

CITY OF WOODSTOCK ORDINANCE

Z#051-10

REZONING property within the corporate limits of the City of Woodstock, Georgia from zoning category DT-CBD (Downtown Central Business District) and DT-MRA (Downtown Medium Density Residential) to zoning category DT-MRA (Downtown Medium Density Residential), said property consisting of ± 4.71 acres and being located in Land Lots 1021 and 1022 of the 15th District, 2nd Section, Cherokee County, Georgia, Map and Parcel numbers 92N04 029, 030 and 031 located at Rusk Street and Rope Mill Road.

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 rezoning the above identified property would be in the best of interest of the property owners of the area and of the citizens of the City of Woodstock; 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 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

¹ Ga. Const., 1983, Article IX, Section 11, 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”.

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 amendments shall now and hereafter be maintained for public inspection during the normal business hours at the City Hall 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 ±4.71 acres more particularly described on Exhibit "A" attached hereto and made a part hereof by reference is hereby designated as zoning designation DT-MRA (Downtown Medium Density Residential). Said rezoning is defined and regulated by the City of Woodstock Land Development Ordinance and is subject to the Conditions of Zoning attached hereto as Exhibit "B" and made a part hereof by reference.

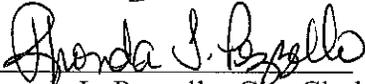
Date of Public Hearing: September 27, 2010

Advertisement: Cherokee Tribune: August 13, 2010

APPROVED, ADOPTED, AND ENACTED this 27th day of September 2010.



Donnie Henriques, Mayor
City of Woodstock, Georgia



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

(Municipal Seal)

EXHIBIT "A"

**Property Description
Overall Tract
Rusk Street**

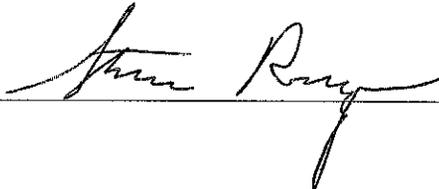
All that tract or parcel of land lying and being in Land Lots 1021 and 1022, 15th District, 2nd Section, City of Woodstock, Cherokee County, Georgia, more specifically shown on an ALTA / ASCM Land Title Survey prepared for Windsong Properties, LLC, Matthew S. Moore, III, Esq., Clawson & Staubes, LLC, William H. Dodson, II, Esq., William H. Dodson, II, LLC and Chicago Title Insurance Company, by Ross Consulting Engineers, P.C., certified by Johnny Raye Wright, Georgia Registered Land Surveyor No. 2348, dated June 09, 2010, last revised June 29, 2010, and being more particularly described as follows:

Commence at the **POINT OF BEGINNING** being a one-half inch rebar at the intersection of the westerly right-of-way of Rope Mill Road (40'R/W per deeds) the westerly right-of-way of Georgia Northeastern Railroad (100'R/W) and the southerly right-of-way of Rusk Street (30'R/W per deeds) having state plane grid coordinates of north 1493360.46 and east 2189855.41; thence along the westerly right-of-way of Rope Mill Road and the westerly right-of-way of Georgia Northeastern Railroad S07°44'03"E for a distance of 139.01 feet to a one-half inch rebar; thence S06°23'55"E for a distance of 91.20 feet to a calculated point 2.0' west of a one-half inch rebar at property now or formerly owned by Philip Blight and Christine Blight; thence along said line the following courses and distances: N89°43'43"W for a distance of 288.94 feet to a one half inch re-bar; S05°12'07"E for a distance of 45.20 feet to a one and one quarter inch open top pipe at property now or formerly owned by Lonella A. Coffin; thence along the north line of properties now or formerly owned by Lonella A. Coffin, Kenneth Johnson, Georgia Price Reed, Ricky J. Johnson, Billy Leon Price and Paul C. Durham the following courses and distances: N88°09'40"W for a distance of 348.30 feet to a one inch crimp top pipe; N84°52'01"W for a distance of 46.93 feet to a one-half inch rebar; N87°40'02"W for a distance of 148.02 feet to an two inch axle; N89°23'35"W for a distance of 90.95 feet to a capped one-half inch rebar set at the intersection of said line with the easterly line of property now or formerly owned by Albert C. Brown; thence along said line N00°09'13"E for a distance of 110.03 feet to a one-half inch rebar at the intersection of said line with the southwesterly corner of property now or formerly owned by The Wendell Williams Trust; thence along said line the following courses and distances: N84°11'03"E for a distance of 99.87 feet to a one-half inch rebar; N00°53'14"E for a distance of 89.89 feet to a one-half inch rebar at the intersection of said line with the southerly right-of-way of Rusk Street (30'R/W per deeds); thence along said southerly right-of-way of Rusk Street the following courses and distances: N82°43'15"E for a distance of 50.37 feet; N86°44'35"E for a distance of 109.13 feet; N86°43'42"E for a distance of 102.22 feet; easterly 103.13 feet along the arc of a curve, concave to the north, having a central angle of 07°47'46", a radius of 757.93 feet, and a chord bearing and distance of N82°49'49"E and 103.05 feet; N78°55'56"E for a distance of 22.45 feet; easterly 111.00 feet along the arc of a curve, concave to the south, having a central angle of 12°09'41", a radius of 522.96 feet, and a chord bearing and distance of N85°00'46"E and 110.79 feet; S88°54'23"E for a distance of 293.07 feet to a one-half inch rebar being the **POINT OF BEGINNING**; said tract containing 4.71 acres or 204,966 square feet, more or less.

ALSO TOGETHER WITH AND INCLUDING, all gaps, gores or strips of land adjacent to, along, or lying between the above described tract and other lands or rights-of-way adjacent and appearing to be contiguous thereto including Rusk Street, Rope Mill Road and Georgia Northeastern Railroad, and including specifically, but without limitation, those tracts, lots or parcels lying south of the above described tract and shown and designated on the survey referenced above as being owned (ordered from east to west running from the westerly right-of-way of Rope Mill Road): now or formerly by Philip Blight and Christine Blight; now or formerly by Lonella A. Coffin; now or formerly by Kenneth Johnson; now or formerly by Georgia Price Reed; now or formerly by Ricky J. Johnson; now or formerly by Billy Leon Price; now or formerly by John Phillip Durham; now or formerly by Paul C. Durham; and those tracts, lots or parcels lying to the west of the above described tract and shown and designated on the survey as being now or formerly of Albert C. Brown; and now or formerly of The Wendell Williams Trust.

EXHIBIT "B"
Conditions of Zoning

1. Applicant agrees to dedicate improved right of way for the north and south road running south from Rusk Street to the adjoining property(ies) on the south property line as shown on the site plan approved by City Council on September 27th, 2010.
2. All utilities (existing and new) are required to be placed underground with any exception to be determined by staff.
3. Applicant agrees to a three (3) foot buffer adjacent to Parcel #92N04 032 (the Blights property) planted with kriptomeria (a minimum of 8 feet in height) and ligustrum (at least 10 gallon in size).
4. Applicant agrees to sign Conditions of Zoning.
5. Applicant agrees that a sign will be placed at the end of Market Street that reads "Future Connection to Market Street."

Approval by Applicant:  Date: 10/18/10