

CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, DECEMBER 18, 2025, AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



REGULAR COUNCIL
AGENDA

CALL TO ORDER

AGENDA APPROVAL

**RECOGNIZING COUCILMEMBER JAMES LAWSON AND COUNCILMEMBER FREDRIA
STERLING FOR THEIR LEADERSHIP AND DEDICATION DURING TIME IN OFFICE**

MINUTE APPROVAL:

1. October 9, 2025: Public Hearing Minutes
2. October 9, 2025: Work Session Minutes
3. October 16, 2025: Regular Council Minutes

NEW BUSINESS

1. **Z-25-05** Rezoning request: Applicant, Ashishkumar Patel, seeks to rezone from MU/C3 to MU. Parcel H02 051B, 1.38 acres.
2. **Z-25-06** Rezoning request: Applicant, Tim Jenkins, seeks to rezone from PUD to PUD with different conditions. Parcel 114 002A and 114 001B.
3. Aberdeen Pod A Final Plat
4. **Resolution 2025-28:** New Court Fines
5. Acceptance of Donation of Property from Scott Hudgens Family Foundation, inc.

ADJOURN

CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, OCTOBER 9, 2025, AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



PUBLIC HEARING
MINUTES

WELCOME AND CALL TO ORDER *at 6pm by Mayor Martin*

INVOCATION/ MOMENT OF SILENCE *by Councilmember Sterling*

PLEDGE OF ALLEGIANCE *by Mayor Martin*

AGENDA APPROVAL *No addition to the agenda by Martin, seconded by Lawson and all in favor*

NEW BUSINESS

1. FY 2026 Budget

Finance Director, Ms. Tiffany Wheeler gave highlight of the budget. Several Council expressed thoughts on the different topics of the budget, such as parks, roads and a master planner, to ensure the need for all on improvements and need.

Mr. Ace of Cresswind asked questions about Impact Fees for Park and Professional Services for Planning and Zoning.

Mr. Scott Butler of Deer Creek asked questions in regards to the Sewer Funding.

ADJOURN *at 6:40pm*

Members Present:

Debbie Martin, Mayor
Fredria Sterling, Councilmember
Scott Courtier, Councilmember
David Brown, Councilmember
Christina Brown, Councilmember
JJ Jackson, Councilmember
James Lawson, Councilmember

Also Present:

Jennifer Harrison, City Manager

Tiffany Wheeler, Finance Director

Abb Hayes, City Attorney

Rich Atkinson, City Planner

Ben Munro, Media

CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, OCTOBER 9, 2025, AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



WORK SESSION
MINUTES

CALL TO ORDER at 6:40pm by Mayor Martin

AGENDA APPROVAL Motion by Mayor Martin to remove Line item #7, seconded by Jackson and all in favor

REPORTS BY MAYOR, COUNCIL, AND STAFF

NEW BUSINESS

1. Resolution 2025-22 - Recommendation of approval for Twin Lakes Blvd Road and Right Dedication
Mr. Rich Atkinson, City Planner stated that this is a normal process, as it is a public road. Mayor and Council discussed amongst themselves and asked a couple of questions to the developer.
2. Resolution 2025-23 - Recommendation of approval for Landscape Maintenance Agreement for Twin Lakes Blvd
Mr. Rich Atkinson, City Planner stated that this is requested by Kolter, to continue the maintenance for the entrance. Mayor and Council discussed amongst themselves and asked a couple of questions to the developer.
3. Resolution 2025-24 - Recommendation of approval for Dedication of a Sewage Pump Station within Phase 6B of Twin Lakes
Mr. Rich Atkinson, City Planner stated that this is the normal process for the developer to do per our codes. Mayor and Council discussed amongst themselves and asked a couple of questions to the developer.
4. Millage Rate Rollback – Mayor and Council agreed to rollback. Rate will be 2.721.
5. Resolution 2025:19: Personnel Policy Amendment: Mayor and Council Benefits
Mayor and Council agreed to dismiss all of their benefits effective January 1, 2026. In exchange, compensation has been increased.
6. Resolution 2025-21 – Annual Update for the CIE
Mayor and Council officially completed their submission to the state for their updated CIE. This resolution reflects as so.
- ~~7. Jackson County Sheriff's Office MOU and booking contract~~

CITIZEN INPUT No Citizen Input

EXECUTIVE SESSION (IF NEEDED) None needed

ADJOURN at 7:11pm by Martin, seconded by Lawson and all in favor.

Members Present:

Debbie Martin, Mayor
Fredria Sterling, Councilmember
Scott Courtier, Councilmember
David Brown, Councilmember
Christina Brown, Councilmember
JJ Jackson, Councilmember
James Lawson, Councilmember

Also Present:

Jennifer Harrison, City Manager / City Clerk
Tiffany Wheeler, Finance Director
Abb Hayes, City Attorney
Rich Atkinson, City Planner
Ben Munro, Media

CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, OCTOBER 16, 2025, AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



REGULAR COUNCIL
MINUTES

CALL TO ORDER at 6pm by Mayor Martin

INVOCATION by City Manager, Jennifer Harrison

PLEDGE OF ALLEGIANCE by Mayor Martin

AGENDA APPROVAL Motion to add line item #9, Resolution #2025-27 – 5 Year Comprehensive Plan Update by Martin, seconded by Lawson and all in favor

MINUTE APPROVAL:

September 11, 2025 – Public Hearing Minutes

September 11, 2025 – Work Session Minutes

September 18, 2025 – Regular Session Minutes

Motion to accept minutes with no changes by Martin, seconded by D. Brown and all in favor

NEW BUSINESS:

1. Resolution 2025-22: FY 2026 Budget
Motion to approve with no changes by Martin, seconded by Jackson and all in favor
2. Resolution 2025-26 - Recommendation of approval for Twin Lakes Blvd Road and Right Dedication
3. *Motion to approve with no changes by Martin, seconded by Jackson and all in favor*
4. Resolution 2025-23 - Recommendation of approval for Landscape Maintenance Agreement for Twin Lakes Blvd
Motion to approve with no changes by Martin, seconded by Jackson and all in favor
5. Resolution 2025-24 - Recommendation of approval for Dedication of a Sewage Pump Station within Phase 6B of Twin Lakes
Motion to approve with no changes by Martin, seconded by Jackson and all in favor
6. Millage Rate Rollback
Motion to approve as is by Martin, seconded by Lawson and all in favor
7. Resolution 2025:19: Personnel Policy Amendment: Mayor and Council Benefits
Motion to approve with no changes by Martin, seconded by Jackson and all in favor

8. Resolution 2025-21 – Annual Update for the CIE
Motion to approve with no changes by Martin, seconded by Jackson and all in favor
9. Resolution #2025-27 – 5 Year Comprehensive Plan
Motion to approve with no changes by Martin, seconded by Jackson and all in favor

ADJOURN

Motion to adjourn at 6:43pm by Martin, seconded by Jackson and all in favor

Members Present:

Debbie Martin, Mayor
Fredria Sterling, Councilmember
Scott Courtier, Councilmember
David Brown, Councilmember
Christina Brown, Councilmember
JJ Jackson, Councilmember
James Lawson, Councilmember

Also Present:

Jennifer Harrison, City Manager
Tiffany Wheeler, Finance Director

Absent:

Rich Atkinson, City Planner
Ben Munro, Media

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. Z-25-05

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
HOSCHTON AND FOR OTHER PURPOSES

WHEREAS, Ashishkumar Patel, applicant and Ashishkumar Patel and Stewart Christian, property owners, have applied to rezone a 1.38 acres of property described as tax parcel 119 004N1 from C3 (Commercial Motor Vehicles Service and Repair District) to MU (Mixed-Use District); and

WHEREAS, the Property to be rezoned consists of all that tract or parcel of land lying and being in Jackson County Georgia, as described in more detail in Exhibit A which by reference is incorporated herein; and

WHEREAS, the City Council of the City of Hoschton has authority pursuant to the Hoschton Zoning Ordinance to amend the City of Hoschton's Official Zoning Map; and

WHEREAS, the city's zoning administrator has prepared a report evaluating the criteria for zoning decisions as they pertain to the requested zoning; and

WHEREAS, the Hoschton City Council held an advertised public hearing on the application and has complied with all applicable laws and ordinances with respect to the processing of such application; and

WHEREAS, it has been determined by the City Council that it is desirable, necessary and within the public's interest to approve the rezoning request, and to amend the City of Hoschton's Official Zoning Map accordingly;

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING
AUTHORITY OF THE CITY OF HOSCHTON AS FOLLOWS:**

Section 1. The Property, legally described in Exhibit A attached to this ordinance, is hereby zoned MU (Mixed-Use District).

Section 2. The City Clerk is hereby directed to amend the Official Zoning Map to reflect the zoning classification of the subject property.

So ORDAINED this 18th day of December, 2025.

Debbie Martin, Mayor

This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

Abbott S. Hayes, Jr., City Attorney

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY REZONED

Lot 3 Legal Description, 1.38 Acres

Beginning at a PK Nail on the southwestern right of way intersection of Eagles Bluff Way (R/W Varies) and GA. HWY. 53 (R/W Varies), thence continuing along the western right of way line of GA. Hwy. 53 (R/W Varies) S00° 21' 55"W a distance of 136.90 feet to a point, thence S02° 59' 21"E a distance of 195.02, thence S12° 24' 27"W a distance of 69.72 feet to a point, that point being the POINT OF BEGINNING (P.O.B.), thence continuing along said right of way S12° 24' 27"W a distance of 39.10 feet to a point, thence S13° 45' 09"W a distance of 435.11 feet to a point, thence leaving said right of way N89° 50' 13"W a distance of 33.63 feet to a point, thence N10° 34' 01"W a distance of 349.32 feet to a point, thence N00° 43' 54"E a distance of 120.00 feet to a point, thence S89° 16' 06"E a distance of 208.00 feet to a point on the western right of way line of GA. HWY. 53 (R.W Varies), that point being the POINT OF BEGINNING (P.O.B.).

**CITY OF HOSCHTON, GEORGIA
ZONING ADMINISTRATOR'S
REPORT**



TO: Planning & Zoning Commission, City of Hoschton
Mayor and City Council, City of Hoschton

FROM: Rich Atkinson, City Planner

DATE OF REPORT: November 25, 2025

SUBJECT REQUEST: **Z-25-05:** Rezoning from C-3 (Commercial Motor Vehicles Service and Repair District) to MU (Mixed Use District)

PLAN COMM. HEARING: November 26, 2025 @ 6:00 p.m.

CITY COUNCIL HEARING: December 11, 2025 @ 6:00 p.m.

VOTING SESSION: December 18, 2025 @ 6:00 p.m.

APPLICANT: Ashishkumar Patel

OWNER(S): Ashishkumar Patel & Stewart Christian

PROPOSED USE(S): A future mixed-use development

LOCATION: Fronting on the east side of Highway 53

PARCEL(S) #: 119 004N1

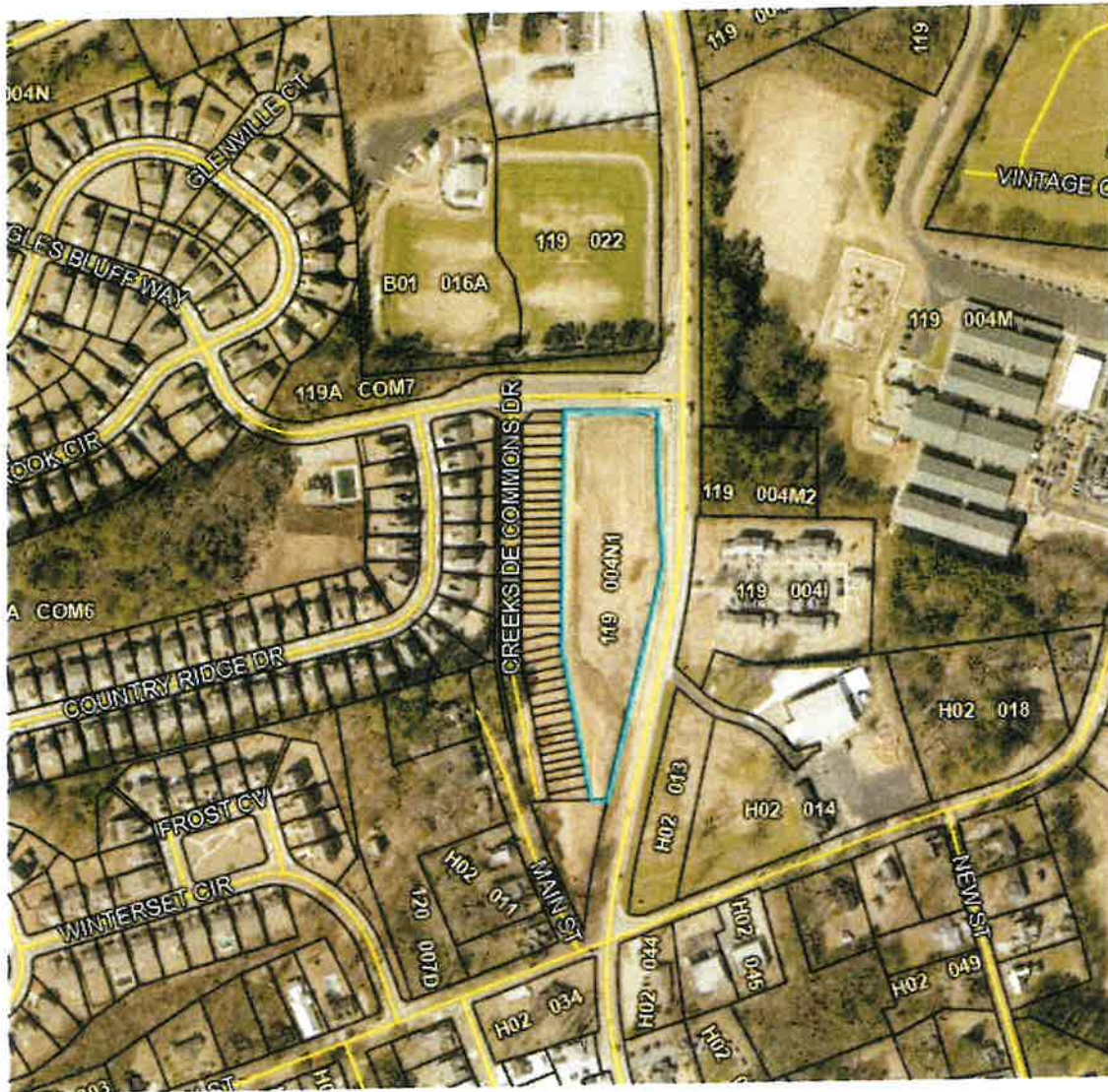
ACREAGE: 1.38

EXISTING LAND USE: Currently vacant

SURROUNDING LAND USE AND ZONING:

North: MU, Vacant, INST, Vacant
East: R-1, Apartments
South: C-2, Vacant
West: R-1, R-2, Residential

RECOMMENDATION: **Approval**



**Tax Map/Aerial Photograph
(since subdivided)**

HISTORY & SUMMARY OF REQUEST

The applicant submits this request to rezone Tax Parcel Number 119 004N1 from its current designation of C-3 (Commercial Motor Vehicles Service and Repair District) to MU (Mixed-Use District). The purpose of this rezoning is to facilitate the development of a mixed-use project that aligns with the evolving character and planning goals of the surrounding area. Historically, the subject property comprised approximately 6.43 acres and was zoned C-1 (Neighborhood Business District) and C-2 (General Commercial Highway Oriented District). In 2019, the property was successfully rezoned to MU via Ordinance RZ-19-02. Subsequent

subdivision activity has resulted in the creation of the current 1.38-acre tract. In 2023, this 1.38-acre parcel was rezoned from MU to C-3 (Commercial Motor Vehicles Service and Repair District) pursuant to Ordinance Z-23-07. However, that ordinance included specific conditions of zoning that limited the parcel to a single permitted use: a car wash. This restriction has constrained the site's development potential and is no longer consistent with the broader planning vision for the corridor.

The applicant now seeks to restore the MU designation to this parcel in order to unlock a wider range of permitted uses, including residential, retail, office, and service-oriented components. The MU district provides the flexibility necessary to support a vibrant, integrated development that complements adjacent land uses and contributes to the area's long-term economic vitality. This request is consistent with prior zoning actions and reflects a return to the mixed-use framework previously approved by the Hoschton City Council. Staff is in support of this request.

STANDARDS GOVERNING EXERCISE OF ZONING POWER

Note: The planning commission and City Council may adopt the findings and determinations of staff as written (provided below), or it may modify them. The commission or council may cite one or more of these in its own determinations, as it determines appropriate. The commission or council may modify the language provided here, as necessary, in articulating its own findings. Or, the commission or council can reject these findings and make its own determinations and findings for one or more of the criteria provided below. The commission and council do not need to address each and every criterion, but only those that are relevant to support its own determination.

Criteria Adopted in the Hoschton Zoning Ordinance (Section 8.03) are shown below followed by staff findings:

Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Finding: The proposed request is consistent with the surrounding area.
(supports request).

Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

Finding: The MU designation will not adversely affect the surrounding area. The current C-3 zoning conditioned to a car wash is prohibitive. The MU will allow more flexibility and has greater potential for a positive impact on the nearby properties. ***(supports request)***.

Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.

Finding: As previously noted, the current zoning designation, as conditioned, imposes significant restrictions. These limitations adversely affect the site's economic viability. In contrast, the MU designation would permit a broader range of uses, thereby enhancing the potential for successful and economically sustainable development. ***(supports request)***.

Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Finding: The modest size of the parcel (1.38 acres) inherently limits its potential impact on local schools and infrastructure. However, since the specific future use of the site remains undetermined, this factor neither supports nor opposes the requested action. ***(mar or may not support the request)***.

Whether the proposal is in conformity with the policy and intent of the comprehensive plan including the character area map and/or future land use plan map.

Finding: The future land use map shows the subject property as commercial. Since the specific future use of the site remains undetermined, this factor neither supports nor opposes the requested action. ***(mar or may not support the request)***.

Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

Finding: It is appropriate to rezone this parcel to MU to allow for more flexibility and variety of uses in the current economic market. ***(supports request)***.

Whether the proposal would create an isolated zoning district unrelated to adjacent and nearby districts.

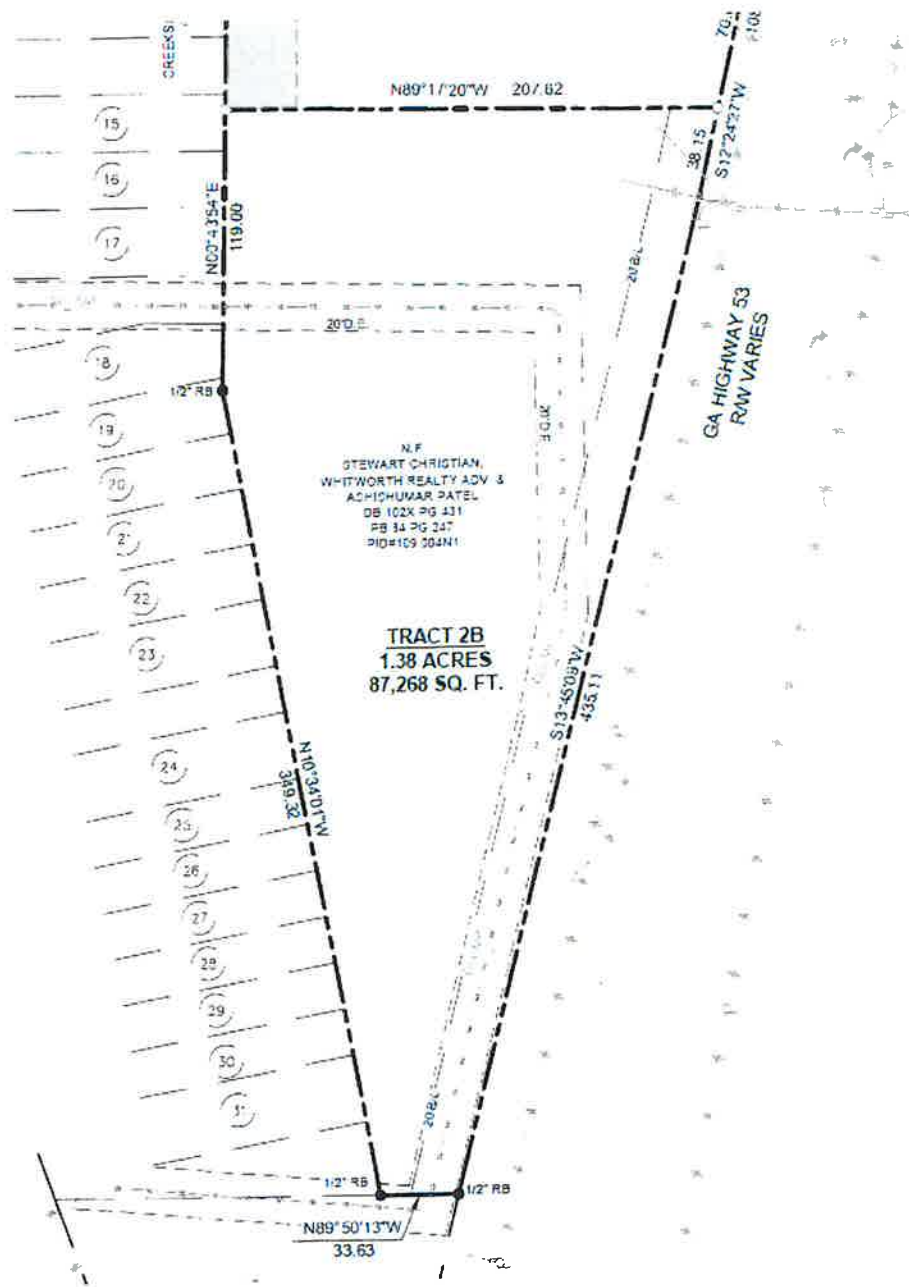
Finding: No, it would be in-line with the surrounding area and would not create an isolated district. ***(supports request)***.

Whether the proposal would have an impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

Finding: If rezoned to MU, the parcel will be reviewed for compliance with all environmental requirements. ***(not a relative factor as the uses are not yet known)***.

CONCLUSION

Approval is recommended.



Lot 3 Legal Description, 1.38 Acres

Beginning at a PK Nail on the southwestern right of way intersection of Eagles Bluff Way (R/W Varies) and GA. HWY. 53 (R/W Varies), thence continuing along the western right of way line of GA. Hwy. 53 (R/W Varies) S00° 21' 55"W a distance of 136.90 feet to a point, thence S02° 59' 21"E a distance of 195.02, thence S12° 24' 27"W a distance of 69.72 feet to a point, that point being the POINT OF BEGINNING (P.O.B.), thence continuing along said right of way S12° 24' 27"W a distance of 39.10 feet to a point, thence S13° 45' 09"W a distance of 435.11 feet to a point, thence leaving said right of way N89° 50' 13"W a distance of 33.63 feet to a point, thence N10° 34' 01"W a distance of 349.32 feet to a point, thence N00° 43' 54"E a distance of 120.00 feet to a point, thence S89° 16' 06"E a distance of 208.00 feet to a point on the western right of way line of GA. HWY. 53 (R.W Varies), that point being the POINT OF BEGINNING (P.O.B.).

MEMORANDUM

TO: Hoschton Planning & Zoning Commission
Mayor and City Council, City of Hoschton

FROM: Rich Atkinson, Consulting Planner

DATE: November 18, 2025

RE: **Z-25-06:** City of Hoschton, applicant Tim Jenkins c/o Mahaffey Pickens Tucker, LLP, rezoning from PUD (Planned Unit Development) Conditional per Ordinance Z-23-03 to PUD (Planned Unit Development) Conditional, to modify conditions of zoning approval for tax parcel number(s) 114/002A and 114/001B totaling +/- 285.22 acres

Overview and Background

In 2023, the subject property was formally annexed into the City of Hoschton and rezoned to Planned Unit Development (PUD) pursuant to Ordinance Z-23-03 (a copy of which is included in your packet). This rezoning action established the regulatory framework for a mixed-use development comprising predominantly residential housing types, with a designated commercial component encompassing approximately three (3) acres. The development is currently underway, with infrastructure and site preparation activities progressing in accordance with approved plans.

The PUD zoning classification was selected to accommodate a master-planned community that integrates a variety of residential products with limited commercial uses, thereby promoting a cohesive and market-responsive development pattern. The commercial acreage is intended to support neighborhood-serving retail or service uses, complementing the residential character of the broader project.

Description of Request

The Applicant has submitted a formal request (submitted as part of your packet) seeking an amendment to the existing PUD conditions. Specifically, the Applicant proposes the addition of a new condition that would authorize the issuance of up to forty-two (42) building permits for model homes prior to the approval and recording of the final subdivision plat.

The proposed language for the condition reads as follows:

“Model homes shall be allowed by right as a use in the PUD, and the City shall issue forty-two (42) building permits for the development of model homes prior to the final plat being approved.”

This request is intended to facilitate the early construction of model homes for marketing and sales purposes, allowing the developer to showcase product types and engage prospective buyers while final plat approval is pending.

Staff Analysis and Recommendation

Staff recognizes the strategic importance of model homes in residential developments, particularly as tools for marketing, customer engagement, and product demonstration. Model homes serve as tangible representations of the builder's offerings and are commonly used to support pre-sales activity and community branding.

However, staff must evaluate the request within the context of the City's adopted ordinances and regulatory framework. The Land Development Ordinance, specifically Section 305, provides that:

"Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, except land may be considered multiple tracts if legally recorded as such before effective date of this ordinance."

Additionally, the Zoning Ordinance of the City of Hoschton, Section 3.05, titled "Every Use Must Be Upon a Lot of Record," states:

"No building or structure shall be erected or use established unless upon a lot of record as defined by this ordinance."

The ordinance further defines a "Lot of Record" as:

"A lot which is part of a subdivision, a plat of which has been lawfully recorded in the records of the Clerk of Superior Court of Jackson County; or a parcel of land, the deed of which has been lawfully recorded in the same office as of the effective date of this zoning ordinance."

The definition of a "Model Home" is also provided in the ordinance:

"A dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer, or contractor). The dwelling may be furnished but is not occupied as a residence while being used as a model home."

Based on these provisions, staff interprets the code to allow for the issuance of one model home permit per legally recorded lot. While a model home may be permitted prior to final plat approval, it must be situated on a lot that meets the definition of a "lot of record." The current request seeks to authorize multiple model homes—forty-two in total—on two parcels that have not yet been subdivided or recorded via final plat. This approach is inconsistent with the City's ordinances, which do not permit multiple model homes on a single unplatted tract.

The typical development sequence involves the issuance of a land disturbance permit to initiate infrastructure installation, followed by submission of the final plat for review and approval. Once the final plat is approved and recorded, individual lots of record are established, thereby enabling the issuance of building permits for residential units, including model homes. The Applicant's request seeks to bypass this sequence by allowing multiple model homes to be constructed prior to plat approval, which staff finds to be contrary to the intent and language of the City's ordinances.

Accordingly, while staff supports the concept of model homes and acknowledges their value to the development process, the current request exceeds what is permissible under existing code. Staff recommends that the Applicant proceed with the standard process: initiate infrastructure work under a land disturbance permit, submit the final plat for approval, submit model home permits for the existing legal lot(s), and then (once the final plat is recorded) submit building permits for the newly created legal lots.

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE Z-23-03

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF LAND TO THE EXISTING CORPORATE LIMITS OF THE CITY OF HOSCHTON, GEORGIA; TO PROVIDE FOR THE ZONING CLASSIFICATION FOR SUCH ANNEXED PROPERTY; TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HOSCHTON TO REFLECT ANNEXATION AND ZONING; TO PROVIDE NOTICE OF THE APPROVED ANNEXATION TO THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS AND JACKSON COUNTY AS WELL AS THE LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT OFFICE OF THE GENERAL ASSEMBLY; TO PROVIDE FOR AN EFFECTIVE DATE FOR AD VALOREM TAX AND OTHER PURPOSES; TO LIMIT REZONING OF THE PROPERTY ANNEXED TO A HIGHER DENSITY OR INTENSITY FOR A SPECIFIED PERIOD; AND FOR OTHER PURPOSES

WHEREAS, Rocklyn Homes, Inc., applicant, Mary Ann Kenerly and New Hope AME Church, property owners, have filed complete applications to annex and zone approximately 287.14 acres with PUD (Planned Unit Development) District zoning classification, said property proposed to be annexed consisting of Map/Parcel 114/001A (approximately 2.54 acres) (New Hope AME Church, owner), Map/Parcel 114/001B1 (approximately 0.12 acres) (New Hope AME Church, owner), Map/Parcel 114/002A (approximately 229.46 acres) (Mary Ann Kenerly, owner), and Map/Parcel 114/001B (approximately 55.76 acres) (Mary Ann Kenerly, owner) said property proposed to be annexed fronting approximately 5,571 feet on the north/east side of State Route 53 south of Pearl Industrial Avenue (the "Subject Property"); and

WHEREAS, said annexation application includes the written and signed applications of all (100%) of the owners of all of the Subject Property, except the owners of any public street, road, highway, or right of way, proposed to be annexed, as required by O.C.G.A. § 36-36-21; and

WHEREAS, additionally, the applicant seeks to zone the Subject Property to PUD (Planned Unit Development) District zoning classification; and

WHEREAS, the Subject Property is more particularly described in Exhibit A which by reference is incorporated herein;

WHEREAS, the property to be annexed is a "contiguous area" to the existing city limits of Hoschton as that term is defined by O.C.G.A. § 36-36-20(a); and

WHEREAS, the Property to be annexed does not result in an "unincorporated island" as that term is defined in O.C.G.A. § 36-36-4; and

WHEREAS, pursuant to O.C.G.A. § 36-36-6, the city provided written notice of the proposed annexation to the governing authority of the County (the Jackson County Board of Commissioners) as required by law; and

WHEREAS, pursuant to O.C.G.A. § 36-36-111, notice by verifiable delivery of the proposed annexation and the proposed zoning district or districts by the city was sent to the county governing authority and the affected school system, said notice having been accomplished by certified mail or statutory overnight delivery, return receipt requested, as required; and

WHEREAS, the Jackson County Board of Commissioners objected to the proposed annexation pursuant to O.C.G.A. § 36-36-113, and served the city with proper notice of such objection; and

WHEREAS, pursuant to O.C.G.A. §36-36-114, an arbitration panel was appointed to hear the annexation dispute; and

WHEREAS, pursuant to O.C.G.A. §36-36-115(a), the arbitration panel met on August 28, 2023 to receive evidence from the parties to the annexation dispute and rendered its findings on August 29, 2023; and

WHEREAS, none of the parties to the annexation dispute have appealed the decision of the arbitration panel; and

WHEREAS, the Hoschton City Council has authority pursuant to O.C.G.A. § 36-36-1 *et seq.* to annex certain property and authority pursuant to the Hoschton Zoning Ordinance to amend the City of Hoschton's Official Zoning Map; and

WHEREAS, the annexation and zoning application constitute a "development of regional impact;" and

WHEREAS, the City has complied with administrative rules of the Georgia Department of Community Affairs regarding the filing and processing of development of regional impact applications; and

WHEREAS, the Hoschton City Council held two public hearings on the application and has complied with all applicable laws and ordinances with respect to the public notice for public hearings and for the processing of such application; and

WHEREAS, the city's consulting planner has prepared a report on the annexation and zoning request, and such report provides findings with regard to the application and the extent to which the application is consistent with standards governing the exercise of zoning power articulated in the Hoschton zoning ordinance; and

WHEREAS, it has been determined by the Mayor and Council that such application meets the requirements of law pertaining to said application as required by applicable provisions

Ordinance Z-23-03 Rocklyn Homes PUD

in Chapter 36 of Title 36 of the Georgia Code and that it is desirable, necessary and within the public's interest to approve the annexation application and zoning application of the applicant and to amend the City of Hoschton's Official Zoning Map accordingly; and

WHEREAS, per the requirements of HB 1385 (amending O.C.G.A. § 36-36-3), effective July 1, 2022, the city is required to file a report identifying any property annexed with the Legislative and Congressional Reapportionment Office of the General Assembly, in addition to the Georgia Department of Community Affairs and the county wherein the property annexed is located;

Now, Therefore, The Council of the City of Hoschton HEREBY ORDAINS as follows:

Section 1.

The property proposed for annexation, described in Exhibit A, is hereby annexed to the existing corporate limits of the City of Hoschton, Georgia, and is hereby zoned PUD, Planned Unit Development, conditional, subject to conditions of zoning specified in Exhibit B attached to this ordinance.

Section 2.

An identification of the property annexed by this ordinance shall be filed with the Georgia Department of Community Affairs and with the governing authority of Jackson County (Jackson County Board of Commissioners) in accordance with O.C.G.A. § 36-36-3, as well as with the Legislative and Congressional Reapportionment Office of the General Assembly as required by HB 1385 (amending O.C.G.A. § 36-36-3), effective July 1, 2022. The city clerk is directed to coordinate the submission of Geographic Information System (GIS) shape files by the Jackson County Geographic Information System (GIS) Department to the City of Hoschton for transmittal to said Reapportionment office as required by law. The city clerk is further directed to enter the annexation information and signed annexation ordinance into the Georgia Department of Community Affairs' online annexation reporting system.

Section 3.

For ad valorem tax purposes, the effective date of this annexation and zoning shall be on December 31 of the year during which such annexation occurred.

Section 4.

For all purposes other than ad valorem taxes, the effective date of this annexation and zoning shall be the first day of the month following the month during which this ordinance approving the annexation and zoning was adopted.

Section 5.

Ordinance Z-23-03 Rocklyn Homes PUD

The zoning administrator is directed to update the official zoning map of the city to reflect the new city limits and the zoning classification of the property annexed as well as the property rezoned by this ordinance.

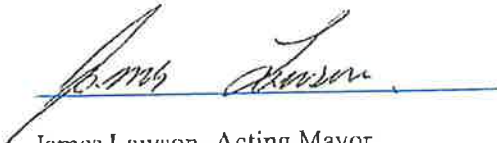
Section 6.

By no later than the next five-year update of the comprehensive plan, the zoning administrator is directed to show the area annexed on the future land use plan map of the city's comprehensive plan with a land use category that most closely approximates the zoning district or districts assigned to the annexed area.

Section 7.

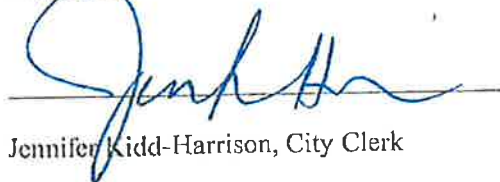
Pursuant to O.C.G.A. § 36-36-117, the city shall not change the zoning, land use, or density of the annexed property for a period of two years unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties.

So ORDAINED, this the 18th Day of September, 2023.


James Lawson, Acting Mayor

This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:


Jennifer Kidd-Harrison, City Clerk



APPROVED AS TO FORM



Abbott S. Hayes, Jr., City Attorney

EXHIBIT A DESCRIPTIONS OF PROPERTY

ALL THAT TRACT OR PARCEL OF LAND lying and being in GMD 1407, Jackson County, Georgia and being more particularly described as follows:

BEGIN at a found 1/2 inch rebar, said rebar having coordinates of North: 1,485,399.1 and East: 2,424,919.5, coordinates based on NAD83 State Plane Coordinate system, Georgia West zone, said rebar located on the easterly right of way of GA. Highway 53 (variable public right of way), said rebar being the TRUE POINT OF BEGINNING;

THENCE leaving said easterly right of way of GA. Highway 53 and proceed North 87 degrees 09 minutes 44 seconds East a distance of 978.40 feet to a found axle; thence South 83 degrees 36 minutes 34 seconds East a distance of 46.57 feet more or less to a point at the centerline of a branch, said point being referred to as Point 'A' (the commencement point of a tie-in line 'A'-B'); thence following the centerline of said branch and the meanderings thereof, 769 feet more or less to a point, said point being referred to as point 'B'; (the terminus of said tie-in line 'A'-B'), said tie-in line from point 'A' and to point 'B' having the course of South 46 degrees 28 minutes 58 seconds East a distance of 668.70 feet more or less to a point; thence leaving said centerline of a branch and proceed South 31 degrees 06 minutes 00 seconds East a distance of 736.43 feet to a found 1 inch rebar; thence South 87 degrees 07 minutes 18 seconds East a distance of 1543.43 feet to a set 1/2 inch rebar with cap; thence North 05 degrees 53 minutes 48 seconds East a distance of 1399.97 feet to a found 1 inch rebar; thence South 81 degrees 59 minutes 28 seconds East a distance of 98.66 feet to a found 1/2 inch open top pipe; thence North 89 degrees 00 minutes 55 seconds East a distance of 368.19 feet more or less to a point at the centerline of a Indian Creek, said point being referred to as Point 'C' (the commencement point of a tie-in line 'C'-D'); thence following the centerline of said creek and the meanderings thereof, 4747 feet more or less to a point, said point being referred to as point 'D'; (the terminus of said tie-in line 'C'-D'), said tie-in line from point 'C' and to point 'D' having the course of South 23 degrees 58 minutes 42 seconds East a distance of 3886.20 feet more or less to a point; thence leaving said centerline of said creek and proceed South 68 degrees 58 minutes 23 seconds West a distance of 1587.00 feet to a set 1/2 inch rebar with cap; thence South 68 degrees 57 minutes 58 seconds West a distance of 836.71 feet to a marked hole in concrete located on northerly right of way of said GA. Highway 53; thence along said northerly and easterly right of way of GA. Highway 53 the following courses and distances: North 63 degrees 27 minutes 00 seconds West a distance of 185.79 feet to a found right of way monument; North 62 degrees 37 minutes 44 seconds West a distance of 1263.78 feet to a set 1/2 inch rebar with cap; North 62 degrees 31 minutes 30 seconds West a distance of 62.00 feet to a point; along a curve turning to the right with an arc length of 465.41 feet, having a radius of 940.65 feet, being subtended by a chord bearing of North 48 degrees 07 minutes 01 seconds West, and a chord length of 460.68 feet to a point; North 34 degrees 01 minutes 31 seconds West a distance of 897.29 feet to a set 1/2 inch rebar with cap; North 34 degrees 01 minutes 31 seconds West a distance of 192.98 feet to a set 1/2 inch rebar with cap; South 55 degrees 24 minutes 28 seconds West a distance of 9.27 feet to a found right of way monument; North 34 degrees 13 minutes 12 seconds West a distance of 398.97 feet to a point; North 33 degrees 15 minutes 40 seconds West a distance of 174.95 feet to a point; North 33 degrees 04 minutes 42 seconds West a distance of 146.52 feet to a point; North 30 degrees 30 minutes 46 seconds West a distance of 54.72 feet to a point; North 29 degrees 03 minutes 57 seconds West a distance of 50.52 feet to a point; North 27 degrees 06 minutes 11 seconds West a distance of 45.05 feet to a point; North 23 degrees 33 minutes 33 seconds West a distance of 78.81 feet to a point; North 21 degrees 22 minutes 03 seconds West a distance of 80.44 feet to a point; North 20 degrees 51 minutes 23 seconds West a distance of 79.49 feet to a point; North 20 degrees 35 minutes 55 seconds West a distance of 339.35 feet to a point; North 20 degrees 21 minutes 46 seconds West a distance of 406.85 feet to a set 1/2 inch rebar with cap; thence North 20 degrees 35 minutes 57 seconds West a distance of 605.79 feet to a found 1/8" open top pipe; thence North 20 degrees 25 minutes 49 seconds West a distance of 47.15 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING.

Tract or parcel contains 287.14 acres, more or less.

Map/Parcel 114/002A



Map/Parcel 114/001B



Map/Parcel 114/001A



Map/Parcel 114/001B1

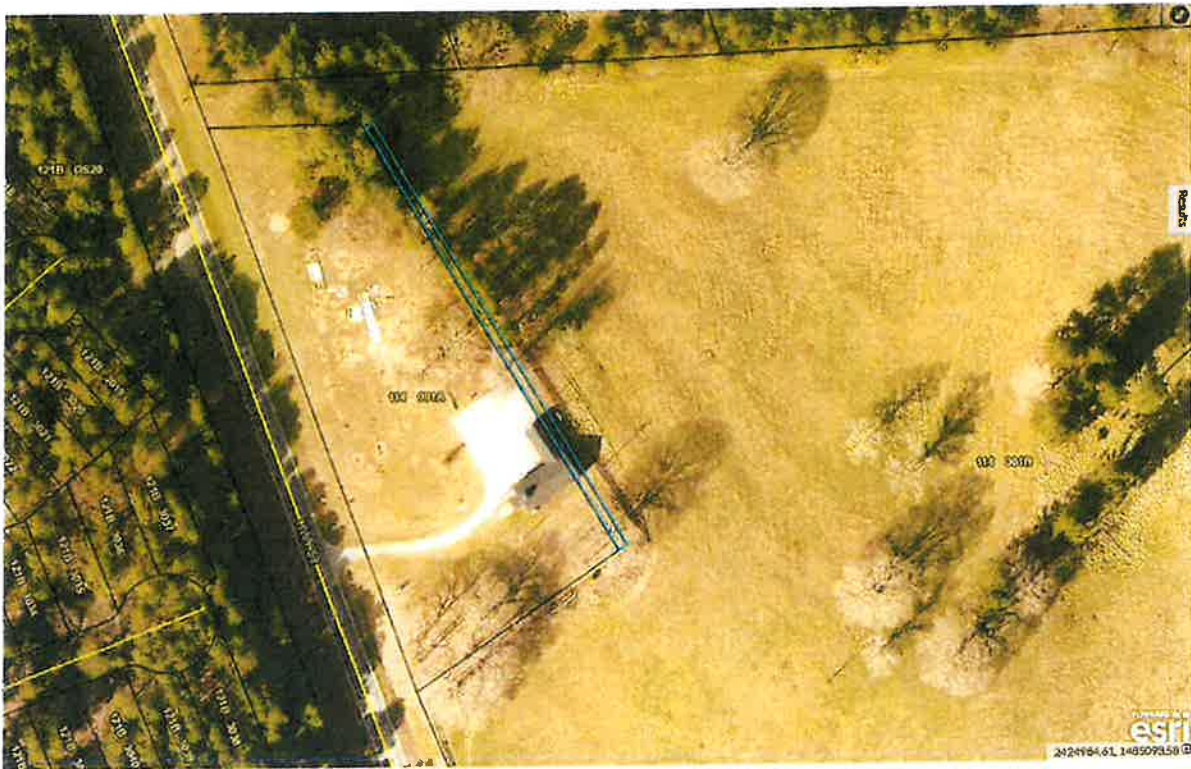


EXHIBIT B
CONDITIONS OF ZONING APPROVAL

The Planned Unit development (PUD) zoning approved per this ordinance shall be subject to the following conditions of approval:

CONDITIONS OF APPROVAL
Z-23-03 PUD ZONING
9-18-23

1. **Substantial accordance with final development plan book.** Unless otherwise required by these conditions of zoning approval, the property shall be developed in substantial accordance with "Exhibit A: Site Plan" and the final development plan book submitted to the City of Hoschton on September 1, 2023 (the "Final Plan Book").
2. **Permitted and required uses.**
 - (a) **Open space.** The PUD must consist of at least 20 percent open space. Any real property within the PUD dedicated to the City of Hoschton shall be subtracted from the total site area of the PUD for purposes of calculating the 20 percent requirement.
 - (b) Only ½ of any open waterway within the PUD can be counted toward meeting the open space requirement. Open space tracts shall be required to be delineated separately from stormwater detention tracts, unless the zoning administrator accepts calculations of open space that separate stormwater facilities from lands authorized to be counted as open space per the PUD requirement for open space in the city's zoning ordinance.
 - (c) **Civic space and recreational amenities.** There shall be civic space and recreational amenities for the PUD provided by the owner/ developer in substantial accordance with those described in the Final Plan Book. There shall be at least three "pocket" parks integrated in the detached, single-family portion of the PUD. There shall be at least one amenity integrated into the townhouse portion of the PUD. There shall be a master amenity which shall be accessible by pedestrians and vehicles from all uses in and areas of the PUD. A trail system shall be incorporated along or within the Indian Creek floodplain/ stream corridor area, and it shall connect to the existing lake which shall be incorporated into the PUD as an amenity feature.
 - (d) **Residential uses.** The PUD shall be authorized to have detached, single-family residential dwelling units (lots) and fee-simple townhouses (lots), as specified in greater detail in these conditions of approval. There shall be no attached or multiple-family residential units authorized (e.g., apartments, condominiums) other than fee simple townhouse units.
 - (e) **Churches and institutional uses.** Churches, cemeteries accessory to churches, and institutional uses shall be permitted within the PUD.
 - (f) **Commercial uses minimum area. generally.** There shall be a minimum of 3.0 acres within the PUD for commercial uses. Commercial uses shall be limited to the +/-3.0

acres depicted as Outparcel #1 and Outparcel #2 on the Final Plan Book. The minimum 3.0 acres excludes the existing church site, cemetery and church expansion area proposed in the PUD application.

- (g) **Commercial uses permitted.** Unless specifically prohibited by these conditions of zoning approval, uses permitted in the C-2 zoning district of the Hoschton zoning ordinance generally shall be permitted in commercial areas of the PUD, and uses listed as conditional in the C-2 zoning district may be authorized as conditional uses following conditional use procedures of the Hoschton zoning ordinance.
 - (h) **Commercial uses prohibited:** That following commercial uses shall be prohibited in the PUD: Adult establishment, automobile-oriented use (sales, service, repair), check cashing/ payday loan facility, gas station, dollar store, fireworks sales, funeral home, hookah/vapor bar or lounge, self-storage or mini-warehouse; smoke or vape shop, tattoo or body piercing parlor, and title loan facility.
 - (i) **Conditional use(s).** One or more uses not authorized by these conditions may (unless specifically prohibited by these conditions) be considered for approval and approved by the Hoschton City Council after the filing of a conditional use permit application in accordance with requirements of the City's zoning ordinance.
3. **Dedication of land.** Subject to the approval of the City of Hoschton, the owner/ developer shall donate, transfer, and convey at no cost to the City of Hoschton the following:
- (a) approximately 3.3 acres of property located along Highway 53 and depicted as "Civic Space #1 Fire/Police/Safety" on Exhibit A: Site Plan for any public purpose deemed appropriate in the sole judgment of the City of Hoschton;
 - (b) approximately 4.0 acres of property located along Highway 53 and depicted as "Civic Area #2 Community Gathering Space" on Exhibit A: Site Plan for any public purpose deemed appropriate in the sole judgment of the City of Hoschton; and
 - (c) approximately 16.35 acres of land adjacent to the Public Safety Complex area and labeled as "School/Civic" on Exhibit A: Site Plan for any public purpose deemed appropriate in the sole judgment of the City of Hoschton.
 - (d) **Timing and condition of dedications.** At the time of conveyance, owner/developer shall deliver the real property in a pad ready condition. Owner/developer shall donate, transfer, and convey said parcels of land no later than one year from the approval of any land disturbance permit.
4. **Residential development; housing units; housing unit mix;**
- (a) The maximum number of dwelling units/lots shall be 1,055.
 - (b) Of the total 1,055 units authorized, at least 60 percent shall be detached, single-family dwellings (i.e., 633 units minimum, if the total number of units authorized are constructed).
 - (c) No more than 40 percent of the total units authorized may be fee simple townhouse units (i.e., 422 units maximum, if the total number of units authorized are constructed).

5. PUD Dimensional requirements generally.

- (a) **Buffer abutting light industrial.** A 25-foot wide buffer, which may be graded and replanted, shall be required to be provided and maintained along the entire north property line of Map/Parcel 114/ 001B abutting the light industrial area.
- (b) **Landscape strip along SR 53 in front of church.** A 25-foot wide landscape strip shall be required to be planted and maintained along the church property frontage abutting SR 53 (Map/Parcel 114/001A).
- (c) A 25-foot wide buffer, which may be graded and replanted to meet the screening requirements of the Hoschton zoning ordinance, shall be provided and maintained along the PUD's south external property line abutting parcels 114/013R, 114/013M, and 114/013H in unincorporated Jackson County. Unless otherwise approved by the zoning administrator, screening tree species shall consist of savannah holly, southern magnolia, and red cedar or combination thereof.
- (d) A natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally on both banks (as applicable) of streams as measured from the top of the stream bank. An additional setback shall be maintained for twenty-five (25) feet, measured horizontally beyond the undisturbed natural vegetative buffer in which all impervious cover shall be prohibited.
- (e) The principal building setback from a PUD exterior property line shall be 30 feet.

6. Residential dimensional requirements. The residential land uses in the PUD shall be subject to the following dimensional requirements:

- (a) **Maximum building height, all units:** 40 feet and 3 stories.
- (b) **Maximum lot coverage:** 75% detached homes; 90% attached townhomes.
- (c) **Minimum driveway length measured from back of sidewalk** (front loading) or alley (rear loading) to face of garage, all units: 20 feet.
- (d) **Parking, all units:** A minimum two-car garage is required for each unit.
- (e) **Street trees:** 1 per lot.
- (f) **Dimensional requirements by lot type:** The following dimensional requirements and limitations shall apply to residential lots, and the maximum number of the 40-foot detached lots shall not exceed those shown in the Final Plan Book:

Residential Lot Type	Minimum Lot Size (sq. ft.)	Minimum Lot Width (ft.)	Minimum Front, Side, Major Side/Corner, Rear Building Setbacks (ft.)
60-foot Detached	6,100	60	15, 5, 7.5, 20
50-foot Detached	5,100	50	15, 5, 7.5, 20

40-foot Detached	4,100	40	15, 5, 7.5, 20
Attached (townhouses)	1,300	22	0, 0, 0,0

- (g) **Minimum heated floor area per dwelling unit:** 1,600 square feet (townhouses); 1,600 square feet (one-story detached homes) 1,800 square feet (two-story detached homes)
- (h) **Minimum separation between townhouse buildings:** 20 feet.
7. **Residential architectural elevations and external building material finishes.** The architectural style of homes shall be in general accordance with the renderings included in the Final Plan Book. Front facades of homes shall be constructed primarily (50% or more) of brick and/or stone. The sides and rear shall be the same or of fiber cement shake, siding, and/or board and batten.
8. **Residential development dimensional requirement not specified.** Where the Final Plan Book or these conditions of zoning fail to articulate a given regulation for residential development, such as accessory building setbacks and the like, the project shall be required to adhere to dimensional requirements of the MFR (Multi-family Residential) zoning district and general provisions of the Hoschton zoning ordinance, unless a variance is applied for and obtained.
9. **Commercial dimensional requirements.**
- (a) **Maximum building height:** 40 feet.
- (b) **Maximum building coverage (% of site area):** 80%
- (c) **Principal building setbacks:** 20' front, 20' side, 20' rear.
- (d) **Frontage landscape strip (width):** 10'.
- (e) **Minimum tree canopy and minimum landscaped open space (% of lot):** 20%.
10. **Commercial architectural elevations and external building material finishes.** The owner/developer shall submit for City Council's consideration and approval, prospective front, side and rear elevations of commercial architecture included in the PUD, prior to issuance of a building permit for any such building. In addition, the owner/developer shall submit as a part of this package uniform standards and guidelines for commercial signage and PUD project entrances. Once approved the elevation drawings and standards and guidelines shall be binding on all builders and enforceable at the time of commercial building permit issuance.

11. Commercial development dimensional requirement not specified. Where the approved PUD application and these conditions of zoning fail to articulate a given regulation for commercial development, such as accessory building setbacks, maximum lot coverage, and the like, the project shall be required to adhere to dimensional requirements of the C-2 zoning district and general provisions of the Hoschton zoning ordinance, unless a variance is applied for and obtained.

12. Internal subdivision street standards. All local subdivision streets serving residential development within the PUD shall be required to meet or exceed the following requirements:

- (a) Minimum right of way width: 50 feet
- (b) Minimum pavement width: 26 feet as measured from back-of-curb to back-of-curb
- (c) Minimum centerline horizontal radius: 125 feet
- (d) Minimum alley right-of-way or access/utility easement width: 25 feet
- (e) Minimum alley pavement width: 18 feet
- (f) Rolled curbs shall be authorized
- (g) Sidewalk standards: Minimum sidewalk width: 5 feet; Minimum landscape strip between back of curb and sidewalk: 2 feet
- (h) Minimum radius for cul-de-sac right of way: 50 feet
- (i) Minimum radius for cul-de-sac roadway: 40 feet (measured to face of curb)
- (j) Hammerhead turnarounds shall be a permitted turnaround design, so long as they are less than 150 feet meeting Appendix D of the Fire Code

13. Improvement of State Route 53.

- (a) Prior to any final plat approval for the respective property with frontage, or prior to the issuance of a development permit in the case of commercial use, the owner/developer shall be required to install at owner/developer's expense improvements as may be required by the Georgia Department of Transportation (GDOT).
- (b) Unless otherwise approved by the GDOT, the entrances/exits onto SR 53 shall be limited to the number and shall be improved to the standards recommended by the traffic engineer in the traffic study submitted with the application for Development of Regional Impact (DRI) and the Planned Unit Development (PUD) zoning.
- (c) The owner/developer shall install a traffic signal at the PUD project entrance aligning with Crystal Lake Parkway, if and when warranted and approved by GDOT.
- (d) Construction of multi-use trail/Life Path. The owner/developer shall at no cost to the city construct an 8-foot wide multi-use path along the subject property's frontage on Highway 53.

14. Sewage system lift station requirements.

- (a) The PUD shall be designed so that there is no more than one sanitary sewer lift station to serve the entire development. In the event that it is impossible or impracticable to serve the entire development with a single sanitary sewer lift station, a second sanitary sewer lift station may be provided, if approved by the Director of the City of Hoschton Water and Utilities Department.

- (b) The sewage lift station(s) shall be constructed by the owner/developer at no cost to the city, except as otherwise conditionally provided in this zoning condition.
 - (c) The sewage lift station shall be located on a lot with a minimum area of 10,000 square feet. Said lot shall have at least 30 feet of frontage on a public street and shall be deeded, in fee simple title to the city of Hoschton, within one year of final construction approval.
 - (d) After construction of the sewage lift station by the owner/developer and dedication to the city, if determined in the public interest by the city, the city may on its own initiative initiate a capital project to oversize the lift station to serve subsequent additional development upstream of the sewer lift station.
15. **Pedestrian connection to Sell's Mill Park.** Prior to the issuance of the final certificate of occupancy the owner/developer shall, if authorized by the county, construct a pedestrian connection from the PUD and its open space and pedestrian access network (i.e, trail network along Indian Creek) to county-owned Sell's Mill Park (Map/Parcel 114/ 003B). Said trail connection shall be provided as a natural surface (i.e., mulch or gravel) trail.
16. **Arbitration Panel Finding.** The City of Hoschton shall levy the Jackson County impact fees at the time of building permit issuance and remit the impact fees to Jackson County.
17. **Collection of Jackson County impact fees.** Collection of Jackson County impact fees as set forth in the preceding section shall be subject to the negotiation and finalization of an intergovernmental agreement between the City of Hoschton and Jackson County, in a form satisfactory to the City Council of the City of Hoschton.
18. **Sewer connection fees and capacity.**
- (a) In order to have the capital funds needed to construct wastewater treatment plant capacity to serve the subject PUD, the city will, prior to and as a condition of preliminary plat approval require the owner/ developer to pay in advance of building permitting the amount of \$6,330,000.00, which is the prepayment of sewer connection fees for the development of 1,055 residential units.
 - (b) The condition set forth in this section shall be further outlined in an agreement between the owner/developer and the City of Hoschton. As part of said agreement, the owner/developer shall acknowledge that the PUD project shall not be vested with rights to connect to sanitary sewer until the connection fees are paid and until an agreement between the owner/developer and the City of Hoschton as to this condition is approved and executed by both the owner/developer and the City of Hoschton.
19. **Water line(s) serving the PUD.**
- (a) The owner/ developer shall at no cost to the city extend a water trunk main (size and type to be determined and approved by the city engineer) to the PUD and provide for all water lines necessary to serve the PUD with city water.
 - (b) The city engineer may require any such water lines to be looped for adequate water pressure.

(c) The city engineer may require any such water lines to be connected or interconnected to other water system components, including future water supplies and as may be determined appropriate and as may be required by these zoning conditions.

20. Water supply.

(a) The owner/ developer agrees to authorize the city to explore the subject property for potential tapping of groundwater supply via a public well or wells.

(b) If one or more well water sites are considered appropriate by the city and the owner/developer after such explorations or studies, the owner/ developer agrees to negotiate with the city in good faith for the dedication of such water well site(s) at no cost to the city or in exchange for reduction, waiver or credit of certain subsequent water connection fees.

(c) The city may require the participation of the owner/ developer in the construction of water well capital facilities in exchange for the reduction, waiver, or credit of subsequent water connection fees, subject to the approval of and acceptance by the owner/ developer.

(d) This condition shall be satisfied prior to the issue of any development permit involving connection to the city or other public water system.

21. Public street connection. To provide for a potential future public (local) through street connection, the owner/developer shall provide a publicly dedicated street right of way with a minimum 50-foot wide right of way and a local street with a pavement width of at least 26 feet from back of curb to back of curb within the Planned Unit Development, connecting SR 53 to the common property line between Map/Parcel 114/001B and 113/015A. The right of way shall extend to said common property line, and the pavement shall extend to within 25 feet of said common property line.

MEMORANDUM

TO: Hoschton Planning & Zoning Commission
Mayor and City Council, City of Hoschton

FROM: Rich Atkinson, Consulting Planner

DATE: November 18, 2025

RE: **Z-25-06:** City of Hoschton, applicant Tim Jenkins c/o Mahaffey Pickens Tucker, LLP, rezoning from PUD (Planned Unit Development) Conditional per Ordinance Z-23-03 to PUD (Planned Unit Development) Conditional, to modify conditions of zoning approval for tax parcel number(s) 114/002A and 114/001B totaling +/- 285.22 acres

Overview and Background

In 2023, the subject property was formally annexed into the City of Hoschton and rezoned to Planned Unit Development (PUD) pursuant to Ordinance Z-23-03 (a copy of which is included in your packet). This rezoning action established the regulatory framework for a mixed-use development comprising predominantly residential housing types, with a designated commercial component encompassing approximately three (3) acres. The development is currently underway, with infrastructure and site preparation activities progressing in accordance with approved plans.

The PUD zoning classification was selected to accommodate a master-planned community that integrates a variety of residential products with limited commercial uses, thereby promoting a cohesive and market-responsive development pattern. The commercial acreage is intended to support neighborhood-serving retail or service uses, complementing the residential character of the broader project.

Description of Request

The Applicant has submitted a formal request (submitted as part of your packet) seeking an amendment to the existing PUD conditions. Specifically, the Applicant proposes the addition of a new condition that would authorize the issuance of up to forty-two (42) building permits for model homes prior to the approval and recording of the final subdivision plat.

The proposed language for the condition reads as follows:

“Model homes shall be allowed by right as a use in the PUD, and the City shall issue forty-two (42) building permits for the development of model homes prior to the final plat being approved.”

This request is intended to facilitate the early construction of model homes for marketing and sales purposes, allowing the developer to showcase product types and engage prospective buyers while final plat approval is pending.

Staff Analysis and Recommendation

Staff recognizes the strategic importance of model homes in residential developments, particularly as tools for marketing, customer engagement, and product demonstration. Model homes serve as tangible representations of the builder's offerings and are commonly used to support pre-sales activity and community branding.

However, staff must evaluate the request within the context of the City's adopted ordinances and regulatory framework. The Land Development Ordinance, specifically Section 305, provides that:

"Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, except land may be considered multiple tracts if legally recorded as such before effective date of this ordinance."

Additionally, the Zoning Ordinance of the City of Hoschton, Section 3.05, titled "Every Use Must Be Upon a Lot of Record," states:

"No building or structure shall be erected or use established unless upon a lot of record as defined by this ordinance."

The ordinance further defines a "Lot of Record" as:

"A lot which is part of a subdivision, a plat of which has been lawfully recorded in the records of the Clerk of Superior Court of Jackson County; or a parcel of land, the deed of which has been lawfully recorded in the same office as of the effective date of this zoning ordinance."

The definition of a "Model Home" is also provided in the ordinance:

"A dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer, or contractor). The dwelling may be furnished but is not occupied as a residence while being used as a model home."

Based on these provisions, staff interprets the code to allow for the issuance of one model home permit per legally recorded lot. While a model home may be permitted prior to final plat approval, it must be situated on a lot that meets the definition of a "lot of record." The current request seeks to authorize multiple model homes—forty-two in total—on two parcels that have not yet been subdivided or recorded via final plat. This approach is inconsistent with the City's ordinances, which do not permit multiple model homes on a single unplatted tract.

The typical development sequence involves the issuance of a land disturbance permit to initiate infrastructure installation, followed by submission of the final plat for review and approval. Once the final plat is approved and recorded, individual lots of record are established, thereby enabling the issuance of building permits for residential units, including model homes. The Applicant's request seeks to bypass this sequence by allowing multiple model homes to be constructed prior to plat approval, which staff finds to be contrary to the intent and language of the City's ordinances.

Accordingly, while staff supports the concept of model homes and acknowledges their value to the development process, the current request exceeds what is permissible under existing code. Staff recommends that the Applicant proceed with the standard process: initiate infrastructure work under a land disturbance permit, submit the final plat for approval, submit model home permits for the existing legal lot(s), and then (once the final plat is recorded) submit building permits for the newly created legal lots.

City of Hoschton

Resolution No. 2025-28

WHEREAS, the City of Hoschton's Municipal Court; and

NOW, THEREFORE, BE IT RESOLVED THAT the governing body of the City of Hoschton now desires to approve and adopt the new court fees of the Hoschton Police Department which are attached hereto in order to ensure the proper functioning of the Hoschton Police Department.

Adopted this _____ day of _____, 2025.

Debbie Martin, Mayor

This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Jennifer Kidd-Harrison, City Clerk

APPROVED AS TO FORM

HOSCHTON MUNICIPAL COURT

VIOLATION LISTING

CODE	VIOLATION	MUST APPEAR	BOND FORFEITURE
11-103	Weight Regulations in Residential Areas	No	250
11-204	Motorized Carts Regulations		250
11-205	Recreation Path Authorized		500
11-206	Recreation Path Prohibited		1000
12-103	Solid Waste	Yes	150
12-104	Hazardous Water	Yes	500
12-105	Solid Waste Collectors	Yes	150
12-201	Yard Trimmings	Yes	150
13-101	Gases Vapors/Odors	Yes	150
13-102	Open Burning	Yes	150
14-102	Noise Regulation	No	209
14-102(6)	Animal Noise Nuisance	No	209
16-13-2	Conditional Discharge	Yes	
16-13-30	Possession Or Marijuana < an oz.	Yes	951
16-13-30B	Manufacture/Distribute/Deliver Marij.	Yes	951
16-13-31	Trafficking Drugs	Yes	951
16-13-32	Possession of Drug Related Objects	Yes	951
16-13-72	Sale/Dist/Dangerous Drugs	Yes	951
19 Codes	To Be Determined		
20-108	Use During Fire Alarm & Water Emergencies	No	250
20-111	Tampering with Fire Hydrant	Yes	750

[illegible]

32-217	Poss/Sell/Placing Gambling Device			Yes		1st	500	
						2nd	750	
						3rd	1000	
32-314	Conduct or Activities Prohibited			Yes			500	
32-402-417	Tattoo Ordinances			Yes			500	
32-501	Massage/Spa Ordinances			Yes			500	
35 Codes	To Be Determined							
38 Codes	To Be Determined							
40-106	Sale or Possession for Sale Without License			Yes			500	
42-106	False Alarm Nuisance			No			25	50
							1ST	2ND
40-2-20	Expired Or No License Plates Or Decal			No			74	100
40-2-20(A)	Expired Or No License Plates Or Decal			No				
40-2-29	MUST REGISTER VEHICLE WITHIN 7 DAYS			No			141	
40-2-38	Expired/Unlawful Use of Dealer Tag			No			141	
40-2-4(a)	Unlawful To Make Plates/Decals			No			601	
40-2-41	Obscured/Improper Tag Display			No			60	
40-2-5	Acquiring Lic Plate To Conceal Veh Identity			No			601	
40-2-6	Defaced/Altered License Plate			No			601	
40-2-6.1	Covering License Plate W/Plastic			No			141	
40-2-7	Removing/Affixing Plate W/Intent To Conceal			No			601	
40-2-8	Expired Tag or No License Plate			No			141	150
40-2-8(a)	Expired Tag/Registration			No			74	150
40-2-8(b)(2)	No Valid Tag			No			141	150
40-2-8(c)	Operate W/O County Decal			No			74	100
40-2-8.1	No Revalid Decal On Plate			No			141	150
40-2-88	Expired IRP Tag			No			411	500
40-2-90	Failure to Register Vehicle in GA			No			141	150
40-5-120	Unlawful Use Of Driver's License			Yes			74	100
40-5-121	Driving With Suspended Or Revoked License			Yes			705	

40-5-121(A)	Driving While License Withdrawn				Yes	705				705		
40-5-122	Permitting Unlicensed Person To Drive				Yes	108				125		
40-5-123	Permitting Unauthorized Minor To Drive				Yes	705				750		
40-5-125(a)(Lending Driver's License to Another				Yes	376				750		
40-5-146(a)	Operating CMV Without CDL				Yes	546				750		
40-5-149(c)	Obtain GA CDL W/I 30 Days of GA Residency				No	546				550		
40-5-20	Driving Without a valid License				Yes	705				750		
40-5-20(a)	Valid License/New Resident After 30 Days				Yes	74				150		
40-5-20(b)	Steering/Controlling Towed Veh W/Out License				Yes	74				150		
40-5-20(c)	Possession Of Multiple Drivers Licenses				Yes	74				150		
40-5-23	Improper Class Of License				No	47				75		
40-5-24(a)	Must Be Acc By Person > 21 Yr				Yes	74				75		
40-5-24(a)(1	Must Be Acc By Person > 21 Yr				Yes	74				75		
40-5-24(b)(1	Class D Lic Provision Viol				Yes	74				75		
40-5-24(b)(2	Driving After Midnight				Yes	74				75		
40-5-24(b)(2	More Than 3 Passengers				Yes	74				75		
40-5-24(b)(2	Passengers Not Immediate Family				Yes	74				75		
40-5-24(c)	Motorcycle Inst Perm Rest After Dark				No	74				75		
40-5-29(a)	Failure To Have License On Person				No	20				25		
40-5-29(b)	D/L To Be Exhibited On Demand				No	20				25		
40-5-30(c)	Violating Restriction Of Driver's License				No	74				150		
40-5-32	Expired License				No	120				150		
40-5-33	Failure To Change Address Or Name On License				No	120						
40-5-58(c)(1	Habitual Violator Misdemeanor				Yes	1021				1100		
40-5-64	Violation Of Limited Permit				Yes	141				250		
40-5-65	Operating Mv W/Other Lic While Susp/Rev				No	705				1000		
40-5-67 -1	Implied Consent Refusal				Yes							
40-6-1	Violation Of Rules Of Road				No					500		
40-6-10	No Insurance				Yes	299				500		
40-6-10(a)	Provide Proof Of Insurance				No	299				500		
40-6-10(b)	Permitting Another to Operate w/o Ins.				Yes	299				500		
40-6-10(c)	False Statement or Certification/Insurance				Yes	299				750		
40-6-11	No Proof Of Insurance - Motorcycle				Yes	299				500		
40-6-120(1)	Improper Right Turn				No	96				115		

40-6-120(2)	Improper Left Turn			No	96	115
40-6-121(1)	Improper U-Turn On Curve			No	96	115
40-6-121(2)	Improper U-Turn On Grade			No	96	115
40-6-121(3)	Unsafe U-Turn			No	96	115
40-6-121(4)	Proh U-Turn/Sign Posted			No	96	115
40-6-122	Starting Parked Vehicle Unsafely			No	96	115
40-6-123(a)	Improper Lane Change			No	96	115
40-6-123(b)	Failure To Signal			No	96	100
40-6-123(c)	Improper Stopping			No	96	100
40-6-125	Improper Use Of Hand Signal			No	96	100
40-6-126	Central Lane Violation			No	96	100
40-6-14	Loud Stereo >100 Ft			No	96	100
40-6-140	Disobey Railroad Signal			No	115	125
40-6-142	Certain Vehicles Must Stop At All Railroad Crossings			No	115	
40-6-144	Improper Emerging from Alley, Driveway or Building			No	115	
40-6-15	Driving With Suspended/Canceled Registration			Yes	705	1000
40-6-16	Move Over Law Emergency/Towing/Hwy Veh			No	201	500
40-6-16(b)	Improper Passing Of Stationary Emergency Vehicle			No	201	500
40-6-16(c)	Improper Passing of Stationary Towing/Hwy Maint Vehicle			No	201	500
40-6-16.1(b)	Improper Passing of Active Sanitation Vehicle			No	201	500
40-6-160	School Bus Speeding			Yes	215	250
40-6-161	Operating School Bus Without Using Headlights			No	115	
40-6-163	Failure To Stop For School Bus			No	300	500
			1st		750	1000
			2nd		1000	1500
			3rd		115	750
40-6-180	Basic Rules/Too Fast For Conditions			No	40	50
40-6-181	Speeding 6-10 over			No	145	150
40-6-181	Speeding 10-14 over			No	180	200
40-6-181	Speeding 15-18 over			No	215	250
40-6-181	Speeding 19-23 over			Yes	381	400
40-6-181	Speeding 24-33 over			Yes	586	600
40-6-181	Speeding 34-99 over			No	151	
40-6-184	Impeding Flow Of Traffic			Yes	425	500
40-6-186	Racing			Yes		

40-6-186(b)	Exhibition Of Speed/Acceleration				Yes			425	500
40-6-188	Speeding in Construction Zone	0-14			No			151	175
40-6-188	Speeding in Construction Zone	15-20			No			296	300
40-6-188	Speeding in Construction Zone	21-24			No			441	500
40-6-188	Speeding in Construction Zone	25-34			No			586	750
40-6-188	Speeding in Construction Zone	35+			No			731	800
40-6-2	Failure To Obey Person Directing Traffic				No			250	
40-6-20	Failure To Obey Signs Or Control Devices				No			115	
40-6-20(A)	Failure To Obey Signs Or Control Devices				No			115	
40-6-200(a)	Do Not Park In Direction Of Traffic - 2 Way				No			115	
40-6-200(b)	Do Not Park In Direction Of Traffic - One Way				No			115	
40-6-200(d)	Do Not Park Where Sign Prohibits Parking				No			115	
40-6-201	Leaving Motor Vehicle Unattended				No			251	
40-6-202	ILLEGAL PARKING				No			75	
40-6-203(a)	Improper Stop/Park On Sidewalk				No			115	
40-6-203(a)	Improper Stop/Park W/ Intersection				No			115	
40-6-203(a)	Parking Prohibited Fire Hydrant/Lane/Station				No			115	
40-6-205	Obstructing Intersection				No			251	
40-6-226	Violation of Handicap Parking				No			150	
40-6-226(c)	Obtain Fraud H/Cap Permit				No				
40-6-24	Lane Direction Violation				No			115	
40-6-240	Improper Backing				No			115	
40-6-241.1	Unlawful Use of Wireless Device	Under 18			Yes			150	
40-6-241(b)	Failure to Exercise Due Care				No			150	
40-6-241(c)	Unlawful Use of Wireless Device				Yes	1st		50	
						2nd		100	
						3rd		150	
40-6-241(d)	Unlawful Use of Wireless Device in CMV				No			150	
40-6-242(a)	Obstruction Of Driver's View Or Control				No			115	
40-6-242(b)	Passenger Interfere With Driver				No			115	
40-6-243	Opening Door Into Traffic				No			115	
40-6-247	Following Emergency Vehicle Too Closely				No			369	
40-6-248	Driving Over Fire Hose				No			296	
40-6-248.1	Failure To Secure Load				No			249	

40-6-249	Littering From A Motor Vehicle	No	224	300
40-6-250	Wearing Device Which Impairs Hearing Or Vision	No	224	300
40-6-251	Laying Drags	Yes	224	500
40-6-252(a)	Unlawful Parking on Privately Owned Property	No		
40-6-253	Possession Of Open Alcohol Container	No	151	500
40-6-253(B)	Possession Of Open Alcohol Container	No	224	500
40-6-254	Unsecured Load	No	151	
40-6-255	Failure To Pay For Gasoline	No	200	
40-6-26(a)	Tampering With Traffic Signs Or Signals	Yes	200	
40-6-26(b)	Driving on Closed Road	No	115	
40-6-270	Hit And Run	Yes	750	1000
40-6-271	Striking Unattended Vehicle	No	500	750
40-6-272	Fail To Rpt Striking Fixed Object	No	500	750
40-6-273	Failure To Report Accident	No	500	750
40-6-275(c)	Remove Veh Frm Road After Acc	No	275	
40-6-276	Duty of Wrecker Driver to Clean Debris	No		
40-6-292(a)	No Riding On Handlebars	No	47	
40-6-292(b)	Passenger Must Have A Seat On Bike	No	47	
40-6-293	Bicycle/Skater Not To Cling To Vehicle	No	177	
40-6-294	Improper Operation of Bicycle	No	177	
40-6-296	Bike Safety Equip Required	No	126	
40-6-296(a)	Lights Required on Bicycle at Night	No	47	
40-6-3	Accident While Driving Motorcycle	No		
40-6-311	Improperly Operating a Motorcycle	No	177	
40-6-312(b)	Improper Passing By Motorcycle	No	500	
40-6-312(c)	Improper Operation Of Motorcycle B/I Lanes	No	500	
40-6-312(d)	Improper Lane Usage By Motorcycle >2	No	500	
40-6-312(e)	Operating Motorcycle W/O Lights	No	100	
40-6-313	Clinging To Vehicle While On Motorcycle	No	177	
40-6-314(a)	Footrests Required for Motorcycle Passenger	No	126	
40-6-315(a)	No Helmet	No	151	705
40-6-315(b)	No Eye Protection W/O Windshield	No	109	
40-6-315E	Motorcycle Must Wear Shoes	No	109	
40-6-351	Driver's License Req'd For Moped	Yes	705	

40-6-352	Protective Headgear Req'd On Moped	No				705	
40-6-362	Unlawful Operation Of Low-Speed Vehicle On Hwy	No				122	150
40-6-363	Safety Equipment for Personal Vehicles	No				122	150
40-6-390	Reckless Driving	Yes				1250	1500
40-6-391	Driving Under Influence Drugs/Alcohol	Yes				1529	1600
40-6-391	DUI 2nd Offense	Yes				1970	2000
40-6-391	DUI 3rd Offense	Yes				4202	4500
40-6-391.3	DUI While Operating a School Bus	Yes				1529	2000
40-6-391(a)	Driving Under The Influence Of Alcohol - Less Safe	Yes				1529	2000
40-6-391(a)	Driving Under The Influence Of Drugs	Yes				1529	2500
40-6-391(a)	Driving Under The Influence Of Alcohol & Drugs	Yes				1529	2500
40-6-391(a)	Driving Under The Influence Of Alcohol - Per Se	Yes				1529	2500
40-6-391(i)	DUI - Controlled Substance In Blood/Urine	Yes				1529	2000
40-6-391(k)	DUI - Under The Age Of 21	Yes				1529	2000
40-6-391(l)	DUI - Child Endangerment	Yes				1529	2500
40-6-392	DUI - REFUSAL	Yes				1529	2000
40-6-394	SERIOUS INJURY BY VEHICLE	Yes			n/a		
40-6-395(a)	Fleeing Or Attempting To Elude Police	Yes				1201	1250
40-6-395 C1	Impersonating a Police Officer	Yes				1201	1250
40-6-395C2	Impersonate Officer to Control Traffic	No				1201	1250
40-6-397	Aggressive Driving	Yes				425	750
40-6-40(a)	Driving Wrong Side Of Road	No				115	200
40-6-40(b)	Obstructing Flow Of Traffic	No				64	100
40-6-40D	Impeding Flow Driving Side by Side	No				64	100
40-6-41	Vehicle Passing In Opposite Direction	No				115	125
40-6-42	Improper Passing	No				115	125
40-6-43	Improper Passing on Right	No				115	125
40-6-44	Improper Passing On Left	No				115	125
40-6-45(a)(1)	Passing On Hill/Curve	No				115	125
40-6-45	Passing on Double Yellow	No				115	125
40-6-45(a)(2)	Passing within an Intersection	No				115	125
40-6-46(b)	Improper Pass In No Passing Zone	No				115	125

40-6-47	Wrong Way On One-Way Street	No	79	100
40-6-48	Failure to Maintain Lane	No	115	250
40-6-48(1)	Unsafe Lane Change	No	115	125
40-6-48(3)	Drive Center Turn Lane	No	115	125
40-6-48(4)	Improper Lane Usage	No	115	125
40-6-48(5)	Prohibited Lane Change	No	115	125
40-6-49	Following Too Close	No	115	250
40-6-50(b)	Driving Over Gore Or Paved Shoulder	No	146	150
40-6-51	Restrictions On Use Of Controlled Access Hwys	No	224	250
40-6-52	Truck Lane Violation	No	224	250
40-6-54	HOV/HOT Lane Violation	No	115	125
40-6-70	Failure To Yield At Intersection	No	115	125
40-6-71	Failure To Yield Turning Left	No	115	125
40-6-72(b)	Failure To Obey Stop Sign	No	115	125
40-6-72(c)	Failure To Obey Yield Sign	No	115	125
40-6-73	Failure To Yield Entering Roadway	No	115	125
40-6-74(a)	Failure To Yield Emergency Vehicle	No	369	400
40-6-75	Failure To Yield At Construction Site	No	115	125
40-6-76	Failure to Yield Funeral Procession	No	369	400
40-6-77	Failure to Yield to Any Cyclist Causing Injury	No	369	400
40-6-90(a)	Pedestrian Disobeying Traffic Device	No	73	100
40-6-91(a)	Fail To Yield To Pedestrian In Crosswalk	No	115	150
40-6-91(b)	Pedestrian Unsafely Entering Roadway	No	73	100
40-6-91(d)	Passing Vehicle Stopped For Pedestrian	No	73	100
40-6-92	Pedestrian Crossing At Other Than Crosswalk	No	73	100
40-6-93	Failure To Exercise Due Care To Pedestrian	Yes	73	100
40-6-95	Pedestrian Under The Influence	Yes	296	350
40-6-96	Improper Walking On Roadway	No	73	100
40-6-97(a)	Pedestrian Soliciting Rides	No	141	200
40-6-97(b)	Pedestrian Unlawfully Soliciting Business/Employment/Contributions	No	141	200
40-6-98	Driving In Safety Zone	No	115	200
40-6-99	Pedestrian Yield to Emergency Vehicle	No	40	75
40-7-4(2)	Off Road Vehicle On Private Property	No	40	75
40-8-10	Operating Vehicle with Nitrous Oxide	No		

[illegible]

40-8-70(a)	Improper Horn Usage	No	47	50
40-8-71	Improper Exhaust	No	74	100
40-8-72	No Rear View Mirror	No	47	50
40-8-73	Window, Windshield, or Wiper Violation	No	47	50
40-8-73(a)	Window/Windshield Obstructed By Material	No	47	50
40-8-73(c)	Windshield Wiper Blades Violation	No	47	50
40-8-73(e)	Windshield Not In Good Condition	No	47	50
40-8-73.1	Improper Window Tint	No	47	75
40-8-73.1(b)	Materials On Windshield/Light	No	74	
40-8-73.1(b)	Windows < 32% Light	No	74	
40-8-73.1(f)	Unlawful CMV Tint Violation	No	74	
40-8-74	Defective Tire(s)	No	74	
40-8-75	Mud Flap Violation	No	108	110
40-8-76	Child Restraint Violation - Under 8 Yrs	No	50	
40-8-76(B)(1)	Child Restraint Violation- Under 8 yrs	No	50	
40-8-76.1	Seat Belt Violation - Adult	No	15	
40-8-76.1(B)	Seat Belt Violation	No	15	
40-8-76.1(e)	Seat Belt Violation - Minor (Ages 8-17)	No	50	
40-8-77	Defective Absorption System	No	115	
40-8-79	Riding In Truck Bed < 18 Years	No	115	
40-8-8	Defective Or Missing Speedometer	No	47	
40-8-9	Name Required For Gross Weight > 43,000	No	209	
40-8-90	Unlawful Use Of Blue Lights	No	152	200
40-8-91(e)	Driver Pull Over/Safe Location	No	115	
40-8-92	FLASHING RED/AMBER LIGHTS W/O PERMIT	No	74	100
40-8-94	Unauthorized use of Siren/Whistle/Bells	Yes	74	100

UPON RECORDING RETURN TO:

Hulsey, Oliver, & Mahar, LLP
200 E.E. Butler Parkway
P.O. Box 1457
Gainesville, GA 30503
Attn: Abbott S. Hayes, Jr., Esq.

Tax Parcel I.D.: H01 054

DEED OF GIFT

by and between

**THE SCOTT HUDGENS FAMILY FOUNDATION, INC., a Georgia
nonprofit corporation, as "Grantor"**

and

**THE CITY OF HOSCHTON, GEORGIA, a Georgia municipal corporation,
as "Grantee"**

**STATE OF GEORGIA
COUNTY OF JACKSON**

DEED OF GIFT

THIS INDENTURE is made as of January 1, 2026 by and between **THE SCOTT HUDGENS FAMILY FOUNDATION, INC.**, a Georgia nonprofit corporation (hereinafter referred to as "Grantor"), and **THE CITY OF HOSCHTON, GEORGIA**, a Georgia municipal corporation (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

W I T N E S S E T H

GRANTOR, for and in consideration of love and affection for Grantee and other good consideration, does hereby give, grant and convey unto Grantee, **WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND OR NATURE WHATSOEVER, INCLUDING, WITHOUT LIMITATION, WARRANTY OF TITLE, HABITABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND SUBJECT TO ALL MATTERS OF RECORD AND TO MATTERS OF SURVEY**, the following tracts or parcels of land lying and being in Jackson County, State of Georgia (hereinafter referred to collectively as the "Property"):

**SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE**

TO HAVE AND TO HOLD the Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever **in FEE SIMPLE; PROVIDED, HOWEVER, THAT, (I) FOR A PERIOD OF 99 YEARS FROM THE DATE OF**

THIS DEED, GRANTEE SHALL AND DOES HEREBY AGREE TO KEEP AND MAINTAIN THE CURRENT HISTORICAL REGISTRY STATUS OF THE MAIN HOUSE LOCATED ON THE PROPERTY (THE “MAIN HOUSE”), SUBJECT TO FORCE MAJEURE EVENTS; AND (II) IF THERE SHALL OCCUR A VIOLATION OF THE FOREGOING COVENANT AND/OR RESTRICTION, THEN GRANTOR SHALL BE ENTITLED TO PURSUE ANY AND ALL RIGHTS AND REMEDIES AS ARE AVAILABLE TO GRANTOR AT LAW AND/OR IN EQUITY AS A RESULT OF SUCH VIOLATION, INCLUDING, WITHOUT LIMITATION, THE RIGHT TO SEEK AND OBTAIN INJUNCTIVE RELIEF.

AND BY ITS ACCEPTANCE HEREOF, Grantee does hereby agree to be bound by the foregoing covenants and restrictions (which shall be covenants and restrictions running with title to the Property, and shall be binding upon Grantee and its successors and assigns, including successors-in-title to the Property). Grantee does hereby further agree to assume and to pay and be liable for any and all taxes, assessments and utility charges, including, without limitation, ad valorem real estate taxes for 2026 and subsequent years, applicable to or assessed against the Property or any part thereof and coming due from or after the date hereof, whether or not constituting a lien on or accruing prior to the date hereof.

EXECUTED under seal as of the date above.

Signed, sealed and delivered
in the presence of:

Witness

Notary Public

(NOTARY SEAL)

My Commission Expires: _____

GRANTOR:

**THE SCOTT HUDGENS FAMILY
FOUNDATION, INC.**, a Georgia
nonprofit corporation

By: _____

Name: William A. Brogdon

Title: Vice President

[Corporate Seal]

*[SIGNATURE PAGE TO DEED OF GIFT
TO CITY OF HOSCHTON, GA, FARMHOUSE PROPERTY, JANUARY 1, 2026]*

CONSENT AND ACKNOWLEDGMENT

CITY OF HOSCHTON, GEORGIA does hereby consent to the foregoing deed of gift and accepts the subject property for public dedication, subject to the terms, covenants, conditions and restrictions contained in said deed of gift.

Signed, sealed and delivered
in the presence of:

CITY OF HOSCHTON, a Georgia
municipal corporation

Witness

By: _____
Debbie Martin, Mayor

Notary Public

Attest: _____
Jennifer Harrison, City Clerk

(NOTARY SEAL)

[City Seal]

My Commission Expires: _____

Approved as to form:

Abbott S. Hayes, Jr., City Attorney

Exhibit A

Legal Description of Farmhouse Property

Tract 4

All that tract or parcel of land lying and being in G.M.D. 1407, Jackson County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the southeastern right-of-way of Peachtree Road, a.k.a. Hog Mountain Road (R/W varies) and the southwestern right-of-way of State Route 53 (100' R/W); thence along said right-of-way of State Route 53, 304.08 feet along an arc of a curve to the left having a radius of 926.11 and a chord bearing and distance of South 52°28'31" East, 302.72 feet to a point; thence South 61°52'54" East, a distance of 54.65 feet to a point; thence 58.04 feet along an arc of a curve to the left having a radius of 915.00 feet and a chord bearing and distance of South 63°41'55" East, 58.03 feet to an iron pin set (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484"); thence leaving said right-of-way and along the property now or formerly of Hog Mountain Properties, LLC. South 37°48'13" West, a distance of 443.34 feet to an iron pin set (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484"); thence South 81°54'11" West, a distance of 622.47 feet to an iron pin set (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484") on the southeasterly right-of-way of Peachtree Road a.k.a. Hog Mountain Road (R/W varies); thence along said right-of-way the following courses and distances: 383.49 feet along an arc of a curve to the left having a radius of 5217.39 feet and a chord bearing of North 39°14'57" East, 383.40 feet to a point; thence North 38°59'33" East, a distance of 484.94 feet to the POINT OF BEGINNING.

Said tract contains 6.159 Acres.

Less and except the following two (2) tracts or parcels:

ALL That tract or parcel of land lying or being in Georgia Militia District 1407, City of Hoschton, Jackson County, Georgia and being more particularly described as follows:

Commencing at the intersection of the southerly right-of-way line of Georgia Highway 53 (right-of-way width varies) and the easterly right-of-way line of Peachtree Road (50' right-of-way), said point having the state plane coordinates of Northing: 1487774.92, Easting: 2420287.03 and said point being the POINT OF BEGINNING;

THENCE proceed along the said southerly right-of-way line of Georgia Highway 53 southeasterly a distance of 5.85 feet along the arc of a curve to the left, having a radius of 926.11 feet and being subtended by a chord which bears South 43°14'59" East, for a distance of 5.85 feet, to a point;

THENCE leaving the said southerly right-of-way line of Georgia Highway 53 proceed South 86°40'11" West, a distance of 7.84 feet to a point on the easterly right-of-way line of Peachtree Road (50' right-of-way);

THENCE along the said easterly right-of-way line of Peachtree Road North 38°59'31" East, a distance of 6.07 feet to a point to the POINT OF BEGINNING.

Said tract or parcel of land containing 18 Square Feet or 0.0004 Acres, more or less.

And:

Legal Description: Hog Mountain Properties, LLC – Right-of-Way Dedication

All that tract or parcel of land lying and being in G.M.D. 1407, City of Hoschton, Jackson County, Georgia and being more particularly described as follows:

Beginning at the intersection of the southeastern right-of-way of Peachtree Road, a.k.a. Hog Mountain Road (R/W varies) and the southwestern right-of-way of State Route 53 (100' R/W); thence along the Right-of-Way of said Peachtree Road the following courses and distances: South 38°59'33" West, a distance of 484.94 feet to a point; thence 170.04 feet along the arc of a curve to the right having a radius of 5217.39 feet and a chord bearing and distance of South 38°04'38" West 170.04 feet to the **True Point of Beginning**; thence leaving said right-of-way and into the property now or formerly belonging to Hog Mountain Properties, LLC South 50°46'45" East, a distance of 20.00 feet to a point; thence South 39°49'27" West, a distance of 190.00 feet to a point; thence along the property now or formerly belonging to KH Twin Lakes LLC South 81°54'11" West, a distance of 31.84 feet to a point on the southern right-of-way of said Peachtree Road; thence along said right-of-way 213.45 feet along the arc of a curve to the right having a radius of 5217.39 feet and a chord bearing and distance of North 40°10'58" East 213.43 feet and a radius of 5217.39 feet to the **True Point of Beginning**.

Said tract contains 0.092 acre or 4,006 square feet.