



COBB COUNTY COMMUNITY DEVELOPMENT AGENCY

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TO: Code amendment recipients

FROM: Dana Johnson, Director

DATE: February 20, 2018

RE: Revised draft code amendments – 2018 draft amendment package I

Attached please find the revised draft amendments to the Cobb County Code for the February 2018 code amendment cycle, known as amendment package I. This package incorporates comments and direction received via the work session conducted on January 22, 2018, public hearing conducted on January 23, 2018, and recommendations from the Planning Commission. The modifications from Draft 1 are summarized as follows:

Section 2-167. – Division of economic development established; duties.

- (b)(1) - Updated name of the county's workforce development agency.
- (b)(6) – Add district commissioner concurrence per the revised economic incentive overview and review process.

Section 2-168. – Division of economic development established; duties.

- (d) – Added South Cobb Redevelopment Authority and Enterprise Zones to areas needing a PILOT when in a Special Services District.

Section 2-169. – Division of economic development established; duties.

- (b)(1)(i) – Added other universities and graduates of other entrepreneurial training to list of eligible businesses.
- (b)(1)(iii) – Added a requirement for business receiving incentives to stay in Cobb County for up to three (3) years after incentives expire.

Section 2-170. – Small business and new start incentive program.

- Changed the name to include “new start”.
- (b)(1)(i) – Added a requirement for being in the county for at least one (1) year.
- (c)(6 & 7) – Added inducements and grants, South Cobb Redevelopment Authority, and water systems incentives.

Section 2-171. – Business retention incentives program.

- (b)(1)(i) – Added a requirement for being in the county for at least one (1) year.
- (b)(2)(i) – Added a requirement that retention incentives cannot be provided when company is already under an existing incentive agreement or abatement.
- (c)(4 & 6) – Added water systems incentives and a reference to the South Cobb Redevelopment Authority.
- (c) – Removed acceleration of zoning and land use actions.

Section 2-172. – Targeted industry incentive program.

- (c)(3, 6, & 8) – Added water systems incentives, a reference to the South Cobb Redevelopment Authority, and incentive for hiring within high unemployment census tracts.
- (c) – Removed reduction in zoning and land use fees, acceleration of development review process, and acceleration of zoning and land use actions.

Section 2-173. – Special economic impact incentive program.

- (c)(3, 6, & 8) – Added water systems incentives, a reference to the South Cobb Redevelopment Authority, and incentive for hiring within high unemployment census tracts.
- (c) – Removed reduction in zoning and land use fees, acceleration of development review process, and acceleration of zoning and land use actions.

Section 2-174. – Commercial and industrial property rehabilitation program.

- (a) & (d) – Added South Cobb Redevelopment Authority.
- (c)(1) – Fixed name.

Section 2-176. – Incentives recapture provision.

- Reformatted section.
- Added criteria that is required as part of the Economic Incentives Commitment Agreements.

Section 6-1. – Definitions.

- Added Sewell Mill Library and Cultural Center

Section 6-147. – Fee, suspension, revocation, or transfer.

THIS SECTION WILL BE HELD FOR FURTHER REVIEW BY THE COUNTY ATTORNEY'S OFFICE AND WILL BE BROUGHT BACK FOR FINAL CONSIDERATION ON MARCH 27, 2018.

- (a) – Minor edits to language.
- (c) – Added increasing suspensions.
- (d) – Clarified hearing procedures.
- (e) – Clarified revocations.
- (f) – Added clarification that multiple location licensees accrue offenses per location.
- (g, h, i) – renumbering of subsections
- 6-147.1 added fees in lieu of suspensions.

Section 6-183 – Temporary Alcoholic Beverages for Trade Shows.

- Clarified so that alcohol at trade shows are obtained through the licensee.

Section 50-257. – Enumeration of prohibited noises.

- Minor adjustments to work with current and potential state law.

Section 54-113. – Exemptions to outdoor burning restrictions.

- Added “clean wood” to (c) to clarify that it is the only burning exempt from outdoor burning restrictions.
- Removed (c) from restrictions in a medical burn ban.

Section 134-1. – Definitions.

- Removed from the code amendment package and will not be considered by the Board of Commissioners at this time.

Section 134-36. – Temporary land use permits.

- Removed from the code amendment package and will not be considered by the Board of Commissioners at this time.

Section 134-198.3. – Recreational space community overlay (RSC) district.

- Removed from the code amendment package and will not be considered by the Board of Commissioners at this time.
- An alteration will be brought forward in the OSC code with February and March hearings to address the commissioner request.

Section 134-213. – Neighborhood retail commercial district.

- A second option was provided that only alters (9) and (12)(d) – lighting and size of convenience stores.

Section 134-272. – Traffic and parking.

- Purpose built student housing parking was increased to 1.5 per bedroom.

Section 134-289. Workforce housing.

- Removed from the code amendment package and will not be considered by the Board of Commissioners at this time.
- Staff will conduct additional research and bring back a comprehensive program for market based workforce housing later in the year.

The amendments contained in the revised draft amendments to the Cobb County Code for the February 2018 code amendment cycle, known as amendment package I, will be considered by the Board of Commissioners on February 27, 2018 at 7:00 pm. The agenda item will be considered in the Board of Commissioners Meeting Room on the 2nd Floor of 100 Cherokee Street, Marietta, GA 30060.

Hard copies of this memorandum and the revised draft amendments to the Cobb County Code for the February 2018 code amendment cycle, known as amendment package I, will be provided to the Board of Commissioners, County Manager, County Clerk, and the Clerk of the Superior Court.

Thank you.

2018 CODE AMENDMENTS

Official Code of Cobb County Part I. - Chapters 2, 6, 50, 54, 70, 83, 86, & 134

Package I

Version 2 - distributed on February 20, 2018

Board of Commissioners Work Session
January 22, 2018 – 1:30 pm

Board of Commissioners Public Hearing Dates
January 23, 2018 – 7:00 pm
February 27, 2018 – 7:00 pm

Delivery of Planning Commission Recommendations
February 13, 2018 – 9:00 am

Planning Commission Public Hearing Date
February 6, 2018 – 9:00 am

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

Chapter 2. – ADMINISTRATION

ARTICLE V. – ECONOMIC DEVELOPMENT

Section 2-166 shall be amended as follows:

Sec. 2-166. - Definitions.

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

Cobb Innovation Fund means a grant fund program that may be created by the Development Authority of Cobb County or other entity whose purpose is to encourage entrepreneurship, promote research and development, and expand innovative industries in the county.

Comprehensive plan means the Cobb County Comprehensive Plan.

Economic impact requirement means that a target business shall generate sufficient governmental revenues to meet or exceed the net present value of incentives.

Incentive period means a period of time, as determined by the division of economic development with the concurrence of the county manager and chairman of the board of commissioners or designee, to represent the period of time when the new jobs and economic impact requirements must be satisfied.

New jobs means permanent full-time or full-time equivalent positions created by a target business.

PILOT means payment in lieu of taxes. This is a mechanism whereby private entities that receive tax abatement incentives from the county or development authority compensate the appropriate taxing authority for some or all of the tax revenue lost.

Rehabilitation shall mean projects where the existing structure and the value of the proposed improvement exceeds the value of the land by a ratio of five to one.

Small Business means an independently owned and operated for profit entity that does not predominate a given field. The number of employees and average sales volume in a small business varies based upon the industry and the region the entity is located. The county uses the Small Business Administration's "Table of Small Business Size Standards matched to North American Industry Classification System Codes" to identify small businesses.

Special Services District means a taxing district created by the board of commissioners authorized by the Special Districts Clause of the Georgia Constitution.

Target business means a preferred business or industry type as identified by North American Industrial Classification System (NAICS)/Standard Industrial Classification codes pursuant to section 2-170 under the incentives plan or a special impact project of such magnitude pursuant to section 2-172 as may be identified by the board of commissioners.

Section 2-167 shall be amended as follows:

Sec. 2-167. - Division of economic development established; duties.

- (a) ~~In order to~~ To promote and develop quality growth, the board of commissioners hereby establishes a division of economic development, which shall report to the ~~county manager~~ community development director or his/her designee.
- (b) The division of economic development shall have the following duties:
 - (1) Establish and administer the county's economic development incentives programs to include, but not limited to, the economic development incentives ordinance, commercial and industrial property rehabilitation program, grants, community development block grants (CDBG), and ~~CobbWorks~~ WorkSource Cobb as a means to encourage job creation, provide for quality,

~~controlled growth, assist in retaining existing businesses and recruiting new businesses, retention, support~~ redevelopment, and rehabilitation of targeted areas within the county, and support small businesses and entrepreneurs.

- ~~(2) Establish a seven member economic incentives review committee, which shall be responsible for reviewing and making recommendations as they relate to requests for economic incentives in accordance with this article.~~
- ~~(32)~~ Coordinate with local, state and federal agencies and other businesses and organizations to encourage new business development, redevelopment, and retention of existing business.
- ~~(43)~~ Develop an inventory of prospective properties throughout the entire county for new business prospects.
- ~~(4)~~ Develop and maintain an inventory of redevelopment sites to encourage redevelopment and revitalization.
- ~~(5) Establish and follow~~ Follow an the established economic incentives overview and review process as approved by the board of commissioners for the purpose of evaluating requests for incentives as amended from time to time.
- ~~(6) With~~ Seek the concurrence of the county manager, district commissioner, and chairman of the board of commissioners ~~or his/her designee, to extend formal offers of incentives be authorized to offer incentives pursuant to targeted businesses in accordance with this article and the established economic incentives overview and review process referenced above.~~
- (7) Report the status of all incentives currently in effect under this article, no less than annually, to the board of commissioners.
- ~~(8)~~ Coordinate semi-annual economic development roundtable discussions with local, regional, and state economic development partners to assist in discussing ideas and programs that could help the county and six cities of the county.

Section 2-168 shall be amended as follows:

Sec. 2-168. - Potential incentive available.

- (a) The county has established a number of incentives to assist in job creation, entrepreneurship, small business development, job retention, and business recruitment. The specific local government incentive programs available from Cobb County are as follows:
 - (1) Entrepreneurship and innovation incentives (Sec 2-169);
 - (2) Small business incentives (Sec 2-170);
 - (3) Business retention incentives (Sec 2-171);
 - (4) Targeted industry incentives (Sec 2-172);
 - (5) Special economic impact incentives (Sec 2-173);
 - (6) Commercial and industrial rehabilitation property program (Sec 2-174); and
 - (7) Enterprise zone program (Sec 2-175).
- (b) Each incentive program shall, at a minimum, provide specificity on the following:
 - (1) Purpose of the incentive;

(2) Eligibility criteria for each incentive program; and

(3) Incentives and services that are offered as part of the incentive program.

Subject to the restrictions set forth in section 2-170 to section 2-175, areas for incentives which may be offered to a target business are as follows:

(1) ~~Plan review fees.~~

(2) ~~Water system development fees.~~

(3) ~~Business license fees.~~

(4) ~~Financing of sewer system development fees.~~

(5) ~~Building permit fees.~~

(6) ~~Workforce Investment Act of 1998 funds as amended from time to time.~~

(c) The State of Georgia has established a number of incentives to assist in job creation, entrepreneurship, small business development, job retention, and business recruitment. County staff will assist businesses with education and technical expertise in determining the following:

(1) Qualification for state incentives;

(2) Applications for state incentives; and/or

(3) Documentation on state incentives compliance.

(d) Businesses that receive a tax abatement from the county or the Development Authority of Cobb County, South Cobb Redevelopment Authority, or Enterprise Zone Program that are within a Special Services District may be required to enter into a PILOT agreement with the taxing authority to compensate for the amount of revenue lost due to the abatement.

(e) Businesses can only participate in one incentive program at a time and new incentives cannot be provided until the expiration of existing incentive agreements, unless it is part of a new economic development project.

Section 2-169 shall be amended as follows:

Sec. 2-169. – Entrepreneurship and innovation incentive program Eligibility for incentives.

At a minimum, a target business shall meet the following criteria:

(1) ~~Unless otherwise provided, no incentive shall be offered or made available to any target business which will not add at least 25 new jobs and have an estimated economic impact requirement of \$500,000.00 to the county during the incentive period.~~

(2) ~~Additionally, businesses that meet the following eligibility criteria as illustrated below may be considered for incentives during the incentive period, this constitutes the economic impact requirement:~~

~~Incentives Eligibility Criteria~~

Tier	Minimum New Jobs	Economic Impact
1	25—74	\$500,000.00
2	75—99	\$350,000.00
3	100	\$250,000.00

4	125+	\$125,000.00
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~~(3) A target business shall be required to establish financial solvency such that it can demonstrate an ability to meet the economic impact requirements as set forth in subsection (1) or (2) of this section.~~

~~(4) A target business shall consent to enter into a contractual agreement that outlines incentives offered to the business and a guideline for the recapture or reimbursement should the terms of the contract be violated by the target business.~~

~~The division of economic development shall review on a case-by-case basis requests for incentives from target businesses deemed to have special impact to determine eligibility for incentives that may be offered in accordance with subsection 2-167(b)(7). For purposes of this determination, significant projects must meet the economic impact requirement in accordance with the incentives eligibility criteria shown in the chart set forth in subsection 2-169(2) of this article, as determined by county staff analysis, while also complying with all other criteria in chapter 2, article V, economic development, Official Code of Cobb County.~~

~~Furthermore, authority granted under this section and the provisions of subsections 2-169(1) and (2) of this article shall expire March 1, 2018, at which time this article shall revert to the provisions in existence at the time of their amendment, absent other action by the Cobb County Board of Commissioners to repeal or amend the referenced section(s) of the Official Code of Cobb County~~

(a) Purpose. The purpose of the entrepreneurship and innovation incentive program is to provide services, assistance, and/or incentives to entrepreneurs and innovators who are in high skilled fields to assist them in the growing their business, creating jobs, and maintaining their presence in the county.

(b) Eligibility.

(1) In order to qualify for the entrepreneurship and innovation incentive program a business must meet the following criteria:

(i) Participated in the IgniteHQ business incubator program; are a spin-off technology associated with the Georgia Tech Research Institute or other university; or have graduated from an entrepreneurial training program;

(ii) Be an existing business in Cobb County

(iii) The applicant must agree to remain in Cobb County for the three (3) years after the expiration of the mandatory incentives agreement;

(c) Incentives. Companies eligible for entrepreneurship and innovation incentive program may be eligible for a reduction of some or all of the following:

(1) Ability to apply for cash grants from the Cobb Innovation Fund;

(2) A 50% reduction of the business license fee for two (2) years; and/or

(4) Assistance with permitting and construction processes.

(d) A recipient of entrepreneurship and innovation incentives shall consent to enter into a contractual agreement that outlines the incentives received by the business and a guideline for the recapture or reimbursement of the value of the incentives should the terms of the contract be violated by the business.

Section 2-170 shall be amended as follows:

Sec. 2-170. – Small business and new start incentives program ~~Incentive recapture provision.~~

Note: Incentive recapture provision was moved to 2-176

- (a) Purpose. The purpose of the small business industry incentive program is to provide services and business assistance to small businesses that meet the eligibility requirements below to assist them in growing their business in the county.
- (b) Eligibility.
- (1) In order to qualify for the small business incentive program a business must meet the following criteria
 - i. Be an existing business that has been in continuous operations in Cobb County for at one (1) year and
 - ii. Be up-to-date on all state and local taxes.
- (c) Incentives. Companies eligible for small business and new start incentive program may be eligible for a reduction of some or all of the following:
- (1) Access to market data, labor force data, and real estate data;
 - (2) Coordination with appropriate county, city, or state agencies;
 - (3) Liaison with workforce training and assistance providers;
 - (4) Assistance with permitting and construction processes;
 - (5) Information on other local and state entities that can assist in the growth of small businesses;
 - (6) Inducements or grants authorized by the Development Authority of Cobb County or South Cobb Redevelopment Authority; and/or
 - (7) Water Systems incentives such as: Water rates, Flexible payment of sewer development fees, and reduction of sewer development fees, as reviewed by the Water Systems and approved by the county manager.

Section 2-171 shall be amended as follows:

Sec. 2-171. – Business retention incentives program ~~Significant projects.~~

~~The division of economic development shall review on a case-by-case basis requests for incentives from target businesses deemed to have special impact to determine eligibility for incentives that may be offered in accordance with subsection 2-167(b)(7). For purposes of this determination, significant projects must meet the economic impact requirement in accordance with the incentives eligibility criteria shown in the chart set forth in subsection 2-169(2) of this article, as determined by county staff analysis, while also complying with all other criteria in chapter 2, article V, economic development, Official Code of Cobb County.~~

~~Furthermore, authority granted under this section and the provisions of subsections 2-169(1) and (2) of this article shall expire March 1, 2018, at which time this article shall revert to the provisions in existence at the time of their amendment, absent other action by the Cobb County Board of Commissioners to repeal or amend the referenced section(s) of the Official Code of Cobb County.~~

- (a) Purpose. The purpose of the business retention incentives program is to provide services, assistance, and/or incentives to businesses that meet specific eligibility requirements listed in Section 2-171(b) to assist in keeping their business in the county under specified conditions in order maintain jobs and tax base.
- (b) Eligibility.
- (1) In order to qualify for the business retention incentive program a business must meet the following criteria:
 - (i) Be an existing business that has been in continuous operations in Cobb County for at least two (2) years;

- (ii) The applicant must agree to remain in Cobb County for the three (3) years after the expiration of the mandatory incentives agreement;
- (iii) Be part of one of the following business clusters as determined by North American Industrial Classification System (NAICS):
 - a. Information technology and/or software;
 - b. Professional and business services;
 - c. Wholesale trade;
 - d. Healthcare services;
 - e. Research & development;
 - f. Life sciences; or
 - g. Travel & tourism; and
- (iv) Be a business with at least fifty (50) employees.
- (2) The business retention incentive program is not eligible to companies that meet any of the following criteria:
 - (i) Are currently receiving incentives from the county, the Development Authority of Cobb County, or the South Cobb Redevelopment Authority;
 - (ii) Are not up to date on local or state taxes;
 - (iii) To subsidize or artificially sustain businesses and industries when job losses or closing appear inevitable.
- (3) In no event shall any incentive result in payment of county funds as part of the business retention incentive program.
- (4) If the business moves out of Cobb County prior to the expiration of the incentives agreement or within a three-year period after the expiration of the agreement, all incentives provided to the business are to be paid back to the county.
- (c) Incentives. Companies eligible for business retention incentive program may be eligible for a reduction of some or all of the following:
 - (1) Access to market data, labor force data, and real estate data;
 - (2) Coordination with appropriate county, city, or state agencies;
 - (3) Liaison with workforce training and assistance providers;
 - (4) Water Systems incentives such as: Water rates, Flexible payment of sewer development fees, and reduction of sewer development fees, as reviewed by the Water Systems and approved by the county manager;
 - (5) Workforce Innovation and Opportunity Act of 2014 funds as amended from time to time;
 - (6) Inducements or grants authorized by the Development Authority of Cobb County or South Cobb Redevelopment Authority;
 - (7) Assistance with permitting and construction processes; and/or
 - (8) Assistance with transportation infrastructure.
- (d) A recipient of business retention incentives shall consent to enter into a contractual agreement that outlines incentives received by the business and a guideline for the recapture or reimbursement of the value of the incentives should the terms of the contract be violated by the business.

Section 2-172 shall be amended as follows:

**Sec. 2-172. – Targeted industry incentive program ~~Commercial and industrial rehabilitation program~~ –
Definitions.**

Note: Commercial and industrial rehabilitation program – Definitions was moved to 2-174(a)

(a) Purpose. The purpose of the targeted industry incentive program is to provide services, assistance and/or incentives to businesses that meet the eligibility requirements below to assist them in relocating their business to the county or expanding their business in the county.

(b) Eligibility.

(1) In order to qualify for the targeted industry incentive program a business must be part of one of the following growth clusters or core clusters as determined by North American Industrial Classification System (NAICS)/Standard Industrial Classification codes:

(i) Aerospace and/or advanced equipment manufacturing;

(ii) Information technology and/or software;

(iii) Professional and business services;

(iv) Wholesale trade;

(v) Healthcare services;

(vi) Research & development;

(vii) Life sciences; and

(viii) Travel & tourism.

(2) Unless otherwise provided, no incentive shall be offered or made available to an eligible business for the targeted industry incentive program unless two of the following criteria are met:

(i) Add at least 25 new jobs;

(ii) Pay an average salary at least 1.25 times the county average for that industry as determined by the Georgia Department of Labor in the Employment and Wages Annual Report; or

(iii) Have an estimated economic impact requirement of \$250,000.00 to the county during the incentive period.

(3) In no event shall any incentive result in payment of county funds as part of the targeted industry incentive program.

(c) Incentives. Companies eligible for targeted industry incentive program may be eligible for a reduction of some or all of the following:

(1) Plan review fees;

(2) Business license fees;

(3) Water Systems incentives such as: Water rates, Flexible payment of sewer development fees, and reduction of sewer development fees, as reviewed by the Water Systems and approved by the county manager;

(4) Building permit fees;

(5) Workforce Innovation and Opportunity Act of 2014 funds as amended from time to time;

(6) Inducements or grants authorized by the Development Authority of Cobb County or South Cobb Redevelopment Authority;

(7) Assistance with transportation infrastructure; and/or

(8) Plan review, building permit, and business license fee incentives noted above may be reduced further when at least 10% of the new and required minimum jobs are filled by county residents living in census tracts with high unemployment rates as determined annually by the Georgia Department of Labor in the Employment and Wages Annual Report.

(d) A recipient of targeted industry incentives shall consent to enter into a contractual agreement that outlines incentives received by the business and a guideline for the recapture or reimbursement of the value of the incentives should the terms of the contract be violated by the business.

Section 2-173 shall be amended as follows:

Sec. 2-173. – Special economic impact incentives program ~~Same—Purpose.~~

Note: Commercial and industrial rehabilitation program – Purpose was moved to 2-174(b)

(a) Purpose. The purpose of the special economic impact incentive program is to provide services and business assistance to businesses that meet the eligibility requirements below to assist them in relocating their business to the county or expanding their business in the county.

(b) Eligibility.

(1) In order to qualify for the special economic impact incentive program a business must be part of one of the following:

(i) Headquarters: corporate, divisional, and/or regional;

(ii) Financial, insurance, and professional services (law, accounting, and other professional services that predominantly serve the Metropolitan Atlanta Region are not eligible);

(iii) Transportation/distribution (logistics);

(iv) Manufacturing; and/or

(v) Emerging technologies/industries.

(2) Unless otherwise provided, no incentive shall be offered or made available to an eligible business for the special economic impact incentive program unless two of the following criteria are met:

(i) Add at least 150 new jobs;

(ii) Pay an average salary at least 1.25 times the county average for that industry as determined by the Georgia Department of Labor in the Employment and Wages Annual Report; and

(iii) Invests \$30,000,000 or more in the county.

(3) In no event shall any incentive result in payment of county funds as part of the special economic impact incentive program.

(c) Incentives. Companies eligible for special economic impact incentive program may be eligible for a reduction of some or all of the following:

(1) Plan review fees;

(2) Business license fees;

(3) Water Systems incentives such as: Water rates, Flexible payment of sewer development fees, and reduction of sewer development fees, as reviewed by the Water Systems and approved by the county manager;

(4) Building permit fees;

(5) Workforce Innovation and Opportunity Act of 2014 funds as amended from time to time;

(6) Inducements or grants authorized by the Development Authority of Cobb County or South Cobb Redevelopment Authority;

(7) Assistance with transportation infrastructure; and/or

(8) Plan review, building permit, and business license fee incentives noted above may be reduced further when at least 10% of the new and required minimum jobs are filled by county residents living in census tracts with high unemployment rates as determined annually by the Georgia Department of Labor in the Employment and Wages Annual Report.

(d) A recipient of special economic impact incentives shall consent to enter into a contractual agreement that outlines incentives received by the business and a guideline for the recapture or

reimbursement of the value of the incentives should the terms of the contract be violated by the business.

Section 2-174 shall be amended as follows:

Sec. 2-174. – Commercial and industrial property rehabilitation incentive program ~~Same—Program requirements.~~

Note: Commercial and industrial rehabilitation program – Program requirements was moved to 2-174(c)

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

Assessed value means the ~~fair market~~ total appraised value of real property as shown on the tax digest of the county.

Base value means the ~~fair market~~ total appraised value of a project as determined by the county's board of tax assessors (BTA) on January 1 of the year in which the rehabilitation or renovation of the project begins.

Commercial use structure means structures used for the selling or providing of goods or services to individuals, firms or corporations; provided that for purposes of this program, mixed use structures (used for both residential and commercial purposes) constitute commercial use only when the square footage of that portion of the structure used for the sale or provision of goods and services exceeds 50 percent of the total square footage of the structure.

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

County means Cobb County, Georgia, a political subdivision of the State of Georgia.

Development authority means the ~~development authority~~ Development Authority of Cobb County.

Exemption amount means a percentage of the ad valorem property taxes resulting from the increase in the fair market value of a commercial or industrial use structure(s) directly attributable to the substantial rehabilitation and/or renovation of the structure as approved by the program.

Fair market value means the full 100 percent value of a property or portion of property as further defined by Georgia Law (O.C.G.A. § 48-5-2).

Incremental project value means that portion of the fair market value of the project directly attributable to the rehabilitation and/or renovation of the commercial use structure(s) or industrial structure(s) approved by the program; provided, however, that such fair market value shall be determined in the same manner, and with the same frequency, as other taxable similarly situated commercial and industrial ~~property properties are determined~~ by the BTA.

Industrial structure means a structure or part thereof used for manufacturing, processing, or assembling of material or manufactured products, or for research.

Owner means, for the purposes of this section, all persons or entities holding title (as referenced in the county's official tax records) to taxable real estate interests in commercial use structures or industrial use structures for which an exemption is requested.

Program means the Cobb County Commercial and Industrial Property Rehabilitation Incentive Program.

Project means a commercial rehabilitation project for a commercial use structure or an industrial use structure approved for the Cobb County Commercial and Industrial Property Rehabilitation Incentive Program by OED, BTA (exemption approval only) and the development authority.

Redevelopment authority means the South Cobb Redevelopment Authority.

Single project, for purposes of this ordinance, means ~~for the purpose of this ordinance~~ a project consisting of a single tax parcel which may include one or more buildings which is to be substantially rehabilitated or renovated within two years of the issuance of the initial construction permit following acceptance to the program.

Substantially rehabilitated or renovated commercial use structure or industrial use structure means an existing commercial use or industrial use structure, no less than 20 years of age (calculated from the date in which the original certificate of occupancy was issued), located in a corridor study area or included among those sites listed in the inventory of redevelopment sites (as shown in Exhibits contained in the Comprehensive Plan Appendix and considered a part of this ordinance hereto), where the structure has been substantially rehabilitated or renovated so as to increase the fair market value thereof by not less than 50 percent of the base value as determined by the BTA. Such determination is not appealable. ~~Additional areas or sites may be added to or removed from these exhibits by action of the Cobb County Board of Commissioners via an official agenda item.~~ Renovation/rehabilitation consists of capital improvements and includes, but is not limited to, the installation of improvements to the building (including fixtures or mechanical systems), parking, and public infrastructure. Ordinary upkeep and maintenance shall not be deemed a qualifying improvement for purposes of this program.

(b) Purpose. The purpose of this program is to encourage owners of older commercial use/industrial use property (twenty years or more in age) in select areas and sites around the county (as depicted in the corridor study areas and the redevelopment sites specified on exhibits 1 thru 6) to revitalize those properties. ~~Additional areas or sites may be added to or removed from these exhibits by action of the Cobb County Board of Commissioners via an official agenda item.~~ The definitive objective of revitalizing these areas is to contribute to economic growth by creating jobs and improving the county's tax base. Proposed projects must adhere to any specific architectural and/or design guidelines that may apply in these areas or sites.

If the type of work to be conducted meets the program's requirements, and the BTA approves the exemption for the proposed project, the BTA will approve a valuation schedule on those improvements for up to five years based upon an escalating percentage of the fair market value of the improvements (excluding the value of land), provided these new improvements increase the fair market value by at least 50 percent or more of the base value and does not propose an increase in square footage by more than 100 percent. This increase in fair market value, as determined by the BTA, must be a result of actual physical changes resulting from the rehabilitation or renovation and not a result of inflationary changes in the value of the property related to the state of the economy or other market forces. This determination of the BTA will be final and not appealable.

(c) Program requirements.

(1) *Effective date of exemption amount.* Only rehabilitative work performed after the approval of the application may be awarded an exemption amount under the program. In addition, any adjusted valuation schedule approved by the BTA is to begin on the next succeeding January 1 following the issuance of the original certificate of occupancy (C.O.) for the improvements. Initial and final inspections approved by the fire marshal and chief building official are required to obtain a C.O. The applicant must provide the BTA with a copy of the original C.O. In the event

- the applicant proposes to abate the property taxes derived from application of the board of education or municipal portion of the millage rate, said applicant must secure a letter of support from the office of the superintendent of ~~Cobb County Public Schools~~ the Cobb County School District and/or from the city manager/administrator in which the property is located.
- (2) *Certification of age of structures.* The structure being improved must be a minimum of 20 years old (calculated from the date of original construction in which the original certificate of occupancy was issued). ~~The applicant must provide the BTA with a copy of the final certificate of occupancy.~~
 - (3) *Location of structures.* An approved project must be located within the corridor study area or included among those sites listed in the inventory of redevelopment sites adopted by the Cobb County Board of Commissioners as may be amended from time to time.
 - (4) *Single project.* Improvements must be the result of a single project. Building permits must be issued within a 120-day period from the time of acceptance into the program, and completed within two years from the date that the initial construction permit was issued. A copy of the initial construction permit ~~which~~ must be provided by the applicant to the BTA.
 - (5) *Personal property and land value excluded; program terminates on sale.* The program incentives, if granted, will not apply to personal property or the value of the land and will not apply retroactively to improvements made without prior OED and BTA approval. All program incentives terminate upon the sale or transfer of any portion/parcel of the project.
 - (6) *Timely payment of ad valorem property taxes.* Applicant's property taxes must be current and paid on time for a minimum of three years and the applicant must have filed timely business personal property returns for each of the three years prior to making application for said exemption in order to be eligible to participate in this program. Applicant ~~must provide~~ submit evidence of compliance with the application.
 - (7) *Vacant land excluded.* The program does not apply to ~~projects~~ new construction built on vacant land.
 - (8) *Demolition of existing structures.* The program will apply to those projects in which the building is completely demolished and replaced by a new structure provided that the existing structure is at least 20 years old as of the application date and provided the difference between the fair market value of the existing structure and the fair market value of the new structure increases by at least 50 percent or more of the base value and does not increase square footage by more than 100 percent. This determination by the BTA is final and not appealable.
 - (9) *Single parcel ID.* Separate applications must be submitted for each tax parcel in which the owner is seeking participation in the program.
 - (10) *Permits.* Appropriate building permits, and any other local, state or federal approvals, must be obtained prior to work commencement. County permitting fees will be assessed improvements on a parcel by parcel basis.
- (d) *Program incentive.* Approved applicants will receive a program incentive in the form of an effective reduction in ad valorem property taxes equal to the exemption amount. The exemption amount, in a given year, is equal to a percentage of the amount of ad valorem property taxes otherwise due on the incremental project value. As further described herein, the exemption amount equals 100 percent of the ad valorem property taxes due on the incremental project value in the first year of the program and reduces annually over the five-year program (in increments of 20 percentage points) to 20 percent in the fifth year of the program until the full value of ad valorem property taxes are due on the incremental project value in the sixth year and thereafter.

The property tax incentive is made possible by titling ownership to the taxable assets into the name of the development authority or redevelopment authority (under Georgia law development authorities are exempt from ad valorem taxes on real property) which in turn leases these assets back to private entity. Title to the property reverts to the owner/applicant immediately upon the end of the lease. In addition, the development authority or redevelopment authority issues a ~~notional amount~~ taxable revenue bonds through a transaction commonly referred to as "bonds for title". Bonds are held by the applicant and not sold to the public. During the term of the lease, the applicant would be responsible for paying ad valorem property taxes on the "leasehold value" of the project improvements in the form of an effective reduction in ad valorem property taxes equal to the exemption amount resulting in a substantial reduction in the amount of property taxes which would be have been due if the property was owned outright (in fee simple) by the applicant. The value of the "abatement" adjusts and diminishes each year as the reversionary interest ripens and fully vests at the end of the lease term.

While the project is titled to the development authority or redevelopment authority under this program, subject to BTA approval, the ~~total appraised fair market~~ value of the leasehold interest of the applicant in such assets will increase as the lease term progresses. The "applicable percentage" established for a project under this program will be for a period of up to five years and will start on January 1 of the year following the completion of the project. For the purposes of this section, the "applicable percentage" will be applied in the following manner:

- Year 1: 0%
- Year 2: 20%
- Year 3: 40%
- Year 4: 60%
- Year 5: 80%
- Year 6: Fully taxable

As an example, if an application is received on January 15, then the applicant must wait until the next calendar year for the abatement to take effect. If the base value, which excludes the land value, equals \$1,000,000.00 and the ~~total appraised fair market~~ value of the new improvements equals \$500,000.00, then the total taxable value under the program would equal \$1,000,000.00 in Year 1 ($\$1,000,000.00 + (\$500,000.00 \times 0.0)$), \$1,100,000.00 in Year 2 ($\$1,000,000.00 + (\$500,000.00 \times .20)$), \$1,200,000.00 in Year 3 ($\$1,000,000.00 + (\$500,000.00 \times .40)$), \$1,300,000.00 in Year 4 ($\$1,000,000.00 + (\$500,000.00 \times .60)$), \$1,400,000.00 in Year 5 ($\$1,000,000.00 + (\$500,000.00 \times .80)$) and \$1,500,000 in Year 6 and thereafter before accounting for any market fluctuations in values generally. Note: The ~~total appraised fair market~~ value is subject to change annually.

Should the building proposed for rehabilitation be located in a corridor study area or ~~be included in listed on~~ the inventory of redevelopment sites and also be located in an enterprise zone established by the board of commissioners, the applicant shall not qualify for both property tax incentives. The applicant may qualify for other incentives available through the enterprise zone but may only do so at the discretion of Cobb County. This abatement program is not available to properties or projects within a tax allocation district (TAD).

The owner must submit a detailed list of their actual improvement costs to the office of economic development (OED) for review. All proposals must be reviewed with the chairman of the board of commissioners as well as the applicable district commissioner. The owner must also acknowledge

that the valuation methodology approved by OED and BTA is expressly conditioned upon the owner's completion of the project as submitted and within the two years allowed under this program. The owner must further acknowledge that failure to complete or substantially complete the project, as determined by OED and/or BTA, will constitute a sufficient basis for the project to be revised or terminated. Should the project be terminated under this ordinance, the owner will be liable for payment of taxes equal to the tax savings accrued during the project.

Section 2-175 shall be amended as follows:

Sec. 2-175. – Enterprise zone program ~~Same – Program incentive.~~

Note: Commercial and industrial rehabilitation program – Program incentive was moved to 2-174(d)

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

Act means the Georgia Enterprise Zone Employment Act, set forth at O.C.G.A. § 36-88-1 et seq., as amended.

Ad valorem tax means property taxes levied for state, county, or municipal operating purposes but does not include property taxes imposed by school districts or property taxes imposed for general obligation debt.

Business enterprise means any business engaged primarily in retail, manufacturing, warehousing and distribution, processing, telecommunications, tourism, research and development industries, new residential construction, and residential rehabilitation.

Enterprise zone means one or more geographic areas so designated by the board of commissioners wherein local ad valorem taxes, occupation taxes, license fees, and other local fees and taxes, except local sales and use taxes or any combination thereof, may be exempted or reduced ~~from applying to~~ for qualified business and service enterprises.

Full-time job equivalent means a job or jobs with no predetermined end date, with a regular work week of 30 hours or more, and with the same benefits provided to similar employees.

New job means a new "full-time job equivalent" employment for an individual created within an enterprise zone by a new or expanded qualified business or service enterprise at the time of the initial staffing of such new or expanded enterprise.

Service enterprise means an entity engaged primarily in finance, insurance, and real estate activity or activities listed as provided in the Act.

(b) *Enterprise zones.*

(1) *Purposes.* This section, including its subsections, has been enacted based upon a recognized need for revitalization in geographic areas within the county that are suffering or may suffer from disinvestment, underdevelopment, and economic decline and is intended to provide encouragement and incentives to private businesses to reinvest, renovate, restore, improve and rehabilitate such areas for new housing construction and the economic viability and profitability of businesses and commerce and to generate increased employment opportunities for residents of such areas.

(2) *Qualifying business or service enterprise.* A qualifying business or service enterprise is an enterprise which increased employment by five or more new full-time job equivalents in a designated enterprise zone and which provides additional economic stimulus in such zone. The

quality and quantity of such additional economic stimulus shall be determined, on a case-by-case basis, by the board of commissioners. Such business or service enterprise may be new, an expansion or reinvestment of an existing business or service enterprise, or a successor to such business or service enterprise. Whenever possible, ten percent of such new employees shall be low-income or moderate-income individuals, as defined under the Act.

(3) *Designation of enterprise zones.* The board of commissioners may independently, or in conjunction with one or more municipalities, designate one or more geographic areas as enterprise zones following an analysis of criteria (i.e., pervasive poverty, unemployment, general distress, underdevelopment, general blight) and data described in the Act. Any area designated as an enterprise zone may be redesignated as an enterprise zone after the expiration of its initial term if the area continues to meet the criteria for an enterprise zone.

(4) *Tax exemptions; other incentives.*

- a. Local ad valorem taxes, occupation taxes, license fees, and other local fees and taxes, except local sales and use taxes or any combination thereof, may be exempted or reduced from applying to qualified business and service enterprises in an area designated as an enterprise zone.
- b. Qualifying business and service enterprises in a designated enterprise zone ~~shall~~ may be granted an exemption from state, county, and municipal ad valorem taxes that would otherwise be levied on the qualifying business and service enterprises not to exceed the following schedule:
 1. One hundred percent of the property taxes shall be exempt for the first five years;
 2. Eighty percent of the property taxes shall be exempt for the next two years;
 3. Sixty percent of the property taxes shall be exempt for the next year;
 4. Forty percent of the property taxes shall be exempt for the next year; and
 5. Twenty percent of the property taxes shall be exempt for the last year.
- c. If a project consists of new residential construction, residential rehabilitation, or other rehabilitation of an existing structure and the value of the improvement exceeds the value of the land by a ratio of five to one, then the exemption schedule set forth in subsection (4)b. shall apply whether or not the project is carried out by a qualifying business or service enterprise.
- d. In no event shall the value of the property tax exemptions granted to qualifying business and service enterprises within an enterprise zone created by the county exceed ten percent of the value of the property tax digest of the county. In no event shall the value of the property tax exemptions granted to qualifying business and service enterprises within an enterprise zone created by the county and one or more municipalities exceed ten percent of the value of the property tax digest of the county and municipality/municipalities that created the enterprise zone.
- e. For any qualifying business or service enterprise, the tax exemption described in this section may begin in any year during which an enterprise zone designation is in effect and may continue even if the enterprise zone designation has terminated. A minimum of five new jobs must be maintained throughout the exemption period for a qualifying business or service enterprise to maintain eligibility for the tax exemption. Property tax exemptions granted to business or service enterprises that continue to qualify for the exemption shall continue for the full term of the incentives.

- f. Notwithstanding any other provision of this section, the county may enter into agreements with qualifying business or service enterprises in designated enterprise zones to provide for modification or termination of any tax and fee exemptions and abatements.
 - g. Qualifying business or service enterprises in designated enterprise zones may be eligible for incentives other than those provided under this section, including economic development incentives described elsewhere in article V, and including fee abatements or reductions for occupation taxes, regulatory fees and business inspections.
- (5) *Time limitations.* An area designated as an enterprise zone shall remain in existence for ten years from the first day of the calendar year immediately following its designation as an enterprise zone. Except as otherwise provided, property tax incentives granted to a qualified business or service enterprise shall remain in effect for the full term of the exemption period.
- (6) *Reporting.* The county shall report designations of enterprise zones as required by the Act, providing sufficient information to identify at a minimum the geographic boundaries of enterprise zones, the specific fees and taxes to be exempted or abated, and the beginning and ending dates of the designation period.

Section 2-176 shall be amended as follows:

Sec. 2-176. - ~~Incentive recapture provision Enterprise Zone Program.~~

Note: Enterprise zone program was moved to 2-175

Each business approved to receive incentives pursuant to any of the above described programs will be required to enter into an Economic Incentives Commitment Agreement (EICA) which shall include, at minimum, the following conditions:

- (a) a description of the project;
- (b) the types of incentives offered;
- (c) the terms upon which the incentives are offered;
- (d) should any incentive offered by the board of commissioners under this article be determined to be illegal, unenforceable or invalid, then the business, or its successors, heirs or assigns, agrees to promptly reimburse the county;
- (e) any business which receives or participates in any incentive offered under this article agrees not to relocate or be annexed for the period for which the incentive is granted and the incentive value is recaptured;
- (f) a provision for the recapture of the value of these incentives should the business fail to meet the agreed-upon terms and/or fails to maintain the incentive eligibility criteria throughout the incentive period; and
- (g) should a business or its successors violate the above provisions, then such business shall immediately reimburse the county for the value of any incentive received under this article.

Chapter 6 – ALCOHOLIC BEVERAGES

ARTICLE I. – IN GENERAL

Section 6-1 shall be amended as follows:

Sec.6-1. – Definitions

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

...

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

ARTICLE III. – LICENSES

Division 3. – FEE, SUSPENSION, REVOCATION, OR TRANSFER

Section 6-147 shall be amended as follows:

6-147 and 6-147.1 will be held until the March 27, 2018 to provide additional time for legal review.

Sec. 6-147. - Procedure for fee, suspension and revocation.

- (a) It is determined that the following are violations:
- (1) When a licensee or anyone in the employ of ~~a licensee~~ the business holding the license is charged with, arrested for, or convicted of selling alcoholic beverages to an underage person or persons or on Sunday without necessary Sunday sales license;
 - (2) When a licensee or anyone in the employ of ~~a licensee~~ the business holding the license is charged with, arrested for, or convicted of selling alcoholic beverages to an intoxicated person pursuant to O.C.G.A. § 3-3-22 during the current license year; or
 - (3) When a licensee or anyone in the employ of ~~a licensee~~ the business holding the license is charged with, arrested for, or convicted of selling alcoholic beverages to an intoxicated person pursuant to O.C.G.A. § 3-3-22 during the previous 24 months.
- (b) The police department shall notify the business license division manager ~~if~~ of any violation of section 6-147 (a) ~~occurs~~.
- (c) Upon notice of a violation of section 6-147(a), the alcohol license of a business will be automatically suspended as follows:
- (1) First offense – one-day suspension;
 - (2) Second offense if within 12 months of the first offense – three-day suspension;
 - (3) Third offense if within 12 months of the second offense – seven-day suspension; and
 - (4) Fourth offense if within 12 months of the third offense – ten-day suspension.
- ~~Fees for first offense of any violation in section 6-147(a):~~
- ~~(1) The business license manager may collect a fee of \$750.00 from the licensee in lieu of placing the matter for hearing by the license review board for any first offense of the violations set forth in section 6-147 (a), unless licensee has any criminal history within the past five years.~~
- ~~(2d)~~ The license holder that has been charged with a violation of section 6-147(a) may appeal the suspension fee set out in subsection (c) of this section and request a hearing by the license review board as further defined in the section. The hearing shall proceed as any due cause hearing and the board may consider mitigating and aggravating circumstances in considering sanctions.

(e) Pursuant to Section 6-147(g) once the business license manager becomes aware of a fifth or subsequent violation of section 6-147(a) at any time, he/she shall place the matter for hearing by the license review board. The licensee shall have ten days from the date of notification by the business license manager to pay the fee. Failure to pay the fee within the required timeframe will result in an automatic three-day suspension of their license.

(f) For businesses with multiple physical locations under a single licensee, fees in 6-147(c) are imposed per physical location.

~~(d)~~ No alcoholic beverage license ...

~~(e)~~ In all hearings held pursuant to this section...

~~(f)~~ In the event a license to sell alcoholic beverages is suspended ...

Sec. 6-147.1. – In lieu of fees.

In lieu of the suspensions set out in section 6-147(c), a business may elect to pay a fee in accordance with the following schedule:

(a) The business holding the license under which the violation occurred may pay a fee of \$1,000.00 for the first offense of the violations set forth in section 6-147 (a);

(b) The business holding the license under which the violation occurred may pay a fee of \$1,000.00 per day for each day of the corresponding automatic suspension or \$3,000.00, if within 12 months of the first offense, a second violation of section 6-147 (a) occurs.

(c) The business holding the license under which the violation occurred may pay a fee of \$1,000.00 per day for each day of the corresponding automatic suspension or \$7,000.00, if within 12 months of the second offense, a third violation of section 6-147 (a) occurs.

(d) The business holding the license under which the violation occurred shall pay a fee of \$1,000.00 per day for each day of the corresponding automatic suspension or \$10,000.00, if within 12 months of the third offense, a fourth violation of section 6-147 (a) occurs.

ARTICLE IV. – OPERATING REGULATIONS FOR LICENSED ESTABLISHMENTS

DIVISION 1. – GENERALLY.

...

Sec. 6-183. Temporary Alcoholic Beverage Licenses for Trade Shows.

A trade show organization or entity that desires to serve alcoholic beverages temporarily (no more than three (3) days) for tasting and/or sampling shall ~~obtain a temporary alcoholic beverage license to serve alcoholic beverages for consumption on the premises of the event. A tasting and/or sample size shall not exceed two (2) ounces~~ do so under the existing license provided to the facility where the trade show is occurring.

Chapter 50 – ENVIRONMENT

ARTICLE VII. – NOISE

Section 50-257 shall be amended as follows:

Sec. 50-257. - Enumeration of prohibited noises.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this article; but this enumeration shall not be deemed to be exclusive:

...

(15)Consumer Fireworks. The use or exploding of consumer fireworks between the hours of 9:00 p.m. and 10:00 a.m, except on the dates, and at the times, explicitly specified in chapter 10 of title 25 of the O.C.G.A. (O.C.G.A. 25-10-1 et seq.)

Chapter 54 – FIRE PREVENTION AND PROTECTION

ARTICLE VII. – OUTDOOR BURNING

Section 54-113 shall be amended as follows:

Sec. 54-113. - Exceptions to outdoor burning restrictions.

Restrictions on outdoor burning do not apply to the following:

- (a) Grilling or cooking using charcoal, wood, propane or natural gas.
- (b) Burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation, unless garbage being burned.
- (c) For single family residential attached or detached dwellings, burning clean wood in a chimenea, fire bowl, or other similar device or outdoor fireplace, unless garbage being burned.
- (d) The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction, or maintenance activities (asphalt kettles, road flares, smudge pots, etc.).
- (e) Incinerators installed in accordance with all state and local codes.
- (f) Fire department practice burns that comply with all state and local codes.
- (g) The retirement of flags by burning in accordance with recognized practices.

54-113 (f) is restricted in a medical burn ban as identified in 54-114(i).

Chapter 70 – LAW ENFORCEMENT

ARTICLE I. – IN GENERAL

Section 70-3 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 70-3. - AUTHORITY OF COUNTY POLICE AND SHERIFF.

The county police and county sheriff are hereby authorized to enforce any and all county ordinances contained in the Official Code of Cobb County. Enforcement shall be accomplished by issuance of a citation to the violator; provided, however, that the county police and county sheriff may effect a custodial arrest for violations of section 86-2, 86.2.1(a), 86.2.1(b), and 86-11 of the Official Code of Cobb County, for any other ordinance that Cobb County may enact for which the laws of the state permit a custodial arrest, or as otherwise authorized by any ordinance of a state authority. Provided, however, that any ordinance defendant who fails to appear for trial shall be arrested thereafter on the warrant of the magistrate and required to post a bond for his or her future appearance. This section is not intended to provide exclusive enforcement powers to the county police and county sheriff but rather concurrent enforcement powers with other authorized employees of the county.

Chapter 83 – NUISANCES

ARTICLE II. – WEED CONTROL

Section 83-11 shall be amended as follows:

Sec. 83-11. - Exemptions.

This section shall not apply to county, state or federal property or governmentally mandated easements, buffers, corridors, wetlands, detention ponds, dams, farms, natural or landscape areas, lakes, medians, etc. Further, this article shall not apply to utility ~~easements~~ or owned rights-of-way, or tracts of property (under single ownership) 40,000 square feet or larger unless they are within a platted subdivision.

Section 83-12 shall be amended as follows:

Sec. 83-12. - Prohibited.

It shall be unlawful for the owner of any property to permit weeds to obtain a height exceeding 12 inches unless exempted as described in this section. It shall be unlawful for the owner of any property, that contains an an easement for utility right-of-way, lake, pond or other water impoundment, to permit weeds to obtain a height exceeding 12 inches on any portion of the property, unless exempted as described in this section.

Chapter 86 – OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. – IN GENERAL

The Official Code of Cobb County, Georgia, is amended by adding Section 86-2.1, to read as follows:

86-2.1. - Disorderly conduct at athletic events or special events.

- (a) No person at any athletic event or any special event shall throw, toss or deposit a bottle, can, metal, paper or debris or item of any type or nature whatsoever onto the playing field, playing diamond, playing court, track, ring, stage, or any other playing or special event area or any other restricted area immediately adjacent thereto, or at any person who is a participant, player, official or promoter or employee thereof.
- (b) No unauthorized persons at any athletic event or special event shall go onto the playing field, playing diamond, playing court, track, ring, stage, or any other playing or special event area, or any other restricted area immediately adjacent thereto, designated as restricted by the promoter of the event or exhibition, without first obtaining the permission of the promoter thereof.

The Official Code of Cobb County, Georgia, is amended by adding Section 86-11, to read as follows:

86-11. - Public intoxication.

It shall be unlawful for any person to be and appear on the streets or roads of the county or in any public place or place of business patronized by the public in a state of intoxication or incapacitation caused by drugs, alcohol, concentrated vapors, or inhalants. The condition of intoxication or incapacitation may be manifested by, including but not limited to, any of the following: boisterousness; public indecency as defined by section 86-4; indecent acts; "fighting words," or loud and boisterous language, directed towards another so as to create a breach of the peace potentially dangerous to the safety of persons or property; or unconsciousness which causes a hazardous condition, disorientation or the inability to care for his or her own needs or recognize obvious dangers.

Chapter 134 – ZONING

ARTICLE I. – IN GENERAL

DIVISION 4. - REZONING OR LAND USE PERMIT APPLICATIONS

Section 134-121 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 134-121. - Generally.

...

(b) *Public notice and advertising of hearings.*

...

(3) It shall be the duty of the applicant/representative to notify in writing all property owners within a one thousand-foot (1,000') radius of the subject property being rezoned, as shown on the most current tax records regarding a pending rezoning application, which includes the planning commission and the board of commissioners hearing dates. Mailings must be sent via the united states postal service. Such notice shall be satisfied by the applicant/representative mailing a copy of the application that includes notification of the planning commission and the board of commissioners hearing dates and the proposed site plan by first class mail (with a certificate of mailing) or by certified mail. Said notification must be postmarked thirty (30) calendar days prior to the planning commission hearing. The applicant/representative is required to file with the zoning division proof of the mailing no later than twenty-one (21) days prior to the planning commission zoning hearing for which the application is scheduled to be considered. Staff is authorized to continue any pending case in which the above requirements are not met.

ARTICLE IV. – DISTRICT REGULATIONS

Section 134-213 of the Official Code of Cobb County, Georgia, is amended to read as follows:

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

Option 1 – Original Request

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

- (1) *Purpose and intent.* The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.
- (2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - a. *Community fair* means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.
 - b. [Reserved.]
 - c. *Designated recycling collection locations* means metal or heavy duty plastic containers designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass

and paper (no perishable or food items allowed) for scheduled minimum monthly pickup, with no on-premises sorting. The center must be maintained in a safe, clean, neat and sanitary fashion and shall not encompass an area larger than 280 square feet.

1. Such location shall be visually screened and maintained.
 2. Such location shall be within the building setbacks unless otherwise approved by the division manager of zoning or his designee due to topography, safety, internal traffic flow, site distance or other site-related circumstances not created by the property owner.
- d. *Group home* means a dwelling shared by six or less persons, excluding resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. This use shall apply to homes for the handicapped. As used in this subsection, the term "handicapped" shall mean:
1. Having a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
 2. Having a record of having such an impairment; or
 3. Being regarded as having such an impairment.

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

- e. ~~*Light automotive repair establishment* means an indoor repair establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing light auto and small truck repair and maintenance within the enclosed service bay(s) (under one ton) such as brakes, oil changes, lubrication, transmission, belts, hoses, inspections, tire mounting and installation and the like. Light automotive repair establishments adjacent to residentially zoned properties shall be required to incorporate noise abatement measures such as, but not limited to, landscaping, fencing, portable noise screen, or other equally effective industry accepted alternative. This amendment shall become effective July 1, 2013. Activities such as battery replacement, light bulb changes, wiper blade replacement, "check engine light" diagnostics, or other minor things done complimentary and the like may be done outside of a retail automotive parts store with non-powered hand tools.~~ Reserved.
- f. *Neighborhood retail uses* means commonly found low scale and low intensity retail uses (with square footages in accordance with the use limitations established within the individual zoning districts of this chapter) that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as, but not limited to, an auto parts store, antique shop, appliance store (home use), bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstore), bridal shop, camera shop, china and pottery store, clothing store, dance studio, martial arts, pilates, yoga and the like studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore, hardware store, dry goods store, florist, furniture store, gifts and stationery store, gym and fitness facility, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, pet store and pet supply store,

shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store.

- g. ~~Nonautomotive repair uses means commonly found low intensity repair shops such as jewelry, camera, home appliance, television and videocassette recorder repair shops. Reserved.~~
- h. *Office service and supply establishments* means wholesale and retail commercial establishments that sell, service and supply small office equipment and supplies, such as stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers and other general office equipment.
- i. *Professional office* means a structure wherein services are performed involving predominately administrative, professional or clerical operations such as the following: law, doctor, optician, audiologist, accounting, tax preparation, real estate, stockbroker, architect, engineer, manufacturer representative, professional counselor, dentist, investigative services, photographer, insurance, contractor, land surveyor, telephone sales, political/campaign, veterinarian or travel bureau.

(3) *Permitted uses.* Permitted uses are as follows:

Banks and financial institutions with drive-in establishment or automated transfer machines.

~~Billiards and pool halls, subject to [chapter 78](#), article III, division 6, pertaining to pool rooms.
Carwashes.~~

Churches, chapels, temples, synagogues, and other such places of worship.

~~Commercial produce and agricultural product stands.~~

~~Community fairs.~~

Convenience food stores with self-service fuel sales.

Cultural facilities.

~~Designated recycling collection locations.~~

Eating and drinking establishments, including drive-in fast food restaurants.

~~Emissions or inspection stations. (No temporary buildings/tents to be utilized after June 30, 1998.)~~

~~Executive golf courses (see [section 134-270](#)).~~

Film developing and printing facilities.

~~Freestanding climate controlled self-service storage facilities. The following minimum standards shall apply to freestanding climate controlled self-service storage facilities:~~

- ~~1. Building height should not exceed those of adjacent buildings, nor impact the view shed of adjacent residential property.~~
- ~~2. F.A.R. should be .75 or as determined appropriate by the board of commissioners.~~
- ~~3. All units shall be accessed through a main or central entrance.~~
- ~~4. All windows or similar architectural features must be "one way" and provide for an opaque screen from view outside of the building.~~
- ~~5. Architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center. Said architectural style/design to be approved by the board of commissioners. Any roof mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.~~
- ~~6. There shall be no outside storage allowed nor overnight and/or long term parking of heavy equipment, commercial equipment or parking of construction or related equipment allowed.~~
- ~~7. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.~~
- ~~8. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.~~

9. ~~No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.~~
 10. ~~There shall be no resident manager or any type of overnight accommodations for such.~~
 11. ~~Landscape plan to be approved by staff with emphasis on planting within the parking facilities.~~
 12. ~~One parking space shall be provided per every 80 individual storage units/areas.~~
 13. ~~Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural or landscape feature or as may be approved by the board of commissioners if not located to the side or rear of proposed structure.~~
 14. ~~Lighting plan to be approved by the board of commissioners.~~
 15. ~~No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.~~
 16. ~~Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right of way.~~
 17. ~~Hours of operation to be established by the board of commissioners, considering the operation hours of surrounding businesses.~~
 18. ~~Special land use permit as provided in [section 134-37](#).~~
- ~~Freestanding ice vending machines. The following minimum standards shall apply to freestanding ice vending machines:~~
1. ~~Architectural style must be similar to or complimentary to the architectural styles of contiguous properties and consistent with the county's architectural guidelines.~~
 2. ~~Any roof-mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from the view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties. Further, these utilities, units or mechanical devices must include a noise abatement feature or device that abates noises or sounds from adjacent residential property.~~
 3. ~~Special land use permit as required in [section 134-37](#).~~
- ~~Full service gasoline stations.~~
- ~~Funeral homes.~~
- ~~Golf courses, 18-hole regulation, public and private (see [section 134-270](#)).~~
- ~~Golf courses, par 3 (see [section 134-270](#)).~~
- ~~Group homes.~~
- ~~In-home day care.~~
- ~~Laundry and dry cleaning pickup establishments.~~
- ~~Light automotive repair establishments, provided the building shall not exceed 8,000 square feet in floor area.~~
- ~~Neighborhood retail uses.~~
- ~~Nonautomotive repair service establishments.~~
- ~~Nonprofit (seasonal use) fishing lakes.~~
- ~~Nursery schools and child day care centers.~~
- ~~Office service and supply establishments.~~
- ~~Parking for vehicles.~~
- ~~Private parks.~~
- ~~Professional offices.~~

Radio, television and other communication towers and antennas subject to [section 134-273](#).

Rest homes, personal care homes or convalescent homes.

~~Self-service fuel sales.~~

Self-service laundry facilities.

Temporary uses.

...

(9) *Lighting requirements.* Any project permitted within the NRC district which proposes a lighted facility must have a county department of transportation approved lighting plan in accordance with the minimum conditions listed in [section 134-269](#). ~~Lighting will be reviewed and approved so that stray light onto adjoining and nearby properties is eliminated or reduced. A lighting plan with light poles, wall packs and building lighting to be approved by the zoning division staff. The lighting plan is to have all lights shown, lumens, wattage of bulbs, and which way the light is shining.~~

(10) *Special exception uses.* See [section 134-271](#) for special exception uses and requirements for all districts. Special exception uses for the NRC district are the uses listed in [section 134-271](#).

(11) *Special exception uses for neighborhood activity center only.* The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the NRC district, provided they meet the following criteria:

- ~~• Properties have been specially studied by the Cobb County Board of Commissioners and as a result of the study, delineated as neighborhood activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.~~
- ~~• Properties currently have a zoning district that is not consistent with neighborhood activity centers.~~
- ~~• Properties contain an existing structure and use that is considered a nonconforming use given its delineation as a neighborhood activity center.~~

All special exception uses within the NRC district are subject to the following criteria:

- ~~• All special exception uses allowed within the NRC district must be contained completely within an enclosed building. No uses are to be conducted outside, except for those allowing outdoor display of merchandise.~~
- ~~• Unless otherwise noted, the maximum size for any singular special exception use, including other uses structurally connected and/or internally accessed from said special exception use shall be no more than 50,000 square feet of gross floor area. Additionally, the maximum size for any singular special exception use, including other uses structurally connected and/or internally accessed from said special exception use shall be no more than 35,000 square feet of gross floor area. The following sub-criteria shall apply to all singular uses 35,000 square feet or larger:~~
 - ~~• Long blank walls that discourage pedestrian activity are prohibited along public roadway frontages. Building facades must be broken up with recesses of a minimum of 16 inches or other items of visual interest when adjacent to public roadway frontages.~~
 - ~~• Ground floor facades must have arches, display windows, awnings, or some other feature to add visual interest to the structure.~~
 - ~~• Pedestrian amenities such as patio seating areas, gazebos, fountains, landscaped courtyards must be provided.~~
 - ~~• Uses must have clearly defined entrances with canopies, porticos or arches and covered walkways.~~
 - ~~• Parking should be designed so that no more than two-thirds of the parking spaces are located between the primary structure and one of the major roadways of the intersection at which~~

the project is located. Where site design does not allow for the above parking space distribution, it shall be the option of the developer to install a minimum 25-foot landscaped buffer along the road frontage and measured from the edge of right-of-way to the back of the curb, inclusive of a three-foot high berm.

Special Exception Uses:

~~Animal hospitals (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Athletic and health clubs (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Boarding kennels (indoor), provided that no outside runs allowed, approval of county health department required, must not create a nuisance as defined by state law, building to be soundproofed, internal air exchange system required (excluding air conditioning system) and (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Clubs or lodges (noncommercial) (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Commercial indoor recreation uses (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Contractor (specialized) without heavy equipment (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Medical and dental laboratories, provided that no chemicals are manufactured on-site (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Offices not elsewhere classified (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Other consumer goods and services (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Other service establishments (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Photography studios (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Printing, publishing and lithography establishments, provided that no more than 50 percent of the total gross floor area will be used for storage (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Recreation grounds other than tennis courts and golf courses (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Reupholstery and furniture repair establishments (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Studios and supplies, provided that no more than 50 percent of the total gross floor area will be used for storage (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Tool rental (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

(12) *Use limitations.*

- a. Maximum floor area ratio is 0.5 for office uses and 0.25 for retail uses.
- b. All structures located within the NRC district shall be appropriately scaled in relation to the transitional nature of the immediate area.
- c. All business establishments classified as neighborhood retail uses shall be restricted in accordance with the following:

One anchor tenant not to exceed 70,000 square feet of gross floor area.
One additional tenant not to exceed 20,000 square feet of gross floor area.
Remaining tenants not to exceed 7,500 square feet of gross floor area.
No neighborhood retail shopping center will exceed 140,000 square feet of gross floor area.

- d. ~~No convenience food store with self-service fuel sales shall occupy more than 3,000 square feet. Reserved.~~
- e. All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
- f. No overnight parking of commercial vehicles is permitted, except for mini-vans or cars.
- g. It is found and declared that outside storage on properties within unincorporated Cobb County is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, unless otherwise allowed in this article. Within the NRC district, outside storage shall not include commercial vehicles used for a permitted use. Outside storage shall include any automobiles or vehicles that are being repaired or serviced in conjunction with a permitted use.
- h. No laboratories or clinics are permitted.
- i. ~~Any emission or automotive inspection station shall be located within a permanent facility. (No temporary buildings/tents are to be utilized after June 30, 1998.) Effective April 1, 2014, any new applications (zoning applications, building permit related applications including tenant finish operations and certificate of occupancy applications) for emission or automotive inspection stations within permanent facilities shall mean an indoor inspection establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing emission and automotive inspections/testing. The permanent facility must be compliant with the adopted building regulations found in chapter 18 of the Cobb County Code. Reserved.~~
- j. ~~No light automotive repair establishment or full-service gasoline station shall exceed 8,000 square feet, and no outside repair shall be allowed except for replacing taillights, wiper blades, batteries and tires, and routine inspections. Reserved.~~

...

Option 2 – Alternative Request

...

- (9) ~~Lighting requirements. Any project permitted within the NRC district which proposes a lighted facility must have a county department of transportation approved lighting plan in accordance with the minimum conditions listed in [section 134-269](#). Lighting will be reviewed and approved so that stray light onto adjoining and nearby properties is eliminated or reduced. A lighting plan with light poles, wall packs and building lighting to be approved by the zoning division staff. The lighting plan is to have all lights shown, lumens, wattage of bulbs, and which way the light is shining.~~

...

(12) Use limitations.

...

- d. ~~No convenience food store with self-service fuel sales shall occupy more than 3,000 square feet. Reserved.~~

...

ARTICLE V. – SUPPLEMENTAL REGULATIONS

Section 134-271 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 134-271. - Special exceptions.

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

...

- (7) Any use proposed for a parcel or tract of land which does not have the required minimum public road frontage or does not have the minimum lot size required by this chapter, with the following requirements:

- a. Approval by the board of commissioners ~~after consideration by the board of zoning appeals. This shall apply only to applications that have been approved/recommended by the board of zoning appeals. The board of commissioners may add, delete or modify stipulations recommended by the board of zoning appeals under this code section. as an Other Business item. The Board of Zoning Appeals shall not consider reductions in minimum public road frontage or reductions in minimum lot size as required by this chapter.~~

Section 134-272 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 134-272. - Traffic and parking.

Each use shall meet the following requirements:

...

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

...

- d. *Required spaces.* The number of parking spaces or area required for a particular use shall be as follows:

...

Multifamily dwelling units	1.75 spaces per dwelling unit, <u>unless the multifamily dwelling units are purpose built student housing which shall require 1.5 parking space per bedroom.</u>
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...

Section 134-276 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 134-276. - Moving buildings.

...

- (e) Operational requirements. Additional requirements shall be a follows:

...

- (4) Front and rear escort vehicles shall be required at all times during the moving process. These escorts shall be police cars driven by police officers. The division manager of code enforcement or his/her designee shall ~~select~~ coordinate the police officer escorts. ~~Three (3)~~ Up to Four (4) police officer escorts are required for each house move permitted, unless department of transportation and public safety deem that ~~two (2)~~ two (2) police less officer escorts would be sufficient as determined per the route submitted. The department of transportation should be contacted

by the house mover before application is submitted to code enforcement for this request and approval. ...