

**ORDINANCE NUMBER 6239-2020**

**AN ORDINANCE AMENDING CHAPTER VII (PERFORMANCE ZONING STANDARDS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF WOODSTOCK, GEORGIA, AMENDING ARTICLE VII, DOWNTOWN DISTRICT STANDARDS, TO PROVIDE FOR REVISED LOT OF RECORD LOT EXEMPTION 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 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 or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto<sup>2</sup>; 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 VII – Downtown District Standards, Section 7.723 General Provisions, is hereby amended, by deleting Subsection 3, Lot of Record Lot Exemption and replacing with Exhibit “A,” attached hereto.

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<sup>1</sup> 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”

<sup>2</sup>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 ”

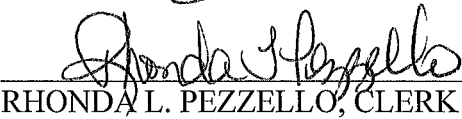
Effective Date. This Ordinance shall take effect immediately upon adoption by Mayor and City Council.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 10<sup>th</sup> DAY OF February, 2020.

1st Reading: January 27, 2020 2nd Reading: February 10, 2020



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DONNIE HENRIQUES, MAYOR



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RHONDA L. PEZZELLO, CLERK

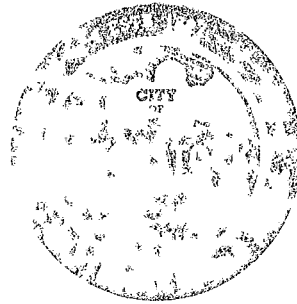


Exhibit A

7.723. - General Provisions.

3. Lot of Record Lot Exemption The lot of record lot exemption is intended to encourage redevelopment of residential structures in downtown ~~and to~~ while preserving the character of existing single family lots and neighborhoods. A Lot of Record is exempt from the Downtown District Code under the following provisions.

- a. For the purposes of this amendment, a Lot of Record means a Lot which is part of a Subdivision recorded in the Superior Court Clerk's Office, or a Lot described by metes and bounds, the description of which has been recorded in the Superior Court Clerk's Office prior to the adoption of this amendment, September 10, 2018. ~~The exemption includes~~ includes both residential lots with one (1) existing single family detached structure and ~~a commercial business located in a structure formerly used as a single family residence~~ vacant lots that do not contain a structure which are proposed for use as a single family residence. "New construction," both residential and commercial, means construction on a vacant lot where no structure was previously constructed, or a newly planned structure proposed on a lot
- b. A lot cannot be subdivided to comply with this Code section.
- c. Only one (1) structure with one (1) dwelling unit can be built per lot, excluding one (1) accessory dwelling unit or accessories structure,
- d. ~~Exclusively in DT-CBD and DT-RO, commercial uses may be included within a structure formerly uses as a single family residence or a newly constructed structure.~~
- de New residential construction, structure and site A new single family residence and accompanying site layout proposed with one (1) dwelling unit may be constructed as long as the new structure and site proposed is substantially similar to the structure previously occupying the same lot, the structures on nearby and adjacent lots, or structures in the same subdivision.
- ef Replica An existing structure may be demolished and replaced as long as the new structure is substantially similar to the former structure
- efg. Renovations An existing single family structure can be renovated or maintenance activities can be performed. ~~All renovation/maintenance activities can occur~~ as long as the structure is not expanded beyond thirty (30) percent of the gross floor area and the architecture either remains consistent with the current structure, an earlier appearance of the structure, or in compliance with the architectural provisions in the Downtown District Code
- ~~f~~ ~~Replica~~ An existing structure may be demolished and replaced as long as the new structure is substantially similar to the former structure.
- ~~g~~ ~~New residential construction, structure and site~~ A new single family residence and accompanying site layout proposed with one (1) dwelling unit may be constructed as long as the new structure and site proposed is substantially similar to the structure previously occupying the same lot, the structures on nearby and adjacent lots, or structures in the same subdivision.
- ~~h~~ ~~New commercial construction, structure and site~~ The constructor of new commercial buildings must comply with the Downtown District Architectural Standards.
- gh. In the absence of other architectural standards, as detailed in de-fg above, Downtown District Architectural Standards shall govern.
- h+ Setbacks shall remain consistent with those recorded on the applicable subdivision plat or in effect at the time the lot was recorded.
- lj. The installation of planned infrastructure including the extension of grid streets and, trails, and pedestrian projects with new construction projects is required. The dedication of right-of-way for the

future expansion of planned public improvements is required with ~~new construction~~any project taking advantage of the exemption offered in this section

(Ord. No. 4958-2018, § 1(Exh. A), 2-12-2018; Ord. No. 5360-2018, § 1, 9-10-2018)