

**EMERGENCY ORDINANCE TO IMPOSE A MORATORIUM ON  
RESIDENTIAL SINGLE FAMILY- ATTACHED AND CERTAIN RESIDENTIAL  
SINGLE FAMILY-DETACHED**

**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

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 Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section.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

**WHEREAS**, the City of Woodstock currently has more than 15,000 residential units over 12 square miles; and

**WHEREAS**, the City of Woodstock has experienced extraordinary residential growth over the past five years, inclusive of attached and detached single family units as well multi-family units, with over 2,500 units constructed since the beginning of 2011; and

**WHEREAS**, the City of Woodstock continues to witness unprecedented residential growth and currently has an estimated 950 single family residential lots available for construction over 20 subdivisions throughout the City; and

**WHEREAS**, the City of Woodstock Land Development Ordinance includes a range of available residential densities by zoning district, from two to 40 units per acre; and

**WHEREAS**, the Mayor and City Council recognize and seek to weigh land use requirements with private property rights, while promoting a positive balance of commercial and residential property; and

**WHEREAS**, the Mayor and City Council are concerned that residential uses are beginning to outpace commercial uses within certain zoning districts and within certain areas of the City intended for other uses, namely employment and commercial uses; and

**WHEREAS**, the Mayor and City Council are also concerned that certain zoning districts and overlay districts are not properly fulfilling the purpose set forth by the respective districts; and

**WHEREAS**, it is the purpose of this Emergency Ordinance to provide the opportunity for Mayor and City Council to direct City staff to thoroughly review the current land use, zoning districts and overlay districts to ensure that certain zoning districts and overlay districts are performing as set forth; and

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

**WHEREAS**, an emergency exists as to the lack of concise controls over the regulation of Residential Single Family – Attached and Residential Single Family – Detached requirements within certain zoning and overlay districts and;

**WHEREAS**, the Mayor and City Council of the City of Woodstock are concerned that the life, safety and well being of the citizens of the City could be negatively impacted thereby; and

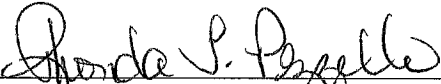
**NOW THEREFORE**, the Mayor and the City Council of the City of Woodstock hereby ordain that a temporary moratorium is imposed as follows:

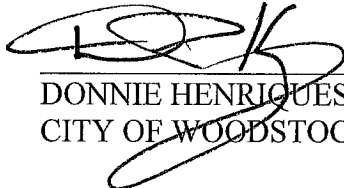
- 1.) No public hearing applications will be accepted for projects proposed to include Residential – Single Family Detached with lots 7,500 sq. ft. and smaller, and Residential - Single Family Attached units, on any property within the Parkway Overlay District and within all zoning districts in the Land Development Ordinance of the City of Woodstock excluding DT-CMU and NC-TCT and excluding projects that include an annexation request; and
- 2.) No land development (site) plans for land disturbance permits (LDP) will be accepted for projects proposed to include Residential – Single Family Detached with lots 7,500 sq. ft. and smaller, and Residential - Single Family Attached units, on any property within the Parkway Overlay District, excluding properties and projects that were the subject of a public hearing application prior to the adoption date of this moratorium and excluding projects that include an annexation request.

This moratorium is in effect from this date forth until September 27, 2017. It is anticipated that this moratorium shall last until September 27, 2017, but it is subject to change by the Mayor and City Council. During the time this moratorium is in place, the City staff is hereby directed to review the City's land use requirements and zoning ordinances and propose appropriate revisions thereto.

This Emergency Ordinance to Impose a Moratorium as detailed herein is effective immediately and shall remain in force until September 27, 2017.

This 28 day of August, 2017.

  
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RHONDA L. PEZZELLO, CLERK  
CITY OF WOODSTOCK

  
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DONNIE HENRIQUES, MAYOR  
CITY OF WOODSTOCK, GEORGIA

Approved as to form:

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ELDON L. BASHAM  
CITY ATTORNEY

DATE ADOPTED: 8-28-17, effective 8-28-17.

For Second Reading and Re-adoption \_\_\_\_\_.