

Article 14. Definitions

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Sec. 14.1. General

14.1.1. General Meaning of Words and Terms

- A. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this UDC or the context in which they are used clearly indicates to the contrary.
- B. In the absence of court decisions or Board of Zoning Appeals decisions specifically interpreting a provision in question, specific definitions listed in this UDC or previous interpretations of a provision by the Zoning Director, the meaning of provisions are based on the following general hierarchy of sources:
1. For a legal term, definitions in a legal dictionary or if not a legal term, definitions in an ordinary dictionary;
 2. Statements of the purpose and intent of particular sections or background reports and studies adopted or referred to in this UDC, although such documents cannot overrule a specific code provision;
 3. Minutes of discussions of legislative or advisory bodies considering adoption of the provision in question;
 4. Definitions of similar terms contained in Federal and State statutes and regulations; and
 5. Ordinary rules of grammar.
- C. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate cannon, maxim, principle or other technical rule of interpretations or construction used by the courts of this State may be employed to resolve vagueness and ambiguity in language.

14.1.2. Abbreviations

BFE. Base Flood Elevation

DBH. Diameter at Breast Height

FAA. Federal Aviation Administration

FC. Footcandle

FEMA. Federal Emergency Management Agency

FIRM. Flood Insurance Rate Map

LED. Light Emitting Diode

NPDES. National Pollutant Discharge Elimination System

UDC. Unified Development Code

Sec. 14.2. Defined Terms

A

Abutting. Having property lines in common. Separation by a street or alley is not considered abutting.

Accessory building. see Building, accessory.

Advertising device. Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property.

Affordable housing. Owner-occupied, single-family residential units in which the combined family income of the homeowner ranges from 25% to 50% of the Atlanta Metropolitan area median income as determined annually by the U.S. Department of Housing and Urban Development.

Aging adults. Persons 60 years of age or older or mature adults below the age of 60 whose needs and interests are substantially similar to persons 60 years of age or older who have physical or mental limitations that restrict their abilities to perform the normal activities of daily living and impede independent living.

Alley. A public or private thoroughfare which affords only a secondary means of access to abutting property.

Alteration. Any change in the supporting members of a building or structure such as bearing walls, columns and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use; or, any movement of a building from one location to another.

Animated sign. A sign with action, motion or changing colors which requires electrical energy.

Antenna. Any exterior apparatus designed for telephone, radio, or television communications or data transmission through the sending and/or receiving of electromagnetic waves.

Applicant. A person submitting an application for approval under this UDC.

Arborist. The agent of the City of Roswell primarily responsible for administering and enforcing the tree protection requirements.

Archaeological site. Any cultural or historical site in the city that is documented by a reputable source such as the Georgia Archaeological Site File of the University of Georgia Riverbend Research Laboratories (the official repository for information about known archaeological sites of all periods in the State of Georgia), the Office of the State Archaeologist, the Society for Georgia Archaeology, the Archaeological Services Unit of the Historic Preservation Division of the Georgia Department of Natural Resources, or the Roswell Historical Society, or which is discovered to have artifacts or burial objects, or which is predicted by a model summarized in Chapter 9 of the Roswell Comprehensive Plan and shown on supporting documents as having a high probability of containing artifacts or burial objects. Artifacts may range from (include but are not limited to) early prehistoric sites with Aboriginal lithic (stone tool production) scatter, to 19th Century textile mills, grist mills, saw mills, bridges, and ferries, to historic 20th Century home sites, with standing structures or structural remains such as standing chimneys and foundations.

Area of special flood hazard. The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

B

Banner. A sign with or without characters, letters, illustrations or ornamentation applied to cloth, paper or fabric of any kind with only such material for a backing.

Basal area. The cross-sectional area of a tree trunk at diameter breast height (DBH) expressed herein in terms of "units" per acre.

Basement. That portion of a building having its lowest floor subgrade (below ground level) on 2 or more sides.

Berm. An earthen mound or embankment designed to provide visual interest, screen views, reduce noise or fulfill other such purposes.

Board of Zoning Appeals. The body established by this UDC and appointed by the City Council which has authority to take action on appeals and variances as established in Article 13.

Buffer. A strip of land located between a side or rear property line and a building, structure, or use, intended to separate and obstruct the view of the site on which the buffer is located from an abutting property.

Buildable area. The portion of a lot which is not located within any minimum required setback, landscape area or buffer; that portion of a lot where a building or structure may be located.

Building. Anything attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or personal property. For purposes of this UDC, the term “building” includes “structure”.

Building, accessory. A building subordinate to the main building on a lot and used for purposes incidental to the main or principal building and located on the same lot.

Building, principal. A building that contains the principal use on the lot on which the building is situated.

Building Inspector. The City Official responsible for implementing and enforcing the applicable building codes and standards of the City, or their designee.

C

Caliper. A nursery standard of tree trunk measurement for understory trees or replacement trees. Caliper of the trunk shall be taken at 6 inches above the ground for trees up to and including 8-inch caliper size.

Capital improvement. An improvement with a useful life of 10 years or more, by new construction or other action, which increases the service capacity of a public safety, recreation and parks or transportation facility of the City of Roswell.

Capital improvement element. That portion of the Roswell Comprehensive Plan which sets out projected needs for system improvements during a planning horizon established in the Roswell Comprehensive Plan, a schedule of capital

improvements that will meet the anticipated need for system improvements and a description of anticipated funding sources for each required improvement.

Certificate of Appropriateness. A document approving a proposal to make a change in the appearance of a property, structure, site or work of art designated “historic” or “historic-obscured” on the Historic Properties Map.

Certificate of Occupancy. A document issued by the Building Inspector allowing the occupancy or use of a building or land and certifying that the structure, use, or land has been constructed or erected or will be used in compliance with all applicable city codes and ordinances.

Changing sign. A sign that electronically or electrically controls the display of time, temperature and date.

Channel. A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Commercial sign. A sign which identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including without limitation, any sign naming a brand of goods or service and real estate signs, provided this shall not be construed to include signs of a governmental agency.

Common area. Land within a development, not individually owned or dedicated to the public, and designed for the common usage of the development. These areas include green open spaces and yards and may include pedestrian walkways and complimentary structures and improvements for the enjoyment of residents of the development.

Conservation easement. An agreement between a land owner and the City of Roswell or other government agency or land trust that permanently protects open space or green space on the owner’s land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Courtyard. A space that is predominantly open to the sky and improved with landscaping, garden or other similar green space as an amenity to surrounding cottages.

Critical root zone. The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a

concentric circle centering on the tree's trunk with a radius equal in feet to 1.5 times the number of inches of the trunk diameter.

Curb cut. The providing of vehicular ingress and/or egress between property and an abutting street.

D

Detailed downstream engineering analysis. A rigorous and detailed downstream analysis conducted by an engineer in order to show that additional detention is unnecessary.

Detention. The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Detention facility. A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Developer. A person who undertakes land development activities.

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

Development activity. Any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land requiring the issuance of a building permit.

Direct light. Light emitted directly from the lamp, off of the reflector or reflector diffuser or through the refractor or diffuser lens, of a luminaire.

Drainage easement. An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Drip line. An imaginary perpendicular surface from a tree's branch tips down to the ground; The circular area of land surrounding the tree from the trunk to the outermost branches. This area is distinguished from, and not to be confused with critical root zone.

Dwelling. A building designed, arranged or used for permanent living and sleeping quarters.

Dwelling unit. A building, or portion of a building, designed, arranged and used for living quarters for one or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

E

Economic development. Any development activity determined by the City of Roswell as extraordinary economic development which is construed as a revitalization effort or as a positive catalyst in shaping Roswell's economic stability.

Encumber. To legally obligate by contract or otherwise commit to use by appropriation or other official act of the City.

Engineering Director. The Engineering division manager of the department of Community Development, or their designee.

Erosion and sedimentation control plan. A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Extended detention. The detention of stormwater runoff for an extended period, typically 24 hours or greater.

Extreme flood protection. Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

F

Family. A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities: (except as otherwise provided by Federal Law)

- 1) Any number of persons related by blood, marriage, adoption, guardianship, foster or other duly-authorized custodial relationship; or
- 2) A maximum of 3 unrelated persons; or

- 3) Two unrelated persons and any parents or children related to either.

Feepayer. That person who pays an impact fee, or his successor in interest, with the right or entitlement to any refund of a previously paid impact fee which is required by this ordinance and which has been expressly transferred or assigned to the successor in interest. In the absence of an express transfer or assignment of the right or entitlement to any refund of previously paid impact fees, the right or entitlement shall be deemed “not to run with the land.”

Flashing sign. A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from.

- 1) The overflow of inland waters; and/or
- 2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flooding. A volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Flowing stream. Any water conveyance system, beginning at:

- 1) The location of a spring, seep or groundwater outflow that sustains streamflow; or
- 2) A point in the stream channel with a drainage area of 25 acres or more; or
- 3) Where evidence indicates the presence of a stream in a drainage area of other than 25 acres. Field studies may be required by the city engineer or designee, to verify the existence of a flowing stream.

Footcandle. A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one umen per square foot. One footcandle (FC) is the equivalent of 10.76 Lux (1 Lux = 0.0929 FC).

G

Generalized wetlands map. Any U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) map showing wetlands within the City of Roswell; or the water resources map of the City of Roswell if wetlands are included on said map.

Georgia Archaeological Site File. A centralized location where archaeologists access information concerning Georgia's archaeological resources. Every site is plotted on a U.S. Geological Survey topographic map, which archaeologists can examine to view the site distribution in a given area. In addition, the data from every site form are entered into a computer database. Archaeologists can use this database to gather information about many aspects of a site or sites.

Georgia Stormwater Management Manual. The latest version of the manual promulgated by the Atlanta Regional Commission, as amended and approved by the City of Roswell.

Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness, or that causes annoyance or discomfort.

Grade. The ground surface at the edge of the adjacent sidewalk, curb or crown of road, whichever is highest.

Grade, natural. The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling or excavating.

Green space. See Open space.

Gross floor area. The sum in square feet of the gross horizontal area of all floors of a building measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings when two buildings or units abut. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches and floor area devoted to roofed accessory uses are included in the calculation of gross floor area. However, the following is not included: any space devoted exclusively to on-site parking; outdoor loading, display, storage, utility service areas; and/or uninhabited enclosed space on tops of roofs; or attic space having head room of less than 7'-10".

Group home. A residential dwelling unit containing up to 6 unrelated persons who are mentally or physically impaired who are protected under the Fair Housing Act, along with support or supervisory personnel or family members who may reside at the facility. The term mental or physical impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered mental or physically impaired under the Fair Housing Act. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

H

Hedge. A row of closely planted shrubs, bushes or any kind of plant forming a boundary.

Hotspot. An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Hydrologic Soil Group (HSG). A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to groups, D soils, which have low permeability rates and produce much more runoff.

I

Illuminance. The area density of the luminous flux incident at a point on the surface. It is a measure of light incident on a surface, expressed in lux or footcandles.

Impact fee. A payment of money imposed upon development activity as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve new growth and development.

Impervious surface. A man-made structure or surface which prevents the infiltration of stormwater into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools or patios.

Individual establishment. A single business entitled under a lease, rental agreement or other agreement with the owner of record of the property or his or her agent, or the owner of record of the property or a shareholder of the owner of record, having its own address, as assigned by the City of Roswell.

Individual fee calculation study. The documentation prepared by a feepayor to allow determination of an impact fee other than by use of the fee schedule of this ordinance as required by O.C.G.A. § 36-71-4(g).

Individual fee determination. An impact fee determined by the administrator on the basis of an individual fee calculation study.

Industrial stormwater permit. A National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration. The process of percolating stormwater runoff into the subsoil.

Interior lot: A lot other than a corner lot.

Inspection and maintenance agreement. A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Isofootcandle plan. A site plan of a proposed development showing proposed outdoor illuminance with a series of isofootcandle lines that join points on a surface where the illuminance is the same.

J

Junk. Scrap or waste material of any kind or nature collected for resale, disposal or storage, or by accumulation.

Jurisdictional wetland. An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Jurisdictional wetland. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Jurisdictional wetland determination. A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. § 1344, as amended.

K

Kitchen. Any room or part of a room designed, built, used or intended to be used for cooking, the preparation of food or dishwashing. The presence of a range, oven or dishwasher, or utility connections suitable for serving a range or oven, shall normally be considered as establishing a kitchen.

L

Land development. Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

Land development activities. Those actions or activities which comprise, facilitate or result in land development.

Land development project. A discrete land development undertaking.

Land-disturbing activity. Scraping, plowing, clearing, dredging, grading, excavating, transporting or filling of land or placement of any structure or impervious surface,

dam, obstruction or deposit, except that grubbing, home gardening or ordinary landscape maintenance shall not be considered as a land-disturbing activity.

Land disturbance permit: An official authorization issued by the Zoning Director in accordance with this [Sec. 13.8](#).

Light emitting diode (LED): An electronic device that emits light when an electrical current is passed **through it**.

Light fixture. The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror or a refractor or lens.

Lot, corner. A lot abutting upon 2 or more streets at their intersection.

Lot line, front. The front property line coincident with a street right-of-way line.

Low impact development (LID). A stormwater management approach to manage rainfall in a way which more closely mimic the natural hydrologic system at the site prior to any development. Techniques include those which infiltrate, store, filter, evaporate and detain stormwater close to the location where the rain fell.

Lot of record. A lot which is part of a subdivision, a plat of which has been recorded in the records of the Clerk of Superior Court of Fulton County; or a parcel of land, the deed of which has been recorded in the same office as of the effective date of this ordinance.

Luminaire. A complete lighting system, including a lamp or lamps and a fixture. This term shall be interpreted broadly as applying to all outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement.

M

Manufactured home. A structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the

plumbing, heating, air-conditioning, and electrical systems; or a structure that otherwise comes within the definition of a “manufactured home” under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Metes and bounds. A system of describing and identifying land by a series of lines around the perimeter of an area; “metes” means bearings and distances and “bounds” refers to monuments both physical and legal.

Methodology report. The technical report entitled “Development Impact Fees”, prepared for the City of Roswell, Georgia, December 7, 1992 and the “Road Facilities Impact Fee Study”, prepared for the City of Roswell, Georgia, June 10, 1994. As of the effective date of this ordinance amendment, the methodology report shall be the chapter of the adopted Roswell comprehensive plan titled “Development Impact Fee Methods Report,” as may be amended from time to time.

Midstory tree. A tree that composes the mid-layer or canopy of vegetation and will generally reach a mature height of between 30 and 50 feet.

Multi-family. Three or more dwelling units in a single principal structure.

Multi-tenant center. One or more buildings, located on a single premises, containing 2 or more separate and distinct individual establishments which occupy separate portions of the building with separate points of entrance, and which are physically separated from each other by walls, partitions, floors or ceilings. Each such individual establishment shall have its own address, as assigned by the City of Roswell.

N

Neon sign. Any sign utilizing or emulating visible neon/argon or other fluorescing gas contained in glass tubing.

New development. A land development activity on a previously undeveloped site.

Nonpoint source pollution. A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic

materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstructural stormwater management practice or nonstructural practice. Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provided for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and green space areas, overland flow filtration areas, natural depressions, and vegetated channels.

O

Off-premises signs. Signs fitting the following characteristics:

- 1) **Off-premises advertising sign.** A sign which is not located upon the premises of the business or entity indicated or advertised by said sign. This includes products advertised in conjunction with a business entity; or
- 2) **Off-premises directional sign.** A sign not located upon the premises of the business or entity indicated on the sign and only for the purpose of directing traffic to business establishments, real estate developments, public and private clubs, schools and other such facilities.

Off-site facility. A stormwater management facility located outside the boundaries of the site.

On-site facility. A stormwater management facility located within the boundaries of the site.

Open space. A portion of a development site that is permanently set aside for public or private use and contains no buildings or part of a building, parking lots, streets or alleys.

Open Space, Landscaped. See [Sec. 2.2.6.](#)

Outdoor Amenity Space. See [Sec. 2.2.7.](#)

Overbank flood protection. Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

Overstory tree. A tree that composes the top layer or canopy of vegetation and will generally reach a mature height of greater than 50 feet.

Owner. The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

P

Parcel. Any plot, lot or acreage shown as a unit on the latest county tax assessment records.

Peak hour. 7:00 a.m. to 8:00 a.m., or 8:00 a.m. to 9:00 a.m., or the highest 4 fifteen-minute increments within such time period for the a.m. peak hour; 4:00 p.m. to 5:00 p.m., 5:00 p.m. to 6:00 p.m., or the highest 4 fifteen-minute increments within such a time period for the p.m. peak hour.

Permit. The permit issued by the City of Roswell to the applicant which is required for undertaking any land development activity.

Permittee. As regards the installation of signs, the person and/or entity owning the land (landowner) on which a sign is erected.

Person. Except to the extent exempted from this UDC, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

Personal use only. Non-commercial, personal use only.

Perennial stream. Any stream which shows on a United States Geological Survey (USGS) quadrangle map as a solid blue line and identified as a perennial stream on the water resources map.

Pollution susceptibility. The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area. Each significant recharge area shown on Hydrologic Atlas 18 is classified on Hydrologic Atlas 20 as high, medium or low.

Post-development. The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Poultry enclosure. An enclosed area to house and control poultry.

Pre-development. The time period, or the conditions that exist, on a site prior to the commencement of any land development project. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.) The existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Present value. The current value of past, present or future payments, or contributions or dedications of goods, services, materials, construction or money.

Private development agreement. A mutual agreement between the City and a developer regarding development activity whereby the projects proportionate share of system improvements is funded through a source other than impact fees.

Professionally accepted. Published by the Institute of Transportation Engineers; or prepared by a qualified professional under work supervised by the City of Roswell, or prepared by a qualified professional and accepted by the director of transportation.

Project. A land development project.

Project improvements. Site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and are not system improvements. The character of the improvement shall control a determination of whether an improvement is a project improvement or system improvement and the physical location of the improvement on-site or off-site shall not be considered determinative of whether an improvement is a project improvement or a

system improvement. If an improvement or facility provides or will provide more than incidental service or facilities capacity to persons other than users or occupants of a particular project, the improvement or facility is a system improvement and shall not be considered a project improvement. No improvement or facility included in a plan for public facilities approved by the City shall be considered a project improvement.

Proportionate share. That portion of the cost of system improvements which is reasonably related to the demands and needs of a project.

Protected district. A protected district includes the following districts: AG-43, RS-87, RS-30, RS-18, RS-12, RS-9, RS-6, RS-4, R-CC, R-TH, DR, CIV and PRD.

Protected critical root zone (PCRZ). Critical root zone area protected from any disturbance with active or passive tree protection techniques described in this UDC.

Protected critical root zone percent. Tree protection zone (in square feet) divided by critical root zone (in square feet) times 100.

Q

[Reserved]

R

Recharge area. Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

Recharge area, significant. Those areas shown in the Comprehensive Plan of the City of Roswell as significant recharge areas according to information from the Georgia Geologic Survey and as designated by the Georgia Department of Natural Resources pursuant to Rules for Environmental Planning Criteria of the Georgia Department of Natural Resources.

Recreational vehicle. Any vehicle, including motorized homes, campers, travel trailers and camping trailers, designed and/or used for temporary living or sleeping quarters or recreational purposes and equipped with wheels to facilitate movement from place to place. This definition

includes other craft used for recreational purposes such as boats with or without trailers, wave runners and water-borne craft.

Redevelopment. A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional non-point source pollution.

Regional stormwater management facility or regional facility. Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Regulated activity. Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

Reservoir, water supply. A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Retaining wall. A wall or similar structure used at a grade change to hold soil on the up-hillside from slumping, sliding or falling.

Revegetation. The replacement of trees and landscape materials into the minimum required landscape areas, as determined by the Zoning Ordinance, conditions of zoning approval or the provisions of this UDC.

Right-of-way, private. Street or other rights-of-way owned by any private entity.

Right-of-way, public. Street or other rights-of-way owned by the federal, state, or county government, the City of Roswell, or any other governmental or quasi-governmental entity.

Riparian. Belonging to or relating to the bank of a river, stream, lake, pond or impoundment.

Roof. The cover of a building, including the eaves and similar projections.

Runoff. Stormwater runoff.

S

Safety lighting. Exterior lighting that involves ensuring proper levels of illumination to provide safe working conditions, safe passage and the identification of outdoor hazards.

Security lighting. Exterior lighting installed solely to enhance the security of people and property.

Service area. The geographic limits of the City of Roswell including any future annexations.

Setback. A line demarcating that portion of the lot specified must remain devoted to a yard, and the buildable portion of the lot. Building setbacks and “yard” are considered one and the same.

Shopping center. A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area which the unit serves.

Sidewalk cafe. A portion of a restaurant located outside of the principal building (unenclosed) on a public sidewalk which provides a sit down area for food and/or beverage consumption purposes or a sit-down outdoor waiting area

Sign. A device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others.

Sign face. That part of a sign that is or can be used for advertising purposes.

Significant recharge area. see Recharge area, significant.

Site. The parcel of land being developed, or the portion thereof on which the land development project is located.

Specimen tree. Any tree, as defined by this article, in fair or better condition, which qualifies for special consideration for preservation due to size, species, or condition, and which meets one of the following:

- 1) 8” dbh - Small trees such as dogwood, sourwood, cherry, etc.
- 2) 16” dbh - Midstory trees such as maple, birch, magnolia, holly, etc.

- 3) 24” dbh - Overstory hardwoods such as oak, hickory, sweetgum, ash, etc.
- 4) 30” dbh - Overstory softwoods such as pine, etc.

Provided, however, that a lesser-size tree can be considered by the Arborist to be and designated a specimen tree if it is a rare or unusual species, of exceptional or unique quality, or of historical significance; provided further that a lesser-size tree can be considered by the Arborist to be and designated a specimen tree if it is specifically used by a builder, developer or design professional as a focal point in a landscape project.

Specimen tree, lost. Lost specimen trees are specimen trees intended to be saved that have a protected critical zone of less than 75%.

Specimen tree, saved. Saved specimen trees have a protected critical zone of 75% or more of total critical root zone area completely protected.

Stormwater better site design. Nonstructural site design approaches and techniques that can reduce a site’s impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural area and green space, reducing impervious cover and using natural features for stormwater management.

Stormwater management. The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater management facility. Any infrastructure that controls or conveys stormwater runoff.

Stormwater management measure. Any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan. A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this ordinance.

Stormwater management system. The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity of the stormwater runoff from a site.

Stormwater retrofit. The a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff. The flow of surface water resulting from precipitation.

Story. That portion of a building compromised between a floor and the floor or roof next above. The first floor of a two- or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.

Stream bank. The natural bank of a stream where the low water mark of such stream and the bank intersect.

Street. A dedicated and accepted public right-of-way, or a private street approved by the City, which affords the principal means of access to abutting properties.

Street frontage. The width in linear feet of each lot where it abuts the right-of-way of any public street.

Structural stormwater control. A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Structure. Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground. Swimming pools, tennis courts, dog houses, and outdoor fenced animal runs are considered structures. Tents, vehicles, trailers and play equipment attached to the ground in some permanent or temporary way are considered structures. A structure may or may not be easily moved from a given location on the ground.

Subdivision. The division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

System improvements. Capital improvements which are designed to provide service to the community at large, in contrast to project improvements.

System improvement costs. Costs incurred to provide additional facilities, including equipment needed to serve new growth and development for planning, design and construction, land acquisition, land improvement, design and engineering related thereto, including the cost of constructing or reconstructing system improvements or facility expansions, including but not limited to the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees) and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect or financial consultant for preparing or updating the capital improvement element, and administrative costs equal to 3% of the total amount of the costs. System improvement costs shall also include projected interest charges and other finance costs if and to the extent the impact fees are to be used for the payment of principal and interest on bonds, notes or other financial obligations issued by or on behalf of the City to finance the capital improvement element. Such costs do not include routine and periodic maintenance expenditures, personnel training and other operating costs.

T

Temporary sign. A sign of a non-permanent nature.

Temporary structure. A use or structure that is in place for only a short period of time.

Transitional Parcel. A parcel of property, which borders either Georgia State Highways GA 9 or GA 140 east of GA 9, or any parcel that borders and is directly adjacent to a currently zoned commercial parcel, except Parkway Village. For purposes of this definition, parcels in zoning categories DR and RX are not considered "commercial parcels." Any parcel within an existing subdivision, as currently shown on that City of Roswell map entitled "Subdivisions and Multi-Family Complexes" dated December 20, 2012, revised February 17, 2016, as such map may be amended from time to time, and/or any area or parcel designated as being within a Planned Residential Development (PRD) shall not be considered a Transitional Parcel.

Transportation Director. The Director of the Transportation Department of the City of Roswell, or their designee.

Tree. Any self-supporting, woody perennial plant usually having a single trunk diameter of 3 inches or more which normally attains a mature height of a minimum of 15 feet.

Tree bank. An account, maintained by the Finance Department of the City of Roswell, of funds contributed from developers as a form of alternative compliance to the requirements of this article. Funds from the tree bank are to be used solely for the purchase and planting of trees for public benefit on public property, or private property within a public easement, within the City of Roswell as authorized by the City Council.

Tree density unit. A unit of measure based on diameter breast height of trees which is used to prescribe a minimum number of trees on any given development site.

Tree in fair or better condition. A tree that meets the following criteria.

- 1) A life expectancy of greater than 15 years; and
- 2) A structurally sound trunk, not hollow and having no extensive decay, and less than 20 percent radial trunk dieback; and
- 3) For hardwoods only, no more than one major and several minor dead limbs; and
- 4) No major insect or pathological problem.

Tree Preservation/Conservation Report. A report prepared by an ISA Certified Arborist including, but not limited to, existing health conditions, prescribed treatments, tree preservation methods, techniques and/or procedures to be implemented, prior to, during and after proposed development activities.

Tree removal permit. A formal letter or permit issued by the arborist allowing for the removal of a tree from a property.

Tree save area. An area designated for the purpose of meeting tree density requirements, saving natural trees, preserving the root system of natural trees and/or preserving natural buffers.

Trip. A single or one-directional travel movement with either the origin or destination of the trip inside the study site.

Trip generation. An estimate of the number of vehicle trips that will be generated due to the new development, which is calculated based on the type and amount of land uses in the proposed development and professionally accepted trip generation rates for each such land use. Trip generation may be expressed on an average daily basis or average peak hour (a.m., p.m.), or both.

U

Understory tree. Any tree that grows beneath the overstory, and will generally reach a mature height of under 40 feet.

Utility. Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/ lake access facilities, stormwater systems and railroads or other utilities identified by a local government.

V

[Reserved]

W

Wall, Bearing. A wall of a structure that supports a vertical load in addition to its own.

Wall, Foundation. A part of building foundation that forms a retaining wall for the portion of building that is below grade.

Wall, Parapet. That part of a wall that extends above the roof level or a low wall along the top of a dam.

Wall, Retaining. A wall or similar structure used at a grade change to hold soil on the up-hillside from slumping, sliding or falling. Exterior facing retaining wall is located along the perimeter of a site or development with the exposed face of the wall visible to the adjoining properties. Interior facing retaining wall located along the perimeter of a site or development has an exposed face that is not visible to adjoining properties.

Wall, Screening. A wall installed to conceal or break a view, which supports no vertical weight other than its own.

Wall, Shear. A portion of a structure intended to resist lateral forces.

Water resources map. A map prepared by the City and made a part of this ordinance which identifies perennial streams and known flowing streams, and which may include other hydrologic information related to this or other articles of this Zoning Ordinance.

Water supply watershed. The area of land upstream of a governmentally owned public drinking water intake.

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support — and that under normal circumstances do support — a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

X

[Reserved]

Y

Yard, front. An open, unoccupied space between the front line of a building or structure and the front boundary of a lot or an existing or proposed street right-of-way and extending along the entire width of the lot.

Yard, side. An open, unoccupied space located between the side lines of a building or structure and the side boundary of a lot or an existing or proposed street right-of-way and extending along the entire length of the lot.

Yard, rear. An open, unoccupied space located between the rear line of a building or structure and the rear boundary of a lot or an existing or proposed street right-of-way and extending along the entire width of the lot.

Z

[Reserved]