

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

Commencing April 14, 1999, no new applications for rezoning to the PRD planned residential development district will be accepted by the board of commissioners. The regulations for the PRD planned residential development district are as follows:

- (1) *Purpose and intent.* The PRD district is established to encourage and provide flexible site plan and building arrangements under a unified plan of development rather than lot-by-lot regulation. The developer benefits from better land utilization and design flexibility. Review of and approval of the development plan by the board of commissioners provides an opportunity to ensure that the development will be in harmony with the character of the neighborhood in which the development is located. The PRD district may be located within any residential category as defined by the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. The PRD district is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning to ensure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment. PRD development shall be compatible with surrounding development.
- (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. Customary home occupations means those occupations which are customarily performed in a small area of a residence due to the low intensity nature of such uses, subject to the following requirements:
    1. There shall be no exterior evidence of the home occupation, including but not limited to any type of identifying signs.
    2. No article, product or service used or sold in connection with such activity shall be other than those normally found on the premises.

3. No mechanical equipment shall be used for such occupation except such equipment as is customary for purely household and hobby purposes.
  4. Such use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed in such occupation.
  5. No more than 25 percent of the dwelling unit may be used for the operation.
  6. No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.
  7. There shall be no deliveries of supplies for use in the home occupation or pickups of the items produced by the occupant by commercial carriers.
  8. No clients or customers are allowed on the premises, except for individual instruction, such as tutoring, musical lessons and the like, for the purpose of supplementing an income.
- c. *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 longterm, 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 also 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.

- d. *Livestock, nondomestic and wild animals, and poultry* means animals, nondomestic and wild animals, and species of the avian family which are or may be raised for the purpose of providing food or transportation, or being resold or bred, excluding only dogs, cats, rabbits, fish, pet mice, hamsters, gerbils, parrots and parakeets.
1. Such animals shall only be permitted on a lot containing not less than two acres.
  2. All buildings used for animals shall be set back not less than 100 feet from any property line.
  3. All animals shall be maintained at least ten feet from any residential property line.
  4. Except in the RR district, there shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm.
  5. In the case of nondomestic or wild animals, all state and federal requirements must be met and a special land use permit is required.

- (3) *Permitted uses.* Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

Community fairs.

Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the cottage food

operator.

2. Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
4. There shall be no employees parking on the site unless approved by the board of commissioners in accordance with section 134-36 of the Cobb County Code.

Condominiums.

Customary home occupations.

Designated recycling collection locations.

Executive golf courses (see section 134-270).

Fruit trees, nuts and vegetables.

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.

Livestock, nondomestic and wild animals, and poultry, on two or more acres.

Nonprofit (seasonal use) fishing lakes.

Parking for vehicles.

Personal vehicle and equipment sales.

Riding stables.

Single-family dwelling units (attached).

Single-family dwelling units (detached).

Temporary uses.

Townhouse dwelling units (attached).

Two-family dwelling units.

Combinations of the uses listed in this subsection.

- (4) *Lot size and setback requirements.* Lot-by-lot setbacks shall not apply in a PRD district; however, no primary structure shall be closer than 15 feet to another primary structure. Minimum lot size for a single-family dwelling is 8,400 square feet.
- (5) *Landscape buffer and screening requirements.* Unless otherwise noted within this district's requirements, any property within a PRD district which abuts a more restrictively zoned residentially zoned property shall have a minimum ten-foot landscaped screening buffer. Additionally, during the construction phase, a 40-foot undisturbed buffer shall be maintained except for access points, required detention/retention facilities or utilities. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification as set forth under section 134-126.
- a. *Objectives.* Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
1. Screening to enhance aesthetic appeal;
  2. Control or direction of vehicular and pedestrian movement;
  3. Reduction of glare;
  4. Buffering of noise; and
  5. Establishment of privacy.
- b. *Standards.* Buffers or berms shall be required when a PRD district is located adjacent to a more restrictive residential district; a minimum ten-foot buffer is required.

1. *Buffers.* Landscape buffers are subject to review and approval by county staff in accordance with the following standards.
  - i. Plantings are to be a mix of evergreen trees and shrubs.
  - ii. Species are to be ecologically compatible to the site and appropriate for the design situation.
  - iii. Unless public safety concerns dictate otherwise, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
  - iv. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
  - v. Fencing or walls are to be a minimum of six feet in height as approved by county staff.
  - vi. Trees included in buffer plantings may be counted toward site density calculations as required by chapter 50, article VI, pertaining to tree preservation and replacement, subject to review and approval of county staff.
  - vii. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
  - viii. When topography and existing conditions allow, the required ten-foot buffer should be an undisturbed buffer.
  - ix. Any appeals from a determination by county staff shall be to the board of zoning appeals.
2. *Berms.* Berms are subject to review and approval by county staff in accordance with the following standards:
  - i. Berms shall be utilized when consistent with surrounding property features.
  - ii. Berms shall be stabilized.
  - iii. Berms shall be constructed to be consistent with natural or proposed drainage patterns.
  - iv. Berms shall be regularly maintained by the property owner.

(6)

*Floodplain and wetlands preservation requirements.* Any development must meet all state and federal requirements relating to floodplains and wetlands. The board of commissioners encourages preservation of wetland areas. No floodplains or wetlands may be used in calculating the overall density of a planned residential development. Any development must also meet state and federal requirements relating to areas subject to the provisions of section 134-283, regarding mountain and river corridor protection act areas, and section 134-284, regarding metropolitan river protection act areas.

- (7) *Building and structure requirements.* Maximum building height is 35 feet.
- (8) *Parking requirements.* See section 134-272 for paved parking specifications.
- (9) *Lighting requirements.* Any project permitted within the PRD 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.
- (10) *Use limitations.*
  - a. A PRD district shall be located within any residential category as defined by the Cobb County Comprehensive Plan, so long as it meets the standards set forth in this section and is compatible with surrounding uses and zoning districts and does not exceed the density set forth in the comprehensive plan.
  - b. Maximum density shall not exceed four units per acre. Floodplain or wetlands acreage may not be used in calculating the overall density. The maximum allowable impervious surface is 40 percent.
  - c. A PRD shall require ten contiguous acres unless the acreage is being added to an existing PRD as an extension of or additional phase to an already approved PRD which originally met the minimum ten-acre requirement.
  - d. A minimum of 1,000 square feet per dwelling unit in a PRD shall be reserved for open space, parks, other recreational uses or other public uses, subject to the following:
    1. While such open space shall not be required to be contiguous, the open space must be useable and functional for open space, parks, other recreational or other public uses.

2. The required yards, parking and right-of-way areas shall not be credited toward the minimum open space requirements.
  3. The amount of required common open space will be automatically reduced as the density of development is reduced and will be automatically increased as the density of development is increased.
- e. All PRD developments shall be zoned and subject to a specific site plan.
  - f. The entire PRD shall be included within private deed covenants running with the land to ensure the continuance of the PRD in accordance with approved plans and developments.
  - g. The overall residential development should be compatible with surrounding uses and zoning.
  - h. 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, excluding firewood and lawn furnishings, unless otherwise allowed in this article.
  - i. During the construction phase only, a 40-foot undisturbed buffer shall be maintained, except for access points, required detention/retention facilities or utilities.

Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification as set forth under section 134-126.

(11) *Special exception uses.* See section 134-271 for special exception uses and requirements for all districts.

(12)



*Temporary land use permits and special land use permits.* See sections 134-36 and 134-37 for additional uses and requirements for all districts. Uses requiring land use permits or special land use permits for the PRD district are the designated uses listed in sections 134-36 and 134-37.

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

section 134-274.

- d. Incidental storage is permitted, provided that the material stored is incidental to the permitted use, as determined by the division manager of zoning or his designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.
- e. Neighborhood recreation centers, amenities and swimming pools are subject to the following:
  1. Site plans must be approved by the zoning staff to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The facility shall be designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.
    - i. The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along the property line and a six-foot solid wood or masonry fence is erected and maintained along the line so as to provide a visual and noise screen for adjacent property. Such landscaped buffer shall be shown on the landscaping plan specified in subsection (12)d.1 of this section and must be approved by the zoning staff.
    - ii. When a property line is on a natural waterway, a property line setback may be waived provided a written waiver is obtained from both the community development department and the zoning division.
  2. Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and community development department.
  3. Outdoor activity shall cease by 11:00 p.m.

4. Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cutoff type fixtures only is permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed county public road, a lighting plan must be submitted and approved by the county department of transportation to ensure that no light is cast upon the roadway and that no adverse impact will be created as a result of the lighting.
5. No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.
6. Parking requirements are as follows:
  - i. A minimum of one space per five residences.
  - ii. Parking spaces shall be paved and striped according to county standard 114, Parking Specifications, as it now exists or may hereafter be amended. No parking shall be allowed within a front yard setback.

(Ord. of 12-26-72; Res. of 8-14-73, § 8; Ord. of 11-8-77, §§ 1, 7; Ord. of 7-7-82, §§ 1, 3; Ord. of 12-11-90, § 3-28-7.11; Ord. of 8-13-91; Ord. of 10-27-92; Ord. of 2-22-94; Ord. of 7-11-95; Ord. of 2-27-96; Ord. of 6-24-97 (eff. 7-1-97); Ord. of 4-13-99; Ord. of 11-23-99; Ord. of 2-8-00; Ord. of 7-10-01; Ord. of 2-26-08; Amd. of 2-23-10; Ord. of 2-28-12; Ord. of 7-24-12; Amd. of 2-26-13; Amd. of 7-22-14; Amd. of 2-24-15; Amd. of 2-28-17)