

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 110

Package I

Version I - distributed on October 3, 2025

Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

Cobb County Community Development

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Cobb County...Expect the Best!

Chapter 110 – SUBDIVISIONS

ARTICLE II. - PLATS AND PLAT APPROVAL PROCEDURE

Section 110-30 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 110-30. - Final plat specifications.

...

(d) Certificates for the final plat shall be provided as follows:

(1) *Owner's acknowledgment:*

I hereby certify that I am the owner of the land shown on this plat (or a duly authorized agent thereof) whose name is subscribed hereto. I acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, I do hereby convey all streets and rights-of-way, ~~detention pond lots,~~ water mains and sewer lines shown hereon in fee simple to Cobb County and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements, and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, I further release and hold harmless Cobb County from any and all claims, damages, or demands arising: on account of the design, construction, and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further, I warrant that I own fee simple title to the property shown hereon and agree that Cobb County shall not be liable to me, my heirs, successors, or assigns for any claims or damages resulting from the construction or maintenance of cross drain extensions, drives, structures, streets, culverts, curbs, or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters, and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind owners and myself subsequent in title to defend by virtue of these presents.

Signature

Printed Name

Date

...

ARTICLE III. - SUBDIVISION DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

Article III, Chapter 110 of the Official Code of Cobb County, Georgia is amended by adding a division numbered 3:

DIVISION 3. - STRUCTURAL STORMWATER CONTROLS

Sec. 110-111. - Structural stormwater controls.

- (a) Owners' Association. Any development, whether residential, commercial, institutional, industrial, or office, with a stormwater management plan approved after November 20, 2025, that includes structural stormwater controls, such as retention ponds, detention ponds, etc., serving multiple parcels shall organize and establish a property owners' association or homeowners' association, as appropriate.
- (1) Such association shall be formed prior to the sale of any properties within the development.
- (2) Membership in the appropriate association shall be mandatory for each original and successive purchaser of a lot, building or unit within the development.
- (3) Requirements for Declaration of Covenants.
- a. The declaration of covenants shall be recorded with the clerk of the county superior court, prior to the sale of any properties within the development.
- b. The recorded declaration of covenants shall provide that all structural stormwater controls, detention pond lots, and associated improvements are owned by the association or are held in common by the property owners within the development.
- c. The declaration of covenants shall show clear legal authority to maintain and exercise control over the structural stormwater controls and required improvements, including, but not limited to, landscaping, fences, and entry gates.
- d. The recorded declaration of covenants shall include a specific requirement that the homeowners' or property owners' association repair and maintain each structural stormwater control in accordance with the inspection and maintenance agreement with the county, as provided for in section 50-161.
- e. The declaration shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance of the structural stormwater controls and related improvements and procedures for approval of additional needed assessments in the amount of any major repairs or maintenance of the structural stormwater controls and related improvements.
- (4) The structural stormwater controls shall be properly maintained with no liability or maintenance responsibilities accruing to the county.
- (b) For residential developments, the owner subdividing the property shall set up an escrow account or another appropriate financial account for the homeowners' association or property owners' association, if structural stormwater controls are held in common, to provide some funds for repairs and required annual maintenance outlined in the inspection and maintenance agreement. This account shall be available for use by the homeowners' association or property owners' association as needed. At a minimum, the owner shall calculate the original construction cost of the structural stormwater control(s) and deposit a specified percentage of that amount into the account as follows:
- | <u>Number of homes in development</u> | <u>Percentage of original construction costs to be deposited</u>
<u>(based on original construction costs of the structural</u>
<u>stormwater controls)</u> |
|---------------------------------------|---|
| <u>Less than 10</u> | <u>50%</u> |
| <u>10-50</u> | <u>40%</u> |
| <u>51-100</u> | <u>30%</u> |
| <u>Greater than 100</u> | <u>20%</u> |
- (c) Underground detention shall not be permitted for any residential development in which stormwater structural controls are owned by a homeowners' or property owners' association or are held in common by the property owners within the development.