

ORDINANCE NUMBER 5305-2018

AN ORDINANCE AMENDING CHAPTER VII (PERFORMANCE ZONING STANDARDS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF WOODSTOCK, GEORGIA, AMENDING USE/ZONING DISTRICT MATRIX STANDARDS AND SEC. 7.506 ADDITIONAL DEVELOPMENT REGULATIONS REQUIRED.

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 7.304. - Development Standards Applying to All Districts, Subsection 21 (g) of the Land Development Code, is hereby deleted and replaced with "Swimming pools shall be enclosed by a fence of a minimum height of five (5) feet with all gates containing a self-closing, positive latch device to insure that the pool is enclosed at all times."

¹Ga. 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 VII - Performance Zoning Standards , Article V - Use Districts and Regulations, Section 7.505 Use/Zoning Matrix of the Land Development Code, is hereby amended, by adding the clarifying word " Multi-Family" to the following uses: Residential - *Multi- Family* Assisted Senior Living, and Residential - *Multi-Family* Independent Senior Living, and by removing these uses from the SL-A and SL-B zoning districts , making these uses prohibited in SL-A and SL-B.

Section 3. That Chapter VII - Performance Zoning Standards, Article V - Use Districts and Regulations, Section 7.505 Use/Zoning Matrix of the Land Development Code, is hereby amended, by creating two new uses, Residential - Single Family Detached , Age-Restricted and Residential - Single Family Attached , Age-Restricted , and by adding these uses to the Use/Zoning Matrix, making Residential - Single Family Detached, Age-Restricted permitted in the SL-A zoning district, and making Residential - Single Family Attached , Age-Restricted permitted in the SL-B zoning district.

Section 4. That Chapter VII - Performance Zoning Standards, Article V - Use Districts and Regulations, Section 7.505 Use/Zoning Matrix of the Land Development Code, is hereby amended, by making Residential - Single Family Attached a Conditional Use in all districts where it was previously permitted, which are R-3, DT-CMU, DT-GC , DT-RO, DT-MRA/B , and Form Based Code Transects T3, T4, T4 Open, and TS.

Section 5. That Chapter VII - Performance Zoning Standards , Article V - Use Districts and Regulations, Section 7.505 Use/Zoning Matrix of the Land Development Code, is hereby amended, by making Tattoo Parlor/Body Piercing (R) a Conditional Use in all districts where it was previously permitted , which are LI, DT-CBD, DT-GC, and Form Based Code Transects T4 Open, TS, and SD.

Section 6. That these changes to Chapter VII - Performance Zoning Standards, Article V - Use Districts and Regulations, Section 7.505 Use/Zoning Matrix of the Land Development Code, are as shown on the revised Use / Zoning Matrix, attached hereto as Exhibit "A"

Section 7. That Chapter VII - Performance Zoning Standards, Article V - Use Districts and Regulations , Section 7.506 Additional Development Regulations Required of the Land Development Code, as amended , is hereby further amended, as follows:

7. P*7-Residential Single-Family Detached shall be permitted by right within the R3-A district only. Residential-Single-Family Attached shall be permitted within the R3-B (duplex) and R3-C (townhome) districts only.
8. P/C*8-All residential uses (except Senior Living), as governed by the Use/Zoning District Matrix, Section 7.505, within the DT-CBD, DT-CMU, DT-GC, and DT-RO districts shall not front or provide direct access to an A or C Street (see Street Types Table in the Downtown District Standards); except however within DT-HO. Residential uses are allowed on upper floors or in basements of a building fronting any streettype.
 - a. For DT-CBD and DT-CMU, the base density of twelve (12) DU/ac can be increased up to forty (40) DU/ac maximum, using any combination of the following bonus incentive procedures:

- i. Vertical mixed-use structure-twenty (20) percent DU/ac (Dwelling Units per Acre) increase.
 - ii. Provision of open space above the twenty (20) percent minimum requirement-one (1) percent DU/ac increase per one thousand (1,000) square feet of open space up to twenty thousand (20,000) square feet maximum or twenty (20) percent DU/ac increase maximum.
 - iii. Structured parking with parking spaces available to the public at no charge-one (1) percent DU/ac increase per one (1) parking space.
 - iv. Professional office space-ten (10) percent DU/ac increase per ten thousand (10,000) square feet of professional office space.
 - v. Mayor and City Council reserve the right to increase density above forty (40) DU/ac on a case by case basis, depending on the compatibility of the project with adopted plans, considering the following elements: economic impact, regional significance, amenities provided to the community, and public infrastructure improvements.
 - vi. Once site plans are submitted to the Community Development Department utilizing any one (1) of the above bonus incentives, the Community Development Director will brief the Mayor and City Council , reviewing the project plan at the next available City Council Meeting.
- b. Residential , Single Family Attached is a Conditional Use in all districts where it is permitted. The following criteria shall be used for evaluating Conditional Use Permit proposals for Attached product, in addition to the criteria listed in Sec. 7.503 - Conditional Use Permit Review Criteria:
- i. Whether or not the proposed location and site is appropriate for a townhome product, and whether the property could have a higher and better use.
 - ii. Whether or not the proposal includes a mix of housing types and/or price points.
 - iii. Whether commercially zoned property is proposed to be converted to a primarily residential use.
 - iv. Whether the proposal includes innovative or unique design.
 - v. Whether the proposal includes the construction of street connections and/or Greenprints Trail connections.

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 4 D y OF Mk , 2018.



DONNIE HENRIQUES, MAYOR



RHONDA L. PEZZELLO, CLERK

