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Cobb approves accessory dwelling units, new data center rules

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Cobb County Board of Commissioners Chair Lisa Cupid listens during a meeting Tuesday night.
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The Cobb County Board of Commissioners voted to allow accessory dwelling units and to set new regulations around data centers during a marathon meeting Tuesday evening that lasted into the early morning hours.

The votes were part of the commission's broader effort to amend the county code, a push that happens annually in order to give the county a chance to update local laws and ordinances.

Allowing ADUs and setting new rules for data centers were among the most watched amendments.

Cobb Board of Commissioners Chair Lisa Cupid said the votes represent a major effort by the county to tackle residents' concerns around affordable housing and data centers.

"This is a heavy lift for the board," Cupid said.

ADUs will be allowed as a special land use permit

The board voted 3-2 to permit ADUs as a special land use permit, meaning each proposed project would have to come before the board for approval.

Cupid and Commissioners Erick Allen and Monique Sheffield, the board's three Democrats, voted in favor of the amendment, while Republican Commissioners Keli Gambrill and JoAnn Birrell voted against it.

ADUs are secondary independent residential units located on the same lot as a detached single-family home. They are often referred to by other names such as secondary suites, granny flats, mother-in-law suites or accessory apartments.

The cities of Acworth, Mableton, Marietta and Powder Springs already permit ADUs.

Cobb County previously tried to pass language allowing ADUs in 2024, but the proposal was tabled indefinitely in November of that year due to public backlash.

This time around, though, a number of public commenters voiced support for ADUs, saying they can offer flexible living arrangements for older family members who need to be close to relatives for care, or younger people who are trying to save money to

purchase a home.

John Morgan, a resident who spoke during public comment, said he supports ADUs because they increase housing options and can be a lifeline for older homeowners.

“This allows empty nesters to refurbish, rent out rooms, basements, to further address the housing shortage, plus they can receive much-needed extra income, companionship, and remain here in their beloved homes in Cobb,” Morgan said. “A win-win, as I see it.”

The board also passed rules around ADU construction and ownership.

ADUs would not be allowed to exceed half of the gross square footage of the primary residence, and must be no more than 850 square feet. ADUs would also not be allowed to exceed the height of the primary residence.

The language further requires that at least one off-street parking spot should be available for the ADU and that ADUs be located in the rear of the primary residence. No more than one ADU would be allowed per single-family lot, and ADUs would not be allowed as short-term rentals.

Property owners would be required to either reside in the primary residence or in the ADU, according to the amendment.

Cobb passes new rules around data centers

The Board of Commissioners also passed language defining a data center, and set new rules around where and how they can be constructed.

Data centers have divided the community, with many residents expressing concerns about noise, water usage and environmental impacts.

To allow time for commissioners to study the developments, the commission voted to implement a six-month moratorium on new data center developments in February. Commissioners voted in August to extend the moratorium for another six months or until new rules were created, saying they felt they hadn't made adequate progress on deciding new rules and standards.

According to county documents, the new rules would officially define a data center as "a facility containing one or more large scale computer systems used for data storage and processing for off-site users."

Data centers would also be required to apply for a special land use permit.

Principal data center buildings would also have to have a setback of at least 300 feet from property lines adjoining residential properties, churches, schools and daycares, and a setback of at least 50 feet from property lines adjoining non-residential properties. Buildings' heights wouldn't be allowed to exceed 50 feet under the new rules.

The commission approved rules around noise and light pollution as well, requiring that noise generated by data centers not exceed 65 decibels during the day, and not exceed 55 decibels at night. All light fixtures outside the facility would also have to be fully shielded, among other provisions.

The county attorney will also have to approve a decommissioning bond prior to a data center receiving a certificate of occupancy. A decommissioning bond is a financial guarantee that ensures project developers restore land when operations cease.

The amendments defining and regulating data centers passed 3-2, with Birrell and Allen voting against. Birrell and Allen said they didn't believe the regulations went far enough.

Birrell introduced language limiting data centers to heavy industrial zones, instead of light and heavy industrial zones as was initially proposed. That language passed unanimously.

Commissioners also voted unanimously to add language barring data centers from benefitting from certain business investment incentives handed out by the county.

While residents voiced support for the new rules, many said they're concerned they aren't strict enough, or that they won't be properly enforced.

"I love the restrictions that y'all have in place, but they're not enough," said Gwendolyn Denado, a resident who spoke during public comment. "I do think that (data centers) are just going to do them anyway and swallow those fines."

Others said they'd like to see data centers banned from the county altogether.

"The issue with data centers isn't regulation or restrictions, the issue with them is their existence, period," said Craig Gibson, a Cobb County resident who spoke. "Why do we keep selling our land, our resources, and the wellbeing of everyday people to corporate interests on land that should go towards housing, schools and community centers?"