

ORDINANCE

**CITY OF WOODSTOCK ORDINANCES AND AMENDMENTS
TO THE CHARTER OF THE CITY OF WOODSTOCK**

**A#066-14, Z#071-14 and CUP#019-14
Breezy Hill Land, LLC**

ANNEXING property into the corporate limits of the City of Woodstock, Georgia, consisting of a parcel located in Land Lot 1141 of the 15th District, 2nd Section, Cherokee County, Georgia, being a portion of tax map and parcel number 15N12 177 totaling ±59.95 acres, west of Main Street, north of Highway 92, Woodstock, Georgia, 30188 as further defined herein.

REZONING the above described property from zoning category Cherokee County R-40 (Single-Family Residential) and City DT-MR-A (Medium-Density Residential) to DT-MR-A (Medium-Density Residential) in the city limits of Woodstock, GA

REZONING property within the corporate limits of the City of Woodstock, Georgia, consisting of ±27.3 acres from zoning category DT-MR-A (Medium-Density Residential) and DT-RO (Residential/Office) to DT-MR-A (Medium-Density Residential) and DT-RO (Residential/Office) and to allow Residential- Multi-family, Rental with conditions of zoning, and being located in Land Lots 1140 and 1141 of the 15th District, 2nd Section, Cherokee County, Georgia, and being tax map and parcel numbers 15N12 176 and 15N12 238, west of Main Street, north of Highway 92 in the city limits of Woodstock, Georgia, 30188.

WHEREAS, O.C.G.A. Sec. 36-36-21 provides that the governing bodies of the several municipal corporations of this State have authority to annex to the existing corporate limits thereof unincorporated areas contiguous to the existing corporate limits at the time of such annexation; upon the written and signed applications of all the owners of all the land, except the owners of any public street, road, highway, or right-of-way, proposed to be annexed, containing a complete description of the land lot to be annexed; and

WHEREAS, O.C.G.A. Sec. 36-36-21 further provides that when such application is acted upon by the municipal authorities and the land is, by ordinance, annexed to the municipal corporation, an identification of the property so

annexed shall be filed with the Secretary of State and with the governing authority of Cherokee County and that such lands shall constitute a part of the lands within the corporate limits of the municipal corporation as completely and fully as if the limits had been marked and defined by special act of the General Assembly; and

WHEREAS, the Mayor and Council of the City of Woodstock, Georgia have determined that the annexation to the City of Woodstock of the area proposed in said application would be in the best interest of the residents and property owners of the area proposed for annexation and of the citizens of the City of Woodstock, Georgia; and

NOW, THEREFORE, the Mayor and Council of the City of Woodstock, Georgia, hereby ordain that the City Charter of the City of Woodstock, Georgia is hereby amended, as follows:

- Section 1: The following property to wit: All that tract and parcel of land lying and being in Land Lot 1141 of the 15th District, 2nd Section, Cherokee County, Georgia, being tax map and parcel number 15N12 177 totaling ±59.95 acres, said property being more particularly described in Exhibit “A” attached hereto and made a part hereof by reference (hereinafter referred to as the “Property”).
- Section 2: The Property is hereby annexed into the corporate limits of the City of Woodstock, Georgia.
- Section 3: The Property is hereby placed in Ward number 2 within the corporate limits of the City of Woodstock, Georgia.
- Section 4: The Property is hereby rezoned DT-MR-A (Medium-Density Residential). Said zoning is made in accordance with the Woodstock Zoning Ordinance and subject to the conditions of zoning outlined on Exhibit “B” attached hereto and made a part hereof by reference.

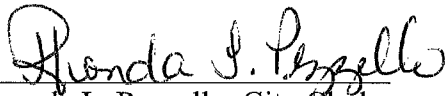
It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

This Ordinance shall become effective upon the approval of the Mayor and Council of the City of Woodstock, Georgia, as required by Georgia law.

APPROVED, ADOPTED, AND ENACTED this 28th day of April 2014.



Donnie Henriques, Mayor
City of Woodstock, Georgia



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

(Municipal Seal)

First Reading:	April 28, 2014
Second Reading:	May 12, 2014
Public Hearing: City Council	April 28, 2014
Public Hearing Advertisement:	March 21, 2014

Charter Amendment Advertisement:	Cherokee Tribune	Date 1 April 11, 2014
		Date 2 April 18, 2014
		Date 3 April 25, 2014

EXHIBIT "A"EXHIBIT "A"

Legal Description from Survey

ALL THAT TRACT OR PARCEL of land lying and being in Land Lots 1140, 1141 and 1142 of the 15th District, 2nd Section, of Cherokee County, Georgia and being more particularly described as follows:

To find the POINT OF BEGINNING, commence at the point of intersection of the Northern right of way of Ingram Street (20 feet right of way) and the Southwesterly right of way of GA Highway 5 (Main Street)(60 feet right of way); run thence 145.17 feet southerly along the Western right of way of GA Highway 5 to a 1/2" rebar found, being the POINT OF BEGINNING; continuing thence along said right of way South 07 degrees 23 minutes 00 seconds East a distance of 531.56 feet to a point; continuing along the said right of way in an arc to the right an arc distance of 133.66 feet (said arc having a radius of 10,652.92 feet and being subtended by a chord bearing South 07 degrees 01 minutes 22 seconds East and having a length of 133.66 feet); run thence North 89 degrees 37 minutes 47 seconds West a distance of 14.59 feet to a point; run thence along an arc to the right an arc distance of 105.31 feet (said arc having a radius of 3,306.42 feet and being subtended by a chord bearing South 07 degrees 13 minutes 02 seconds East and having a length of 105.31 feet) to a point; run thence South 06 degrees 18 minutes 12 seconds East a distance of 90.69 feet to a point; run thence South 86 degrees 24 minutes 53 seconds West a distance of 58.52 feet to a point; run thence South 02 degrees 50 minutes 56 seconds East a distance of 15.20 feet to a point; thence leaving said right of way South 86 degrees 00 minutes 44 seconds West a distance of 197.24 feet to a 1/2" rebar found; run thence South 02 degrees 49 minutes 36 seconds East a distance of 87.13 feet to a 1/2" rebar found; run thence North 88 degrees 55 minutes 27 seconds West along the South Land Lot line of Land Lot 1140 a distance of 790.36 feet to a 1/2" rebar found; continuing thence along the South Land Lot line of Land Lots 1140 and 1141 North 88 degrees 56 minutes 19 seconds West a distance of 444.20 feet to a 1/2" OTP found; continuing thence along the South Land Lot line of Land Lots 1141 and 1142 North 88 degrees 26 minutes 50 seconds West a distance of 1,570.22 feet to the point of intersection of the South Land Lot line of Land Lot 1142 and the apparent center line of Noonday Creek; run thence along the apparent center line of Noonday Creek North 00 degrees 33 minutes 03 seconds West a distance of 234.69 feet to a point; run thence along the apparent center line of Noonday Creek North 00 degrees 46 minutes 08 seconds West a distance of 80.38 feet to a point; run thence along the apparent center line of Noonday Creek North 06 degrees 15 minutes 26 seconds West a distance of 182.20 feet to a point; run thence along the apparent center line of Noonday Creek North 02 degrees 30 minutes 02 seconds East a distance of 133.01 feet to a point; run thence along the apparent center line of Noonday Creek North 04 degrees 17 minutes 29 seconds West a distance of 121.38 feet to a point; run thence along the apparent center line of Noonday Creek North 05 degrees 42 minutes 10 seconds East a distance of 140.78 feet to a point; run thence along the apparent center line of Noonday Creek North 03 degrees 40 minutes 56 seconds West a distance of 86.14 feet to a point; run thence along the apparent center line of Noonday Creek North 06 degrees 03 minutes 44 seconds East a distance of 145.93 feet to a point; run thence along the apparent center line of Noonday Creek North 20 degrees 30 minutes 03 seconds East a distance of 97.28 feet to a point; run thence along the apparent center line of Noonday Creek North 30 degrees 54 minutes 27 seconds East a distance of 87.05 feet to a point;

run thence along the apparent center line of Noonday Creek North 17 degrees 34 minutes 00 seconds East a distance of 69.62 feet; thence leaving the apparent center line of Noonday Creek and running along the North Land Lot line of Land Lots 1142, 1141 and 1140 South 87 degrees 55 minutes 48 seconds East a distance of 2,217.34 feet to a ¼" rebar found (nail set at base) on the North Land Lot line of Land Lot 1140; thence leaving the North Land Lot line of Land Lot 1140 run thence South 10 degrees 46 minutes 39 seconds East a distance of 236.74 feet to a 1/2" rebar found (nail set at base); run thence North 89 degrees 05 minutes 33 seconds East a distance of 169.54 feet to an iron pin; run thence South 11 degrees 12 minutes 09 seconds East a distance of 179.04 feet to a rock post; run thence North 84 degrees 12 minutes 36 seconds East a distance of 401.24 feet to a ½" rebar found; being the POINT OF BEGINNING.

Said property consists of Tract A, Tract B, and Tract C, as shown on ALTA survey dated June 28, 2007 by McFarland-Dyer & Associates for Old Republic National Title Insurance Company *et al.*, certified by J. Chris Whitley, GRLSN 2672.

EXHIBIT "B"

1. Total number of residential units on the 87.25 acre site shall not exceed 575.
2. Apartment development on the site, if any, shall be limited to a maximum of 180 units.
3. Applicant agrees to incorporate all on-site improvements as required by the notice of decision report dated April 16, 2007 from Georgia Regional Transportation Authority (GRTA) as identified through the Development of Regional Impact (DRI) process and included in the case file.
4. Applicant agrees to facilitate the design and construction of streetscapes along its Main Street frontage in accordance with the City's LCI design plans including but not limited to: on-street parking areas, sidewalks, lighting, street furnishings, and landscaping.
5. Applicant agrees to continue to work with and obtain consent from the Department of Community Development in regards to the exact locations of the streets identified in the City's 10-Year LCI Update, adopted February 11, 2013.
6. All street section design including but not limited to: travel lanes, on-street parking areas, landscape zones, sidewalk clear zones, and supplemental zones as defined in the Downtown Master Plan of the Land Development Ordinance of the City of Woodstock must be submitted to and approved by the Development Process Committee of the City of Woodstock during the site plan review process and prior to installation of streets.
7. The ground floor commercial/office usage requirements in the DT-RO zoning shall be optional, not mandatory (current code requires ground floor commercial or office use in all DT-RO zoning), except that buildings fronting Main Street shall be occupied by non-residential uses at street level.
8. Parking requirements for multi-family units in DT-RO zoning, with the exception of townhomes which must be structured, may be met through surface parking which shall be screened from public streets through the use of walls, fences, and/or landscaping. Detailed plans for screening shall be submitted to the Department of Community Development for review and approval (current code requires all multi-family parking to be structured).
9. The City of Woodstock shall initiate the acquisition of the Right of Way necessary for the applicant to construct the "Street E" street connection to existing Woodpark Place, as shown on the conceptual plan prepared by TSW, dated January 28, 2014. Applicant agrees to donate Right of Way for the connection of "Street E" to Woodpark Place and shall construct said "Street E" street connection at no cost to the City. Applicant shall bear the cost and responsibility for

construction of the "Street E" connection to Woodpark Place. A development agreement for the connection shall be submitted to Mayor and Council for approval within 90 days. (Future Market Street Connection)

10. Applicant shall provide multi-use trail connections to the City's Greenprints Trail network within the development as shown on the conceptual plan prepared by TSW, dated January 28, 2014.
11. Applicant agrees to construct Road H to the north and south property lines where it connects to property immediately to the south as shown on the conceptual plan prepared by TSW, dated January 28, 2014. (Future Reeves Street Connection)
12. All lighting fixtures shall be dark skies compliant and historic in character.
13. Development shall be in general conformance with the conceptual plan prepared by TSW, dated January 28, 2014.
14. Mixed-Use Buildings, as identified on the conceptual plan by prepared by TSW, dated January 28, 2014, shall be designed and constructed to allow for the installation of vertical shaft enclosures to extend from first floor commercial uses through the roof of the building. All vertical shaft enclosures must be designed and constructed in accordance with Section 713 of the 2012 International Building Code.

Consented to and approved by Applicant:

_____ Date: _____

Printed Name/Title: _____