

ORDINANCE NUMBER ____-20__

AN ORDINANCE AMENDING CHAPTER II (DEFINITIONS) CHAPTER VII (PERFORMANCE ZONING STANDARDS) OF THE LAND DEVELOPMENT CODE FOR THE CITY OF WOODSTOCK, GEORGIA, AMENDING SECTION 7.507 and 7.508, ADDING STANDARDS FOR LIVE/WORK UNITS

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 the definition for Residential Live/Work Unit in Chapter II of the Land Development Code, as amended, is hereby deleted and replaced as follows:

A Live/Work Unit, also known as ‘residential over commercial,’ is defined as the use of a structure consisting of both a commercial/office and a residential component that is occupied by the same resident.

Section 2. That Chapter VII, Section 7.507 of the Land Development Code is hereby amended by inserting “A.” as follows:

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 ”

A. Customary Home Occupations shall be permitted in any residential zoning district or residential dwelling, provided that the following performance standards are met:

Section 3. That Chapter VII, Section 7.508 of the Land Development Code, as amended, is hereby deleted and replaced as follows:

B. Customary Home Occupation Use Standards.

The following uses shall be permitted uses in a Customary Home Occupation provided they meet the above performance standards:

1. Instructional or tutoring services within an enclosed building, but limited to four (4) pupils at one (1) time.
2. Office facility of a salesman, sales representative or manufacturer's representative provided that there is no manufacturing, production, or storage provided on the premises, but limited to one (1) on site employee. Off site employees will be limited to the equal number of off street parking spaces provided but limited to five (5).
3. Office facility of an Architect, Broker, Engineer, Land Surveyor, Lawyer, computer programmer, and similar or related professions, but limited to one (1) on site employee. Off site employees will be limited to the equal number of off street parking spaces provided but limited to five (5).
4. Real estate broker, broker, real estate agent, appraiser, insurance agent, mortgage broker, or similar or related professions, but limited to one (1) on site employee. Off site employees will be limited to the equal number of off street parking spaces provided but limited to five (5).
5. Arts and crafts, artistic studios, including painting, sculpture, composing, writing, and related crafts such as weaving, rug work, and lapidary.
6. Office service, including work processing, book keeping, transcribing, data entry, and telephone answering services.
7. Mail order wholesale or retail businesses provided there is no sale, shipment or delivery or merchandise on the premises.
8. Contractors, electrician, landscaping business/contractors, plumbing, air-conditioning/HVAC repair business/contractors, painting, cleaning, chimney cleaning and other related businesses but not including outside storage of equipment materials or vehicles.
9. Alterations and upholstery repair.
10. Barber and beauty shops, provided that the use is conducted by family members who live in the residence or only one (1) outside employee with only one (1) member residing in the property. The business shall consist of no more than one (1) beauty/barber chair, and no more than two (2) customers shall be permitted at one (1) time. Said business shall operate only between the hours of 8:00 a.m. and 8:00 p.m. All local and state licenses as well as any necessary permits must be obtained prior to the business being opened. There shall be no external evidence that a business is in operation inside the residence. Customer

parking must be available on the same side of the street as the residence or paved parking must be provided on the side or rear of the property. Parking on the front of the property is prohibited.

11. Child day care center provided the following standards are met:
 - a) The child day care center must be located in a residential structure as a secondary use. The residential use of the structure must be the primary use of the structure.
 - b) The owner of the structure must obtain the approval for the day care use of his residence from seventy-five (75) percent of the property owners within five hundred (500) feet from his property, including the abutting residents.
 - c) The road giving access to the center must be of adequate capacity to handle the additional traffic and adequate off-street parking must be provided.
 - d) If the proposed center is not on sewer, the applicant must obtain a letter from County Sanitarian stating that the on-site septic tank system has the capacity to handle the proposed center.
 - e) The applicant must have a letter of conditional approval from the Georgia Department of Human Resources.

Section 4. That Chapter VII, Section 7.508 of the Land Development Code, as amended, is hereby further amended as follows:

7.508. - Live/Work Unit Use Performance Standards

- A. Live/Work Units shall only be permitted in the residential zoning districts listed in Section 7.505 of the Land Development Ordinance provided that the following performance standards are met:
 1. The Live/Work unit shall be the primary dwelling of the occupant;
 2. The residential and the commercial space must be occupied by the same tenant, and no portion of the Live/Work unit may be rented or sold separately;
 3. All business activities must be wholly contained within each Unit;
 4. The outdoor storage and/or display of merchandise, sundries, and equipment is expressly prohibited. This requirement excludes vehicles and trailers within delineated parking spaces, not otherwise prohibited by restrictive covenants;
 5. The following limitations shall apply to all Live/Work Units based on the most current International Building Code:
 - a. The Live/Work unit shall not be greater than 3,000 square feet in area;
 - b. The nonresidential area shall not be more than 50 percent of the area of each Live/Work unit;
 - c. The nonresidential area function shall be limited to the first or main floor only of the Live/Work unit;

- d. Not more than five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time; (IBC Reference: Section 419.1-419.9)
 - e. The commercial portion of the unit shall be ADA compliant (IBC Reference: Section 419.7)
 - 6. The Live/Work Unit uses shall not create disturbing or offensive noise, vibration, smoke, dust, odor, radio or television interference, voltage fluctuations or unhealthy or unsightly conditions that would unreasonably interfere with residential uses.
- B. The following uses shall be permitted uses in a Live/Work units provided they meet the above performance standards:
- a. Bakery – Retail
 - b. Barber Shop, Beauty Salon
 - c. Child/Day Care Center
 - d. Customary Home Occupation
 - e. Florist – Retail
 - f. Instructional Studios – Dance, Gymnastics Martial Arts
 - g. Massage Therapy
 - h. Office – Common Business, Medical, Professional Service
 - i. Office – Contractor (R)
 - j. Office – Real Estate Sales/Associated Services
 - k. Restaurant – Small café, coffee shop, ice cream and yogurt shops
 - l. Retail Store – Common Merchandise

Effective Date. This Ordinance shall take effect on October 9, 2017.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 9th DAY OF October, 2017.

1st Reading: September 25, 2017 2nd Reading: October 9, 2017



DONNIE HENRIQUES, MAYOR



RHONDA L. PEZZELLO, CLERK

Approved as to form:

ELDON L. BASHAM, CITY ATTORNEY