

Chapter One **General Provisions**

(1) Title

This document shall be entitled the “Land Development Code, City of Folkston” and may be referred to as the Folkston Land Development Code or The Code.

(2) Authority

This Land Development Code is enacted pursuant to the Georgia Planning Act of 1989, § 36 – 70 et seq.

(3) Applicability

a. General Applicability

Except as provided below, the provisions of this Code shall apply to all development in the City. No development shall be undertaken without prior authorization pursuant to the provisions in the Folkston Land Development Code.

b. Application of Zoning Regulations

1. Height and Density

No building or other structure shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, so as to:

- i. Accommodate or house a greater number of persons or occupy a smaller lot area per person; or
- ii. Occupy a greater percentage of lot area; or
- iii. Have narrower or smaller rear yards, front yards, side yards, or other open spaces; unless in conformity with all of the regulations herein specified for the district in which it is located.

2. Yard Area dedicated to One Building

No part of a yard, or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this Code shall be included as a part of a yard, open space, or off-street parking or loading space similarly required for any other building.

3. Only One Principle Residential Building

Every building or structure hereafter in an R-1, R-2, or R-M zoning district shall be located on a lot or tract as defined herein; and in no case shall there be more than one principal building on one lot – plus its accessory structures.

4. Reduction of Lot Area

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced so that the lot width or depth, front, side or rear yard, lot area per unit or other requirements of this Code are not maintained. This section shall not apply when a portion of a lot is subsequently acquired for public purposes.

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5. Street Frontage

No building shall hereafter be erected on a lot which does not abut or have immediate frontage on a publicly dedicated, publicly approved, or publicly maintained street.

6. Traffic Flow

Development permits for new commercial structures, new multi-family dwelling units, or existing commercial structures shall be reviewed for adverse traffic impact by the City's Planning Commission. If it is determined upon review of a traffic study developed by a Georgia registered Engineer that there exists reasonable grounds to believe that specific improvements are needed to accommodate the perceived adverse traffic impacts of the development, such improvements shall be completed prior to and as a condition precedent to issuance of a certificate of occupancy. Such improvements may include, but are not limited to: roads, alleyways, sidewalks, curbing, drainage, directional signs, or any other device or construction for the benefit of the public.

c. Exceptions

1. Previously issued Development Permits

The provisions of this Code and any amendments hereto shall not affect the validity of any lawfully issued and effective development permit, if:

- i. A building permit was issued for the development prior to adoption date of this Code and
- ii. The development activity continues without interruption until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Code.

d. Zoning in Progress

1. Purpose

The zoning in progress rule allows the City to make a text or map amendment to this Code, and apply that change to development applications submitted after the declaration has been made of a zoning in progress.

2. No Permits Issued and Period of Time

During the period of time that the City Commission is considering either a text or map amendment to this Code, no permit(s), license(s), or other development order(s) of any kind shall be issued if issuance would result in the non-conforming or unlawful use of the subject property should the text or map amendment change be enacted by the City Commission (rest period). The maximum freeze period allowed for a zoning in progress shall be three months, except that the City Commission may extend the period of up to an additional three months for good cause, and if it makes a finding that it is in the public interest to do so.

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3. Notice of Declaration

The declaration of zoning in progress, and rest period on development orders, permit and licenses shall begin on the earlier of:

- i. Publication of a notice of a public hearing before the City Commission to consider a resolution declaring a zoning in progress; or
- ii. Public notice given as required by law for the initial public hearing on a text or map amendment to this Code.

4. Applicability

- i. Upon adoption of a text or map amendment, all pending applications, permits, licenses, and other development orders shall conform to the new provisions.
- ii. Notwithstanding anything contained in this section to the contrary, no application for a text or map amendment to this Code, or permit or development order, shall be held up by this procedure for more than six (6) months, including all time periods described herein.
- iii. If it is determined by the City Manager that an application for a text or map amendment, or permit, license, or other development order would not violate the provisions of a pending zoning measure, such application, and any subsequent permits, licenses and other development orders shall be exempt from this section.

(4) Findings

a. General Public Need

The Folkston City Commission finds that controlling the location, design and construction of development within the City of Folkston is necessary to maintain and improve the quality of life. The Folkston City Commission further finds:

1. A single set of administrative procedures for making all land use decisions promotes efficiency, predictability and citizen participation.
2. All development proposals excluding single family homes or the re-use of an existing building where the re-use does not create a greater impact, must undergo a development review process to assure compliance with the requirements of this Code.
3. All administrative decisions should be supported by a record with written findings to assure accountability and efficient appellate review.
4. A quick and efficient avenue of appeal should be available for all ministerial and administrative decisions.
5. Enforcement of development permits and the provisions of this Code should be through procedures that are efficient, effective and consistent with the code enforcement procedure established by state law.

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(5) Purpose and intent

a. General Intent

The general intent of the Code is the implementation of the Greater Charlton County/City of Folkston Comprehensive Plan as currently adopted.

b. Purpose

The City Commission of the City of Folkston deems it necessary to adopt the Code to accomplish the following purposes:

1. Guiding and accomplishing coordinated, adjusted, and harmonious development in accordance with the existing and future needs of the City.
2. Protecting, promoting, and improving the public health, safety, comfort, order, appearance, convenience, morals, and general welfare.
3. Conserving the value of land, buildings and resources, and protecting landowners from adverse impacts of adjoining developments.
4. Protecting the character and maintaining the stability of residential, agricultural, business, industrial, recreation, and public areas.
5. Promoting the orderly development of residential, agricultural, business, industrial, recreation and public areas.
6. Controlling and regulating the growth of the city, consistent with the Future Development Map and Character Areas in the adopted Comprehensive Plan.
7. Directing and controlling, through the establishment of appropriate standards, the type, distribution and intensity of development.
8. Balancing the interest of the general public in the City of Folkston and that of the individual property owner.

(6) Incorporation by Reference

a. Maps

The boundaries of the zoning districts of the City of Folkston are shown on the map entitled “Zoning Map, City of Folkston, Georgia”, date and certified by the City Clerk. Said map is hereby incorporated into and made part of this Code by reference.

Regardless of the existence of purported copies of the “Zoning Map, City of Folkston, Georgia”, which may from time to time be made or published, the zoning map of the City of Folkston, Georgia, in the office of the City Clerk shall be the final authority for zoning districts in the City.

b. Other Materials

These include, but are not limited to, the Future Development Map, and the Comprehensive Plan.

(7) Rules of Interpretation

a. Generally

In interpreting and applying the provisions of this Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the community. In the interpretation and application of this Code all provisions shall be liberally construed in favor of the objectives and purposes of the City of Folkston and deemed neither to limit nor repeal any other powers granted under state law.

b. Abrogation

It is not intended by this Code to interfere with or abrogate or annul any easements, covenants, or other agreements between parties.

c. Stricter Provisions Apply

Where this Code imposes a greater restriction upon the use of buildings or premises or upon the height of buildings; or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this Code shall control.

d. Interpretation

1. Responsibility

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this Code, the City Manager shall be responsible for interpretation and shall look to the Charlton County/City of Folkston Comprehensive Plan for guidance. Responsibility for interpretation by the City Manager shall be limited to standards, regulations and requirements of this Code, but shall not be construed to include interpretation of any technical code adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.

2. Interpretation of district boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the “Zoning Map, City of Folkston, Georgia”, the following rules shall apply:

i. Where district boundaries are indicated as approximately following the centerlines of streets or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

ii. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.

iii. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines of highway right-of-way, such district boundaries shall be construed to being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given such distance shall be determined by the use of the scale on said zoning map.

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- iv. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

(8) Delegation of Authority

Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

(9) Relationship of Specific to General Provisions

More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

(10) Conflict with other Regulations

Whenever this Code requires or imposes more restrictive standards than are required in or under any other statutes, the requirements of this Code shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Code, the provisions of such statute shall govern.

(11) Severability

Should any section, subsection, sentence, clause, phrase or provision of this Code be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Code as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

(12) Effective Date

This Code shall be in full force and effective upon adoption by the City Commission and shall apply to any development for which the first submittal of development plans is received after the effective date of this Code.