

Chapter Twelve **Administration, Procedure and Enforcement**

(1) Purpose

This chapter sets forth the application and review procedures for obtaining development permits, and certain types of permits. This chapter also specifies the procedures for the enforcement of Code provisions.

(2) Withdrawal of Applications

An application for development review may be withdrawn at any time. There shall be no refund of any applicable fees unless such refund is approved by the City Manager.

(3) Planning Commission

a. Membership/Residency

The City of Folkston Planning Commission shall consist of five regular members. The members shall be residents or business owners of the City and are appointed by the City Council. The terms of the members shall be for four years. Any vacancy in City – appointed membership shall be filled for the unexpired term by the City Council which shall also have the authority to remove any city – appointed member for cause, on written charges, after a public hearing.

All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.

All members shall have been continuous residents, property owners or business owners within the City for not less than six months prior to appointment.

b. Authority, Officers, and Meetings

1. The Planning Commission shall be an advisory board to the City Council and to the City administration in performing the duties and responsibilities as described in Section c. below.
2. The Planning Commission shall elect a Chair and vice-chair from among its members. The term of the Mayor shall be one year with eligibility for re-election. The Chair shall preside at all meetings of the Planning Commission and other meetings and public hearings called by the Commission. The Chair shall call special meetings when required, transmit reports, plans and recommendations to the appropriate governing authority, and in general act as spokesperson for the Planning Commission. In the absence of the Chair, the vice-chair shall act as chair.
3. City staff shall serve as Secretary to the Planning Commission and assist the Chair in the preparation of the agenda for the meetings, send out notices for meetings, prepare and distribute minutes of the meetings and maintain files for the Commission.
4. All meetings shall be called by the Chair of the Planning Commission with the date, time and location established by the Chair of the Planning Commission.

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5. A quorum shall consist of three (3) members.
6. The order of business at all meetings shall be as follows:
 - i. Call to order
 - ii. Invocation
 - iii. Roll Call
 - iv. Approve minutes of previous meetings
 - v. Reports of Committees and Staff
 - vi. Old Business
 - vii. New Business
 - viii. Adjournment
7. All meetings of the Planning Commission shall be open to the Public in compliance with the Georgia Open Meetings Act of 1988 and all records of the Planning Commission shall be public records.

c. Duties and Responsibilities

The Planning Commission shall:

1. Make recommendations to the City Council regarding proposed amendments to the Joint Charlton County- City of Folkston Comprehensive Plan;
2. Make Recommendations to the City Council regarding proposed amendments to the text of the City of Folkston Land Development Code;
3. Make recommendations to the City Council regarding proposed amendments to the Character Area Maps of the Joint Charlton County – City of Folkston Comprehensive Plan;
4. Make recommendations to the City Council regarding proposed amendments to the official City of Folkston Zoning Map in the form of zoning and rezoning;
5. Make recommendations to the City regarding proposed annexations into the City;
6. Consider and make recommendations regarding the proposed consistency of proposed developments with the various elements of the Joint Charlton County – City of Folkston Comprehensive Plan and the City of Folkston Code. Properly submitted requests to the Planning Commission which have not received an official action from the Planning Commission within sixty (60) days of the Planning Commission meeting at which the application was heard, shall be considered forwarded to the City Council with a recommendation of approval.
7. Conduct such public hearings as may be required to gather information necessary for the preparation, establishment and maintenance of the comprehensive plan;
8. Make other recommendations to the City Council and City administrative staff upon the request of either regarding zoning in the City and the regulation thereof by the City.
9. Conduct such hearings as may be necessary to perform the foregoing duties and responsibilities.
10. Attend and complete the required Planning Commission training within 1 year from appointment.

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11. Have no more than three unexcused absences within a year. The Mayor and City Manager shall be notified of the cause of absence. Failure to comply will result in a recommendation by the Planning Commission to the proper governing authority that the seat be vacated.

12. Changes may be made to the By-Laws by the affirmative vote of a majority of three members.

(4) Board of Appeals

a. Membership/Residency

The Board of Appeals shall consist of three regular members, and two alternate members, appointed by the City Council. The members shall serve for overlapping terms of two years. The Chair shall be elected by the Board from its membership. The Board shall adopt rules in accordance with the provisions of this ordinance for the conduct of its affairs.

Members shall have been continuous residents, property owners or business owners within the City for not less than six months prior to appointment.

b. Appeals, Hearings, and Notice

It is the intention of this Chapter that all questions arising in connection with the interpretation and enforcement of this Code shall first be presented to the City Manager, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the City Manager, and that from the decision of the Board of Appeals, recourse shall be to the courts as provided by the law.

Appeals to these Regulations may be taken to the Board of Appeals by any person aggrieved or by any officer, department, board or bureau of the City. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals' notice of said appeal specifying the grounds thereof. The City Manager shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceeding in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notices to the officer from whom the appeal is taken, and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

The Board of Appeals shall be a quasi-judicial Board of the City and shall accordingly perform the duties and responsibilities in Section C. below.

c. Duties and Responsibilities

The Board of Appeals shall have the following powers and duties:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the City Manager in the enforcement of this Code.

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2. To authorize, upon appeal, in specific cases a variance from the terms of this Code as will not be contrary to the public interest, where, vowing to special conditions, a literal enforcement of the provisions of this Code will in an individual case, result in unnecessary hardship, so that the spirit of this Code shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Zoning Appeals that:

3. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;

4. The application of this Code to this particular piece of property would create an unnecessary hardship;

5. Such conditions are peculiar to the particular piece of property involved; and

6. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Code, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by this Code.

7. -To decide on other matters where a decision of the Board of Appeals may be specifically required by the provisions of this Code. In exercising these powers, the Board of Appeals may be reversed or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

d. Certiorari from Decisions

Any person aggrieved by any decision of the Board of Appeals shall have the right of certiorari to the State Court within thirty (30) days after the decision of the Board is rendered.

(6) Development Review Required Prior To Undertaking Any Development Activity

a. Generally

No development activity may be undertaken unless the activity is authorized by a development permit.

b. Prerequisites to issuance of a Development Permit

Except as provided in Section 6 c. below, a development permit may not be issued unless the proposed development activity is authorized pursuant to a development review.

c. Exceptions

A development permit may be issued for the following development activities in the absence of a development review:

1. Development activity necessary to implement a valid site plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.

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2. The construction or alteration of a one or two family dwelling on a lot of record approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
3. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.
4. The resurfacing of a vehicle use area that conforms to all requirements of this Code.

d. Post Permit/ Development Order Changes

After a permit or final site development approval has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of the permit without first obtaining a modification to the permit. A modification may be applied to in the same manner as the original permit. A written record shall be entered upon the original permit/approval and maintained in the files in the City Manager's office.

(8) Procedures for Review of Site Development Plans

a. Designation of a Project as a Site Development Plan

For purposes of these review procedures, all development plans, including Planned Developments, shall be designated by the City Manager's office as a site plans.

1. Exempt Development

A single family or duplex project of not more than four units for single family residences, not more than six units for multi-family residences and up to 4,999 square feet of non-residential development, and which is not part of a residential, mixed use, or non-residential subdivision are specifically excluded from being designated as a site development plan and its review process.

2. Site Development Plan

A project shall be reviewed as a Site Development Plan if it is not an Exempt Development.

(9) Review of Exempt Development

a. General Procedures

1. The applicant shall submit a site plan or building permit application and applicable supporting documentation to the City Manager's office.
2. After receipt of the above, the City Manager's office shall:
 - i. determine if the application is complete and proceed with the review; or
 - ii. determine that the application is incomplete and notify the applicant of the deficiencies.
3. Once the application has been determined to be complete, the City Manager's office shall review the development plan/building permit and shall determine whether the application complies with the requirements of this Code and the current edition of any applicable Georgia State minimum standard codes as required by the Georgia Uniform Codes Act.

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4. The City Manager's office shall then either:

- i) issue a development/building permit, with conditions as may be necessary; or
- ii) Deny the application for failure to meet requirements of this Code.

5. Expiration of Development Permit for Exempt Development

A development permit/building permit shall be valid for a period of six months.

(10) Review of Site Development Plans

a. General Procedures

1. The applicant shall submit a site development plan and applicable supporting documentation to the City Manager.

2. After receipt of the above, the City Manager shall:

- i. Determine that the application is complete and proceed with the review; or
- ii. Determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application, correcting the deficiencies, within 45 days, to proceed with the review.

3. Once the application has been determined to be complete, the City Manager shall review the Site Development Plan for compliance with this Code including land use and zoning.

4. Concurrently, a copy of the development plan and supporting documentation shall be submitted to each reviewing department including, but not limited to: engineering, fire chief, building, and utilities. Notice may also be sent to other agencies including the Health Department for intergovernmental review. Each departmental reviewer shall then submit written comments to the City Manager.

5. The City Manager shall then commence final development review of the development plan. Comments from reviewing departments and agencies shall be used to formulate a recommendation to the City Council whether or not the application complies with the requirements and with the site design standards of this Code.

6. The City Manager shall recommend that the development plan is either in compliance or not in compliance with this Code. If not in compliance, the City Manager shall specify in writing to the applicant the reasons therefore and the manner whereby the development plan may be brought into compliance.

7. Within 30 days of the completion of the compliance review by the City Manager, the applicant may submit a revised application to comply with the requirements and the site design standards of this Code. In this event the compliance review recommendation of the City Manager shall be amended accordingly.

8. Upon completion of the compliance review by the City Manager, the City Manager shall notify the Planning Commission and City Council of the compliance recommendation and shall set a time and place for a public meeting, or public hearing in the case of a Planned Development, to consider

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whether the development plan complies with the requirement and with the site design standards of this Code.

9. Notice of the public meeting/ hearing shall be provided in the following format:

i. At least 15 but not more than 45 days prior to the date of the hearing, the notice of the hearing shall be published within a newspaper of general circulation within the boundaries of the City of Folkston.

ii. The subject property shall be posted in a conspicuous location on the property not less than 15 days prior to the date of hearing.

iii. The notice shall state the time, place and purpose of the hearing.

10. At the hearing, the City Council shall hear from all interested parties, whether the Site Development Plan complies with the requirements and site design standards of this Code. The City Council shall consider the application, the written comments of each responding department, the recommendation of the City Manager, the recommendation of the Planning Commission, and the comments presented to the City Council during the course of the public hearing.

11. During the public hearing, the City Council may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a date and time certain, shall not exceed 60 days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.

12. At the conclusion of the public hearing or within 30 days thereafter, the City Council shall determine whether the application is in compliance with the requirements and with the site design standards of this Code. The City Council shall adopt a resolution setting forth its determination.

13. The determination of the City Council shall be to either find the application:

i. In compliance;

ii. In compliance subject to stated conditions or modifications; or

iii. Not in compliance.

14. In the event of a determination of compliance, the plan shall be deemed approved and other necessary development permits may be issued.

15. In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised major site development plan with supporting documentation within 45 days which complies with those conditions and modifications.

16. In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements or site design standards of this Code shall be stated in the resolution. The applicant may resubmit a revised major site development plan to the department within 45 days without fee or charge to recommence major site development plan review.

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b. Expiration of Site Development Plan Approval

A development approval for a site development plan shall be valid for a period of one year and may be renewed by the City Council for one additional year.

(11) Project Phasing

A conceptual plan for the entire development site must be approved for all developments that are to be developed in phases. The phasing plan shall be submitted simultaneously with an application for review of the site development plan for the first phase of the development and shall, at a minimum, clearly show the land use, density and general access to the site. The phasing plan must be approved as a condition of approval of the development plan for the first phase. A detailed site development plan must be approved for each phase of the development under the procedures for development review as described above.

(12) Submittal Standards for Site Development Plans

a. Application

Applications for site development plan review shall be available from the City Manager's office. A completed application shall be signed by all owners, or their agent, of the property subject of the application. Signatures by other parties will be accepted only with notarized proof of authorization by the owners.

b. General Plan Requirements

1. All plans shall be drawn to scale of one inch equals 100 feet, unless the City Manager determines that a different scale is sufficient or necessary for proper review of the proposal.
2. The plans shall be 24 x 36 inches in size.
3. If multiple sheets are used, the sheet number and total number of sheets must be clearly marked on each.
4. The front cover of each plan shall include:
 - i. A general location map drawn to scale showing the location of the proposed development together with principal roads, city limits and/or other pertinent information.
 - ii. A complete legal description.
 - iii. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
 - iv. Name, business address and telephone number of those individuals responsible for the preparation of the drawing.
 - v. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow and date.

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vi. The area of the property shown in square feet and acres.

vii. The total number and type of residential units categorized according to number of bedrooms. The total number of residential units per acre (gross density), and also the total floor coverage calculations shall be given.

5. Unless a format is specifically called for below, the information required may be presented as text, graphically, on a map, plan, aerial photograph, or by other means which most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.

6. Restrictions pertaining to the type and use of existing or proposed improvements, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishments of restrictive covenants and such covenants shall be submitted with the final development plan.

7. For fire prevention review, a floor plan that includes all pertinent fire protection features must be submitted in the required format specified by the Fire Chief. The digital plans submitted must match the hard copy version.

8. Hand drawings or raster images, including scanned documents, are not permitted as a substitute for the site plan and boundary survey requirement.

9. Screening and buffering

Fences, walls and vegetative screening shall be provided where needed to protect the occupants of the site from undesirable views, lighting, noise, and other adverse effects of nearby property, and to protect the occupants of nearby property from like adverse effects produced by the development of the site.

10. Emergency access

Buildings, walls, landscaping and other site features shall be arranged and constructed to permit access by emergency vehicles to all buildings.

11. Location and design of entrances

Entrances to the site shall be located and designed to maximize public safety and convenience and to minimize negative traffic impacts on the property and surrounding areas. Access and lane improvements located both on and off-site shall be provided if necessary for public safety. Entrances shall also be coordinated with the existing and planned street pattern of off-site public and private roads.

12. Exterior lighting

Exterior lighting shall not produce glare on nearby property or otherwise interfere with the quiet enjoyment of nearby property or with public safety and convenience.

13. Location, names and widths of existing and proposed streets, highways, easements, building lines, alleys, parks, green spaces and other public spaces.

14. Proposed development activities and design

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- i. Area and percentage of total site area to be covered by impervious surface.
- ii. Grading plans specifically including perimeter grading.
- iii. Construction phase lines (if applicable), including total acreage in each phase and gross intensity (square feet) for non-residential and gross density (units) for residential in each phase.

15. Buildings and other structures

- i. Building plan showing the location, dimensions, gross floor area and proposed use of buildings.
- ii. Architectural elevations of all sides of all buildings.
- iii. Building setback distances from property lines, abutting right-of-way centerlines, and adjacent buildings and structures.
- iv. Minimum floor elevations of buildings.
- v. Number, height and type of residential units.
- vi. Floor area, height and types of office, commercial, industrial or other proposed uses.

16. Location of the nearest available public water supply and wastewater system and the proposed tie-in points, or an explanation of alternative systems to be used.

17. Exact locations of on-site and nearby existing and proposed fire hydrants.

18. Streets and Parking

- i. The layout of all streets, sidewalks, bike paths, and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.
- ii. A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress and projected on-site traffic flow.
- iii. The location of all exterior lighting.
- iv. The location and specifications of any proposed garbage dumpsters.

19. Tree Removal and Protection

- i. A map of vegetative cover including the location and identity by common name of all protected trees. Groups of trees may be shown as clusters.
- ii. All protected trees to be removed and a statement of why they are to be removed.
- iii. Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.

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iv. A statement of the measures to be taken to protect the trees to be retained.

v. A statement of tree relocations and replacements proposed.

20. Landscaping

i. Location and dimensions of proposed buffer strips and landscaped areas.

ii. Description of plant materials existing and to be planted in buffer strips and landscaped areas.

21. Signs

i. A drawing showing the specifications of proposed signs, method of their construction and attachment to the building or ground. The plan shall show all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of this Code, including building and electrical codes. The plan shall clearly illustrate the type of sign or sign structure as defined in the Code, the design of the sign, including dimensions, colors and materials; the total sign area, the dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.

ii. For ground signs and building signs, a plan, sketch, blueprint or similar presentation drawn to scale which clearly shows the location of the sign relative to property lines, rights-of-way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.

22. Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations and the like.

23. Location of any on-site wells, and wells within 1,500 feet of any property line.

24. A survey. If deemed necessary by the City Manager or City Engineer, a topographic survey of the site clearly showing the location, identification and elevation of benchmarks, including the 100 year flood elevation and drainage or watershed boundaries, will also be required.

25. An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.

26. Stormwater drainage shall be accommodated on site or shall be removed from the site in a manner which does not adversely affect nearby property or the public storm drainage system. A description of the proposed stormwater management system, including:

i. Channel, direction, flow rate, and volume of stormwater that will be conveyed from the site, with a comparison to existing or natural conditions (run-off calculations)

ii. Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.

iii. Area of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.

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iv. Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographs.

v. Linkages with existing or planned stormwater management systems.

vi. On- and off-site right-of-ways and easements for the system including locations and a statement of the nature of the reservation of all areas to be reserved as part of the stormwater management system.

(13) Platting

a. Generally

Where a proposed exempt development includes the subdivision of land, the issuance of a development shall be made contingent upon approval by the City Manager of a plat conforming to the site plan.

Where a proposed development that is not exempt includes the subdivision of land, the issuance of a development shall be made contingent upon approval by the City Council of a plat conforming to the site development plan.

b. Filing

After receiving plat-contingent site development plan approval, the developer shall submit to the City Manager a plat conforming to the plan. Alternatively, the developer may submit a plat at any point during the development review to be processed concurrently. Six copies of the preliminary plat and any required supplementary material shall be submitted to the City Manager with a written request for preliminary approval.

c. Data for Preliminary and Final Approval

Preliminary and Final Plats shall contain the following information:

1. Boundary lines, bearings and distances; a legal description of the tract proposed to be subdivided according to the records in the Clerk of Superior Court of Charlton County.
2. Easements-location, width and purpose.
3. Streets on and adjacent to the tract-name; right-of-way width; location type, width and elevation of surfacing; any legally established centerline elevations, walks, curbs, gutters, culverts, etc.
4. Utilities on and adjacent to the tract – location, size and invert elevation of sanitary and storm sewers: location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles and street lights; if water mains and sewers are not on or adjacent to the street, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers.

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5. One soil percolation test hole per acre where the subdivision is not to be served by a public sewerage and, if required by the City Manager, other subsurface and soil conditions studies of the tract as specified by the County Health Department or the City Engineer.
6. Other conditions on the tract-watercourses, marshes wooded areas, tree masses, major rock outcroppings, houses, barns, shacks and other significant features.
7. Other conditions on adjacent land-character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name recordation data and number.
8. Proposed public improvements; highways or other major improvements planned by public authorities for future construction on or near the tract.
9. Topography of the area to be subdivided with a contour interval of five feet or less, based on sea level datum plane.
10. A vicinity map showing location of the tract with distances to intersections or to other obvious geographical locations.
11. Present tract designation according to official records, title under which proposed subdivision is to be recorded with names and addresses of owners and any mortgagor or holder of an encumbrance on the property to be subdivided, name and address of subdivision designer, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered land surveyor, date of survey.

d. Preliminary Plat

1. The subdivision plat shall be at a minimum scale of 200 feet to one inch. It shall show all existing conditions required above, and shall show all proposals including the following:
 - i. Streets: Names, right-of-way and roadway widths; similar data for alleys, if any.
 - ii. Other rights-of-way or easements; location, width and purpose.
 - iii. Location of utilities, if not shown on other exhibits.
 - iv. Lot lines, lot numbers and block numbers.
 - v. Sites, if any, to be reserved or dedicated for playgrounds or other public use, together with their purpose and the limitations or conditions of such dedications, if any.
 - vi. Sites, if any, for multiple-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
 - vii. Minimum building setback lines.
 - viii. Site data, including number of residential lots, typical lot size and areas in parks, etc.

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ix. Title, numerical scale, graphic scale, north arrow, indicating both magnetic and true north, date.

2. Other preliminary plans.

When required by the City Engineer, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk; and preliminary plan of the proposed sanitary and stormwater sewers with grades and sizes indicated. All elevations shall be based on sea level datum plane approved by the City Engineer.

3. Draft of protective covenants, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

4. Spaces shall be provided for approval of all agencies listed herein, with wording the same or similar to the following:

APPROVAL BY HEALTH DEPT.

CITY ENGINEER

CITY MANAGER

I hereby certify that this subdivision will meet all requirements of the County Health Dept. if installed in accordance with this plan and other written agreements.

e. Final Plat

1. The final plat shall be drawn in ink on tracing cloth or other acceptable material, on sheets 18 inches wide by 24 inches long and shall be drawn to a minimum scale of 200 feet to one inch. Where necessary, the plat may be drawn on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show the following:

a. Primary control points and benchmarks with necessary descriptions and locations of such control points, including all dimensions, angles, bearings and similar data necessary for proper location.

b. Track boundary lines, rights-of-way lines of streets, easements and property lines of residential lots and other sites with sufficient data to determine readily and to reproduce on the ground the location, bearing and length of every street line, lot line, boundary line and building line, whether curved or straight. This shall include, but not be limited to, the radius; length of arc; internal angles; bearings of the tangents and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be given to the nearest 1/100 of a foot and all angles shall be given to the nearest minute.

c. Name and right-of-way width of each street or other right-of-way.

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- d. Location, dimensions and purpose of any easements.
- e. Number or letter to identify each lot and block.
- f. Purpose for which sites, other than residential lots are dedicated or reserved.
- g. Minimum building setback lines on all lots and other sites.
- h. Location and description of monuments and markers.
- i. Names of record owners of adjoining unplatted land.
- j. Reference to recorded subdivision plats of adjoining platted land by record, name, date and number.
- k. Title, numerical scale, graphic scale, north arrow and date.
- l. Location map showing site in relation to city.
- m. Certification by surveyor or engineer licensed in the State of Georgia, certifying to accuracy of survey and plat.
- n. Certification of title showing that applicant is land owner and that he dedicates streets, right-of-way and any sites for public uses, similar to the following:

“The undersigned hereby acknowledge(s) this plat and allotment to be _____ free act and deed and hereby dedicate(s) to public use as streets, alleys, easements, parks, and open spaces forever, all areas so shown or indicated on said plat.”

Signed

- 2. Restrictive covenants in form for recording.
- 3. A complete listing of the deviations from the approved preliminary plans by the subdivider.
- 4. Other data: Certificates of approval from the County Health Department and the City Engineer. The City engineer’s Certificate shall also indicate that all required improvements and installations required by these regulations have been completed in accordance with these standards; or a performance bond or certified check has been provided by the developer to satisfy the requirements of this Code.
- 5. After all other approvals and certifications have been met, the City Council shall execute the following certificates, indicating final plat approval:

“APPROVAL BY CITY COUNCIL

We hereby approve this plat to be recorded by the Clerk of Superior Court of Charlton County
Mayor, City of Folkston”.

f. Review by the City Manager

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The City Manager shall, within 30 days of receiving the plat, determine whether the plat conforms to the approved site plan. The plat shall be forwarded to the City Engineer, the County Health Department and the County Board of Education for comment during that time frame. If the Department determines that the plat so conforms, it shall place the plat on the next available consent agenda of the City Council, allowing for required notice. If it does not conform, the City Manager shall explain the deficiency in the plat to the developer and inform him that a corrected plat may be submitted for approval.

The original shall be drawn on to a scale of one inch equals 200 feet as a minimum and shall correspond to plat book dimensions. (Where possible, a scale of one inch equals 100 feet is still desirable.) When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with sheets lettered in alphabetical order as a key. A two-inch margin shall be provided on the left side of the drawings and a one-half-inch margin shall be left on the other three sides.

g. Review by the City Council

Review of the plat by the City Council shall be strictly limited to whether the plat conforms to the requirements of the Code. The City Manager shall make a recommendation regarding the plat to the City Council. A conforming plat shall be approved and the City Manager shall issue the development order allowing the development to proceed. The City Council shall return non-conforming plats to the developer with an explanation of the deficiencies and a notice that a corrected plat may be resubmitted for approval.

h. Relief from Platting Requirements due to Hardship.

1. Where the City Council finds that because of topographic or other conditions peculiar to the site, literal enforcement of a provision of this ordinance may result, in an individual case, in unnecessary hardship to the developer, it may vary the regulations where, in the opinion of the City Council, such variation will not have the effect of nullifying the intent and purpose of these regulations. Any relief from the platting requirements shall be recorded in the minutes of the City Council meeting together with the reasoning used to justify it.

i. Conditions.

In granting relief from and modifications to the platting requirements, the City Council may require such conditions as will secure substantially the objectives of the standards or requirements so varied or modified.

j. Recordation

Plats approved by the City Council shall be submitted to the Clerk of Superior Court of Charlton County along with the appropriate filing fee within 45 days for recordation into the public records of Charlton County and the City of Folkston, Georgia. If the applicant fails to comply, the plat approval is rendered invalid.

When the plat has been approved by the City Council, the original will be returned to the developer with the approval of the governing authorities certified thereon for filing with the Clerk of the Superior Court of Charlton County, the original and one copy will be returned to the developer for his records, the

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reproducible will be forwarded to the city engineer, one copy will be forwarded to the County Health Department and one copy will be retained in the records of the City Manager.

In lieu of the completion of all improvements prior to submission of the final plat, the developer may post a bond, certified check, letter of credit, or other surety with the city, providing for and securing to the city the actual construction and installation of such improvements within a period specified by the planning commission and stated in the surety. The surety shall be with a company entered and licensed to do business in Georgia and it shall contain a provision for the maintenance of installations and improvements required by these regulations in the subdivision for a period of one year following the date of final acceptance. Said surety shall be approved by the city attorney prior to its acceptance. Said surety shall be made payable to the city and be in an amount equal to no less than 110 percent of the improvement and installation cost.

k. Enforcement.

1. The owner or agent of the owner of any land to be subdivided within the City of Folkston shall not transfer or sell or agree to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat to subdivide such land before such plat has been approved by the City Council and recorded in the office of the Clerk of the Superior Court of Charlton County. The city, through its attorney or other official designated by the City Council may enjoin such transfer or sale or agreement by appropriate action.
2. No plat or plan of subdivision within the City of Folkston shall be filed or recorded in the office of the Clerk of the Superior Court of Charlton County until it has been approved by the City Council and such approval entered in writing on the plat by the Mayor of the City. The clerk of the superior court shall not file or record a plat of a subdivision which does not have the written approval of the City Council thereon. The filing or recording of a plat of a subdivision without such approval shall be punishable as provided in the Code of the City of Folkston, Georgia.
3. Any violation of this ordinance shall be punishable as provided in the Code of the City of Folkston, Georgia.
4. No building permit shall be issued for and no building or other structure shall be erected on any lot within the City of Folkston unless the street giving access to the lot upon which said building is proposed to be placed shall be accepted or opened as, or shall have otherwise received the legal status of, a public street prior to that time, or unless such street corresponds in its location and line with a street shown on a subdivision plat approved by the City Council or with a street located and accepted by the City. Any building erected in violation of this section shall be deemed an unlawful structure, and the Building Inspector, City Attorney or other official designated by the City Council may bring appropriate action to enjoin such erection or cause it to be vacated or removed.

(14) Procedures for Obtaining Miscellaneous Permits

Applications for a development permit shall be made to the City Manager on a form provided by the department and may be acted upon by the City Manager without public hearing or notice.

(15) Building Permits

a. Generally

The erection, alteration, or reconstruction of any building or structure shall not be commenced without obtaining a building permit from the City Manager. Work activities shall not proceed without obtaining all the inspections required by the City and the applicable Building Codes.

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b. Need for Survey

No building permit shall be issued for development unless the application for a building permit is accompanied by a copy of a survey of the property on which the requested activity is to be permitted. The survey shall show the following:

1. The location of the proposed development activity.
2. The relationship of the proposed activity to all adjacent property lines, and as may be required, to all adjacent structures, improvements and natural features.
3. A minimum of two elevations along each roadway on which the proposed activity borders, the existing ground elevation at the approximate center of the proposed structure, the existing ground elevation along the side property lines adjacent to the proposed structure, and the proposed finished floor elevation of the proposed structure.
4. The location of all protected trees of 20 inches DBH or greater, with the specific diameter and type of tree clearly identified.

All surveys shall have been prepared, signed and sealed by a Georgia Registered Land Surveyors.

Exempt from the survey requirement are detached single family residential lots, applications for interior modifications or construction, roof permits, and any other permit required activity that does not result in the expansion of any portion of the existing structure.

Accessory structures with a building value of less than \$10,000 shall also not be required to submit a survey, but shall instead be required to submit a scaled drawing indicating the location of the accessory structure and its compliance with minimum setback standards.

Copies of original surveys meeting the above requirements may be submitted with any application for building permit, provided that the survey still depicts the accurate location of all structures and improvements on the property.

c. Time Limitations of Building Permits

Building Permits shall expire and become null and void if work authorized by such building permit is not commenced, having called for and received a satisfactory inspection within six months from the date of issuance of the permit, or if the work is not completed within eighteen months from the date of issuance of the building permit, except that the time may be extended by the City Manager if any of the following occur:

1. a time schedule has been submitted and approved by the City Manager, predicated upon customary time for construction of similar buildings, prior to the issuance of the building permit, indicating a completion of construction in excess of 18 months; or
2. the developer furnishes the City Manager satisfactory written evidence that the delay is due to the unavailability of construction supplies or materials, and every effort has been made to obtain substitute materials equal to those called for in the specifications; or
3. the delay is due in to delay in delivery of construction supplies or materials; or

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4. the delay is due to fire, weather conditions, civil commotion or strike.

d. Notwithstanding the provisions above, an owner builder building permit shall expire within 24 months from the date of issuance of the building permit if the work has not been completed. The time may be extended by the City Manager for a period not to exceed 18 months if any of the conditions outlined above occur.

e. If construction, having called for an received a satisfactory inspection, has commenced within 6 months from the date of issuance of the permit, and is subsequently abandoned or suspended, not having called for and received a satisfactory inspection within the last 6 months, for reasons other than those enumerated above, the permit shall expire and become null and void unless the applicant demonstrates good cause at a hearing before the Board of Appeals as to reasons for the suspension or abandonment of the project. If the Board finds that good cause has been shown for the suspension or abandonment of the project, the applicant shall be allowed to continue the construction under the original permit. The decision of the Board shall be final.

f. If the building permit becomes null and void or expires, the City Manager shall inspect the development and determine whether the development is unsafe and /or constitutes a nuisance. If the City Manager determines that the development is unsafe and constitutes a nuisance, the City Manager shall submit a report of this inspection to the City Council for action by the City Council.

g. In order to continue construction once a building permit becomes null and void or expires, the applicant shall reapply and obtain a new building permit covering the proposed construction before proceeding with construction. The applicant shall comply with all regulations in existence at the time application is made for a new building permit.

(16) Sign Permit

The erection, alteration, reconstruction, or conversion of any sign shall not be commenced without obtaining a Sign Permit from the City Manager.

(17) Driveway Permit

Any person seeking to construct or reconstruct any curb cut or driveway on any city maintained public road in the City of Folkston shall submit a permit application to the City Engineer accompanied by a non-refundable application fee as established by the City Council.

(18) Excavation and Fill Permit

a. No person in control of a lot, parcel or tract of land within the City shall alter, excavate, fill or remove any of the land on its surface without first obtaining a permit to do so from the City. A separate excavation and fill permit is not required if the excavation and/or fill is to be done in the course of a construction project for which a building permit is required and the details of such excavation and/or fill are clearly shown in the building permit application.

b. Application for an excavation and/or fill permit shall be submitted to the City Manager and shall contain the following:

1. The name and address of the person seeking the permit.
2. The legal description of the property.

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3. A map showing the location and boundaries of the tract of land in question.
 4. Where a survey or other topographical information is not available to the City, the applicant shall submit a statement of the topography, including the location of water courses or water bodies, of the property proposed to be excavated or filled.
 5. The location and means of vehicular ingress and egress to the proposed excavation/fill.
 6. The application shall include a statement for the proposed reclamation of any of the property at the conclusion of the excavation/fill operation.
 7. The plans shall be accompanied by a statement indicating the nature, purpose and method of the proposed excavation/fill.
- c. Permits to alter, excavate, fill or remove land on its surface within the limits of the City, or building permit which include such work, shall not be issued by the City Manager without first obtaining the approval of the City Engineer. The City Engineer shall not give his approval unless and until the applicant for such a permit shall have submitted to the City Manager plans and specifications covering the project and a description of the intended result. The City Engineer shall deny the application or permit if, in his judgment, the work will create a drainage problem.
- d. No excavation of soil within the City shall be permitted except in the following specific cases:
1. Installation of utilities
 2. Foundations of any building or structure or other on-site leveling or excavation where approved under a valid building permit.
 3. Excavations relating to the accessory use of land and designed to be filled upon completion such as septic tanks, burial sites, etc.
 4. Swimming pools where a building permit has been issued for the construction of the pool.
 5. Excavation in conjunction with agricultural use of lands, where no excavation materials are sold, whether directly or indirectly, or transferred from one parcel of land to a non-contiguous parcel.
 6. Subdivisions complying with this Code.
 7. Excavation or leveling for private drives to provide ingress or egress.
- e. Mining for minerals, stone or soil shall be unlawful within the City limits.

(19) Temporary Events Permit

- a. The following outdoor uses and activities shall be permitted only with a special permit obtained from the City .
1. Temporary commercial sales activities;
 2. Exhibitions, displays, performances;
 3. Fairs, carnivals, bazaars, contests, rodeos;

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4. Grand opening events for new businesses;

5. Any other activity tending to create or cause abnormally large or excessive crowds or traffic and posing a detrimental effect on the public health, safety and welfare.

b. An applicant shall provide the City with the following written information no less than 14 working days prior to the proposed event or activity in support of its application for a permit:

1. Name and business address of the applicant;

2. Specific location of activities for which the permit is sought;

3. Nature and purpose of activities for which the permit is sought;

4. Specific location and physical dimensions of any structure, vehicle, tent or apparatus sought to be used in conjunction with permitted activities;

5. Specific days and hours of activities sought to be permitted.

6. Letters of objections and/or no objections as to the activities as described under i. through v. signed by all tenants and/or owners of businesses located on the property for which the permit is sought;

7. No permit shall be issued for the requested activity unless the applicant reasonably establishes that the following concerns have been addressed in a manner that is consistent with the interests of the public health, safety, and welfare:

i. traffic control

ii. Sanitation and litter control

iii. Restroom facilities

iv. Parking

v. Crowd Control

vi. Liability insurance

vii. Signage

viii. Noise levels and noise control

c. Permits for temporary events within the limits of the City shall not be issued by the City Manager without first obtaining the approval of the Fire Chief. The Fire Chief shall not give his approval unless and until the applicant for such a permit shall have submitted to the City Manager plans and specifications above listed in b (1) – (7) above. The City Engineer shall deny the application or permit if, in his judgment, the work will create a fire hazard or hazard to public safety.

d. Not more than four temporary events in any 12-month period shall be held at the same location. Each event shall not exceed 10 consecutive days.

e. Each application seeking a temporary event permit shall be accompanied by a \$25.00 permit processing fee.

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(20) Temporary Construction Trailers and Containers Permit

a. Temporary Construction Trailers

1. A temporary or portable structure may be erected, or a trailer used, for business occupancy purposed during the construction of a permanent main building, street, utility or other structure. A permit for the erection or use of any such temporary business office shall be obtained from the City Manager, provided, that no such temporary permit shall be issued unless and until sufficient bond, as established by the City Council, to insure removal of the temporary structure, has been posted and a building permit for the construction of the permanent structure has previously been obtained. Every temporary business office permit issued, shall become invalid and the temporary structure shall be removed, within two weeks after the issuance of the certificate of occupancy on the permanent structure or within one year, whichever is earlier. A one six month extension of time may be allowed, and such extensions shall be in writing by the City Manager. In addition, in the event of unavoidable circumstances such as acts of God, strikes or similar hardships, other than financial or inability to obtain financing, a second extension not to exceed six months may be granted by the City Council.
2. A temporary or portable structure, or trailer, may be used for a temporary construction office and for the housing of tools, equipment, and materials. Any of the above used may be combined to meet the requirements of a job site. Permits for the erection or use of such temporary construction offices shall be obtained from the City Manager, provided that sufficient bond, as established by the City Council, to insure removal of the temporary structure, has been posted and a building permit for the construction of the permanent structure has previously been obtained. Every temporary construction office permit shall continue in force for a reasonable period so long as construction of the permanent structure is commenced and continued without delay.
3. Subdivision sales offices may be erected only after approval by the City Council as part of the site development plan approval, subject to such conditions as may be determined by the Commission to be necessary to insure termination of the use after a reasonable period by removal or conversion to a conforming use.

b. Temporary Construction Storage or Storage Containers

1. A temporary construction storage or storage container may be erected or place at the site for the purposed of storage during the construction of a permanent building, street, utility, or other structure in any zoning district or during such special events as moving/relocation. Such a container shall only be used for the storage of tools, equipment, furniture or other materials during the construction of a permanent structure or for the duration of the moving event.
2. A temporary construction storage or storage container shall not be erected or placed at a site unless a permit has been issued by the City Manager. No more than three containers shall be permitted at a single construction site and not more than one container at a moving location.
3. No permit shall be issued unless the container removal date has been posted at the site. A permit shall expire 15 days following the issuance of a certificate of occupancy for the primary building or 15 days after the moving event and the container shall be removed at that time.
4. Only one temporary construction storage or storage container permit in any 12-month period shall be issued for a given site.

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5. A temporary construction storage or storage container shall be placed either on a driveway, in an approved parking area, or in the buildable portion of a construction site. The location shall not be within ten feet of a public right of way and shall interfere with or jeopardize the safety of the public.

6. The name, current phone number and current address of the company providing the container, and the date the container was placed on site, shall be clearly posted on the exterior of the container.

(21) Tree Removal Permit

A tree removal permit must be issued by the City for work undertaken pursuant to Chapter 5 of this Code. Application for such permit shall be on forms prescribed by the City Manager. The fee for such permit shall be as established by the City Council.

(22) Walls and Fences Permit

a. No fence or wall shall be built, constructed, substantially rebuilt or reconstructed in the City unless a building permit has been issued for the wall or fence. Normal repair and maintenance does not require a permit. Application for such permit shall be on forms prescribed by the City Manager. The fee for such permit shall be the same as for a regular building permit for the same cost of construction. Such permits shall be subject to all provisions applicable to regular building permits. Temporary vegetable or flower garden fences not exceeding three feet in height shall not require a permit.

b. If the City Manager shall determine that a wall or fence is unsightly or deteriorated, the owner or occupant of the property where the fence or wall is located shall be notified of that fact by certified mail. If the owner or occupant of the wall or fence is unknown and cannot be located, such notice may be posted on the wall or fence. If the wall or fence is not removed or repaired within 10 days of notice being given, then the City Manager may cause such wall or fence removed or repaired and the City shall have a lien on the property for the cost of such removal and repair.

c. The mandatory fencing or walling provisions in this Code shall only be applicable to property after application is made for the issuance of a building permit for a new principal building on the property, unless the City Council determines that, as to a building or buildings existing on the effective date of this Code, the lack of such fencing creates an unwarranted interference with the property use and enjoyment of neighboring properties and thus constitutes a public nuisance, which must be abated by the erection of the fence or wall mandated for new principal buildings in that zoning district.

1. Before the City Council may declare such a public nuisance, it shall hold a public hearing to consider the matter.

2. Notice of such public hearing shall be sent at least 15 days prior to the hearing, by certified mail, to the owner of the affected property, as shown on the most recent tax roll and the notice shall be published in the newspaper of general circulation no less than 15 and no more than 45 days prior to the public hearing.

3. If at such public hearing, the City Council determines that a public nuisance exists, it shall order the property owner or occupant to erect the required fence or wall within six months.

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4. If such wall or fence is not built within six months, the City's remedies shall include, but not be limited to the following:

- i. Appropriate legal action against the owner and/or occupant to compel compliance;
- ii. Appropriate legal or administrative action against the owner and/or occupant for code violation

(23) Procedures for Annexations into the City

a. Application by Petition for Voluntary Annexation

An application for voluntary annexation of real property to be included within the corporate limits of the City shall be made by petition of the owner or owners of said real property.

1. A petition for voluntary annexation shall be filed with the City Manager accompanied by satisfactory evidence of ownership. The petition for voluntary annexation shall not be further considered by the City until the City Attorney has made a determination that all the owners of the subject property have appropriately signed the petition.

2. Upon a determination that the petition has been appropriately signed, the City Manager may require additional information of the petitioner including but not limited to:

- i. a development plan for the subject property and a list of anticipated uses;
- ii. a schedule of development for the subject property;
- iii. an estimate of the direct public costs to provide capital facilities for City Utilities and other municipal services required by the development;
- iv. an estimate of the ad valorem taxation revenues to be generated by the subject property at the current mileage rate both prior to and after development;
- v. an estimate of the residential population increase of the City after development.

b. Involuntary Annexation

The process and requirements for involuntary annexation are set forth in this Code. These provisions shall be followed in cases of involuntary annexation.

c. Review by the City

The City Manager shall form an opinion as to whether or not it is in the best public interest of the City for the City to annex the subject property. In forming such opinion the City Manager shall consider, among other things, the potential impact of development upon surrounding properties both within and outside the City, the cost to the City to provide municipal services to and within the subject property and the estimated ad valorem tax revenues and other revenues payable to the City to be generated by the subject property. The opinion of the City Manager shall be reported to the Planning Commission for its consideration.

d. Review by Planning Commission

The Planning Commission shall review the proposed annexation and shall make an advisory recommendation to the City Council as to the opinion of the City Manager and the consistency of the proposed annexation with the City's Comprehensive Plan. The Planning Commission shall include in its

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recommendation to the City Council any information which it deems is relevant to issues relating to the proposed annexation including the opinion of the City Manager and consistency with the City Comprehensive Plan.

e. Public Hearing before the City Council

A public hearing shall be conducted by the City Council to review and consider a proposal for voluntary annexation. Such hearing may be scheduled on the agenda of a regular City Council meeting.

f. Annexation Ordinance

1. Notice of the annexation shall be published at least 15 days, but not more than 45 days prior to the Public Hearing by the Commission, in a newspaper of general circulation published in the City. The notice shall give a brief general description of the subject property and shall include a map clearly showing the subject property. The notice shall also advise that the complete legal description of the property by metes and bounds and the draft ordinance itself may be obtained from the City.
2. The proposed annexation ordinance shall be adopted with or without amendment after two readings either by title or in full on two separate days.
3. The annexation shall then be filed with the Secretary of State (Director of Elections) as per O.C.G.A. 36-36-1

(24) Procedures for Amending the Zoning Map or the Text of this Code

a. Generally

1. A proposal to amend the zoning map or text of this Code, shall be referred to the Planning Commission by the City Manager.
2. Initiation of Amendments:

A proposed amendment to the Development Regulations or the Zoning Map may be initiated by the City Council, Board of Appeals, the Planning Commission, the City Manager or by application filed with the City Manager by a developer or citizen.

b. Application Procedure

Each request for amendment of the Zoning Map or this Code shall be submitted in a form as prescribed by the City Manager along with such fee as shall be established by the City Council.

c. Notice of Planning Commission Consideration

The Planning Commission shall consider the proposed Zoning Map or Text Amendment at a meeting of the Planning Commission. The agenda of the meeting shall include a topical reference to the proposed amendment.

For each amendment to the Map or this Code, notice of the nature of the proposed change and the date, time and place of the public hearing before the City Council shall be published in a newspaper of general circulation within the City in which are carried the legal advertisements of the City at least fifteen 15 days

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prior to the meeting with the Planning Commission and not more than 45 days prior to the public hearing before the City Council.

d. Review by Planning Commission

1. Upon the receipt of an application as noted above, the City Manager shall submit, at the next following meeting of the Planning Commission, provided such application shall precede said meeting by a minimum of 25 days, any and all information submitted by the applicant. In addition, the City representative may submit any additional information deemed appropriate to the amendment.
2. Upon receipt of the required information, the Planning Commission shall consider the proposed amendment at a regular or special called meeting and shall determine at that time if the applicants request merits further consideration.
3. All applicants seeking amendments to this Code shall have an opportunity to present facts, reports and/or evidence to the Planning Commission at the time of either their regularly scheduled meeting or at a special meeting. The Planning Commission shall hold and conduct, as appropriate to the requirements of this resolution, public meetings in accordance with the Georgia Open Meetings Act of 1988 (O.C.G.A. 50-14-1)
4. Upon consideration of the request, the Planning Commission shall determine, by a majority vote, their recommendation to the Folkston City Council and shall transmit that recommendation to the City Council forthwith.
5. The Planning Commission may determine that additional specific technical information is needed regarding any potential environmental, fiscal or public service impacts. If such determination is made, the Planning Commission shall have the discretion to defer its recommendations upon preparation of a special study intended to analyze the potential impacts or the specific areas of concern. Where preparation of a special study has been required, no recommendation will be forwarded to the City Council until such study has been received and reviewed by the Planning Commission. The cost of any special study shall be borne by the applicant, unless the City Council approves the participation of public funds, as necessary or as being in the public interest.
6. Where no special studies are required, the Planning Commission shall then have 30 days from the date of the scheduled regular or special meeting at which the review of an application for ordinance text changes were conducted to submit final recommendations on the technical merit of the application to the City Council for consideration. If the Planning Commission fails to render a final recommendation within the 30 day period, the application shall be forwarded to the City Council for a public hearing and subsequent final action as appropriate to the requirements of this resolution.

e. Public Hearing before the City Council

The City Manager shall prepare and submit a written report to the City Council, which includes the recommendation of the Planning Commission. The report may also include a draft ordinance, which, if adopted by the City Council, would affect the proposed amendment.

1. Notice of Commission consideration.
At least fifteen days, but not more than 45 days prior to the public hearing of the ordinance, the ordinance shall be advertised in a newspaper of general circulation in the City. The notice shall state:
 - i. The date, time and place of the public hearing;
 - ii. The title of the proposed ordinance;

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- iii. The place within the City where the proposed ordinance may be inspected;
- iv. Interested persons may appear at the public hearing and will be heard with respect to the ordinance;
- v. Any person who decides to appeal the determination may need to insure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based;
- vi. The necessary arrangements will be made by the City for any handicapped person to attend the public hearing provided notice of the need to do so, is provided to the City not less than 48 hours prior to the public hearing;

2. Following review and recommendation from the Planning Commission, the City Council, after conduct of a public hearing with public notice as is required by this Article, shall vote to:

- i. Approve the proposed amendment; or
- ii. Approve the proposed amendment with conditions; or
- iii. Deny the proposed amendment; or
- iv. Defer the proposed amendment to a certain time; or
- v. Refer the decision or application back to the Planning Commission for further investigation.

If the City Council shall vote to refer the amendment back to the Planning Commission for further investigation, the City Manager shall re-advertise the dates of the public hearings before the Planning Commission and the City Council in accordance with the requirements above. No proposed amendment to these regulations shall be approved except by the majority vote of the members of the City Council.

3. Public Hearings

Public hearings held by the City Council for consideration of proposed amendments shall be accomplished with the policies and procedures listed below:

- i. The Mayor shall indicate that a public hearing has been called for the consideration of the proposed amendment. Thereupon each application shall be considered on an individual basis.
- ii. When an application comes up for review, the Mayor may request that a spokesperson for the group be chosen so that the entire presentation of the positions of those in support of/opposition to the petition shall not exceed 30-minutes.
- iii. The City Manager shall present a report on the application and present the recommendations.
- iv. The applicant shall be allowed a reasonable amount of time in which to present evidence to support the proposed amendment.
- v. Those in favor of the proposed amendment shall be allowed a minimum of 5 minutes, or the amount of time as prescribed by State of Georgia law, to speak in favor of the proposed amendment.
- vi. Those who oppose the proposed amendment shall be allowed a minimum of 5 minutes, or the amount of time as prescribed by State of Georgia law, in which to speak in opposition to the proposed amendment.
- vii. The applicant may be allowed a reasonable amount of time in which to respond to any issues raised.
- viii. The City Manager may make additional comments.

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- ix. The City Attorney may be asked to discuss any legal issues that have been raised.
- x. The City Council may then propound questions to any party present and may discuss the proposed amendment.
- xi. After the above procedures have been completed, the Mayor will indicate that the public hearing is formally closed.
- xii. Each speaker at the public hearing shall speak only to the merits of the proposed amendment under consideration and shall address remarks only to the City Council. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision under consideration. The Mayor may limit or refuse a speaker the right to continue if the speaker, after first being cautioned, continues to violate this subsection.
- xiii. Nothing herein shall be construed as prohibiting the Mayor from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed zoning decision is conducted in a fair and orderly manner.

f. Clerk of the City

The Clerk of the City shall, within 10 days from action of the City Council on each proposed amendment to these Regulations provide to the City Manager a signed and certified copy of each such ordinance.

(25) Specific Procedures for Zoning Map Changes (Rezoning)

The term “rezoning” as used herein means the initial zoning of a parcel or parcels of land within the City as well as a change in the zoning classification of a parcel or parcels indicated on the City’s zoning map.

a. Application for a Rezoning

1. An application filed by or on behalf of the owner of land which proposes a rezoning of the parcel of land shall be filed with the City Manager accompanied by the required application fee as established by the City Council. Such Application may not be filed if the City Council has denied a similar application for rezoning on the subject property within the previous 12 months.
2. The applicant shall provide to the City the following submittal information:
 - i. Legal names of each of the owners of the subject property including their contact addresses (no P.O. Boxes) and telephone numbers;
 - ii. If any owner is a business entity such as a partnership, corporation or joint venture, the names and addresses of all partners and officers, as appropriate and their phone numbers;
 - iii. The legal description of the subject property.
 - iv. A copy of the deed or deeds conveying the subject property to the current owner;
 - v. A current survey of the property or portion of the property prepared by a Georgia registered professional surveyor.

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vi. If the applicant for a rezoning is a representative of the owner, evidence of agency and consent of the owner in the form of a letter, affidavit or other document satisfactory to the City Attorney must be provided: and

vii. Any other information required by the City Manager.

3. A submittal deemed complete by the City Manager shall be forwarded to the Planning Commission for consideration.

b. Specific Review Requirements by Planning Commission for Zoning Map Amendments

1. The Planning Commission may determine that additional specific technical information is needed regarding any potential environmental, fiscal or public service impacts. If such determination is made, the Planning Commission shall have the discretion to defer its recommendations upon preparation of a special study intended to analyze the potential impacts or the specific areas of concern. Where preparation of a special study has been required, no recommendation will be forwarded to the City Council until such study has been received and reviewed by the Planning Commission. The cost of any special study shall be borne by the applicant, unless the City Council approves the participation of public funds, as necessary or as being in the public interest.

2. Where no special studies are required, the Planning Commission shall then have 30 days from the date of the scheduled regular or special meeting at which the review of an application were conducted to submit final recommendations on the technical merit of the application to the City Council for consideration. If the Planning Commission fails to render a final recommendation within the 30 day period, the application shall be forwarded to the City Council for a public hearing and subsequent final action as appropriate to the requirements of this resolution.

3. The following zoning standards and criteria shall be utilized in making this recommendation:

A. Whether the proposed rezoning request will permit a use that is suitable, in view of the existing land use pattern of adjacent and nearby property.

B. Whether the proposed rezoning would result in the possible creation of an isolated district unrelated to adjacent and nearby districts.

C. Whether the proposed development would affect the existing population density pattern and lead to the possible increase or overtaxing of the load on public facilities.

D. Whether changed or changing conditions make the passage of the proposed amendment reasonable.

E. Whether the proposed change will adversely influence existing conditions in the neighborhood or the county at large.

F. Whether the proposed amendment would result in potential impacts on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity.

G. Whether the costs required of the public in providing, improving, increasing or maintaining public utilities, schools, streets and public safety necessities would be reasonable when considering the proposed change.

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H. Whether the proposed change will be detrimental to the value or improvement of the development of adjacent or nearby property in accordance with existing requirements.

I. Whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public.

J. The extent to which the zoning decision is consistent with the Charlton County/City of Folkston Comprehensive Plan as currently adopted.

The Planning Commission shall include in the recommendation to the City Council any information which it deems is relevant to issues relating to the proposed rezoning.

c. Rezoning in Conjunction with Annexation

If the rezoning is for property to be annexed into the City, then:

1. The City shall complete the rezoning procedures as required by this Section, except for the final vote of the City Council, prior to adoption of the annexation ordinance, but no sooner than the date the notice of the proposed annexation is provided to the Charlton County Commission;
2. The rezoning public hearing shall be conducted prior to the annexation of the subject property into the City;
3. In addition to the other notice requirements of this Code Section, the City shall cause to be published within a newspaper of general circulation within the County wherein the property to be annexed is located, a notice of the hearing and as required shall place a sign on the property as required.
4. The zoning classification approved by the City following the hearing required by this Code shall become effective on the later of:
 - i. The date the zoning is approved by the City;
 - ii. The date that the annexation becomes effective; or
 - iii. Where a County has interposed an objection, the date provided for in the resolution of the objection.

d. Rezoning Consideration for a Halfway House, Drug Rehabilitation Center or other Facility for Treatment of Drug Dependency

1. When a proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held on the proposed action. Such public hearing shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision. This hearing shall be in addition to any other hearing required by this Code. The City shall give notice of such hearing by:

- i. Posting notice on the affected premises in the manner prescribed by Georgia Code; and
- ii. Publish in a newspaper of general circulation within the City a notice of the hearing at least 15 days and not more than 45 days prior to the date of the hearing.
- iii. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center or other facility for treatment of drug dependency. The published notice shall be at least six column inches in size and shall not be located in the classified section of the newspaper.

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(26) Public Notice Requirements

a. Notice by Mail

1. Method of Mailing

Where notice of a hearing or of a public hearing is required to be provided by mail, such notice shall be mailed by regular US Mail. Notice shall be deemed complete upon mailing regardless of whether or not the notice was actually received by the addressee.

2. Property Owners to Receive Mailed Notice

The City shall mail notices to property owners within 400 feet of the subject property, whose names and addresses appear on the latest ad valorem tax rolls maintained by the Charlton County Tax Assessor. For property in condominium ownership, both the property owners association and the owners of the individual dwelling units located within the prescribed distance must be notified.

3. Content of Notice

The notice shall advise the addressee of the time, place and purpose of the hearing or public hearing and shall state the substance of the proposed action as it affects the addressee.

4. Proof of Mailing

The City Manager shall maintain a file including a copy of the mailed notice, the date of mailing, and the list of the addressees and their addresses.

b. Notice by Posting

1. Manner of Posting

Where a notice of a hearing or of a public hearing is required to be provided by posting, city staff shall cause the subject property to be posted with a sign, clearly visible from the nearest public street. The sign shall not be less than 24 x 24 inches in dimension.

2. Content of Public Notice

The sign shall advise of the time, place and purpose of the hearing or public hearing, the substance of the proposed action and the address, telephone number and business hours of the City to which questions regarding the subject matter of the hearing or public hearing may be addressed.

3. Duration of Posting

Failure to provide posted notice continuously from the time posted notice is to begin until the public hearing or the hearing which is the subject of the notice shall not be deemed as failure to give notice required by this Code and action taken by the City Council subsequent to such notice shall not be deemed void for lack of public notice. Lost signs or signs which become illegible for any reason shall be replaced by the applicant or petitioner as reasonably as soon as possible upon notification to do so by the City. Signs shall be removed within five days of the conclusion of the noticed public hearing or hearing.

4. Proof of Posting

The City Manager shall maintain a file including a photograph of the posted notice and the date the posted notice commenced.

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c. Notice by Publication

1. Manner of Publication

Where notice of a hearing or public hearing is required to be provided by publication, city staff shall cause an advertisement to be published in accordance with the applicable provisions of this Code.

2. Proof of Publication

The affidavit of the publisher is appropriate for this purpose. Alternatively a copy of the published notice ad the date the notice was published may be used as evidence.

3. Costs

All costs of publication shall be paid by the applicant or petitioner, and the costs so incurred by the City shall be included in the application fee to be charged upon submittal of the application.

(27) Enforcement of Code Provisions

The City Council shall enforce this Code according to the procedures set forth herein.

(28) Other Penalties and Remedies

a. Generally

If the City determines that the code enforcement process would be an inadequate response to a given violation, it may pursue the following penalties and remedies:

b. Penalties for Violation of this Code

Any person or entity, including the contractor, who knowingly and willfully performs, or causes to be performed, any construction or development activity, without a permit as required by the City's Code, shall be subject to the following penalties:

1. A fine of \$500.00 for any first violation of the City's adopted Building Code.
2. A fine of \$1,000.00 for any second violation of the City's adopted Building Code.
3. Upon the commission of three or more violations of the City's adopted Building Code by the same person or entity, the City Council shall revoke the business license of said contractor and forward the matter to all appropriate state agencies for disciplinary action.

Notwithstanding the above, all other remedies available to the City shall be preserved, and the filing of appropriate legal actions in the appropriate court of local jurisdiction to abate a nuisance.

(29) Quasi-Judicial Proceedings

The intent of this section is to provide an efficient and equitable procedure for the consideration by the City Council, the Board of Appeals and the Planning Commission of quasi-judicial matters in the course of quasi-judicial proceedings.

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a. Definitions

As used in this section, the following terms have the following meanings:

Affected person is the owner, resident or other occupant of the real property which is the subject of a quasi-judicial proceeding, or an "aggrieved or adversely affected party" as defined by State Law.

Board is the City Council, the Board of Appeals and the Planning Commission, all of the City of Folkston.

Ex-parte communication is a private communication made to a member of a board which pertains to a quasi-judicial matter then pending before that board.

Party is the petitioner, the City and any affected person who files a notice of intent to be a party as provided in this Section.

Petition is an application made by a petitioner to initiate a quasi-judicial proceeding.

Petitioner is the individual, corporation or other entity which files a petition.

Quasi-judicial matter is a matter which involves the application of a land use standard established by local law to specific real property and its impact upon the owners, residents and other occupants thereof and upon other affected persons, and includes, but is not limited to, a site specific land use amendment or rezoning, a major development site development plan review, a variance, and a plat review.

Quasi-judicial proceeding is the process which comports with constitutional due process requirements whereby a board adjudicates the private rights of the parties thereto in a quasi-judicial matter.

Secretary of the Board is the City Clerk for the City Council and, for the Planning Commission and the Board of Appeals, is the employee appointed by the City Manager to act in such capacity.

Subject property is the real property which is the subject matter of a quasi-judicial proceeding.

b. Ex-Parte Communications.

Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any city official the merits of any quasi-judicial matter on which action may be taken by a City board on which the city official is a member. Further, a city official may conduct investigations and site visits and may receive expert opinions regarding a quasi-judicial matter pending before the Board on which the city official is a member.

The written ex-parte communication shall be a public record of the City and shall be made a part of the record of the pending quasi-judicial proceeding. An ex-parte communication, investigation, site visit or expert opinion shall be disclosed by the city official who is a party thereto at the commencement of the hearing and shall include the substance of the communication, investigation, site visit or expert opinion as well as the identity of the person, group, or entity with whom any communication took place. Persons with opinions contrary thereto shall be given a reasonable opportunity to refute or otherwise respond to the information acquired by the communication, investigation, site visit or expert opinion.

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c. Commencement Of Quasi-Judicial Proceedings

A quasi-judicial proceeding shall commence at such time as the City certifies that it has received a complete petition. A complete petition shall include the appropriate filing fee and shall be date stamped by the department when properly filed. Each proceeding shall be given a case number and each case file shall be separately maintained by the City as a public record of the City.

The petition shall identify the subject property by legal description and by street address, if available. The petition shall also identify the owner of the subject property, and all known residents and other occupants thereof at the time of application, by name, address and telephone number.

The petitioner shall be identified by name, address and telephone number. If the petitioner is not an individual, the petition shall contain the name, address and telephone number of the corporation or other entity in whose behalf the petition is filed and of the authorized representative of the petitioner.

If the petitioner is not the sole owner of the subject property, the petition shall be accompanied by a letter or other written notarized authorization from each owner that the applicant is authorized to file the specific petition.

d. Notice Of Quasi-Judicial Hearings.

Notice of the date, time and place of a quasi-judicial hearing shall be given as required by this Code for the type of quasi-judicial proceeding being commenced.

Mailed notice, if required, and published notice shall also advise that any affected person may become a party to such proceeding entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the secretary of the appropriate board not less than five days prior to the hearing.

e. Parties

The parties to a quasi-judicial proceeding shall be the petitioner, the City, and any affected person who files a notice of intent to be a party with the City not less than five days prior to commencement of the hearing. Forms for a notice of intent shall be provided by the department upon request.

A party shall be entitled to participate at the hearing and may present evidence to the Board. A party may call witnesses, present relevant exhibits and other documentary evidence, cross-examine witnesses, make motions and objections, and present a summary statement to the Board at the conclusion of the evidence.

Any person who files a notice of intent to be a party shall be presumed to be an affected person unless the status of that person is challenged by another party. In this event, the Board shall determine whether or not the person who claims to be an affected person is an affected person as defined herein.

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f. Quasi-Judicial Hearings

1. Generally.

A party in any quasi-judicial proceeding may be represented by legal counsel. Statements of counsel presented as argument during a quasi-judicial hearing shall not be considered as evidence. Counsel for a party shall not be subject to cross-examination.

The City Attorney shall act as attorney to the Board. Any motions or objections made by a party may be referred to the City Attorney for advisory ruling. The presiding officer shall act on behalf of the Board and shall respond to motions and other matters with the assistance of the City Attorney.

All testimony presented to the Board shall be under oath administered by the City Attorney or other person authorized to administer oaths. All parties shall have the opportunity to present evidence to the Board and to call and cross-examine witnesses. A member of the Board may question a witness at any time during the testimony of that witness.

Any person may present personal testimony to the Board. Evidence relied upon by reasonably prudent persons in the conduct of their daily affairs shall be admissible in a court of law. Irrelevant or unduly repetitious evidence may be excluded by the presiding officer.

2. Order of presentation.

A quasi-judicial hearing shall begin with a statement by the City Attorney which shall include a summary of the petition, the standards to be applied to the evidence by the Board, the burden of proof, and the identity of all parties and the order of their presentations. The City Attorney also shall read any ex-parte communication reports filed with the Secretary of the Board into the record of the hearing.

The first party to present evidence to the board shall be the City. The City shall begin the hearing with an analysis of the petition which includes a consistency determination with regard to the City comprehensive plan and a determination of compliance with the procedural requirements of law. The City shall advise the Board specifically as to whether the petition meets all applicable standards of local law and any conditions which should be imposed in order to meet those standards. The City shall conclude its presentation with a specific recommendation to the Board to approve, to approve with conditions, or to deny the petition.

Following the presentation of the City, the petitioner shall make a presentation to include evidence relating to the applicable standards for review of the petition. The petitioner may include a description of the nature of the petition if there is additional information that has not been previously provided.

Other parties shall follow the petitioner in the order of their filed notices. Thereafter, persons who are not parties may testify. Last, the City and the petitioner shall be permitted to provide additional evidence to rebut the evidence presented by any other party or person.

At the conclusion of the evidence, each party shall be permitted to make a brief summary statement in the order of their appearance. Considering the complexity of the issues presented, the presiding officer may limit the time of summary statements.

g. Burden Of Proof; Conditions; Rezoning.

The petitioner shall have the burden of proof at the hearing to show by the greater weight of the evidence that the petition is consistent with the city comprehensive plan and complies with all procedural

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requirements of law. Conditions may be suggested by the petitioner, the City or any party, or may be imposed by the Board, which are intended to assure consistency and compliance.

If the quasi-judicial matter petitioned is a rezoning of land, once the petitioner satisfies the burden of proof at the hearing, the burden shall shift to the City or other party to show by the greater weight of the evidence that maintaining the existing zoning classification accomplishes a legitimate public purpose. In such event, the rezoning petition shall be denied.

h. Continuances.

A continuance of a quasi-judicial proceeding may be requested by any party at any time prior to the conclusion of the hearing. Such request may be granted by the board in the interests of justice and fairness. If granted, the hearing shall be continued by the Board to a specific date and time considering the reason for the continuance.

i. Cross-examination.

After each witness testifies directly, each party shall be permitted to question the witness on cross-examination. The order of cross-examination shall be the same as the order of presentation established for the hearing. Cross-examination may include matters and issues which are not related to the direct testimony of the witness.

j. Deliberation By The Board.

The Board shall publicly deliberate on the evidence and shall limit its deliberation to the evidence presented at the hearing. During deliberation, no further testimony shall be taken and the Board members shall not ask for additional information of parties or witnesses.

The Board shall determine whether the petitioner has met the burden of proof by a showing that the petition is consistent with the city comprehensive plan and complies with all other applicable standards of review and procedural requirements of law. The Board shall also consider any lawful conditions which may be imposed necessary to meet the applicable standards of review. Deliberations shall conclude with a determination by the Board to approve, to approve with conditions, or to deny the petition.

k. Order

The determination of the Board shall be reduced to a written order in the form of an ordinance, resolution or other appropriate document. At the discretion of the Board, the order may be recorded in the public records of Charlton County, City of Folkston, Georgia. The costs of recording shall be paid by the petitioner.

The order shall be prepared by the City Attorney to conform exactly to the evidence presented at the hearing and to the determination of the Board. The order shall contain a clear statement of approval or denial, and shall include any and all conditions of approval necessary to assure consistency with the City comprehensive plan and compliance with other applicable standards of review and all procedural requirements of law.

l. Record of Proceedings.

A quasi-judicial hearing shall be tape recorded by the secretary of the Board. The tape recording shall be preserved by the secretary as a public record of the City. All evidence presented at the hearing in the form of documents, photographs, maps and other written documents shall be preserved with the tape of the

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hearing. Large exhibits may be preserved by the City in a place and manner convenient for preservation of the document.

m. Judicial review.

A final determination of the Board is subject to judicial review in the appropriate court of local jurisdiction. The record of the quasi-judicial proceedings conducted by the City shall be available to any person who seeks review of a final decision of a board until the expiration of the appeal period.

The time for appeal shall commence on the date the written order of the Board which sets forth its final determination is filed with the City Clerk.