

ORDINANCE NUMBER ____-20__

AN ORDINANCE AMENDING CHAPTER X (ADMINISTRATION AND ENFORCEMENT) OF THE LAND DEVELOPMENT CODE FOR THE CITY OF WOODSTOCK, GEORGIA.

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 ORDAIN:

Section 1. That Chapter X of the Land Development Code for the City of Woodstock, as amended, is hereby further amended by deleting Section 10.110 – Planning Commission – and replaced as follows:

10.110. - Planning Commission.

1. Composition; term of office; compensation.

- a. The Planning Commission shall consist of seven (7) members; one (1) appointed by the Mayor and one (1) appointed by each Councilmember from within their ward or residing within 500 linear feet of a ward boundary or residing in a platted subdivision within 500 linear feet of a ward boundary. Members shall be nominated by the respective Council member or mayor at a regularly scheduled City Council meeting and shall be approved

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 ”

by a majority vote of those present. A member's term shall run concurrently with the term of the individual who appointed the member.

- b. Appointees shall be residents of the City and shall hold no other public office and shall not be employees of the City. A member's term shall run concurrently with the term of the individual who appointed the member. Members may be appointed to successive terms without limitation.
- c. Each member shall be compensated at the rate of fifty dollars (\$50.00) per meeting for attendance and participation in Planning Commission meetings. No member shall receive compensation if no meeting is held in a given month or if such member fails to attend a scheduled meeting.

2. Removal from office; vacancies.

- a. Planning Commission members serve at the will of the City Council and can be removed at any time at the sole discretion of the City Council by majority vote or by the Councilmember that made the appointment. Any member who is removed may request a hearing before the Council and present their position to the Council should they desire.
- b. Any vacancy, whether due to resignation or removal, shall be filled if possible within thirty (30) days for the unexpired term only, in the same manner as the original appointment.
- c. If a member moves, no longer complying with the residency provisions of Section 10.110 (1) (a), outside the ward and/or City, that shall constitute a resignation from the Commission, which shall be effective on the date of such residency change.
- d. Any member who fails to attend three (3) consecutive meetings without being excused shall automatically be removed from the Commission, and a replacement member shall be nominated for Council approval by the appropriate Councilmember or the Mayor, who appointed the member who was removed. The Council may excuse, for good reason as determined in the sole discretion of the Council, any member and in such event the member shall not be automatically removed. Along with such approval for an excused absence the Council may establish a period of time for a leave of absence at its discretion or provide that the leave is until a time as determined by the Council. Additionally, the Council may appoint a temporary replacement or authorize the Council member in whose ward the excused member resides to appoint a temporary replacement to serve until such time as the excused member returns, at which time the temporary replacement shall no longer serve.

3. Officers; quorum and voting; procedural rules.

- a. At its first meeting of each calendar year, the Planning Commission shall, by majority vote of the membership (excluding vacant seats), elect one (1) of its members to serve as chairperson and preside over the Commission's meetings and one (1) member to serve as vice chairperson. The individuals so designated shall serve in such capacities for a period of one (1) year, with eligibility for re-election. Vacancies in these offices shall be filled for the unexpired terms by majority vote of the Commission membership (excluding vacant seats).

- b. A quorum for the Commission shall consist of a majority of the Commission membership (excluding vacant seats). A quorum is necessary for the Commission to take official action. All actions of the Planning Commission shall be taken by majority vote of the quorum present to pass any motion. A roll call vote shall be taken upon the request of any member.
 - c. The chairperson or acting chairperson may take part in all deliberations and discussions and may vote on official business.
 - d. The Planning Commission shall be provided an employee of the City for clerical support as necessary.
 - e. The Planning Commission shall follow the rules of procedure of the City Council with respect to public hearings and meetings and determine the time and dates of meetings, not inconsistent with the provisions of this code.
 - f. All meetings of the Commission shall be open to the public and all records of the Commission shall be public records. Minutes shall be kept of all Commission meetings.
4. Powers and duties. The Planning Commission shall have the power and duty to:
- a. Consider requests for annexations of property into the City limits and make recommendations to the City Council regarding approval of such requests;
 - b. Consider requests for rezoning of property within the City limits and make recommendations to the City Council regarding approval of such requests;
 - c. Make recommendations to the City Council regarding proposed zoning map and zoning ordinance changes according to the procedures contained in the Land Development Ordinance;
 - d. Consider request for variances and waivers for new development from the Land Development Ordinance within the City limits in accordance with the variance and waiver provisions of this chapter and section 10.160 and make recommendations to the City Council.
5. The Planning Commission may:
- a. Make studies and recommend to the City Council plans, goals and objectives relating to the growth, development and re-development of the City, as will best promote the public health, safety and general welfare of its citizens;
 - b. Develop and recommend to the City Council policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner; and
 - c. Prepare a comprehensive land use plan, or parts thereof, for the future development of the City, for consideration and adoption by the City Council.
6. Staff; Finances. The Planning Commission may request from Council such employees and staff as it may deem necessary for its work and/or may request of the Council to contract with the state Planning agency and City planners and other consultants for such services as it may require. The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the City Council.

7. Powers and Duties.

- a. The Commission shall hear and consider applications for variances from the Land Development Ordinance and make a recommendation to Council.
- b. The Commission shall consider only those applications where the strict application of the development requirements of this Ordinance would result in practical difficulties to, or undue hardship upon the owner of such property. The Commission shall ensure that the spirit of the ordinance is observed and that public safety and welfare is secured, and substantial justice is done.
- c. The Commission shall review the variance application in accordance with section 10.160 of this chapter and make a recommendation to the Council.
- d. In recommending granting of a variance, the Commission may recommend attaching thereto such conditions regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable so that the purpose of the Land Development Ordinance will be served.
- e. No variance shall be considered until the applicant has demonstrated and the Commission finds that the variance conditions have been met as set forth in the Land Disturbance Ordinance.

Section 2. Should any provisions of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any provision thereof other than the provisions specifically declare to be invalid. The Mayor and Counsel hereby declare that it would have passed this Ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared illegal, invalid or unconstitutional.

Section 3. This Ordinance shall take effect immediately upon its adoption.

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

1st Reading: 2/27/17 2nd Reading: 3/13/17



DONNIE HENRIQUES, MAYOR



RHONDA L. PEZZELLO, CLERK

Approved as to form:


ELDON L. BASHAM, CITY ATTORNEY