5.6, Exterior Lighting Standards
Sec. 134-270. Golf courses.	Sec. 4.2.4, Standards Specific to Principal Uses
Sec. 134-271. Special exceptions.	Sec. 2.5.13, Special Exception
Sec. 134-272. Traffic and parking.	Section 5.2, Off-Street Parking and Loading
Sec. 134-273. Television, land mobile, communication, microwave and radio transmission antennas and towers over 35 feet in height.	Sec. 4.2.4, Standards Specific to Principal Uses
Sec. 134-274. Satellite television antennas and dishes and other receiving antennas.	Sec. 4.2.4, Standards Specific to Principal Uses
Sec. 134-275. Civilian airport hazard district.	Sec. 3.7.3, AHC-O: Airport Hazard Civilian Overlay
Sec. 134-275.1. Military airport hazard district.	Sec. 3.7.4, AHM-O: Airport Hazard Military Overlay
Sec. 134-276. Moving buildings.	Sec. 2.5.28, Building Moving Permit
Sec. 134-277. Junk, abandoned or inoperative vehicles.	Sec. 4.2.4, Standards Specific to Principal Uses



**Table IV-1: Article V Section-by-Section Analysis**

Current Section	Proposed Disposition
Sec. 134-278. Erection, installation and use of factory-built buildings and dwelling units and manufactured homes.	Sec. 2.5.15, Class II Manufactured Home Permit; Sec. 2.5.16, Mobile Home Permit; and Sec. 4.2.4, Standards Specific to Principal Uses
Sec. 134-279. Self-service storage facilities.	Sec. 4.2.4, Standards Specific to Principal Uses
Sec. 134-280. Automobile and scrap salvage yards and scrap metal processing.	Sec. 4.2.4, Standards Specific to Principal Uses
Sec. 134-281. Residential agricultural farm and wood products and livestock and poultry sales.	Sec. 4.3.4, Specific Standards for Accessory Uses and Structures
Sec. 134-282. Commercial produce and agricultural product stands.	Sec. 4.4.3, Standards Specific to Temporary Uses and Structures
Sec. 134-283. Standards for state mountain and river corridor protection act areas.	Not carried forward (does not apply to any areas in the County)
Sec. 134-284. Standards for state metropolitan river protection act areas.	Sec. 2.5.17, Chattahoochee River Development Certification, and Section 5.8, Environmental Standards
Sec. 134-285. Landscape enhancement strip.	Section 5.2, Off-Street Parking and Loading
Sec. 134-286. Mableton form-based redevelopment.	Not carried forward
Sec. 134-287. Unattended donation drop boxes.	Sec. 4.3.4, Specific Standards for Accessory Uses and Structures
Sec. 134-287.1. Registration required; dates of issuance, expiration, response.	
Sec. 134-287.2. Responsibility and liability of UDDB owner, operator and property owner.	
Sec. 134-287.3. Design of UDDB.	
Sec. 134-287.4. Information and label requirement for UDDBs.	
Sec. 134-287.5. Placement of UDDBs.	
Sec. 134-287.6. Management, maintenance; requirements.	
Sec. 134-287.7. Waiver as to number of UDDBs.	
Sec. 134-287.8. Violations and penalties.	
Sec. 134-287.9. Liability; protections.	
Sec. 134-288. Temporary residential dumpsters.	Sec. 4.4.3, Standards Specific to Temporary Uses and Structures
Sec. 134-289. Mableton Parkway/Veterans Memorial Highway design overlay district.	Not carried forward

**Table IV-1: Article V Section-by-Section Analysis**

Current Section	Proposed Disposition
Sec. 134-290. Backyard chickens for properties under 80,000 square feet.	Sec. 4.3.4, Specific Standards for Accessory Uses and Structures (will be consolidated with the separate poultry regulations in the current Zoning Ordinance at Sec. 134-7)
Sec. 134-291. Austell Road design overlay district.	Sec. 3.8.3, AURD-O: Austell Road Design Overlay



## B. Example Zone District Layout

A full-size example of a zone district layout from another community is included on the following pages.

**Sec. 24-3306. R-1A One-Family Residence District**

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**A. Purpose**

The purpose of the R-1A One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 21,500 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**



**C. Use Standards**

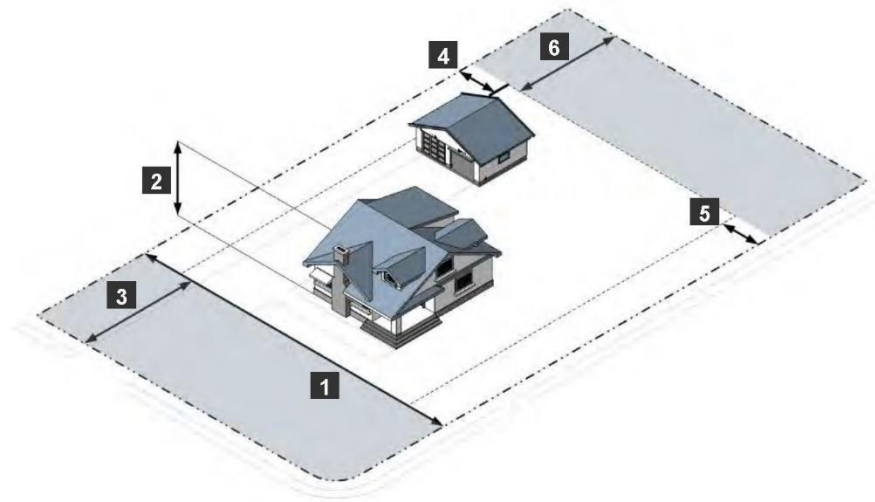
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### D. R-1A District Dimensional Standards

Standard	Dwellings	All other uses
Lot area, minimum	21,500 sf	1 ac
<b>1</b> Lot width, minimum (feet)	125	150
<b>2</b> Structure height, maximum (feet)	40	45
<b>3</b> Front yard, minimum (feet)	45 <sup>[1]</sup>	50
<b>4</b> Interior side yard, minimum (feet)	15	40
<b>5</b> Street side yard, minimum (feet)	25 <sup>[1]</sup>	40
<b>6</b> Rear yard, minimum (feet)	45 <sup>[1]</sup>	50

**NOTES:**

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



### E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6 Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7 Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8 Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9 Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6 Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8 Definitions