

THE ZONING ORDINANCE

FOR THE

CITY OF

FRANKLIN SPRINGS,
GEORGIA

APRIL
2016

FRANKLIN SPRINGS, GEORGIA

CITY OFFICIALS 2016

MAYOR

Lee Moore

CITY CLERK

Jackie Yearwood

CITY COUNCIL MEMBERS

William Bell

Joe Bryant

Tommy Prichett

Thomas Wilson

Table of Contents

ARTICLE 1: PURPOSE AND ENACTMENT	4
ARTICLE 2: DEFINITIONS OF TERMS USED IN THIS ZONING ORDINANCE	5
Section 2.A General Interpretations	5
Section 2.B Specific Definitions	5
ARTICLE 3: ESTABLISHMENT OF DISTRICTS.....	8
Section 3.A District Types.....	8
Section 3.B Incorporation of the Zoning Map.....	8
Section 3.C Map Amendment	8
ARTICLE 4: APPLICATION OF REGULATIONS.....	10
Section 4.A Use	10
Section 4.B Number of Buildings on a Lot	10
Section 4.C Street Access.....	10
Section 4.D Conformity with Existing Codes	10
Section 4.E Lots with Well and Septic Tank	10
Section 4.F Site Plan Preparation.....	10
Section 4.G Non-Conforming Uses.....	10
ARTICLE 5: DISTRICTS.....	12
Section 5.A Residential Rural District (R-1)	12
Section 5.B Residential Single-Family Districts (R-2).....	12
Section 5.C Commercial/Mixed Use District (C)	13
Section 5.D University/Institutional District (U/I).....	14
Section 5.E Industrial District (I).....	14
ARTICLE 6: SPECIAL PROVISIONS	15
Temporary Buildings.....	15
Moving a Building.....	15
Home Occupation	15
ARTICLE 7: ADMINISTRATION AND ENFORCEMENT	16
ARTICLE 8: AUTHORITY AND ADMINISTRATION	17
ARTICLE 9: LEGAL STATUS PROVISIONS	Error! Bookmark not defined.

ARTICLE 1: PURPOSE AND ENACTMENT

The Mayor and Council of the City of Franklin Spring, Georgia, under the authority of Article IX, Section 2, Paragraph 4 of the Constitution of the State of Georgia, and under the general police powers of local governments in the State of Georgia, for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and the general welfare of the municipality; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to prevent the overcrowding of land; to avoid undue concentration of population; to provide adequate light and air; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other necessities and amenities; and to promote implementation of the vision and goals for the City of Franklin Springs as described in the most recently adopted Comprehensive Plan for the City of Franklin Springs, hereby ordain and enact into law the official Zoning Ordinance for the incorporated area of the City of Franklin Springs, Georgia.

ARTICLE 2: DEFINITIONS OF TERMS USED IN THIS ZONING ORDINANCE

Section 2.A General Interpretations

All words shall have the customary dictionary meaning, except as otherwise specifically defined herein. The present tense of words shall include the future tense. The singular shall include the plural, and the plural shall include the singular. The word "person" refers to a natural person or persons as well as any legal entity such as a firm, corporation, association, organization, trust, partnership, or other organization. The word "building" includes "structure." The word "shall" is always mandatory. The word "lot" includes the words "plot" or "parcel". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied." "City" means the City of Franklin Springs, Georgia. "City Council" means the Mayor and City Council of the City of Franklin Springs, Georgia.

Section 2.B Specific Definitions

When used in this Zoning Ordinance, all terms not defined in this section shall have their customary dictionary definition. The following words and phrases shall have the following meaning:

- (1) **ACCESSORY BUILDING:** A building that is not the principle building on a parcel that is used in a way that is customarily related to the use of the principal structure on the parcel.
- (2) **AGRICULTURE:** The cultivation of land for a horticultural crop or forestry product, or the raising and keeping of livestock, fowl, or poultry.
- (3) **APARTMENT:** A building on a single parcel arranged, intended, or designed to be occupied by three or more families living independent of each other.
- (4) **AUTOMOBILE SERVICE STATION:** Any area of land, including structures thereon, used for the retail sale of gasoline, oil, automobile accessories, and incidental services including facilities for lubricating, minor repairs, washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or automatic washing of motor vehicles.
- (5) **AUTOMOBILE GARAGE:** Any area of land, including structures thereon, used for the retail service of automobiles for major repairs, minor repairs, painting, body work, and including the incidental services of lubrication and cleaning of motor vehicles.
- (6) **BUILDING CODE:** The building code shall be all of the components of the "International Building Code", along with any adopted amendments or changes thereto, approved by the City of Franklin Springs or Franklin County, Georgia that are applicable to particular project or parcel.

- (7) **BUILDING, PRINCIPAL:** A building in which the principal use of the lot on which it is situated is conducted. In any residential district, any dwelling shall be deemed to be a principal building on the lot on which it is situated.
- (8) **CEMETARY:** Any plot of ground, churchyard, building, mausoleum, or other enclosure used for burial of the human remains.
- (9) **COMPREHENSIVE PLAN:** The Franklin County Joint Comprehensive Plan 2014-2030, as subsequently amended, or the most recent Comprehensive Plan or Joint Comprehensive Plan adopted by the City of Franklin Springs.
- (10) **DISTRICT:** A section of the City of Franklin Springs within which the same zoning classification applies regardless of whether any variances or other allowances have been approved or granted.
- (11) **DAY-CARE FACILITY:** Any place operated by any person, society, agency, corporation, or institution, or any other group wherein more than three (3) children under 18 years of age who are not siblings are assembled for group care for pay, without transfer of custody, for more than four (4) hours and less than 24 hours per day. The center must meet all state and local regulations.
- (12) **DAY-CARE FACILITY, ADULT:** A facility specializing in providing activities for elderly and/or mentally, or physically challenged individuals. The center may provide meals, social/recreational outings, and general supervision. The center must meet all state and local regulations.
- (13) **DUPLEX:** A building designed for and occupied exclusively by two (2) families living independently of each other.
- (14) **HOME OCCUPATION:** An occupation conducted on the premises or a residential unit and within the main dwelling thereof or in no more than one accessory building by members of the family residing on the property.
- (15) **HOTEL:** A building in which lodging, or board and lodging are provided or offered to the public for compensation.
- (16) **NON-CONFORMING USE:** A use of a building or land existing at the time of the enactment of this Zoning Ordinance, or at the time of an amendment to this Zoning Ordinance, that was legal prior the enactment or amendment, that does not conform with the regulations of the use of the zoning district in which it is located.
- (17) **NURSING HOME:** A home for aged or ill persons, properly licensed by the State of Georgia, in which three (3) or more persons not of the immediate family are provided with food, shelter, and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment.

- (18) OFFICE, GENERAL: A facility for a business or other organization used for professional, executive, management, or administrative services, as well as those that provide direct professional services to customers.
- (19) OFFICE, MEDICAL: A facility used for a medical, dental, or psychiatric practice offering medical services on an outpatient basis providing services on the premises. A medical office may also contain associated in-house ancillary services such as in-house diagnostic testing facilities, medical counseling services, and similar services.
- (20) PRINCIPAL USE: The primary purpose for which a parcel is used in accordance with underlying zoning described in this Zoning Ordinance.
- (21) PROFESSIONAL: When used in connection with "use" and "occupancy", a use or occupancy by persons generally engaged in rendering personal, executive sales, or administrative services, or activities including accountant, architects, professional engineers and land surveyors, doctors, lawyers, insurance officers, real estate offices, religious organizations, stock brokers, administrative agencies, and other similar activities generally considered professional in character. The term, however, does not include repairs or sales of the tangible personal property stored or located within the structure nor any activity that would create any loud noise or noxious odors within the City of Franklin Springs.
- (22) SINGLE FAMILY RESIDENCE: A residential unit located on a single lot functioning as the only residential unit and designed and occupied for only one (1) family.
- (23) TOWNHOUSE: Two or more single-family dwelling units erected in a row as part of a single building on adjoining lots, each being separated from the adjoining unit or units by approved fire resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line.

ARTICLE 3: ESTABLISHMENT OF DISTRICTS

Section 3.A District Types

For the purpose of this Ordinance, the City of Franklin Springs, Georgia is divided into four (4) zoning districts:

Residential Rural District (R-1)

Residential Single-Family Districts (R-2)

Commercial/Mixed Use District (C)

University/Institutional District (U/I)

Industrial District (I)

Section 3.B Incorporation of the Zoning Map

The boundaries of these zoning districts are shown on a map entitled "Official Zoning Map of Franklin Springs, Georgia" dated _____, or as subsequently amended, hereinafter called the Zoning Map, which with all notations, references, and other information shown thereon is made a part of this ordinance. The most recently approved and adopted Zoning Map shall be made a public record and shall be kept permanently in the office of the city clerk, where it shall be accessible to the general public.

Section 3.C Map Amendment

If, in accordance with provisions of this Ordinance, changes are made in the district boundaries or other information portrayed on the Zoning Map, such changes shall be recorded on the Zoning Map promptly after the change has been approved by the City Council, and an updated copy of said map will be provided to the city clerk.

Section 3.D Rules for Determining Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map of Franklin Springs, the following rules shall apply:

- (1) Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, center lines of streets or highways or alleys or railroads, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and district boundaries shall be construed to follow such lines.
- (2) Where district boundaries are approximately parallel to the center lines of streets, highways, or railroads, or right-of-way of the same, or the center lines of streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map. If no distance is given, the dimensions shall be determined by the use of the scale shown on the Zoning Map.
- (3) Where a district boundary line as appearing on the Zoning Map divides a lot which is single ownership at the time of this enactment, the use classification of a larger portion shall be extended to the remainder by the Council without recourse to the amendment procedure.
- (4) In the case the exact location of a boundary cannot be determined by the foregoing methods, the City Council shall, upon application, determine the location of the boundary.
- (5) It shall be the burden of anyone challenging or contesting the determination of the boundary line of a zoning district to present a survey or other evidence demonstrating the alignment of the property in question in relation to the zoning district boundary.

ARTICLE 4: APPLICATION OF REGULATIONS

Section 4.A Use

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulation herein specified for the district in which building or land is or is to be located.

Section 4.B Number of Buildings on a Lot

Only one principal building and its permitted accessory buildings may hereafter be erected on any one lot.

Section 4.C Street Access

No building shall be erected on a lot that does not abut or otherwise have direct access to a public right of way sufficient to support the intended principal use of the parcel or building.

Section 4.D Conformity with Existing Codes

No building shall hereafter be constructed, located, erected, or otherwise situated in the City which does not meet applicable building, fire, electrical, gas, plumbing, and other existing codes of the City of Franklin Springs.

Section 4.E Lots with Well and Septic Tank

Any lot upon which one or more individual wells or septic tanks shall comply with all minimum requirements of the State and County Health Departments. The site location on the lot of such facilities shall be approved by the County Health Department.

Section 4.F Site Plan Preparation

Site plans and other development plans required to be submitted under the provisions of this Zoning Ordinance shall be prepared only by those currently qualified for such work; no plans for structures shall be prepared by other than a currently State registered engineer or architect.

Section 4.G Non-Conforming Uses

It is the intent of this section is to control the non-conforming uses, buildings, and structures as to avoid any unreasonable invasion of established private property rights. Therefore, subject to any other pertinent provisions of this Zoning Ordinance:

- (1) Any lawfully erected residential structure existing at the enactment of this ordinance shall be allowed to remain in any zoning district.

- (2) The lawful use of any non-residential building, structures, or land existing at the time of the enactment of this Zoning Ordinance may be continued even though such use does not conform to the provisions of this Ordinance provided that:
- a) No non-conforming use can be changed to another non-conforming use;
 - b) No non-conforming use can be continued after transfer of property title, except in cases of transfer as a result of the death of the owner or for transfer of title within the same immediate family;
 - c) No non-conforming building can be structurally altered, except for regular maintenance of the structure, or interior remodeling that does not affect the exterior of the structure, or as required by law, or if such alterations are for the purpose of bringing the structure into conformance with this Zoning Ordinance;
 - d) No non-conforming building or land can be improved, expanded, extended, or moved unless otherwise required by law or if the change is to bring the land or building into conformance with this Zoning Ordinance;
 - e) A non-conforming use that has been discontinued for a continuous period of one (1) year shall not be reestablished, and any future use shall be in conformity with the provisions of this Zoning Ordinance.
- (3) Any lot or parcel in existence at the enactment of this Ordinance that does not meet the minimum lot size for the appropriate zoning district shall not be considered a non-conforming use solely for purposes of the size of the lot.

ARTICLE 5: DISTRICTS

This section is established to insure that each district described below and shown on the Zoning Map is reserved primarily for its intended use as described herein as necessary to protect the health, safety, and welfare of the citizens of the City of Franklin Springs and to promote the goals of the most recent Comprehensive Plan for the City of Franklin Springs. Uses not listed in the district description shall not be permitted in the district unless the text of this ordinance is updated by City of Franklin to include it.

Section 5.A Residential Rural District (R-1)

- (1) The purpose of the R-1 district is primarily to maintain an area comprised primarily of open land used for agricultural purposes or with an agricultural character with low density, single-family residential development. Uses herein are intended to be compatible and not in conflict with agricultural operations.
- (2) The following uses shall be permitted:
 - a) Single family dwelling, excluding mobile homes;
 - b) Churches and other places of worship;
 - c) Educational institutions, including libraries and museums;
 - d) Utility facilities;
 - e) Farms, including truck gardens and greenhouses;
 - f) Cemeteries;
 - g) Customary home occupations;
 - h) Associated accessory structures.
- (3) Minimum lot size: 1 acre.

Section 5.B Residential Single-Family Districts (R-2)

- (1) The purpose of the R-2 district is to provide for higher density residential development than is allowed in the R-1 district including subdivision development, where residences are protected from non-compatible uses including commercial farming operations and other commercial activities.
- (2) The following uses shall be permitted:
 - a) Single family dwelling, excluding mobile homes;
 - b) Duplex residential structures;
 - c) Churches and other places of worship;
 - d) Educational institutions;
 - e) Utility facilities;
 - f) Associated accessory structures.
- (3) Minimum lot size: 0.333 acres.

Section 5.C Commercial/Mixed Use District (C)

- (1) The purpose of the C district is provide areas for commercial development, as well as provide areas for higher density residential development either as a stand-alone development or in mixed-use developments in conjunction with commercial uses allowed in this district.
- (2) The following uses shall be permitted:
 - a) All government uses;
 - b) General offices;
 - c) Professional offices;
 - d) Medical offices;
 - e) Retail establishments;
 - f) Grocery stores;
 - g) Restaurants and food service establishments;
 - h) Day care facilities;
 - i) Adult day care facilities;
 - j) Nursing homes;
 - k) Automobile, boat, and equipment sales;
 - l) Automobile, boat, and equipment parts sales;
 - m) Automobile service stations;
 - n) Hardware stores, not to exceed 15,000 square feet;
 - o) Small-scale fabrication, media services including printing, and repair shops for wood working, cabinetry, carpentry, small appliances;
 - p) Medical clinics and offices;
 - q) Veterinarians;
 - r) Filling stations and convenience stores;
 - s) Clothiers, provided they do not employ more than five people on the premises at any one time;
 - t) Hotels;
 - u) Dry cleaners;
 - v) Laundromats;
 - w) Townhouses;
 - x) Multi-Family developments;
 - y) Mixed use developments;
 - z) Associated accessory structures.
- (3) This district is intended to allow flexible site planning and building arrangements for commercial, office and residential uses under a unified plan which fosters natural resource conservation and reduces traffic congestion. This district may permit a mixture of allowable uses and buildings clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale, and provide other public benefits. Such a mixed use development must submit a preliminary site plan to the City Council for approval prior to beginning construction. The City Council shall approve such a plan where it determines the development will:
 - a) Not negatively impact vehicular traffic in the area;
 - b) Not significantly impact adjacent residential uses, particularly those in other zoning districts;
 - c) Conform to the vision described in the most recent Comprehensive Plan and other planning documents adopted by the City of Franklin Springs.

Section 5.D University/Institutional District (U/I)

The purpose of the U/I district is to provide for the needs of large public or private institutional uses including university or college campuses, primary or secondary schools, and any related uses such as student and faculty housing, medical facilities, recreational complexes, and other uses necessary for a large area consisting of numerous parcels to function as a holistic campus with unique needs and characteristics.

Significant development is anticipated in the U/I district, and the City, in cooperation with the institutions operating within this district, must maintain adequate utilities, transportation facilities, and other infrastructure to maintain public health, safety, and welfare in this district and in neighboring districts. Thus, development in this district must be considered in light of the cumulative effect the institutions in this district have on the larger community.

Therefore, any institution operating in a U/I district must prepare a Future Development Plan that describes plans for building and spaces and their respective uses for at least a ten year planning horizon. This Future Development Plan shall be submitted to the City Council for review and acceptance, and no building permits, zoning permits, or other development approvals may be issued for any project not contained in the accepted Future Development Plan, though a revised or updated Future Development Plan may be submitted to the City Council at any time. The City Council shall accept the Future Development Plan unless there are specific and identifiable conflicts between the Future Development Plan and the City's goals as stated in its Comprehensive Plan.

Section 5.E Industrial District (I)

The purpose of the I district is to allow heavier industrial uses that contribute to the economic vitality of the community but that may not be compatible with other uses.

- (1) The following uses shall be permitted:
 - a) Any non-residential use allowed in the C district;
 - b) Warehousing, storage, or manufacturing not connected to a primarily retail establishment;
 - c) Truck or freight transfer terminal;
 - d) Automobile garage, including paint and body shops;
 - e) Heavy repair services, including sheet metal, upholstery, sign painting, and similar activities;
 - f) Accessory structures incidental to any of these uses;
 - g) Other uses substantially similar character to those enumerated herein provided they do not constitute a public nuisance.
- (2) Where a parcel in this district abuts a different zoning district, any use or building in the industrial district must be adequately screened from the adjacent use by a fence or plantings so that the industrial use is obscured from view from the primary building on the adjacent lot.

ARTICLE 6: SPECIAL PROVISIONS

6.A Temporary Buildings

Temporary buildings shall not be allowed in any district except that temporary buildings and or roll-off dumpsters used in conjunction with construction work or pending completion of a permanent building for a period not to exceed six months in a residential district or one year in other districts. Such buildings must be located at least 50 feet from any residence and shall be removed when the construction has been substantially completed.

6.B Moving a Building

No dwelling unit or other permanent structure shall be moved within or into the city without first obtaining a building permit. The structure shall be inspected on its original site to determine its compliance with the building code. When relocated it must meet all requirements of the Zoning Ordinance and other City and Health Department requirements.

6.C Home Occupation

Home occupations, where permitted, must meet the following special requirements:

- (1) The applicant must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant.
- (2) The home occupation shall be operated only by the members of the family residing on the premises.
- (3) The home occupation shall be located in the main building and/or one accessory building and shall not occupy more than twenty-five (25) percent of the floor area within said main building but may occupy all of the one accessory building.
- (4) The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, or radioactivity or other conditions detrimental to the character of the surrounding area.
- (5) The building in which the home occupation is to be located must be an existing structure ready for occupancy and not a proposed structure.

ARTICLE 7: ADMINISTRATION AND ENFORCEMENT

A Code Enforcement Officer shall be designated by the City Council. It shall be the duty of the Code Enforcement Officer to interpret, administer, and enforce the provisions of this Ordinance. The governing body of the City of Franklin Springs, Georgia, is hereby given the authority and responsibility to appoint a Code Enforcement Officer.

It shall be unlawful for any buildings to be located, erected, moved, added to, or structurally altered in excess of \$1,000 building or alteration cost without obtaining a zoning permit. No building permits shall be issued except in conformity with the provisions of this Ordinance.

The Code Enforcement Officer may require details, computations, stress diagrams, and other data necessary to describe the construction in the form of an acceptable site plan or other data submission and basis of calculations, and they shall bear the signature of the person responsible for the design.

Any building permit issued shall become invalid unless the work authorized by the permit shall have been commenced within six (6) months of the date of issue or if the work authorized by the permit is suspended or abandoned for a period of one (1) year.

Penalties for Violation: Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense according to law. Each day such violation continues shall be considered as a separate offense.

ARTICLE 8: AUTHORITY AND ADMINISTRATION

- 8.A Any person desiring a change in zoning of a parcel or an amendment to the text of the zoning ordinance may file an application for the change, together with a payment of the current fee to cover administrative costs and such other information as may be necessary for consideration of the request, with the Code Enforcement Officer to be considered by the City Council. This fee is non-refundable.
- 8.B When evaluating an application for amendment for a change of zoning classification or other change to this ordinance, the Mayor and Council shall consider factors relevant in balancing the interest in promoting the public health, safety, morals, or general welfare against the right of the individual to the unrestricted use of property, and shall specifically consider the following.
- (1) Does the zoning decision further the purposes and objectives of the city's current comprehensive plan?
 - (2) Does the zoning decision permit a use that is suitable in view of the use and development of adjacent or nearby property?
 - (3) Does the zoning decision adversely affect the existing use or usability of adjacent or nearby property?
 - (4) Does the property in consideration have a reasonable economic use as currently zoned?
 - (5) Does the zoning decision result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?
 - (6) Do other conditions exist that affect the use and development of the property in question and support either approval or denial of the zoning decision?
- 8.C Any person aggrieved by a decision on an application made pursuant to this Article shall file an appeal within thirty (30) days by filing an appeal to the superior court pursuant to the provisions of Title 5 of the Official Georgia Code.
- 8.D When the provisions of this Ordinance specify more restrictive standards than required by any other statute or ordinance, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards, the provisions of such statute shall govern.
- 8.E Should any section or part of a section or any provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
- 8.F All Ordinances and parts of Ordinances in conflict herewith are repealed.

Effective Date

This Ordinance shall take effect and be in force from and after its adoption, the public welfare demanding it.

8/25/16
Date

Lu Moore
Mayor

ATTEST:

8/25/16
Date

Jackul Jarred
City Clerk

8/25/16
Effective Date

Mark
City Attorney

PUBLIC HEARING PROCEDURE ORDINANCE

THE COUNCIL OF THE CITY OF FRANKLIN SPRINGS, GEORGIA HEREBY ORDAINS THAT THE POLICIES AND PROCEDURES FOR THE CALLING AND HOLDING OF A PUBLIC HEARING, AND THE STANDARDS FOR THE EXERCISE OF THE ZONING POWERS, IN ACCORDANCE WITH THE GEORGIA ZONING PROCEDURES LAW ARE ADOPTED AS FOLLOWS.

WHEREAS, the City Council of the City of Franklin Springs desires to adopt policies and procedures which govern the calling and holding of a public hearing in accordance with the O.C.G.A. § 36-66-4, as well as standards for the exercise of the zoning power prepared in accordance with O.C.G.A. § 36-66-5; and

WHEREAS, notice of a public hearing was duly published as required by O.C.G.A. § 36-66-5; and

WHEREAS, pursuant to O.C.G.A. § 36-66-4, a public hearing by the City Council was held on August 25, 2016 at which time all owners of property affected and other citizens of the City were given the opportunity to voice their protests, support, suggestions, or criticisms, if any.

NOW THEREFORE the City Council of the City of Franklin Springs **ORDAINS** that the policies and procedures which govern the calling and holding of a public hearing, as well as the standards of the exercise of the zoning power, are adopted as set forth below.

Article 1

Policies and procedures which govern the calling and holding of a public hearing

Prior to making any zoning decision, the City Council shall conduct a public hearing. The public hearing shall be called and a public notice provided in accordance with the provisions of O.C.G.A. §36-66-4.

Public Hearing Notice, as follows:

1. A notice of time and place of the Public Hearing shall be published at least 15 days, but not more than 45 days, prior to said Public Hearing in the official legal organ of the City of Franklin Springs. The notice shall state the time, place and purpose of the hearing in accordance with O.C.G.A. § 36-66-4. If the proposed amendment is a rezoning of the property or special use initiated by a party other than the City Council, then:
 - a. The published notice, in addition to the foregoing, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and
 - b. A sign or signs containing the same information shall be placed on the property by applicant not less than 15 days, nor more than 45 days, prior to the date of the hearing. The sign or signs shall be placed in a conspicuous location on the property frontage in such manner as to be legible from the public road. On lots with more than one road frontage, a sign will be placed facing each public road. If the property has no road frontage, a sign shall be placed at a location on each road where access will be gained to the property.

2. Public Hearing.

At any called Public Hearing of the consideration of a property zoning decision, the following procedures shall apply.

- a. The City Clerk or a City staff member so designated will briefly summarize the requested zoning change and shall respond to any questions from the Mayor or member of the Council regarding any recommendation related to the property zoning change.
- b. The applicant shall be provided an opportunity to be heard and may present any evidence, information or materials which the applicant desires for the City Council to consider in arriving at its determination.
- c. Public comments will be accepted and the individual making public comments may present any evidence, information and/or materials that the individual desires for the City Council to consider in arriving at its determination.
- d. The City Council may place reasonable time limitations on the presentation of the applicant and on public comments by individuals in support or in opposition to the zoning decision. An equal time period be allowed for presentation of opponents of the zoning decision, and in no event shall the minimum time period allowed for presentation be less than ten minutes per side.
- e. Persons speaking either in support of or in opposition to a zoning decision having been recognized by the Mayor, shall state their name and address for the public records, and shall present any written documents they desire to be included in the records of the meeting to the City Clerk.
- f. All comments shall be directed to the Mayor and City Council and shall be made in an orderly manner.
- g. The applicant and any opponents to the zoning decision shall acquaint themselves with the provision of the Section 3 of the Conflict of Interest in Zoning Actions Law, O.C.G.A. § 36-67A regarding disclosure of campaign contributions and shall comply with the provisions of that statute.

Article 2

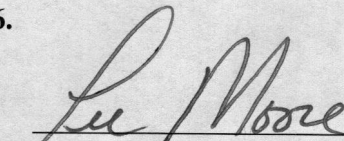
Standards Governing the Exercise of Zoning Power

In exercising the zoning powers granted to the Mayor and City Council by State Law, the City Council shall apply the following standards in making zoning decisions, weighting each standard to the extent appropriate or relevant to each zoning decision:

1. Standards for consideration of rezoning:
 - a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
 - b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
 - c. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
 - d. Whether the zoning proposal is consistent with the Land Use Policy Plan, Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Franklin Springs.

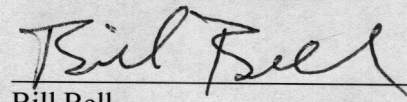
- e. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.
- 2. Standards for considering the adoption of "zoning" ordinances:
 - a. Is the proposal consistent with the purpose and intent of the ordinance or regulation under consideration?
 - b. Does the proposal further or is it compatible with the purpose and intent of the Comprehensive Plan?
 - c. Is the proposal required to adequately address new or changing conditions or to property implement the Comprehensive Plan?
 - d. Does the proposal reasonably promote the public health, safety, morality or general welfare?

IT IS SO ORDAINED this 25 day of August, 2016.




Mayor Lee Moore

Those councilmembers voting in favor:



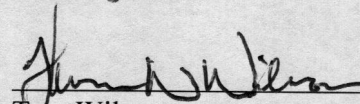
Bill Bell



Joe Bryant



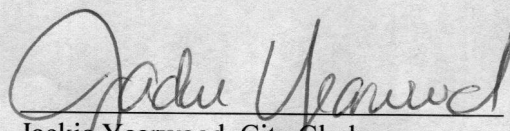
Tommy Pritchett



Tom Wilson

Those councilmembers voting in opposition:

ATTEST:



Jackie Yearwood, City Clerk