

ORDINANCE NUMBER ____-20__

AN ORDINANCE AMENDING CHAPTER X (ADMINISTRATION AND ENFORCEMENT) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF WOODSTOCK, GEORGIA, AMENDING ARTICLE II – PROCEDURES – TO PROVIDE FOR REVISED APPLICATION PROCEDURES

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:

Section 1. That Chapter X – Administration and Enforcement, of the Land Development Code, Article II – Procedures, Section 10.165 – Amendments, as amended, is hereby further amended by deleting:

~~6. An application may not be postponed or amended by the applicant after the legal advertising shall have appeared in the newspaper. However, the City Council may allow an application to be withdrawn, postponed or amended, in its sole discretion, at any time prior to its final vote on the application without prejudice with respect to the twelve-month limitation established in subsection 10.101(4) of this section.~~

¹ Ga Const , 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows

“The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly “

²O C G A § 36-35-3 (a) provides as follows

“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6 ”

~~7. The Planning Commission may recommend and the City Council may place a conditional use provision on a zoning district designation. The zoning district in this case shall include a suffix "C" and shall be effective until otherwise amended.~~

Section 2. That Chapter X – Administration and Enforcement, of the Land Development Code, Article II – Procedures, Section 10.165 – Amendments, as amended, is hereby further amended by inserting:

6. The Planning Commission may recommend and the City Council may place a conditional use provision on a zoning district designation. The zoning district in this case shall include a suffix "C" and shall be effective until otherwise amended.

Section 3. That Chapter X – Administration and Enforcement, of the Land Development Code, Article II – Procedures, deleting Section 10.169 – Applications, and replacing as follows:

10.169. - Applications

1. Notwithstanding the foregoing requirements, all applications for public hearing and recommendation by the Commission and decision by City Council shall be filed with the City Manager on forms provided, in accordance with submittal guidelines established by the Development Process Committee. Each application shall contain such information as the City Manager and Development Process Committee determine to be necessary for the Commission and/or Council to make an informed decision.
2. Any applicant wishing to defer a proposed public hearing application shall file a written request for deferral with the City Manager or designee, two (2) business days prior to the date of the scheduled public hearing. Each written request for deferral shall be accompanied by a postponement fee established by City Council with resolution from time to time.
3. Deferrals may be granted by the City Manager or designee up to two (2) times for any public hearing application. No application shall be granted a request for a third deferral. Applicants seeking to defer an application for a third time, shall withdraw the application and submit a new application when prepared to do so in accordance with the public hearings schedule. The applicant may submit a new application without prejudice with respect to the twelve-month limitation established in this Chapter. No fees shall be refunded and all fees are due upon the submittal of a new application.
4. The DPC shall evaluate the completeness of an application to proceed to the Planning Commission. Should an application remain incomplete, lacking sufficient information for the Planning Commission and City Council to make informed decisions, the DPC is authorized to reject the application. Upon rejection of an application, the applicant may submit a new application when prepared to do so in accordance with the public hearings schedule without prejudice with respect to the twelve-month limitation established in this Chapter. No fees shall be refunded and all fees are due upon the submittal of a new application.

5. The City Council may allow an application to be withdrawn, postponed or amended, in its sole discretion, at any time prior to its final vote on the application without prejudice with respect to the twelve-month limitation established in this Chapter.
6. No public hearing application or written request for deferral will be accepted without the submission of applicable fees. The failure to submit applicable fees constitutes a rejection of the public hearing application or written request for deferral. Upon rejection of an application, the applicant may submit a new application when prepared to do so in accordance with the public hearings schedule without prejudice with respect to the twelve-month limitation established in this Chapter. No fees shall be refunded and all fees are due upon the submittal of a new application.

Effective Date. This Ordinance shall take effect immediately upon adoption by Mayor and City Council.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 13 DAY OF February, 2017.

1st Reading: 1/23/17 2nd Reading: 2/13/17



DONNIE HENRIQUES, MAYOR



RHONDA L. PEZZELLO, CLERK

Approved as to form:


ELDON L. BASHAM, CITY ATTORNEY