

RESOLUTION

CITY OF WOODSTOCK ORDINANCE

The purpose of this ordinance is to repeal several sections of Chapter VII Performance Zoning Standards in the Land Development Ordinances of the City of Woodstock Georgia in order to better address uses currently permitted and to provide for Conditional Uses and to move all definitions to Chapter 2 Definitions.

WHEREAS, the City of Woodstock (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 law, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

WHEREAS, the Mayor and Council of the City of Woodstock have determined that the ordinance heretofore resolved is in the best interest of the City; and

WHEREAS, said amendments are and have been accessible to members of the public who are, or may be, affected by them, said amendments having been kept and maintained for public inspection during the normal business hours at Woodstock City Hall, and notice of intent to take action having been published in the Cherokee Tribune, a

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 the following:

“(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 consistent with the Constitution or any charter provision applicable thereof. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section.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 appeal, modify or supersede any action taken by a municipal authority under this Code section, except as authorized under Code Section 36-36-6”.

newspaper of general circulation within the territorial boundaries of the municipality of the City of Woodstock, for a period of at least fifteen (15) days prior to but no more than forty-five days prior to the public hearing date; and

WHEREAS, Section 2.34(b) of the City Charter of the City of Woodstock provides initial introduction of such an ordinance prior to adoption at the regular meeting of the Council; and

WHEREAS, the governing authority of the City of Woodstock has read and considered the proposed amendments;

NOW THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of Woodstock that the aforesaid ordinance has been and shall now and hereafter be maintained for public inspection during the normal business hours at the Woodstock Annex under the custody of the City Clerk of the City of Woodstock; and

NOW THEREFORE, BE IT RESOLVED AND ORDAINED by the City of Woodstock, Georgia, by the lawful authority vested in them that the following sections of Chapter VII Performance Zoning Standards of the Land Development Ordinance of the City of Woodstock Georgia are hereby repealed in their entirety and replaced with revised Chapter VII sections (attached hereto as Exhibit "A") with changes as follows:

Chapter VII

1. Repeal Section 7.304 (8) - Customary Home Occupation

This section is being relocated in its entirety to section 7.507 - Customary Home Occupation Performance Standards and 7.508 - Customary Home Occupation Use Standards.

2. Repeal Section 7.304 (9) - Day Care Center

This section is being relocated in its entirety to section 7.508 (11).

3. Repeal Section 7.304 (20) - Hotel/Motel Standards

This section is being relocated in its entirety to section 7.506.

4. Repeal and Replace Article V

Article V is being replaced with the draft Article V (**attached as Exhibit "A"**)

5. Repeal Section 7.222 - Definitions related to the Downtown District

The definitions included in this section are being relocated to Chapter 2 - Definitions.

5. Repeal Section 7.724 - Principal Permitted Uses (Downtown District)

Section 7.724 (1-8) is being relocated to Section 7.301 - Establishment of Districts and 7.724 (9) and the use chart is being relocated to 7.505 - Use/Zoning Matrix.

6. Repeal Section 7.742 - Definitions related to Senior Living

The definitions included in this section are being relocated to Chapter 2 - Definitions.

7. Repeal Section 7.743 - Principal Permitted Uses (Senior Living)

Section 7.724 (1-3) is being relocated to Section 7.301 - Establishment of Districts.

8. Repeal Section 7.907 - Relationship to Existing Zoning (Overlay Zoning)

9. Repeal Section 7.926 - Permitted Use Standards (Parkway Overlay)

10. Repeal Section 7.927 - Prohibited Use Standards (Parkway Overlay)

11. Repeal Section 7.964 - Permitted Use Standards (Gateway Overlay)

12. Repeal Section 7.965 - Prohibited Use Standards (Gateway Overlay)


Date of Public Hearing June 21, 2009

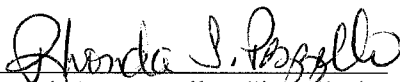
Advertisement: Cherokee Tribune: May 28, 2009

First Reading: June 21, 2010

Second Reading: July 12, 2010

APPROVED, ADOPTED, AND ENACTED this 21st day of July 12, 2010.



Donnie Henriques, Mayor
City of Woodstock, Georgia

Rhonda L. Pezzello, City Clerk
City of Woodstock, Georgia

(Municipal Seal)

Article 5
Use Districts and Regulations

EXHIBIT A

7.500 – Purpose

The following provisions apply to each of the zoning districts. In addition, requirements are contained within the District Development Standards and in other Articles that apply to some or all of the zoning districts.

7.501 – Permitted and Prohibited Uses

A Permitted Use is allowed within a zoning district by this Ordinance and subject to the restrictions applicable to that zoning district. If a use is not permitted within a zoning district by this Ordinance and is not eligible for consideration under a Conditional Use Permit, that use shall be considered a Prohibited Use. If the Zoning Administrator determines, in their sole discretion, that a use cannot be equated to a similar Permitted or Conditional use, then that use shall be considered a Prohibited Use. Decisions made by the Zoning Administrator may be appealed in accordance with the procedures outlined in section 10.162.

7.502 – Conditional Use Permit

A Conditional Use Permit (CUP) may be applied for a use that generally would not be appropriate throughout a zoning district but which, if controlled as to the visual appearance, number, area, height, location, or relation to abutting or nearby uses, would not be injurious to the public, health, safety, appearance or general welfare. A CUP may be applied for only in zoning districts and for uses identified by this Ordinance and are subject to conditions, which may be imposed by the Mayor and City Council, and final approval by the Mayor and City Council through a Public Hearing process.

7.503 – Conditional Use Permit Review Criteria

The Mayor and City Council may grant a Conditional Use Permit for the uses enumerated in section 7.505 of this article. The granting of a Conditional Use Permit is conditional upon the site plan considered by the Mayor and City Council and are subject to the following process and review procedure:

1. All applications for Conditional Use Permits shall be advertised in the same manner as applications for rezoning, and Public Hearings will be held thereon in the same manner as applications for Public Hearings are conducted.
2. The Mayor and City Council may grant Conditional Use Permits for limited periods of time based upon the criteria set forth in section 7.503(3).

3. In addition to district regulations, the Mayor and City Council shall consider, at a minimum, the following in its determination of whether or not to grant a Conditional Use Permit, whether to limit the time such Conditional Use is allowed and whether to restrict the Conditional Use to a particular owner or party:
- a) Whether or not there will be a significant adverse effect on the surrounding area in which the proposed use will be located.
 - b) Whether or not the use is otherwise compatible with the surrounding area.
 - c) Whether or not the use proposed will result in a nuisance as defined under state law.
 - d) Whether or not quiet enjoyment of surrounding property will be adversely affected.
 - e) Whether or not property values of surrounding property will be adversely affected.
 - f) Whether or not adequate provisions are made for parking and traffic considerations.
 - g) Whether or not the site or intensity of the use is appropriate.
 - h) Whether or not special or unique conditions created by the use are consistent with the purpose, intent and goals of the Comprehensive Town Plan.
 - i) Whether or not adequate provisions are made regarding hours of operation.
 - j) Whether or not adequate controls and limits are placed on commercial and business deliveries.
 - k) Whether or not adequate landscape plans are incorporated to ensure appropriate transition between adjacent or nearby properties.
 - l) Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.
 - m) Whether the application complies with any applicable specific requirements set forth in this chapter for Conditional Use Permits for particular types of uses.
 - n) Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.
 - o) Whether the Conditional Use requested emits or creates unusual odors which would warrant use of an odor elimination/attenuation system as recommended by industry standards.
4. In all applications for a Conditional Use Permit the burden shall be on the applicant both to produce sufficient information to allow the Mayor and City Council fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the City.

7.504 – Zoning District Descriptions

The City has established the following zoning districts as part of the general zoning code. The Use/Zoning District Matrix in section 7.505 applies to all uses within the following zoning districts:

1. General Districts: General Commercial (GC), Neighborhood Commercial (NC), Light Industrial (LI), Heavy Industrial (HI), Office Space Institutional (OSI), Single Family Detached Residential (R1, R2), Single Family Attached Residential (R3), Multifamily Residential (R4), Rural District (RD)

2. Downtown District: Central Business District (DT-CBD), Commercial Mixed Use (DT-CMU), General Commercial (DT-GC), Residential Office (DT-RO), Medium Density Residential (DT-MRA, DT-MRB), Low Density Residential (DT-LR), Very Low Density Residential (DT-VLR), Open Space (DT-OS)
3. Senior Living District: Single Family Detached Residential(SL-A), Single Family Attached Residential (SL-B), Multifamily Residential(SL-C)

7.505 – Use/Zoning District Matrix

The following Use/Zoning District Matrix identifies the uses which are permitted in each zoning district and uses which are eligible for a Conditional Use Permit. Permitted uses are marked with a 'P' and uses eligible for consideration under the issuance of a Conditional Use Permit are marked with a 'C'.

Additional development regulations or standards may further restrict uses marked with a '**' and a corresponding number . Refer to section 7.506 for notes regarding these regulations.

Uses in which additional development regulations or regulatory permits are required are marked with a 'R'. Refer to section 7.506 for these definitions or regulations. Further, additional development regulations may be required in the District Development Standards for the zoning district that the property is located in.

	General Districts										Downtown Districts							Senior Living Districts		
	GC	NC	LI	HI	OSI	R1	R2	R3	R4	RD/ DT-OS	DT- CBD	DT- CMU	DT-GC	DT-RO	DT-L MRA/B	DT-LR/ VLR	SL-A	SL-B	SL-C	
Adult Entertainment Establishment/Store (R)				C																
Advertising Display Sales			P	P																
Agricultural Business, Cooperative			P	P																
Ambulance Service	P		P	P	P															
Amusement Park	C		C										P							
Animal Boarding, Daycare Facility	P		P										P							
Animal Hospital, Clinic	P	P	P								P	P	P	P						
Appliance Sales, Repair Shop	P		P	P							P	P	P	P						
Assembly Hall, Auditorium, Civic Center	P										P	P	P							
Athletic Club and Facilities	P	P*2	P								P	P	P	P*2						
Auto Racetrack				C																
Automotive Repair Facility - Major			P	P																
Automotive Repair Facility - Minor	P		P	P									P							
Automotive/Truck - Sales, Service, Parts	C												P							
Automotive/Truck - Salvage, Scrap Parts				C																
Bakery - Production, Distribution			P	P									P							
Bakery - Retail	P	P									P	P	P	P*1						
Bank, Financial Institution	P	P			P						P	P	P	P	P*3					
Bar/Tavern											P*1	P	P	P						
Barber Shop, Beauty Salon, Spa	P	P									P	P	P	P	P*1					
Bed and Breakfast Inn																				
Bottled Gas - Storage, Distribution				P																
Bottling Plant				P																
Bowling Alley	P		P									P	P							
Broadcast Station - With antenna				C																
Broadcast Studio - No antenna or visible communication device	P		P	P							P	P	P							
Builder Supply - Distribution or Warehouse			P	P																
Builder Supply - Retail	P	P*2									P	P	P	P						
Car Wash	P												P							
Cemetery	C												C							
Check Cashing/Title Pawn/Bail Bond			C																	
Child/Day Care Center	P	P			P							P	P	P						
Church, Place of Worship	P	C			C						C	C	P	C						
Club, Lodge	P	P*1			P						P	P	P	P	P*1					
Communication, Cellular, Microwave Tower	C		C	C									C							
Concrete/Paving - Batch Plant				P																
Customary Home Occupation (ref: Section 7.507-7.508)						P	P	P	P											
Designated Recycling Collection Location	C		P	P									C							
Dry Cleaning/Laundry - Drop Off, Pick Up Only	P	P			P						P	P	P	P	P*1					
Dry Cleaning/Laundry - On Premise			P	P									P							
Family Care Facility									C						C					
Farmer's Market	P	P*1									P	P	P	P	P*1					
Firearm Dealer (R)	C		C										C							
Florist - Production, Distribution	P		P	P									P							
Florist - Retail	P	P*1			P						P	P	P	P*1						
Funeral Home	P										P	P	P							

	General Districts										Downtown Districts							Senior Living Districts		
	GC	NC	LI	HI	OSI	R1	R2	R3	R4	RD/ DT-OS	DT- CBD	DT- CMU	DT-GC	DT-RO	DT- MFA/B	DT-LR/ VLR	SL-A	SL-B	SL-C	
Funeral Home - With crematory	C		C										C							
Garden/Landscape Supply - Distribution or Warehouse			P	P																
Garden/Landscape Supply - Retail	P	P*1											P							
Gas/Fuel Station	C		C										C							
Gokart/Motorbike Track			C																	
Golf Facility - Public or Private	C					P	P	P	P											
Government Buildings	P	P	P	P	P						P	P	P	P						
Gravel, Mineral Excavation and Processing				P																
Group Care Facility									C						C					
Heavy Equipment - Sales, Service, Storage, Rental			P	P																
Hospital	P		P		P								P							
Hotel (R)	C				C						P	P	P							
Ice Manufacturing, Sales			P	P																
Instructional Studios - Dance, Gymnastics, Martial Arts	P	P									P	P	P	P						
Junk, Salvage Yard				P																
Laboratory	P		P	P	P								P							
Limited Accessory Use - Commercial (R)															P				P	
Liquor, Package Store	P												P							
Machine Shop, Fabrication Facility			P	P																
Manufacturing Facility				P																
Manufacturing Facility - Limited (R)			P																	
Meat Processing Facility				P																
Mobile Home Sales				P																
Movie/Performance Theater	C		C								P*1	P*1	P*1							
Museum/Historical Display	P	P*			P						P	P	P							
Office - Common Business, Medical, Professional Service	P	P	P	P	P						P*6	P	P	P						
Office - Contractor (R)	P	P	P	P	P						P*6	P	P	P						
Office - Real Estate Sales/Associated Services	P	P			P						P*6	P	P	P						
Parking - Commercial (R)	P										P	P	P	P						
Part/Open Space - Public										P										
Pawn Shop/Precious Metal, Gem Dealer (R)	C		C	C																
Petroleum Products - Storage			C	C																
Printing/Publishing/Engraving - Production Facility			P	P																
Printing/Publishing/Engraving - Retail	P		P	P									P							
Recreation Center/Facility - Commercial	P													P						
Recreation Center/Facility - Commercial	C			C									C							
Recreational Vehicle - Sales, Service, Parts				C																
Recreational Vehicle - Salvage, Scrap Parts																				
Residential - Accessory Dwelling Unit											P			P	P	P				
Residential - Assisted Senior Living									P		P	P			P			P		
Residential - Independent Senior Living											P	P	P	P	P					
Residential - Live/Work Unit											P	P	P	P	P					
Residential - Multi-Family, Fee Simple									P		P	P	P	P	P					
Residential - Multi-Family, Rental											P	P	C	C	C					
Residential - Single Family Attached								P			P	P	P	P	P		P			

[illegible]

7.506 - Additional Development Regulations Required

Where a use is permitted in section 7.505, but is marked by a "*" and corresponding number, there are additional development regulations required as noted below:

1. P*1 - Uses marked by this designation are limited to a maximum floor area of eight thousand (8,000) square feet. Bar/Tavern uses shall be prohibited in any zoning classification with the Historic Overlay (HO) applied to it.
2. P*2 - Uses marked by this designation are limited to a maximum floor area of eight thousand (8,000) square feet and shall have no outdoor storage or sales areas associated with the use.
3. P*3 - Uses marked by this designation shall have no drive-thru facility.
4. P*4 - Uses marked by this designation shall have no drive-thru facility visible from any public street.
5. P*5 - Uses marked are limited to a maximum floor area of fifteen thousand (15,000) square feet. Any such use in excess of fifteen thousand (15,000) square feet shall have the ability to receive a Conditional Use Permit for the use in an existing building.
6. P*6 - Uses Permitted by Right by this designation are required to be located on a floor of a building which is not directly adjacent to a publicly accessible street (i.e.: these uses may be allowed on upper floors of a building or in the basement of a building which fronts onto an alleyway). In the DT-CBD category, this restriction is limited to those buildings which front directly on Main Street between Noonday/Fowler Street and Kyle Street, East Main Street, Chambers Street, Arnold Mill Road and Fowler Street. Uses marked by this designation shall be available on a floor of a building directly adjacent to a publicly accessible street through the issuance of a Conditional Use Permit.
7. The following uses: Adult Entertainment Establishment/Store, Firearm Dealer, Pawn Shop/Dealer in Precious Metals and Gems, Tattoo Parlor/Body Piercing, Vehicles for Hire have additional regulations and/or regulatory fees governed by The Code of Woodstock, Georgia.
8. Hotels shall be required to provide main access to all guest rooms through a lobby of at least one thousand (1,000) square feet. Each guest room shall be accesses through an interior hallway and shall not have direct access to the exterior of the building unless it is required by fire safety regulations. Each hotel shall be required to provide staff or management on duty twenty-four (24) hours per day. Continental style dining for the guests of the facility is allowed in or near the lobby without providing additional parking. At a minimum. provisions for weekly cleaning for each guest room shall be provided. Outside storage or long-term parking of heavy, construction or related equipment shall be prohibited.

No facility permitted as a hotel shall be converted or used primarily as an apartment or condominium. No business license shall be issued for any business operating from a guest room within a hotel.

9. Limited Accessory Use - Commercial - shall include retail bakery, barber shop, beauty salon, cafeteria/dining facility, dry cleaning - drop off, pick up only, grocery with general merchandise, pharmacy, shoe repair, tailor.
10. Manufacturing Facility - Limited - shall be limited to establishments which do not use more than 40,000 gallons of water per month in the manufacturing process, emit noise in excess of the City's noise restrictions for commercial users, odor, dust, vibrations or fumes beyond the building enclosure.
11. Office - Contractor - shall be limited to office space only. No storage of materials, vehicles and/or equipment shall be permitted in categories not allowing storage-warehouse.
12. Parking - Commercial - shall be required to be a parking structure in any of the permitted Downtown Districts.

7.507 – Customary Home Occupation Performance Standards

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

1. The occupation, profession or trade must be carried out wholly within the principal building;
2. Not more than thirty (30) percent of the floor area of the principal building can be used for the conduct of said home occupation;
3. No merchandise or articles shall be displayed in such a way as to be visible from outside the structure;
4. There shall be no alteration in the residential character of the building or premises;
5. No person who is not a resident of the premises shall be employed, with the exceptions stated herein. For the purposes of this section, the following definitions shall apply:
 - a) EMPLOYEES: The occupation shall be conducted by members of the family who are living the residence and maximum of one (1) additional employee.
 - b) ON-SITE EMPLOYEE: A person employed by the home occupational license holder to perform the business related duties on the same premises/ residence for which the occupational license is issued.

c) OFF-SITE EMPLOYEE: A person(s) may or may not be directly employed by the occupational license holder and does not perform duties on the same residence for which the occupational license is issued for.

6. The home occupation shall not create disturbing or offensive noise, vibration, smoke, dust, odor, radio or television interference, voltage fluctuations or unhealthy or unsightly conditions; (Whether the disturbance is sufficient to invoke the prohibition of this section shall be determined by comparing the occupation caused disturbance to noises, smoke, odors, etc., that are commonly found in a residential neighborhood, such as children playing, yard maintenance tools, etc.);
7. One (1) off-street parking space shall be provided for each one hundred fifty (150) square feet of floor area devoted to the home occupation, and
8. No mechanical equipment shall be installed or used except as is normally required for domestic purposes. (This shall allow for normal home office equipment, including but not limited to, fax machines, computers and other communications equipment.)
9. Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations;
10. Business or home occupation related group instruction, assembly, or activity shall be limited to five (5) persons at one time only (day care excluded);
11. All home occupations shall be subject to the periodic inspections by the Community Development Department or its designee;
12. The Community Development Department must approve all Businesses/Occupational/Home Occupational Licenses which shall be re-certified annually;
13. Deliveries to the home occupation shall be made by passenger vehicles, mail carriers, or step vans (UPS, Federal Express, etc.) and must not restrict traffic circulations;
14. Deliveries to the home occupation through tractor-trailers or vehicle with over six wheels shall be prohibited;
15. No signs on the subject property, advertising, the permitted home occupation, shall be allowed.

7.508 – 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 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 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 percent (75%) 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.

12. Other similar uses as approved by the Zoning Administrator.