

ORDINANCE NUMBER 5359-2018

AN ORDINANCE AMENDING CHAPTER XI (ZONING POLICY AND PROCEDURES) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF WOODSTOCK, GEORGIA, AMENDING ARTICLE II – ZONING PROCEDURES AND STANDARDS, SECTION 11.203 PUBLIC NOTICE REQUIREMENTS

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 XI – Zoning Policy and Procedures, Article II - Procedures and Standards, Section 11.203 – Public Notice of the Land Development Ordinance, as amended, is hereby further amended by inserting after “5. Public Input Plan Required” the following:

“See Council Policy Manual# 700-0008.”

So that it will now read as follows:

5. Public Input Plan Required. “See Council Policy Manual# 700-0008.”

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.”

Section 2. That Chapter XI – Zoning Policy and Procedures, Article II - Procedures and Standards, Section 11.203 – Public Notice of the Land Development Ordinance, as amended, is hereby further amended by deleting section 5.b., which reads as follows:

- 5.b. *Requests Requiring Public Input Plan:* The following requests require preparation, submittal and execution of a Public Input Plan, as determined by the Community Development Department:
- i. Any request for a change in land use;
 - ii. Variances from architectural standards;
 - iii. Variances from lot standards; and
 - iv. Other requests, as determined by the Community Development Department.

and inserting in lieu thereof the following:

- 5.b. *Requests Requiring Public Input Plan:* The following requests require preparation, submittal and execution of a Public Input Plan, as determined by the Community Development Department:
- i. Rezoning and Zoning Condition Amendments;
 - ii. Conditional Use Permit;
 - iii. Variances from architectural standards;
 - iv. Variances from lot standards; and
 - v. Other requests, as determined by the Community Development Department.

Section 3. That Chapter XI – Zoning Policy and Procedures, Article II - Procedures and Standards, Section 11.203 – Public Notice of the Land Development Ordinance, as amended, is hereby further amended by deleting Section 6., and inserting in lieu thereof the following:

6. The City Council may waive any or all of the requirements of Section 11.203 (5) at a regular or called meeting of the council. Once waived by City Council, all requirements within Section 11.203 (5) are deemed waived, including, but not limited to, the public input plan, public input meeting, and notification requirements.

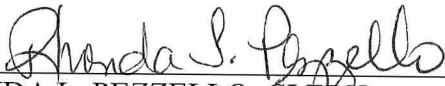
Effective Date. This Ordinance shall take effect immediately upon adoption by Mayor and City Council.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF
WOODSTOCK, GEORGIA, THIS 10th DAY OF September, 2018.

1st Reading: August 27, 2018 2nd Reading: September 10, 2018



DONNIE HENRIQUES, MAYOR



RHONDA L. PEZZELLO, CLERK