

**CITY OF WOODSTOCK, GEORGIA
ORDINANCE 6498-2020**

AN ORDINANCE AMENDING CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS – OF THE CODE OF WOODSTOCK, GEORGIA, TO PROVIDE FOR REVISED MODEL HOME PERMITS, TO PROVIDE FOR TOWNHOMES, AND FOR OTHER PURPOSES

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 City Council of the City of Woodstock, Georgia desires to amend Chapter 6 of the Code of Woodstock, Georgia as set forth herein.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL ORDAINS, by the lawful authority vested in them as follows:

Section 1. That Chapter 18 – Buildings and Building Regulations, Article I, Section 18-9 – Model home permits “(2)” of the Code of Woodstock, Georgia is hereby deleted in its entirety and replaced 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 hereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code Section.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."

“2. Restrictions:

- a. Maximum of three (3) Model Home Permits per phase, not to exceed 10% of the total lots in the phase, may be issued with the approval of the Building Official or his designee.
- b. Townhome communities (attached units) will be allowed one building of Model Homes.
- c. Detached Model Homes shall be placed on adjacent lots.
- d. No connections to unapproved utilities shall be permitted.
- e. Construction of model homes shall be limited to foundation, rough stages through drywall. No final inspection shall be performed or Certificate of Occupancy issued until final plat is recorded and all utilities are connected.
- f. No model home shall be furnished or occupied in any way prior to issuance of a Certificate of Occupancy.”

Section 2. Should any provisions of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any provision thereof other than the provisions specifically declare to be invalid. The Mayor and Council hereby declare that it would have passed this Ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared illegal, invalid or unconstitutional.

Section 3. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 10th DAY OF AUGUST, 2020.

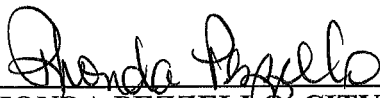
First Reading Date: July 20, 2020

Second Reading Date: August 10, 2020

Final Adoption Date: August 10, 2020



DONNIE HENRIQUES, MAYOR



RHONDA PEZZELLO, CITY CLERK

