

ORDINANCE NUMBER 5827-20 19

**AN ORDINANCE AMENDING CHAPTER II (DEFINITIONS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF WOODSTOCK, GEORGIA**

**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 II – Definitions, of the Land Development Code, as amended, is hereby further amended by deleting the following definitions:

*Development*: Means any man-made change to improved or unimproved real estate, including but not limited to, Buildings or other Structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of Impervious Cover, excavation or drilling operations, or permanent storage of materials or equipment.

*Development Activity*: Man-made change to improved or unimproved real estate, including, but not limited to, Buildings or other Structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

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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.”

*Start of Construction:* Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a Building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a Basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory Buildings, such as garages or sheds not occupied as Dwelling Units or not part of the main Building. For a Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not the alteration affects the external dimensions of the Building.

**Section 2.** That Chapter II – Definitions, of the Land Development Code, as amended, is hereby further amended by inserting the following definitions:

*Development:* Means any man-made change to improved or unimproved real estate, including but not limited to, Buildings or other Structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of Impervious Cover, excavation or drilling operations, or storage of materials or equipment.

*Development Activity:* Man-made change to improved or unimproved real estate, including, but not limited to, Buildings or other Structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

*Start of Construction:* Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a Building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a Basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory Buildings, such as garages or sheds not occupied as Dwelling Units or not part of the main Building. For a Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not the alteration affects the external dimensions of the Building.

**Section 3.** Should any provisions of this Ordinance be declared invalid by 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 4.** This ordinance shall take effect immediately upon its adoption at the 2<sup>nd</sup> Reading.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 10 DAY OF June, 2019.

1st Reading: 5/20/19 2nd Reading: 6/10/19

  
DONNIE HENRIQUES, MAYOR *PRO TEM*

*Rob Usher*

  
RHONDA L. PEZZELLO, CLERK

