

# 2024 CODE AMENDMENTS

## Official Code of Cobb County Part I. – Chapter 134

Package II

Version I - distributed on September 27, 2024

Planning Commission Public Hearing Date  
November 5, 2024 – 9:00 a.m.

Board of Commissioners Public Hearing Dates  
November 12, 2024 – 9:00 a.m.  
November 21, 2024 – 6:00 p.m.

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



*Cobb County...Expect the Best!*

## Chapter 134 – ZONING

### ARTICLE I. – IN GENERAL

Section 134-1 of the Official Code of Cobb County, Georgia, is amended to read as follows:

#### Sec. 134-1. – Definitions.

...

Accessory dwelling unit (ADU) means an independent residential dwelling unit subordinate to the principal single-family dwelling unit on the same lot. An accessory dwelling unit may be either attached to or detached from the principal single-family dwelling unit.

...

*Family* means two or more persons related by blood, legal adoption or guardianship, or marriage, occupying a dwelling. ~~Related means persons are all related to each other within the fourth degree, as defined in O.C.G.A. § 53-2-1, which includes parents, children, grandparents, grandchildren, brothers and sisters.~~ State of Georgia authorized foster children of a family member shall also be deemed a member of the family for this purpose. A child or children and any parent(s) and/or guardian(s) of that child or children shall also be considered a family.

...

*Single-family dwelling unit.* A single-family dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for one family including up to ~~one~~ two unrelated ~~adult~~ adults, or ~~two~~ three or fewer unrelated adults and their children and/or grandchildren.

- (1) A single-family dwelling unit shall have an interior bathroom and complete kitchen facilities, permanently installed. All rooms in a dwelling unit shall be accessed through the front or primary door.
- (2) A single-family dwelling unit shall have at least 390 square feet of living building square footage (as determined and maintained in the records of the Cobb County Tax Assessor) per each adult occupant.
- (3) No more than one vehicle per 390 square feet of living building square footage may be parked regularly overnight on the property upon which the single-family dwelling unit exists. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of ~~four~~ five or less (of the total) parked outside of a garage, carport or the like for properties zoned PRD, OSC, RA-5, R-15, R-20, and R-30. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of five or less (of the total) parked outside of a garage, carport or the like for properties zoned R-40, R-80, and RR. Other zoning districts used for single family dwelling units shall have no more than ~~four~~ five vehicles parked outside. This includes vehicles parked within the right-of-way adjacent to a dwelling unit. "Regularly" means a majority of days in any seven-day period.

### ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

## DIVISION 1. – GENERALLY

Section 134-37 of the Official Code of Cobb County, Georgia, is amended to read as follows:

### Sec. 134-37. –Special land use permits.

...

(31) Clubs or lodges (noncommercial), when located on a residentially zoned property, with the following minimum requirements.

- a. Minimum lot size is five usable acres, excluding flood plain.
- b. Primary access to the facility shall be from an arterial or major collector roadway.
- c. Structures associated with the use shall be located a minimum of 50 feet from any property line.
- d. Structures associated with the use shall be limited to 55 feet in height.
- e. When abutting any residential property line, a 50- ~~35~~-foot landscaped screening buffer shall be approved by county staff (see landscaping standards). Additionally, in any zoning district for this specific use, the maximum impervious surface shall be 55 percent.
- f. An overall parking and landscape plan for the entire site shall be approved by county staff.
- g. One parking space per 250 square feet (net) of floorspace.
- h. A lighting plan shall be approved in accordance with section 134-269.

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(35) Accessory dwelling units (ADU).

- a. ADU shall not exceed 50% of the gross square footage of the primary single-family dwelling unit or 850 square feet.
- b. ADU shall be no more than one-story in height, not to exceed the height of the primary single-family dwelling unit.
- c. A minimum of one off-street parking spot shall be provided for the ADU.
- d. ADU shall be connected to the utilities meters of the primary structure.
- e. ADU shall be located only in the rear yard, and shall adhere to the side and rear yard setback of the primary structure.
- f. Maximum impervious surface coverage for the lot shall not exceed the zoning district limitation.
- g. ADU must adhere to all other standards for accessory structures in the zoning district.
- h. There shall be no more than one ADU per single-family lot.
- i. ADU shall not be utilized as a short-term rental property.
- j. The owner(s) of the property shall reside in either the primary single family-dwelling unit or the ADU.
- k. Property owner(s) shall sign an affidavit stating that the ADU is not in conflict with any applicable covenants, conditions, deed restrictions, or bylaws.

...

## DIVISION 3. – BOARD OF ZONING APPEALS

Section 134-94 of the Official Code of Cobb County, Georgia, is amended to read as follows:

### Sec. 134-94. – Powers.

- (a) The board of appeals shall have the power to:
- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter. The person filing the appeal shall pay a filing fee to the Cobb County Zoning Division equal to \$100.00.
  - (2) Hear and decide special exceptions to the terms of this chapter upon which such board is required to pass under this chapter. The following chapters are the only chapters of this Code that the board of appeals may consider:
    - Chapter 134 - Zoning
    - Chapter 50-75(b)(15)
    - Chapter 110 - Subdivisions
    - Chapter 58 - Floods
    - Chapter 106, article III - Sidewalks
  - (3) Authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board of appeals that:
    - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
    - b. The application of this chapter to this particular piece of property would create an unnecessary hardship;
    - c. Such conditions are peculiar to the particular piece of property involved; and
    - d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.

No variance may be granted for a use of land or building or structure that is prohibited by this chapter. No variance may be granted that would conflict with or alter a stipulation or condition imposed by the board of commissioners, except for setback variances which are less than 25 percent than the underlying requirement and do not alter the basic tenets of any site plan included and approved as a stipulation.
  - ~~(4) Make recommendations to the board of commissioners regarding variance applications requesting a reduction in road frontage or a reduction in lot size. Variance applications which are approved by the board of zoning appeals takes the form of a recommendation to the board of commissioners, who makes a final determination whether to grant the requested variance via a special exception (section 134-271). Community development staff shall place the item on the board of commissioners' next available hearing agenda as an agenda item, if a regular hearing, or other business item, if a zoning meeting, if the request is recommended for approval by the board of zoning appeals. The property shall be posted with other business zoning notices by the applicant 30 days prior to the board of commissioners' hearing. There will not be a fee associated with other business item, and the applicant does not have to mail out other business notification, as long as the notification/petition requirement was completed for the board of zoning appeals hearing.~~
- (b) In exercising the powers described in subsection (a) of this section, the board of appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

## **DIVISION 4. – REZONING OR LAND USE PERMIT APPLICATIONS**

Section 134--123 of the Official Code of Cobb County, Georgia, is amended to read as follows:

### **Sec. 134-123. – Action by planning commission.**

- (a) The planning commission shall conduct a public hearing on each application for a land use permit or rezoning in accordance with a schedule and procedures adopted by the board of commissioners. A staff report on each application shall be submitted to and considered by the planning commission at the public hearing. The planning commission shall investigate and consider each of the following matters:
  - (1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
  - (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
  - (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
  - (4) Whether the zoning proposal is in conformity with the policy and intent of the land use plan and staff recommendations; and
  - (5) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- (b) As to each application, the planning commission shall make a recommendation for approval, denial, deletion to an alternative zoning district, continuance, hold, withdrawal without prejudice, withdrawal with prejudice or no recommendation. Any two members of the board of commissioners, through a clerk's note at a board of commissioner's zoning meeting, can provide direction to the planning commission for a held or continued case on the planning commission's agenda to be considered and voted on at the next available planning commission hearing. Written minutes of the planning commission's recommendation to the board of commissioners shall be prepared, maintained and submitted to the board of commissioners prior to its hearing. Additionally, the staff report and applicant's report shall be submitted to the board of commissioners. All documents shall thereafter become public record.
- (c) The planning commission shall adopt such rules and regulations for the conduct of public hearings and meetings as are consistent with state law and this Code, which shall be published and available to the public. The planning commission shall be subject to conflict of interest rules pursuant to O.C.G.A. § 36-67A-2, as amended from time to time.

## **ARTICLE IV. – DISTRICT REGULATIONS**

Section 134-193 of the Official Code of Cobb County, Georgia, is amended to read as follows:

### **Sec. 134-193. – R-80 single-family residential district.**

...

- (12) *Accessory buildings, structures, uses and decks.*
  - a. Size and setback limitations: Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15-foot

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

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

...

Section 134-194 of the Official Code of Cobb County, Georgia, is amended to read as follows:

**Sec. 134-194. – RR rural residential district.**

...

*(13) Accessory buildings, structures, uses and decks.*

- a. Size and setback limitations: Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15-foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square feet must be at least 100 feet from any property line and is subject to the development conditions below.
- b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:
  1. Maximum height is two stories or 35 feet.
  2. Buildings or structures shall have the meaning as defined in section 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.
  3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.
  4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.
  5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.
  6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.
  7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.
  8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
  9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.
  10. ~~When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.~~

10. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.
11. The primary structure in a residential district shall be the principle house on the lot.

...

Section 134-195 of the Official Code of Cobb County, Georgia, is amended to read as follows:

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

...

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

- a. Size and setback limitations: Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15-foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square feet must be at least 100 feet from any property line and is subject to the development conditions below.
- b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:
  1. Maximum height is two stories or 35 feet.
  2. Buildings or structures shall have the meaning as defined in section 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.
  3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.
  4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.
  5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.
  6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.
  7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.
  8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
  9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the



primary structure to which it is attached. The breezeway may be enclosed or open.

10. ~~When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.~~
10. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.
11. The primary structure in a residential district shall be the principle house on the lot.

...

Section 134-196 of the Official Code of Cobb County, Georgia, is amended to read as follows:

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

...

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

- a. Size and setback limitations: Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15-foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square feet must be at least 100 feet from any property line and is subject to the development conditions below.
- b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:
  1. Maximum height is two stories or 35 feet.
  2. Buildings or structures shall have the meaning as defined in section 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.
  3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.
  4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.
  5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.
  6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the

principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.
8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.
10. ~~When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.~~
10. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.
11. The primary structure in a residential district shall be the principle house on the lot.

...

Section 134-197 of the Official Code of Cobb County, Georgia, is amended to read as follows:

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

...

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

- a. Size and setback limitations: Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15-foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square feet must be at least 100 feet from any property line and is subject to the development conditions below.
- b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:
  1. Maximum height is two stories or 35 feet.
  2. Buildings or structures shall have the meaning as defined in section 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.
  3. All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.

4. The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.
5. Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.
6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.
7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.
8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
9. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.
- ~~10. When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.~~
10. All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.
11. The primary structure in a residential district shall be the principle house on the lot.

...

Section 134-198 of the Official Code of Cobb County, Georgia, is amended to read as follows:

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

...

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

- a. Size and setback limitations: Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15-foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square feet must be at least 100 feet from any property line and is subject to the development conditions below.
- b. Accessory buildings, structures, uses and decks shall be subject to the following development conditions:
  1. Maximum height is two stories or 35 feet.
  2. Buildings or structures shall have the meaning as defined in section 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating

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

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

...

Section 134-199 of the Official Code of Cobb County, Georgia, is amended to read as follows:

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

...

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

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

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

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

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## **ARTICLE V. – SUPPLEMENTAL REGULATIONS**

Section 134-266 of the Official Code of Cobb County, Georgia is amended to read as follows:

**Sec. 134-266. – Gasoline pumps/electric car charging station(s) and canopies.**

...

- (c) Electric car charging station(s)
- (1) Installation of four or less outdoor charging stations and their associated equipment on nonresidentially or multifamily zoned property:
    - a. .Must be installed at least 20 feet from the side or rear property line;
    - b. Cannot be installed in front setback or in any buffers;
    - c. Must be installed next to the same or more intense zoning category;
    - d. No reader boards are allowed if visible from the street; and,
    - e. Lighting for charging stations must be down lighting designed not to spill over onto neighboring property.
  - (2) Installation of five or more outdoor charging stations and their associated equipment on nonresidentially or multifamily zoned property (not allowed on single-family residentially zoned property):
    - a. Require approval of the site plan, landscaping, signage by the Board of Commissioners as an Other Business Item;
    - b. Charging station installation will be considered a site plan modification;
    - c. Cannot be located in a yard adjacent to a residentially zoned property;
    - d. Should be shielded from roadways;
    - e. Lighting for stations must be down lighting designed not to spill over onto neighboring property; and,
    - f. Staff to verify that the installation will not cause a parking shortage on the property (stations are for electric vehicles only).
  - (3) Criteria 1 and 2 of this subsection shall not apply to a single charging station on single-family residentially zoned property. A maximum of one outdoor charging station is permitted on single-family residentially zoned property.
  - (4) Indoor charging stations, or charging stations within parking decks that have been approved by the Fire Marshal and Development and Inspections Division are exempted from this section.

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

**Sec. 134-271. – Special exceptions.**

...

- (4) Churches, chapels, temples, synagogues and other such places of worship when located within the R-80, RR, R-40, R-30, R-20, R-15, OSC, R-12, RD, RA-4, PRD, RA-5, SC, RA-6, RSL, RM-8, FST, RM-12, RM-16, MHP/S, MHP, and RMR districts with the following minimum requirements:
- a. Minimum lot size is five usable acres, excluding flood plain.
  - b. Primary access to the facility shall be from an arterial or major collector roadway.
  - c. Structures associated with the use shall be located a minimum of 50 feet from any property line.
  - d. Structures associated with the use shall be limited to 55 feet in height.
  - e. When abutting any residential property line, a ~~35-~~ 50-foot landscaped screening buffer shall be approved by county staff (see landscaping standards). Additionally, in any zoning district for this specific use, the maximum impervious surface for properties with religious facilities shall be 70 percent.
  - f. An overall parking and landscape plan for the entire site shall be approved by county staff.

- g. One paved parking space shall be provided per four seats in the principal place of worship; provided that the number of spaces thus required may be reduced by not more than 50 percent if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner without charge, during the time of services, to make up the additional spaces required.

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