

ORDINANCE NUMBER ____-2017

AN ORDINANCE REVISING SECTION 10 OF CHAPTER X OF THE ZONING ORDINANCE 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, 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:

That the Code of Ordinances, City of Woodstock, Georgia is hereby amended by deleting in its entirety Section 10.100 and inserting in lieu thereof the following:

10.100. - Definitions.

1. Administrative Official shall mean the person, including but not limited to, the City Manager, from whom an appeal is requested pursuant to section 10.162 below, concerning any error in any order, requirements, development permit, decision, determination or refusal made by that person in the administration or enforcement of any provision of the Land Development Ordinance.
2. Commission shall mean the Planning Commission of the City.
3. Council shall mean the Mayor and Council of the City.

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”

4. Development Process Committee (DPC) shall mean a staff group appointed at the discretion of the City Manager, composed of those staff members deemed by the City Manager as responsible for development within the City as specified in this chapter. Staff members shall also be deemed to include consultants or vendors, as well, engaged by the City of Woodstock to provide professional services.

That the Code of Ordinances, City of Woodstock, Georgia is hereby amended by deleting in its entirety Section 10.140 and inserting in lieu thereof the following:

10.140. - Development Process Committee.

1. Organization. The City Manager may organize a Development Process Committee (DPC) to perform duties as specified by the City Manager. The membership and procedures, if any, of the DPC shall be established at the sole discretion of the City Manager. In the absence of the organization of a DPC, responsibilities of the DPC in the Land Development Ordinance shall reside solely with the City Manager, or designee.

2. Powers and Duties.

If the City Manager establishes a DPC, the DPC may:

- a. Review all applications for annexations, rezoning and variances including public input meeting comments, then meet with applicant to determine appropriate recommendation.
- b. Provide the recommendation in writing to the Mayor and Council via the Planning Commission.
- c. Review applications for administrative variances for reduction of parking spaces or required pervious parking up to twenty (20) percent of the required number of spaces; for reduction of Buffer and Setbacks up to twenty (20) percent from the required buffer and setbacks; Tree and Landscaping up to twenty (20) percent of any tree or landscaping requirements; to relocate fences that are required either by code or as a condition of zoning in order to maximize the effectiveness of said fence in terms of privacy, safety and/or aesthetics. An administrative variance shall not add to an existing variance. The DPC shall make a finding of approved, denied or forward and the finding shall be signed by the City Manager or designee. If the determination is to forward an administrative variance application a written recommendation along with the finding of the DPC shall be attached. The application shall be forwarded to the Planning Commission as provided for by the variance process.
- e. Hold pre-application meetings for site plans and subdivisions of land, providing assistance to applicant for designing to comply with City codes.
- f. Review all plats for compliance with the provisions of the Land Development Ordinance and approve preliminary and final subdivision plats when in compliance. Variances or waivers shall be approved through the appropriate process before approval. The City Manager or designee shall sign to approve plats when such plats meet all requirements and have been signed as approved by all departments.

h. Perform such other duties as may be specified in the Land Development Ordinance, required by the City Manager or reasonably appropriate to effect the provisions of the City's ordinances.

3. Fees. Fees shall be set by the Council by separate schedules adopted as ordinances.

The Mayor and Council hereby waive any requirement that this ordinance first be presented to the Planning Commission.

Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 25 DAY OF September, 2017.

1st Reading: 8/28/17 2nd Reading: 9/05/17



DONNIE HENRIQUES, MAYOR



RHONDA L. PEZZELLO, CLERK

Approved as to form:



ELDON L. BASHAM, CITY ATTORNEY