

**ORDINANCE TO IMPOSE A MORATORIUM ON  
CONSTRUCTION AND DEVELOPMENT**

**CITY OF WOODSTOCK, GEORGIA**

**WHEREAS**, the City of Woodstock (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 Assembly;<sup>1</sup> 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, and which are not inconsistent with the Constitution or any charter provision applicable thereto;<sup>2</sup> and

**WHEREAS**, Title 2 of the Code of Ordinances, City governs the general government of the City; 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

**WHEREAS**, the City has the power to regulate the usage of real property through zoning

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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.

2 O.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 Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section.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.

as set forth in O.C.G.A. § 36-66-1 *et seq*; and


**WHEREAS**, a public emergency exists affecting the life, health, property or public peace regarding a parcel of real property adjacent to I-575 that is currently unzoned and which was recently auctioned off by the Georgia Department of Transportation, said property being shown on Exhibit "A" attached hereto as Parcel 1 and incorporated herein by this reference (hereinafter referred to as the "Moratorium Area"); and

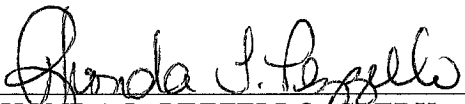
**WHEREAS**, the Mayor and Council of the City are concerned that the life, safety and well being of the citizens of the City could be negatively impacted by uncontrolled or unregulated development in the Moratorium Area;


**NOW THEREFORE**, the Mayor and Council of the City of Woodstock hereby declare that a temporary moratorium on the issuance of permits for any construction or development within the Moratorium Area is hereby imposed for the City of Woodstock, Georgia until the City has the opportunity to consider proper zoning for the Moratorium Area and to so zone the Moratorium Area. No applications for permits or development shall be accepted by the staff of the City for projects within the Moratorium Area for approval from this date forth until September 12, 2017. It is anticipated that this temporary Moratorium shall last until September 12, 2017, but it is subject to change by the Mayor and Council. During the time this Moratorium is in place, the City Council shall work toward determining the appropriate zoning classification for the Moratorium Area, considering such factors as the use and development of adjacent and nearby property; the existing uses of adjacent or nearby property; and excessive or burdensome use of existing streets, transportation facilities, utilities or schools that would result from certain zoning classifications.

This Ordinance to Impose a Moratorium on Construction and Development will be effective ~~June 26, 2017~~. July 10, 2017 RP

This ~~12~~ day of June, 2017.

  
DONNIE HENRIQUES, MAYOR  
CITY OF WOODSTOCK, GEORGIA

  
RHONDA L. PEZZELLO, CLERK  
CITY OF WOODSTOCK

Approved as to form:  


ELDON L. BASHAM  
CITY ATTORNEY  
DATE: June 12, 2017  
First Reading: June 12, 2017

For Second Reading July 10, 2017 RP  
~~June 20, 2017~~.

Exhibit "A"

