

STATE OF GEORGIA

FULTON COUNTY

First Reading: January 13, 2014  
Second Reading: February 10, 2014

**AN ORDINANCE OF THE CITY OF ROSWELL GEORGIA TO CREATE A UNIFIED  
DEVELOPMENT CODE (UDC) AND MAP**

An ordinance to repeal the existing Zoning Ordinance and Official Zoning Map of the City of Roswell, Georgia, initially adopted April 14, 2003, as amended from time to time, and to repeal and replace said ordinance with a new Unified Development Code (UDC) and map for the purposes of regulating the location, height, bulk, number, size and appearance of buildings and structures, the size of yards, and other open spaces, the distribution of population, the uses of buildings and structures and land for trade, industry, commerce, residence, recreation, public activities or other purposes; preserving buildings, structures, or areas having national, regional, state or local historic significance; creating zoning and overlay districts for said purposes and establishing the boundaries thereof; providing for environmental protection through the regulation of trees, rivers, streams, floodplains, and watersheds; providing the imposition of development impact fees; defining certain terms used herein; providing for the method of administration and amendment; defining the powers and duties of the Planning Commission, Board of Zoning Appeals, Design Review Board and Historic Preservation Commission; defining the administrator of the review authority over certain articles; providing for the effective date of such Code and a penalty for the violation thereof; providing for the manner of amending such Code; and for other purposes.

This ordinance shall be known and may be cited as “The Unified Development Code and Map of the City of Roswell, Georgia.”

**WHEREAS**, the Constitution of the State of Georgia provides in Article IX, Section II, Paragraph IV thereof, that the governing authority of the City may adopt plans and exercise the power of zoning; and

**WHEREAS**, the municipal corporation of the City of Roswell, Georgia, is specifically authorized by its City Charter at Section 2.20 (24) Planning and Zoning, to provide comprehensive city planning for development by zoning to provide subdivision regulation and the like as the city council deems necessary in the interest of public health, safety, order, convenience, comfort, aesthetics, prosperity, or general welfare, and for the purpose of regulating the location of trades, industries, residential dwellings, or other uses of property; or for the purpose of regulating the alignment of buildings or other structures, near street frontages; or for the purpose of preserving buildings, structures, or areas having national, regional, state or local historic significance; or for the purpose of maintaining or improving the aesthetic appearance of any buildings, structures, or area. The Unified Development Code (UDC) and map regulations may be based upon any one or more of the purposes above described. The city may be divided into such number of zones or districts, and such districts, may be of such shape and area as the Mayor and Councilmembers of said city deem best to accomplish the purposes of the Unified Development Code (UDC) regulations and map; and

**WHEREAS**, the municipal corporation of the City of Roswell, Georgia, is further authorized by State law to exercise a wide range of powers, including but not limited to preventing the pollution of natural streams, regulating the erection and construction of buildings and other structures, developing zoning regulations, providing for public improvements, regulating and controlling signs, billboards, trees, shrubs, fences, buildings and all other structures or obstructions adjacent to the right-of-way of streets and roads or within view thereof, regulating various special uses; and to exercise all other powers necessary or desirable to promote or protect the health, safety, peace, security, good order, comfort, convenience and general welfare of the city and its inhabitants; and

**WHEREAS**, The Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

**WHEREAS**, The City finds that the regulations contained in this Unified Development Code (UDC) and map are necessary for the purposes of implementing its 2030 Comprehensive Plan adopted pursuant to the requirements of the Georgia Planning Act of 1989; and

**WHEREAS**, this Unified Development Code (UDC) and map have been prepared and considered in accordance with the zoning procedures law, O.C.G.A. 36-66; and

**WHEREAS**, this Unified Development Code (UDC) and map is necessary for the purposes of promoting the health, safety, morals, convenience, order, prosperity, and the general welfare of the City; creating new street types; securing safety from fire, panic, and other dangers; providing adequate light and air; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; improving the aesthetic appearance of the City; conserving the value of buildings and encouraging the most appropriate use of land and buildings throughout the City;

**NOW, THEREFORE**, the Mayor and Council of the City of Roswell, Georgia, pursuant to their authority, do hereby ordain and enact this Unified Development Code (UDC) and map, its articles, chapters, sections, and Appendix “A” attached hereto and incorporated by reference.

1.

Further, it shall be unlawful for any person to change or amend, by addition or deletions, any part of portion of such Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which cause the law of the City of Roswell to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 1.1.3 of the City of Roswell Code of Ordinances.

2.

*Severability.* Should any court of competent jurisdiction declare any section or part of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

3.

*Repeal of Conflicting Provisions.* All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

This Ordinance shall take effect and be in force after March 11, 2014, the public welfare demanding it.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia, on the \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
Jere Wood, Mayor

Attest:

\_\_\_\_\_  
Marlee Press, City Clerk

SEAL

\_\_\_\_\_  
Councilmember Jerry Orlans

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Councilmember Rebecca Wynn

\_\_\_\_\_  
Councilmember Betty Price

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Councilmember Richard Dippolito

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Councilmember Kent Igleheart

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Councilmember Nancy Diamond