

MILLER COUNTY

LAND DEVELOPMENT AND CONSTRUCTION REGULATIONS

Original Adoption:

As Amended:

MILLER COUNTY BOARD OF COMMISSIONERS

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**CHAPTER I
GENERAL PROVISIONS**

FORWARD
LAND DEVELOPMENT REGULATIONS
FOR MILLER COUNTY, GEORGIA

The purpose of this set of ordinances is to provide a uniform, comprehensive set of land development regulations for Miller County. As additional growth within the unincorporated County has taken place, its impact on the environment and on public health and safety has become a topic of major community concern. This period of growth has not been without problems for developers and builders as well. In recent years, they have had to attempt to comply with a number of State and Federally mandated health and environmental regulations, and, at the same time, deal with outdated, and sometimes conflicting, local development codes. Under its existing regulations, the County was faced with the problem of protecting the health and safety of the public and providing for the orderly physical development of the community with tools which were inadequate and in need of major revision. To this end, the Miller County Planning Commission has sought to develop a modern, consistent land development code which addresses the legitimate concerns of local residents and the development community for the use of the land.

A second major objective of the Commission was to establish a set of local regulations that are consistent with, and reinforce the provisions of existing County and State public health and environmental laws. Soil erosion and sedimentation control regulations, which have in the past been enforced under a separate County ordinance, are now included with the other development regulations. Likewise, the County Health Department's Rule III, Addendum to On Site Water Supplies, On Site Sewage Disposal Systems and Subdivisions, has been included as an appendix to the ordinances. New standards for lot sizes, building setbacks, and the like have been established to conform to the requirements of Rule III. Meeting the minimum lot size requirements of the subdivision ordinance, for example, will not conflict with the Health Department's rules regulating the minimum lot size needed for septic tanks. Most important, the individual ordinances pertaining to specific types of development have been drawn up to clearly indicate what accessory regulations will apply in each case, and how the review process will be conducted.

Finally, this set of ordinances also establishes a uniform building code for the unincorporated portions of Miller County. It adopts the International Standard Building Code for residential construction and provides for its enforcement. The health and safety of County residents extends to the basic structural safety and quality of their homes.

The general outline of these Regulations for the unincorporated portions of Miller County is as follows:

Chapter 1 contains general provisions relating to the purpose and intent of the regulations, their application, amendment and enforcement.

Chapter 2 provides guidelines for the development of major and minor residential and commercial subdivisions, required infrastructure improvements, design standards, and the review and certification process which must be followed for plat approval.

Chapter 3 lists similar guidelines and standards for manufactured housing (mobile homes).

Chapter 4 provides guidelines and standards for multifamily development.

Chapter 5 sets requirements for the control of soil erosion and sedimentation that may result from land development and building construction. (Spring Creek Corridor Protection District).

Chapter 6 adopts the Southern Standard Building Code for residential construction and provides for its enforcement.

Chapter 7 - provides for Nuisance Abatement.

Chapter 8 sets standards for Telecommunications Antennae and Towers

Appendix A reprints the Miller County Health Department's Rule III Addendum to On Site Water Supplies, On Site Sewage Disposal Systems and Subdivisions - Rules and Regulations Chapter 290-5-26. (These regulations also apply to incorporated cities within the County.)

Appendix B includes the Miller County Flood Damage Prevention Ordinance.

Appendix C provides the current fee schedule for all land development and construction activities.

Appendix D provides a copy of the Planning Commission's combined, preliminary, final, and administrative checklists.

CHAPTER 1. PURPOSE AND INTENT

ARTICLE I. SHORT TITLE

Section 1.1-1 This Set of Regulations shall be collectively known and may be cited as the Land Development and Construction Regulations of Miller County, Georgia.

ARTICLE II. AUTHORITY

Section 1.2-1 This Resolution is adopted under authority of Article IX, Section II, Paragraph IV, of the Constitution of the State of Georgia.

ARTICLE III. JURISDICTION

Section 1.3-1 These Regulations shall govern all land development activity within the unincorporated portions of Miller County.

ARTICLE IV. PURPOSE AND INTENT

Section 1.4-1 The purpose of these Regulations shall be to promote public health, safety, morals and general welfare requiring the harmonious, orderly and progressive development of land within Miller County, Georgia. In the furtherance of this goal, these Regulations are adopted for the following purposes:

- (a) To encourage the development of an economically sound and ecologically stable community;
- (b) To encourage the development of a variety of housing types and a range of densities to accommodate the housing needs and economic capabilities to all of the residents of the County;
- (c) To assure the provision of required roads, streets, utilities, and other facilities and services to new land development;
- (d) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments;
- (e) To assure the provision of needed public open space and building sites and new land developments through the dedication and/or reservation of land for recreation, education and other public purposes;
- (f) To assure that development will comply with applicable Rules and Regulations of the Department of Human Resources, the Department of Natural Resources, the Miller County Board of Health and all laws pertaining to or authorizing such Rules and Regulations; and
- (g) To assure, in general, the wise development of new areas, in harmony with the Development Plan for Miller County, Georgia and adjacent counties.

ARTICLE V. APPLICATION OF RESOLUTION

Section 1.5-1 This Resolution sets forth standards which apply to any person engaged in the development or alteration of land, specifically including, 1) the subdivision of land 2) the placement of manufactured homes on individual residential lots, 3) the development of and/or placement of manufactured homes in manufactured home rental communities, 4) the development of multi-family housing complexes, including multi-unit apartments, townhouses, and condominiums, 5) land disturbing activities which have a potential of causing soil erosion and/or sedimentation, impacting Waters of the State, or impacting State Jurisdictional Wetlands, 6) acquisition of permits and inspection of construction to enforce adopted building codes 7) the abatement of nuisances and 8) construction of on site water supplies and on site sewage disposal systems, 9) development in flood plains and includes the appropriate fee schedules for such activities.

The requirements of this Resolution are declared to be minimum requirements and shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner any easements, covenants or other agreements between parties. However, whenever the provisions of this Resolution impose greater restrictions upon the use of land or buildings than the provisions of other ordinances, rules, regulations, permits or any easements, covenants or other agreements between parties, the provisions of this Resolution shall govern.

ARTICLE VI. AMENDMENT

Section 1.6-1 These Land Development Regulations may be amended to increase the effectiveness of the Regulations. Amendments may be initiated by the County Commission or the Miller County Planning Commission, but all amendments must be considered by the Planning Commission and forwarded to the County Commission for public hearing, with reasonable notice given to the public.

ARTICLE VII. VALIDITY

Section 1.7-1 Should any section, or provisions of this Resolution be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ARTICLE VIII. LIABILITY

Section 1.8-1 Neither the approval of a plan under the specific provisions of these Regulations, nor the compliance with the provisions of these Resolutions shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon Miller County, Georgia or the Miller County Planning Commission for damage to any person or property.

ARTICLE IX. VIOLATIONS

Section 1.9-1 VIOLATIONS. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of these Regulations shall be guilty of violating a duly adopted Ordinance of the County and shall be punished either by a fine not to exceed \$500.00, or by imprisonment not to exceed 60 days, or both. The owner of any lands or parts thereof, where anything in violation of these Regulations shall be placed or shall exist, and each responsible party or other person assisting in the commission of any such violation, shall be guilty of a separate offense.

Section 1.9-2 SEPARATE OFFENSE. Each and every day's violation of any provision of this Resolution shall constitute a separate offense.

ARTICLE X. REPEALS

Section 1.10-1 REPEALS. All resolutions or parts of resolutions in conflict therewith are hereby repealed. Should any portion of this Resolution be declared unconstitutional, the remaining portions shall not be affected thereby and shall remain in full force and effect.

Section 1.10-2 EFFECTIVE DATE. This Resolution shall take effect and be in force from and after its adoption.

THEREFORE BE IT RESOLVED, That the Miller County Commission, does hereby ordain, resolve, and enact the foregoing Land Development Regulations for Miller County pursuant to the provisions of the Georgia Constitution.

Adopted this _____ day of _____, _____.

ATTEST

County Clerk

Chairman, Board of Commissioners
Miller County

CHAPTER II
MILLER COUNTY SUBDIVISION REGULATIONS

ARTICLE I. GENERAL PROVISIONS

Section 2.1-1 SHORT TITLE. This Resolution shall be known and may be cited as the Subdivision Regulations of Miller County, Georgia.

Section 2.1-2 AUTHORITY. This Resolution is adopted under authority of Article IX, Section II, Paragraph IV, of the Constitution of the State of Georgia.

Section 2.1-3 JURISDICTION. These Regulations shall govern all subdivision or re-subdivision of land within the unincorporated portion of Miller County.

Section 2.1-4. DEFINITIONS. For the purpose of this Ordinance, the following words, terms, phrases shall have the meaning given in this section. Words used in the present tense include the future; words used in the singular include the plural; words used in the plural include the singular. The word "shall" is always mandatory, while the word "may" is discretionary. The interpretation of the County Commission shall be final as to the meaning of any definition, statement, requirement symbol and/or abbreviation used in connection with these Regulations and/or application thereof.

- a. **Access.** The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.
- b. **Accessory Structure.** Any structure that is a detached, subordinate structure, the use of which is clearly incidental to, customarily associated with and related to the principal structure or use of land and which is located on the same lot as the principal structure or use. Accessory structures shall include storage buildings, dollhouses, pool houses, tree houses, entrance gates to individual homes or subdivisions and other similar uses. Mailboxes shall not be considered accessory structures.
- c. **Administrative Subdivision.** A subdivision of a tract or parcel requiring an abbreviated approval process applicable to a single lot split or minor subdivision. In the case of a minor subdivision, the smallest lot must be at least 65,340 square feet. No private covenants are allowed except those restricting the parcel for residential purposes. In addition, the proposed subdivision is not part of a previous subdivision approved within three (3) years prior to the date of application.
- d. **Base Flood Elevation.** Indicates the water surface elevation of the base flood as referenced to the National Geodetic Vertical datum of 1929 or other datum if specified. New or substantially improved, remodeled or damaged properties in the flood zone must build one (1) foot above the BFE.
- e. **Buffer Strip.** A land area of appropriate design providing a visual and noise separation between incompatible land uses.
- f. **Building Inspector.** The official who is employed by the County for the purpose of building inspection, construction codes enforcement, and the administration of all non-health related county building and land development regulations.
- g. **Building Line.** A line beyond which no foundation wall or part of the structure of any building shall project. With the exception of roof overhang or the subsurface portion of footings, provided, however that such overhangs and footings do not encroach upon the adjacent property or right-of-way. This line shall at least coincide with the required set back line.

- h. **Commercial Subdivision.** All divisions of a tract or parcel of land into two or more lots, any one of which shall contain a gross area less than or equal to twenty-five (25) acres, building sites, or other divisions for the purpose, whether immediate or future, for development, sale, or lease of land for commercial and/or office use.
- i. **Construction Standards.** County as issued by the County Engineer (available on request).
- j. **Development Plan.** The Miller County Comprehensive Plan 2006 which may consist of the thoroughfare plan, general land use plan, street and road classification plan other maps, data and descriptive matter for the physical planned development of the County or any portion thereof, including any amendments, extensions, or additions thereto.
- k. **Driveway.** A vehicular access way in private ownership, other than a private street, which generally provides access to only one property.
- l. **Easement.** A grant by the owner of land for the use of such land by others, including the public, for a specific purpose or purposes.
- m. **Engineer.** The official who is employed by the County for the purpose of directing the Miller County engineering operations.
- n. **Soil Erosion and Sedimentation Control Plan.** A plan for the control of soil erosion and sediment resulting from a land-disturbing activity. Five copies of this plan are required to be delivered to the County Building Department, along with a land disturbing permit application. Approval of the land disturbing permit and soil erosion and sedimentation control plan by the Flint River Natural Resource and Conservation Service is required prior to preliminary plat consideration.
- o. **Flood Hazard Area.** The channel and relatively flat area adjoining the channel of a natural stream, river, or body of water subject to flooding during major storm events. Specifically, such designation shall refer to 1) those areas within the County identified by the Federal Emergency Management Agency (FEMA) as being subject to flooding and delineated on Flood Insurance Rate Maps, or 2) particular areas of the County which, based on actual observation of flooding or engineering studies, have been designated as local flood hazard areas by the Planning Commission.
- p. **Floodways.** The natural channel and the portion of the flood plain along the channel which must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream. Water travels at a high velocity in the floodway.
- q. **Land-Disturbing Activity.** Any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands within the State, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land.
- r. **Lot.** An undivided portion of land, which is designated as a distinct and separate tract, and identified by a tract number, lot number or symbol on an approved subdivision plat, properly recorded which is or may in the future be offered for sale, conveyance, transfer, or improvement.

Existing Substandard Lot: A lot not meeting the minimum requirement of 65,340 square feet and other development standards. Lots of legal record as of the effective date of these rules and regulations, which were previously approved or exempted by the Health Authority, will be exempt from present lot size. Refer to Appendix A, Part 8.01.

s. **Lot Split.** The following types of lot splits exist:

a. **Singular Lot Split:** The subdivision of a single tract of land into two (2) lots or parcels, one of which is less than twenty-five (25) acres, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of these regulations.

b. **Lot Split with Easements:** A lot split allowed without public road frontage, provided that the lots are a maximum of two (2) acres in size and that the inclusion of a thirty (30) foot perpetual easement abutting a public road is inscribed on the plat and further, that no more than two (2) parcels of land may obtain access from the easement.

The deed of each parcel, which is accessed by the easement, must contain a clause that states that the access is from an easement that will not be maintained by the County. In the event that a third lot is to be developed off of an easement, the road must become a public road and developed to the road standards specified in this Ordinance. The names of all property owners obtaining access of the easements should be inscribed on the plat.

t. **Lot Width.** The distance between the side lot lines, measured at the building line, and parallel to the street right-of-way line.

u. **Manufactured Home (Formerly known as "mobile homes").** A detached single family dwelling unit, designed for long-term occupancy, which normally has been prefabricated and then transported to its site or to a sales lot on its own wheels, on a detachable undercarriage, or on a flatbed or other trailer conveyance and requires only minor work before occupancy, such as connection to utilities or a foundation. Such a dwelling shall be constructed in accordance with the Federal Manufactured Home Construction and Safety Standard, which came into effect on June 15, 1976, and shall bear an insignia issued by the U.S. Department of Housing and Urban Development (HUD). Units manufactured before this date are subject to the provisions of this ordinance, but are not required to meet these HUD standards.

v. **Manufactured Home Rental Community (formerly known, variously, as "mobile home parks", "trailer parks", or "trailer courts").** A business operation which leases or rents spaces for permanent or for temporary occupancy for periods exceeding thirty (30) days for manufactured homes and, under some conditions, travel trailers.

w. **Manufactured Home Subdivision.** A subdivision of land intended for the sale of lots to individuals for the placement and occupancy of manufactured homes.

x. **Migrant/Seasonal Farm Tenant Residence.** Single or multi-family residence structures including duplexes, triplexes, quadruplexes or dormitories allowed on any working farm under single ownership which is twenty-five (25) acres or larger. Migrant/seasonal farm tenant residence developments shall be exempt from the road bond requirements.

y. **Modular Home.** A factory-fabricated, permanently sited single family dwelling that is constructed in one or more sections and complies with local construction codes. These units are manufactured in accordance with the Georgia Industrialized Building Act and the rules of the Department of Community Affairs (DCA) issued pursuant thereto. Each unit must bear a seal of approval issued by the Commissioner of the DCA.

z. **Planning Commission.** The Miller County Planning Commission.

- aa. **Planned Unit Development (PUD).** A subdivision planned to include open space, and a variety of housing types, which would also permit other land uses, including multi-family structures, churches, schools and commercial activities.
- bb. **State Waters.** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.
- cc. **Street.** A way dedicated for vehicular traffic by the general public whether designated as street, highway, parkway, road, avenue, boulevard, lane, place, or other similar designations.
 - (1) **Arterial Streets and Highways** are those that are used primarily for fast or heavy traffic and include all Federal and State roads.
 - (2) **Collector or Feeder Streets** are those which carry traffic from minor or access streets to the major system or arterial streets and highways and promise a traffic potential greater than that of minor streets.
 - (3) **Minor Streets** are those which are used primarily for access to the abutting properties.
 - (4) **Cul-de-Sacs** are short minor streets with only one end open to vehicular traffic and being permanently terminated at the other end by a vehicle turn-around.
 - (5) **Dead End Streets** are those streets with only one end open to vehicular traffic and not provided with a vehicle turnaround at the other end.
 - (6) **Frontage Roads** are minor streets that are used primarily for access to the abutting properties.
 - (7) **Alleys** are minor ways that are used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.
 - (8) **Private Street** A street meeting all of the Miller County specifications for paved residential streets for which Miller County shall have no subsequent responsibility to maintain and repair. Private streets may be only established and maintained by an incorporated private homeowners association and shall be open for public school buses and emergency vehicles.

Private Street Application Requirements The developer shall make an application to the Planning Commission requesting the use of private streets in his subdivision no less than thirty (30) days prior to the Miller County Board of Commissioner's regular meeting date at which the application is to be heard prior to submittal of a preliminary plat. The application shall contain the following:

- (1) The name, address, and telephone of the owner, or his agent, and a declaration of ownership:
- (2) A proposed copy of Bylaws and/or Articles of Incorporation and Bylaws for corporations created pursuant to the Property Owner's Association, as codified in O.C.G.A. §44-3220, et seq., relating to the establishment and maintenance of drivers and common areas within the subdivision.
- (3) A copy of any proposed restrictive or prohibitive covenants to be recited in the deeds pertaining to the use of the land within the subdivision; and

- (4) A sketch plan depicting the location, name and preliminary design of the proposed private street and general concept plan for the proposed development.

(b) **PROPERTY OWNERS'S ASSOCIATION REQUIREMENTS** A corporation formed pursuant to the Property Owner's Association shall include in its Bylaws provisions which provide as a minimum the following:

- (1) Articles of Incorporation and perpetual duration of the corporation;
- (2) Shareholder interest required for all lot owners within the subdivision created pursuant to the Property Owner's Association;
- (3) Method of election of officers of the corporation;
- (4) Recital that Miller County has no duty to accept or maintain any private drive approved in a private subdivision;
- (5) A hold harmless or an indemnity provision relieving the county of any liability due to the negligence of the owner or developer with respect to the use of any private street.

(c) **PRIVATE STREET REQUIREMENTS** In order to be considered for approval, a private drive providing access to lots in a private subdivision shall meet the following minimum requirements:

- (1) The private drive shall be owned by the corporation;
- (2) The private street meeting all of the county's paving specifications shall begin at a public road or street and shall be planned in such a way so as to provide access to each lot in the private subdivision. The County Planning Commission shall determine if the layout planned is adequate for emergency vehicle travel;
- (3) Private drives authorized by these regulations shall be identified on the plat of the subdivision to be recorded in the office of Clerk of Superior Court of Miller County.

(d) **SPECIAL PLAT REQUIREMENTS** Any corporation created pursuant to the Property Owner's Association shall submit to the County Planning Commission a subdivision plat containing the following in addition to the general platting requirement:

- (1) Copies of the Articles of Incorporation and Bylaws and any private covenants shall be furnished to the Miller County Environmental Specialists, the code Enforcement Director, the County Attorney, and the County Road Superintendent, or their designees for review and recommendations at the time of final plat submittal.
- (2) A recital entered directly on the plat identifying the corporation and notice that the county has no duty to accept or maintain a private drive with the subdivision.

**PRIVATE DRIVE
MEMBERSHIP REQUIRED/MAINTENANCE DISCLAIMER HOLD HARMLESS**

A perpetually established corporation owns the private drive depicted on this plat. The corporation shall assert no action that imposes on the county a duty to maintain and repair the private street.

Property Owner/Agent

Date

Corporation

- (3) Private Street Certificate. The following certificates shall be affixed to the final plat having private streets.

**SUBDIVISION WITH PRIVATE STREET
BOARD OF COMMISSIONERS FINAL PLAT APPROVAL**

All requirements for approval having been fulfilled, as determined by the County Planning Commission and approval having been made by the Miller County Board of Commissioners, the final plat was approved and all private streets shown hereon are hereby approved this _____ day of _____, 19____.

Chairman, Board of Commissioners

Date

- (4) **Private Street Application** A developer seeking to utilize a private street shall submit an application to the Miller County Planning Commission in advance of the submittal of the preliminary plat. The Miller County Planning Commission's recommendations shall be submitted to the Miller County Board of Commissioners for approval or disapproval prior to submittal of the preliminary plat. The Miller County Board of Commissioners may authorize the use of a private street only when a gated community or other unique development plan indicates that the standards and maintenance plan will be implemented as regulated by the Miller County Land Development Regulations.
- dd. Subdivider.** Any firm, person, corporation, association, or partnership, or any agency thereof, who undertakes, or proposed to undertake the subdivision of land, so as to constitute subdivision, as herein defined.
- ee. Subdivision, Major** All divisions of a tract or parcel of land into two or more lots, any one of which shall contain a gross area less than or equal to twenty-five (25) acres, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development, and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision, lot splits with easements. **The following subdivisions are exempted:**
- (1) The division of land into parcels of more than twenty-five (25) acres where no new street is involved, and

(2) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the County.

- ff. Subdivision, Minor.** Administrative subdivisions defined as: (1) The subdivision of a tract of land into not more than five (5) lots, one of which is less than twenty-five (25) acres, for which there are no roadway, drainage, or other required improvements; where each lot has frontage on a maintained public street; where there is adequate provision for potable water supply and waste-water management for each lot; and where the resultant lots comply with the standards of these regulations.
- gg. Travel Trailer Park.** A parcel or area of land designed and equipped to accommodate travel trailers for short periods of time, not to exceed twenty-nine (29) days.
- hh. Usable Area.** The net usable portion of a lot, tract, or stand, not including any additional property within the legal boundaries of the parcel which by virtue of permanent or seasonal inundation by surface water, crossing by rights of way or easements, steep slopes, and the like, is not suitable for the construction of habitable structures or drain fields.
- ii. Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

ARTICLE II. GENERAL REQUIREMENTS

Section 2.2-1 PLAT REQUIRED. No person shall subdivide land within Miller County before the filing of and approval by the Miller County Planning Commission of preliminary and final plats, as may be required by these Regulations. All plats of subdivisions within the County shall be signed by the Planning Commission prior to recording in accordance with O.C.G.A 15-6-67.

Section 2.2-2 PUBLIC OR PRIVATE STREET ACCESS. No residential lot shall be sold or any building erected on any such lot within the unincorporated area of Miller County unless the street providing the required frontage thereto has been accepted as a public street or unless such street was developed as a private street prior to July 1, 1989 and the adoption of the County's Land Development Regulations, and unless the frontage is provided on a private street recommended by the Miller County Planning Commission and approved by the Miller County Board of Commissioners after the date of the adoption of this resolution.

Section 2.2-3 CONFORMANCE TO STANDARDS FOR STREETS AND UTILITIES. All roads, streets, and/or alleys that are to be used by the general public shall be constructed in accordance with the standards fixed by these Regulations. No road shall be accepted for County maintenance unless the provisions of these Regulations have been met. Official approval of a developer's plan constitutes no implied responsibility on the County for any assistance in construction, either in materials or labor or equipment, this being the responsibility of the developer. Specifically, the developer will remove or have removed at his own cost, all utility lines and poles, install required drainage facilities, install all culverts for access to abutting property, construct the roadway and improve the entire right-of-way.

Section 2.2-4 CONFORMANCE TO STANDARDS FOR PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION. The developer, in so far as such regulations may pertain to his particular project, is responsible for meeting all applicable Federal, State, and County regulations concerning the provision of safe drinking water, sewage treatment, erosion and sedimentation control, and impacts on wetlands and waters of the State.

Section 2.2-5 PLANNED UNIT DEVELOPMENT/GROUP DEVELOPMENT. A developer may submit an application for a planned unit development in lieu of the regular subdivision review process, otherwise the procedures and standards contained in this Regulation shall apply to all such developments.

Section 2.2-6 SUITABILITY OF LAND. Land which the Planning Commission finds to be unsuitable for subdivision development due to flooding, improper drainage, topography, utility easement or other features shall not be subdivided unless adequate provisions are made for the development.

Section 2.2-7 ONE PRINCIPAL BUILDING PER LOT. Except as where provided herein, there shall be no more than one principal building, structure or use upon any lot providing a minimum of 65,340 square feet other than within a commercial, industrial development, manufactured home park or migrant/seasonal farm tenant development. A principal building, structure or use is the predominant or primary use of any lot.

Section 2.2-8 PROVISION FOR MIGRANT/SEASONAL FARM TENANT RESIDENCES Migrant/Seasonal Farm Tenant Residences: Single or multi-family residence structures including duplexes, triplexes, quadruplexes, townhomes or dormitories shall be allowed on any working farm parcel of land under single ownership that is twenty-five acres or greater. The following shall govern this use:

- a. Each single family non-principal residential use shall occupy a land area not less than 65,340 square feet unless community water or sewer systems is provided. Each multi-family development excepting the dormitory style building shall meet the requirements of ARTICLE IV Design Standards, Section 4.4-1 Allowable Development Density. Dormitory style buildings shall meet the land requirements as deemed necessary by the Miller County Health Department.

- b. Each land area shall receive approval from the Miller County Health Department as to its suitability as a site for effective sanitary sewage disposal system.
- c. An acceptable domestic water supply shall be available to each user of this special provision and such water supply shall meet local public requirements as administered by the Miller County Health Department.
- d. Each such land area shall be so defined by permanent physical markers as to be given numerical address and location designation.
- e. No commercial use of this provision will be allowed. Residential renting to bonified seasonal/migrant farm laborers and their immediate families shall be allowed as long as the laborer and their family are employed at the subject farm during at least one season.
- f. Each such use shall be accessible either by public roadway, private drive or easement to the public thoroughfare. Private drives and easements shall be sixty (60) feet wide and shall be designed to the specifications stipulated by the Planning Commission in accordance with County regulations. Private drives and easements shall be maintained by the property owner to County specifications. Such private drives or easements do not have to be paved. These perpetual easements shall be shown on the subject property plat.
- g. Individual power supply sources shall be provided to each user under this special provision and each utility installation shall meet standards as have been adopted by local authorities.
- h. Facilities established under this special provision for residential use shall meet the requirements of the Miller County Construction Regulations, Soil Erosion and Sedimentation Control Regulations, Flood Plain Regulations. All other applicable development improvements and design standards (excluding the public road frontage requirements) shall be met as outlined in Chapter 2: Subdivision Regulations, Chapter 3: Manufactured Home/Travel Trailer Regulations and Chapter 4: Multi-family Housing Regulations.
- i. The Building Official will not issue permits for construction prior to the approval of the aforementioned conditions.
- j. In the event the property is sold and turned to general commercial or residential uses, the standards for street paving shall be met.
- k. All property owners submitting applications for migrant/seasonal Farm Labor Residence developments shall schedule a pre-development review meeting with the Miller County Building Official and the Miller County Health Department. A pre-development sketch plan shall be provided at this meeting.
- l. Applicants shall follow the platting procedure for combined preliminary and final plat procedure outlined in ARTICLE III Section 2.3-10 where there are no drainage requirements outlined at the pre-development review meeting. If drainage improvements are required, the procedure for Preliminary and Final Plats shall be followed as outlined in ARTICLE III Subdivision Platting Procedure and Requirements.

Section 2.2-9 VARIANCE PROCEDURE. Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this Resolution would cause an unnecessary hardship, the Planning Commission may authorize a variance, if such variance can be made without destroying the intent of the Subdivision Regulations. Variances must be entered in writing in the minutes of the Planning Commission and the reason for said variance set forth.

- a. An appropriate fee for making a variance application shall be determined by the County Commission and shall be outlined in the Miller County Land Use Regulations Fee Schedule.

- b. The following shall be inscribed for signature on plats involving a variance:

Pursuant to the Land Subdivision Regulations of Miller County, Georgia, Section 2.2-7, Variance Procedure, all of the criteria for approval of this variance(s) have been fulfilled. This variance request, pursuant to substandard (specify: lot, setback, road standards, etc.) was granted approval by the Decatur County Planning Commission on this _____ day of _____, 199__.

Section 2.2-10 RIGHT-OF-WAY RESTRICTION

No accessory structure shall be constructed or installed in the public right-of-way.

Section 2.2-11 EXISTING PLAT AND DEED REFERENCE.

The date of an existing plat and deed reference shall be placed on new surveys of land when it is re-platted.

ARTICLE III. SUBDIVISION PLATTING PROCEDURE AND REQUIREMENTS

Section 2.3-1 PREDEVELOPMENT REVIEW. Prior to the filing of an application for preliminary plat approval, the developer, his engineer, or agent is encouraged to consult with the County Building Inspector, Health Department, Road Superintendent, County Engineer and other appropriate county departments as well as the Soil Conservation Service Office for the purpose of facilitating the review process.

- a. **Sketch Plan:** It is also recommended that a sketch plan of the proposed development be submitted by the sub-divider for review at this time. The sketch plan should contain the following data which may be obtained from base maps available at the Miller County Building Office, the County Tax Assessor's Office, local United States Natural Resource and Conservation Service (NRCS) Office, or the Southwest Georgia Regional Development Center.
 - (1) Type of development (i.e., residential, manufactured home, or commercial);
 - (2) Approximate tract boundaries and total acreage;
 - (3) Approximate location with respect to land lot lines;
 - (4) Streets on and adjacent to the tract and proposed general street layout;
 - (5) Significant topographic, physical and historic features;
 - (6) Generalized existing vegetation; and
 - (7) Proposed general lot layout and total number of lots.
- b. **Sketch Plan Review:** As far as may be practicable on the basis of a sketch, the Planning Commission or designated staff will, without prejudice to the County, advise the sub-divider within twenty (20) working days, of the extent to which the proposed subdivision conforms to the standards of these regulations and other applicable ordinances or statutes, and will advise what additional documents, possible plan modifications, etc., must be submitted and what review procedures must be undergone in order to obtain final plat approval. The sketch plan review shall not be considered as an approval or pre-approval of any development plan or preliminary plat. It shall only be considered a preliminary advisory review for the benefit of the developer.
- c. **Soil and Sedimentation Review Process:** The applicant is encouraged to meet with the Natural Resource and Conservation Service Office (NRCS), Flint River District with a rough draft or sketch plan of the proposed subdivision prior to submitting an application and preliminary plat. Although this step is not a requirement, it is helpful to aid these officials in advising the developer if a Soil and Sedimentation Control Plan is necessary. If a proposed new subdivision will have new roads or drainage improvements or entails a significant amount of land disturbing activity, the developer must submit a Soil Erosion and Sedimentation Control Plan prior to plat approval. Five (5) copies of the Soil Erosion and Sedimentation Plan as well as a Land Disturbing Permit Application will need to be delivered to the Miller County Building Department to be dispensed to the Health Official, Road Superintendent and the Natural Resource and Conservation Service (formerly the Soil Conservation Service) for review. The review process may take up to forty-five days from the date the plan is submitted. No land disturbing, i.e. road building, land clearing, drainage installation, etc. shall be performed until the Preliminary Plat has been approved, signed and land disturbing permits issued.

A subdivision application and Preliminary Plat may be presented at the same time that the Soil and Sedimentation Control Plan is submitted, however, the application will not be placed on the agenda for the Planning Commission meeting until an approved Soil and Sedimentation Control Plan and land disturbing permit is received.

- d. **Natural Gas Company Review Process:** In case of proposed subdivision developments or projects, these rights-of ways and easements may be crossed under certain conditions, by roads, railroads, streets, and utility lines; but such are not to be placed longitudinally within a gas company's rights-of-way and easements. The owner/developer is advised that in order to accommodate the construction of such roads, railroads, streets, and utility lines across pipelines, or to accommodate the construction of roads, railroads, streets, utility lines across pipelines, or to accommodate any allowable change of grade, impoundment of water or excavation, the company may require alteration or adjustment of its pipeline facilities in accordance with Federal regulations and/or gas company requirements, and will further require that the owner/and or developer assume the financial obligation of any such required alteration or adjustment where the gas company has compensable interest by virtue of its easements or pre-existing rights. A plan drawing of the subdivision plat or project, along with actual cross section of any street that will cross a natural gas pipeline must be furnished by the developer to the local company office. The gas company will then study the affected facilities and determine what alterations will be required.
- e. **Pre-Development Utility Conference.** The subdivider shall arrange a meeting with the appropriate utility personnel and the County Building Official and/or County Manager to discuss placement of utilities in the easements. The Building Official will advise the developer concerning clearance requirements in the easements at this time.

Section 2.3-2 PRELIMINARY PLAT PROCEDURE. Any person desiring to subdivide land shall file with the designated agent of the Miller County Planning Commission appropriate copies of the preliminary plat, which will be accompanied by a formal application, for distribution to appropriate departments and agencies. The plat shall be prepared in accordance with these Regulations and to County specifications by a registered engineer, surveyor, or architect who is licensed under the laws of the State of Georgia.

After the registered land surveyor has completed the Preliminary Plat, per the development regulations, the developer must complete a subdivision application and present one (1) original on linen and twelve (12) copies of the Preliminary Plat to the Building Department along with the appropriate fee per lot.

- a. **Filing.** The preliminary plat shall be deemed filed with the Miller County Planning Commission when it is filed with the Miller County Building Department. Plats must be filed at least two weeks before the date of the next regularly scheduled meeting of the Planning Commission in order to be included on its agenda for review. The Planning Commission's regular meeting date is the first Tuesday of each month.
- b. **Fees.** The subdivider, at the time application is made for Preliminary Plat Review, shall pay unto the County the appropriate fees as set by the Board of the County Commissioners. These fees shall be used to defray the County's cost of researching subdivision plats, including investigation of sanitary conditions, street construction and other detailed investigations of plats by County Officials and the Planning Commission.
- c. **Distribution and Review:** Twelve copies of the preliminary plat shall be distributed by the County Building Official for the Planning Commission, the County Department of Health, other appropriate County department heads, and the Southwest Georgia RDC for review and recommendation to the Planning Commission. Prior to the Planning Commission meeting, the County Health Department and the RDC shall submit, in writing, copies of their recommendations to the Miller County Planning Commission. Where the proposed development meets its requirements, the Department of Health shall so certify its conceptual approval of the development on one or more copies of the preliminary plat as specified below. Recommendations from other agencies and departments may also be submitted.

- d. **Approval by the Planning Commission:** Approval or disapproval of the preliminary plat by the Planning Commission shall be accomplished within sixty (60) days after the date of the scheduled regular Planning Commission meeting following submission of the application. If, after the sixty (60) days, the Planning Commission has failed to act, the preliminary plat shall be deemed approved and on demand, a copy shall be signed for transmission to the County Commission, provided, that the sub-divider may waive in writing this requirement and consent to an extension of such period.

After Approval: Once the Preliminary Plat is approved, and plat signed by the appropriate officials, the developer must take the signed original and have four (4) copies made for delivery to the Building Department. If the subdivision contains no new roads, drainage improvements or land disturbing activities of any type, the final plat may then be submitted. However, if a Land Disturbing Permit is required, construction cannot begin until it is approved. After it is approved and all improvements are completed and all new drainage improvements and the County Road Superintendent accepts roads, the final plat may be submitted.

Denial of Preliminary Plat: If the Planning Commission disapproves the preliminary plat, the reasons shall be stated in the resolution and the sub-divider shall be so advised.

Section 2.3-3 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat may be a sketch of approximate accuracy and of a legible scale, made directly on a print of a boundary survey.

The plat will include the following information:

- a. Proposed subdivision name or identifying title and total acres.
- b. Name of owner of subdivision or his authorized agent, if any.
- c. The names of all owners of all land adjacent to the proposed subdivision.
- d. A vicinity map at a scale of not less than one inch equals two miles showing the location of the proposed subdivision.
- e. Street names, rights-of-way and roadway width; similar data for alleys, if any and additional right-of-way as required should the development be located on a substandard road. The Building Official shall approve street names prior to the preliminary plat approval. No duplicated or similar names to existing streets may be used.
- f. Location of utilities, and other types of easements. Where roads are proposed, utility easements and setback should be shown on all sides of the road.
- g. Lot lines, lot and block numbers (consecutively numbered or lettered), lot sizes, area in parks, etc.
- h. Topographic maps of all land subdivided, with a two (2) foot scale contour interval, or where deemed appropriate by the Planning Commission, a one (1) foot contour interval superimposed on the plat.
- i. Minimum building setback lines.
- j. Numerical scales, title, graphic scale, north arrow, date.
- k. All elevations shall be based on sea level datum as determined from geodetic control monuments or U.S. Geological Survey 7 1/2-min. quad sheets. A statement on the plat shall indicate which standard is utilized.

- l. Delineation of all areas of the proposed subdivisions which lie within established Federal Emergency Management Agency (FEMA) flood plains and/or State jurisdictional wetlands. **The Flood Insurance Rate Map (FIRM)** map number and panel as well as the type of flood zone should be inscribed on the plat if a property is located in a flood zone.
- m. Soil characteristics. Where the proposed subdivision is not to be served by a public or community sewage system, information on soil types and capabilities, frequency and evaluation of seasonal high groundwater tables, and occurrence of rock and other impervious strata shall be provided by the developer.* This information should be superimposed on a copy of the plat showing contour lines and other natural features of the site.
*A high intensity soil survey will generally be required to provide this data, although in some cases, and at the option of the County Health Department, a medium intensity survey may be adequate for some areas of the County.
- n. Location of all water supplies on or off the subdivision that will bear upon the location of the on-site sewage management systems. The location of any wells located on adjoining land within one hundred 100 feet of the subject property line should be identified on the plat.
- o. Generalized plans for storm water management, including the proposed location of drainage ways, basins, and other improvements.
- p. A copy of a Natural Resource and Conservation Service (NRCS previously SCS) approved Land Disturbing Permit and an approved plan for the control of erosion and sedimentation if required.
- q. Draft of proposed restrictive covenants, if any, to be imposed, and designation of areas subject to special restrictions.
- r. Note "**NOT FOR RECORDING**" to be affixed on preliminary plat.
- s. Certification of a State of Georgia Registered land surveyor as to the accuracy of the plat. The surveyor's seal shall be embossed upon the plat.
- t. Wording as prescribed in Sections 2.3-4 and 2.3-5 for the signatures of the County Health Official and the Planning Commission.
- u. Any subdivision located on a State highway must submit three (3) copies of preliminary plat to the Georgia DOT for review. A letter of recommendation from DOT should be presented to the Planning Commission prior to preliminary plat approval.
- v. Additional right-of-way shall be dedicated if needed to meet minimum street requirements.

Section 2.3-4 REVIEW AND APPROVAL BY THE COUNTY HEALTH DEPARTMENT. The Miller County Department of Health shall review the proposed subdivision for conformance with all applicable health and environmental standards falling within its regulatory jurisdiction.

- a. **Individual wells and on site sewage disposal systems:** If, in its judgment, the subdivision, or phase of the subdivision submitted for review, will meet the requirements of Chapter 290-5-26 and Rule III Addendum, the following shall be inscribed on 1) a copy of the preliminary plat showing the characteristics of soils found within the boundaries of the development, and 2) an original signed copy of the preliminary plat for transmittal to the Planning Commission:

~~MILLER~~
~~DESTER~~ COUNTY DEPARTMENT OF PUBLIC HEALTH

Based on soils and associated information provided by the developer and an on-site inspection, this proposed subdivision has been approved as to its general suitability for the installation of individual water wells and/or sewerage disposal systems, with any exceptions as noted. Final approval for individual installations can be given only if systems are built according to this Department's Regulations. This Preliminary Plat was given approval by the Miller County Department of Public Health on this _____ day of _____, 19____.

_____ Date

_____ Miller County Environmental Health Specialist

- b. **Community water and sewage treatment systems:** In the event that a community water distribution system and/or a community sewage collection and treatment system ("package plant") is proposed for the subdivision, the Health Department shall note that approval from the Department of Natural Resources (DNR) is required for final plat approval.

Section 2.3-5 CERTIFICATE OF PRELIMINARY PLAT APPROVAL. At such time as the Planning Commission may approve the preliminary plat, the County Health Department shall inscribe a Certificate of Approval for signature on the plat, provided that it has received the required certification.

- a. **Certificate by the Planning Commission:** Upon approval by the Planning Commission, or after the required sixty (60) days in which the Commission has failed to act on a request for approval, the Chairman of the Commission shall inscribe on the plat the following:

Pursuant to the Land Subdivision Regulations of Miller County, Georgia, all the requirements for approval having been fulfilled, this Preliminary Plat was given approval by the Miller County Planning Commission on this _____ day of _____, 19____.

This Approval does not constitute approval of a Final Plat. This Certificate of Approval shall expire and become null and void on _____, 19____, one (1) years from the above date of approval.

Date _____ Chairman-Planning Commission _____

Section 2.3-6 CONSTRUCTION OF THE SUBDIVISION. Construction of the subdivision may commence only after approval of the preliminary plat by the Miller County Planning Commission. The developer shall arrange periodic inspections of the project by the appropriate county departments during the course of construction.

Section 2.3-7 FINAL PLAT PROCEDURE. The final plat shall substantially conform to the approved preliminary plat. If desired by the subdivider, the final plat may constitute only that portion (phasing) of the preliminary plat he proposes to record and develop at that time. However, **no sale of lots or construction on any individual lot shall begin until after approval of the final plat by the Miller County Board of Commissioners and its recording in the Office of the Superior Court.**

Final Subdivision with No Land Disturbing Permit: If the new subdivision has no new roads, drainage improvements or land disturbing activities, the Final Plat as completed by the registered land surveyor may be submitted to the Building Department, according to County Regulations. One original and twelve (12) copies must be submitted two weeks prior to the Planning Commissions regular meeting on the first Tuesday of the month.

Final Plat with Land Disturbing Permit: If the new subdivision has new roads or drainage improvements or substantial land disturbing activity, the Final Plat must be submitted reflecting the subdivision with the new roads or improvements as they are built. These improvements must be accepted by the Road Superintendent prior to the final approval of the plat by the Planning Commission. When the roads are approved and the plat approved, the developer must then put up the specified Road Bond or other form of acceptable security. The developer also remains responsible for the maintenance and repairs on the road for a period of two years from the time the Final Plat is approved. After the two-year period the Road Superintendent will again inspect the road. If the road is accepted as is, the bond or other form of acceptable security will be released. If the road is not accepted, the developer will be responsible for making the required repairs, etc. or the bond will be forfeited. Prior to final plat approval, the appropriate road sign fees shall be paid to the Building Department by the developer.

Approved Final Plat: When the Planning Commission approves a Final Plat, the plat is submitted to the County Commissioners for approval. Once the proper signatures are affixed to the plat, the developer is responsible for having five (5) copies of the final plat made and delivered to the Building Department. The Miller County Building Department will make the required copies of the plat for an appropriate fee if desired.

The Final Plat shall be delivered to the Building Department by the developer for final recording. Final plats shall be recorded by the Building Department in the Clerk of Superior Courts Office after an appropriate fee is paid by the developer. Only after the plat is recorded may the developer begin to sell the lots.

Denial of Final Plat: If the Final Plat is denied the developer will be notified of any modifications or problems that need to be addressed.

a. **Filing.** Following approval of the Preliminary Plat and the completion of all required improvements the developer shall file with the Building Department an application for Final Plat approval.

b. **Application Requirements:** The application shall contain:

- (1) A letter of application containing the name and address of a person to whom notice may be sent.
- (2) A complete list of deviations, if any, from that which appeared on the approved preliminary plat.
- (3) A certified copy of all private covenants or deed restrictions, if any, pertaining to land within the subdivision.
- (4) A copy of the agreement between the sub-divider and any other political jurisdiction, if any, regarding the arrangements for providing the necessary water and sewer facilities.
- (5) Evidence of the posting of a surety bond, as required in Section 2.3-14, to insure the construction and installation of required public facilities and improvements.
- (6) The original reproducible on linen and twelve (12) prints of the final plat.
- (7) Design and calculations for the storm water drainage system, including elevations and capacities of pipes and holding basins. This plan shall be designed so as to meet all applicable State and Federal Requirements.
- (8) A plan showing the location of all water, sewer, gas, and electrical system improvements, including locations of service connections.
- (9) If the proposed water/sewerage for a subdivision requires the approval of the Georgia Department of Natural Resources, the approval shall be obtained prior to making application for approval of the final plat. The approval shall be in writing and transmitted to the County Commission.

(10) All as-built plans indicating permanent soil erosion and sedimentation control measures, storm drainage facilities, and public utilities. Copies of these plans shall be provided to the Decatur County Planning Commission.

- c. **Approval by the Planning Commission:** Approval or disapproval of the final plat by the Planning Commission shall be accomplished within sixty (60) days after the date of the scheduled regular Planning Commission meeting following submission of the application. If, after the sixty days, the Planning Commission has failed to act, the final plat shall be deemed approved and on demand, a copy shall be signed for transmission to the Miller County Board of Commissioners, provided, that the sub-divider may waive in writing this requirements and consent to an extension of such period. If the Planning Commission disapproves the final plat, the reasons shall be stated in the resolution and the sub-divider shall be so advised.
- d. **Approval by the Board of County Commissioners:** If the Planning Commission shall approve the final plat, the final plat shall be submitted to the Miller County Board of Commissioners for review. The Miller County Board of Commissioners shall act upon the final plat within forty-five (45) days after receipt of the final plat. If, the Miller County Board of Commissioners shall disapprove the final plat, the reasons shall be stated in the resolution and the sub-divider shall be so advised.

Section 2.3-8 FINAL PLAT REQUIREMENTS: The final plat shall conform with the preliminary plat and requirements therefore, as set forth in these Regulations and shall be drawn in permanent ink on one or more sheets of linen tracing cloth or reproducible plastic measuring eighteen (18) inches by twenty-four (24) inches minimum.

The final plat shall show the following:

- a. Proposed subdivision name or identifying title and total acres.
- b. 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 locations.
- c. Tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, radii, and area and central angle of all curves.
- d. Street names, right-of-way and roadway width; similar data for alleys, if any and additional right-of-way as required should the development be located on a substandard road. The Building Official shall approve street names prior to the preliminary plat approval. No duplicated or similar names to existing streets may be used.
- e. Location, dimensions and purposes of any easements shall be drawn on the plat. Where roads are proposed, utility easements and setback should be shown on all sides of the road.
- f. Lot lines, lot and block numbers (consecutively numbered or lettered), lot sizes, area in parks, etc.
- g. Purpose for which sites other than residential lots, are dedicated or reserved.
- h. Minimum building setback lines on all lots and other sites.
- i. Location and description of monuments.
- j. Name of owners of adjacent land.

- k. Reference to recorded subdivision plats of adjoining platted land by recorded names, date, and number.
- l. Certification by registered surveyor to accuracy of survey and plat. The surveyor's professional seal shall be embossed on the plat.
- m. Declaration of land ownership.
- n. Numerical scale, title, graphic scale, north arrow and date.
- o. A vicinity map at a scale of not less than one inch equals two miles, showing the location of the proposed subdivision.
- p. Delineation of all areas of the proposed subdivisions which lie within established Federal Emergency Management Agency (FEMA) flood plains and/or State jurisdictional wetlands. **The Flood Insurance Rate Map (FIRM)** map number and panel as well as the type of flood zone should be inscribed on the plat if a property is located in a flood zone.
- q. A statement of private covenants, if any, to be put directly on the plat if they are brief enough; otherwise, if covenants are separately recorded, a statement as follows:

This plat is subject to the covenants set forth in the separate document(s) attached hereto dated _____, which hereby become a part of this plat, and which were recorded in record book _____, page number _____, and signed by the owner.
- r. A statement by the owner, either directly on the plat or in an identified attached document dedicating streets, rights of way and any sites for public uses, similar to the following:
- s. "Verification of Drinking Water" approval by the Department of Natural Resources (DNR) is required.

OWNER'S CERTIFICATE AND DECLARATION MILLER COUNTY, GEORGIA

The owner of the land shown on this plat and whose name is subscribed hereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever all streets, drains, easements and other public facilities and appurtenances thereon shown for the purposes therein expressed.

Dated this _____ day of _____, 20____. BY: _____, Owner

Section 2.3-9 CERTIFICATES OF FINAL PLAT APPROVAL. At such time as the Final Plat may be approved by the Planning Commission, and subsequently, by the Board of County Commissioners, Certificates of Approval shall be inscribed on the plat to indicate such approval by these bodies.

- a. **Certification by the Planning Commission:** Upon approval by the Planning Commission, or after the required sixty (60) days in which the Commission has failed to act on a request for approval, the Chairman of the Commission shall inscribe on the plat the following:

Pursuant to the Land Subdivision Regulations of Miller County, Georgia, all the requirements for approval having been fulfilled, this Final Plat was given approval by the Miller County Planning Commission on this _____ day of _____, 19____.

Date

Chairman-Planning Commission

- b. **Certification of the Final Plat by the Board of County Commissioners:** Upon approval by the Miller County Board of Commissioners, the Commission shall sign the following plat inscription.

All requirements for approval having been fulfilled and approval having been made by the Miller County Planning Commission, this Final Plat was given approval by the Miller County Board of Commissioners and all public roadways and easements shown hereon are hereby accepted this _____ day of _____ 19____.

Chairman, Miller County Board of Commissioners

Section 2.3-10 ADMINISTRATIVE SUBDIVISION. Where a lot split without easements, or minor subdivision meets the criteria of Section 2.3-11 (a) the Building Official may, at his discretion, review and approve the subdivision if the subdivision meets the requirements of this Section.

- a. **Criteria for filing for administrative subdivision:** In order to file for an administrative subdivision the subdivision must meet all of the following requirements.

1. The subdivision must qualify as a minor subdivision. It must front on a public road.
2. The smallest lot in the subdivision must be at least 65,340 square feet of usable area;
3. There are no private covenants.
4. The lot proposed to be subdivided is not part of previous subdivision approved within the three (3) years prior to this application.

- b. **Filing:** The developer shall file with the Building Official an application for administrative subdivision.

- c. **Fees:** At the time of filing the application, the applicant shall pay a fee in accordance with Appendix C: Miller County Fee Schedule.

- d. **Application Requirements:** The application shall include:

1. An application on the appropriate prescribed form;
2. Information relating to the characteristics of soils within the subdivision per Section 2.3-3 (m);
3. An original reproducible on linen and five (5) copies of the final plat meeting the requirements of Section 2.3-8, except that the wording as prescribed in Section 2.3-8 (r) shall be as required in Sections 2.3-11 (g) and (h).

- e. **Variance from Topographic Mapping Requirements**

Variance Request. If the applicant believes that his/her subdivision will not create impacts on adjacent or nearby properties and thus would not warrant the development of a topographical map, an application to request a variance from the requirement for a topographical map may be made prior to submittal of the administrative plat.

Variance Application. A complete topographical map variance application will consist of a completed application form, vicinity map, legal description of the property or plat and payment of the variance application fee.

Variance Review and Approval/Denial. Upon receipt of a complete variance application, the Miller County Building Inspector or his designee will make a site visit to review existing elevation information, flood plain maps, soils maps, development in the surrounding area and other available materials and may determine at his discretion whether a topographic map required. The Building Official or his designee shall have ten (10) working days to approve or reject an applicant's request for an exception to the topographical mapping requirement on an administrative plat. Should the Building Inspector or his designee not make a determination within the ten (10) day period, the application shall be deemed approved. The Building Inspector or his designee shall inform the applicant of the approval or denial of the topographical map variance request in writing.

Appeals. Appeals of denied topographical variance requests may be made to the Miller County Planning Commission at the next regular meeting date. The cutoff date for applications to the Planning Commission to appeal variance decision are fifteen (15) days before the Planning Commission's regularly scheduled meeting.

- f. **Review and Approvals:** The review and or approval of administrative subdivisions shall be conducted as follows:
 - 1. Copies of the plats shall be distributed to the County Health Department and County Road Department for comment and review;
 - 2. Approval by the Building Department within ten (10) working days after the receipt of the application. If, after ten (10) working days the Building Department has failed to act, the plat shall be deemed approved subject to Health Department approval, and upon demand, a copy shall be signed showing that approval by the Building Department. If the Building Department disapproves the plat, the reasons shall be stated in writing and the sub-divider shall be so advised.
- f. **Review by County Health Department:** The proposed administrative subdivision shall be reviewed and if approved, certified by the Miller County Public Health Department as required in Section 2.3-4.
- g. **Certificate of Approval by Building Official:** Upon approval, the Building Official shall sign the following statement that shall have been inscribed on the plat by the developer of the subdivision:
- h. **Recording of Plat:** The approved and certified plat shall be recorded as required in Section 2.3-12, except that approval of the Miller County Board of Commissioners shall not be required.
- i. **Building and Lot Sales:** No building on lots or sale of lots shall take place before the approved and certified plat is recorded.

The final administrative plat shall contain the following:

- a. Proposed subdivision name or identifying title and total acres.
- b. Primary control points and benchmarks with necessary descriptions and locations of such control points, including all dimensions, angle, bearings, and similar data necessary for proper locations.
- c. Tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, radii, area, and central angle of all curves.
- d. Street names, rights-of-way and roadway width; similar data for alleys, if any and additional right-of-way as required should the development be located on a substandard road.

- e. Location, dimensions and purposes of any easements shall be drawn on the plat. Utility easements and setback should be shown on all sides of the road on corner lots.
- f. Lot lines, lot and block numbers (consecutively numbered or lettered), lot sizes, area in parks, etc.
- g. Purpose for which sites, other than residential lots, are dedicated or reserved.
- h. Delineation of all areas of the proposed subdivisions that lie within established Federal Emergency Management Agency (FEMA) flood plains and/or State jurisdictional wetlands. **The Flood Insurance Rate Map (FIRM)** map number and panel as well as the type of flood zone should be inscribed on the plat if a property is located in a flood zone.
- i. Location and description of monuments.
- j. Names of owners of adjoining land,
- k. Reference to recorded subdivision plats or adjoining platted land by recorded names, date, and number.
- l. Certification by registered surveyor as to accuracy of the survey and plat. The surveyor's professional seal shall be embossed on the plat.
- m. Declaration of land ownership.
- n. Title, numerical scale, graphic scale, north arrow, total project acreage, and date.
- o. A vicinity map, shown as an insert on the plat and at a scale of not less than one inch equals two miles, showing the location of the proposed subdivision.
- p. Topographic contour lines shall be overlaid on the plat at no greater than two foot contour intervals unless exempted by the Miller County Building Official as outlined in Section 2.3-10 Administrative Subdivisions item (e).
- q. Any subdivision located on a State highway must submit three (3) copies of plat to the Georgia DOT for review. A letter of recommendation from DOT should be presented to the Building Department prior to plat approval.
- r. A statement by the owner, either directly on the plat or in an identified attached document dedicating streets, rights of way and any sites for public uses, similar to the following:

OWNER'S CERTIFICATE AND DECLARATION MILLER COUNTY, GEORGIA

The owner of the land shown on this plat and whose name is subscribed hereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever all streets, drains, easements and other public facilities and appurtenances thereon shown for the purpose therein expressed.

Dated this _____ day of _____, 20_____.

By: _____, Owner

- s. Wording as prescribed in Sections 2.3-9 (a) or 2.3-10 (f) and 2.3-9 (b) for signatures of the County Planning Commission, Board of County Commissioners, Building Official, County Administrator and Health Department.

Section 2.3-11 ADMINISTRATIVE APPROVAL OF MINOR SUBDIVISION

1. Pursuant to the Land Subdivision Regulations of Miller County, Georgia, all the requirements of approval having been fulfilled, this Final Plat was given approval by the Miller County Building Department. This _____ day of _____, 20____.

Date

Building Official, Miller County Building Dept.

2. Certificate of the Final Plat approval by the County Administrator: Upon approval by the Miller County Administrator, the Administrator shall sign on the plat the following:

All requirements for approval having been fulfilled and approval having been made by the Miller County Building Official, and the Miller County Environmental Health Official, this Final Plat was given approval by the Miller County Administrator this _____ day of _____, 20____.

Date

County Administrator, Miller County

3. Certificate of Final Plat approval by the Miller County Health Department:

An on-site inspection indicates that the subject subdivision site(s) has been approved for the installation of individual water wells and/or sewage disposal systems according to the Miller County Health Department's regulations. This Final Plat was given approval by the Miller Department of Public Health on this _____ day of _____, _____.

Date

Miller County Environmental Health Specialist

Section 2.3-12 RECORDING OF PLAT. No administrative subdivision plat that has not been properly approved and signed by the Miller County Health Department, Planning Commission Chairman, the Miller County Administrator, Miller County Building Department (in the case of administrative subdivision) and/or the Miller County Board of Commissioners shall be submitted for recording. The developer shall submit the final plat for recording to the Miller County Building Department. Five copies of the plat shall be submitted or the developer may pay to have the Building Department reproduce the plat for a fee. The developer shall pay an appropriate recording fee and the Miller County Building Department shall record the plat.

Section 2.3-13 ROAD SIGN FEES. Prior to Final Plat approval by the planning commission of a major subdivision the appropriate road sign fees shall be paid to the Miller County Building Department by the developer. Road signs must be in place prior to the release of the road bond.

Section 2.3-14 BONDS AND REQUIREMENTS. To insure the adequacy and integrity of materials, construction and installation of public facilities and improvements, i.e., streets, drainage ways and other infrastructure, the developer shall post a bond or certified check with the Miller County Building Official prior to the final approval by the planning commission of a major subdivision. Said bond or certified check shall provide for and secure to the County a guarantee that the actual construction and installation requirements of the County have been met and that a two-year maintenance and performance period shall be met.

- a. **Required Bond.** The bond shall be with a surety company licensed to do business in Georgia or a letter of irrevocable credit from a bank and must be acceptable to the County Attorney. It shall contain a provision indemnifying the County for all maintenance of installations and improvements required by these regulations in the subdivision for a period of two (2) years following the date of final approval by the Board of Commissioners. The Building Official shall determine the amount of the bond that shall be adequate to cover any failures of the improvements and drainage system. The appropriate fees are set per linear foot on dirt or paved roads. An irrevocable letter of credit, or a Certificate of Deposit assigned to the county may be substituted for a surety bond.
- b. **Release of Bond:** The bond shall be released after an additional inspection by the County Engineer indicates that all paving, drainage and other improvements have proven satisfactory and have withstood the two year test period.

ARTICLE IV - REQUIRED IMPROVEMENTS

Section 2.4-1 REQUIREMENTS OF DEVELOPER. Unless otherwise stated herein, the developer of each subdivision will be required to provide all improvements described within Article IV.

Section 2.4-2 CONFORMANCE TO COUNTY SPECIFICATIONS. All proposed subdivisions shall conform to any existing or hereafter adopted standards of improvements for streets, grading, utility provisions, or drainage. Before final acceptance of the required improvements by the filing and recording of any approved and signed subdivision plat, the County Engineer or his authorized representative shall inspect the improvements and shall inspect the improvements and shall certify his approval to the sub-divider and the Planning Commission.

Section 2.4-3 MONUMENTS. Concrete monuments shall be placed at the point of beginning of each subdivision and within the subdivision at the point of curvatures, corners of all streets and at least in one point per lot. One concrete monument may serve several lots.

Monuments shall contain a metal plate or ferrous rod (rebar) at least 5/8 inch in diameter. Monuments shall be not more than two (2) inches but not less than one (1) inch above finish grade. Permanent reference markers made of rebar shall be set at all corners except those located by monuments. They shall be not less than 5/8 inch in diameter and not less than 24 inches in length.

All permanent reference points shall be in place prior to the submittal of the final plat.

Section 2.4-4 STORM DRAINAGE. An adequate drainage system including necessary ditches, curbs, gutters, pipes, culverts, street drains, drip inlets, bridges, and other improvements shall be provided for the conducting of all surface water through the subdivision.

Drains and cross drains shall be provided to accommodate all natural watercourses, as well as water flowing from the site and shall extend beyond the roadway shoulders sufficiently to protect the embankment slopes.

Pipe sizes and slopes shall be determined by acceptable engineering calculations and shall provide for not less than a ten (10) year return frequency storm. In no case shall cross drains be less than eighteen (18) inches in diameter and side drains less than fifteen (15) inches in diameter.

Section 2.4-5 STREET IMPROVEMENTS. Street paving is required for all residential subdivisions and frontage roads. All streets (public and/or approved private streets) shall be constructed according to the following standards and specifications:

(a) Specifications for paved streets: All streets to be dedicated to Miller County as public streets and all streets approved by the Miller County Board of Commissioners as private streets shall be constructed in accordance with specifications contained in the Georgia Department of Transportation Standard Specifications for Road and Bridge Construction, 1983 Edition or as it may be subsequently revised or amended.

(b) **REQUIRED ROADWAY MAINTENANCE AND BONDING**

(1) While the county may, at its option, periodically mow the public right-of-way, it shall be the responsibility of the developer to otherwise maintain the road for two years from the date of approval of the subdivision by the county.

(2) The owner or developer shall maintain the roadbed, shoulders, ditches, back slopes and drainage structures, the neglect or violation of which shall authorize the County Board of Commissioners to institute legal or equitable relief to enforce compliance in any court of competent jurisdiction, or at the option of the county, to utilize such portion of the performance bond to pay any such maintenance.

(3) To ensure the performance of the roadways and associated structures, the owner or developer shall furnish to the county a bond, certified check, irrevocable letter of credit, or certificate of deposit as contemplated by Section 2.3-14 of the Land Development and Construction Regulations, as amended.

Section 2.4-6 APPROVAL OF STREET PLANS AND PROFILES. No street or alley grading shall be done on any land being subdivided until:

- (a) Acceptable plans and profiles have been submitted to the County Engineer, and
- (b) The County Engineer has issued a construction permit approving street and utility plans including drainage.
- (c) Where a proposed subdivision will have an entrance onto a State highway, the developer shall provide evidence of approval for the curb cut for the proposed roadway from the Georgia Department of Transportation.

Section 2.4-7 STREET NAME AND TRAFFIC CONTROL SIGNS. The County shall install all street name and traffic control signs and the cost thereof paid by the developer prior to final acceptance of streets. The developer should apply for street signs early in the process (when the land disturbing permit is requested) for a timely development process.

Section 2.4-8 WATER SYSTEMS. Water sources for individual lots shall meet the standards of the Miller County Health Department as set out in Rule III (Appendix A of the Miller County Land Use Regulations). A community water system for an entire subdivision shall conform to applicable Department of Natural Resources (DNR) standards as well as any required by other utility providers such as the City of Colquitt.

Section 2.4-9 PRIVATE STREET REQUIREMENT. Private streets shall be allowed upon the recommendation of Planning Commission and the approval of the Miller County Board of Commissioners as provided for above.

ARTICLE V - DESIGN STANDARDS

Section 2.5-1 STREETS. The arrangement, character, extent, width, grade and location of all streets shall conform to the street and highway plans of the Miller County Planning Commission, the State and the County, respectively.

- a. **Access:** Every lot of every subdivision platted after July 1, 1989 shall have access to a public street. Access may be provided either directly through the required frontage on an approved public or private street or an approved lot split easement which fronts or intersects with a public street.
- b. **Alignment and Continuation:** Where such is not shown in any street or highway plan, the arrangement of streets in a subdivision shall either:
 - (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas by extending to the boundaries of the proposed subdivision, (Illustration 2.1) or,
 - (2) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance for conformance to existing streets impracticable.
- c. **Marginal Access and Reverse Frontage:** Where a subdivision abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- d. **Railroads and Limited Access Highways:** Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations. Grade crossing of railroads within subdivisions shall be held to a minimum and, if possible and practical from the standpoint of subdivision development, be limited to major streets so designated on street and highway plans of the Miller County Planning Commission.
- e. **Street Jogs:** On intersecting streets with their center lines offset, where it is impossible to obtain continuous pavement alignment (by offsetting the pavement within the right-of-way), the minimum center line off-set shall be 150 feet (Illustration 2.2).
- f. **Sight Distances:** When a deflection in the alignment of a street occurs, the street shall be connected by curve with a radius adequate to insure a sight distance of not less than 400 feet for arterial and collector streets, and not less than 150 feet for minor streets (Illustration 2.3).
- g. **Intersections:** Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at any angle less than seventy-five (75) degrees. Where possible, four-way intersections should be eliminated from a subdivision design in favor of three-way or T intersections. See Illustration 2.4. Where a subdivision lot abuts an intersection, a ten (10) foot miter must be included in the design. No signs, shrubbery or visual obstruction shall be placed within this miter which would impair vision.
- h. **Curb Radius at Intersections:** Property lines at street intersections shall be rounded with a curb radius of twenty (20) feet. The Planning Commission may permit comparable cut-offs or chords in the place of rounded corners. A ten (10) foot miter shall be placed within the twenty (20) foot radius. See illustration 2.12.

- i. **Curb Radius for Curves:** The inter curb radius shall not be less than four hundred (400) feet for major arterial streets, two hundred and fifty (250) feet for secondary streets, and one hundred (100) feet for collector and residential streets. Center line tangents between reverse curves shall not be less than two hundred (200) feet for secondary streets and one hundred (100) feet for collector and residential streets.
- j. **Street Right-of-Way and Pavement Widths:** Minimum street right-of-way widths shall conform to the following requirements.

Table 2.1
Minimum Required Pavement and R-O-W Width

Street Type	Minimum Right-of-Way (In Feet)	Minimum Pavement Width (In Feet)
Cul-de-Sac	60'*	20'
Residential	60'	20'
Collector	80'	24'
Arterial	100'	24'
Frontage Road	80'	24'

* 50' radius required at turnaround; see illustration 2.5

- k. **Half Streets:** Half width streets shall be prohibited. All public streets, except marginal access streets, within subdivisions that given direct access to residential lots shall be platted and dedicated to a minimum width of sixty (60) feet. If drainage courses for streets extend beyond the existing or proposed right-of-way, adequate drainage easements shall be dedicated.
- l. **Additional Right-of-Way:** Subdivisions that adjoin existing streets shall dedicate additional right-of-way if needed to meet the above minimum street width requirements. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the centerline of the existing roadway, shall be provided.
- m. **Dead-end Streets.** Permanently designed dead-end streets shall be no longer than twenty-five hundred (2,500) feet, including the diameter of the turn-around. A dead-end street shall be provided at the closed end with a turnaround having an outside right-of-way diameter of at least one hundred twenty (120) feet (Illustration 2.5). The paved roadway right of way shall be eighty (80) foot in diameter. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property and provided with a temporary paved turn-around having a roadway diameter of at least eighty (80) feet (Illustration 2.6). Where in the opinion of the Planning Commission, an extension of the length of the dead end street is necessary due to existing conditions or topographical considerations, the Planning Commission may waive the street length. This issue should be approved prior to the preliminary plat approval.

- n. **Street Names:** No street names shall be used which will duplicate or be confused with the names of existing streets. All street names shall be subject to the approval of the Building Official. Additionally, street names shall not duplicate, be similar to or use the same surname as those approved and designated as official by Miller County or the city of Colquitt, unless such street extends existing streets located at or near the boundary of Decatur, Baker, Seminole, and Early Counties or at the city limits of Colquitt. Street sign fees shall be paid to the Building Department and signs shall be installed prior to the approval of the Final Plat.
- o. **Minimum Grades:** Minimum grades on improved streets shall be 0.3 (three tenths) percent. Road shoulders and slopes shall be improved at the limits of rights-of-way of streets serving residential lots and the slope of created front lots within a subdivision shall be improved to eliminate major erosion. Improved driveways and access points, constructed to appropriate grades of drainage ditches shall be required if lot or street drainage is not controlled by curbs and gutters or other means approved by the Planning Commission. Lot access points shall be provided with adequately sized culverts set at a grade to prevent undue flooding. Such lot access points shall be improved to a minimum width of eighteen (18) feet and shall be furnished with a pipe no smaller than fifteen (15) inches in size. A larger pipe shall be furnished if required to meet normal rainfall runoff. Cross drains shall be eighteen (18) inches in size.

Section 2.5-2 ALLEYS. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

- a. **Width:** The width of an alley shall be not less than twenty (20) feet for residential subdivisions and not less than thirty (30) feet for industrial and commercial areas.
- b. **Intersections:** Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to provide an inside-turning radius of at least twenty (20) feet. Dead-end alleys are prohibited and all alleys must extend from one approved and dedicated street to another such street.

Section 2.5-3 EASEMENTS. The following list outlines easement regulations:

a. **Utility Easements.**

Width. Except where alleys are permitted for the purpose, the developer shall provide easements across lots or centered on rear or side lot lines for utilities; such easements shall be at least ten (15) feet wide.

Easement Clearance. Easements on major subdivisions shall be cleared of all bushes, trees and stumps by the developer. On minor or administrative subdivisions where there are existing roads and utilities, the clearing of the required easement is not required by the developer. In the case where new utilities are to be installed on minor or administrative subdivisions, the developer would be responsible for easement clearance.

Cost of Utility Movement. Miller County will not reimburse utility companies for the movement of utility infrastructure in the case of road widening projects crossing administrative subdivisions. This ordinance requires the dedication of additional road R-O-W and utility easements when development is located on a substandard road.

Pre-construction Conference. Developers shall arrange a meeting with the Miller County Building Official and/or County Manager and the appropriate utility personnel to discuss the installation of utilities within utility easements during the pre-development review period.

- b. **Drainage Easements:** Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided at a minimum a storm water easement of thirty (30) feet or a drainage right-of-way conforming substantially with the lines of such water course, and such further width of construction, or both, as will be adequate for the purposes. Parallel streets or parkways may be required in connection therewith.
- c. **Pedestrian Easements:** Pedestrian easements of at least five feet in width may be required within blocks measuring more than eight hundred (800) feet in length. Pedestrian easements shall also be provided and improved to grant access to recreation areas and school sites when in the opinion of the Planning Commission sufficient access is not provided by proposed streets. Such easements may also be used for utilities and shall be paved with a suitable permanent surface.
- d. **Lot Split Easements:** Lots splits with easements may be approved at the discretion of the Miller County Building Official. Such subdivisions must be at least two (2) acres in size and have a thirty-(30) foot wide perpetual easement adjoining a public road. The easement must be provided and indicated on the plat where access is not to be provided by a public street. No more than two (2) lots may be accessed from one such easement. In the event that a third lot is to be accessed from the easement, a public road must be developed.

Section 2.5-4 HOLDING PONDS. Holding ponds shall be fenced with a minimum height of four (4) foot of hog wire fence with two (2) strands of barb wire for a total height of no less than five (5) feet. Fencing shall be approved by the Building Official or the County Engineer.

Section 2.5-5 GRASSING. All rights-of-way, cleared easements, and any other disturbed areas subject to erosion shall be grassed according to the schedule shown below. NOTE: Such grassing should be done in conjunction with the requirements of the Erosion and Sedimentation Ordinance (Chapter 5).

- a. **Acceptable Varieties and Application:** The table shows acceptable grass seed types and rate of application, by season, to be used:

**Table 2.2
Acceptable Varieties and Application Rates of Grass Seed**

Date	Variety	Pounds of Seed Per Acre
Feb. 1 - Sept. 30	Common Bermuda grass Pensacola Bahia grass	8 lb. 50 lb.
Oct. 1 - Jan 31	Common Bermuda grass Pensacola Bahia grass Annual Ryegrass	8 lb. 50 lb. 40 lb.

- b. **Fertilizer Mixed Grade:** The developer may select Fertilizer Mixed Grade such as 10-10-10, 6-12-12, 5-10-15 or any other analysis within the following limits: Nitrogen 5-10%, Phosphorous 10-15% and Potassium 10-15%. The fertilizer shall be spread uniformly over the ground surface at the approximate rate of six hundred (600) pounds per acre.
- c. **Mixing:** The lime and fertilizer shall be uniformly mixed into the top four (4) inches of soil by suitable harrows, rotary tillers, or other equipment satisfactory to the County Engineer before any more work is done on the area. On cut slopes steeper than 3:1 the mixing specified above may be reduced to the maximum practical depth as determined by the Engineer, except on serrated slopes where mixing may be omitted.

Section 2.5-6 COMMUNITY WATER SYSTEMS. Where feasible around the fringe of Colquitt, subdivisions should be connected to city water systems. At greater distances from developed areas, the developer may wish to construct an approved community water system subject to the applicable regulations of the Department of Natural Resources (DNR). In either case, where a community system is provided, the following standards shall apply:

- a. **Extension of City Water System:** Property owners that desire to connect with the City of Colquitt's water system may be annexed.
- b. **Community Water Systems:** All non-municipal community water systems shall meet the applicable requirements of the DNR.

Section 2.5-7 BLOCKS. Block lengths, whether within or at the exterior of a subdivision, shall not exceed twenty-five hundred (2,500) feet or be less than four hundred (400) feet except where topography or other conditions peculiar to the site make such dimensions impracticable in the opinion of the Planning Commission.

Section 2.5-8 LOTS. Lot dimensions shall conform to the minimum density and setback requirements of this Ordinance. Residential lots not served by an approved central water supply and sewage disposal system shall be no less than one hundred fifty (150) feet wide at the building line (not at the frontage line) and no less than sixty five thousand three hundred forty (65,340) square feet in usable area. Residential lots served by either an approved central water supply or central sewage disposal shall be one hundred twenty-five (125) feet wide at the building line and no less than thirty two thousand, six hundred seventy (32,670) square feet in usable area.

**Table 2.3
Minimum Lot Sizes for Subdivisions**

Housing Type	Central Utilities Provided	Minimum Usable Lot Area**	Width at Building Line	Dwelling Units/Acre **
single family Detached*	approved water and sewer	10,000 feet		4.36 du/ac.
"	approved water or sewer (not both)	32,670 ft.	125'	1.33 du/ac.
"	no water or sewer	65,340 ft.	150'	.66 du/ac.
Multi Family	Refer to Section 6			

*Conventional site built or manufactured home.

**Chapter 8 Flint River and Spring Creek Corridor Protection Ordinance.

- a. **Corner Lots:** Corner lots for residential use shall have extra width to permit appropriate building setback from an orientation to both streets (Illustration 2.7).
- b. **Access:** Each lot shall have access to an existing public street.
- c. **Double and Reverse Frontage:** Double frontage and reverse frontage lots shall be avoided except where desirable to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right-of-way access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

- d. **Flag Lots:** Flag lots or set back parcels shall be prohibited in subdivisions unless topographic conditions, or the shape and orientation of the property to be subdivided make the inclusion of some flag lots necessary. Flag lots must provide a minimum sixty foot access stem and sixty (60) foot frontage on a public street right-of-way to accommodate a private driveway and utility easements. This regulation is not intended to provide access to other properties so as to circumvent the street and right-of-way requirements of the Subdivision Regulations. Flag lots are intended only to provide use of the rear portion of extremely deep tracts of land for residential purposes. (Illustrations 2.9 and 2.10).
- e. **Side Lots:** Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines unless the subdivider can show for reasons of terrain or natural features that such lot line requirements lessen the desirability of the resulting lots.
- f. **Buffers:** A planting screen easement of appropriate size and location may be required by the Planning Commission to separate different types of land use provided that no fence, wall, shrubbery or other visual buffer shall be constructed or planted within twenty-five (25) feet of an intersection of the right of way lines of two streets, railroads or business driveway and a public road. A vegetative buffer shall be planted if existing vegetation does not exist to form a hardy screen, dense enough to interrupt vision. When necessary, a vegetative buffer of six (6) feet in width shall be planted along the side or rear lot lines. The vegetative buffer should be planted with native vegetation which would normally obtain a height of six (6) feet within 5 (five) years. The vegetation should not encroach over the adjacent property lines, and shall provide a complete screen twelve months of the year. Alternatively, a permanent screened fence of not less than six (6) feet in height may be erected which shall completely obstruct vision. Wood or metal slotted chain link fencing shall be used unless specifically modified by the Planning Commission.

Section 2.5-9 RESIDENTIAL SETBACK LINES. The minimum depth of building setback liens shall be as shown in the table below and in Illustration 2.8.

**Table 2.4
Minimum Required Building Setbacks**

Dimension	Minimum Setback**
Front or side yard setback from edge of right-of-way	40'+*
Side yard setback	15'
Rear yard setback	15'

*Where property is to be developed along an existing substandard right-of-way, or on a two-lane arterial street which is designated for future widening by the State or the County, additional setbacks may be required sufficient to preserve sight distances and to allow for such expansion of the right-of-way.

+Setback requirements for **commercial** structures are given in Section 2.5-13.

**Chapter 8 Flint River and Spring Creek Corridor Protection Ordinance.

Section 2.5-10 PUBLIC OR RESERVED RECREATION AREAS. Recreation land, facilities, and improvements are recommended, but not required to be included in large subdivisions of thirty (30) or more acres.

a. Preliminary Plan for Recreation Areas: In subdivisions of more than thirty (30) acres in size, the subdivider shall discuss the tentative lot arrangement with the recreation official or person so designated by a local government to determine the location of land to be reserved for recreation with the following limitations:

b. Characteristics of Reserved Land:

- (1) such land shall be well drained, usable tracts, suitable for recreation pursuits, landscaping, and beautification;
- (2) such land shall not be used for drainage channels, holding ponds, or other purposes which will destroy its usefulness for recreation; and
- (3) such land shall have adequate street access, and where necessary, pedestrian easements.

Section 2.5-11 MULTI-FAMILY RESIDENTIAL DEVELOPMENTS. Proposed multi-family developments shall be submitted to the Planning Commission for review under the provisions of the Miller County Multi-family Housing Regulations (Chapter 4).

Section 2.5-12 LARGE SCALE DEVELOPMENTS. The standards and requirements of these regulations may be modified in the case of a plan and program for a complete community or neighborhood unit which in the judgment of the Planning Commission provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed, and which shall have an area of at least twenty (20) acres. Plans for such developments shall be submitted to and approved by the Planning Commission whether or not such plat is to be recorded and no building permits shall be issued until such approval has been given.

Section 2.5-13 COMMERCIAL SUBDIVISIONS. When land is subdivided for small scale office, commercial, or industrial development, the project shall be reviewed under the provisions of these regulations and the following additional requirements concerning setbacks for buildings, parking, and accessory structures. A complete site plan shall be provided showing all parking and access designs.

a. Commercial Setback Lines: The minimum depth of building setback lines for commercial and/or industrial lots shall be at a minimum forty (40) feet from the R-O-W and shall be sufficient to provide two rows of off-street parking space and sufficient access thereto provided, however, none of such off-street parking space is on an existing or proposed right-of-way. Rear lot lines shall be forty (40) feet and side lot lines shall be fifteen (15) feet from adjacent property lines. Setback lines shall be shown on preliminary and final plats. The required setback may be waived by the Planning Commission if the sub-divider can demonstrate the feasibility of alternate proposals which would provide adequate off-street parking space and loading and unloading areas and which would be in harmony with existing of proposed developments nearby.

b. Accessory Structures: Minimum setback lines for accessory structures including billboards and signs of more than two feet in height shall be the same as the required building setback line for principal buildings provided, however, that one advertising sign or structure advertising or identifying the type of business located on roads platted or used for commercial or industrial purposes may be located between the required minimum setback line and the right-of-way line provided such structure is located a minimum horizontal distance of twenty (20) feet from the edge of the right-of-way and such structure does not in any way affect sight distance on the adjacent street.

- c. **Variances for Commercial Structures:** Variances for commercial structure standards may be granted as outlined in ARTICLE II, Section 2.2-9.
- d. **Buffers.** Visual buffers shall be required where commercial development abuts residential land uses. See Section 2.5-8 Lots item (f).

Section 2.5-14 MANUFACTURED HOMES AND MANUFACTURED HOME COMMUNITIES. Manufactured home subdivisions shall be submitted to the Planning Commission for review as subdivisions. However, hookups for electricity and gas, both LP and natural, must be reported to the Decatur County Building Official's office before any manufactured home can be occupied. **Proposed manufactured home rental communities or courts shall meet the minimum requirements of the Miller County Manufactured Home Travel Trailer Regulations (Chapter 3.)**

Section 2.5-15 CONFORMANCE TO UTILITIES MASTER PLANS. Due to the unusual drainage conditions existing throughout Miller County, all proposed subdivisions shall conform to the storm drainage and sanitary sewer master plans and development policies in effect at the time of submission to the Planning Commission. Land subject to flooding, as specified by the County Engineer, shall not be platted for residential occupancy or for other uses as will increase the danger to health, life and property unless such land is not to be used as a building site.

CONTINUATION OF STREETS

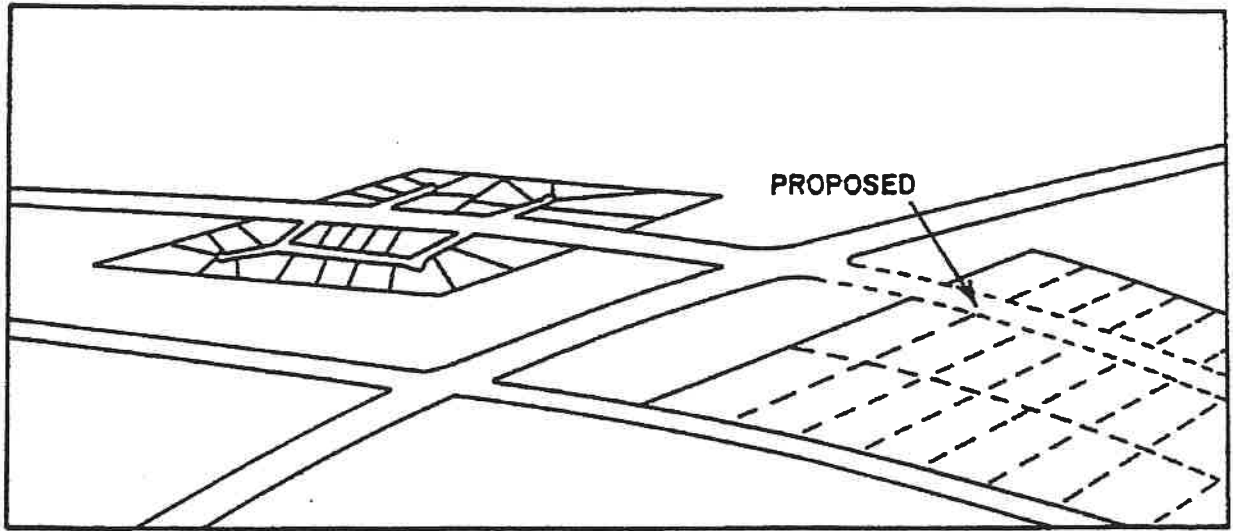


Illustration 2.1

STREET JOGS

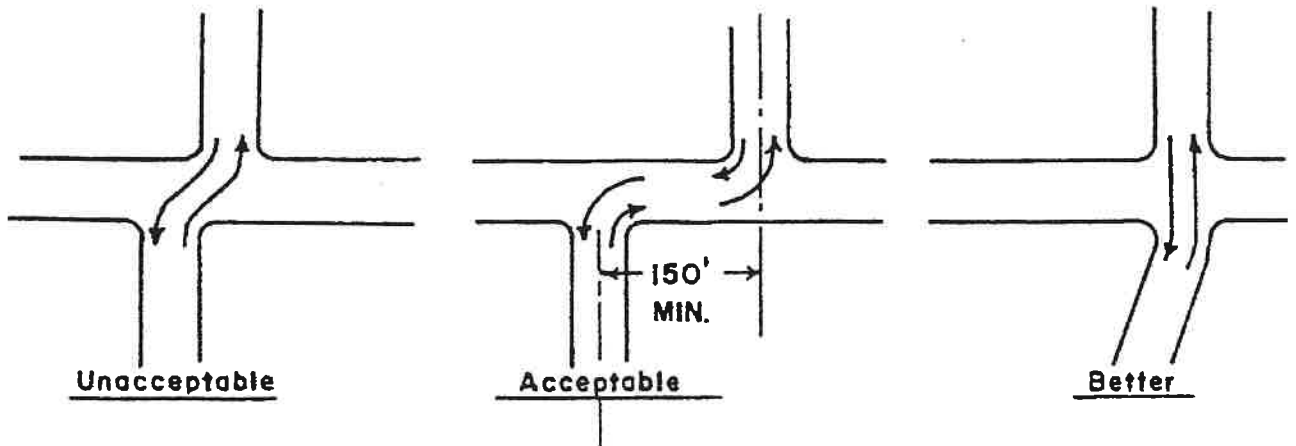
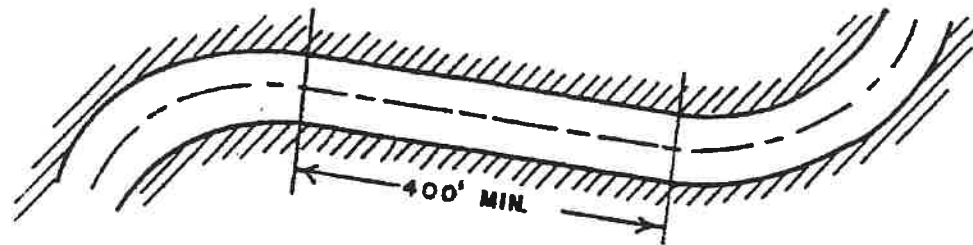


Illustration 2.2

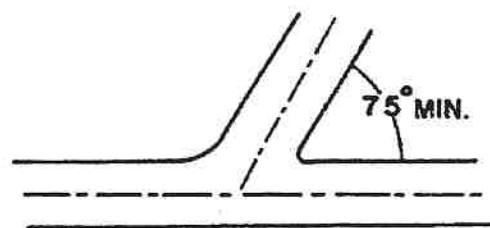
TANGENTS BETWEEN REVERSE CURVES



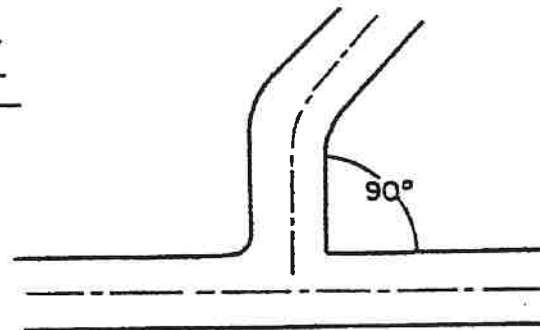
* 150' FOR MINOR STREETS

Illustration 2.3

STREET INTERSECTIONS



ACCEPTABLE



DESIRABLE

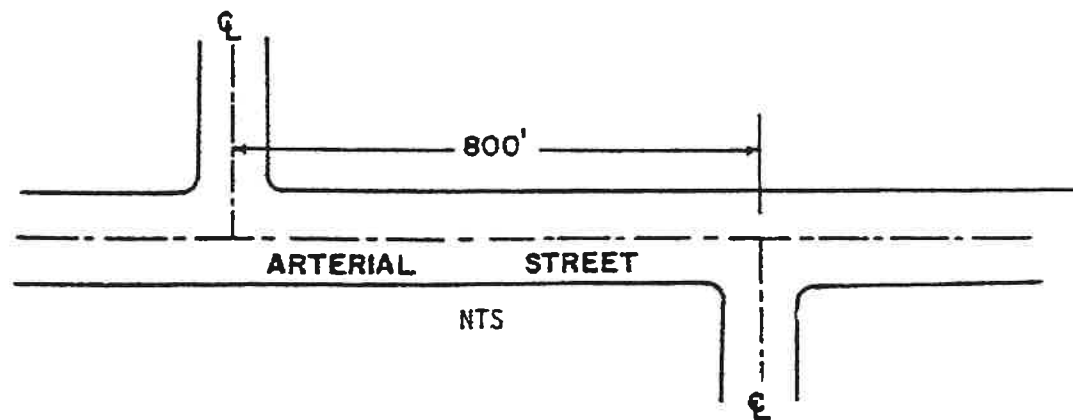


Illustration 2.4

LONG & SHORT "CUL-DE-SAC" WITH TURN-AROUNDS

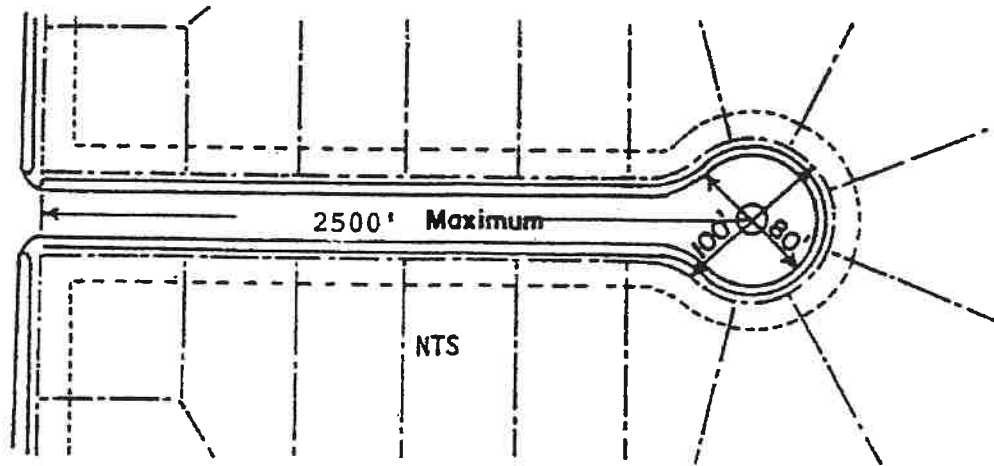


Illustration 2.5

ACCESS TO ADJACENT PROPERTIES

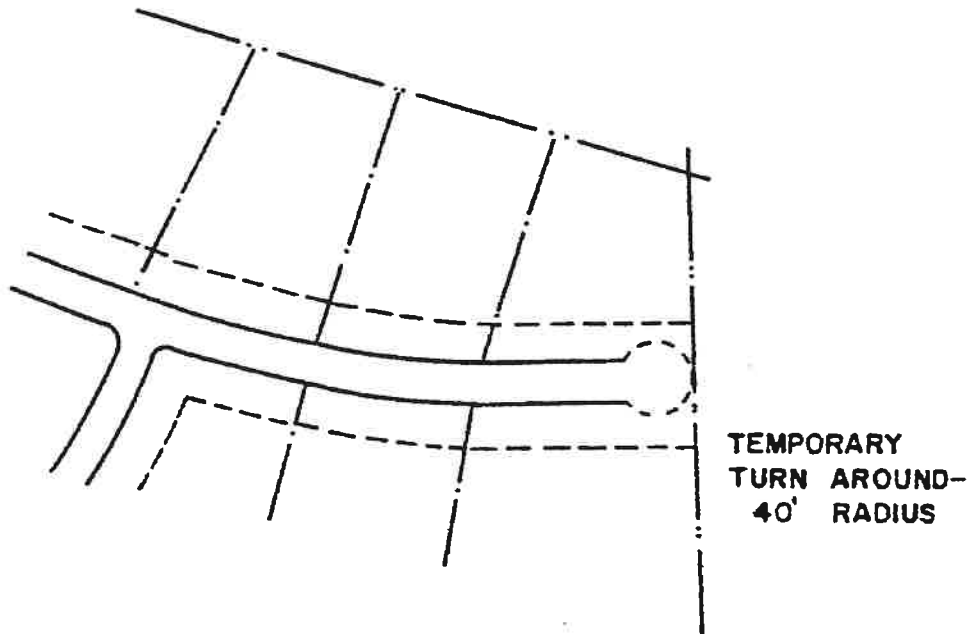
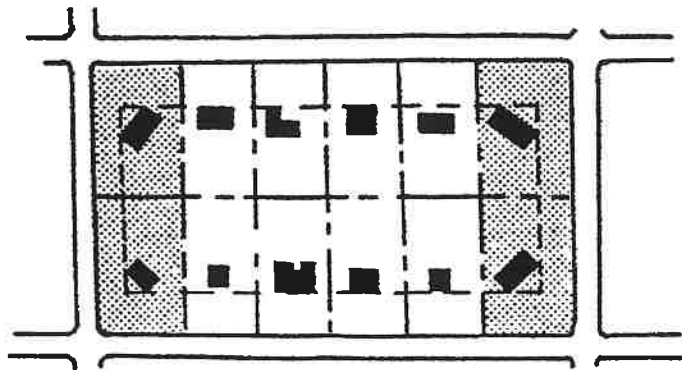


Illustration 2.6

CORNER LOTS



Wider to Permit Additional Surfaces & Sideyards

Illustration 2.7

BUILDING LINES

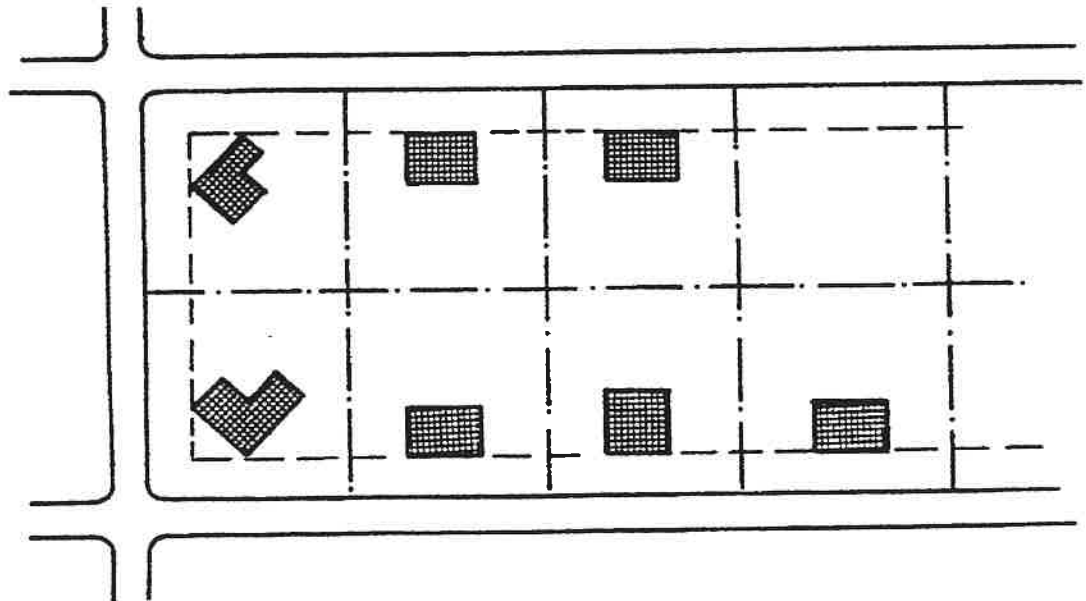


Illustration 2.8

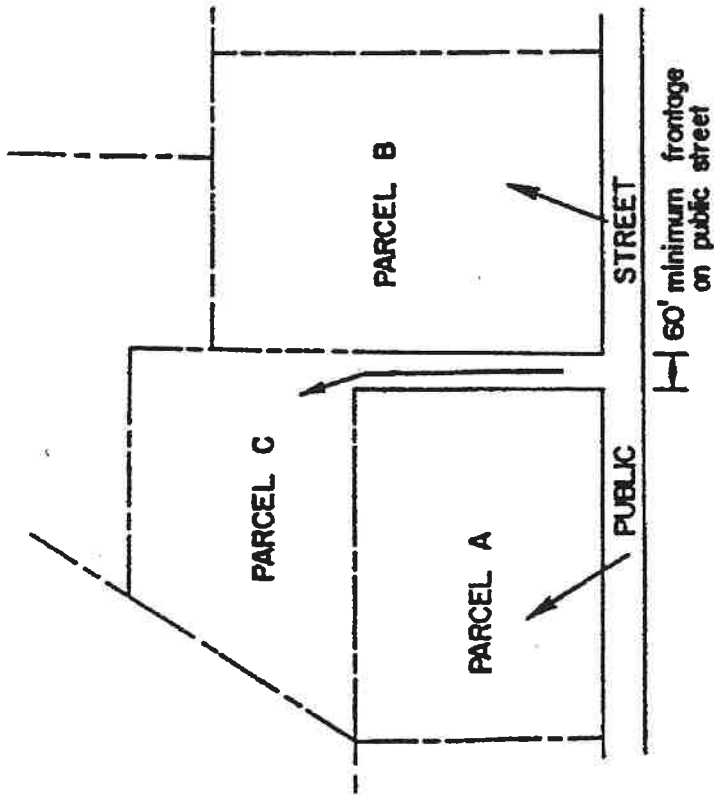


Illustration 2.9

Acceptable driveway configuration for set back parcels.

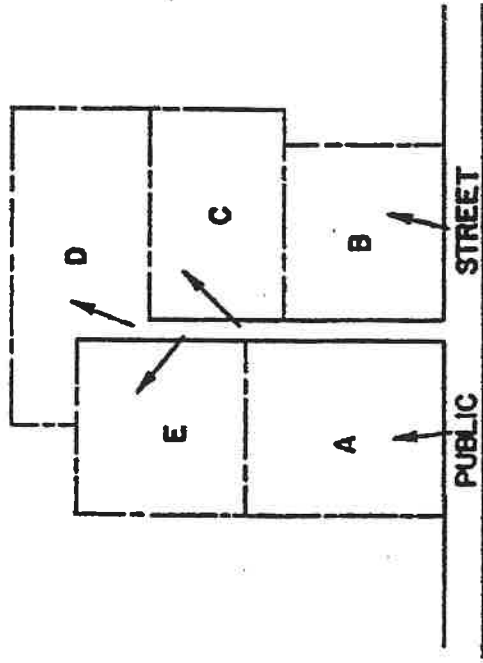
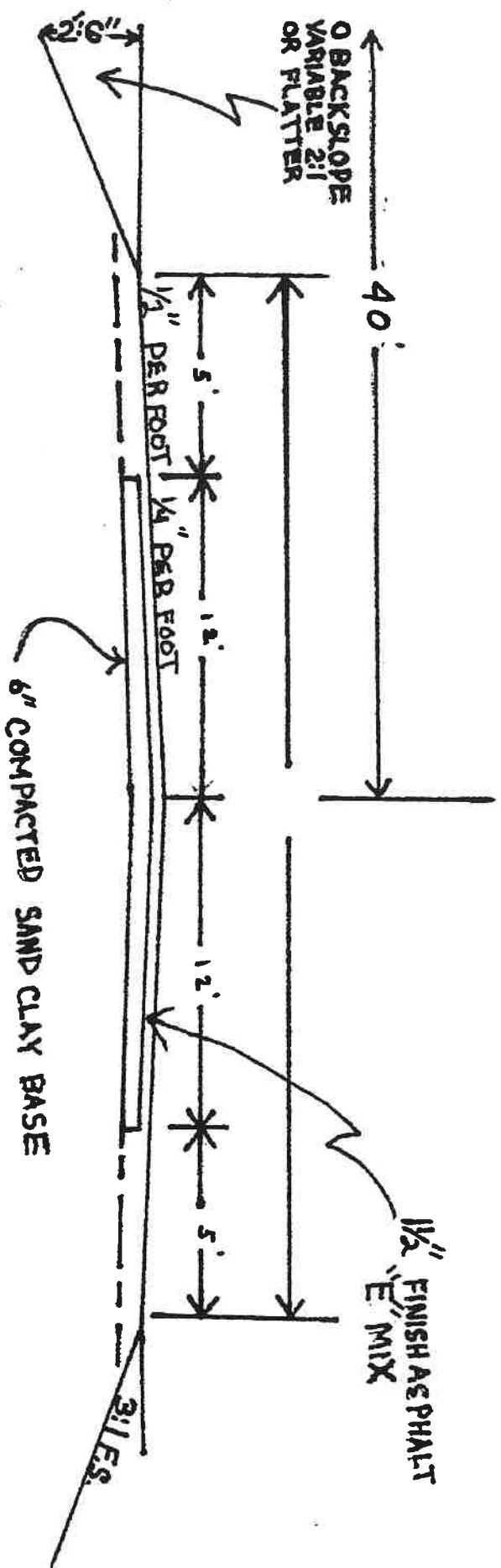


Illustration 2.10

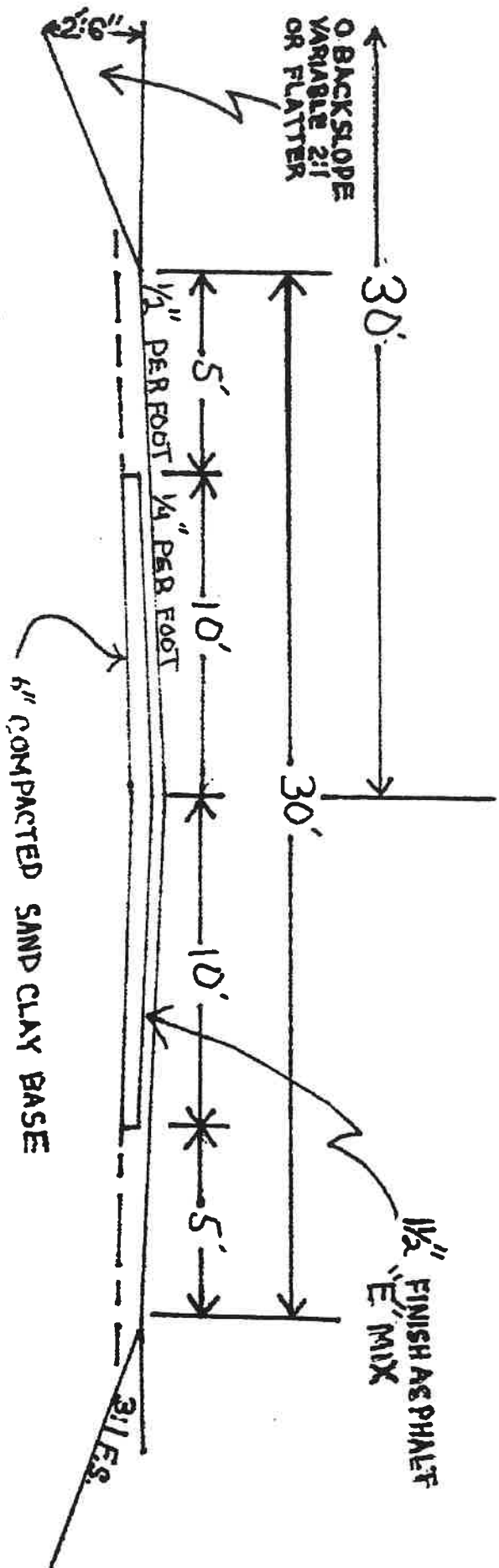
Unacceptable driveway configuration; drive serves parcels C, D, and E. Public street would be required for access to these interior lots.

STANDARD PLAN FOR 80' R/W



NOTE MINIMUM SIZE CROSS DRAIN-
PIPE 18"

STANDARD PLAN FOR 60' R/W



NOTE MINIMUM SIZE CROSS DRAIN--
PIPE 18"

$$\left(A \times \frac{B}{2}\right) - \frac{2}{3} (A \times C) = 58. \text{ FT.}$$

SIDE ROADS & DRIVES

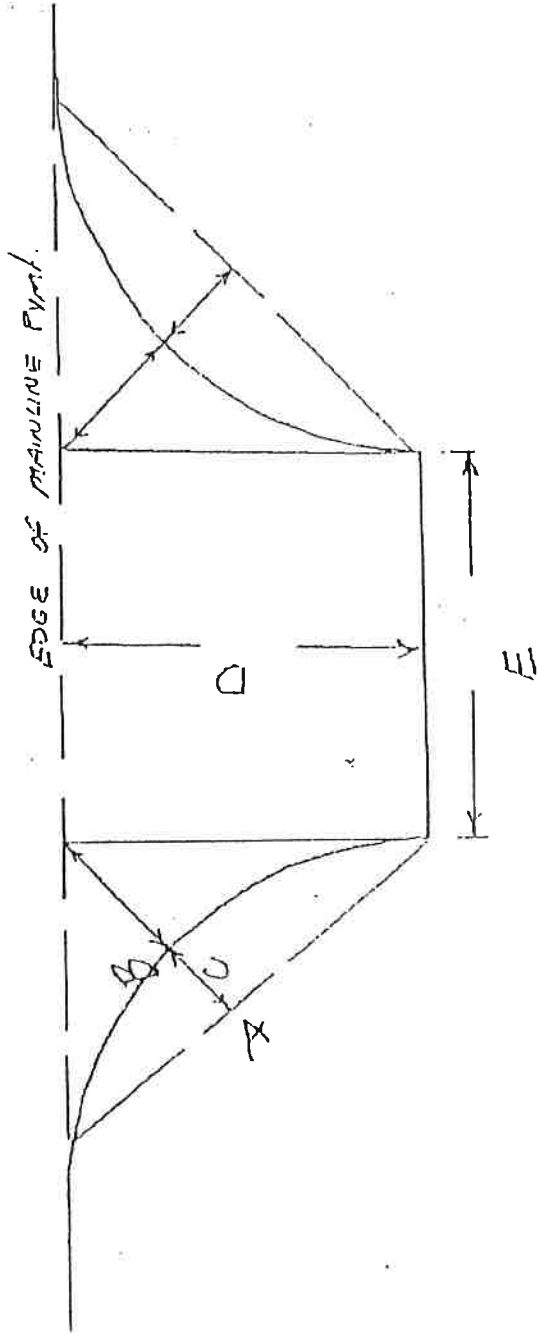


ILLUSTRATION 2.12

CHAPTER III
MANUFACTURED HOME AND TRAVEL TRAILER REGULATIONS

ARTICLE I. GENERAL PROVISIONS

Section 3.1-1 SHORT TITLE. This Resolution shall be known and may be referred to as the Manufactured Home and Travel Trailer Regulations of Miller County.

Section 3.1-2 AUTHORITY. This Resolution is adopted under authority of Article IX, Section II, Paragraph IV, of the Constitution of the State of Georgia.

Section 3.1-3 JURISDICTION. These Regulations shall govern the location and occupancy of manufactured homes and travel trailers, the design and improvement of manufactured home rental communities and subdivisions for manufactured homes, within the unincorporated areas of Miller County, Georgia. Notwithstanding any other provisions hereof, this Regulation shall not be deemed to apply to manufactured homes or travel trailers so long as the same are on a sales lot or on the premises of a manufactured home manufacturer and are not occupied as residences.

Section 3.1-4. DEFINITIONS. For the purpose of this Resolution certain words used herein are defined as follows:

- a. **Accessory Structure of Use.** A detached building or parcel of land necessary as an adjunct to the establishment of a manufactured home rental community or manufactured home subdivision and services rendered to its occupants. Such term shall refer to travel trailers when in storage on a residential lot.
- b. **Adjoining Property Line.** The boundary between a manufactured home rental community, manufactured home subdivision or a site occupied by a manufactured home, and property in another ownership and shall, for the purposes of these regulations, include street, railroad or utility rights-of-way.
- c. **Alteration.** The relocation of manufactured homes within a development or any change in the exterior dimensions of accessory structures; also, any changes to an approved plot plan.
- d. **Building Permit.** A duly authorized form signed by the official authorizing the location of a manufactured home or the construction of an accessory structure.
- e. **Cabana.** A semi-permanent addition to a manufactured home, measuring no greater than nine hundred (900) square feet.
- f. **Expansion.** The enlargement of a manufactured home rental community by the provision of further utility and road improvements or the addition of manufactured homes or travel trailers to a development, in excess of the number of improved sites existing at the time of adoption of these regulations.
- g. **Hardship Manufactured Home, Travel Trailer.** Temporary placement of a manufactured home or travel trailer, on a lot as a second dwelling only by permission of the Planning Commission, due to documented age or medical infirmity, allowable for one year by permit.
- h. **Manufactured Home (Formerly known as "mobile homes").** A detached single family dwelling unit, designed for long-term occupancy, which normally has been prefabricated and then transported to its site or to a sales lot on its own wheels, on a detachable undercarriage, or on a flatbed or other trailer conveyance and requires only minor work before occupancy, such as connection to utilities or a foundation.
- i. **Manufactured Home Pad.** That portion of a manufactured home stand equal to the length and width of the manufactured home placed on the stand.

- j. **Manufactured Home Rental Community (formally known, variously, as "mobile home parks", "trailer parks" or "trailer courts")**. Any person or commercial business operation which leases or rents three (3) or more spaces for permanent or temporary occupancy for manufactured homes and, under some conditions, travel trailers.
- k. **Manufactured Home Stand.**
 - a. **New Stand.** A site designed for the placement of a manufactured home and its cabana, accessory structures, utility connections (including water and sewer and power) and off-street parking facilities.
 - b. **Existing Substandard.** Must be approved by the Miller County Health Department prior to reoccupation.
- l. **Manufactured Home Subdivision.** A subdivision of land intended for the sale of lots to individuals for the placement and occupancy of manufactured homes.
- m. **Rural Manufactured Home Site.** A privately owned home site in the unincorporated areas of Miller County used for the establishment of not more than one (1) manufactured home stand. Site must conform to the acreage requirements of the Miller County Health Department.
- n. **Travel Trailer.** A structure designed to be towed by a motor vehicle, such structure being not more than eight (8) feet in width when portable, and being designed as a temporary dwelling for travel, recreational or vacation uses. For the purposes of this definition, motor homes and motor coaches are included herein.
- o. **Usable area.** The net usable portion of a lot, tract, or stand, not including any additional property within the legal boundaries of the parcel which by virtue of permanent or seasonal inundation by surface water, crossing by rights of way or easements, steep slopes, and the like, is not suitable for the construction of habitable structures or drain fields.

ARTICLE II. GENERAL REQUIREMENTS

Section 3.2-1 APPLICATION. Any occupied manufactured home located within the unincorporated areas of Miller County, Georgia for a period exceeding forty-eight (48) hours shall be located within a manufactured home rental community, a manufactured home subdivision, on an approved rural manufacturing home site meeting the requirements and minimum standards set forth herein, or shall be a certified hardship manufactured home. All manufactured homes shall additionally meet the general requirements set forth in this Ordinance.

Section 3.2-2 REQUIRED CERTIFICATION. No manufactured home or travel trailer shall be admitted to any manufactured home rental community or subdivision unless it can be demonstrated that it meets the requirements of the Department of Housing and Urban Development (HUD) and is constructed in conformance with the Federal Manufactured Home Construction and Safety Standard which came into effect on June 15, 1976, and bears an insignia issued by HUD certifying such conformance. Manufactured homes constructed prior to the effective date of the above standards shall bear the Mobile Homes Manufacturers Association and Trailer Coach Association (MHMA-TCA) seal. Accessory structures shall require a building permit.

Section 3.2-3 REQUIRED DECALS. All manufactured homes in Miller County, exclusive of sales or manufacturer's lot, shall be affixed with a current decal issued by the Miller County Tax Commissioner. Decals provided for each calendar year shall expire on December 31st of that year. After January 1st of each year and upon payment of all taxes due on the manufactured home, a decal for the new year will be provided for attachment to the manufactured home. After April 1st of each year, an appropriate delinquency fee plus ten percent (10%) of the amount of taxes due on that manufactured home will be assessed, in addition to the normal taxes due for that calendar year. **Manufactured homes with undercarriage removed and attached to a foundation or slab will not require the display of a decal but will be based in the same manner as any other residence or building.**

Section 3.2-4 INSPECTION.

- a. **Manufactured Home Rental Community:** It shall be the responsibility of the County Building Inspector to inspect all units being placed within the confines of the development prior to the placement of the manufactured home on its stand and the connection of utility services and occupancy of the manufactured home. The County Building Inspector, at his convenience, shall inspect each manufactured home rental community within the unincorporated areas of Miller County and the manufactured homes within these developments to determine compliance with these Regulations.
- b. **Subdivisions and Rural Sites:** Manufactured homes placed within subdivisions or on rural sites shall be inspected and permitted as required in Chapter 6.

Section 3.2-5 CONFORMANCE TO STATE AND COUNTY HEALTH REQUIREMENTS. Prior to the allowance of permanent occupancy of any manufactured home within the unincorporated areas of Miller County, such manufactured home shall be connected with an approved water source and an approved sewage disposal method. In order to secure approval, these facilities must comply with the applicable requirements of either the Georgia Department of Human Resources (DHR) for individual units (i.e., individual wells and septic tanks) or the Georgia Department of Natural Resources (DNR) for central community systems. The requirements for individual systems are set out in Chapter 31-301, et. seq., OCGA, and in Chapter 290-5-26, On Site Water Supplies, On Site Sewage Disposal Systems and Subdivisions and Addendum (Appendix 1 of the Miller County Land Use Regulations).

Section 3.2-6 REGULATION OF OCCUPANCY. Occupancy of a manufactured home within the jurisdiction of this Regulation shall be as follows:

- a. **Manufactured Home Rental Community:** In the event a manufactured home is placed in a manufactured home rental community, it shall conform to the approved arrangements for its site with respect to location, utilities and registration. It shall be the responsibility of the County Building Inspector to inspect the installation of the manufactured home prior to allowing its occupancy. It shall be the development operator's responsibility to maintain a dated logbook for each manufactured home within the development, indicating the name of the occupants, its vehicle license, if so equipped, and whether it has a HMHA or TCA seal. Such records shall be available for inspection by the County Building Official.
- b. **Manufactured Home Subdivision:** In the event a manufactured home is placed within a manufactured home subdivision, a building permit shall be required prior to the placement of the home on its foundation or the connection of utilities.
- c. **Rural Manufactured Home Sites:** Occupancy of a manufactured home is permitted provided that each manufactured home is placed on a site of 65,340 square feet or more and is located at least fifteen (15) feet from any adjoining property line.

Section 3.27 RE-INSPECTIONS. If at any time for any reason, electrical service is discontinued to a manufactured home or travel trailer, a re-inspection shall be necessary before any electrical service will be approved.

ARTICLE III. TRAVEL TRAILERS

Section 3.3-1 APPLICATION. Any travel trailer located within the unincorporated areas of Miller County shall meet the requirements of this Ordinance.

Section 3.3-2 OCCUPANCY. The residential occupancy of a travel trailer shall be limited to sixty (60) day occupancy of (1) sites specifically designed for travel trailers within manufactured home rental communities; (2) recreation sites or areas on state owned, company owned, county owned or municipally owned land which have

traditionally been used as camping sites or which are specifically reserved in the future for such recreational pursuits; or, (3) private lots which are hereafter designed for and restricted to recreational or vacation use.

When a travel trailer is located on a lot in a residential subdivision, it shall not be utilized as a residence or occupied permanently by household members, their guests, or as a rental unit.

Section 3.3-3 PERMANENT TRAVEL TRAILERS. Any travel trailer to be located on any parcel within the unincorporated areas of ~~Miller~~^{Miller} County, supplied with electrical power, to be used as a permanent home for greater than thirty (30) days, shall be set up according to manufactured home specifications.

Section 3.3-4 STORAGE. Travel trailers, when located on a residential lot shall be located at least ten (10) feet from any residence, unless it is stored within a portion of the dwelling or accessory structure. Storage on public rights-of-way is hereby prohibited.

Section 3.3-5 HEALTH. In the event that a trailer is occupied as a temporary residence and its plumbing facilities are in use, the trailer shall be provided with an approved water source and an approved sewerage disposal method complying with the requirements of the Miller County Department of Health.

ARTICLE IV. MANUFACTURED HOME RENTAL COMMUNITIES GENERAL REQUIREMENTS

Section 3.4-1 APPLICATION. All manufactured home rental communities within the unincorporated areas of Miller County shall conform to the minimum requirements set forth herein.

Section 3.4-2 PREEXISTING MANUFACTURED HOME DEVELOPMENTS. All manufactured home rental communities existing at the time of adoption of this Regulation (fully developed with utility connections, poles, etc., water and sewer infrastructure and manufactured home pad), are hereby declared to be conforming and shall be allowed to continue to exist and operate as presently designed and improved until expanded or abandoned. However, such manufactured home developments shall at all times conform to minimum health and sanitation codes of Miller County and the State of Georgia.

Section 3.4-3 PLAT REQUIRED. From and after the adoption of these Regulations each new or expanded manufactured home rental community development shall be presented in plan form for approval by the Miller County Planning Commission, and shall conform to the minimum design and improvement standards required herein.

Section 3.4-4 PUBLIC STREET ACCESS. No new manufactured home rental community shall be developed within Miller County unless the street giving access thereto has been accepted as a public street, or unless such street has obtained the status of a public street prior to the effective date of this Resolution.

Section 3.4-5 SUITABILITY OF LAND. Land which the Planning Commission finds to be unsuitable for a manufactured home rental community development due to flooding, improper drainage, topography, utility easement or other features shall not be developed unless adequate provision can be made for correcting any unsuitable conditions.

Section 3.4-6 EXPANSION OF EXISTING MANUFACTURED HOME RENTAL COMMUNITIES. A person, firm, or corporation desiring to expand an existing manufactured home rental community to include more manufactured home sites than are accommodated within such development at the time this Regulation is adopted shall submit plans and specifications for such improvements to the Miller County Planning Commission for approval prior to initiating construction and improvements. Improvements, reconstruction and redesign of existing developments required by the Planning Commission, shall conform to these Regulations and shall be limited to

those necessary to make access, utility service and design of both old and new portion of the development compatible. All expansions of Manufactured Home Parks shall meet the requirements of the Miller County Health Department.

Section 3.4-7 CONFORMANCE TO STANDARDS FOR PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION. The developer, insofar as such regulations may pertain to his particular project, is responsible for meeting all applicable Federal, State, and County regulations concerning the provision of safe drinking water sewage treatment, erosion and sedimentation control, mosquito control, and impacts on wetlands and waters of the State.

Section 3.4-8 VARIANCE PROCEDURE. Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this Resolution would cause an unnecessary hardship, the Planning Commission may authorize a variance, if such variance can be made without destroying the intent of the Manufactured Home and Travel Trailer Regulations. Variances must be entered in writing in the minutes of the Planning Commission and the reason for said variance set forth.

Section 3.4-9 HARDSHIP MOBILE HOME/TRAVEL TRAILER VARIANCE. The Planning Commission may approve the placement of one hardship (1) manufactured home or travel trailer on an occupied residential lot if it is established that a genuine hardship exists only by reason of medical disability or age and the following criteria are met:

- a. The subject occupant of the manufactured home or travel trailer is a relative by blood or marriage of the owner of the property, and
- b. Documentation of medical disability or age infirmity is certified by a medical doctor's statement, which will be valid for a one-(1) year period. If an extension is needed after one year, a new application for a hardship variance shall be submitted, and
- c. Said manufactured home or travel trailer shall be removed from the premises within sixty (60) days when the specified disability ceases to exist, and
- d. Under no circumstances shall the manufactured home or travel trailer be rented or otherwise occupied by anyone other than the approved applicant, nor shall it be used for storage, or other similar uses, and
- e. The Miller County Health Department approves the temporary placement of a second dwelling on the proposed property, and
- f. The Planning Commission may impose reasonable requirements, which would affect the interest of the public health, safety and general welfare.

ARTICLE V MANUFACTURED HOME RENTAL COMMUNITIES: PLATTING PROCEDURE, REQUIREMENTS AND CERTIFICATION

Section 3.5-1 REVIEW AND APPROVAL OF PLATS. The submission, distribution, review and approval of preliminary and final plats for proposed new (or expansions to existing) manufactured home rental communities shall be conducted in accordance with the provision of Article III of the Miller County Subdivision Regulations, except for modified plat requirements for manufactured home developments which are set out in the sections below.

Section 3.5-2 SOIL AND SEDIMENTATION REVIEW PROCESS: The applicant is encouraged to meet with the Natural Resource and Conservation Service (formerly SCS), Flint River District with a rough draft or sketch plan of the proposed subdivision prior to submitting an application and preliminary plat. Although this step is not a requirement, it is helpful to aid these officials in advising the developer if a Soil and Sedimentation Control Plan is necessary. If a proposed new subdivision will have new roads or drainage improvements or a significant amount of

land disturbing activity, the developer must submit a Soil and Erosion and Sedimentation Control Plan. The original and five (5) copies of this plan along with a Land Disturbing Permit Application will need to be delivered to the Miller County Building Department to be dispensed to the Health Official, Road Superintendent and the Soil Conservation Service. The review process may take up to forty-five days from the date the plan is submitted. No land

disturbing, i.e. road building, land clearing, drainage installation, etc. shall be performed until the Preliminary Plat has been approved and signed and land disturbing permits issued.

A subdivision application and Preliminary Plat may be presented at the same time that the Soil and Sedimentation Control Plan is submitted, however, the application will not be placed on the agenda for the Planning Commission meeting until an approved Soil and Erosion Sedimentation Plan and a Land Disturbing Permit are received.

Section 3.5-3 RECOMMENDED SKETCH PLAN. It is recommended that the developer present a sketch plan of the proposed manufactured home rental community (or additions to existing developments) for initial review by the Planning Commission and appropriate County departments. The sketch plan should contain the following data:

- a. Type of development;
- b. Approximate tract boundaries and total acreage;
- c. Approximate location with respect to land lot lines;
- d. Existing streets on and adjacent to the tract;
- e. Proposed general internal street layout;
- f. Significant topographic, physical and historic features;
- g. Generalized existing vegetation; and
- h. Proposed general layout and total number of stands.

Section 3.5-4 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat may be a sketch of approximate accuracy and of a legible scale, made directly on a print of a boundary survey.

The plat shall include the following information:

- a. Proposed manufactured home rental community name or identifying title and total acres.
- b. Name of owner of the development or his authorized agent, if any.
- c. The names of all owners of all land adjacent to the proposed development.
- d. A vicinity map at a scale of not less than one inch equals two miles showing the location of the proposed development.
- e. Street names right-of-way and roadway width data for any adjacent public streets and all private streets to be included in the development.
- f. Location of utilities, and other types of easements.
- g. Stand boundary lines, stand numbers (consecutively numbered or lettered), stand sizes, areas reserved for common use, etc.

h. Topographic maps of all land to be developed, with a two (2) foot contour interval, or where deemed appropriate by the Planning Commission, a one (1) foot contour interval superimposed on the plat.

3. Minimum stand setback lines.

j. Numerical scale, graphic scale, north arrow, and data.

k. All elevations shall be based on sea level datum as determined from geodetic control monuments or U.S. Geological Survey 7 1/2 m in. quad sheets and it shall be so stated on the plat.

l. Delineation of all areas of the proposed development which lie within established Federal Emergency Management Agency (FEMA) flood plains and/or State jurisdictional wetlands and identification of panel numbers from appropriate flood boundary maps.

m. Soil characteristics. Where the proposed development is not to be served by a public or community sewerage system, information on soil types and capabilities, frequency and evaluation of seasonal high groundwater tables, and occurrence of rock and other impervious strata shall be provided by the developer.*

* A high intensity soil survey will generally be required to provide this data, although in some cases, and at the option of the County Health Department, a medium intensity survey may be adequate for some areas of the County.

This information should be superimposed on a copy of the plat showing topographic contour lines at two foot intervals and other natural features of the site.

n. Location of all water supplies on or off the development that will bear upon the location of the on-site sewage management systems.

3. Generalized plans for storm water management, including the proposed location of drainage ways, basins, and other improvements.

3. A Natural Resource and Conservation Service approved plan for control of erosion and sedimentation.

q. Draft of proposed restrictive lease agreements or covenants, if any, to be imposed, and designation of areas subject to special restrictions.

Section 3.5-5 REVIEW BY THE COUNTY HEALTH DEPARTMENT.

3. If the proposed manufactured home rental community will make use of individual wells and/or waste water treatment systems, the Miller County Department of Public Health shall review the proposed development for conformance with the requirements of Chapter 290 -5-26 and Rule III Addendum. If, in its judgment, the development will meet the applicable requirements of these regulations, then the following shall be inscribed on 1) a copy of the preliminary plat showing information pertaining to soil characteristics, and 2) an original signed preliminary plat:

MILLER COUNTY DEPARTMENT OF PUBLIC HEALTH

Based on soils and associated information provided by the developer and an on-site inspection, this proposed manufactured home community has been approved as to its general suitability for the installation of water wells and/or sewage disposal systems, with any exceptions as noted. Final approval for individual installations can be given only if systems are built according to this Department's Regulations. This Preliminary Plat was given approval by the Miller County Department of Public Health on this _____ day of _____, 20__.

- b. If the developer proposes to employ a central water and/or wastewater, treatment system to serve the proposed development, the Health Department shall note on the plat that approval from the Department of Natural Resources (DNR) is required for final plat approval.

Section 3.5-6 CERTIFICATE OF PRELIMINARY PLAT APPROVAL. At such time as the preliminary plat may be approved by the Planning Commission, the following Certificate of Approval shall be inscribed on the plat, provided that it has received the required certification by the County Health Department, to indicate such approval by this body:

Pursuant to the Manufactured Home and Travel Trailer Regulations of Miller County, Georgia, all the requirements for approval having been fulfilled, this Preliminary Plat was given approval by the Miller County Planning Commission on this _____ day of _____, 20____. This Approval does not constitute approval of a Final Plat. This Certificate of Approval shall expire and become null and void on _____, 20____, one (1) year from the above date of approval.

_____ Date

_____ Chairman, Planning Commission

Section 3.5-7 CONSTRUCTION OF THE MANUFACTURED HOME RENTAL COMMUNITY. Construction of the development may commence only after approval of the preliminary plat by the Miller County Planning Commission. The developer shall arrange periodic inspections of the course of construction. **If, within one (1) year from the date of approval of the preliminary plat by the Planning Commission, no substantive development has taken place, the approval will then be null and void.** Substantive development may be evidenced by (1) actual construction of utilities and/or infrastructure (2) a demonstration of reliance and change of position as evidenced by the securing of a construction loan, purchase of construction materials, or the execution of valid contracts to commence construction work on the site within one (1) year of approval by the Planning Commission.

Section 3.5-8 FINAL PLAT APPLICATION. The application shall contain:

- a. A letter of application and intent containing the name and address of a person to who notice may be sent. The developer shall state that all required minimum improvements have been made and that the manufactured home rental community is available for occupancy.
- b. A complete list of deviations, if any, from that which did not appear on the approved preliminary plat.
- c. A certified copy of all private covenants or lease restrictions, if any, pertaining to land within the development.
- d. A copy of the agreement between the developer and any other political jurisdiction, if any, regarding the arrangements for providing the necessary water and sewer facilities.
- e. An original reproducible on plastic or linen and twelve (12) prints of the final plat.
- f. Design and calculations for the storm water drainage system, including elevations and capacities of pipes and holding basins. This plan shall be designed so as to meet all applicable State and Federal requirements.
- g. A plan showing the location of all water, sewer, gas, and electrical system improvements, including locations of service connections.

- h. If the proposed water/sewer system for the development requires the approval of the Georgia Department of Natural Resources, the approval shall be obtained prior to making application for approval of the final plat. The approval shall be in writing to the County Commission.

Section 3.5-9 FINAL PLAT REQUIREMENTS. 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 locations.
- b. Tract boundary lines, right-of-way lines of adjacent public streets and internal private streets, easements, other internal, private rights-of-way, and other reserved sites; with accurate dimensions, bearings or deflection angles, radii, and area and central angle of all curves. **All private streets shall be clearly labeled as such.**
- c. Names of internal, private streets.
- d. Location, dimensions and purposes of any easements.
- e. Number or letter to identify each manufactured home stand.
- f. Purpose for which sites, other than individual stands are dedicated or reserved.
- g. Minimum building setback lines on all stands and other reserved sites.
- h. Location and description of monuments.
- i. Names of owners of adjoining land.
- j. Reference to recorded subdivision plats, if any, of adjoining platted land by recorded names, date, and number.
- k. Certification by registered surveyor or registered engineer to accuracy of survey and plat
- l. Declaration of land ownership.
- m. Title, numerical scale, graphic scale, north arrow, total project acreage, and date.
- n. A vicinity map, shown either as in insert or on a separate sheet and at a scale of not less than one inch equals two miles, showing the location of the proposed development.
- o. Delineation of Flood Hazard Zones and the accompanying Community Panel number or statement that the property is not in a flood zone.
- p. Topographic contour lines at two-foot intervals superimposed on the plat.
- q. A statement of private covenants, if any, to be put directly on the plat if they are brief enough; otherwise, if covenants are separately recorded, a statement as follows:

This plat is subject to the covenants set forth in the separate document(s) attached hereto dated _____, which hereby become a part of this plat, and which were recorded in record book _____, page number _____, and signed by the owner.

Section 3.5-10 CERTIFICATES OF FINAL PLAT APPROVAL. At such time as the final plat may be approved by the Planning Commission, and subsequently, by the Board of County Commissioners, the following Certificates of Approval shall be inscribed on the plat to indicate such approval by these bodies.

- a Pursuant to the Manufactured Home and Travel Trailer Regulations of Miller County, Georgia, all the requirements for approval having been fulfilled, this Final Plat was given approval by the Miller County Planning Commission on this _____ day of _____, 20____.

Date Chairman, Planning Commission

- b. All requirements for approval having been fulfilled and approval having been made by the Miller County Planning Commission, this Final Plat was given approval by the Miller County Board of Commissioners this _____ day of _____, 20____.

Date Chairman, Miller County Board of Commissioners

ARTICLE VI. DEVELOPMENT SIZE AND SPACE REQUIREMENTS

Manufactured home rental communities shall conform to the requirements set forth below:

Section 3.6-1 MINIMUM AREA OF TRACT. A manufactured home rental community shall have a minimum size of two (2) acres, shall front upon a highway or platted street which shall have a minimum right-of-way of sixty (60) feet and shall conform to the requirements of Section 3.7-4.

Section 3.6-2 MINIMUM NUMBER OF SPACES. A manufactured home rental community shall have a minimum of 3 spaces prepared with all improvements in place prior to final approval. The Planning Commission may allow development of a rental community in stages or parcels according to an approved construction plan.

Section 3.6-3 LENGTH OF RESIDENTIAL OCCUPANCY. No space within a manufactured home rental community, except as provided in part a below, shall be rented for residential use of a manufactured home except for periods of thirty (30) days or more.

- a. In the event a manufactured home rental community fronts on a State or Federal Highway and the development owner desires to lease space for travel trailers or for short time occupancy of a manufactured home, the developer shall prepare and reserve an area containing a minimum of six (6) spaces improved for temporary use in an area separate and screened from view of spaces leased for permanent occupancy.

ARTICLE VII. DESIGN REQUIREMENTS

The design of a manufactured home rental community shall conform to the following requirements:

Section 3.7-1 SETBACK. The manufactured home rental community shall be designed so that manufactured homes and their accessory structures shall observe the following minimum distances from rights-of-ways and/or property lines.

Table 3.1 SETBACK PER STAND IN FEET

*Front	Side	Rear
25' (interior boundaries)	10'	15'
40' (exterior boundaries)	15'	15'
*Same for corner lots; see Illustration 3.1.		

Section 3.7-2 MINIMUM STAND SIZE. The manufactured home rental community shall be designed in such a manner that each manufactured home rental stand will have a usable area not less than the following minimum requirements:

Table 3.2

With approved community water and sewerage	4,500 sq.ft.
With approved community water and septic tank	32,670 sq.ft.
With individual water and septic tank	65,340 sq.ft.

Section 3.7-3 TYPICAL STAND LAYOUT. The developer will provide, along with the plats submitted for preliminary and final approval, a typical manufactured home stand layout, using a sixty (60) foot long manufactured home as typical rental. Dimensions and setback shall be designated on the plat in order to insure conformity to Section 3.7-1.

Section 3.7-4 ACCESS. All manufactured home rental communities shall provide a private, internal collector street system, with a minimum forty (40) foot right-of-way, connecting with a State or County maintained road. Each manufactured home (or travel trailer) site and its parking area shall have direct access to the internal street system of the development. No individual stand, however, shall have direct access to a State or County maintained roadway.

Section 3.7-5 STREETS. All streets within a manufactured home rental community shall be privately owned, constructed and maintained. Such private streets shall be well drained, provided with a minimum hard surface of twenty (20) feet for one-way streets, and thirty (30) feet for two-way streets, with on street parking prohibited, and meeting the standards established by the governing authority.

Section 3.7-6 PARKING. Each manufactured home stand shall be provided with a minimum of two (2) off-street parking spaces. Parking on the interior streets within a development is hereby prohibited.

Section 3.7-7 DENSITY. Density of manufactured home stands within a manufactured home rental community shall be governed by the provision of Section 3.7-2.

Section 3.7-8 RECREATION. Manufactured home rental community owners are encouraged to devote a minimum of five percent (5%) of the gross site area to recreational facilities for community residents.

ARTICLE VIII. REQUIRED IMPROVEMENTS

Manufactured home rental communities constructed or reconstructed shall be provided with the following minimum improvements:

Section 3.8-1 SEWERAGE. The manufactured home rental community shall be provided with a sewerage collection system designed to comply with the requirements of the Decatur County Health Department for individual systems or the Department of Natural Resources (DNR) standards for community systems so that each manufactured home stand structure can be serviced.

**Table 3.3
SEPTIC TANK SIZE REQUIREMENTS - MINIMUM**

Individual hookup; 2 or fewer bedrooms	1000 gallons
Individual hookup; 3 or 4 bedrooms	1,500 gallons

Drain field layouts are subject to approval of the Miller County Health Department.

Section 3.8-2 WATER. The development operator shall provide an approved potable water supply meeting all DHR and/or DNR requirements as well as any required by other utility providers such as the City of Colquitt/Miller County.

Section 3.8-3 EASEMENTS. Publicly dedicated easements of proper size for their intended purpose shall be provided within the development if service to individual manufactured home stands and accessory structure uses is to be provided by a public utility system.

Section 3.8-4 UTILITY PLACEMENT. All water, sewer, or gas lines shall be buried a minimum of twelve (12) inches below the finished ground surface of the development and shall be provided with an adequate valve system to allow the cutoff of utility service to a manufactured home stand at the manufactured home stand and at the entrance of the utility system into the development. If overhead lines are provided within the development such, lines shall be a minimum of fifteen (15) feet above the grade of the interior streets and so placed that no wires extend over the manufactured home stand.

Section 3.8-5 STREET NAME AND TRAFFIC CONTROL SIGNS. Each internal street within the development shall be identified by the installation of a permanent street sign. Traffic control signs (stop, yield, speed limit, etc.) shall be placed throughout the development where necessary. The County shall install all street name and traffic control signs and the cost thereof paid by the developer prior to final plat approval.

Section 3.8-6 LIGHTING. All recreation areas, community entrances, community streets, and pedestrian easements shall be illuminated to at least 0.3 candles by properly shielded lighting fixtures.

Section 3.8-7 MAIL FACILITIES. It shall be the responsibility of the developer to provide an approved mail delivery box for each manufactured home stand. For any development with a density of 4 units per acre or greater, a cluster mail box, of a design approved by the United States Postal Service, shall be provided at a central location to serve the residents of the community. The developer is encouraged to consult with local postal authorities as to the best type of box to be used and where it may be located to best serve the proposed community.

Section 3.8-8 GARBAGE AND REFUSE. The rental community shall be provided with a garbage collection service that maintains a collection schedule of at least two (2) collections per week. Adequate containers, maintained in a rodent and vermin proof condition shall be easily accessible to or within each manufactured home stand, and in sufficient number and placement to service all manufactured home stands in the development. Refuse collection shall also be provided on a weekly basis to remove debris from the development. Refuse on occupied manufactured home stand shall be the responsibility of its occupant and shall be removed to designated areas.

ARTICLE IX. MANUFACTURED HOME STAND IMPROVEMENTS

Each manufactured home stand shall be provided with the following minimum requirements:

Section 3.9-1 INTERIOR STREET ACCESS. Each stand shall be provided with access frontage of at least thirty (30) feet.

Section 3.9-2 ELECTRIC POWER SUPPLY. Each stand shall be provided with an adequate, properly grounded, water-proofed electrical receptacle with a minimum rated capacity of two-hundred (200) Amps. A properly sized over current device shall be installed as a part of each power outlet.

Section 3.9-3 SEWERAGE DISPOSAL. Each stand shall be provided with the means of disposing of kitchen, bath and putrid waste directly into an installed septic tank system or an approved community sewerage collection system.

ARTICLE X. MANUFACTURED HOME SUBDIVISIONS

Subdivision designed for manufactured home occupancy shall be platted and developed under the procedures established and required under the Subdivision Regulations of Miller County, Georgia.

ARTICLE XI. ENFORCEMENT

The official so designated by the governing authority shall enforce the provisions of these regulations. He shall have the right to enter any manufactured home development area at any reasonable time for the purpose of making inspections of manufactured homes, accessory structures and development facilities necessary to carry out his duties in the enforcement of these regulations.

ARTICLE XII. MANUFACTURED HOME RENTAL COMMUNITY: LICENSE REQUIRED

Each manufactured home rental community located in the unincorporated portion of Miller County must obtain a license for the operation of said Manufactured Home rental community.

CHAPTER IV
MULTI-FAMILY HOUSING REGULATIONS

ARTICLE I. GENERAL PROVISIONS

Section 4.1-1 SHORT TITLE. This Resolution shall be known and may be referred to as the Multi-Family Housing Regulations of Miller County.

Section 4.1-2 AUTHORITY. This Resolution is adopted under authority of Article IX, Section II, Paragraph IV, of the Constitution of the State of Georgia.

Section 4.1-3 JURISDICTION. These Regulations shall govern the siting, construction, and occupancy of multi-family dwellings within the unincorporated areas of Miller County, Georgia, whether constructed as rental units or for sale as condominium units. For the purposes of these Regulations, multi-family dwellings shall include zero lot line patio homes, semi-detached homes, quadruplex units, townhouses, garden apartments, and conventional multi-unit apartment buildings.

Section 4.1-4 DEFINITIONS.

- a. **Apartment.** A building containing three (3) or more dwelling units.
- b. **Condominium.** A form of ownership of less than the whole of a building or system of buildings under a statute which provides the mechanics and facilities for formal filing and recording of divided interests in real property, whether the division is vertical or horizontal. In general usage for dwellings, a building or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.
- c. **Condominium Association.** The community association which administers and maintains the common property and common elements of a condominium.
- d. **Density.** The number of dwelling units developed on an acre of land. As used in these regulations, all densities will be expressed in dwelling units per acre (du/acre).
- e. **Duplex (or Duplex Apartment).** A structure, on a single lot containing two dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
- f. **Dwelling Unit.** One or more rooms and a single kitchen designed as a unit for occupancy by only one family for cooking, living, and sleeping purposes.
- g. **Garden Apartment.** A low-rise (less than 2 1/2 stories) apartment structure, generally developed at densities in the range of 10- 12 du/acre. See Illustration 4-1.
- h. **Migrant Laborer or Other Bunk Style Houses.** Bunk style accommodations providing temporary or permanent residence for unrelated individuals or families.
- i. **Multi-family Residential Development.** Any residential structure designed to house two (2) or more families in attached individual dwelling units, with the specific exception of single duplex units on standard individual lots, including semi detached houses, quadruplexes, townhouses, garden apartments, conventional multi-unit apartment buildings, and, for purposes of plan review, zero lot line patio homes.

- j. **Patio Home.** A one-family dwelling on a separate lot with open space setbacks on three (3) sides and with a court. See Illustration 4-2.
- k. **Semi-detached Home.** A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot. See Illustration 4-4.
- l. **Single-Family Detached Home.** A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means. See Illustration 4-5.
- m. **Townhouse.** A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. See Illustration 4-6.
- n. **Zero Lot Line.** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

NOTE: See also the definition sections of Chapters 2, 3 and 5 for other development related terms.

ARTICLE II. GENERAL REQUIREMENTS

Section 4.2-1 APPLICATION. All new multi-family residential developments within the unincorporated areas of Decatur County shall conform to the minimum requirements set forth herein.

Section 4.2-2 PREEXISTING MULTI-FAMILY RESIDENTIAL DEVELOPMENTS. All multi-family residential developments existing at the time of adoption of this Resolution, are hereby declared to be grandfathered and shall be allowed to continue to exist and operate as presently designed and improved until expanded or abandoned. However, such multi-family residential developments shall at all times conform to minimum health and sanitation codes of Miller County and the State of Georgia.

Section 4.2-3 PLAT REQUIRED. After the effective date of these Regulations, each new multi-family residential development shall be presented in plan form for approval by the Miller County Planning Commission and shall conform to the minimum design and improvement standards required herein.

Section 4.2-4 PUBLIC STREET ACCESS. No new multi-family residential development shall be developed within Decatur County unless the street giving access thereto has been accepted as a public street, or unless such street has obtained the status of a public street prior to the effective date of this Resolution.

Section 4.2-5 SUITABILITY OF LAND. Land which the Planning Commission finds to be unsuitable for multi-family residential development due to flooding, improper drainage, topography, utility easement or other features shall not be developed unless adequate provision can be made for correcting any unsuitable conditions.

Section 4.2-6 EXPANSION OF EXISTING MULTI-FAMILY RESIDENTIAL DEVELOPMENTS. A person, firm, or corporation desiring to expand an existing multi-family residential development to include more units than are accommodated within such development at the time this Regulation is adopted shall submit plans and specifications for such improvements to the Miller County Planning Commission for approval prior to initiating construction and improvements. Improvements, reconstruction and redesign of existing developments required by the Planning Commission, shall conform to these regulations and shall be limited to those necessary to make access, utility service and design of both old and new portion of the development compatible.

Section 4.2-7 CONFORMANCE TO STANDARDS FOR PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION. The developer, insofar as such regulations may pertain to his particular project, is responsible for meeting all applicable Federal, State, and County regulations concerning the provision of safe drinking water, sewage treatment, erosion and sedimentation control, mosquito control, and impacts on wetlands and waters of the State.

Section 4.2-8 VARIANCE PROCEDURE. Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this Resolution would cause an unnecessary hardship, the Planning Commission may authorize a variance, if such variance can be made without destroying the intent of the Multi-family Housing Regulations. Variances must be entered in writing in the minutes of the Planning Commission and the reason for said variance set forth.

ARTICLE III MULTI-FAMILY HOUSING REVIEW PROCEDURE AND REQUIREMENTS

Section 4.3-1 REVIEW AND APPROVAL OF PLATS. The submission, distribution, review and approval of preliminary and final plats for proposed new or expanded multi-family residential developments shall be conducted in accordance with the provisions of Article III of the Miller County Subdivision Regulations. Preliminary and final plans shall conform to the requirements set out in Article V of the Miller County Manufactured Home and Travel Trailer Regulations except that where these requirements call for specific information about manufactured housing stands, information on the number and configuration of multi-family dwellings shall be provided, in its place.

ARTICLE IV DESIGN STANDARDS

Section 4.4-1 ALLOWABLE DEVELOPMENT DENSITY. In keeping with the County's goal of providing a wide range of affordable housing types, these Regulations provide for the development of different housing types at varying densities. Although development at urban densities (greater than 12 units/acre) is not seen as desirable in the unincorporated county, a wide range of lower allowable densities is provided. A major limitation on density, independent of dwelling type, is the availability of water and sanitary sewer service. Without community water and sewage treatment systems, County Health Department regulations (Rule III) require that all dwellings using both individual wells and septic tanks shall have usable lot areas of at least 65,340 square feet. Table 4.1 lists allowable densities and minimum lot sizes by housing type and available utilities. (For comparison, see also Table 3.2 that lists allowable densities and lot sizes for manufactured housing.) In addition, any bunk style temporary or permanent housing must also meet the density requirements of the Miller County Department of Health.

Section 4.4-2 INTERIOR ACCESS. All streets and parking areas within a multi-family rental or condominium apartment development shall be privately owned, constructed, and maintained. Such private streets shall be well drained, provided with a minimum hard surface of fourteen (14) feet for one-way streets, and twenty (20) feet for two-way streets, with on street parking prohibited, and meeting the standards established by the governing authority.

Section 4.4-3 PARKING. Each multi-family dwelling unit shall be provided with a minimum of two (2) off-street parking spaces. Parking on the interior streets within a development is hereby prohibited.

Section 4.4-4 UTILITY PLACEMENT. All water, sewer, or gas lines shall be buried a minimum of twelve (12) inches below the finished ground surface of the development and shall be provided with an adequate valve system to allow the cutoff of utility service to each individual dwelling unit and at the entrance of the utility system into the development. If overhead lines are provided within the development such lines shall be a minimum of fifteen (15) feet above the grade of the interior streets and so placed that no wires extend over individual dwelling units.

Section 4.4-5 MAIL FACILITIES. It shall be the responsibility of the developer to provide an approved mail delivery box for each dwelling unit. For any development with a density of 7 units per acre or greater, a cluster mail box, of a design approved by the United States Postal Service, shall be provided at a central location to serve the residents of the community. The developer is encouraged to consult with local postal authorities as to the best type of box to be used and where it may be located to best serve the proposed community.

Section 4.4-6 LIGHTING. All recreation areas, community entrances, community streets, and pedestrian easements shall be illuminated to at least 0.3 candles by properly shielded lighting fixtures.

Section 4.4-7 GARBAGE AND REFUSE. Multi-family rental developments shall be provided with a garbage collection service that maintains a collection schedule of at least two (2) collections per week. Adequate containers maintained in a rodent and vermin proof condition shall be easily accessible to each dwelling unit and in sufficient number and placement to service all residents of the development. Refuse collection shall also be provided on a weekly basis to remove debris from the development.

CHAPTER V
SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

ARTICLE I GENERAL PROVISIONS

Section 5.1-1 SHORT TITLE. This Resolution shall be known as the Miller County Soil Erosion and Sedimentation Control Ordinance. It shall be automatically updated to meet new State regulations.

Section 5.1-2 AUTHORITY. This Resolution is adopted under authority of Article IX, Paragraph IV, of the Constitution of the State of Georgia.

Section 5.1-3 JURISDICTION AND EXCLUSIONS. Pursuant to the Official Code of Georgia, Section 12-7-4, Annotated, this Resolution shall apply to any land-disturbing activity undertaken within Miller County by any person on any lands except for the following:

- a. Surfacing mining, as the same as defined in OFFICIAL CODE OF GEORGIA ANNOTATED 12-4-72;
- b. Granite quarrying and land clearing for such quarrying;
- c. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which result in minor soil erosion;
- d.
 1. The construction of single-family residences when such are constructed by or under contract with the owner for his own occupancy; or
 2. The construction of single-family residences not a part of a larger project and not exempted under subparagraph (1) of the paragraph; provided, however, that construction of any such residence not otherwise exempt must conform to the minimum standards as set forth in OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) 12-7-6 and ARTICLE III and that such standards shall be enforced by the issuing authority;
- e. Agricultural operations as defined in OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) 1-3-3 to include raising, harvesting, or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chicken, hens and turkeys; producing plants, trees, fowl or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and aquarian products; forestry land management practices, including harvesting and farm buildings and farm ponds;
- f. Any project carried out under the technical supervision of the Soil Conservation Service of the United States Department of Agriculture;

- g. Any project involving one and one-tenth acres or less; provided, however, that this exemption shall not apply to any land-disturbing activity within 200 feet of the bank of any State Waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves one and one-tenth acres or less, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the issuing authority from regulating any such project which is not specifically exempted by sub-paragraph (2) of paragraph (d) or by paragraphs (a), (b), (c), (d), (e), (f), (h) or (I) of this section;
- h. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, The Georgia Highway Authority, or the Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that such projects shall conform to the minimum requirements set forth in Section IV B;
- i. Any land-disturbing activities conducted by any electrical membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, provided that any such land-disturbing activity shall conform to the minimum requirements set forth in ARTICLE IV B.
- j. Where this section requires compliance with the minimum requirements set forth in Section IV B, issuing authorities shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.

Section 5.1-4 DEFINITIONS. Unless specifically stated otherwise, the following definitions shall apply in the interpretation and enforcement of this Ordinance.

- a. Board: The Board of Natural Resources.
- b. Buffer: An area along the course of any State waters to be maintained in an undisturbed and natural condition.
- c. Commission: The State Soil & Water Conservation Commission.
- d. Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.
- e. Department: The Department of Natural Resources.
- f. Director: The Director of the Environmental Protection Division.
- g. District: The Flint River Soil and Water Conservation District.
- h. Division: The Environmental Protection Division.
- i. Drainage Structure: A device composed of a virtually non-eroding material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control or flood control purposes.
- j. Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

- k. Erosion and Sediment Control Plan: A plan for the control of soil erosion and sediment resulting from land-disturbing activity. Also known as the "plan."
- l. Ground elevation: The original elevation of the ground surface prior to cutting or filling.
- m. Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.
- n. Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
- o. Grading: Altering ground surfaces to specified elevations, dimensions, and/or slopes; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
- p. Issuing Authority: The governing authority of county or municipality which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended.
- q. Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, paragraph 5.
- r. Metropolitan River Protection Act (MRPA): A state law referenced as OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) 12-5-440 et. seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
- s. Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.
- t. Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles or a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.
- u. Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this Ordinance.
- v. Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body or any other legal entity.
- w. Project: The entire proposed development project regardless of the size of the area of land to be disturbed.
- x. Roadway Drainage Structure: A device such as a bridge, culvert or ditch composed of a virtually non-eroding material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
- y. Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its side of origin by air, water, ice, or gravity as a product of erosion.

- z. Sedimentation: The process by which eroded material is transported and deposited by the action of the water, wind, ice or gravity.
- aa. Soil and Water Conservation District Approved Plan. An erosion and sedimentation control plan approved by the Flint River Soil and Water Conservation District.
- bb. Stabilization: The process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or in combination with installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
- cc. State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
- dd. Structural Erosion and Sediment Control Practices: Measures for the stabilization of erosive or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are rip rap, sediment basins, dikes, levels spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps, land grading, etc. Such measures can be found in the publication Manual for Erosion and Sedimentation Controls in Georgia.
- ee. Trout Streams: All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) 12-5-20 et. seq. Streams designated as primary trout water are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year.
- ff. Vegetative Erosion and Sediment Control Practices: Measures for the stabilization of erosive or sediment-producing areas by covering the soil with:
 - A. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
 - B. Temporary seeding, producing short-term vegetative cover; or
 - C. Sodding, covering areas with a turf of perennial sod-forming grass. Such practices can be found in the publication Manual for Erosion and Sedimentation Control in Georgia.
- gg. Watercourse: Any natural or artificial watercourse, stream, river, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
- hh. Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration of sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

ARTICLE II. APPLICATION PROCEDURE

Section 5.2-1 GENERAL. The property owner, developer and designated planners and engineer shall review the general development plans and detailed plans of the issuing authority that affect the tract to be developed and the area surrounding it. They shall review the Land Development Regulations, this Ordinance, and other ordinances that regulate the development of land within the boundaries of the issuing authority.

Section 5.2-2 APPLICATION REQUIREMENTS.

- a. No person shall conduct any land-disturbing activity within the confines of Miller County, including incorporated areas of the County, without first obtaining a permit from the Issuing Authority/Building Official of Miller County to perform such activity.
- b. The application for a permit shall be submitted to the Issuing Authority and must include the applicants erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 5.2-3 of this Ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of Article III of this Ordinance. Applications for a permit will not be accepted unless accompanied by five (5) copies of the applicant's soil erosion and sediment control plans.
- c. A fee shall be paid with submittal of the application. Said fee is non-refundable. The amount of the fee shall be as follows:
 1. For individual single-family houses not exempted per Section 5.1-3 (d) no fee shall be charged.
 2. For projects of five (5) acres or less \$25,00 plus \$5.00 per acre or portion thereof.
 3. For projects of greater than five (5) acres \$50.00 plus \$2.00 per acre or portion thereof in excess of 5 acres. The maximum permit fee to be charged shall be \$300.00
- d. Immediately upon receipt of an application and plan for a permit, the Issuing Authority shall refer the application and plan to the Local Soil and Water Conservation District for its review and approval or disapproval concerning the adequacy of the erosion and sediment control plan. The results of the District review shall be forwarded to the Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required as per Section 5.3-2 (p & q) and bonding, if required as per Section 5.2-2 (e), have been obtained. Such review will not be required if the Issuing Authority and the District have entered into an agreement that allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.
- e. When reviewing any application for a land-disturbing activity permit, the Issuing Authority shall consider the past record of the permit application in complying with previous land-disturbing activity permits and this ordinance. (a) If the applicant has had two or more violations of previous permits, this Ordinance section, or the Erosion and Sedimentation Act, as amended within three years prior to the date of the filing of the application under consideration, the Issuing Authority may deny the permit application. (b) The Issuing Authority may require the applicant to post a bond in the form of a government security, cash, irrevocable letter of credit, or any combination of thereof up to, but not exceeding \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity prior to issuing the permit. If the applicant does not comply with this Ordinance or with the conditions of the permit after issuance, the Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Issuing Authority with respect to alleged permit violations.

Section 5.2-3 PLAN REQUIREMENTS.

- a. Plans must be prepared to meet the minimum requirements as contained in Article III of this Ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the Manual for Erosion and Sediment Control in Georgia, published by the State Soil and Water conservation Commission as a guide; or through the use of alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this Ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and state laws.
- b. Data Required for Site Plan:
 1. Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
 2. Description of existing land use at project site and description of proposed project.
 3. Name, address and phone number of the property owner.
 4. Name and phone number of 24-hour local contact that is responsible for erosion and sediment controls.
 5. Size of project, or phase under construction, in acres.
 6. Activity schedule - showing anticipated starting and completion dates for project. Include the statement in **bold letters**, that "the installation of erosion control measures and practices shall occur prior to or concurrent with land disturbing activities."
 7. Storm water and sediment management systems-storage capacity, hydrologic study, and calculations, including off-site drainage area.
 8. Vegetation plan - for all temporary and permanent vegetative practices, including species, planting dates, and seeding, fertilizer, lime and mulching rates. Vegetative plan should show options for year-round seeding.
 9. Detail drawings - for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.
 10. Maintenance statement - "Erosion control measures will be maintained at all times. Additional erosion and sediment control measures will be installed if deemed necessary by on-site inspection."
- c. Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. The certified plan shall contain:
 1. Graphic scale and north point or arrow indicating magnetic north.
 2. Vicinity maps showing location of project and existing streets.
 3. Boundary line survey.
 4. Delineation of disturbed areas within project.

5. Existing and planned contours, with contour lines drawn with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval, ft.
one inch = 100 ft. or larger scale	Flat 0-2% Rolling 2-8% Steep 8%+	0.5 or 1 1 or 2 2, 5 or 10

6. Adjacent areas and features areas such as streams, lakes, residential area, etc. which might be affected should be indicated on the plan.
 7. Proposed structures or additions to existing structure and paved areas.
 8. Delineate 100-year flood plain or certification that the project is not located in a flood prone area.
 9. Delineate the 25-foot undisturbed vegetative buffer adjacent to state waters.
 10. Delineate the 100-foot horizontal buffer along designated trout streams where applicable.
 11. Location of erosion and sedimentation control measures and practices, using coding symbols from the Manual for Erosion and Sediment Control in Georgia, Chapter 6.
- d. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

Section 5.2-4 PERMITS.

- a. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the issuing authority of a completed application, providing variances and bonding are obtained, where necessary.
- b. No permit shall be issued by the Issuing Authority unless the erosion and sedimentation control plan has been approved by the District and the Issuing Authority has affirmatively determined that the plan is in compliance with this Ordinance, any variances required by Section 5.3-2 (q & r) are obtained, bonding requirements, if necessary, as per Section 5.2-2 (e) are met and all ordinances and rules and regulations in effect within Decatur County are met. If the permit is denied, the reason for denial shall be furnished the applicant.
- c. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- d. The permit may be suspended, revoked, or modified by the Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sediment control plan or that the holder or his successor in title in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- e. No permit shall be issued unless the applicant provides a statement by the Issuing Authority certifying that all Ad Valorem taxes levied against the property and due and owing have been paid.

**ARTICLE III.
MINIMUM REQUIREMENTS FOR EROSION
AND SEDIMENTATION CONTROL**

Section 5.3-1 GENERAL PROVISIONS. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities, which are not excluded by this Ordinance, shall contain provisions for application of soil erosion and sediment control measures. The provisions shall be incorporated into the erosion and sediment control plans. Soil erosion and sediment control measures shall conform to the requirements of this Ordinance. The application of measures shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sediment pollution during all stages of any land-disturbing activity.

Section 5.3-2 REQUIREMENTS. The permittee shall follow sound conservation and engineering practices to prevent and minimize erosion and resulting sedimentation consistent with the following requirements.

- a. Stripping of vegetation, regarding and other development activities shall be conducted in a manner so as to minimize erosion.
- b. Cut-fill operations must be kept to a minimum.
- c. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential.
- d. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- e. The disturbed area and the duration of exposure to erosive elements shall be kept to practicable minimum.
- f. Disturbed soil shall be stabilized as quickly as practicable.
- g. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
- h. Permanent vegetation and structural erosion control measures shall be installed as soon as practicable.
- i. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized.
- j. Adequate provisions must be provided to minimize damage from surface water to the cut face excavations or the sloping surface of fills.
- k. Cuts and fills may not endanger adjoining property.
- l. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.
- m. Grading equipment must cross-flowing streams by means of bridges or culverts except when such methods are not feasible and provided, in any such case, that such crossings are kept to a minimum.
- n. Land-disturbing activity plans for erosion and sedimentation control shall include provisions for control or treatment of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent streams beyond the levels specified in paragraph (r) or this section.

- o. Land-disturbing activities shall not be conducted within the 100-year flood plain unless compliance with any applicable local flood plain management ordinance is demonstrated or such construction is in compliance with the Federal Emergency Management Agency regulations or flood storage compensation for flood waters is provided.
- p. An undisturbed natural vegetative buffer of 25 feet measured from the stream banks shall normally be retained adjacent to any state waters except where otherwise required by the "Metropolitan River Protection Act", OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) 12-5-440 et. seq., or by the department pursuant to O.C.G.A. 12-2-8, or when the economic use and the contour of the land require a different buffer subject to the division's approval, or where a drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented.
- q. Land-disturbing activities shall not be conducted within 100 feet (horizontal) of the banks of any state waters classified as "trout streams" pursuant to the "Georgia Water Control Act", O.C.G.A. 12-5-20 et. seq., unless a variance for such activity is granted by the director except where a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; and
- r. Discharges of storm water runoff from disturbed areas shall be controlled to the extent that turbidity of the storm water runoff shall not exceed 50 nephelometric turbidity units higher than the turbidity level of the receiving stream immediately upstream from the storm water runoff discharge at the time of such discharge except where a roadway drainage structure must be constructed, the turbidity of the receiving stream downstream of the construction site shall not exceed 60 nephelometric turbidity units higher than the turbidity level of the receiving stream immediately upstream from the construction site. Downstream turbidity measurements shall be taken at points where the entering discharge is fully mixed with the receiving stream flow. Should the division determine the other turbidity limits may be applicable, the issuing authority may accept same.

**ARTICLE IV
ADMINISTRATIVE APPEAL, JUDICIAL REVIEW**

Section 5.4-1 ADMINISTRATIVE REMEDIES. The suspension, revocation, modification or grant with condition of a permit by the Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Miller County Board of Commissioners within 45 days after receipt by this Issuing Authority of written notice of appeal.

Section 5.4-2 JUDICIAL REVIEW. Any person, aggrieved by a decision or order of the Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Miller County.

**ARTICLE V.
INSPECTION AND ENFORCEMENT**

Section 5.5-1 INSPECTION OF PROJECTS. The Building Official will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation.

- a. Noncompliance: If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time for completion of such measures. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Ordinance.
- b. Right of Entry: The Building Official shall have the power to conduct such investigations as he/she may reasonably deem necessary to carry out the duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- c. No person shall refuse entry or access to any authorized representative or agent of the Issuing Authority, the Conservation Commission, the District, or Division who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

**ARTICLE VI
PENALTIES AND INCENTIVES**

Section 5.6-1 FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY. If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this Ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Issuing Authority.

Section 5.6-2 STOP WORK ORDERS. Upon notice from the Issuing Authority or its agent, work on any project that is being done contrary to the provisions of this Ordinance or in a dangerous or unsafe manner, shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required.

Section 5.6-3 BOND FORFEITURE. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 5.2-2e. The Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

Section 5.6-4 MONETARY PENALTIES. Any person violating any provisions of this Ordinance, permitting conditions, or stop work order shall be liable for a monetary penalty of not more than \$2,500 per day by a sentence of imprisonment not exceeding 60 days in jail or both fine and jail or work alternative. Each day the violation or failure or refusal to comply continues shall constitute a separate offense.

Section 5.6-5 EPD ENFORCEMENT ACTION. Upon written request made by this issuing authority, the Director may determine that the public interest requires initiation of an enforcement action by the Division. Such request shall be accompanied by documentation that demonstrates to the Director's satisfaction that local remedy has been exhausted and that compliance with local ordinances or resolutions has not been achieved. Where such a determination is made and this Issuing Authority has failed to secure compliance, the Director may implement the Board's rules and seek compliance under Official Code of Georgia Annotated (O.C.G.A) 12-7-12 through 12-7-15. For the purposes of this subsection enforcement actions taken by the Division pursuant to O.C.G.A. 12-7-12 through 12-7-15 shall not require prior revocation of Certification of this Issuing Authority.

**ARTICLE VII
REPEAL, EFFECTIVE DATE, VALIDITY AND LIABILITY**

Section 5.7-1 REPEAL. All resolutions or parts of resolutions in conflict therewith are hereby repealed.

Section 5.7-2 EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its adoption.

Section 5.7-3 VALIDITY. If any section, paragraph, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this Ordinance.

Section 5.7-4 LIABILITY. (a) Neither the approval of a plan under the provisions of this Ordinance, nor the compliance with provisions of this Ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon Miller County, the Issuing Authority or The Flint River Soil and Conservation District for damage to any person or property. (b) The fact that a land disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

Adopted this _____ day of _____.

County Clerk

Chairman, Miller County Board of Commissioners

CHAPTER VI
BUILDING AND CONSTRUCTION REGULATIONS

ARTICLE I. GENERAL PROVISIONS

Section 6.1-1 SHORT TITLE. This Resolution shall be known and may be referred to as the Building and Construction Regulations of Miller County.

Section 6.1-2 JURISDICTION. These Regulations shall govern the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises; shall regulate the installation and maintenance of all electrical, plumbing, mechanical, gas and swimming pool installations; and shall regulate the licensing of contractors within the unincorporated areas of Miller County, Georgia, except as otherwise exempted by other provisions of this chapter.

Section 6.1-3 BUILDING DEPARTMENT

- a. **Office Created:** There is hereby established a department to be called the Building Department and the person in charge shall be known as the Building Official.
- b. **Building Official:** The Building Official shall have at least 5 years experience or equivalent, as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these, for 2 years of which he shall have been responsible in charge of work. The Building Official shall be appointed by and be under the general control of the County Administrator. His appointment shall continue during good behavior and satisfactory service.
- c. **Badge of Office:** For the purpose of identification the Building Official may adopt a badge of office which he shall display on demand; provided that in any emergency, any other method of identification shall be sufficient.
- d. **Records:** The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

e. **Reports:** The Building Official shall annually submit a report covering the work of the building department during the preceding year. He shall incorporate in said report a summary of the decisions of the Construction Industry Board of Licensing, Adjustments and Appeals during said year.

f. **Cooperation of Other County Officials:** The Building Official may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Sheriff in enforcing orders, of the County Attorney in prosecuting violations, and of any other County Official.

Section 6.1-4 CONSTRUCTION INDUSTRY BOARD OF LICENSING, ADJUSTMENTS AND APPEALS.

- a. **Appointment:** There is hereby established a board to be called the Construction Industry Board of Licensing, Adjustments and Appeals, hereafter referred to as the Board, which shall consist of six voting members and a liaison to the planning commission. The said Board shall be appointed by the Miller County Board of Commissioners: one (1) of whom shall be a Building Contractor or professional in the construction related field, two (2) shall be Master Electricians, one (1) a Master Plumber, one (1) a license Conditioned Air Contractor, one (1) a representative of the building supply industry and one (1) representative of the agricultural community.
- b. **Terms:** The terms of all members shall be for three (3) years except that for the initial creation of the Board three (3) of the members shall be appointed for two (2) years.
- c. **Quorum:** Four (4) voting members present shall constitute a quorum.
- d. **Chairman:** The Commission shall appoint the chairman of the Board.

- e. **Duties of the Board:** The Board shall hear and make decisions on appeals to the decisions of the Building Official, hear requests for adjustments to the Code and to hear complaints against licensed contractors.
- f. **Appeals:** Whenever the Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building or structure, or when it is claimed that the provisions of this Code does not apply, or that any equally good or more desirable form of installation can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations there under have been misconstrued or incorrectly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal the decision of the Building Official to the Board. Notice of appeal shall be in writing and filed within 90 days after the decision is rendered by the Building Official, except that in case of a building, structure, electrical, plumbing, mechanical or gas system which, in the opinion of the Building Official, is unsafe or dangerous, the Building Official may, in his order, limit the time for such appeal to a shorter period. Appeals shall be on forms provided by the Building Official.
- g. **Variances:** The Board, when so appealed to and after a hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Code or public interest, or when, in its opinion the interpretation of the Building Official should be modified or reversed.
- h. **Action:** The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modified a refusal, order, or disallowance of the Building Official, or varies the application of any provision of this Code, the Building Official shall immediately take action in accordance with the decision.
- i. **Decisions Are Final:** Every decision of the Board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

ARTICLE II. CONSTRUCTION REGULATIONS

Section 6.2-1 PURPOSE. The purpose of this article is to provide certain minimum standards and requirements in all matters relating to buildings and structures and the uses thereof. In every case where no standards or requirements are prescribed by the statutes of the State, by regulations issued under the statutes of the State, by regulations of the State statutes, by this chapter or by subsequent ordinances enacted by the County, compliance with the following codes shall be considered prima facie evidence of meeting such minimum standards and requirements.

Section 6.2-2 CODES DECLARED PRIMA FACIE MINIMUM REQUIREMENTS.
 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:

- a. International Building Code (For One and Two Family Dwellings)
- b. National Electrical Code
- c. Standard Gas Code (SBCCI): Appendices A & D
- d. International Mechanical Code (SBCCI)
- e. International Plumbing Code (SBCCI): Appendices A, B, C, D, F, G, I, J, &K
- 6-3
- f. Standard Fire Prevention Code (SBCII)
- g. CABO One and Two Family Dwelling Code: Appendices A & B

- h. Georgia State Energy Code for Buildings and the following additional codes
 - a. Swimming Pool Code: The Swimming Pool Code shall be the Standard Swimming Pool Code, 1985 edition, except chapter I.
 - b. Standard Housing Code
 - c. Standard Unsafe Building Code
 - d. Standard Existing Building Code

Appendices: The appendices included in this Code are not intended for enforcement unless specifically referenced in the Code text.

Section 6.2-3 DEVELOPMENT REGULATIONS: NEW OR RESTORATION All new construction, whether newly platted property or subdivided lots of record must comply with applicable development standard, i.e. setback regulations, etc. Restoration of structures which do not meet the development standards, i.e. setback requirements, etc. which have been destroyed or damaged by fire, explosion, Act of God or by public enemy to the extent of seventy-five (75) percent of its market value shall thereafter be made to conform to the provisions of this Regulation unless there is the granting of a variance. Variances as outlined in ARTICLE II, Section 2.2-8 are related to topographical or other peculiarities of the land, not any action of the landowner. If such damage is less than seventy-five (75) percent, then the structure may be restored to the same use and site as before. No further reduction in standards will be allowed. Building permits to initiate restoration of such structures shall be obtained within one (1) year of the occurrence of the damages, otherwise no substandard restoration shall be allowed.

Section 6.2-4 FLOOD ZONE REGULATIONS. Any person having intent to place any building or structure in an area designated by the Federal Emergency Management Agency (FEMA) as being a flood prone area must first complete an Elevation Certificate, which may be obtained from the Building Department. All construction in these areas must conform to FEMA's Flood Zone Construction Regulations. A flood elevation certificate must be provided prior to permit issuance and another submitted after the floor is in place and an actual floor elevation can be obtained.

Section 6.2-5 MANUFACTURED HOME REQUIREMENTS. No manufactured home shall be occupied or connected to electrical service until the manufactured home is placed in accordance with the Rules and Regulations for Georgia Manufactured Housing and the following requirements have been met:

- a. **Sewage Disposal and Potable Water Supply:** The sewage disposal system and the potable water system must be connected and approved by the proper regulating authority.
- b. **Mobile Homes Set Up In Flood Zones.** Any mobile home set up in an area designated by Federal Emergency management Agency (FEMA) as being in a flood prone area must be set up on poured concrete foundation pads of no less than 8" x 24" x 24" with anchors set into the concrete for the purpose of attaching tie downs from mobile home. The home must also be elevated to a height of no less than one (1) foot above the Base flood Elevation. A Flood Elevation Pre-certification must be completed before any permits will be issued to set up the mobile home. All mobile homes being set up in flood prone areas must meet Federal Emergency Management Agency regulations. **Prior to approval a certificate of the actual floor elevation must be submitted.**

ARTICLE III PERMITS

Section 6.3-1 PERMITS REQUIRED

- a. **Building Permit:** It shall be unlawful for any person to construct, alter, repair, remove or demolish a building, swimming pool, manufactured home or structure, or to commence same without first making application to the Building Official and obtaining the required permit for the work.
- b. **Electrical Permit:** It shall be unlawful for any person to perform any electrical work or wiring which is regulated by this Code, or cause any such work to be done without first making application to the Building Official and obtaining the required permit for the work.
- c. **Gas Permit:** It shall be unlawful for any person to install, enlarge, alter, repair, move, or replace a gas system, the installation of which is regulated by this Code, or cause any such work to be done without first making application to the Building Official and obtaining the required permit for the work.
- d. **Mechanical Permit:** It shall be unlawful for any person to install, enlarge, alter, repair, move, or replace a mechanical system, the installation of which is regulated by this Code, or cause any such work to be done without first making application to the Building Official and obtaining the required permit for the work.
- e. **Plumbing Permit:** It shall be unlawful for any person to connect any plumbing work with any sewer, sanitary or storm, septic tank or sewage disposal system of any kind, or install fixtures or appliances in new or existing systems, structures or premises, or repair, or add to any existing plumbing which is regulated by this Code, or cause any such work to be done without first making application to the Building Official and obtaining the required permit for the work.
- f. **Driveway Permit:** It shall be unlawful for any person to develop a driveway without first obtaining a driveway permit. Consultation with the Miller County Road Superintendent is advised during planning. Driveway permits shall be required in conjunction with the acquisition of a building or manufactured home permit. Driveways located on state highways must first obtain approval from the Georgia Department of Transportation.

Section 6.3-2 EXEMPTIONS. All persons should check with the Building Official to determine if their project falls into the exempt category.

- a. **Agricultural Buildings and Structures:** Agricultural structures with a roof and poles, designed for the storage of agricultural equipment only, having no concrete floor, electrical connections and not intended for human or animal occupancy are exempt from building permit requirements only, provided, that they are located on twenty-five (25) acres or more.
- b. **Minor Repair Work:** Normal maintenance and repair related to upkeep of existing buildings, structures, electrical, gas, plumbing, conditioned air and low voltage systems.
- c. **Residential Accessory Structures:** Minor structures on individual residential lots less than 200 square feet clearly incidental to the primary residence are exempt from building permit requirements only. Electrical, plumbing and other applicable permits still apply.

Section 6.3-3 INFORMATION REQUIRED

- a. **Permit Application:** Application for permits as required by Section 6.3-1 shall be made in writing and filed with the Building Official of the County. The application for a permit shall be submitted in such form as the Building Official may prescribe.
- b. **Drawings and Specifications:** When plans or diagrams are required by the Building Official for electrical, plumbing, heating, gas, cooling or other systems, two or more copies of the specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the type materials, where it is essential for conformity with this Code. Such information shall be specific, and this Code shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used, as a substitute for specific information. The drawing shall depict the site plan with all existing or proposed buildings on the site.
- c. **Additional Data and Permits:** Prior to the issuance of any building permit, the Building Official shall receive from the applicant a copy of a recorded deed or plat indicating ownership of the parcel to be built upon and Miller County Health Department approval for individual wells and septic tanks where the structure is not to be served by an approved public system. The Building Official may also require details, computations, streets diagrams, and other data necessary to describe the installation and basis of calculations and they shall bear the signature of the person responsible for the design.
- d. **Designers Name:** All drawings, specifications, and accompanying data shall bear the name and address of the designer. The designer shall be an architect or engineer legally registered under the laws of the State of Georgia regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data for all buildings and structures except for single family detached and duplex buildings and other buildings and structures specifically exempted by state law.

Section 6.3-4 PLAN REVIEW. The Building Official shall examine or cause to be examined each application for a permit and the accompanying contract documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the Code and all other pertinent laws or ordinances.

- a. **Action on Permits:** The building Official shall act upon an application for a permit without unreasonable or unnecessary delay. If the Building Official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, he shall issue a permit to the applicant.
- b. **Refusal to Issue Permit:** If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the Code or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.
- c. **Partial Permit:** Nothing in this section shall be construed to prevent the Building Official from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of such building or structure have been submitted or approved, if adequate plans and detailed statement have been presented for the same and have been found to comply with this section.

Section 6.3-5 CONDITIONS OF PERMIT

- a. **Permit Intent:** A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of the Code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans or in construction, or of violations of this Code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. One or more extensions of time, for periods not more than ninety (90) days each, may be allowed for the permit, provided the extension is requested and in writing and justifiable cause is demonstrated, and such extensions shall be in writing by the building Official.
- b. **Plans:** When the Building Official issues a permit, he shall endorse, in writing or by stamp, any required plans with his approval. The Building Official shall retain one set of drawings so reviewed and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of the work and shall be open to inspection by the Building Official or his authorized representative.
- c. **Misrepresentation of Application:** The Building Official may revoke a permit or approval issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

Section 6.3-6 FEES. No permit, as provided above, shall be issued until after the permit fee has been paid to the County as reflected in Section 6.3-8, "Schedule of Permit Fees".

Section 6.3-7 SCHEDULE OF PERMIT FEES. Appropriate Building Permit, Code Compliance Permit, Subdivision, Land Disturbing Permit, Certificate of Occupancy, Contractor Registration and Inspection fees must be paid and are available in the Miller County Schedule of Development Fees found in Appendix C.

- a. **Re-inspection:** Where inspections are required, the inspection and the first re-inspection shall be at no cost; for each and every re-inspection thereafter, there shall be paid a re-inspection fee, however, the Building Official may waive the re-inspection fee if he determines that the re-inspection was not required as a result of the failure of the contractor to have the work ready to inspect or to have performed the work correctly.
- b. **Certificates of Occupancy:** The issuance of Certificate of Occupancy shall be at no cost except as follows:
 1. Temporary Certificates of Occupancy.
 2. Certificates of Occupancy requested for existing buildings for which a building permit has not been issued.
- c. **Contractor Registration:** There shall be a charge imposed for contractor registration.
- d. **Occupational Licensed Contractors:** Occupational license fee renewals are due prior to June 30th for the following July through June period. Renewals may be made between April and June. Late fees will be applied after June 30th. Renewals may be made in person or a form may be acquired from the Building Department and completed, notarized and returned by mail. The application requests a list of anyone in your legal employ or partnership that you wish to authorize to request and obtain permits under your license. Mobile home installers must list all of your card carriers.

State licensed contractors must show proof of current state license. Miller County will be enforcing all State mandated codes adopted through August 18, 2004 and local code updates to the time of the renewal.

ARTICLE IV. INSPECTIONS

Section 6.4-1 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises, plumbing, mechanical or gas systems unsafe, dangerous or hazardous, the Building Official (may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official) by this Code, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Building Official shall obtain a property inspection warrant or other remedy provided by law.

Section 6.4-2 EXISTING BUILDING INSPECTIONS. Before issuing a permit the Building Official may examine or cause to be examined any building, plumbing, mechanical or gas systems for which an application has been received for a permit.

Section 6.4-3 INSPECTIONS PRIOR TO ISSUANCE OF CERTIFICATE. The Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building or structure upon completion, prior to the issuance of the Certificate of Occupancy.

Section 6.4-4 REQUIRED INSPECTIONS. The Building Official, upon notification from the permit holder or his agent, shall make the following inspections and such other inspections as necessary, and shall place a violation report on the job site.

a. Building

1. Foundation Inspection: To be made after trenches are excavated, forms erected, grade stakes installed and any required reinforcing is in place.
2. Frame Inspections: To be made after the roof, all framing, fire blocking and bracing is in place, and all concealed wiring, all pipes, chimneys, ducts and vents are complete and inspected.
3. Insulation Inspection: To be made prior to covering insulation.
4. Wallboard Inspection: To be made prior to taping wallboard on all wallboard installed as part of fire rated assemblies.
5. Final Inspection: To be made after the Building is completed and ready for occupancy, which shall include properly approved connections to approved water and sewage systems.

b. Electrical

1. Temporary Service: To be made after service has been installed, but prior to connection to utility.

2. Underground and Slab Inspection: To be made after trenches or ditches are excavated, wiring or conduit installed, and before any backfill or slabs are put in place.
3. Rough-In Inspection: To be made after the roof, framing, fire blocking and bracing is in place and all wiring or conduit is complete prior to installation of ceiling and wall membranes.
4. Final Inspection: To be made after the building is complete, all electrical fixtures in place and properly connected, and the structure is ready for occupancy or use.

c. Gas

1. Rough Piping Inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
2. Final Piping Inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. Final Inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to insure compliance with all the requirements of this Code and to assure that the installation and construction of the gas system is in accordance with the approved plans.

d. Mechanical

1. Underground Fuel Piping Inspection: To be made after trenches or ditches are excavated, fuel piping installed, and before any backfill is put in place.
2. Rough-In Inspection: To be made after the roof, framing, fire-blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
3. Final Inspection: To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

e. Swimming Pool

1. Rough-In Inspection: To be made after excavation is made and framework or reinforcing is placed, prior to backfill or concrete is put in place.
2. Final Inspection: To be made after pool is complete and after security fence has been erected.

f. Plumbing

1. Underground Piping Inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-In Inspection: To be made after the roof, framing, fire-blocking and bracing are in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes.
3. Final Inspection: To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

ARTICLE V. CERTIFICATE OF OCCUPANCY

Section 6.5-1 BUILDING OCCUPANCY. A new building shall not be occupied or a change made in occupancy or the nature of the use of a building or part of a building until after the Building Official has issued a Certificate of Occupancy. Permanent electrical service shall not be connected or re-connected until the Certificate of Occupancy has been issued.

Section 6.5-2 TEMPORARY OCCUPANCY. A Temporary Certificate of Occupancy may be issued for a portion or portions of a building that may safely be occupied prior to final completion of the building. A fee as required in Section 6.3-8 "Schedule of Fees" must be paid prior to issuance of each Temporary Certificate of Occupancy. Permanent electrical service may be connected at the issuance of a Temporary Certificate of Occupancy.

Section 6.5-3 CERTIFICATE OF COMPLETION. A Certificate of Completion may be issued for a building shell that has been completed in accordance with a properly issued permit once all final inspections have been made. A Certificate of Completion does not convey any right to occupy the building.

Section 6.5-4 EXISTING BUILDINGS. A certificate of occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with this Code for the occupancy intended. Where necessary, in the opinion of the Building Official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of this Code for such occupancy, and the appropriate fees as required in Section 6.3-8 "Schedule of Fees" have been paid, a Certificate of Occupancy shall be issued.

Section 6.5-5 CHANGE OF OCCUPANCY. No change of occupancy or use shall be made in a building hereafter erected or altered that is not consistent with the last issued Certificate of Occupancy for such building, unless a permit is secured. In the case of an existing building, no change of occupancy that would bring it under some special provision of this article shall be made, unless the Building Official finds, upon inspection, that such building conforms substantially to the provisions of the law with respect to the proposed new occupancy and use and issues a Certificate of Occupancy thereof. The use of a building shall not be deemed to have changed because of temporary vacancy or change of ownership or tenancy.

ARTICLE VI. CONTRACTOR REGISTRATION

Section 6.6-1 CONTRACTORS REGULATED. Any person desiring to engage in the business of building, gas, electrical, mechanical, plumbing, sign, or swimming pool contracting within the unincorporated portions of Miller County shall first make an application and pay the proper regulatory fees at the County Building Office.

Section 6.6-2 STATE LICENSED CONTRACTORS. Any contractor required to be licensed by the State of Georgia Construction Industry Licensing Board need only to show proof of current licensing by said Board, complete the prescribed application and pay the appropriate fee as prescribed in Section 6.3-8 of this Code.

Section 6.6-3 NON STATE LICENSED CONTRACTORS. Any contractor not required to be licensed by the State of Georgia Construction Industry Licensing Board shall be regulated by Miller County after completing the prescribed application, demonstrating proof of competency by one of the methods in Section 6.6-4, and paying the appropriate fee as prescribed in Section 6.3-8 of this Code.

Section 6.6-4 PROOF OF COMPETENCY.

6. Any electrical, plumbing, conditioned air, gas, low voltage or manufactured home installation contractor requesting licensing shall provide proof of State of Georgia licensing for the type of work for which they are applying to engage in and under what classification they are licensed.
6. Anyone requesting specialty contractors licensing for a specific type of work (i.e. not covered in the above classifications etc.) shall file with the Building Department proof of licensing from any other governmental body for that particular type of work and/or affidavits from three (3) persons for whom they have performed within the (1) one year the type of work for which application is being made.

Section 6.6-5 APPLICABILITY OF ARTICLE GENERALLY.

6. This article shall apply to the construction, alteration, repair, removal, demolition, of buildings, structures, and all installations, alterations, and repairs of plumbing, air conditioning and heating, gas, electrical or low voltage wiring systems within or on public or private buildings, structures, or premises except as otherwise provided in this Code section.
6. This article shall not apply to the installation, alteration, or repair of plumbing, air conditioning and heating, gas, electrical services, except low voltage wiring services, up to and including the meters where such work is performed by or is an integral part of the system owned or operated by a public service corporation or the electrical, water, or gas department of any municipality in this state, in rendering its duly authorized service as such.
6. This article shall not apply to the installation, alteration, or repair of plumbing, air conditioning and heating, gas, electrical systems, except low voltage wiring systems, where such work is an integral part of the system owned or operated, in rendering its duly authorized service as such, by a railroad company, pipeline company, mining company, or public utility or municipal utility in the exercise of its normal functions as a public utility or where such work is an integral part of any irrigation system on farms, ranches, or other open, unpopulated areas where such work will not be located within 30 feet of any dwelling or any building devoted to animal husbandry.
6. This article shall not prohibit an individual from constructing, altering, repairing, removing, demolishing buildings, or structures, and installing, altering, or repairing plumbing fixtures, air conditioning and heating, air conditioning and heating fixtures, gas, electrical or low voltage wiring services in a single family dwelling owned or occupied by him; provided, however, that all such work must be done in conformity with all other provisions of this chapter and the orders, rules, and regulations of the Board of Commissioners.

NOTE: It is not the intent of this section to allow a speculative home builder to construct homes or install plumbing, air conditioning and heating, gas, electrical or low voltage wiring services without paying the proper County regulatory fees. Building more than one (1) home per three (3) years may constitute violation of these regulations.

6. This article shall not prohibit an individual from constructing, altering, repairing, removing, demolishing, buildings, or structures, installing, altering, or repairing plumbing, plumbing fixtures, air conditioning and heating fixtures, gas, electrical or low voltage wiring services on the premises of, or in a farm or ranch building owned or occupied by him; provided however, that all such work must be done in conformity with all other provisions of this chapter and the orders, rules, and regulations of the Board of Commissioners.
6. This article shall not prohibit an individual employed on the maintenance staff of a facility owned by the state or by a county, municipality, or other political subdivision from constructing, altering, repairing, removing, demolishing, buildings, or structures, or installing, altering, or repairing plumbing, plumbing fixtures, air conditioning and heating fixtures, gas, electrical or low voltage wiring services when such work is an integral part of the maintenance requirements of the facility; provided, however, that all such work must be done at the facility, and, all such work must be done in conformity with all other provisions of this chapter and the orders, rules, and regulations of the Board of Commissioners.
6. This article shall not apply to low voltage wiring performed by public utilities except that such portion of the business of those public utilities which involved the installation, alteration, repair, or service of telecommunication systems for profit shall be covered under this article.
6. The installation, construction, or maintenance of power systems for the generation and distribution of electrical current constructed under the National Electrical Safety Code, which regulates the safety requirements of utilities; but the interior wiring regulated by the National Electrical Safety Code would not be exempt and must be done by an electrical contractor.
6. Any technician employed by a municipal or county franchised community antenna television (CATV) system or a municipally owned community antenna television system in the performance of work on the system.
6. This article shall not apply to any individual owner or lessee performing plumbing or related services upon residential property owned or leased by him and at which he resides.
6. This article shall not apply to regular, full-time employees of an institution, manufacturer, or business which performs construction, plumbing, gas, electrical, low voltage wiring, or conditioned air work unless the employer is engaged in the practice of building contracting, plumbing, gas, electrical, low voltage wiring, or conditioned air contracting. Such employees are only exempt when working on the premises of that employer.
- l. This article shall not apply to State Licensed Manufactured Home Installer who are licensed to do this work:
 1. Connect the exterior sewer line to the above ground sewer system; or
 2. Connect the exterior water line to the above ground water system.
- g. Electrical connection of exterior panel to the inside panel of the mobile home.

- h. This article shall not prohibit any person from installing, altering, or repairing the plumbing component of a lawn sprinkler system from a backflow preventer which was installed by a licensed plumber; provided, however, that all such work must be done in conformity with all other provisions of this chapter, the rules and regulations of the board, and ordinances of the county.
- i. Any person who contracts with a licensed conditioned air contractor as part of a conditioned air contract to install, alter, or repair duct systems, control systems, or insulation is not required to hold a license from County. The conditioned air contractor must retain responsibility for completing of the contract, including any subcontracted work. Any person who contracts with a licensed conditioned air contractor to perform a complete installation, alteration, or repair of a conditioned air system must hold a valid license from the County. Any person who contracts with a conditioned air contractor to install, alter, or repair electrical, low voltage, or plumbing components of a conditioned air system must hold a valid license from the County of the appropriate classification.
- j. This article shall not apply to irrigation systems, but this does not exempt the electrical service to the system.

Section 6.6-6 CLASSIFICATION OF LICENSES. All licenses shall be in the following classifications.

- k. **Residential/Light Commercial Contractor:** Shall be a contractor allowed to obtain building permits and construct, alter, add to, or repair single family detached dwellings and duplex dwellings and accessory structures thereto only.
- l. **Commercial Contractor:** Shall be a contractor allowed to obtain building permits and construct, alter, add to, or repair any type of building or structure.
- m. **Electrical Contractor Class I:** Shall be a contractor allowed to obtain electrical permits and do electrical work involving single-phase electrical installations which do not exceed 200 amperes or as allowed per requirements of the State of Georgia Construction Industry Licensing Board.
- n. **Electrical Contractor Class II:** Shall be a contractor allowed to obtain electrical permits and to be unrestricted as to the type electrical work that can be done as allowed per requirements of the State of Georgia Construction Industry Licensing Board.
- o. **Master Plumber Class I:** Shall be a contractor allowed to obtain plumbing permits and do plumbing work involving single family dwellings and one-level dwellings designed for not more than two families and commercial structures not to exceed 10,000 square feet in area as allowed per requirements of the State of Georgia Construction Industry Licensing Board.
- p. **Master Plumber Class II:** Shall be a contractor allowed to obtain plumbing permits and to be unrestricted as to the type plumbing work that can be done as allowed per requirements of the State of Georgia Construction Industry Licensing Board.
- q. **Conditioned Air Contractor Class I:** Shall be a contractor allowed to obtain mechanical permits and do mechanical work involving conditioned air systems or equipment not exceeding 175,000 BTU (net) of heating requirements of the State of Georgia Construction Industry Licensing Board.
- h. **Conditioned Air Contractor Class II:** Shall be a contractor allowed to obtain mechanical permits and to be unrestricted as to the type mechanical work that can be done as allowed per requirements of the State of Georgia Construction Industry Licensing Board.
- i. **LP Gas Contractor:** Shall be a contractor allowed to obtain gas permits and do gas work involving liquefied petroleum gas.

- j. **Natural Gas Contractor:** Shall be a contractor allowed to obtain gas permits and do gas work involving Natural gas.
- k. **Gas Contractor:** Shall be a contractor allowed to obtain gas permits and whose work is unrestricted with regard to gas.
- l. **Specialty Contractor:** Shall be a contractor whose work is not listed in the previous classification and is specific to a particular type of work that requires a permit. Specialty Contractors shall only be allowed to obtain permits for work for which they hold a specialty license.
- m. **Manufactured Home Installer:** Shall be a contractor allowed to tie down, block, etc. manufactured homes in accordance with the State of Georgia's Rules and Regulations for Manufactured Home Installation.

Section 6.6-7 CONTRACTORS PRE-REQUISITES TO WORK.

- a. **Restrictions on Contractor:** No building permit shall be issued on work commenced by any contractor except that they are qualified under this article.
- b. **Signing of Permits:** The individual who obtains the required permits fee must sign each permit obtained from the Building Department for which his license is required, except that he may submit by letter of authorization an agent which is employed by the licensed holder to sign the permit. The letter shall list the name of the contractor, the contractor's license number, the name of the person who is authorized to sign the permit. This authorization shall expire at the license expiration date or when notice is received from the licensee that it is no longer valid.

Section 6.6-8 FEES. No license required by this article shall be issued or renewed until the appropriate fee has been paid to the County as reflected in Section 6.3-8.

Section 6.6-9 RENEWAL. Each license required by this article shall expire on June 30, of each year and can be renewed between April 1 and June 30 prior to expiration.

Section 6.6-10 EXPIRATION. Any license holder that allows his license to expire must pay, in addition to the normal renewal fee, a penalty of 50 percent of the renewal fee. Any license holder whose license has been expired for more than 90 days must obtain approval of the Board in order to reinstate the license.

Section 6.6-11 DISCIPLINE. The Board of Construction shall promulgate rules concerning discipline of contractors licensed under this article.

ARTICLE VII. UNSAFE BUILDINGS AND STRUCTURES VIOLATIONS

6.7-1 NOTICES.

- a. Whenever the Building Official is satisfied that a building or structure, or any work in connection therewith, the erection, construction, alteration, or repair, execution of which is regulated, permitted or forbidden by this code, is being erected, constructed, or altered in violation of the provisions or requirements of this code, or in violation of a detailed statement or plan submitted and approved there under, or of a permit or certificate issued there under, he shall serve a written notice or order upon the person responsible thereof directing discontinuance of such illegal action and the remedying of the condition that is in violation of the provisions or requirements of the Code.

- c. In case such notice or order is not promptly complied with, the Building Official shall request the County Attorney or other proper prosecuting authority to institute an appropriate action or proceeding at law or in equity, to restrain, correct or remove such violation, or the execution of work thereon, or to restrain or correct the erection or alteration of, or to require the removal of, or to prevent the occupation or use of, the building or structure erected, constructed or altered, in violation of, or not in compliance with, the provisions of this Code or with respect to which the requirements thereof, or of any order or direction made pursuant to provisions contained therein, shall not have been complied with.

Section 6.7-2 STOPPING WORK. Whenever, in the opinion of the Building Official, by reason of defective or illegal work in violation of a provision or requirement of the Code, the continuance of building operation is contrary to public welfare, he shall order, in writing, all further work to be stopped and may require suspension of all work until the condition in violation has been corrected.

Section 6.7-3 PENALTIES. See Chapter 1, Article IX.

Section 6.7-4 ABATEMENT. The imposition of the penalties herein prescribed shall not preclude the County Attorney from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent an illegal act, conduct, business or use in or about any premises.

**CHAPTER VII
RESOLUTION PROVIDING FOR ABATEMENT OF NUISANCES**

Section 7.1. FINDINGS AND POLICY.

- a. It is found and declared that in the unincorporated areas of the county there exist dwellings, buildings, or structures which are unfit for human habitation for commercial, industrial, or business uses due to dilapidation and defects increasing the hazards of fire, accidents, or other calamities; lack of adequate ventilation, light, or sanitary facilities; or other conditions rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the county.
- b. It shall be the policy of the county for its designated officials to investigate and determine which dwellings, buildings or structures in the unincorporated areas of the county are unfit for human habitation or are unfit for their current commercial, industrial, or business use because of existing conditions that are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwellings, buildings, or structures; or of other residents of the county.

Section 7.2. DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a. County Administrator/Building Inspector means the county administrator of the County of Miller, State of Georgia, or his designated agent.
- b. Dwellings, buildings or structures means any building or structure or part thereof used and occupied for human habitation, commercial, industrial, or business uses, or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure or any design.
- c. Owner means the holder of the title in fee simple and every mortgagee of record.
- d. Parties in interest means person in possession of such property and all individuals, associations, and corporations who have an interest of record in the county where the property is located in a dwelling, building, or structure, including executors, administrators, guardians, and trustees.
- e. Public authority means any housing authority or any officer who is in charge of any department or branch of the government of the County of Miller or the state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings or structures in the unincorporated areas of the county.
- f. Repair means closing a dwelling, building, or structure or the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.
- g. Unfit dwellings, buildings or structures means:
 - 1. Those whose interior or exterior bearing walls or other vertical structural members list, lean or buckle to such extent as to weaken the structural support of such member below the minimum required by the building code of the county; or
 - 2. Those which have parts that are so attached that they are likely to fall and cause injury to persons or property; or
 - 3. Those which in whole or in part are so dilapidated, decayed, damaged from any cause or deteriorated in any manner that they are likely to cause injury to persons or property; or

4. Those which are likely to cause injury to persons or property because they contain weakened, defective or deteriorated:
 - A. Footings or foundations;
 - B. Floorings or floor supports;
 - C. Ceilings or ceiling supports;
 - D. Roof or chimney.
5. Those which have visible soil erosion adjacent to or under any structural support; or
6. Those which are likely to cause injury to persons or property because they contain weakened, defective or deteriorated:
7. Those which are likely to cause injury to persons or property because they have defective or inadequate plumbing, improper sanitation facilities, insufficient ventilation, or lack of running water, as required by the building code of the county, or this resolution; or
8. Those which constitute fire hazards as defined in the life safety code of the county or other applicable ordinances or resolutions and which are thereby dangerous to persons or property; or
9. Those which because of lack of property maintenance, deterioration or decay, or fire hazards, are unsafe, unsanitary, or dangerous to human life, safety, or health or morals.
10. Vacant or dilapidated dwellings, buildings or structures in which drug crimes are being committed. For purposes of this article, a "drug crime" means an act that is a violation of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated (O.C.G.A.), known as the Georgia Controlled Substances Act.

Section 7.3. PROCEDURES RELATING TO REPAIR OR DEMOLITION OF UNFIT BUILDINGS

- a. The county administrator shall be designated as the public officer to exercise the powers as set forth in this resolution.
- b. Whenever a request is filed with the county administrator by a public authority or by at least five (5) residents of the county charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use or whenever it appears to the county administrator (on his own motion) that any dwelling, building or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use, the county administrator shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and any parties in interest in such dwelling, building, or structure, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the county administrator at a place within the county fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint, that the owner to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rule of evidence prevailing in courts of law or equity shall not be controlling in hearings before the county administrator.
- c. If, after such notice and hearing, the County Administrator determines that the dwelling, building, or structure under consideration is unfit for human habitation or is unfit for its current commercial, industrial, or business use, he shall put in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order as follows:

3. If the repair, alteration, or improvements of such dwelling, building or structure can be made at a cost not exceeding fifty (50) percent of the value of the dwelling, building, or structure, when repaired, the order shall require the owner or parties in interest, within the time specified in the order, not to exceed one hundred twenty (120) days, to repair, alter, or improve such dwelling, building or structure so as to render it fit for human habitation or for current commercial, industrial, or business use or to vacate and close the dwelling, building, or structure as a human habitation; or
4. If the repair, alteration, or improvement of such dwelling, building, or structure cannot be made at a cost not exceeding fifty (50) percent of the value of the dwelling, building, or structure, when repaired, the order shall require the owner or parties in interest, within the time specified in the order, not to exceed one hundred twenty (120) days, to remove or demolish such dwelling, building, or structure.
5. If the owner or parties in interest fail to comply with an order to vacate or close or remove or demolish the dwelling, building, or structure, then upon the passage of a resolution by the county governing authority describing the property of properties in question and approving the action to be taken, the county administrator shall cause such dwelling, building or structure to vacated and closed or removed or demolished. The county administrator shall cause to be posted on the main entrance of any dwelling, building or structure so closed a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use; the use or occupation of this building for human habitation use is prohibited and unlawful"

6. The amount of the cost of such vacating and closing or removal or demolition by the county administrator shall be a lien against the real property upon which such cost was incurred. Such lien shall attach to the real property upon the payment of all costs of demolition by the county and the filing of an itemized statement of the total sum of such costs by the county administrator in the office of the clerk of the county commissioners on a lien docketed maintained by the clerk for such purposes. If the dwelling, building, or structure and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the county treasury by the county administrator, shall be secured in such manner as may be directed by such county governing authority, and shall be discussed by such county governing authority to the persons found to be entitled thereto by final order or decree of the court.
7. The county may enforce the collection of any amount due on such lien for removal or demolition of dwellings, building, or structures only in the following manner:
8. The owner or parties at interest shall be allowed to satisfy the amount due on such lien by paying to the county within thirty (30) days after the perfection of the total amount due and by further paying to the county the remaining balance due on such lien, together with interest at the rate of seven (7) percent per annum, in three (3) equal annual payments, each of which shall become due and payable on the anniversary date of the initial payment made as prescribed in this subsection.
9. Should the property upon which lien is perfected be sold, transferred, or conveyed by the owner or parties at interest at any time prior to the termination of the three-year period, then the entire balance due on such lien shall be due and payable to the county.
10. Should the amount due on such lien, or any portion thereof, be unpaid after the passage of the three-year period, or upon the occurrence of the contingency provided for in subsection (2), the county may enforce the collection of any amount due on such lien for alteration, removal, or demolition of dwellings, buildings, or structures in the same manner as provided in OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) §48-3-1, et seq., as amended, and other applicable state statutes. This procedures shall be subject to the right of redemption by any person having any right, title, or interest in or lien upon said property, all as provided by O.C.G.A. §48-4-40 et seq.

Section 7.4. POWERS OF COUNTY ADMINISTRATOR IN REGARD TO UNFIT BUILDINGS OR STRUCTURES

An ordinance or resolution adopted by the governing authority of the county may authorize the county may authorize the county administrator to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article, including the following powers in addition to others herein granted:

1. To investigate the dwelling conditions in the unincorporated areas of the county in order to determine which dwelling, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use;
2. To administer oaths and affirmation, to examine witnesses, and to receive evidence;
3. To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
4. To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this article; and
5. To delegate any of his functions and powers under this article to such officers and agents as he may designate.

Section 7.5. SERVICE OF COMPLAINTS OR ORDERS UPON PARTIES IN INTEREST AND OWNERS OF UNFIT BUILDINGS OR STRUCTURES

- a. Complaints or orders issued by the county administrator pursuant to this article shall, in all cases, be served upon each person in possession of such property, each owner, and each party in interest. The return of service signed by the county administrator or an affidavit of service executed by any citizen of this state, reciting that a copy of such complaint or order was served upon each person in possession of such property, each owner, and each party in interest personally or by leaving such copy at the place of his residence, shall be sufficient evidence as to the service of such person in possession, owner, and party in interest. Any owner not a resident of Miller County, Georgia may be served by certified or registered mail with return receipt requested. For a nonresident, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order.
- b. If either the owner or any party in interest is a minor or an insane person or person laboring under disabilities, the guardian or other personal representative of such person shall be served and if such guardian or personal representative is a nonresident, he shall be served as provided for in subsection (a) in such cases. If such minor or insane person or person laboring under disabilities has no guardian or personal representative or if such minor or insane person is a nonresident, service shall be perfected by serving such minor or insane person as provided for in subsection (a), which shall be sufficient evidence as to the service of such person.
- c. A copy of such complaint or order shall also be filed in the proper office or offices for the filing of lis pendens (lawsuit pending) notice in the county and such filing of the complaint or order shall have the same force and effect as other lis pendens (lawsuit pending) notices provided by law. Any such complaint or order or an appropriate lis pendens (lawsuit pending) notice may contain a statement to the effect that a lien may arise against the described property and that an itemized statement of such lien is maintained on a liken docket maintained by the clerk of the Miller County Board of Commissioners.

Section 7.6 APPLICATION TO OTHER PRIVATE PROPERTY

All the provisions of this article including method and procedure may also be applied to private property where an accumulation of weeds, trash, junk, filth, and other unsanitary or unsafe conditions shall create a public health hazard or a general nuisance to those persons residing in the vicinity.

Section 7.7 INJUNCTIONS AGAINST ORDER TO REPAIR, CLOSE OR DEMOLISH UNFIT BUILDINGS OR STRUCTURES

Any person affected by an order issued by the county administrator may petition the superior court for an injunction restraining the county administrator from carrying out the provisions of the order and the court may upon such petition issue a temporary injunction restraining the county administrator pending the final disposition of the case; provided, however, that such person shall present such petition to the court within fifteen (15) days of the posting and service of the order of the county administrator. De novo hearing shall be had by the court on petitions within twenty (20) days. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to post bond in any amount before obtaining a temporary injunction under this provision.

Section 7.8 TAKING OF UNFIT BUILDINGS OR STRUCTURES BY EMINENT DOMAIN; POLICE POWER

Nothing in this article shall be construed as preventing the owner of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of this state nor as permitting any property to be concerned or destroyed except in accordance with the police power of this state.

Chapter VIII
Flint River and Spring Creek Corridor Protection Ordinance

Section 8.1. Short Title and Purpose

- A. This ordinance shall be known as the Flint River and Spring Creek Corridor Protection Plan.
- B. The purpose of this Ordinance is to protect potential public water supplies, to control erosion and pollution and to protect against future flood damage.

Section 8.2. Establishment of Protected River Corridor District

- A. **River Corridor District.** This Ordinance shall apply to all land, inclusive of islands, being within 100 feet horizontally on both sides of the river as measured from the river banks.
- B. **Map.** The generalized corridor map, adopted as part of this Ordinance, shows the general locations of the protected river corridor and said map should be consulted by persons contemplating activities in or near the protected areas. The generalized corridor map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this ordinance. Said map shall be on file in the office of the Miller County Building Inspection Department.
- C. **Development Permits Required.** No regulated activity will be allowed within the protected River Corridor Districts without written permission from the Miller County Building Inspection in the form of a local development permit. Issuance of a local development permit is contingent on full compliance with the terms of this Ordinance and other applicable regulations.

Section 8.3. Definitions

- A. **"Hazardous waste"** means any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal action, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3. (Note: This is the same definition as used in the Georgia Hazardous Waste Management Act.)
- B. **"Land-disturbing activity"** means any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, repairs, additions or minor modifications to a single family dwelling, and the cutting of firewood for personal use.
- C. **"Land uses existing prior to the promulgation of a River Corridor Protection Plan"** means any land use or land-disturbing activity, including all human endeavors prior to the promulgation of the River Corridor Protection Plan falls within one of the following categories:
 - 1. is completed;
 - 2. is under construction;
 - 3. is fully approved by the governing authority;
 - 4. all materials have been submitted for approval by the governing authority; or
 - 5. is zoned for such use and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.
- D. **"Local government"** means the Miller County Board of County Commission.

- E. **"Natural vegetative buffer" or "buffer area"** means a river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "The Natural Environments of Georgia." Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.
- F. **"Perennial river"** means a river or section of a river that flows continuously throughout the year.
- G. **"Plan"** or "comprehensive plan" means any plan by the county covering such county prepared pursuant to the minimum planning standards and procedures for preparation of comprehensive plans and for implementation of comprehensive plans, established by the Department of Community Affairs.
- H. **"Port facility"** means any facility for the docking, loading and unloading of ships.
- I. **"Protected river"** means any perennial river of watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents.

However, those segments of rivers covered by the Metropolitan River Protection Act or the Coastal Marshland Protection Act are specifically excluded from the definition of a protected river. In coastal areas, the seaward limit of any protected river shall be the inland limit of the jurisdiction of the Coastal Marshlands Protection Act.

- J. **"Public utility" or "utilities"** means a service or services provided by a public utility company or a private entity which provides such service or services, and all equipment and structures necessary to provide such services.
- K. **"Quadrangle map"** means the most recently published U.S. Geological Survey 7.5 minute topographic map prepared at a scale of 1:24,000.
- L. **"River bank"** means the rising ground, bordering a river, which services to confine the water to the natural channel during the normal course of flow.
- M. **"River corridor"** means all land, inclusive of islands, not regulated under the Metropolitan River Protection Act (OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) 12-5-440 through 12-5-457), or the Coastal Marshland Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks.

The 100 foot buffer shall be measured horizontally from the uppermost part of the river bank, usually marked by a break in slope. Although not within the measured 100 foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by local governments in the same manner as the river corridor and shall be included within the River Corridor Protection Plan.

Because stream channels move due to natural processes such as meandering, river bank erosion, and jumping of channels, the river corridor may shift with time. For the purposes of these standards, the river corridor shall be considered to be fixed at its position at the beginning of each review period for local comprehensive plans. Any shift in the location of the protected river after the start of the review period will require a revision of the boundaries of the river corridor at the times of the next review by the Department of Community Affairs.

- N. **"River Corridor Protection Plan"** means that part of the Miller County Comprehensive Plan which deals with the river corridor protection requirements specified herein.

- O. **"Sensitive natural areas"** means any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:
1. habitat, including nesting sites, occupied by rare or endangered species;
 2. rare or exemplary natural communities;
 3. significant land forms, hydro forms, or geological features; or
 4. other areas so designated by the Department of Natural Resources;
- and which is sensitive or vulnerable to physical or biological alteration.
- P. **"Single-family dwelling"** means a dwelling structure that is designed for the use of one family.

Section 8.4. PERMISSIBLE USES

- A. **Single family dwellings and their usual appurtenances**, within the buffer area subject to the following conditions:
1. The dwelling shall be in compliance with all local zoning regulations.
 2. The dwelling shall be located on a tract of land containing at least **two acres**. For the purposes of these standards, the size of the tract of land shall not include any area that lies within the protected river (that is, for tracts of land that include portions of a protected river, the area between the river banks cannot be counted towards the two acre minimum size).
 3. There shall be only one such dwelling on each two acre or larger tract of land.
 4. **A septic tank or tanks** serving such a dwelling may be located within the buffer area.
 5. **Septic tank drain field shall** not be located within the buffer area.
- B. **Industrial and commercial land uses existing prior** to the promulgation of the River Corridor Protection Plan are exempt from these criteria provided that:
1. Industrial and commercial uses of river corridors shall not impair the drinking quality of the river water; and
 2. Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.
- C. **Road crossings and utility crossings** (meeting all requirements of the Erosion and Sedimentation Control Act of 1975, and of any applicable local ordinance pursuant to).
- D. **Timber production and harvesting** subject to the following conditions.
1. Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and
 2. Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.

- E. **Wildlife and fisheries management activities** consistent with the purposes of Official Code of Georgia Annotated (O.C.G.A.) 12-2-8.
- F. **Waste-water treatment..**
- G. **Recreational usage** consistent with either the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, a boat ramp would be consistent with this criterion but **a hard-surface tennis court would not**. Parking lots are not consistent with this criterion. Paths and walkways within the river corridor are consistent with this criterion.
- H. **Natural water quality treatment or purification.**
- I. **Agricultural production and management**, subject to the following conditions:
 - 1. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;
 - 2. Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and
 - 3. Agricultural activity shall be consistent with State and Federal laws, and all regulations promulgated by the Georgia Department of Agriculture.
- J. Other uses permitted by the Department of Natural Resources or under Section 404 of the Clean Water Act.

Section 8.5. PROHIBITED USES. *

- A. **Handling areas for the receiving and storage of hazardous waste are prohibited** within river corridors. Port facilities are exempt from this criterion provided that:
 - 1. Port facilities shall meet all Federal and State laws and regulations for the handling and transport of hazardous waste.
 - 2. Port facilities handling hazardous waste shall perform their operations on impermeable surfaces having spill and leak protection systems as prescribed by the Department of Natural Resources. (Note: this is the same criterion as set in the Department of Natural Resources Criteria for Water-Supply Watersheds for facilities which handle hazardous materials.)
- B. **Hazardous waste or solid waste landfills** are prohibited within river corridors.
- C. **Industrial and Commercial Uses.**
- D. Other uses unapproved by the county shall not be acceptable within river corridors.
- * Any use not permitted in the buffer area shall be "set back" at least 100 feet from the river bank.
- E. Local governments may exempt the following from the River Corridor Protection Plans:
 - 1. Land uses existing prior to the promulgation of a River Corridor Protection Plan.
 - 2. Mining activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.

3. Utilities, (except as discussed above in Section IV.E) if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:
 - a. The utilities shall be located as far from the riverbank as reasonably possible;
 - b. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
 - c. Utilities, forestry and agricultural activities except as discussed above in Sections IV.F.1 and IV.F.6.
- F. The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the river corridor.
- G. **Except as noted above, all construction within the buffer area shall be prohibited.**

Section 8.6. Site Plans Applications for a development permit within the protected River Corridor shall include a site plan, drawn at a scale of 1" = 200 feet, with the following information:

- A. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale, vertical scale must be shown on the cross-sectional drawings.
- B. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 100 feet.
- C. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial.
- D. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet.
- E. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- F. All proposed temporary disruptions or diversions of local hydrology.

Section 8.7. Filing Fee

- A. At the time of the application, the applicant shall pay a filing fee specified by the Miller County Board of Commissioners.
- B. **Enforcement Authority.** The County Building Inspector is hereby established as the administrator of this Ordinance.
- C. **Review Procedures.** Applications shall be made to the Building Inspector and will be reviewed within 15 days. The review period shall include the preparation of findings (approval or disapproval) by the Building Inspector. The applicant will receive written notification of the findings of the Building Inspector. If the review process is not completed within 15 days, the application is considered to be approved.

D. **Appeals.** Decisions on permit applications made by the Building Inspector may be appealed to the Planning Commission. The appeal must be made within 30 days of the decision rendered by the Building Inspector. A public hearing shall be held for appeals. Public announcement of the hearing shall be printed in local newspapers at least 15 days prior to the hearing. Any person may offer testimony at the hearing. The decision of the Planning Commission may be appealed to a court of competent jurisdiction.

F. **Duration of Permit Validity.**

1. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve months after the date that work ceased.
3. Written notice of the pending expiration of the development permit shall be issued by the Building Inspector.

Section 8.8. Monitoring and Enforcement

A. The County Building Inspector, agent, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such examinations, surveys, or sampling as the Building Inspector deems necessary.

1. The County Building Inspector shall have authority to enforce this ordinance; issue permits there under; and address violations or threatened violations thereof by issuance of violation notices, administrative orders, and civil and criminal actions. All costs, fees, and expenses in connection with such actions may be recovered as damages against the violator.
2. County law enforcement officials or other officials having police powers shall have authority to assist the Building Inspector in enforcement.
3. The Building Inspector shall have authority to issue cease and desist orders in the event of any violation of this ordinance. Cease and desist orders may be appealed to a court of competent jurisdiction.

B. The Building Inspector may require a bond in an amount of \$10,000 and with surety and conditions sufficient to secure compliance with the conditions set forth in the permit. The particular amount and the conditions of the bond shall be consistent with the purposes of this ordinance. In the event of a breach of any condition of any such bond, the Building Inspector may institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.

Section 8.9. Penalties

- A. Any person who commits, takes part in, or assists in any violation of any provision of this ordinance may be fined not more than \$ 1000 for each offense. Each violation of this act shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.
- B. When a building or other structure has been constructed in violation of this Ordinance, the violator may be required to remove the structure, at the discretion of the County Commission.
- C. When removal of vegetative cover, excavation or fill has taken place in violation of this Ordinance, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the County Commission.

- D. **Suspension, Revocation.** The County Commission may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.

Section 8.10. Judicial Review

- A. **Jurisdiction.** All final decisions of the Miller County Board of Commissioners concerning denial, approval, or conditional approval of a special permit shall be available for review in the Miller County Superior Court.

Section 8.11. Amendments

These regulations and the Generalized River Corridor Map may from time to time be amended by the County but no amendment shall become effective unless it shall have been proposed or shall have been submitted to the Planning Commission for review and recommendations. The Planning Commission shall have thirty (30) days within which to make its review and submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed before enacting an amendment to this Ordinance, the County shall hold a public hearing thereon, at least fifteen days notice of the time and place of which shall be published in a newspaper of general circulation in Miller County.

Section 8.12. Separability and Abrogation

All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph, or part of this Ordinance be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph, or part of this ordinance.

All ordinances and regulations in conflict with this ordinance as not provided for herein are hereby repealed.

Section 8.13. Effective Date.

This Ordinance shall be effective as of date of approval.

Chapter IX
STANDARDS FOR TELECOMMUNICATIONS ANTENNAE AND TOWERS

Section 9.1 Purpose

The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to: (i) encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community, (ii) encourage strongly the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and (v) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

Section 9.2 Definitions. As used in this ordinance, the following terms shall have the meaning indicated:

- A. **Antenna** means any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephonic, radio, television, or personal wireless services. For the purposes of this ordinance the term "antenna" does not include any tower and antenna under seventy (70) feet in total height which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission, any device designed for over-the-air reception of radio or television broadcast signals, multi-channel multi-point distribution service as in farm radio set ups or direct broadcast satellite service, or any cable television headed or hub towers and antennae used solely for cable television services.
- B. **Governing body** means the Board of Commissioners for Miller County.
- C. **Monopole tower** means a telecommunications tower consisting of a single pole, constructed without guy wires or ground anchors.
- D. **Public Property** Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the governing body.
- E. **Principal or Accessory Use** Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.
- F. **Pre-existing towers and antennas** shall have the meaning set forth in Section V of this ordinance.
- G. **Site Plan** is the developer's plan drawn on a plat which is in substantial conformance with the requirements listed herein.
- H. **Telecommunications facilities** refers to antennae and towers, either individually or together.

- I. **Tower** means a structure, such as a lattice tower, guy tower, or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, on which is located one or more antennae intended for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication. The term includes microwave towers, common carrier towers, and cellular telephone towers.

Section 9.3 Permits

A building permit shall be required for all television, land mobile, communication, microwave, and radio transmission antennae and towers.

At the time of filing the application for a tower, the applicant shall provide a detailed site plan certified by a Georgia Registered structural engineer as meeting all current safety and design standards of all applicable codes. The site plan shall also contain the following:

- i. Title, numerical scale, graphic scale, north arrow, tree coverage, date, total project height and acreage.
- ii. A vicinity map, shown either as an insert or on a separate sheet and at a scale of not less than one inch equals two miles, showing the location of the proposed antenna.
- iii. Declaration of land ownership and names of adjacent property owners.
- iv. Soil investigation
- v. Fencing shown around the main tower base and the anchoring guide wires.
- vi. The location of any airport facilities within one (1) mile.
- vii. The location of any residential/commercial structures within fall out distance.
- viii. Side, rear and front setbacks of forty (40) feet from adjoining property lines and abutting Right-of-way.

Section 9.4 Requirements

- A. Non-residential sites are encouraged for tower location where possible.
- B. Towers and antennae are encouraged to be located at a height above the tree line no greater than necessary to reasonably accommodate the facilities.
- C. In addition, all such towers and antennae shall be designed to minimize visual scenic impact when located on a hill.
- D. All towers and antennae in excess of seventy (70) feet must be set back a distance equal to the full height of the tower plus the required setbacks from any adjoining off-site residential/commercial structure or as safety concerns may dictate.
- E. Shared usage of towers and antennae is encouraged, and towers should be designed to accommodate such uses.

Accessory structures shall be limited to usages associated with operation of the antennae or towers and shall be appropriate in scale and intensity.

All towers and antennae must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission or such governing agency guidelines as may be established from time to time. If, upon inspection, the tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided by the Building Official to the owner of the tower, all towers and antennae shall be updated and brought into conformity with such standards and regulations within six (6) months of their adoption. The failure to comply with this provision shall be grounds for Miller County to require removal or re-permitting of the antenna or tower at the owner's expense.

Applicants are required to explore and fully utilize existing tower and antenna space and are required to bear an equitable share of capital, operating, and other expenses in connection with such shared usage.

Section 9.5 Grandfather Clause

Any existing tower or antenna location existing on the date of adoption of this ordinance shall be grandfathered and non-conforming and not required to meet the above requirements, subject to the other provisions of this ordinance with the exception of G.

Section 9.6 Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers and antennas for which a building permit is required.

Towers must be set back a distance equal to the height of the tower from any off-site residential/commercial structure.

Towers, guys, and accessory facilities must satisfy the following minimum setback requirements of forty (40) feet back, front, and side of property lines and right-of-way.

Towers over ninety (90) feet in height shall not be located within one-quarter of a mile from any existing tower that is over ninety (90) feet in height.

Section 9.7 Security Fencing

Towers shall be enclosed by security fencing not less than eight (8) feet in height and shall also be equipped with an appropriate anti-climbing device. The fenced in facilities should be the base of the tower and each individually anchored guide wire.

Section 9.8 Landscaping

- (1) Tower facilities shall be landscaped with a buffer, preferably by trees, of plant materials that effectively screens the view of the tower compound from adjacent residential/commercial property. The buffer shall consist of a landscaped strip of at least four (4) feet wide outside commercial the perimeter of the compound.
- (2) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
- (3) Buffers shall be regularly maintained by the property owner(s) to ensure that the above objectives and standards are met.

Section 9.9 Penalty for Violation of Ordinance

- A.** Any person who attempts to erect or erects a telecommunications facility covered by this ordinance without having first obtained the necessary building permit in the manner provided in this ordinance shall be deemed in violation of this ordinance. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of this ordinance shall be guilty of violating a duly adopted ordinance of the County and shall be punished either by a fine not to exceed \$10,000.00. The court shall have the power and authority to place any person guilty of violation of this ordinance on probation and to suspend or modify any fine or sentence. As a condition of such suspension, the court may require payment of restitution or impose other punishment allowed by law.
- B.** If any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this ordinance or without obtaining the required permits, or if any building, structure or land is used in violation of this article the Building Official shall issue a stop work order and the County Attorney, in addition to any other remedies, may institute proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate such violations. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues may be deemed a separate offense.

Section 9.10 Interpretation, Application Violation's, Validity, Conflict and Effective Date.

- Section 1.** Whenever the Governing Body finds that the application of this ordinance would unreasonably discriminate among providers of functionally equivalent personal wireless services or prohibit or have the effect of prohibiting the provision of personal wireless services, the Board of Commissioners may waive any or all of the provisions of this ordinance through official variance.
- Section 2.** Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.
- Section 3.** Repeal of laws in conflict. This ordinance supersedes all ordinances or parts of ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.
- Section 4.** Effective Date. This ordinance shall take effect immediately upon adoption.

APPENDIX A
HEALTH DEPARTMENT RULES

RULE III

ADDENDUM TO "ON-SITE SEWAGE MANAGEMENT SYSTEMS" AND SUBDIVISIONS- RULES AND REGULATIONS, DHR CHAPTER 290-5-26, AND ON-SITE WATER SUPPLIES RULES AND REGULATIONS

MILLER COUNTY BOARD OF HEALTH

FOREWORD

It is well established that safe drinking water and efficient sewage disposal are essential to healthy community living. The public health sciences have demonstrated that water-borne diseases remain a continuing threat to the health of any human community, especially to those, which are growing rapidly.

Experience has shown that individual wells and septic tank systems may endanger the public health and rarely provide permanent solutions to problems in sanitation. Because of this it is the responsibility of the Board of Health to establish minimum standards regulating on site water supplies and sewage disposal systems. Rule III, therefore, is designed explicitly to protect the health of the people of our communities and to promote sound environmental sanitation. Additionally, this rule includes factors of lot size and density of wells and septic tank systems as they relate to land development.

The Board believes that all population densities which approach that of the urban areas should be served by community or public water and sewage systems.

In promulgating Rule III, it is the intent of the Miller County Board of Health that enforcement will be fair and reasonable and carried out in consonance with state laws, and in cooperation with other responsible state and local agencies.

Chairman, Miller County Board of Health

**ADDENDUM TO "ON-SITE SEWAGE MANAGEMENT SYSTEMS"
AND SUBDIVISIONS- RULES AND REGULATIONS DHR CHAPTER 290-5-26 AND ON-
SITE WATER SUPPLIES RULES AND REGULATIONS
MILLER COUNTY BOARD OF HEALTH**

PART I.

TITLE:

These regulations shall be known and referred to as "Rules and Regulations pertaining to "On-Site Sewage Management Systems", and Subdivisions and On Site Water Supplies for Miller County, Georgia including all incorporated and unincorporated areas."

PART II.

LEGAL AUTHORITY:

2.01

It is incumbent on the Miller County Board of Health to enforce the provisions of the rules and regulations of the Department of Human Resources, Division of Public Health, Chapter 290-5-26 On-Site Sewage Management Systems.

2.02

Certain other requirements are necessary for the orderly development of Miller County, the Miller County Board of Health, pursuant to the provisions of the Official Code of Georgia Annotated (O.C.G.A.) Chapter 31, does hereby adopt and promulgate the following rules and regulations relating to On-Site Sewage Management Systems, Water Supplies and Subdivisions.

2.03

The provision of these rules and regulations are in addition to the provisions of Chapter 290-5-26 On-Site Sewage Management Systems.

PART III.

PURPOSE:

To establish minimum standards and requirements for on-site water supplies, on-site sewage management systems, and subdivisions: governing the design, construction and installation and inspection of such systems, and ordering issuance of permits.

PART IV.

DEFINITIONS:

The following definitions shall apply in the interpretation and enforcement of this rule:

4.01

"**ANNULUS**" is the same as "annular space" and means any artificially-created void existing between a well casing or liner pipe and a borehole well.

4.02

"**APPROVAL OR APPROVED**" means acceptable or accepted by the Health Authority in accordance with applicable specifications stated herein or with additional criteria accepted by the Health Authority.

4.03

"**AQUIFER**" means one or more, or parts of one or more, geologic formations capable of yielding water to a well.

4.04

"**BACK SIPHONAGE**" means siphonage of water or other liquids from external sources into the water supply during times of pressure differential, whether due to improper connections or failure of devices in the system.

4.05

"**BORED WELL**" means any well excavated by an earth auger in which the casing extends from the ground surface into the aquifer.

4.06

"**CERTIFIED WELL CONTRACTOR**" means any person who:
1. Engages in the construction, repair or alteration of individual on-site drinking water supply systems, either private or semi-public;
2. Is licensed as a well contractor in accordance with the Water Well Standards Act of 1985, O.C.G.A. Section 12-5-120 *et seq*; and its

successors.

- 4.07 **“COMMERCIAL DEVELOPMENT”** means any land development other than residential development. It includes multiple family, retail, wholesale, commercial, office, industrial, church, and other such development.
- 4.08 **“COMMUNITY WATER SUPPLY”** means any public water supply which serves at least fifteen (15) service connections used by year-round residents or which regularly serves at least twenty-five (25) year-round residents.
- 4.09 **“COUNTY BOARD OF HEALTH”** means the County Board of Health established by Georgia Health Code (O.C.G.A. 31-3-1) or its designee or authorized representatives.
- 4.10 **“CROSS CONNECTION”** means any configuration whereby a potable water supply is connected with any water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains (or may contain) contaminated water, sewage or other unsafe waste or liquid which may be capable of contaminating the potable water supply.
- 4.11 **“DHR”** means the Georgia Department of Human Resources or its successor agency.
- 4.12 **“DNR”** means the Georgia Department of Natural Resources or its successor agency.
- 4.13 **“DRILLED WELL”** means any well, whether excavated by rotary or percussion hydraulic drilling, having a casing that extends from the ground surface to an aquifer where adequate water capacity is obtained.
- 4.14 **“FLOOD PLAIN”** means a generally flat plain or depression susceptible to being flooded from any source, including small and intermittent water courses and coastal areas subject to intermittent tidal action.
- 4.15 **“GROUND WATER”** means water whose normal level is below ground level.
- 4.16 **“HEALTH AUTHORITY”** means the local county health board or its representative.
- 4.17 **“LENGTH”** means the longer dimension of a lot.
- 4.18 **“MANUAL”** is the current manual as provided by DHR-Public Health, Environmental Health Section regarding “On-Site Sewage Management Systems” as described in Chapter 290-5-26.
- 4.19 **“NON-COMMUNITY WATER SUPPLY”** means any public water supply which regularly serves at least fifteen (15) service connections or an average of twenty-five (25) individuals for at least sixty (60) days out of the year.

- 4.20 **“PERMIT”** means written approval from the health authority.
- 4.21 **“PERSON”** means any individual, partnership, corporation, or association and may be extended and be applied to bodies, politic and corporate.
- 4.22 **“POTABLE WATER SUPPLY”** means any water supply that is satisfactory for drinking, culinary and domestic purposes.
- 4.23 **“PREMISES”** means any place or building(s) where people live work or congregate.
- 4.24 **“PRIVATE WATER SUPPLY”** means any water supply consisting of a single well and serving no more than two (2) single residences on one lot.
- 4.25 **“RESIDENCE”** means any building or structure intended for housing of a single family.
- 4.26 **“SANITARY SEWER”** means a pipe or system of pipes, manholes, etc., constructed for the purpose of conveying sewage.
- 4.27 **“SEMI-PUBLIC WATER SUPPLY”** means any water supply other than a private water supply which serves less than fifteen (15) service connections or twenty-five (25) people on a daily basis at any time during the year.
- 4.28 **“SEWAGE”** means and includes human excreta, all water carried wastes, and liquid household waste from residences or commercial and industrial establishments including: sanitary human waste or excrement from water closets, lavatories, urinals, bath tubs, and showers, and liquid wastes from kitchens or laundries, or other water using appliances, equipment, or processes.
- 4.29 **“SPECIAL EVENT”** means any activity attracting more than fifty (50) persons that is sponsored, organized, promoted, managed or financed by any person, group, partnership, organization, corporation, business or governmental entity where individuals congregate to participate in or observe an activity in outdoor or portable enclosed or semi-enclosed structures for more than two (2) consecutive hours.
- 4.30 **“SURFACE WATER”** means water whose normal level is above ground level.
- 4.31 **“WATER SUPPLY”** means the source from which the water is obtained and all structures, machinery, conduits and other appurtenances by means of which the water is collected, treated, stored, protected, or delivered to the customer/consumer for drinking, culinary and other domestic purposes and any well not regulated by applicable State or Federal agencies.
- 4.32 **“WELL”** means an excavation or opening into the ground by which groundwater is sought or obtained.
- 4.33 **“WIDTH”** means shorter dimension of a lot.

PART V. ON-SITE WATER SUPPLIES-General Provisions:

- 5.01** Owners of private homes and semi-public water supplies and all rented or leased premises shall furnish at least one (1) convenient outlet with the capacity to supply an adequate quantity of potable water for drinking and domestic purposes. The number, type and location of the water system appurtenances shall be commensurate with occupancy and use levels and shall meet applicable codes. Special event sponsors must provide an adequate number of potable water supplies as set forth by the local plumbing code.
- 5.02** No person may construct or install a semi-public water supply or a private water supply unless he or she is a licensed well contractor in accordance with the Water Well Standard Act of 1985, O.C.G.A. Sections 12-5-120 *et seq* or its successors.
- 5.03** Licensed contractors are subject to the requirements of the Water Well Standards Act of 1985, O.C.G.A. Sections 12-5-120 *et seq* or its successors and this Rules Chapter. Violations of this Chapter shall be considered in view of the requirements of the Act, and contractors shall be held liable for any violations of either or both if applicable.
- 5.04** A coliform test performed by an approved lab or the Health Department shall be required upon completion of construction and following disinfection of the water supply systems used for human consumption. The sample results must be satisfactory before final construction can be approved. Disinfection and sampling must be continued until satisfactory results are obtained.
- 5.05** Upon request by the property owner, the Health Authority will sample the supply to determine bacteriological quality, provided well construction meets all regulatory requirements. Sampling of unapproved or non-complying wells shall be at the Health Authority's discretion. A sample is considered satisfactory and meeting the minimum bacteriological quality limits of this regulation if one (1) or less coliform bacterium per one hundred (100) milliliter of sample is present.
- 5.06** No person shall allow a public, private, or semi-public water supply to be connected directly or indirectly with any other water supply, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, liquid, gasses, sewage, or other waste of unknown or unsafe quality capable of contaminating the water system. No backflow, configuration bypass arrangement, jumper connections, removable section, swivel or changeover device, or other temporary, permanent or potential connection through which (or because of which) backflow siphonage could occur will be allowed.
- 5.07** No outlet from a water supply shall be installed or maintained so that back siphonage is possible. Approved backflow preventer devices shall be required on all outlets to prevent contamination of the water supply and the aquifer. The procedures and devices for backflow and back siphonage prevention and cross connection control shall conform to those recommended by the American Water Works Association manual 14, and the U.S. Environmental

PART VI.

WATER SUPPLY-General Provisions:

Water supply systems hereafter constructed will conform to the following requirements:

- 6.01** Permit: No person shall construct or modify a water supply system without first securing a construction permit from the Miller County Board of Health. The County Board of Health shall approve or disapprove permit applications within twenty (20) days after receipt of a completed application.
- 6.02** All wells shall be located as to obtain ground water that has the maximum protection that can be provided by the local geological formation, surface topography and land usage. Wells shall be constructed and grouted in accordance with requirements of Water Well Standards Act of 1985 and its successors.
- 6.03** The earth surface shall be sloped from the well so as to divert surface water away from it and the surface shall be graded and maintained so as to prevent the accumulation and retention of surface water within a reasonable distance (at least ten feet) from the well in all directions.
- 6.04** Protective covering over ground water supplies, including concrete slabs or other types of water-tight coverings shall be located not less than two feet above the highest known water level of any nearby surface water.
- 6.05** For a well on a hillside an adequate interception ditch or ditches shall be constructed on the uphill side of the well in such a manner as to divert the storm water runoff away from the well in all directions.
- 6.06** Unless otherwise directed by the County Board of Health on the basis of hydrological and geological determinations all wells shall be located not less than 50 feet from any sealed septic tanks, sanitary sewers, and subsurface pits, not less than 100 feet from seepage pits, pit privies, subsurface sewage disposal field, barnyard, or other such possible polluting sources.
- 6.07** Where casing is used in wells of all types the casing shall extend at least twelve inches above the finished grade at the well.
- 6.08** A drilled well shall be cased with new standard wrought iron or steel well casing or other casing that is at least equally water-tight and durable. The sections shall be joined together with threaded couplings or by welding so that the joints will be water-tight.
- 6.09** A well shall be further protected by the installation of a four-inch thick concrete slab cover extending two feet from the well in all directions and sloped slightly to shed water.
- 6.10** Every well shall be provided with an overlapping water-tight cover or sanitary seal at the tip of the casing or pipe sleeve to prevent contaminated water or other deleterious material from entering the well.

- 6.11 Every pump platform or pump room floor shall be watertight and elevated above the adjacent ground. Its surface shall be sloped to promote cleanliness by facilitating the rapid removal and diversion of surface and waste water away from the well and platform.
- 6.12 Upon completion of construction or modification of a well, the water supply to be utilized for human consumption shall be disinfected with a chlorine solution of at least 50 parts per million or residual chlorine or the equivalent for a ten to twelve hour contact period.
- 6.13 Following disinfection the County Board of Health should be notified in order that a sample of water may be collected for bacteriological examination.
- 6.14 Well log and specification of materials used must be submitted to the Health Department within 30 days of completion of the well.
- 6.15 Whenever a well hole of any depth is excavated for, but not used as a water supply, it shall be the well driller's responsibility to fill, plug, and seal the excavation in a manner acceptable to the Board of Health. It shall be the owner's responsibility to fill, plug and seal, in a like manner, any well that is to be permanently abandoned. If any well is to be temporarily removed from service, the well shall be sealed with a water tight cap or seal that cannot be removed by children or the general public.

PART VII. ON-SITE SEWAGE MANAGEMENT SYSTEMS-General Provisions (Ref. 290-5-26)

- 7.01 DHR Chapter 290-5-26 and the "Manual for On-Site Sewage Management Systems" defined therein are hereby adopted by reference in their entirety by the Miller County Board of Health.
- 7.02 Minimum Lot Size: Shall conform with the current Manual as of 4-6-99 or subsequent changes which would require larger lot sizes. Minimum lot sizes shall be: 32,670 square feet with public water and 65,340 square feet without public water.
- 7.03 Minimum width of lots at the location of the absorption field shall be one hundred feet (125ft) for lots with public water and one hundred fifty feet (150ft) for lots not served by public water.
- 7.04 On-Site Sewage Management Systems may be utilized for any building or facility not excluded by the Departments current Manual or Memorandum of Understanding between applicable/ authorized governing agencies.
- 7.05 A complete replacement area must be provided for On-Site Sewage Management System replacement, repair, addition or modification. Space reserved for repair, replacement, addition or modification of sewage systems may not be used for building, paving, parking or any other use that would render it unacceptable for its intended purpose.

- 7.06** Permits must be obtained from the Health Department (Board of Health) in accord with provisions of the Rules and Regulations, Chapter 290-5-26, and "On-Site Sewage Management Systems" Manual prior to development.
- 7.07** All On-Site Sewage Systems installed in Miller County must be inspected by and approved by the County Health Department Representative prior to applying final cover and/ or use.
- 7.08** It is the responsibility of the property owner to properly maintain the sewage system in accordance with the Rules and Regulations and recommended guidelines of the Manual.
- 7.09** Repairs, replacements, additions or modifications to existing systems must be permitted and inspected.
- 7.10** In conjunction with a repair permit being issued, the septic tank must have been pumped, inspected and found to be acceptable in size and conditions.
- 7.11** Electrical power (service connection):
1. May not be supplied temporarily to any site, well, building or other facility before the owner obtains a well construction permit or on-site sewage management systems permit from the Miller County Health Department.
 2. May not be furnished permanently to any site, well, building or other facility before the owner obtains approval and appropriate permits from the Miller County Health Department.
- 7.12** Any parcel of land that is to be sold, rented or developed in any way that requires an on-site sewage management system must have prior written approval from the Miller County Board of Health.

PART VIII SUBDIVISION (Ref. 290-5-26)

- 8.01** Lots of legal record as of the effective date of these rules and regulations, which were previously approved or exempted by the Health Authority, will be exempt from present lot size requirements provided they meet all other provisions of Chapter 290-5-26 and this addendum. Lots which were considered unapproved under a previous County Board of Health regulation or other applicable codes will continue to be unapproved.
- 8.02** Approval to the planning commission will not be given for a subdivision where on-site sewage disposal is to be provided until the requirements according to section 290-5-26-.14 and 290-5-26.15 and this addendum have been met.

PART IX ENFORCEMENT- Enforcement of this rule will be in accordance with O.C.G.A. 31-5-1 *et.seq.* and Rule No. 1 adopted and promulgated by the County Board of Health.

PART X REPEAL-Any rule, regulation, ordinance or guideline in conflict with this addendum and Chapter 290-5-26 is hereby repealed.

PART XI

POWER TO ENTER:

It shall be the duty of the representative of the Board of Health to enforce these rules and regulations and/or others that may be adopted pertaining to public health. This representative, being either the Health Officer, Public Health Engineer or Sanitarian, County Environmental Health Specialist or District Environmentalist for the County, or authorized person accompanying a Board of a Health representative is hereby authorized to enter at any reasonable time any premises as may be necessary for its enforcement.

PART XII

SEVERANCE CLAUSE:

If any action, subsection, clause, provision or portion of this regulation shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision, or portion of this regulation which is not in and of itself invalid or unconstitutional.

EFFECTIVE DATE- These Rules & Regulations are effective upon approval.

APPENDIX B

MILLER COUNTY
FLOOD DAMAGE PREVENTION ORDINANCE

**MILLER COUNTY
FLOOD DAMAGE PREVENTION ORDINANCE**

**ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT,
PURPOSE AND OBJECTIVES**

SECTION A. STATUTORY AUTHORIZATION

The Constitution of the State of Georgia provides in Article IX, Section II, delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Miller County Board of Commissioners, of Miller County, Georgia, does ordain as follows:

SECTION B. FINDINGS OF FACT

- (1) The flood hazard areas of Miller County, Georgia are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in flood plains causing increases in flood height and velocities.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) control filling, grading, dredging and other development which may increase flood damage or erosions, and;
- (4) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

SECTION D. OBJECTIVES

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,

- (4) to minimize expenditure of public money for costly flood control projects;
- (5) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) to minimize prolonged business interruptions, and;
- (7) to insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of Miller County, Georgia.

SECTION B. BASIS FOR AREA OF SPECIAL FLOOD HAZARD

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated August 1, 1986, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required in conformance with the provision of this ordinance PRIOR to the commencement of any Development activities.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Miller County by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or

imprisoned for not more than sixty (60) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Miller County from taking such other lawful actions as is necessary to prevent or remedy any violation.

ARTICLE 3. ADMINISTRATION

SECTION A. DESIGNATION OF ORDINANCE ADMINISTRATOR

The Building Official is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. PERMIT PROCEDURES

Application for a Development Permit shall be made to the Building Official on forms furnished by the community to any development activities, and may include, but not be limited to the following: plans in duplicate drawing to scale showing the elevations of the area in question and the nature, location, dimensions, or existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(1) Application Stage -

- (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article 4, Sections B(2) and D(2);
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

(2) Construction Stage -

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for non-residential structures said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Building Official shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Building Official shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2 Section B, then the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article 4.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Article 3, Section B(2).
- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 3, Section B(2).
- (6) When flood-proofing is utilized for a structure, the Building Official shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 3 (B) (1) (c) and Article 4(B) (2) or (D) (2).
- (7) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (8) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (9) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.
- (10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Official and shall be open for public inspection.

ARTICLE 4. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In ALL Areas of Special Flood Hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

(4) Elevated Buildings - All New construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one foot above grade; and,

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

(b) So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and

(b) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.

(7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;

(10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

SECTION B. SPECIFIC STANDARDS

In ALL Areas of Special Flood Hazard the following provisions are required:

(1) New Construction and substantial improvements -

Where Base Flood Elevation data ARE available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no

lower than one foot above the base flood elevation.

Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A(4), "Elevated Buildings".

- (2) Non-Residential Construction - New construction or the substantial improvement of any non-residential structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 3, Section C. (6).
- (3) Standards for Manufactured homes and Recreational Vehicles - Where base flood elevation data are available:
 - (a) All manufactured homes placed or substantially improved on: (1) individual lots or parcels, (2) in new or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one foot above the base flood elevation.
 - (b) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
 - (ii) The manufactured home chassis is elevated and supported by reinforced piers (no other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
 - (c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (ref. Article 4(A) (6) above)
 - (d) All recreational vehicles placed on sites must either:
 - (i) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or
 - (ii) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of Article 4, Section B (3) (a) (c), above.
- (4) Floodway - - Located within Areas of Special Flood Hazard established in Article 2, Section B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

(b) ONLY if Article 4 (B) (4) (a) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 4.

SECTION C. BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAY (A-ZONES)

Located within the Areas of Special Flood Hazard established in Article 2, Section B, where streams exist but no base flood data have been provided (A-Zones), OR where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

(1) When base flood elevation data or floodway data have not been provided in accordance with Article 2(B), then the Building Official shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or any other source, in order to administer the provisions of Article 4. ONLY if data are not available from these sources, then the following provisions (2&3) shall apply:

(2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty-five feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(3) In Special Flood Hazard Areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A(4) "Elevated Buildings". The Building Official shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

Areas of Special Flood Hazard established in Article 2, Section B, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

(1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM) above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A(4), "Elevated Buildings".

The Building Official shall certify the lowest elevation level and the record shall become a permanent part of the permit file.

- (2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Articles 3 (B) (1) (c) and (3) (B) (2).
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

SECTION E. STANDARDS FOR SUBDIVISIONS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.

ARTICLE 5 VARIANCE PROCEDURES

- (A) The Miller County Planning Commission as established by Miller County Board of Commissioners shall hear and decide requests for appeals or variance from the requirements of this ordinance.
- (B) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Building Official in the enforcement or administration of this ordinance.
- (C) Any person aggrieved by the decision of the Planning Commission may appeal such decision to the Superior Court.
- (D) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
- (E) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (F) Variance may not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- (G) In reviewing such requests, the Miller County Planning Commission shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this

ordinance.

(H) Conditions for Variances:

(1) A variance shall be issued ONLY when there is:

(i) a finding of good and sufficient cause,

(ii) a determination that failure to grant the variance would result in exceptional hardship, and;

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(2) The provisions of the Ordinance are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(4) The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(I) Upon consideration of the factors listed above and the purposes of this ordinance, the Miller County Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

ARTICLE 6. DEFINITIONS (note: *data must be inserted)

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction".

*"Appeal" means a request for a review of the Building Official's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local

community and referenced in Article 2, Section B.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and permanent storage of materials or equipment.

"Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Existing Construction" Any structure for which the "start of construction" commenced before August 1, 1986. [i.e., the effective date of the FIRST floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)].

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before August 1, 1986.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of street, and either final site grading or the pouring of concrete pads.

"Flood" or flooding" means a general and temporary condition of partial or complete inundation or normally dry land areas from:

- (a) the overflow of inland or tidal waters; or
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood Insurance Study" the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain" means any land area susceptible to flooding.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction,

adjacent to the proposed foundation of a building.

"Historic Structure" means any structure that is;

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listings of the National Register:
- b. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district:
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

"Manufactured home" means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New construction" means ANY structure (see definition) for which the "start of construction" commenced after August 1, 1986 and includes any subsequent improvements to the structure. [*i.e., the effective date of the FIRST floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)].

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 1, 1986.

"Recreational Vehicle" means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;

- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of Construction" means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a 5 year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure prior to the improvement. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvements of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

ARTICLE 7. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall be in no way effect the validity of the remaining portions of this Ordinance.

APPENDIX C
MILLER COUNTY BUILDING DEPARTMENT
FEE SCHEDULE

APPENDIX C

MILLER COUNTY BUILDING DEPARTMENT

FEE SCHEDULE

Land Disturbing Permits:

Single-family house site on individual lot - No fee

5 Acres or Less - \$25.00 plus \$5.00 per acre or portion thereof

More than 5 Acres - \$50.00 plus \$2.00 per acre or portion thereof

The maximum permit to be charged is \$300.00

Road Bond and Permit:

Paved Road Bond - \$10.00 per lineal foot

Driveway Permits - \$20.00

Lot Fees for Subdivisions:

Administrative Subdivisions - \$40.00

Waiver - Topographic & Soil Survey - \$20.00

All Other Subdivisions - \$50.00 plus \$5.00 per lot

These fees include recording fees and copy charges.

Variance Request:

All Variance Requests - \$50.00

Road Signs:

Sign Post, Sign, Labor to Install - \$35.00

SIGN FEES

First \$1,000 of a sign's value - \$20.00

Each additional \$1,000 - \$ 5.00

Electrical permit fee is separated

CONTRACTOR FEES \$100.00

SUB-CONTRACTORS - \$75.00

PERMIT FEES INCREASES

MINIMUM PERMIT FEE - \$20.00

NEW CONSTRUCTION

Residential (heated)	.09 square feet
Residential (unheated)*	.06 square feet
Commercial	.08 square feet
Industrial	.07 square feet
Storage	.06 square feet

BUILDING ADDITIONS, REPAIRS AND REMODELING

Up to \$5000.00	20.00
\$5000.00 to \$10000.00	40.00
\$10000.00 to 15000.00	60.00
\$15000.01 to \$20000.00	80.00
\$20000.00 to \$25000.00	100.00
\$25000.00 to \$30000.00	120.00
\$30000.01 to \$35000.00	140.00
\$35000.01 to \$40000.00	160.00
\$40000.01 to \$45000.00	180.00
\$45000.01 to \$50000.00	200.00
\$50000.01 to \$55000.00	220.00
\$55000.01 to \$60000.00	240.00
\$60000.01 to \$65000.00	260.00
\$65000.01 to \$70000.00	280.00
\$70000.01 to \$75000.00	300.00
\$75000.01 to \$100000.00	320.00
\$100,000.00 to Over	\$320.00
For the First \$100,000.00	
Add for Each Additional \$1000	\$3.00

MANUFACTURED HOME

Set up	\$20.00
Electric	\$20.00
Conditioned Air	\$20.00
Gas	\$20.00

HOUSE MOVING

Move Existing Structure \$50.00

Additional Electrical, Plumbing, Gas, Conditioned Air Permits Required for Resetting House.

*Includes carports, storage areas and open porches.

DEMOLITION

Demolition of Existing Structure \$25.00

The following will be charged at a minimum of \$20.00 or \$ per fixture count, whichever is greater.

ELECTRICAL

MINIMUM PERMIT \$20.00

Or per each:

Wiring:

Outlet	.25
Receptacle	.25
Switch	.25
Fixture	.25

Motor:

5 hp or less	3.00
Over 5 hp thru 25 hp	6.00
Over 25 hp thru 100 hp	10.00
Over 100 hp	20.00

Generators:

600 volts or less, not over 1 kw	6.00
600 volts or less, over 1 kw	10.00
Over 600 volts	25.00

Services:

Temporary Service Only	20.00
Temporary Construction Services	5.00
200 amps or less	15.00
Over 200 amps but less than 600 amps	10.00
600 amps to 800 amps	15.00
For each additional 100 amps over 800	2.00

Transformers

Not Exceeding 600 Volts	5.00
Exceeding 600 Volts	10.00

PLUMBING

Minimum Permit 20.00

Or per each:

Fixture and Drain 2.00

MECHANICAL

Minimum Permit 20.00

Or per each:

Air Conditioning Compressors per ton 5.00

Heating Equipment per 50,000 BTU 5.00

Not included in above per \$1000 valuation 5.00

GAS

Minimum Permit 20.00

Or per each:

Tank Set 5.00

Connection to Gas System 2.00

RE-INSPECTIONS

If work fails first inspection, the second inspection will be performed at no extra charge, however, the third and any subsequent re-inspection will be charged at \$20.00 for each re-inspection required until work is approved.

FEES FOR RECORDING RESTRICTIVE COVENANTS

First page of covenants \$10.00

Each additional pages 2.00

APPENDIX D
SUBDIVISION CHECKLIST

APPENDIX D

SUBDIVISION CHECKLIST

PRELIMINARY PLAT CHECKLIST

- ___ a. Proposed subdivision name or identifying title and total acres.
- ___ b. Name of owner of subdivision or his authorized agent, if any.
- ___ c. The names of all owners of all land adjacent to the proposed subdivision.
- ___ d. A vicinity map at a scale of not less than one inch equals two miles showing the location of the proposed subdivision.
- ___ e. Street names, rights-of-way and roadway width; similar data for alleys, if any and additional right-of-way as required should the development be located on a substandard road. Street names shall be approved by the Building Official prior to the preliminary plat approval. No duplicated or similar names to existing streets may be used.
- ___ f. Location of utilities, and other types of easements. Where roads are proposed, utility easements and setback should be shown on all sides of the road.
- ___ g. Lot lines, lot and block numbers (consecutively numbered or lettered), lot sizes, area in parks, etc.
- ___ h. Topographic maps of all land subdivided, with a two (2) foot scale contour interval, or where deemed appropriate by the Planning Commission, a one (1) foot contour interval superimposed on the plat.
- ___ i. Minimum building setback lines on all lots and other sites shall be drawn on plat or shall be listed on a separate table on the plat.
- ___ j. Numerical scale, title, graphic scale, north arrow, date.
- ___ k. All elevations shall be based on sea level datum as determined from geodetic control monuments or U.S. Geological Survey 7 1/2 m in. quad sheets. A statement on the plat shall indicate which standard is utilized.
- ___ l. Delineation of all areas of the proposed subdivisions which lie within established Federal Emergency Management Agency (FEMA) flood plains and/or State jurisdictional wetlands. The Flood Insurance Rate Map (FIRM) map number and panel as well as the type of flood zone should be inscribed on the plat if a property is located in a flood zone.
- ___ m. Soil characteristics. Where the proposed subdivision is not to be served by a public or community sewage system, information on soil types and capabilities, frequency and evaluation of seasonal high groundwater tables, and occurrence of rock and other impervious strata shall be provided by the developer. This information should be superimposed on a copy of the plat showing contour lines and other natural features of the site. A high intensity soil survey will generally be required to provide this data, although in some cases, and at the option of the County Health Department, a medium intensity survey may be adequate for some areas of the County.

PRELIMINARY PLAT CHECKLIST

Page Two

- _____n. Location of all water supplies on or off the subdivision which will bear upon the location of the on-site sewage management systems. The location of any wells located on adjoining land within one hundred (100) feet of the subject property line should be identified on the plat.
- _____o. Generalized plans for storm water management, including the proposed location of drainage ways, basins, and other improvements.
- _____p. A copy of a Natural Resource and Conservation Service (NRCS, previously SCS) approved Land Disturbing Permit and an approved plan for the control of erosion and sedimentation if required.
- _____q. Draft of proposed restrictive covenants, if any, to be imposed, and designation of areas subject to special restrictions.
- _____r. Note "**NOT FOR RECORDING**" to be affixed on preliminary plat.
- _____s. Certification of a State of Georgia Registered land surveyor as to the accuracy of the plat. The surveyor's seal shall be embossed upon the plat.
- _____t. Wording as prescribed in Sections 2.34 and 2.35 for the signatures of the County Health Official and the Planning Commission.
- _____u. Any subdivision located on a State highway must submit three (3) copies of preliminary plat to the Georgia DOT for review. A letter of recommendation from DOT should be presented to the Planning Commission prior to preliminary plat approval.
- _____v. Additional right-of-way shall be dedicated if needed to meet minimum street requirements.

Required Certificates:

MILLER COUNTY DEPARTMENT OF PUBLIC HEALTH

Based on soils and associated information provided by the developer and an on-site inspection, this proposed subdivision has been approved as to its general suitability for the installation of individual water wells and/or sewerage disposal systems, with any exceptions as noted. Final approval for individual installations can be given only if systems are built according to this Department's Regulations. This Preliminary Plat was given approval by the Miller County Department of Public Health on this _____ day of _____, 20____.

Date

Miller County Environmental Health Specialist

b. Community water and sewage treatment systems: In the event that a community water distribution System and/or a community sewage collection and treatment system ("package plant") is proposed for the subdivision, the Health Department shall note that approval from the Department of Natural Resources (DNR) is required for final plat approval.

PRELIMINARY PLAT CHECKLIST

Page Three

Certificate by the Planning Commission: Upon approval by the Planning Commission, or after the required sixty (60) days in which the Commission has failed to act on a request for approval, the Chairman of the Commission shall inscribe on the plat the following:

Pursuant to the Land Subdivision Regulation of Miller County, Georgia all the requirements of approval having been fulfilled, this Preliminary Plat was given approval by the Miller County Planning Commission on this ____ day of _____, 20__.

This Approval does not constitute approval of a Final Plat. This Certificate of Approval shall expire and become null and void on _____, 20__, one (1) year from the above date of approval.

Date

Chairman, Planning Commission

APPENDIX D

FINAL PLAT CHECKLIST

- ___ a. Proposed subdivision name or identifying title and total acres.
- ___ b. Primary control points and benchmarks with necessary descriptions and location of such control points, including all dimensions, angles, bearings, and similar data necessary for proper locations.
- ___ c. Tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, radii, and area and central angle of all curves.
- ___ d. Street names, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, radii, and area and central angle of all curves.
- ___ e. Location, dimensions, and purposes of any easements shall be drawn on the plat. Where roads are proposed, utility easements and setback should be shown on all sides of the road.
- ___ f. Lot lines, lot and block numbers (consecutively numbered or lettered), lot sizes, area in parks, etc.
- ___ g. Purpose for which sites other than residential lots, are dedicated or reserved.
- ___ h. Minimum building setback lines on all lots and other sites.
- ___ i. Location and description of monuments.
- ___ j. Names of owners of adjacent land.
- ___ k. Reference to be recorded on subdivision plats of adjoining platted land by recorded names, date, and number.
- ___ l. Certification by registered surveyor to accuracy of survey and plat. The surveyor's professional seal shall be embossed on the plat.
- ___ m. Declaration of land ownership.
- ___ n. Title, numerical scale, graphic scale, north arrow, total project acreage, and date.
- ___ o. A vicinity map at a scale of not less than one inch equals two miles, showing the location of the proposed subdivision.
- ___ p. Delineation of all areas of the proposed subdivisions which lie within established Federal Emergency Management Agency (FEMA) flood plains and/or State jurisdictional wetlands. The Flood Insurance Rate Map (FIRM) map number and panel as well as the type of flood zone should be inscribed on the plat if a property is located in a flood zone.

____q. A statement of private covenants, if any, to be put directly on the plat if they are brief enough; otherwise, if covenants are separately recorded, a statement as follows:

This plat is subject to the covenants set forth in the separate documents(s) attached hereto dated _____, which hereby become a part of this plat, and which were recorded in record book _____, page number _____, and signed by the owner.

____r. Verification of "Drinking Water" Approval Permit from the Department of Natural Resources (DNR).

Required Certificates:

____s. A statement by the owner, either directly on the plat or in an identified attached document dedicating streets, right of way and any sites for public uses, similar to the following:

OWNER'S CERTIFICATE AND DECLARATION

The owner of the land shown on this plat and whose name is subscribed hereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever all streets, drains, easements and other public facilities and appurtenances thereon shown for the purposes therein expressed.

Dated this ____ day of _____, _____. BY: _____ Owner

CERTIFICATES OF FINAL PLAT APPROVAL

At such time as the Final Plat may be approved by the Planning Commission, and subsequently, by the Board of County Commissioners, Certificates of Approval shall sign the following plat inscription.

____t. Certification by the Planning Commission: Upon approval by the Planning Commission, or after the required sixty (60) days in which the Commission has failed to act on a request for approval, the Chairman of the Commission shall inscribe on the plat the following:

Pursuant to the Land Subdivision Regulation of Miller County, Georgia, all the requirements for approval having been fulfilled, this Final Plat was given approval by the Miller County Planning Commission on this ____ day of _____.

Date Chairman, Planning Commission

____u. Certification of the Final Plat by the Board of County Commissioners: Upon approval by the Miller County Board of Commissioners, the Commission shall sign the following plat inscription.

All requirements for approval having been fulfilled and approval having been made by the Miller County Planning Commission, this Final Plat was given approval by the Miller County Board of Commissioners and all public roadways and easements shown hereon are hereby accepted this ____ day of _____.

Date Chairman, Miller County Board of Commissioners

APPENDIX D

COMBINED PRELIMINARY/FINAL CHECKLIST

- ___ a. Proposed subdivision name or identifying title and total acres.
- ___ b. Name of owner of subdivision or his authorized agent, if any.
- ___ c. Reference to recorded subdivision plats of adjoining platted land by recorded names, date, and number.
- ___ d. A vicinity map at a scale of not less than one inch equals two miles showing the location of the proposed subdivision.
- ___ e. Primary control points and benchmarks with necessary descriptions and locations of such control points, including all dimensions, angles, bearing and similar data necessary for proper location.
- ___ f. Street names, right-of-way and roadway width; similar data for alleys, if any and additional right-of-way as required should the development be located on a substandard road.
- ___ g. Location of utilities, and other types of easements. Where roads are proposed, utility easements and setbacks should be shown on all sides of the road. Proposed road names shall be approved by the Building Official. No duplicated or similar names to existing roads may be used.
- ___ h. Lot lines, lot and block numbers (consecutively numbered or lettered), lot sizes, area in parks, etc.
- ___ i. Purpose(s) for which sites, other than residential lots are dedicated or reserved.
- ___ j. Topographic maps of all land subdivided, with a two (2) foot scale contour interval, or where deemed appropriate by the Planning Commission, a one (1) foot contour interval superimposed on the plat.
- ___ k. Minimum building set-back lines on all lots and other sites shall be drawn on the plat or shall be listed on a separate table on the plat.
- ___ l. Numerical scale, title, graphic scale, north arrow, date, and total project acreage.
- ___ m. All elevation shall be based on sea level datum as determined from geodetic control monuments or U.S. Geological Survey 7 1/2 min. quad sheets. A statement on the plat shall indicate which standard is utilized.
- ___ n. Delineation of all areas of the proposed subdivisions which lie within established Federal Emergency Management Agency (FEMA) flood plains and/or State jurisdictional wetlands. The Flood Insurance Rate Map (FIRM) map number and panel as well as the type of flood zone should be inscribed on the plat if a property is located in a flood zone.

- ____o. Soil Characteristics. Where the proposed subdivision is not to be served by a public or community sewage system, information on soil types and capabilities, frequency and evaluation of seasonal high groundwater tables, and occurrence of rock and other impervious strata shall be provided by the developer. This information should be superimposed on a copy of the plat showing contour lines and other natural features of the site. A high intensity soil survey will generally be required to provide this data, although in some cases, and at the option of the County Health Department, a medium intensity survey may be adequate for some areas of the County.
- ____p. Location of all water supplies on or off the subdivision which will bear upon the location of the on-site sewage management systems. The location of any wells located on adjoining land within on hundred (100) feet of the subject property line should be identified on the plat.
- ____q. A statement of private covenants, if any, to be put directly on the plat if they are brief enough; otherwise, if covenants are separately recorded, a statement as follows:

This plat is subject to the covenants set forth in the separate documents(s) attached hereto dated _____, which hereby become a part of this plat, and which were recorded in record book _____, page number _____, and signed by the owner.
- ____r. Certification of a State of Georgia Registered Land Surveyor as to the accuracy of the plat. The surveyor's seal shall be embossed upon the plat.
- ____s. Any subdivision located on a State highway must submit three (3) copies of preliminary plat to the Georgia DOT for review. A letter of recommendation from DOT should be presented to the Planning Commission prior to the preliminary plat approval.

Required Certificates:

- ____t. A statement by the owner, either directly on the plat or in an identified attached document dedicating streets, right of way and any sites for public uses, similar to the following:

OWNER'S CERTIFICATE AND DECLARATION

The owner of the land shown on this plat and whose name is subscribed hereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever all streets, drains, easements and other public facilities and appurtenances thereon shown for the purposes therein expressed.

Dated this ____ day of _____, _____. BY: _____ Owner

- ____u. Wording as prescribed in Section 2.34 and 2.35 for the signatures of the County Health Official and the Planning Commission.

MILLER COUNTY DEPARTMENT OF PUBLIC HEALTH

Based on soils and associated information provided by the developer and an on-site inspection, this proposed subdivision has been approved as to its general suitability for the installation of individual water wells and/or sewerage disposal systems, with any exceptions as noted. Final approval for individual installations can be given only if systems are built according to this Department's Regulations. This Preliminary Plat was given approval by the Miller County Department of Public Health on this ____ day of _____, 20__.

Date Miller County Environmental Health Specialist

Community water and sewage treatment systems: In the event that a community water distribution system and/or a community sewage collection and treatment system ("package plant") is proposed for the subdivision, the Health Department shall note that approval from the Department of Natural Resources (DNR) is required for final plat approval.

CERTIFICATES OF FINAL PLAT APPROVAL

____ v. **Certification by the Planning Commission:** Upon approval by the Planning Commission, or after the required sixty (60) days in which the Commission has failed to act on a request for approval, the Chairman of the Commission shall inscribe on the plat the following:

MILLER COUNTY PLANNING COMMISSION

Pursuant to the Land Subdivision Regulation of Miller County, Georgia, all the requirements for approval having been fulfilled, this Final Plat was given approval by the Miller County Planning Commission on this ____ day of _____.

Date Chairman, Planning Commission

____ w. **Certification of the Final Plat by the Board of County Commissioners:** Upon approval by the Miller County Board of Commissioners, the Commission shall sign the following plat inscription.

MILLER COUNTY BOARD OF COMMISSIONERS

All requirements for approval having been fulfilled and approval having been made by the Miller County Planning Commission, this Final Plat was given approval by the Miller County Board of Commissioners and all public roadways and easements shown hereon are hereby accepted this ____ day of _____.

Date Chairman, Miller County Board of Commissioners

APPENDIX D

ADMINISTRATIVE SUBDIVISION CHECKLIST

- ___ a. Proposed subdivision name or identifying title and total acres.
- ___ b. Primary control points and benchmarks with necessary descriptions and locations of such control points, including all dimensions, angle, bearings, and similar data necessary for proper location.
- ___ c. Tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, radii, and area and central angle of all curves.
- ___ d. Street names, right-of-way and roadway width; similar data for alleys, if any and additional right-of-way as required should the development be located on a substandard road.
- ___ e. Location, dimensions and purposes of any easements shall be drawn on the plat. Utility easements and setbacks should be shown on all sides of the road and on corner lots.
- ___ f. Lot lines, lot, and block numbers (consecutively numbered or lettered), lot sizes, area in parks, etc.
- ___ g. Purpose for which sites, other than residential lots, are dedicated or reserved.
- ___ h. Minimum building set-back lines on all lots and other sites and delineate areas that are subject to ponding of water or within the FIRM flood plain areas. Topographical contour intervals of the area shall be shown at two feet contour intervals.
- ___ i. Delineation of all areas of the proposed subdivisions which lie within established Federal Emergency Management Agency (FEMA) flood plains and/or State jurisdictional wetlands. The Flood Insurance Rate Map (FIRM) map number and panel as well as the type of flood zone should be inscribed on the plat if a property is located in a flood zone.
- ___ j. Location and description of monuments.
- ___ k. Names of owners of adjoining land.
- ___ l. Reference to recorded subdivision plat or adjoining platted land by recorded names, date, and number.
- ___ m. Certification by a registered surveyor as to the accuracy of survey and plat. The surveyor's professional seal shall be embossed on the plat.
- ___ n. Declaration of land ownership.
- ___ o. Title, numerical scale, graphic scale, north arrow, total project acreage and date.
- ___ p. A vicinity map shown as an insert at a scale of not less than one inch equals two miles showing the location of the proposed subdivision.

___q. Topographic contour lines shall be overlaid on the plat at no greater than two foot contour intervals unless exempted by the Miller County Building Official as outlined in Section 1.3-10, Administrative Subdivisions, Item (e).

___r. Any subdivision located on a State highway must submit a letter of recommendation from the Department of Transportation for approval of a driveway.

Required Certificates:

___s. A statement by the owner, either directly on the plat or in an identified attached document dedicating streets, right of way and any sites for public uses, similar to the following:

OWNER'S CERTIFICATE AND DECLARATION

The owner of the land shown on this plat and whose name is subscribed hereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever all streets, drains, easements and other public facilities and appurtenances thereon shown for the purposes therein expressed.

Dated this ___ day of _____, _____. BY: _____ Owner

___t. Wording as prescribed in Sections 2.3-11 (1,2,3) for signatures of the County Building Official, County Administrator, and Health Department.

ADMINISTRATIVE APPROVAL OF A MINOR SUBDIVISION

1. Certificate of Approval by the County Building Official:

Pursuant to the Land Subdivision Regulations of Miller County, Georgia, all the requirements of approval having been fulfilled, this Final Plat was given approval by the Miller county Building Department this _____ day of _____, _____.

Building Official, Miller County Building Department

2. Certificate of Approval by the County Administrator:

All requirements for approval having been fulfilled and approval having been made by the Miller Building Official, and the Miller County Environmental Health Official, this Final Plat was given approval by the Miller County Administrator this _____ day of _____, _____.

County Administrator, Miller County

2. Certificate of Approval by the Health Department

An on-site inspection indicated that the installation of individual water wells and/or sewage disposal systems on this subdivision have been completed according to the Miller County Health Department's Regulations. This Final Plat was given approval by the Miller County Department of Public Health on this _____ day of _____, _____.

Miller County Environmental Health Specialist

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