

STATE OF GEORGIA
COUNTY OF FULTON

1st reading: November 8, 2010
2nd reading: December 13, 2010

**AN ORDINANCE OF THE CITY OF ROSWELL TO AMENDING THE ZONING
ORDINANCE ARTICLE 10, SPECIFIC USE REQUIREMENTS DEALING WITH THE
SIDEWALK CAFÉ DEVELOPMENT STANDARDS AND CRITERIA**

WHEREAS, the Mayor and Council are the governing authority of the City of Roswell, Georgia; and

WHEREAS, zoning is an exercise of police power to promote the public health, safety, morality or general welfare; and

WHEREAS, the Mayor and Council have determined that Article 10, *Specific Requirements*, of the Zoning Ordinance should be amended to clarify and define the development standards and criteria for "Sidewalk Cafes" in certain zoning districts:

NOW THEREFORE, to accomplish the foregoing, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following Ordinance:

1.

**Article 10, *Specific Use Requirements*, Chapter 10.39, Sidewalk Cafes
Section 10.39.5 Development Standards and Criteria are amended as follows:**

Section 10.39.5 Development Standards and Criteria

In order to protect the public health, safety, convenience and general welfare of the surrounding uses, sidewalk cafes shall be subject to the following criteria:

- (a) The operation of such sidewalk cafe seating area shall be conducted in such a way as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets or sidewalks. There shall be a minimum of ~~three (3)~~ **five (5)** feet of clear distance. The minimum ~~three (3)~~ **five (5)** foot requirement will be measured and maintained when chairs and tables are occupied. The sidewalk cafe dining area shall be located adjacent to the building façade **and enclosed by a barrier or a post and chain configuration in compliance with ADA requirements**, with the ~~three (3)~~ **five (5)** foot clear pedestrian passage provided between the dining area and the edge of the pavement;

2.

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

Strikethrough are deletions, Underlines are additions

3.

Severability. Should any court of competent jurisdiction declare any section 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.

4.

It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City of Roswell Zoning Ordinance, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

5.

This Ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

6.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia on the ____ day of _____, 2010.

Jere Wood, Mayor

Attest:

Sue H. Creel, City Clerk
(Seal)

Councilmember Jerry Orlans

Councilmember Rebecca Wynn

Councilmember Betty Price

Councilmember Richard Dippolito

Councilmember Kent Igleheart

Councilmember Nancy Diamond

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