



CITY OF STATHAM, GEORGIA GENERAL GUIDANCE TO OUR CUSTOMERS PLANNING, ZONING, PERMITTING & INSPECTIONS

Welcome to the City of Statham. The City is here to assist you in securing whatever regulatory approval(s) that you may need for your project. Such approvals are required for you to annex land into the city limits, develop land, subdivide property, establish a new use of property, construct buildings, erect minor structures, occupy a building tenant space, start a home business, and operate a business in the City. The City's planning and zoning administrator is the lead agency for you to contact regarding any of these needs. The department is responsible for administering ordinances passed by the City Council which are intended to promote the health, safety, and welfare of the City and its occupants and property owners.

To ensure these purposes, there are regulations which the department administers. Such regulations and procedures must be followed in order to secure your approval. While the department is charged with these duties, we also have the responsibility of facilitating and encouraging development. We will strive to provide you, as a City customer, with the most satisfying and stress-free experience possible. We pledge to assist you as much as possible in navigating the rules, arriving at timely interpretations of rules, securing permits and other approvals, getting prompt answers that you need, following procedures within specified time frames, and customizing solutions to your issues within the bounds of ordinances and regulations.

CAN YOU DESCRIBE YOUR PROPERTY LOCATION?

A first recommendation is to be prepared to help describe your property's location expeditiously to our staff. You want to first be sure that Statham is the jurisdiction that regulates your property. Don't assume that because your mailing address is Statham that your property is within the city limits of Statham. If your property is not in the city limits currently but you want it to be, you can file a petition or application for annexation.

When you contact us, sometimes we can work preliminarily from a basic property description such as a mailing address to determine if you are in the City, and if so, what zoning district is assigned to your property in question. It can also be helpful if you have a tax parcel identification number, tax map showing the parcel, a subdivision plat, a boundary survey, and/or a recorded deed of ownership of your property in question (which will have a metes and bounds legal description of the property and/or reference to a recorded subdivision plat). If you have previously secured a permit or some other type of regulatory approval and you have that available (e.g., application number), that can be helpful to convey also.

But don't be alarmed if you are unfamiliar with one or more of these. Begin with the property information you know or have readily available, then we will help you within our means to determine your property's location and zoning using access we have to various tax, zoning, 911 addressing, permit, and license data bases and maps for properties in the City. Please remember, we may be able to answer questions over the phone or by e-mail using only basic property information. However, when it comes to issuing letters of zoning confirmation or compliance and

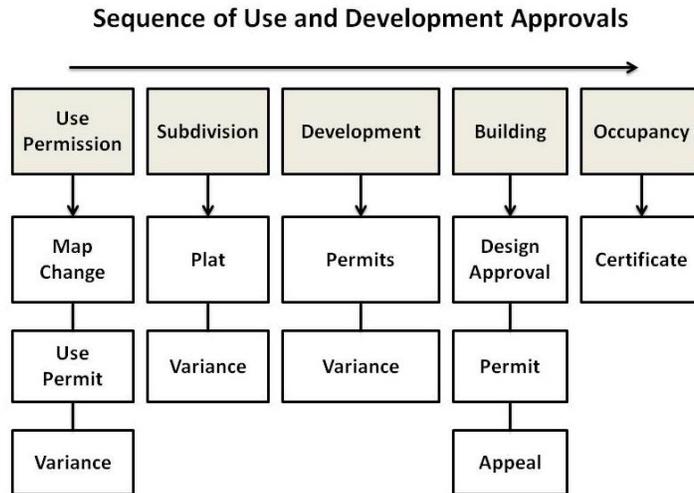
issuing permits, we will need additional documents to confirm your property location and ownership. It is always best to confirm important determinations in writing and not to rely on assurances orally given over the phone or even in person.

WHAT DO YOU WANT TO ACCOMPLISH?

This may sound simple but is not always straightforward. The approval you need depends on what you want to do and your circumstances. The processes of all the various approvals required can be overwhelming, so start with describing to staff what it is you want to accomplish.

Consider the following information, which will help you and City staff determine which approvals, if any, you will need for your project. **Figure 1** below shows the generalized sequence of use and development approvals from idea to occupancy. This is generalized and not specific to Statham. It will be helpful if you can locate where you are in the development and activity approval process by looking at Figure 1. We can help you with this if you are unsure.

Figure 1:



USE PERMISSION (ZONING)

Your use or activity has to be established consistent with zoning regulations that govern which land uses and activities are permitted, as provided in the City of Statham’s [unified development code](#). The City is divided into zoning districts as shown on the [official zoning map](#). In most cases, our first step will be to determine your property’s location so that we can determine what is the zoning category assigned to it, then determine whether the use, structure, or activity proposed can be done under the applicable zoning restrictions. For instance, you may want to establish a day care center – is that use allowed or not?

It is important to be able to describe expeditiously to staff where your property is located (see the prior section for guidance). Once we know your property location and your intentions, we will determine that the use, building, or activity you want to pursue is (1) “permitted;” (2) requires a

“conditional use,” or (3) is prohibited according to the zoning district applicable to your property. If you need to rezone the property or pursue a conditional use approval, see the sections below.

If permitted, you can proceed to subsequent steps as may be required. If you are going to proceed with purchasing the property or with improvements to the property, we highly recommend that you obtain from our department a written *letter of zoning confirmation*, which typically will speak only to use restrictions.

If you want to confirm that buildings and other improvements on the property comply with the applicable zoning regulations of the city, you will ask for a *certification of zoning compliance* and we may require an as-built survey to confirm compliance.

ZONING MAP CHANGES

If your proposed use, building, or activity is not permitted by the applicable zoning district requirements, you may try to find another location that permits that use or decide to petition for a zoning map change to a category that allows the use or activity you want to establish on the property. Decisions regarding a zoning map change (also referred to as an amendment to the official zoning map) are made by the City Council after recommendation by the planning & zoning staff. One of the most important considerations in any zoning map change is whether your proposed zoning district is consistent with the policies contained in the City’s adopted [comprehensive plan](#), which includes a [future land use plan map](#) suggesting the future land use for the subject property.

Zoning map changes are only granted after the [zoning application](#) is completed and must be approved by the City Council after public hearing. Conditions of approval may be placed on the application as recommended by staff, or as may be determined necessary by the City Council.

TEXT AMENDMENT

If the zoning district applied to your property does not allow the use you propose, and a zoning map change is not advisable, a potential alternative to seeking a zoning map change is to petition for a [zoning text amendment](#) to change the language of the zoning ordinance (Statham Unified Development Code) as it pertains to your zoning district which would allow your proposal. The zoning text amendment option is infrequently or rarely sought by a property owner in part because it involves legal (city council ordinance-making) procedures. However, staff, or the city council may initiate amendments to the Statham Unified Development Code at any time it desires. We caution against submission of zoning text amendments by property owners unless staff has reviewed and consented to the language of the text amendment. Decisions regarding a zoning text amendment are made by the City Council after recommendation by the City’s planning & zoning staff.

CONDITIONAL USE APPROVAL

As noted above, the zoning district governing your property may specify that the use you propose is a conditional use. In such cases, a [conditional use permit](#) is required. Decisions regarding an application for conditional use are made by the City Council after recommendation by the City's planning & zoning staff. Conditional use applications are only granted after application is completed and must be approved by the City Council after public hearing. Conditions of approval may be placed on the application as recommended by staff, or as may be determined necessary by the City Council.

VARIANCE

A variance is usually a reduction in a minimum or maximum dimensional requirement such as a required side yard building setback reduction, (see lot and building standards in Article 2 of the [Statham Unified Development Code](#)). Occasionally, your proposed use or building may be permitted but given your property's circumstances it would not be allowed without a *variance*. The need for relief from zoning regulations is anticipated by the code; property owners can petition to vary dimensional requirements such as building setbacks, building height, size of a sign, or number of parking spaces required. For example, you might be authorized to build a day care center on your property, but the size or shape of your property prevents you from meeting a building setback required for the zoning district in which your property is located. In such cases, a [variance application](#) may be applied for and approved through a public procedure. Property owners and developers may discover the need (or desire) for a variance at most any stage of the process. For instance, it may be only after designing the final graded contours of the site that a building cannot be sited in a way to meet a required setback.

Variations are only granted after a [variance application](#) is completed and must be approved by the City Council. Conditions of approval may be placed on the application as recommended by staff or as may be determined necessary by the City Council. In very limited instances, the director of community development has authority delegated by the zoning administrator to grant an *administrative variance* (i.e., one that can be approved administratively as opposed to the customary variance procedure) to certain requirements).

SPECIFIC USE RESTRICTIONS (Article 3 Statham UDC)

There are yet other instances where the use or activity you want to establish is permitted by the zoning district assigned to the subject property but there are additional regulations pertaining to that use which must be observed. We refer to these generally as *specific use restrictions*. Look at Article 3 of the Statham Unified Development Code to see if specific use restrictions apply.

APPEAL OF AN ADMINISTRATIVE DECISION

Occasionally, one of our customers will disagree with an interpretation we have made of the zoning and development regulations or be dissatisfied with an administrative decision of the department director. Another person may allege that in any given case, an error was made in the administration of the Statham Unified Development Code, yet others may seek to reverse an administrative decision they considered arbitrary. The ordinance provides a safety valve of sorts for addressing

these types of errors. An applicant dissatisfied with an administrative decision can under specific circumstances file for an *appeal of an administrative decision*, and the department's decisions are subject to being overturned by the City Council when appeals are filed and sustained. Mistakes and errors in the administration process can occur, however, appeal applications are infrequent. In all cases, the staff commits to resolving errors, and we will work within our means to correct errors and deviations from specific requirements, though the zoning administrator has limited discretion and must observe the strict dictates of the city's zoning and development regulations.

SUBDIVISION: WILL PROPERTY BE DIVIDED?

If your property is not going to be divided, you probably do not need to concern yourself with this section. However, sometimes, people don't know the rules for subdivision, or they didn't follow them. Generally, each single-family dwelling must be on its own lot of record. Occasionally, unknowingly, property owners will offer for sale, or even transfer ownership of part of their property by deed only, when a plat was supposed to be prepared and approved by the City after the [subdivision of property application](#) had been received.

In cases where the property you describe is not a legal lot of record, approval of a subdivision plat is required to make legal the parcel of land you are describing. It is therefore best to check to be sure the property you are purchasing is a legal lot of record (i.e., its dimensions and land area are described in an approved, publicly recorded plat or deed). If you are engaged in a real estate transaction process, your real estate attorney will help you with this task and ensure that the City's regulations are followed.

The division of any property in the city requires that a plat (i.e., a mapped graphic description prepared by a registered land surveyor) be approved. This includes situations such as the division of one two-acre lot into two one-acre lots. For tax purposes, Barrow County has a *property tax record* describing your property and a tax parcel mapping system which shows all properties in the City and beyond. In almost every instance, if there is a property tax record for the property, it is a legal lot of record. It is possible there are instances where the tax record description of the property shows a property that was not lawfully divided. The tax mapping system of the county is a generalized rendition of plats and deeds recorded in Barrow County's Office of the Clerk of Superior Court (public land records); it is not always 100% accurate. In an increasing number of counties, this information is web-accessible, and the public can access some or all of these county tax mapping systems by using the internet.

Plats are required to be recorded so that there is a public record of the lot dimensions. This helps to avoid property boundary disputes. Deeds are required to be recorded so that there is a legal record of property ownership. The department may have access or partial access to many of these records, and if so, we will help locate the plat or deed information regarding your property if you don't have it handy. However, in some cases, filing for approvals with the city may necessitate that you obtain records on the property from the county's Superior Court Clerk, if you don't have them in your possession or cannot locate them easily.

There are different types of plat approval procedures that may apply. Submit all applications for plat approval and direct questions about the platting processes to the zoning administrator as the

lead local agent. All subdivision plats must comply with detailed information requirements, some of which are established by the City and others which are specified by state law.

Preliminary Subdivision Plat

If public improvements (e.g., a new street or utilities within the street) are being installed as part of the process, a preliminary plat is required, and the zoning administrator will be engaged in the review and approval process. Such [preliminary plat applications](#) require City Council approval. Once a preliminary plat is approved, the subdivider will then file an application and plans for a [development permit](#). A preliminary plat does not authorize a subdivider or developer to sell lots. One must obtain final plat approval before selling lots or offering lots for sale.

Final Subdivision Plat

A [final plat and application](#) is required to be prepared after the public improvements are installed. Generally, when no new public streets or utility improvements are involved, you can proceed without preliminary plat approval to the step of obtaining final plat approval. If your property to be subdivided abuts a state highway, an additional procedure (review by the Georgia Department of Transportation) is required prior to preliminary or final plat approval. In the case of public improvements such as a new street, approval of a final plat does not constitute approval of acceptance of the public improvements by the City. There is a subsequent process of securing *acceptance of public improvements* by the City Council. Contact the zoning administrator for more information.

Subdivision Plat Approval Processes

The process of approving a preliminary and final subdivision plat usually requires City Council approval. Submit all plat applications to the zoning administrator. Once signed, the final plat is ready for recording; the city permits the applicant for subdivision to record the plat electronically with the Office of the Clerk of Superior Court of Barrow County via an online portal. All addresses assigned during the final plat process are entered into the county's E-911 system.

An application for subdivision plat approval can trigger the need for an [application for a variance](#) to certain code requirements. A variance to the requirements of the regulations applicable to your property might be sought in unique circumstances, during or before or after a subdivision plat is approved.

DEVELOPMENT OF REGIONAL IMPACT

Very large projects, for example one involving hundreds of residential lots or hundreds of thousands of square feet of nonresidential building, may qualify as a *development of regional impact*. Developments of regional impact are subject to a process of external agency review by the Northeast Georgia Regional Commission (NEGRC). The requirement to complete a development of regional impact review is triggered by the first application filed by the property owner pertaining to the proposed development of regional impact. This may be a rezoning, special use, variance,

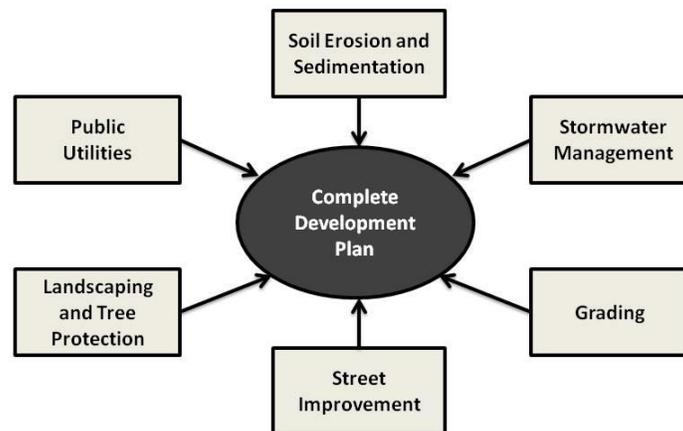
building permit or some other requirement, but it is triggered most frequently by a request for zoning map amendment.

ARE YOU DEVELOPING LAND?

You may not think of yourself as a land developer, but you may be considered one depending on what changes will occur on your property. Development of land involves clearing the land of its surface vegetation, grading, and the installation of utilities (electricity, water lines, etc.) and improvements (driveways, building pads, etc.). The preparation of land for development is a separate process that precedes building construction, though development and building may be coordinated (with overlapping procedures and sequences) in some cases. The development of land is a complex undertaking which requires [submission of an application](#) with detailed plans. Approval of that application and the accompanying land development plans results in the issuance of a development permit. The land development approval process involves registered land surveyors, civil engineers, land planners, landscape architects, and other design professionals to design water and sewer lines, prepare site plans, and gain approvals required. **Figure 2** indicates the types of detailed plans involved in land development which are required to be approved in order to obtain a development permit from the City.

Figure 2:

Development Plan Requirements



Soil Erosion

When land is cleared and graded, certain precautionary measures are needed in the public interest. Soil erosion can damage other properties and allow the sedimentation of receiving waters; the City's land development regulations incorporate State requirements for the submission and approval of *soil erosion and sedimentation control plans*. In the case of soil erosion plan approvals, other agencies outside the City's planning & zoning staff must approve the plans. There are certain exemptions to filing erosion control plans, usually pertaining to small land areas or single-family dwellings. You may read the City's [land disturbance permit and procedures](#) for more information.

Stormwater Management

Runoff from a development site can cause water leaving the site to degrade in quality unless stormwater runoff is managed in accordance with adopted ordinances. As indicated in Figure 2, a land development plans (to gain a land development permit) must include *stormwater management plans*.

Grading and Land Disturbance

Grading plans are required to be prepared so that land disturbance is done in a way that meets various requirements. Drawing grading plans requires civil engineering expertise.

Landscaping and Tree Protection

The indiscriminate removal of trees when unnecessary for development is one major reason the City requires landscaping and tree protection plans; another reason is to compensate for trees which are removed during development with the planting of new trees and the installation of landscaping. Aesthetic objectives of the comprehensive plan are another reason for landscaping requirements.

Public Streets and Public Utilities

Land development also involves extending public utilities to the site and may involve the need to improve local streets along the property frontage. These improvements and changes to the City's street and public utility systems must be done according to public construction specifications to ensure public health and safety. Therefore, a *public streets plan* and a *public utilities plan* are frequently required to be approved as part of the development permitting process. Civil engineering expertise is required to prepare plans for approval. There may be instances where these plans are not required. When your project's property abuts a state route, the regional office of the Georgia Department of Transportation will likely be involved in the approval process, and you may experience a need to work directly with that department to gain approval of driveways and stormwater management plans.

DEVELOPMENT PERMIT PROCESSING

The process for obtaining a [development permit](#) is administrative. Details of applying for, processing, issuing and complying with development permits are set forth in [Statham's Unified Development Code](#). There are details associated with the development permit process that require professional assistance. Every development permit process is unique yet is subject to the same procedures generally. The zoning administrator takes the lead in helping you apply for and obtain a development permit. The zoning administrator is responsible for the "sign-off" of plans and the actual issuance of a development permit.

However, compliance with all ordinances requires that agencies other than the zoning administrator review and approve the development plans. These include but may not be limited to:

the Statham Public Works Department (regarding local streets and public utilities and the review for compliance with all civil engineering specifications); the County Fire Marshal (access for fire protection and occupancy requirements for buildings), the soil and water conservation district and the Georgia Department of Natural Resources, Environmental Protection Division (in the case of soil erosion plans for land development); the Georgia Department of Transportation, in the case of property fronting on a state route where a driveway entrance is proposed on a state route; and even the U.S. Army Corps of Engineers, in the case of wetland disturbance during land development.

Similarly, other public or private utility providers must be involved when the installation of utilities not under the control of the city is involved. Because the zoning administrator is not in control of these other agencies' plan review and approval processes, we sometimes cannot promise a specific time frame when review will be completed. Nor are we always able to anticipate or predict their remarks or conditions of approval imposed. We will anticipate and alert you to those situations where we think uncertainty is involved with regard to external agency approvals of plans.

Once a development plan is applied for and granted, land development activities may commence. Because the installation of utilities, streets, driveways, stormwater management facilities, and other development improvements are involved, and compliance with standards and construction specifications is required, the City requires one or more *land development inspections* to take place. In certain instances, the need for a [variance](#) to the applicable regulations may be discovered at this time and may upon application be granted in accordance with applicable procedures and specified criteria.

ARE YOU SEEKING BUILDING APPROVAL?

Building Codes, Permits, and Inspections

All of the processes previously mentioned must be secured before proceeding with erection of buildings or initiating the use of property. Buildings must be erected in accordance with state building and other technical codes such as plumbing and electrical. These codes are required to ensure public health and safety. The building codes are administered locally by the City's building inspector. To build in the City, most buildings and many structures require an application for and issuance of a building permit, which can be obtained at Statham City Hall.

Anyone who starts erecting a building or structure without first obtaining a permit, if required, is in violation of one or more City ordinances, in addition to being a violation of the building code. As building proceeds pursuant to a building permit, various building inspections are required. Certain buildings may require compliance with specialized building and technical codes.

An application for building permit will include a plot plan that shows how the property will access a public street. If the driveway is not already installed and approved, the City may at its discretion require a separate [driveway permit](#) but in most cases the requirement to obtain approval of an access driveway will be combined with a development permit or building permit application.

Water and Sewer Provision and Connection

In most cases, the provision of adequate water and sewage disposal is already arranged as part of the subdivision plat approval process. However, there may be cases where no provision for water and sewer were made at the time the lot was approved. In addition to compliance with building codes, applicants for building permits must demonstrate that they have adequate potable water supply and an acceptable means of on-site sewage management to serve the lot and the intended use. This means in most cases, connection to the public water system, although an on-site well may be used in places where public water is not readily available, if approved by the County Health Department (Environmental Health Division). Most projects in the City will be connected to the public sanitary sewer system; however, there are instances where septic tanks may be authorized as a means of on-site sewage disposal if approved by the county's environmental health division.

Applicants should inquire with the public water or sanitary sewer provider about requirements to connect to public water and sewer systems and the associated fees and usage rates for such connections.

Flood Area Permit

If your property is within a flood hazard area, development or building construction requires an additional permit, called a *flood area permit*. If your lender required you to acquire flood insurance, you are most likely within a flood hazard area. Generally, these permits require assistance by a registered land surveyor, civil engineer, architect, or all three, in order to be approved. The flood damage prevention ordinance of the City is incorporated into Statham's Unified Development Code.

ARE YOU ERECTING A SIGN ON THE PROPERTY?

In many cases erection of a sign on a property will require application for and approval and issuance of a [sign permit](#). When required, sign permits are issued by the zoning administrator and issued after review by the building inspector, since some signs may also require a building permit. Check the Statham Unified Development Code to see if the City's sign regulations allow the type, size, area, location, and manner of installation of the sign you propose.

FEES FOR BUILDING APPROVAL AND INSPECTION

Building and Inspection Fees

A [building fee schedule](#) is established for building permits and inspections. Fees may vary based on the type of building or inspection requested or required.

DO YOU WANT TO OCCUPY A BUILDING?

Buildings cannot be occupied or used until the building inspector has determined the building is safe and its construction complies with applicable building codes. Also, the building must be appropriate for the type of occupancy sought; and the City will guard against the occupancy of a building that does not meet zoning requirements.

Certificate of Occupancy

When the building complies and is safe for occupancy, a *certificate of occupancy* will be applied for, approved, and issued by the building inspector. The building inspector or City staff will check occupancy certificates for zoning compliance and is required to approve occupancy certificates to prevent use and zoning violations. It is not lawful to occupy a building unless the space to be occupied has been issued a certificate of occupancy.

ARE YOU ESTABLISHING A BUSINESS?

For regulations regarding occupational licenses, see Statham City Hall.