

City of Valdosta Land Development Regulations

Title 1 Administration

Chapter 102 General Provisions.

Section 102-1 Title

This Appendix shall be known as “The Land Development Regulations (“LDR”, or “Regulations”) of the City of Valdosta, Georgia.” It consists of three Titles: Title 1, Administration; Title 2, Land Use and Zoning; and Title 3, Development and Permitting. Title 1 is intended to implement regulations generally applicable to the City of Valdosta and also to specifically address administrative regulations, including definitions, enforcement and penalties applicable to Titles 2 and 3. Title 2 is Valdosta’s Zoning Ordinance, and is intended to constitute a zoning ordinance within the meaning of O.C.G.A. Section 36-66-1, et seq. Changes to the text of Title 2, as well as Official Zoning Map amendments and other zoning actions addressed herein, accordingly shall require compliance with the public notice and hearing procedures provided therein and in said state statute. Title 3 is intended to regulate development and permitting activities in the City of Valdosta. Neither Title 1 nor Title 3 is intended to constitute a zoning ordinance or zoning regulations.

Section 102-2 Purpose

The LDR is enacted by the Mayor and City Council in order to promote the public health, safety, morals, and general welfare of the residents of Valdosta, Georgia and to implement the city’s Comprehensive Plan. To these ends, the LDR is intended to achieve the following purposes:

- (A) To guide and regulate the orderly growth, development, redevelopment, and preservation of Valdosta in accordance with the adopted Comprehensive Plan and with long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people.
- (B) To protect the established character and the social and economic well being of both private and public property.
- (C) To promote, in the public interest, the efficient utilization of land.
- (D) To promote the preservation of open space.
- (E) To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers.
- (F) To reduce or prevent congestion in the public streets.
- (G) To facilitate the creation of a convenient, attractive, and harmonious community.
- (H) To encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations.
- (I) To provide a basis for establishing the future need for law enforcement and fire protection, transportation, water, sewage, flood protection, schools, parks, recreational facilities, and other public facilities and services.

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- (J) To protect against the destruction of, or encroachment upon, historic areas.
- (K) To protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life or health from fire, flood or other danger.
- (L) To encourage economic development activities that provide desirable employment and enlarge the tax base.
- (M) To ensure the perpetual conservation, preservation and enjoyment of the unique natural and physical resources of the City, including forested areas, watersheds, streams, viewsheds, and archaeological sites and the protection of water quality as the city grows.
- (N) Achieve compliance with all applicable state and federal laws and regulations.
- (O) Provide for and promote housing for all income groups and all citizens within the City.
- (P) Establish high quality standards for buildings, land development, and subdivision regulations for the protection of the environment and the security of buyers and users of developed property in the City of Valdosta.
- (Q) To provide adequate and safe construction standards for streets, sidewalks, drainage, utilities and other public improvements.
- (R) To provide a method of administration and procedure that ensures due process and equal protection for the citizens and property owners of the City of Valdosta.
- (S) To establish a just balance between the rights of owners of property and the public interest of all the citizens of the City of Valdosta.
- (T) To provide for protection of the constitutional rights and obligations of all citizens within the City.
- (U) To provide penalties for a violation and remedies for enforcement hereof; and for other purposes.

Section 102-3 Authority

- (A) The LDR is enacted pursuant to the Constitution of the State of Georgia, Article 9, Section 2, Paragraphs 1 and 3; by the City's authority to enact regulations and exercise powers granted by local laws including 1977 Georgia Laws page 2817 Section 10, as amended; by the City's planning authority and general police powers; and by other powers and authority provided by federal, state, and local laws applicable hereto. Additional zoning authority for Title 2 is set forth in Section 202-2.
- (B) The LDR shall take effect and shall be in force upon its adoption by the Mayor and City Council of Valdosta, Georgia.

Section 102-4 Jurisdiction

The LDR shall apply to all incorporated areas of Valdosta, Georgia.

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Section 102-5 Application of Ordinance

Except as hereinafter provided, as of the date of adoption of the LDR:

- (A) Development Activity. Any person proposing to rezone property, secure permits, undertake any land disturbance activity, construct, demolish, expand or modify a structure or a building for occupancy, develop or subdivide land within the City of Valdosta, Georgia, or undertake any other development permission or activity shall pay a fee and make application to the City of Valdosta Community Development Department or other department as specified in this LDR, and shall comply with all regulations set forth in the LDR.
- (B) Use. No building, structure, premises or land shall be used or occupied and no building or part thereof shall be erected, remodeled, extended, enlarged, constructed, or altered in a manner except in conformity with the regulations herein specified for the district in which it is or is to be located.
- (C) Lots. No lot shall be reduced in size so that minimum lot area is not maintained. This Section shall not apply to the extent that a portion of a lot is acquired for public use. See Section 302-9(b)(7).
- (D) Pending Application for Building Permits and Land Disturbance Permits. Nothing in the LDR shall be deemed to require a change in the plans, construction, or designated use of any building or structure or land disturbance for which development or building permits were lawfully applied for or approved, prior to the effective date of the LDR or amendment thereto, provided:
 - (1) Such permit has not by its own terms expired prior to such effective date.
 - (2) Actual building construction is commenced prior to the expiration of such permit.
 - (3) Actual building construction is carried on continuously pursuant to said permit and limited to and in strict accordance with said permit.
 - (4) No renewals or extensions of said permit shall be authorized, except in accordance with the requirements of this LDR.

Section 102-6 Relationship to Existing Ordinances

- (A) Whenever the provisions of the LDR impose more restrictive standards than are required in or under any other statute, ordinance or resolution, these LDR standards shall prevail, unless otherwise specified in the LDR. Whenever the provisions of any other statute, ordinance, or resolution impose more restrictive standards than are required herein, the requirements of the more restrictive regulations shall prevail, unless otherwise specified in the LDR.
- (B) In those instances where development standards for a parcel of land or a specific project have been lawfully established as a condition of approval for a rezoning, variance, permit, or other formal action by the Mayor and City Council, the Board of Appeals, or the Planning Commission, the requirements of such conditions shall control.
- (C) Nothing herein shall repeal the conditions of use, operation, or site development accompanying zoning approval(s) or conditional use(s), variances or permits issued under previous ordinances or resolutions. Modification or repeal of such past conditions of approval may be accomplished as authorized and provided by the LDR. All variances and exceptions heretofore granted by the Planning and Zoning Administrator, Zoning Board of Appeals, Planning Commission, or Mayor and

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City Council shall remain in full force and effect, and all terms, conditions and obligations heretofore imposed shall remain in effect.

Section 102-7 Powers and Duties of the Community Development Department

- (A) Duties. The Community Development Department, which includes the building inspector and other such inspectors, shall have the responsibility of interpreting, administering and enforcing the provisions of the LDR unless specifically provided otherwise. In particular, the Department shall have the following powers and duties under the LDR:
- (1) Authorization. The Department is authorized to review and make final decisions regarding permits and other development requests authorized in the LDR.
 - (2) Duty. It shall be the duty of the Department to administer and enforce the provisions of the LDR.
 - (3) Applications. The Department shall accept and process applications and make recommendations or final decisions, as appropriate, for Comprehensive Plan amendments, Official Zoning Map or text amendments, variances, conditional use permits, appeals, concept plans, preliminary and final plats, permits, licenses, and Certificates of Occupancy or any other such business including matters scheduled for public hearing by the Mayor and City Council, the Planning Commission, the Zoning Board of Appeals, or the Historic Preservation Commission as required by the LDR and Section 102-7 (a)(7).
 - (4) Records. The Department shall keep records of actions on Comprehensive Plan amendments, Official Zoning Map or text amendments, variances, conditional use permits, appeals, and concept plans, preliminary and final plats, permits, licenses and Certificates of Occupancy along with notation of all special conditions involved. The Department shall file and safely keep these records along with copies of all related applications, reviews, opinions, public hearings, sketches and plans submitted and other related documents that are to be made a part of the public record.
 - (5) Reporting. The Department shall research facts and prepare reports for the Mayor and City Council, the Planning Commission and the Zoning Board of Appeals related to their actions in the matters described in the LDR. Those reports shall be in writing on a form prescribed by the Department and shall be made part of the public record.
 - (6) Maps. The Department shall maintain, update and interpret the Official Zoning Map, Future Development Map and other maps required for the administration of the LDR, including all amendments thereto.
 - (7) Review. The Director, or City Engineer as specified in this LDR, shall receive and review applications and plans for land disturbance permits, land development permits and building permits to ensure conformity with the requirements of the LDR and other relevant state and City regulations and approve, approve with conditions, or deny said applications within 30 days of receipt of complete applications, except where another time limit is specified for the type of action under review.
 - (8) Zoning Verification. In response to a written request by the property owner or owner's authorized agent, the Planning and Zoning Administrator may issue a statement identifying the current zoning of a parcel of land as provided in Section 202-7 of the LDR. The fee for such a zoning verification shall be established by the Mayor and City Council.
 - (9) Administrative Variances. The Department shall receive, review, grant, grant with conditions or deny administrative variances where authorized in the LDR. The fee for administrative variances shall be established by the Mayor and City Council.

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Section 102-8 Adoption of Certain Codes

- (A) Pursuant to O.C.G.A. Section 8-2-25 and other applicable authority, the latest edition of each of the following Georgia State Minimum Standard Codes, as adopted and amended by the Georgia Department of Community Affairs, shall be applicable and enforced:
- (1) International Building Code and local amendment to Chapter 1 as adopted by the City of Valdosta; such amendment being found in Appendix J of this LDR.
 - (2) International Residential Code for One and Two-Family Dwellings.
 - (3) International Fire Code.
 - (4) International Plumbing Code.
 - (5) International Mechanical Code.
 - (6) International Fuel Gas Code.
 - (7) National Electrical Code.
 - (8) International Energy Conservation Code.
 - (9) Life Safety Code.
- (B) In addition, all appendices to the following codes, as adopted and amended by the Georgia Department of Community Affairs, are hereby adopted by reference as though they were copied herein fully:
- (1) International Building Code.
 - (2) International Residential Code for One and Two-Family Dwellings.
 - (3) International Fire Code.
 - (4) International Plumbing Code.
 - (5) International Mechanical Code.
 - (6) International Fuel Gas Code.
- (C) Further, pursuant to O.C.G.A. Sections 8-2-20 and 8-2-25(h), the latest edition of each of the following codes as adopted and amended by the Georgia Department of Community Affairs, are hereby adopted and shall be applicable and enforced:
- (1) International Existing Building Code.
 - (2) International Property Maintenance Code.
 - (3) Standard Housing Code (SBCCI).
 - (4) Standard Amusement Device Code.
 - (5) Standard Excavation and Grading Code (SBCCI).
 - (6) Standard Unsafe Building Abatement Code.
 - (7) Standard Swimming Pool Code (SBCCI); subject to the following local amendment:
 - (a) Any person constructing a swimming pool within the jurisdiction of the City shall, in addition to the fence described in the SBCCI, provide a self-closing, self-latching gate.
- (D) In each of the codes referenced above, when reference is made to the duties of certain officials named in the codes, the City officer who has duties corresponding to those of the named official in the code shall be deemed to be the City officer responsible for enforcing the provisions of the code.