

AN ORDINANCE AMENDING CHAPTER VII (PERFORMANCE ZONING STANDARDS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF WOODSTOCK, GEORGIA, AMENDING ESTABLISHMENT OF DISTRICTS

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 Chapter VII – Performance Zoning Standards, Article III – General Information, Section 7.301 – Establishment of Districts, of the Land Development Code, as amended, is hereby further amended to establish the following zoning districts:

OS – Open Space

This district is intended for property to be used for recreational and passive open space outside the Downtown District. No commercial or residential uses are permitted.

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 Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section.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

DT-OS – Downtown Open Space

This district is intended for property dedicated to recreational and passive open space in the Downtown District. No commercial or residential uses are permitted other than parking.

CV – Civic District

This district is intended for government-owned properties outside the Downtown District. All government-owned properties not otherwise zoned are deemed Civic District, and shall continue to be zoned Civic District upon any transfer to any private person or entity.

DT-CV – Downtown Civic

This district is intended for government-owned properties in the Downtown District.

Effective Date. This Ordinance shall take effect immediately upon adoption by Mayor and City Council.

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

1st Reading: 10-9-17 2nd Reading: 10-23-17 and 11-13-17

DONNIE HENRIOTES, MAYOR

RHONDA L. PEZZELLO, CLERK

Approved as to form:

ELDON L. BASHAM, CITY ATTORNEY

