

RESOLUTION

CITY OF WOODSTOCK ORDINANCE

REZONING property within the corporate limits of the City of Woodstock from Residential (R-1) to Neighborhood Commercial (NC), said property consisting of .71 acres and being located in Land Lots 1139 and 1140, of the 15th District, 2nd Section, Cherokee County, Georgia, tax map and parcel 15N18B - 009; and

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

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".

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

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 above identified property, as further described in Exhibit "A" to this Ordinance attached hereto and made part hereof by reference is hereby designated as Zoning District "NC" or Neighborhood Commercial, as defined and regulated by the City of Woodstock Land Development Ordinance, and subject to the Conditions of Zoning attached hereto as Attachment "B".

First Reading: April 22, 2003 **Second Reading:** May 13, 2003

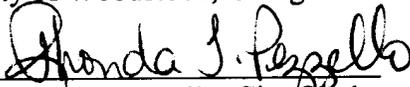
Date of Public Hearing: April 22, 2003

Advertisement: Cherokee Tribune: April 4, 2003

APPROVED, ADOPTED, AND ENACTED this 13th day of May , 2003.



William E. Dewrell, Mayor
City of Woodstock, Georgia



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

(Municipal Seal)

Approved as to form: _____
Eldon L. Basham, City Attorney

APR. 14. 2003 5:02PM

SENT BY JACKSON & HARDWICK

NO. 771

P. 2

EXHIBIT "A"

Legal Description - 103 Bowles Drive
Owners: James & Lynn Paterson

All that tract or parcel of land lying and being in Land Lots 1139 and 1140, 15th District, 2nd Section, Cherokee County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the intersection of the centerline of the GA. Northeastern Railroad (having a 100 foot right-of-way) and the centerline of Bowles Drive and run thence North 28 degrees 43 minutes 55 seconds East for a distance of 81.62 feet to a one-half inch rebar placed on the northeasterly right-of-way of the GA. Northeastern Railroad and THE TRUE POINT OF BEGINNING; running thence North 87 degrees 34 minutes 48 seconds East for a distance of 321.01 feet to a one-half inch rebar found; running thence South 00 degrees 40 minutes 55 seconds East for a distance of 104.05 feet to a one-half inch rebar placed; running thence South 89 degrees 36 minutes 13 seconds West for a distance of 307.13 feet to a one-half inch rebar placed on the northeastern right-of-way of the GA. Northeastern Railroad; running thence North 09 degrees 06 minutes 02 seconds West along said right-of-way for a distance of 93.79 feet to the one-half inch rebar placed at THE TRUE POINT OF BEGINNING; and being more particularly shown as being 0.71 acres on that certain plat of Survey prepared by Foster Surveying, Inc., G. Thomas Foster, Jr., Registered Land Surveyor No. 2695, dated February 27, 2003; and being the same property described in that certain Warranty Deed from T. Lawson Eubanks to Mrs. Frances Stiles Parris, dated June 24, 1967 and recorded at Deed Book 92, Page 383, Cherokee County, Georgia records, as modified by that certain Boundary Line Agreement recorded at Deed Book 4177, Page 029, aforesaid records.

EXHIBIT "B"

CONDITONS FOR REZONING CASE Z#005-03

1. Provide at least 10 foot wide dense landscaped buffer along the northern side of the property line to provide a visual screen. The planting material must be 6 feet in height at the time of planting with ability to grow to at least 12' to 15' at the time of maturity. The landscaping plans must be submitted to the Director of Planning & Economic Development for review and approval.
2. Provide a landscaping plan with a wooden decorative fence with white, beige or muted colors along the front property line along Hwy. 5 to the Director, Planning and Economic Development for review and approval.
3. The landscaping and fence must be installed prior to obtaining a Certificate of Occupancy.
4. No clear cutting shall be permitted. The landscaping plans must show preserving the existing trees to the maximum possible extent and plans must be submitted to the Director, Planning & Economic Development for approval prior to issuance of any permits.
5. Any dumpster site shall be screened by eight (8') feet high solid fence or wall.
6. No outdoor security lighting shall be permitted around the exterior of the building. This stipulation, upon the written request of the property owner, may be reviewed and approved by the Director, Planning & Economic Development when the owners of the abutting property in the south give a consent in writing.
7. All approved conditions must be noted on the final recorded plat.

Agreed to this day of 2003

James and Lynn Paterson

CONDITONS FOR REZONING CASE Z#005-03