

STATE OF GEORGIA
COUNTY OF FULTON

First Reading: March 13, 2023
Second Reading: March 27, 2023

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE BY
MODIFYING ARTICLE 10, SITE DEVELOPMENT, AND ARTICLE 13,
ADMINISTRATION**

WHEREAS, the City of Roswell is a Georgia municipal corporation; and

WHEREAS, the Mayor and Council are the governing authority of the city; and

WHEREAS, the Mayor and Council have determined that it benefits the health, safety and welfare of the citizens of Roswell to amend the Unified Development Code (UDC); and

WHEREAS, the City finds that the regulations contained in this Unified Development Code (UDC) are necessary for the purposes of implementing its 2040 Comprehensive Plan adopted pursuant to the requirements of the Georgia Planning Act of 1989; and

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

NOW, THEREFORE, the Mayor and Council of the City of Roswell, Georgia, pursuant to their authority, do hereby amend Article 10, Site Development, Section 10.1.9, Alternative Compliance, and Article 13, Administration, Section 13.9.2, Who Approves Administrative Variances, and Section 13.11.2 Who Approves Variances?, of the Unified Development Code (UDC), which is incorporated hereby reference.

1.

Section 10.1.9, Alternative Compliance shall be deleted in its entirety.

2.

Section 13.9.2, Who Approves Administrative Variances, shall be amended by the deletion of Letter E – “Landscaped open space and outdoor amenity space may have combined total of 10% below the minimum required percentage.”

3.

Section 13.11.2 Who Approves Variances?, letter B shall be deleted in its entirety and replaced to read as follows:

- B. The Board of Zoning Appeals can only approve Variances related to the zoning requirements of the UDC and can only hear and decide on requests relating to Articles 1 through 10 and Sec. 12.7.

4.

A new Section 13.11.2, letter C, shall read as follows:

- C. All requested variances from Section 10.1.3, Vehicle and Bicycle Parking, Section 10.2.3, Neighborhood Compatibility Buffers, Landscape Open Space (min) requirements for Development and Sections 3.2.9, Townhouse, Activation, Pedestrian Access, 4.3.5, Townhouse, Activation, Pedestrian Access, 5.3.7, Townhouse, Activation, Pedestrian Access, and 6.3.2, Townhouse, Activation, Pedestrian Access shall be heard and decided by Mayor and City Council.

5.

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.

6.

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

7.

Renumbering. 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 Code of Ordinances and Unified Development Code of the City of Roswell, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

This Ordinance shall take effect and be in force upon adoption, 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 27th day of March 2023.


Kurt M. Wilson, Mayor

Attest:


Marlee Press, City Clerk
(Seal)



8. **Approval of a text amendment to the Unified Development Code (UDC) Article 2, Section 2.2.6 to add Redevelopment and to change the percentage of landscape open space in Articles 3, 4, 5 and 6 for the following building types: Townhouse, Walk-Up Flat, Stacked Flat, Commercial House, Single-Story Shopfront, Mixed Use Building, General Building and Civic Building and modifying Article 11, Streets and Public Improvements. (SECOND READING)**

Ordinance No. 2023-03-04

This Second Reading was approved with the changes made from First Reading.

RESULT:	APPROVED ON SECOND READING [5 TO 1]
MOVER:	Mike Palermo, Councilmember
SECONDER:	Peter Vanstrom, Councilmember
IN FAVOR:	Hall, Hills, Morthland, Palermo, Vanstrom
OPPOSED:	Sarah Beeson

9. **Approval of a text amendment to the Unified Development Code (UDC) regarding Section 2.2.19, Residential Garage Parking, Letter C, Townhouse, Letter D, Administrative Alternative Finding and Articles 3, 4, 5 and 6 regarding the number of units permitted in a row for townhomes. (SECOND READING)**

Ordinance No. 2023-03-05

RESULT:	APPROVED 2ND READING W/CHANGES [5 TO 1]
MOVER:	Mike Palermo, Councilmember
SECONDER:	Christine Hall, Councilmember
IN FAVOR:	Hall, Hills, Morthland, Palermo, Vanstrom
OPPOSED:	Sarah Beeson

10. **Approval of a text amendment to the Unified Development Code (UDC) regarding Section 10.1.9, Alternative Compliance, Section 13.9.2, Who Approves Administrative Variances? and Section 13.11.2, Who Approves Variances? (SECOND READING)**

Ordinance No. 2023-03-06

This Second Reading was approved with the changes made from First Reading.

RESULT:	APPROVED ON SECOND READING [5 TO 1]
MOVER:	Mike Palermo, Councilmember
SECONDER:	Christine Hall, Councilmember
IN FAVOR:	Hall, Hills, Morthland, Palermo, Vanstrom
OPPOSED:	Sarah Beeson