THE CODE OF SEMINOLE COUNTY, GEORGIA

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Published by Order of the Board of Commissioners

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M MUNICIPAL CODE CORPORATION

CC Tallahassee, Florida .....2003

OFFICIALS

OF

SEMINOLE COUNTY, GEORGIA

AT THE TIME OF THIS CODIFICATION

\_\_\_\_\_\_\_\_\_\_\_\_

Alton Harrison

Chairman

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Raymond Miller

Dell Shingler

Donald Moore

John S. Adams

Board of Commissioners

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H. M. Marty Shingler

County Manager

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Kenneth L. Hornsby

County Attorney

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Pam Helms

County Clerk

PREFACE

This Code constitutes a codification of the general and permanent ordinances of Seminole County, Georgia.

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Source materials used in the preparation of the Code were the ordinances adopted by the board of commissioners. The

source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note

indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables

appearing in the back of this Code, the reader can locate any section of any ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter

have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law

have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of

this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government

codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number,

and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is

numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the

same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new

material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section

would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be

placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article

embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included

by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained

when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which

represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that

portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of

an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are

typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

RELATED

LAWS

RL:1

RELATED

LAWS

COMPARATIVE

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CODE

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RELATED

LAWS INDEX

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CODE INDEX CDi:1

Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some

of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local

government officials and employees. There are numerous cross references within the indexes themselves which stand as

guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this

system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page

or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the

manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pa

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table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of

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ORDINANCE NO. 02200301

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE COUNTY OF SEMINOLE, GEORGIA; PROVIDING

FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION

THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS

ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS:

Section 1 The Code entitled "Code of Seminole County, Georgia," published by Municipal Code Corporation, consisting of

chapter 1 through 58, each inclusive, is adopted.

Section 2 All ordinances of a general and permanent nature enacted on or before June 11, 2002, and not included in the Code

or recognized and continued in force by reference therein, are repealed.

Section 3 The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has

been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4 Unless another forfeiture is expressly provided, every person convicted of a violation of any provision of the Code or

any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not to exceed $1,000.00 or by

imprisonment for not more than 60 days or both. Each act of violation and each day upon which any such violation shall continue

or occur shall constitute a separate offense. The forfeiture provided by this section, unless another forfeiture is expressly provided,

shall apply to the amendment of any Code section, whether or not such forfeiture is reenacted in the amendatory ordinance. In

addition to the penalty prescribed above, the \* may pursue other remedies such as abatement of nuisances, injunctive relief and

revocation of licenses or permits.

Section 5 Additions or amendments to the Code when passed in such form as to indicate the intention of the county to make

the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions

and amendments.

Section 6 Ordinances adopted after June 11, 2002, that amend or refer to ordinances that have been codified in the Code shall

be construed as if they amend or refer to like provisions of the Code.

Section 7 This ordinance shall become effective February 11th, 2003

Passed and adopted by the board of commissioners this 11th day of February, 2003.

By:

Chairman

ATTEST:

County Clerk

SUPPLEMENT HISTORY TABLE

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The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for

codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are

considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are

considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more

complete picture of the Code's historical evolution.

Ord. No. Date

Adopted

Included/

Omitted

Supp. No.

02200301  2-11-2003 Included Supp. No. 1

Ord. of 10- 9-2007 Included Supp. No. 1

Ord. of 12-15-2008 Included Supp. No. 1

Ord. of  8-11-2009(1) Included Supp. No. 1

Res. of  8-11-2009(2) Included Supp. No. 1

Ord. of  9- 8-2009 Included Supp. No. 1

Ord. of 10-13-2009 Included Supp. No. 1

2010-04-02  4-13-2010 Included Supp. No. 1

2010-12-01 12-13-2010 Included Supp. No. 1

2010-12-2 12-14-2010 Included Supp. No. 1

Ord. of  3-15-2011 Included Supp. No. 1

PART I - RELATED LAWS

ARTICLE I. - BOARD OF COMMISSIONERS

FOOTNOTE(S):

Editor's note— Printed herein is 1920 Ga. Laws, page 610 which established the board of commissioners of the county.

Amendments to the act are indicated by parenthetical history notes following amended provisions. The absence of a history note

indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation.

For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for

clarity are indicated by brackets.

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State Law reference— County body corporate, O.C.G.A. § 36-1-3; organization of county government, O.C.G.A. § 36-5-20 et seq.;

matters over which county governing authority has jurisdiction, O.C.G.A. § 36-5-22.1; counties a body corporate and politic, Ga.

Const. art. IX, § I, ¶ I; election, term and compensation of county officers, Ga. Const. art. IX, § I, ¶ III; home rule for counties, Ga.

Const. art. IX, § II, ¶ I.

Sec. 1. - Established.

From and after January 1, 1921, there shall be established a Board of Commissioners for the County of Seminole.

Sec. 2. - Commissioner districts.

The Board of Commissioners of Seminole County shall consist of five members to be elected as provided in this Act. For the

purpose of electing such members, Seminole County shall be divided into five commissioner districts as follows:

County Commissioner District No. 1: Beginning at a point on the Western boundary of Seminole County where County

Road 219 intersects with Lake Seminole at a point known as Desser Landing; then travels Easterly along the center of County

Road 219 until it intersects with Georgia Highway 39; then travels Northerly along the center of Georgia Highway 39 until it

intersects with County Road 25; then travels Easterly along the center of County Road 25 until it intersects with Fish Pond

Drain; then travels Northwesterly along the center of Fish Pond Drain until it intersects with Georgia Highway 39; then travels

Northerly along the center of Georgia Highway 39 until it intersects with the Southern boundary of the City of Donalsonville;

then travels Westerly along the Southern boundary of the City of Donalsonville until it corners North; then travels Northerly

along the Western boundary of the City of Donalsonville until it intersects with Seaboard Coastline Railroad; then travels

Northwesterly along the center of Seaboard Coastline Railroad until it intersects with the Northern boundary of Seminole

County; then travels Westerly along the Northern boundary of Seminole County until it corners South; then travels Southerly

along the Western boundary of Seminole County until it intersects with County Road 219 at a point called Desser Landing; and

the point of the beginning of County Commissioner District No. 1.

County Commissioner District No. 2: Beginning at a point where Georgia Highway 91 intersects with the Northern

boundary of Seminole County; then travels Southerly along the center of Georgia Highway 91 (Tennille Avenue) until it

intersects with East Third Street; then travels Easterly along the center of East Third Street until it intersects with Stern Avenue;

then travels Southerly along the center of Stern Avenue until Stern Avenue intersects with East Sixth Street; then travels

Westerly along the center of East Sixth Street until it intersects with Tallman Avenue; then travels Southerly along the center of

Tallman Avenue until it intersects with Porterville Drain; then travels Southerly along the center of Porterville Drain until it

intersects with Georgia Highway 39 (Tennille Avenue); then travels Southerly along the center of Georgia Highway 39 (Tennille

Avenue) until it intersects with the Southern boundary of Donalsonville; then travels Westerly along the Southern boundary of

Donalsonville until it corners North; then travels Northerly along the Western boundary of the City of Donalsonville until it

intersects with Seaboard Coastline Railroad; then travels in a Northwesterly direction along the center of Seaboard Coastline

Railroad until it intersects with the Northern boundary of Seminole County; then travels Easterly along the Northern boundary

of Seminole County until it intersects with Georgia Highway 91 at a point of beginning of County Commissioner District No. 2.

County Commissioner District No. 3: Beginning at a point where Georgia Highway 91 (Tennille Avenue) intersects with the

Northern boundary of the City of Donalsonville; then travels Southerly along the center of Georgia Highway 91 (Tennille

Avenue) until it intersects with East Third Street; then travels Easterly along the center of East Third Street until it intersects

with Stern Avenue; then travels Southerly along the center of Stern Avenue until Stern Avenue intersects with East Sixth Street;

then travels Westerly along the center of East Sixth Street until it intersects with Tallman Avenue; then travels Southerly along

the center of Tallman Avenue until it intersects with Porterville Drain; then travels Southerly along the center of Porterville

Drain until it intersects with Georgia Highway 39 (Tennille Avenue); then travels Southerly along the center of Georgia Highway

39 (Tennille Avenue) until it intersects with the Southern boundary of the City of Donalsonville; then travels Easterly along the

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Southern boundary of the City of Donalsonville until it corners North; then travels Northerly along the Eastern boundary of the

City of Donalsonville until it corners West; then travels Westerly along the Northern boundary of the City of Donalsonville until

it intersects with Georgia Highway 91 (Tennille Avenue) at the point of beginning of County Commissioner District No. 3.

County Commissioner District No. 4: Beginning at a point where Georgia Highway 91 intersects with the Northern

boundary of Seminole County; then travels Southerly along the center of Georgia Highway 91 until it intersects with the

Northern boundary of the City of Donalsonville; then travels Easterly along the Northern boundary of the City of Donalsonville

until it corners South; then travels Southerly along the Eastern boundary of the City of Donalsonville until it corners West; then

travels Westerly along the Southern boundary of the City of Donalsonville until it intersects with Georgia Highway 39; then

travels Southerly along the center of Georgia Highway 39 until it intersects with Fish Pond Drain; then travels Southeasterly

along the center of Fish Pond Drain until it intersects with County Road 25; then travels Easterly along the center of County

Road 25 until it corners North; then travels Northerly along the center of County Road 25 until it intersects with County Road

47; then travels Northeasterly along the center of County Road 47 until it intersects with County Road 46; then travels

Northeasterly along the center of County Road 47 until it intersects with County Road 46; then travels Northeasterly along the

enter of County Road 46 until it intersects with County Highway 220; then travels Southerly along the center of County

Highway 220 until it intersects with County Road 22; then travels Easterly along the center of County Road 22 until it intersects

with County Highway 12; then travels Southerly along the center of County Highway 12 until it intersects with County Road 13;

then travels Easterly along the center of County Road 13 until it intersects with the Eastern boundary of Seminole County; then

travels Northerly along the Eastern boundary of Seminole County until it corners West; then travels Westerly along the

Northern boundary of Seminole County until it intersects with Georgia Highway 91 at the point of the beginning of County

Commissioner District No. 4.

County Commissioner District No. 5: Beginning at a point on the Western boundary of Seminole County where County

Road 219 intersects with Lake Seminole at a point known as Desser Landing; then travels Easterly along the center of County

Road 219 until it intersects with Georgia Highway 39; then travels Northerly along the center of Georgia Highway 39 until it

intersects with County Road 25; then travels Easterly along the center of County Road 25 until it corners North; then travels

Northerly along the center of County Road 25 until it intersects with County Road 47; then travels Northeasterly along the

center of County Road 47 until it intersects with County Road 46; then travels Northeasterly along the center of County Road

46 until it intersects with County Highway 220; then travels Southerly along the center of County Highway 220 until it intersects

with County Road 22; then travels Easterly along the center of County Road 22 until it intersects with County Highway 12; then

travels Southerly along the center of County Highway 12 until it intersects with County Road 13; then travels Easterly along the

center of County Road 13 until it intersects with the Eastern boundary of Seminole County; then travels Southerly along the

Eastern boundary of Seminole County until it joins with the Gadsden County Florida line at a point called Jim Woodruff

Reservoir where the Apalachicola River begins; then travels Northerly along the Western boundary of Seminole County until it

joins the point of beginning of County Commissioner District No. 5.

(1984 Ga. Laws, page 4073)

Sec. 3. - Terms; residency; vacancies.

At the general election to be held in said county in 1922, or, if no general election is held, then at a special election to be called

and held for this purpose, there shall be elected five commissioners, one of each to be a bona fide resident of one of each of the

commissioner's districts of said county. The commissioner from the first and second districts shall hold office for the term of two

years after January 1923, and the commissioners elected from the third, fourth and fifth districts shall hold office for the term of

four years from January 1, 1923. The successors of said elected commissioners, and all future commissioners, shall hold office for

the term of four years. No persons shall be elected commissioners except those who are freeholders, qualified voters, and

residents of said county. One of the five members of the said board of commissioners hereby created shall be a resident of each of

said districts of said county, and each commissioner shall be elected only by the qualified voters of the district of his residence, and

only one commissioner shall be elected from each district, and only one commissioner shall reside in any one district; and if a

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commissioner shall move out of his district, his office shall become vacant and shall be filled in the same manner provided for the

filling of vacancies occurring on account of death or resignation. Before entering upon their duties, all commissioners of said

county shall take an oath to faithfully perform the duties of commissioners under this Act and the Constitution and laws of Georgia

which oath shall be recorded in the office of the probate court of the county, and said commissioners shall then be duly

commissioned by the Governor of the State. Any vacancy on said board occurring by death, resignation or disqualification shall be

filled by appointment by the remaining members of the board; such appointee shall qualify and hold office for the remainder of

the time of the one whom he shall succeed. The members of said board shall, upon organization, el ect from their number a

chairman, who shall preside and act as such during the remainder of his term of office.

(1933 Ga. Laws, page 656; 1978 Ga. Laws, page 3076)

Sec. 3A. - Compensation.

Each member of the Board of Commissioners of Seminole County shall receive as compensation for his services the sum of

$1,200.00 per annum, to be paid in equal monthly installments from the funds of Seminole County.

(1978 Ga. Laws, page 3076)

Sec. 4. - Exemptions.

Said Commissioners shall be exempt from military, road or jury duty.

Sec. 5. - Clerk.

Said Commissioners shall employ a clerk upon such compensation as they may see fit to pay him and for such term of office as

they may decide upon. It shall be the duty of said clerk to keep the minutes and records of all proceedings of said Commissioners,

and to discharge such other and further duties as the Commissioners may prescribe. Said clerk shall take a like oath to that

prescribed for the Commissioners, which shall be filed with the probate court judge of said county.

(1924 Ga. Laws, page 371; 1925 Ga. Laws, page 743)

Sec. 6. - County attorney.

Said Commissioners shall have the right to employ an attorney-at-law to be known as the County Attorney, and it shall be the

duty of such County Attorney to represent the county in all legal matters in which said county may be interested or concerned; and

he shall be the legal adviser of said board and shall attend the meetings of said board when requested. Such attorney shall receive

as compensation for his services such sum as may be agreed upon by him and said board.

Sec. 7. - Meeting schedule.

Said Commissioners shall hold a monthly session on the second Tuesday in each month at the county seat, and may hold

other and further sessions at such time or times as they may deem it necessary for county purposes.

Sec. 8. - Road law.

What is known as the alternative road law, as embraced in Sections 694 to 704 inclusive of the Code of 1910, shall be effective

in said county and enforceable by said Board of Commissioners.

Editor's note—

The alternative road law cited in this section is obsolete.

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State law reference— State, county and municipal road systems, O.C.G.A. § 32-4-1 et seq.; county road systems, O.C.G.A. § 32-4-40

et seq.; regulation of maintenance and use of public roads generally, O.C.G.A. § 32-6-1 et seq.

Sec. 9. - Jurisdiction.

Said board of commissioners shall have exclusive jurisdiction and control over the following matters, to wit: In managing and

controlling all property of the county as they may deem it for the best interest for the county according to law; in levying general

taxes for general purposes and special taxes for special purposes, according to law; in establishing, maintaining or abolishing all

roads, bridges and ferries, according to law; in establishing or abolishing or changing election precincts or militia districts; in

supervising the books of the tax collector and tax receiver; in allowing insolvent lists of the county; in having an accounting with all

county officers charged with receipt and disbursement of county funds, and bringing them to a settlement; in providing for the

paupers of the county; and for the promotion of the health of the county, in accordance with law; in examining the tax digests of

the county and the correction of errors therein; in regulating and fixing license fees as may be provided by law; in supplying by

appointment all vacancies in county offices and ordering elections to fill the same; in examining, settling and allowing all claims

against the county; in establishing, maintaining and working the chain gang on the public roads and bridges of said county, or

public property or buildings, or schoolgrounds or schoolhouses or for other uses or purposes to be determined in the discretion of

the board of commissioners of roads and revenues of said county, as provided by law; in electing and appointing all officers and

employees of said county, whose election is not provided for by law, and in fixing their duties and compensation and in making all

rules and regulations covering the scope and duty of such officers and employees; in fixing a commutation road tax, or the number

of days of work in lieu thereof, according to law, and in trying and punishing road defaulters; and in general to have and exercise

all the powers heretofore vested by law in the probate court judges of the counties of Georgia when sitting for county purposes,

and to exercise all other such powers as are granted by law, or as may be indispensable to their jurisdiction over county matters or

county finances, including the power to administer oaths, subpoena witnesses and punish for contempt. Said board of

commissioners shall also have authority to levy a tax or use the proceeds of any sale of legally authorized bonds of the county; to

procure a site or sites and erect thereon a courthouse and jail. Said board shall have the authority to select said site or sites as in

their discretion may seem suitable for said purposes, and acquire the same for the county by purchase or gift, and erect thereon

said courthouse or jail.

State law reference— Matters over which county governing authority has jurisdiction, O.C.G.A. § 36-5-22.1.

Sec. 10. - Quorum; chairman pro tem.

A majority of said Commissioners shall constitute a quorum, which shall be necessary to pass any orders or transact any

business. Said board shall elect a chairman pro tem, who shall preside in the absence of the chairman.

RELATED LAWS CHARTER COMPARATIVE TABLE

This table shows the Georgia Laws cited in the Related Laws.

Ga. Laws

Year

Page Section this

Related Laws

1924 371 5

1925 743 5

1933 656 3

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1978 3076 3A

1984 4073 2

PART II - CODE OF ORDINANCES

Chapter 1 - GENERAL PROVISIONS

Sec. 1-1. - Designation and citation of Code.

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of Seminole

County, Georgia," and may be so cited.

Sec. 1-2. - Denitions and rules of construction.

In the construction of this Code and of all ordinances and resolutions, the following rules shall govern, unless such

construction would be inconsistent with the manifest intent of the board of commissioners:

Board of commissioners. The term "board of commissioners" means the board of commissioners of Seminole County, Georgia.

Bond. When a bond is required by law, an undertaking in writing, without seal, is sufficient; and in all bonds where the names

of the obligors do not appear in the bond, but are subscribed thereto, they shall be bound thereby.

Code. The term "Code" means The Code of Seminole County, Georgia, as designated in section 1-1.

Computation of time. Except as otherwise provided by time period computations specifically applying to other laws, when a

period of time measured in days, weeks, months, years or other measurements of time except hours is prescribed for the exercise

of any privilege or the discharge of any duty, the first day shall not be counted, but the last day shall be counted; and if the last day

falls on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise the

privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as set forth in

O.C.G.A. § 1-4-1, the party having the privilege or duty shall have through the next business day to exercise the privilege or to

discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays and legal

holidays shall be excluded in the computation.

County, the county, this county. Whenever the terms "county," "the county" and "this county" are used, such terms refer to

Seminole County, Georgia.

County manager. The term "county manager" means the county manager of Seminole County, Georgia.

Court. The term "court" means the court provided by law for the punishment of offenders against the laws or ordinances of

the county, whether it shall be the court now constituted or a court hereafter established pursuant to law.

Delegation of authority. Whenever a provision requires the head of a department or an official of the county to do some act or

perform some function, it shall be construed to authorize the head of such department or the official to designate, delegate and

authorize subordinates to do the required act or perform the required function, unless the terms of the provisions designate

otherwise.

Gender. The masculine gender includes the feminine and neuter.

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Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum

requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any

provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the

provision imposing the greater restriction or regulation shall be deemed to be controlling.

Joint authority. A joint authority given to any number of persons or officers may be executed by a majority of them, unless it is

otherwise declared.

Keeper, proprietor. The terms "keeper" and "proprietor" mean and include persons, firms, associations, corporations, clubs

and copartnerships, whether acting by themselves or as a servant, agent or employee.

Month, year. The terms "month" and "year" mean calendar month and calendar year unless otherwise provided.

Names of officers, departments. The name or title of any officer or department shall be read as though the words "of Seminole

County" were added thereto.

Nontechnical and technical words. The ordinary significance shall be applied to all words, except words of art, or words

connected with a particular trade or subject matter, in which case they shall have the significance attached to them by experts in

the trade or with reference to the subject matter.

Number. The singular or plural number shall each include the other, unless expressly excluded.

Oath. The term "oath" includes an "affirmation."

O.C.G.A. The abbreviation "O.C.G.A." means the Official Code of Georgia Annotated, as amended.

Or, and. The term "or" may be read "and," and the term "and" may be read "or" if the sense requires it.

Owner. The term "owner," when applied to a building or land, includes any part owner, joint owner, tenant in common, tenant

in partnership or joint tenant of the whole or of a part of such building or land.

Person. The term "person" extends and is applied to firms, partnerships, associations, organizations, corporations and bodies

politic, or any combination thereof, as well as to natural persons.

Preceding, following. The terms "preceding" and "following" mean generally next before and next after unless the context

requires a different significance.

Property. The term "property" includes real and personal property.

Public place. The term "public place" includes any place that the public is invited or permitted to go or congregate.

Seating, minimum. Where this Code requires seating for a minimum number of persons, only chairs, stools and booths shall

be provided as the required seating. The capacity of seats without dividing arms shall be determined by allotting 18 inches per

occupant.

Shall, may. The term "shall" is mandatory; the term "may" is permissive.

Signature, subscription. The terms "signature" and "subscription" include the mark of all illiterate or infirm persons.

State, the state, this state. Whenever the terms "state," "the state" and "this state" are used, such terms refer to the State of

Georgia.

Street. The term "street" includes streets, sidewalks, avenues, boulevards, roads, alleys, lanes and all other public highways in

the county unless otherwise provided.

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(a)

(b)

(a)

(b)

Substantial compliance. A substantial compliance with any requirement of this Code or ordinances amendatory thereof,

especially on the part of public officers, shall be deemed and held sufficient; and no proceeding shall be declared void for want of

such compliance unless expressly so provided.

Tenant, occupant. The terms "tenant" and "occupant," when applied to a building or land, include any person holding a written

or oral lease of, or who occupies, the whole or a part of such building or land, either alone or with others.

Tense. The present or past tense includes the future.

Writing. The term "writing" includes printing and all numerals, and also pictures, illustrations and printed or written designs.

Year. The term "year" means a calendar year.

State law reference— Computation of time, O.C.G.A. § 1-3-1(3); construction of statutory definitions, O.C.G.A. § 1-3-2; statutory

definitions and rules of construction, O.C.G.A. § 1-3-1 et seq.; general statutory definitions, O.C.G.A. § 1-1-3; computation of time

under Civil Practice Act and court rules, O.C.G.A. § 9-11-6.

Sec. 1-3. - Provisions considered continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as ordinances adopted prior to this Code and included in

such Code, shall be considered as continuations thereof and not as new enactments.

Sec. 1-4. - Catchlines of sections, history notes and editor's notes.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to

indicate the contents of the section and shall not be deemed or taken to be titles of such sections or as any part of

the section; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the

catchlines, are amended or reenacted.

The history notes appearing in parentheses after each section and the references and editor's notes scattered

throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

State law reference— Notes and catchlines of code sections not part of law, O.C.G.A. § 1-1-7.

Sec. 1-5. - Eect of repeal of ordinance.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed

took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor

any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the

ordinance repealed.

Sec. 1-6. - Severability of parts of Code.

It is declared to be the intention of the board of commissioners that the sections, paragraphs, sentences, clauses and phrases

of this Code are severable; and if any phrase, clause, sentence, paragraph or section of this Code shall be declared invalid or

unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall

not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since they would have been

enacted by the board of commissioners without incorporation in this Code of any such invalid or unconstitutional phrase, clause,

sentence, paragraph or section.

State law reference— Severability of state legislation, O.C.G.A. § 1-1-3.

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Sec. 1-7. - Ordinances not aected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the

validity of any of the following:

Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established

or accruing before the effective date of this Code.

Any ordinance or resolution promising or guaranteeing the payment of money for the county or authorizing

the issuance of any bonds of the county or any evidence of the county's indebtedness.

Any contract or obligation assumed by the county.

Any ordinance fixing the salary of any county officer or employee.

Any right or franchise granted by the county.

Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street

or public way in the county.

Any appropriation ordinance.

Any ordinance which, by its own terms, is effective for a stated or limited term.

Any ordinance providing for local improvements and assessing taxes for such improvements.

Any zoning ordinance.

Any ordinance dedicating or accepting any subdivision plat.

Any ordinance describing or altering the boundaries of the county.

Any administrative ordinances or resolutions of the county not in conflict or inconsistent with the provisions of

this Code.

Any ordinance levying or imposing taxes not included in this Code.

Any ordinance establishing or prescribing street grades in the county.

Any ordinance setting the rate of ad valorem taxes.

No such ordinance shall be construed to revive any ordinance or part of an ordinance that has been repealed by a

subsequent ordinance repealed by this chapter; and all such ordinances are recognized as continuing in full force

and effect to the same extent as if set out at length in this Code.

Sec. 1-8. - Amendments to Code; eect of new ordinances; amendatory language.

All ordinances passed subsequent to this Code of Ordinances that amend, repeal or in any way affect this Code of

Ordinances may be numbered in accordance with the numbering system of this Code and printed for inclusion in

this Code. In the case of the repeal of chapters, sections and subsections or any part thereof by subsequent

ordinances, such repealed portions may be excluded from this Code by their omission from affected reprinted

pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie

evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances

numbered or omitted are readopted as a new code of ordinances by the board of commissioners.

Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference

to the section number of this Code in the following language: "That section \_\_\_\_\_\_\_\_\_\_\_\_ of The Code of Seminole

County, Georgia, is hereby amended to read as follows:…." The new provisions shall then be set out in full as

desired.

If a new section not heretofore existing in the Code is to be added, the following language shall be used: "That The

Code of Ordinances, Seminole County, Georgia, is hereby amended by adding a section (division, article or chapter)

to be numbered \_\_\_\_\_\_\_\_\_\_\_\_, which section (division, article or chapter) reads as follows:…." The new section,

division, article or chapter shall then be set out in full as desired.

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All sections, divisions, articles, chapters or provisions desired to be repealed must be specifically repealed by section, d

article or chapter number, as the case may be.

Sec. 1-9. - Supplementation of Code.

By contract or by county personnel, supplements to this Code shall be prepared on an annual basis. A supplement

to the Code shall include all substantive, permanent and general parts of ordinances passed by the board of

commissioners during the period covered by the supplement and all changes made thereby in the Code. The pages

of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace

pages that have become obsolete or partially obsolete; and the new pages shall be so prepared that, when they

have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in

the supplement.

In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the

Code by their omission from reprinted pages.

When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the

supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the

supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

Organize the ordinance material into appropriate subdivisions.

Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in

the supplement, and make changes in such catchlines, headings and titles.

Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where

necessary to accommodate new material, change existing section or other subdivision numbers.

Change the term "this ordinance" or terms of the same meaning to "this chapter," "this article," "this division,"

etc., as the case may be, or to "sections \_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_" (inserting section numbers to indicate the

sections of the Code that embody the substantive sections of the ordinance incorporated into the Code).

Make other nonsubstantive changes necessary to preserve the original meanings of ordinance sections

inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance

material included in the supplement or already embodied in the Code.

Sec. 1-10. - Altering Code.

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this Code or to insert

or delete pages or portions of this Code, or to alter or tamper with such Code in any manner whatsoever which will cause the law

of the county to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-12.

State law reference— 1.6

Sec. 1-11. - Liability for violations by corporations; other associations.

Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or

unincorporated association or organization, while acting within the scope of his office or employment, shall in every

case also be deemed to be a violation by the corporation, association or organization.

Any officer, agent or other person acting for or employed by any corporation or unincorporated association or

organization shall be subject and liable to punishment as well as the corporation or unincorporated association or

organization for the violation by it of any provisions of this Code, where the violation was the act or omission, or the

result of the act, omission or order, of any such person.

Sec. 1-12. - General penalty; continuing violations.

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Whenever in this Code or in any other ordinance of the county any act is prohibited or is made or declared to be unlaw

offense, or the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific pen

provided, the violation of such provision shall be punishable by the imposition of a fine not to exceed $1,000.00, by imp

in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment, or up to the limits

penalty provided by state law for the ordinance.

Each day any violation of this Code or other ordinance shall continue shall constitute a separate offense.

State law reference— Punishment for misdemeanors generally, O.C.G.A. § 17-10-3(a); display of driver's license for violations of

laws pertaining to traffic and motor vehicvles, O.C.G.A. § 17-6-11; additional penalty to be imposed in criminal and traffic cases to

provide training to law enforcement officers and procecuting officials, O.C.G.A. § 15-21-73; alternative punishments for traffic

offenses, O.C.G.A. § 17-10-3(e); payments to peace officers annuity and benefit fund from revenues collected from fines and fees,

O.C.G.A. § 47-17-60 et seq.; additional penalty assessments for jail construction and staffing, O.C.G.A. § 15-21-93; imposition of

additional penalty for certain drug offenses, O.C.G.A. § 15-21-100; imposition of additional penalty for offense of driving under the

influence of alcohol or drugs, O.C.G.A. § 15-21-112; preemption of ordinances to general law, Ga. Const. art. III, § VI, ¶ IV.

Chapter 2 - ADMINISTRATION

FOOTNOTE(S):

Cross reference— Any ordinance or resolution promising or guaranteeing the payment of money for the county or authorizing

the issuance of any bonds of the county or any evidence of the county's indebtedness saved from repeal, § 1-7(a)(2); any contract

or obligation assumed by the county saved from repeal, § 1-7(a)(3); any ordinance fixing the salary of any county officer or

employee saved from repeal, § 1-7(a)(4); any administrative ordinances or resolutions of the county not in conflict or inconsistent

with the provisions of this Code saved from repeal, § 1-7(a)(13); civil emergencies, ch. 22; administration of flood damage

prevention, § 30-61 et seq.; planning, ch. 38; taxation, ch. 54; administration and enforcement of zoning regulations, app. A, § 20.01

et seq.

State Law reference— County government generally, O.C.G.A. § 36-1-1 et seq.; home rule for counties, Ga. Const. art. IX, § II, ¶ I.

ARTICLE I. - IN GENERAL

Sec. 2-1. - Worker's compensation for members of volunteer re departments.

All official members of the Iron City Volunteer Fire Department, Spring Creek Volunteer Fire Department and the DonalsonvilleSeminole Volunteer Fire Department shall be considered as employees for the purpose of providing worker's compensation

insurance benefits.

Secs. 2-2—2-30. - Reserved.

ARTICLE II. - BOARD OF COMMISSIONERS

FOOTNOTE(S):

State Law reference— Board of commissioners authorized to adopt ordinances for the governing and policing of the

unincorporated areas of the county, O.C.G.A. § 36-1-20(a); county body corporate, O.C.G.A. § 36-1-3; grants of state funds to

counties, O.C.G.A. § 36-17-1 et seq.; organization of county government, O.C.G.A. § 36-5-20 et seq.; authority to control property of

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the county, O.C.G.A. § 36-5-22.1(a)(1); matters over which county governing authority has jurisdiction, O.C.G.A. § 36-5-22.1; county

property generally, O.C.G.A. § 36-9-1 et seq.; counties a body corporate and politic, Ga. Const. art. IX, § I, ¶ I; election, term and

compensation of county officers, Ga. Const. art. IX, § I, ¶ III; home rule for counties, Ga. Const. art. IX, § II, ¶ I.

Sec. 2-31. - Meetings.

The board of commissioners shall hold regular meetings on the second Tuesday of each month at 7:00 p.m.

Meetings shall be held at the county courthouse in Donalsonville, Georgia.

State law reference— Due notice requirements for other than regular meetings, O.C.G.A. § 50-14-1(d); requirement to prescribe

the time, place and dates of regular meetings of governing authority, O.C.G.A. § 50-14-1(d); meetings to be open to public, O.C.G.A.

§ 50-14-1; exemptions from open meeting requirements, O.C.G.A. § 50-14-3.

Sec. 2-32. - Parliamentary procedure.

The proceedings of the board of commissioners shall be generally governed by Robert's Rules of Order, Newly Revised, so far

as applicable and not inconsistent with the special rules of the board of commissioners, and this Code.

Secs. 2-33—2-60. - Reserved.

ARTICLE III. - OFFICERS AND EMPLOYEES

FOOTNOTE(S):

Editor's note— The county compiles and publishes separately additional administrative regulations in its manual of personnel

policies and procedures. Official copies of the manual are on file in the office of the clerk of the board of commissioners.

Cross reference— Zoning administrator, § 38-40.

State Law reference— Fair Employment Practices Act of 1978, O.C.G.A. § 45-19-20 et seq.; municipal or county governments not

to require residence as condition of employment, O.C.G.A. § 45-2-5; random drug testing of state employees in high-risk jobs,

O.C.G.A. § 45-20-90 et seq.; Public Employee Hazardous Chemical Protection and Right to Know Act of 1988, O.C.G.A. § 45-22-1 et

seq.; Drug-Free Public Work Force Act of 1990, O.C.G.A. § 45-23-1 et seq.; social security coverage for employees of the state and

political subdivisions of the state, O.C.G.A. § 47-18-1 et seq.; Public Retirement Systems Standards Law, O.C.G.A. § 47-20-1 et seq.;

authority to maintain and modify retirement or pension systems, Ga. Const. art. IX, § II, ¶ III(a)(14).

Secs. 2-61—2-90. - Reserved.

ARTICLE IV. - AUTHORITIES, BOARDS AND COMMISSIONS

FOOTNOTE(S):

State Law reference— Code of ethics for members of boards, commissions and authorities, O.C.G.A. § 45-10-3.

DIVISION 1. - GENERALLY

Secs. 2-91—2-110. - Reserved.

DIVISION 2. - JOINT DEVELOPMENT AUTHORITY

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FOOTNOTE(S):

State Law reference— Development Authorities Law, O.C.G.A. § 36-62-1 et seq.; georgia Development Authority Act, O.C.G.A. §

50-10-1 et seq.

Sec. 2-111. - Activation of the authority.

It is declared that there is a need for a joint development authority to function in the county and the City of Donalsonville. Such

authority, to be known as the Development Authority of Seminole County and Donalsonville, is created and activated. The

authority shall transact business and exercise the powers provided by the provisions of the Development Authorities Law, codified

in O.C.G.A. § 36-62-1 et seq.

(Res. of 11-20-1995, § 1)

Sec. 2-112. - Joint authority.

The joint development authority is created and activated by the proper resolution of the governing bodies of the county and

the City of Donalsonville as a joint authority pursuant to provisions of 1981 Ga. Laws, page 1419, and O.C.G.A. § 36-62-5.1.

(Res. of 11-20-1995, § 2)

Sec. 2-113. - Directors.

The joint development authority shall consist of six directors. Four directors shall be taxpayers residing in the

county and two shall be taxpayers residing in the City of Donalsonville. The directors representing the county shall

consist of the chairman of the board of commissioners (or his designee) and three appointed by the board of

commissioners of the county initially, as provided in the resolution from which this division is derived and,

thereafter, as their terms expire. The directors representing the City of Donalsonville shall consist of the mayor (or

his designee) and one appointed by the Mayor and City Council of the City of Donalsonville initially, as provided in

the resolution from which this division is derived and, thereafter as their terms expire. The directors shall receive no

compensation for their services, but shall be reimbursed for their duties.

After expiration of the initial terms of directors of the joint development authority, as stated in subsection (a) of this

section, the terms of office of all members shall be terms of six years. If at the end of any term of any member a

successor to such member has not been appointed, the member whose term of office has expired shall continue to

hold office until his successor is appointed. A majority of the members of the joint development authority shall

constitute a quorum, but no action may be taken by the authority without the affirmative vote of a majority of the

full membership of the authority.

(Res. of 11-20-1995, § 3)

Sec. 2-114. - Ocers.

The directors of the joint development authority shall elect one of their members as chairman and another as vice-chairman

and shall also elect a secretary and a treasurer or a secretary-treasurer, either of whom may, but need not be, a director.

(Res. of 11-20-1995, § 4)

Sec. 2-115. - Successor to the Donalsonville and Seminole County Industrial Building Authority, created pursuant to 1962 Georgia Laws,

page 1015.

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The county and the City of Donalsonville intend that the joint development authority of the county and the City of

Donalsonville shall succeed to all of the rights, powers and duties of the Donalsonville and Seminole County Industrial Building

Authority. The county and the City of Donalsonville agree that, to the extent that they shall have succeeded to title to any property,

whether real or personal, formerly owned by the Donalsonville and Seminole County Industrial Building Authority, the county and

the City of Donalsonville shall each assign and transfer such property to the development authority of the county and the City of

Donalsonville.

(Res. of 11-20-1995, § 5)

Chapter 6 - ALCOHOLIC BEVERAGES

FOOTNOTE(S):

Editor's note— Ord. of Oct. 9, 2007, §§ I—XXXV, amended Ch. 6 in its entirety to read as herein set out. Former Ch. 6, §§ 6-1, 6-2,

pertained to the same subject matter, and derived from Ord. of March 15, 1999.

Cross reference— Businesses, ch. 18.

Sec. 6-1. - Denitions.

For the purpose of this chapter, the following definitions shall apply:

Board shall mean the Board of Commissioners of Seminole County, Georgia.

Conviction shall mean an adjudication of guilt or a plea of guilty, or a plea of nolo contendere or the forfeiture of bond by a

person charged with a crime.

Distance shall mean measurement in a straight line in linear feet from the nearest wall enclosing the proposed premises of

licensee to the nearest property line of any school, college or church.

License shall mean the authorization by the governing authority of Seminole County to engage in the sale of malt beverages

and/or wine and/or liquor.

Malt beverages, wine and liquor shall mean those beverages defined by O.C.G.A. Title 5A, as amended.

Person shall mean an individual.

Premises shall mean the definite closed or petitioned-in locality whether a room, shop, or building, wherein malt beverages

and/or wine and/or liquor is sold, and any and all surrounding and adjacent areas, whether enclosed or not, which are owned by or

under the control of the person to whom the license is issued.

Retail sale shall mean selling or offering for sale any malt beverage and/or wine to any member of the public. This also

includes liquor.

School or college shall mean on such state, county, city, church or other schools that teach the subjects commonly taught in

the common schools of this state to include licenses preschool and/or kindergarten facilities and shall not include private schools

where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and

other special subjects are taught.

Seminole County as used herein shall mean the unincorporated area of Seminole County, Georgia.

(Ord. of 10-9-2007, § I)

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Sec. 6-2. - General licensing.

The sale of malt beverages and/or wine and/or liquor shall be legal in Seminole County, subject to the following

terms, conditions, restrictions and upon full compliance by all persons engaged in business under the provisions of

this chapter.

The license granted hereunder shall be a mere grant or privilege to carry on a business during the terms of the

license, subject to all the terms and conditions imposed herein and by related laws located in the applicable

provisions of the state code and other county ordinances relating to business license.

Licenses issued hereunder shall be for the purpose of package sales only for liquor/distilled spirits and for onpremises and off-premises for beer and wine. There is no per drink licensing for liquor/distilled spirits in Seminole

County.

(Ord. of 10-9-2007, § II)

Sec. 6-3. - Applicant requirements and fees.

The application for a permit as required in this chapter shall be in writing and addressed to the board of

commissioners and shall set forth therein the following information: The type of license applied for; the location of

the place of business wherein beer and/or wine and/or liquor is to be sold; whether the premises are owned or

leased by applicant; names and addresses of all persons, firms of corporations having a financial interest in profits

or losses; and such other information as the board of commissioners may from time to time require. The

application shall be signed by the applicant and must be certified by oath of such applicant, and if applicant is to be

a corporation, by the oath of one of its executive officers or managers. Such application and oath must be on a form

provided by the board of commissioners.

All applicants for an off-premises retail beer license shall pay a fee in the amount of $100.00 at the time such

application is filed. The county shall issue a receipt to the applicant and attach a copy of said receipt to the

application.

All applicants for an off-premises retail wine license shall pay a fee in the amount of $200.00 at the time such

application is filed. The county shall issue a receipt to the applicant and attach a copy of said receipt to the

application.

All applicants for an on-premises beer or wine license shall pay (in addition to off-premises fee if applicable) a fee in

the amount of $500.00 at the time such application is filed. The county shall issue a receipt to the applicant and

attach a copy of said receipt to the application.

All applicants for an on-premises beer and wine license shall pay (in addition to off-premises fee if applicable) a fee

in the amount of $500.00 at the time such application is filed. The county shall issue a receipt to the applicant and

attach a copy of said receipt to the application.

All applicants for a retail liquor/distilled spirits license shall pay a fee in the amount of $1,000.00 at the time such

application is filed. The county shall issue a receipt to the applicant and attach a copy of said receipt to the

application.

All applicants for a retail beer, wine and liquor license shall pay a fee in the amount of $1,300.00 at the time such

application is filed. The county shall issue a receipt to the applicant and attach a copy of said receipt to the

application.

All applicants shall furnish all data, information, and records pertinent to the application requested of them in

writing by the board of commissioners and failure to furnish such data, information and records within 30 days

from the date of such request shall automatically serve to dismiss, with prejudice the application. The applicants, by

filing an application, agree to produce for oral interrogation any person or persons requested by the sheriff's

department or the board of commissioners and considered as being important in the ascertainment of the facts

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relative to such application and/or license issued under the terms of this chapter. The failure to produce such

person or persons within 30 days after being requested to do so shall result in the automatic dismissal of any

application pending under this chapter.

(Ord. of 10-9-2007, § III)

Sec. 6-4. - Criminal background check.

All applicants shall be investigated by the Sheriff's Department of Seminole County or by such other person as may be

designated by the board of commissioners and the report of such investigation presented to the board of commissioners for

consideration with the application.

(Ord. of 10-9-2007, § IV)

Sec. 6-5. - Tax records determination.

The board of commissioners shall cause an inquiry to be made into the tax records to determine if any applicant or other

parties interested in an application have any outstanding taxes or special assessments that are delinquent or any other monies

owing to the county.

(Ord. of 10-9-2007, § V)

Sec. 6-6. - Reasons for refusal of license.

It shall be unlawful to issue a license to:

A person who is not a resident of a wet county or municipality of the State of Georgia for a period of 12

months prior to making his/her application.

All stockholders and officers of a corporation who are not residents of a wet county or municipality of the State

of Georgia for a period of one year prior to making application.

A person who has been convicted of a felony under Georgia Statues or the statutes of any other state within

five years of the date of the application.

A person whose place of business is conducted by an employee, manager or agent unless said manager or

agent or employee possesses same qualifications as licensee.

A person who is not of good moral character.

A person who is deemed to have insufficient mental capacity.

A person who has been dishonorably discharged from the armed services of the United States.

Any person, who, as a previous holder of a license to sell alcoholic beverages, has violated any law, regulation

or ordinance relating to such business within a three-year period preceding the date of the application

hereunder.

(Ord. of 10-9-2007, § VI)

Sec. 6-7. - Partners, ocers and directors.

No person, firm or corporation shall be granted a beer, wine or liquor license unless it shall appear to the satisfaction of the

board of commissioners that such persons, partners in the firm, officers and directors of the corporation shall be of good moral

character and in no event shall any license be granted to any person or persons or officers or directors of any such corporation

who have been convicted or have pled guilty or entered a plea of nolo contendere to any crime involving moral turpitude, lottery,

or illegal possession or sale of narcotics or liquors within a period of ten years immediately prior to the filing of such application, or

who has been convicted or have pled guilty or entered a plea of nolo contendere to the crime of D.U.I. or public drunkenness

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within a period of two years immediately prior to the filing of such application, nor shall any such person sell or dispense beer,

wine or liquor. At the time of application is submitted for a retail beer, and/or wine and/or liquor license, the applicant shall, by a

duly sworn affidavit, certify that neither he, nor any of the other owners of the retail establishment, nor the manager of such

establishment, nor any person directly or indirectly or individually financially interested in such establishments, has been convicted

or has pleaded guilty or entered a plea of nolo contendere to any crime involving moral turpitude, lottery, or illegal possession or

sale of narcotics or liquors within a period of ten years immediately prior to filing of such application. Should any applicant, partner

or officer after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude or

the violation of any laws regulating the sale of narcotics, wine, beer, liquor, or the lottery laws of this State, such license shall be

immediately revoked and cancelled.

Should any employee used in the sale or dispensing of beer, wine, or liquor, after a license has been granted, be convicted or

plead guilty or nolo contendere to a crime involving moral turpitude or the violation of any laws regulating the sale of narcotics,

wine, beer, liquor or the lottery laws of this state, and the crime was committed in the course of the employee's employment, on or

off the premises of the licensee, and the licensee knew or should have known that the crime had been committed, and did not

report immediately the crime to the proper authorities, such license shall be subject to be revoked and cancelled.

(Ord. of 10-9-2007, § VII)

Sec. 6-8. - Locations prohibited.

It shall be unlawful to issue any alcoholic beverage license for the sale of malt beverages and/or wine and/or liquor

within 300 feet of the grounds of any church, school or school ground. The distance requirements must be met at all

times during the term of the license.

In the event the board of commissioners revokes or denies any license for the sale of beer, wine or liquor at any

location within Seminole County, no new license shall be granted by the county for the sale of beer, wine or liquor

for the period of six months after the date of revocation or denial, at the same location. After notice to the board of

commissioners that a person holding a license or his employee or agent, has been accused of prohibited acts, no

new license shall be issued for such location until after the disposition of the complaint.

(Ord. of 10-9-2007, § VIII)

Sec. 6-9. - Suspension and revocations.

Any license which has been issued or which may hereafter be issued by the county to any licensee may be

suspended or revoked for due cause as hereinafter defined, and after a hearing held for the purpose of considering

any such suspension or revocation. At least five days prior written notice of a time, place and purpose of such

hearing, a statement of the charge or charges upon which such hearing shall be held shall be given to the holder of

such license which is sought to be suspended or revoked.

"Due cause" for the suspension or revocation of any license shall consist of a violation of any laws or ordinances

regulating such business, or violation of regulations made pursuant to authority granted for the purpose of

regulating such businesses, or for the violation of any state, federal or county ordinance that would prevent one

from obtaining a license.

The board of commissioners is hereby authorized to suspend any license issued hereunder in any emergency

situation such as civil disorders or natural disasters or in any situation that it deems such immediate suspension

necessary for the protection of the health and welfare of the citizens of Seminole County, and said suspension may

be made effective immediately and shall remain in force until the board determines the emergency is over or until

the next regular meeting of the board of commissioners.

When a license is suspended or revoked, the county shall not be required to refund any portion of the license fee to

the holder of such suspended or revoked license. When a license is revoked, the licensee may not reapply for a

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license hereunder for a period of three years from such revocation.

(Ord. of 10-9-2007, § IX)

Sec. 6-10. - Notice before suspension or revocation.

No person, firm or corporation whose license has been suspended or revoked pursuant to any provisions hereof shall sell any

beverages covered by said suspended or revoked license during the period of such suspension or after such revocation. No

licenses shall be suspended or revoked without the board of commissioners first giving to said licensee written notice of the

reason therefore, and with five days thereafter the licensee shall have the right to a hearing before the board and present any

evidence or give any reason why said license should not be suspended or revoked.

(Ord. of 10-9-2007, § X)

Sec. 6-11. - Unlawful to sell on Sundays.

It shall be unlawful to sell any beer, wine or liquor within the confines of Seminole County on Sunday or election days, as

defined by the law of the State, or between the hours of 12:01 a.m. Sunday until 5:00 a.m. Monday.

(Ord. of 10-9-2007, § XI)

Sec. 6-12. - Operating without license is misdemeanor.

Any person who engages in the business of retailing beer, wine, or liquor whether by a single act or more often, in the county

without first obtaining a county license herein required for that line of business, for the calendar year in which such business is

conducted; any person engaging in such business in the county after such license has expired or has been revoked; and any

person violating any other may be punished as a misdemeanor under the laws of this state.

(Ord. of 10-9-2007, § XII)

Sec. 6-13. - License not transferable.

Licenses issued under authority of this chapter shall not be transferable from one person to another nor from one location to

another except with the written approval of the Board of Commissioners of Seminole County. The exception would be the death of

a person holding a license, in which event his/her personal representative after qualification may continue to operate under the

license for up to six months or until the renewal date of the license whichever comes first.

(Ord. of 10-9-2007, § XIII)

Sec. 6-14. - Fingerprint record required.

Each applicant for a license to sell beer, wine or liquor in Seminole County who has not heretofore been licensed by the board

of commissioners to sell beer, wine or liquor, at retail, shall be required to submit to a complete fingerprinting record and test,

pursuant to the rules and regulations established by the board of commissioners from time to time, the same being used by the

board to supplement the information contained on the application and to make available to the board any records of criminal

offenses, either federal or state from other jurisdictions.

The board of commissioners within their own discretion, from time to time may require employees, male or female, working in

any establishment dispensing beer, wine or liquor, to submit to the same complete fingerprinting record and test and for the same

purposes of supplementing any information available to the county with respect to employees.

(Ord. of 10-9-2007, § XIV)

Sec. 6-15. - Employer responsible for acts of employees.

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List of employees to be filed. It shall be the duty of all persons holding any license to sell alcoholic beverages to file wit

of Seminole County the names of all employees, with their home addresses and telephone numbers and places of emp

Changes in the list of employees, with the names of the new employees must be filed with the clerk before the date of

change. No new employee shall be allowed to sell beer, wine or liquor hereunder until the provision of subsection (a) o

section is complied with.

The licensee is responsible for the conduct or actions of his employees while in his employment.

(Ord. of 10-9-2007, § XV)

Sec. 6-16. - Under eighteen not allowed to sell, serve or take orders.

Persons under 18 years of age are not to be allowed or required to serve, sell, or take orders for alcoholic beverages,

exceptions:

No person shall allow or require a person in his employment under 18 years of age to dispense, serve, sell, or

take orders for any alcoholic beverages.

The provisions of this section shall not prohibit persons under 18 years of age who are employed in

supermarkets, convenience stores, or drug stores from selling or handling alcoholic beverages which are sold

for consumption off the premises. (Acts 1980, pp. 1573, 1597, eff. July 1, 1981.)

(Ord. of 10-9-2007, § XVI)

Sec. 6-17. - Minimum age alcohol sold—Twenty-one.

No licensee shall by himself or another sell, furnish, or cause to be sold or furnished, or permit any person in his employ to

furnish beer, wine or liquor to any person under 21 years of age, to any person who is noticeably intoxicated, or to any habitual

drunk and whose intemperate habits are known to such person.

(Ord. of 10-9-2007, § XVII)

Sec. 6-18. - Age limit to purchase—Twenty-one.

It shall be unlawful for any person under 21 years of age to purchase, drink or possess any beer, wine or liquor.

It shall be unlawful for any person to keep or maintain a place wherein those under 21 years of age are permitted to

come and purchase any beer, wine or liquor.

It shall be unlawful for any person to buy beer, wine, or liquor and furnish for consumption the same to anyone

under 21 years of age.

It shall be the responsibility of the licensee to examine the identification of patrons to be certain that such patrons

are of legal age. A current Georgia Driver's License which is apparently valid upon its face, may be accepted by the

licensee or his employee as evidence of age.

(Ord. of 10-9-2007, § XVIII)

Sec. 6-19. - Unlawful for minor to misrepresent age.

It shall be unlawful for any minor to falsely misrepresent his age in any manner whatsoever.

(Ord. of 10-9-2007, § XIX)

Sec. 6-20. - No loitering of minors.

No person who holds a license to sell beer, wine, or liquor may allow any minor to loiter about the premises of the licensee,

unless he is present for the purpose of purchasing goods, other than beer, wine, or liquor.

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(Ord. of 10-9-2007, § XX)

Sec. 6-21. - No "drive-in" or "curb service".

It shall be unlawful to sell or dispense beer from "drive-in" or "service" windows unless it is approved in the

application by the board of commissioners.

Curb service or other sales of beer, wine, or liquor outside the building licensed to sell is hereby expressly

prohibited.

No sign shall be erected anywhere within the county advertising or promoting the sale of beer, wine, or liquor

except as may be authorized by state law and regulations of the state department of revenue or other agency

having jurisdiction thereof.

(Ord. of 10-9-2007, § XXI)

Sec. 6-22. - License period and due date for renewal.

Each such license and license fee shall be for the calendar year. The fee shall be due and payable in advance by the first day of

January of each year. Any person desiring to begin a beer, wine, or liquor business in the county shall pay the prescribed fee and

obtain a license before commencing business.

(Ord. of 10-9-2007, § XXII)

Sec. 6-23. - Tax payment.

The payment of any tax for the privilege of engaging in the business of vending beer, wine, or liquor shall not prevent the

county from increasing at any time, before or after the grant of a license, the amount of said tax, nor prevent the county from

providing for and collecting any other form of taxation of said business.

(Ord. of 10-9-2007, § XXIII)

Sec. 6-24. - License posting and state license.

Application for such license to deal in beer shall be made to the clerk and be accompanied by the amount of license fee.

Licenses shall be issued by the board of commissioners. The most current alcoholic beverage license shall be posted conspicuously

in public view at eye level in licensee's place of business. Before operating under such county license, the licensee must secure the

state license and comply with all provisions of the Act of the General Assembly of Georgia approved March 23, 1935, as amended;

and it shall be the duty of the county clerk to furnish to licensee such certificate, copy of the county license, or other evidence as

may be required by the state revenue commission in order to show payment of the county license fee.

(Ord. of 10-9-2007, § XXIV)

Sec. 6-25. - Records of purchases.

All retail dealers in beer, wine and liquor, and all persons selling beer, wine and liquor at retail, shall keep a complete and

correct record of all purchases of beer, wine and liquor furnished and delivered to them, at the time of delivery of such beverages,

a correct invoice of purchase, which invoice shall be kept and preserved by said retailer at his place of business for a period of six

months from the date of purchase. Such invoices and all records of retailers of beer, wine and liquor shall be subject to inspection

by any authorized representative of the county. All records of purchase shall be kept a period of at least three years from the date

of such purchase or sale before being destroyed.

(Ord. of 10-9-2007, § XXV)

Sec. 6-26. - Revocation due to violation of ordinance.

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Any license to sell beer, wine or liquor hereafter issued, may be revoked by the board of commissioners for violation of any

provision of this chapter.

(Ord. of 10-9-2007, § XXVI)

Sec. 6-27. - False or fraudulent return is a misdemeanor.

Any person who shall submit a false or fraudulent return required by this chapter; or who shall assist any person to evade the

payment of any license tax herein provided; or who shall conduct in the county the business of selling, shipping or distributing by

retail beer, wine, or liquor after his license to do so has been revoked; or who shall violate any provision of this chapter, shall upon

conviction be punished as a misdemeanor.

(Ord. of 10-9-2007, § XXVII)

Sec. 6-28. - Expiration of license.

All licenses granted pursuant to this chapter shall expire on the 31st day of December of the year in which the same

shall be issued.

Licensees who desire to renew their license shall file application with the requisite fee heretofore provided with the

County Clerk of Seminole County on the form provided for renewal of the license for the ensuing year. Applications

for renewal must be filed before December 31st of each year, otherwise no renewal license shall be granted, but an

application for renewal shall be treated as an initial application, and the applicant shall be required to comply with

all rules and regulations for the granting of licenses as if no previous license had been held. All licenses granted

hereunder shall be for the calendar year and the full license fee must be paid for a license issued at any time during

a license year.

(Ord. of 10-9-2007, § XXIX)

Sec. 6-29. - Grievance of suspension or revocation.

Any person, firm or corporation aggrieved by act or omission of the board of commissioners with respect to its proceedings

under this article including the suspension or revocation of a license shall have the right to move for a rehearing. Such motion for

omission complained of, shall be in writing, and shall outline the manner in which such protestor believes that the board of

commissioners erred. If the motion relates to a matter as to which evidence has already been heard, no additional evidence or

argument shall be permitted on the motion for rehearing except after a grant thereof by the board of commissioners. If the matter

of which complaint is made was not the subject of a prior hearing at which the protestor was permitted to be present and heard,

the board of commissioners shall afford a hearing within ten days after the filing of the motion, of which reasonable notice shall be

given to all parties known to the board of commissioners to be interested, at which, persons interested in protesting or supporting

the act or omission of the board of commissioners shall be allowed to appear, be represented, introduce oral and documentary

evidence, and examine and cross-examine witnesses.

(Ord. of 10-9-2007, § XXX)

Sec. 6-30. - No lewd dancing or nudity allowed.

No on-premises consumption beer and/or wine licenses will be issued under any condition to anyone or for any establishment

within Seminole County that permits lewd dancing or the display of nudity in any form. No wine or beer license shall be issued to

any type topless bar or to any establishment that allows any form of nudity or other adult entertainment.

(Ord. of 10-9-2007, § XXXI)

Sec. 6-31. - No contest or form of entertainment consisting of wetting.

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It shall be unlawful to permit on the premises so licensed any contest or form of entertainment which consists of the wetting

or soaking of the upper torso of a female or the pelvic areas of a male or female.

(Ord. of 10-9-2007, § XXXII)

Sec. 6-32. - Residence limited to 500 feet distance from establishment.

No on-premises beer or wine license shall be issued to any person or business establishment that is or will be doing business

within 500 feet of any residence unless said residence is owned by the person or persons seeking to obtain such license.

(Ord. of 10-9-2007, § XXXIII)

Sec. 6-33. - Employee's not allowed to consume alcohol during work hours.

It shall be unlawful for any employee of any licensee to consume alcoholic beverages on the premises of the licensee during

such employee's working hours.

(Ord. of 10-9-2007, § XXXIV)

Sec. 6-34. - No alcoholic beverages served by other than licensee and employees.

It shall be unlawful for any alcoholic beverage to be served by person's other than the licensee or the licensee's employees or

agents.

(Ord. of 10-9-2007, § XXXV)

Chapter 10 - ANIMALS

Sec. 10-1. - Purpose.

The purposes of this chapter are to provide for the safety, good order, general welfare treatment and maintenance of animals;

to limit the number and types of animals, which may be kept and maintained to prohibit certain animals; to provide for control of

animals; to provide for the control of rabies and zoonoses (diseases that can be transmitted to humans); to prohibit fighting dogs,

cocks, and other animals; to provide for an animal control board; to provide seizure, confinement, reclamation, forfeiture,

abandonment, surrender, adoption, and disposal of animals, and to provide generally for the public health and welfare of the

citizens of Seminole County.

(Ord. of 12-15-2008)

Sec. 10-2. - Jurisdiction.

The provisions in this chapter shall be applicable in the unincorporated areas of the county.

(Ord. of 12-15-2008)

Sec. 10-3. - Administration and interpretations.

The authority and responsibility for administration of this chapter shall rest with the board of commissioners. In exercising

that authority and discharging that responsibility, the county administrator shall designate the animal control department head to

be charged with enforcing this chapter. The animal control department shall coordinate and cooperate with the county health

department and such other agencies, as the board of commissioners deems advisable. The animal control department head shall

issue interpretations of this chapter upon written request.

(Ord. of 12-15-2008)

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Sec. 10-4. - Enforcement and penalties.

It shall be the duty of the animal control officer under the direction of the animal control department head to

enforce this chapter.

Violations of the provisions of this chapter shall be deemed a misdemeanor. Upon conviction for the first offense,

the court shall be authorized to impose a fine of up to $1,000.00 per day for each day that such condition or

violation shall exist. Upon conviction for a second or subsequent offenses within a twelve-month period, the court

shall be authorized to impose a fine of up to $1,000.00 per day for each day that such condition or violation shall

exist. Appropriate actions and proceedings may be taken by law or in equity to prevent any violations of this

chapter, to recover damages, and to restrain, correct or abate a violation; and these remedies shall be in addition to

the other penalties described in this subsection.

(Ord. of 12-15-2008)

Sec. 10-5. - Denitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section,

except where the context clearly indicates a different meaning:

Abused animal means any animal that is mistreated, beaten, tormented or teased; or is deprived of water, food or shelter; or

is kept under unsanitary conditions; or is abandoned; or is trained for fighting other animals.

Animal means a multicellular organism of the kingdom Animalia, differing from plants in certain typical characteristics such as

a capacity for locomotion, nonphotosynthetic metabolism, pronounced response to stimuli, restricted growth, and fixed bodily

structure.

Animal control board means a board consisting of a veterinarian, a county employee, and a citizen of Seminole County

appointed as hereinafter provided.

Animal control officer means the person charged by the county administrator with enforcing this chapter.

Animal shelter means any facility operated by or under contract with the county for the purpose of impounding or harboring

seized, stray, diseased, nuisance, dangerous, neglected, deprived, abused, homeless, abandoned, or unwanted animals or birds;

any veterinary hospital or clinic operated by a veterinarian which operates for such purpose, in addition to its customary purposes;

and any facility operated, owned, or maintained by other nonprofit organizations for the purpose of providing for and promoting

the welfare, protection and humane treatment of animals.

At heel means a condition in which an animal is in the immediate vicinity of its owner and clearly under the voice control of

that person and that control is clearly being exerted.

At large means that an animal is in any public street, right-of-way, park or other public grounds, or when off the premises of

the owner or person who has custody of the animal, and not under restraint or under the immediate control (at heel) of the owner

or the person who has custody of the animal.

Bite means to be seized with the teeth or jaws so that a person or animal has been nipped, gripped, wounded or pierced and

saliva of the biting animal has or may have contacted the resulting break or abrasion of the skin.

Board of health means the Seminole County Board of Health and includes officers, officials and employees of such board of

health acting within the scope of their authority.

Breeder-hobbyist means a person who maintains more than four animals of any breeds or species of animal as a hobby, but

produces not more than two litters of any species of animal in any twelve-month period.

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Breeder-professional means a person who breeds animals for purposes of sale and maintains a current business license or

who produces more than two litters of any species of animals in any twelve-month period and who maintains affiliation in a

nationally recognized society for the betterment, control and/or competitive display of the animal species.

Cat means a feline or whatever breed and all ages.

Court means the court in the county with jurisdiction to hear violations of county ordinances.

Custodian means any person whom within the county has responsibility for or exercises custody, charge, or control over an

animal or harbors, maintains or keeps an animal.

Dangerous animal or vicious animal means any animal that; according to the records of the animal control department, the

sheriff's department and any other department or agency with jurisdiction in the unincorporated areas of the county:

Inflicts a severe injury on a human being or another animal without provocation on public or private property

at any time after (date ordinance is passed); or

Has attacked or endangered the safety of human beings or another animal without provocation on public or

private property; or

Aggressively bites, attacks, or endangers the safety of humans without provocation after the dog has been

classified as a potentially dangerous dog and after the owner has been notified of such classification.

Dead animal means the carcass, parts of the carcass, effluent, and blood of decreased animals.

Deprived animal means an animal which has not been provided by the owner or custodian thereof with adequate food and

water, humane care, adequate sanitary shelter, adequate shelter from inclement weather or adequate ventilation or has been

subject to cruel and inhumane treatment.

Diseased animal means any animal, is suffering from any disease or condition for which the animal is subject to quarantine or

which is both contagious and deadly to humans or any other animal.

Dog means a canine of whatever breed and all ages.

Domestic animal means dogs, cats, livestock, poultry, confined domesticated hares and rabbits, and all other animals and

birds raised or maintained in confinement as pets or for work, food or recreational purposes.

Equine means any member of the equidae species, including horses, mules, and asses.

Euthanasia means a death brought about by any method, which produces rapid loss of consciousness to painless death.

Exposed to rabies means that a person or an animal has been bitten by, or exposed to, any warm-blooded animal known or

suspected to have been infected with rabies.

Fighting or attack dog or animal means that a person or an animal has been bitten by, or exposed to, any warm-blooded

animal known or suspected to have been infected with rabies.

Free running line means a line, which is attached or is secured by a swivel or other device, which will prevent the line from

being wrapped around some object.

Guard dog means any dog that has been trained to attack persons independently or upon command and any dog that, while

not so trained, is reasonably expected to perform as a guardian of its owner and/or the property upon and within which he is

located.

Harboring means the keeping of an animal or allowing an animal to return daily for food and care for a period of ten days or

more.

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Humane manner means the care of an animal, to include protection from injury, adequate coolness and heat, ventilation,

sanitary shelter, wholesome food and water that are consistent with the normal requirements and breeding habits of the animal's

size, species and breed.

Kennel means an establishment kept for the purpose of breeding, selling, training or boarding animals.

Nuisance animals means an animal that:

Damages, defiles, or defecates on private property other than that of the owner of he animal or on public

property unless such waste is immediately removed and properly disposed of by the animal owner;

Causes an unsanitary, dangerous or offensive condition; or creates noxious or offensive odors which are

detectable outside the property of the owner or custodian thereof; provided, however, that such term shall not

apply to animals owned as part of farm or ranch operations or to animals at a location which has a current

valid kennel license for operation at a location or locations where such activities are permitted pursuant to the

zoning ordinance of the county; or creates an accumulation of excreta which has the potential of becoming an

insect breeding site;

Causes a disturbance by 15 minutes or more of excessive barking, whining, howling, honking, crowing, braying,

or crying or other noise making, where such noise is detectable outside the property of the owner or custodian

of such animal;

Chases vehicles; or disturbs persons by running at large; or is at large; or is a dangerous animal and is not kept

securely confined as required by state law or local ordinance; or continuously barking or attacking passersby,

whether such passersby or pedestrians, on a bicycle, or in a motor vehicle;

Does not have proof of rabies inoculation clearly displayed if required;

Is trained, owned or harbored for the purpose, primary or in part, for animal fighting;

Is kept or maintained contrary to the public health, welfare or safety according to the rules and regulations

promulgated by the health department, which rules and regulations are incorporated and made a part of this

chapter as if fully set out;

Is in estrus (heat or season) and is located upon and in any road or street or public property, outside property

owned or controlled by the owner or custodian of the animal or outside property owned or controlled by a

person who has granted express permission for the animal to be upon such person's property; or

Is repeatedly found at large.

Any person that knowingly keeps, owns, harbors, acts as custodian of an animal constituting a nuisance shall be guilty of a

misdemeanor.

Owner means any natural person or any legal entity, including but not limited to a corporation, partnership, firm or trust,

owning, possessing, harboring, keeping, or having custody or control of an animal within this county.

Poison means a substance that through its chemical action usually kills, injures or impairs an organism.

Potentially dangerous dog means any dog with a known propensity, tendency or disposition to attack unprovoked, to cause

injury or to otherwise threaten persons without provocation; or any dog that, when unprovoked dogs:

Chases or approaches a human being or another domestic animal on any public or private property in a

vicious or terrorizing manner in an apparent attitude of attack; or

Attempts to attack a human or another domestic animal.

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Poultry means any domestic fowl including, but not limited to, chickens and water fowl such as geese and ducks; birds which

are bred for meat and egg production, exhibition, or competition; and game birds such as pheasants, partridge, quail, and grouse,

as well as guinea fowl, pigeons, doves, and peafowl to include: ratite, rhea, emus, ostrich.

Pound means those premises designated by the board of commissioners for the purpose of holding and caring for animals

found to be at large by those persons charged with the enforcement of this chapter.

Proper enclosure means an enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner's

property securely enclosed indoors or in a securely enclosed and locked pen, fence or structure suitable to prevent the entry of

young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and a secure

top; and, if the dog is enclosed with a fence, all sides of the fence shall be of sufficient height and the bottom of the fence

constructed or secured in such a manner as to prevent the dog's escape either from over or from under the fence. Any such

enclosure shall also provide protection from the elements for the dog.

Rabies vaccination means inoculation of an animal with an approved rabies vaccine.

Severe injury means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or

cosmetic surgery or a physical injury that results in death.

Stray means an animal running at large in the county or the city that no one claims ownership of.

Under restraint means secured by a leash or lead not to exceed six feet in length held by a responsible, able-bodied person.

Vicious animal. See "dangerous animal."

(Ord. of 12-15-2008)

Cross reference— Definitions generally, § 1-2.

Sec. 10-6. - Rights of ocials to enter premises.

Whenever an animal control officer, a representative from the health department, or their authorized

representative, any law enforcement officer, or other county official has reasonable cause to believe that there

exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, or

whenever it is necessary for such official to make an inspection to enforce any provision or perform any duty

imposed by this chapter or any other applicable law, he shall have the right to enter such property at any

reasonable time to inspect and perform any duty imposed by this chapter or other applicable law; provided, that:

If such property is occupied, he shall first present proper credentials to the occupant and request entry

explaining his reasons;

If such property is unoccupied, he shall first make a reasonable effort to locate the owner or the person having

charge or control of the property and request entry, explaining his reasons; and

If such entry is refused or cannot be obtained because the owner or other person having charge or control of

the property cannot be found after due diligence, recourse shall be had to every remedy provided by law to

secure lawful entry and inspection of the property.

Nothing in this section shall affect or otherwise abridge the right of any animal control officer to pursue or impound

an animal or to issue a citation when an animal is on property other than that of the owner of the animal or that of

a person who has a right to control such animal.

(Ord. of 12-15-2008)

Sec. 10-7. - Rights of ocials for emergency entry.

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If an animal control officer, health department representative, any law enforcement officer, or other county official has

reasonable cause to believe that the keeping or maintaining of any animal is so hazardous, unsafe or dangerous as to require

immediate inspection to save the animal or protect the public health or safety, he shall have the right to immediately enter and

inspect such property, and may use reasonable means required to effect such entry and make inspection whether such property is

occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, he shall first

present proper credentials to the occupant and demand entry, explaining his reasons and the purpose of the inspection. Failure or

refusal to permit inspection shall constitute a misdemeanor.

(Ord. of 12-15-2008)

Sec. 10-8. - Interference with ocials prohibited.

No person shall resist or interfere with an animal control officer or any other county official in the performance of his official

duty in enforcing this chapter; nor shall any person fail or refuse to exhibit the vaccination certificate of any animal required to be

vaccinated by this chapter when required to do so by any animal control officer or other county official.

(Ord. of 12-15-2008)

Sec. 10-8b. - Interference with animal control shelter.

It shall be unlawful for anyone to interfere with the operation of any animal shelter or other facility maintained for the

confinement of animals under supervision of the county to remove from any such animal shelter or facility without the consent of

the operator of the animal shelter or facility any animal kept therein; or to resist, hinder, delay, interfere with or molest any person,

agent, employee or member of any organization or entity operating such animal shelter or facility in the performance of his duties

or responsibilities.

(Ord. of 12-15-2008)

Sec. 10-9. - Dead animals; removal from public rights-of-way.

The owner of dead animals upon the public rights-of-way shall remove the carcass so as not to constitute a nuisance. If the

owner fails to do so, the county shall remove and dispose of such carcass on public rights-of-way and charge the cost of such

removal and disposal to the owner of the carcass, if known.

(Ord. of 12-15-2008)

Sec. 10-10. - Abandonment of dead animals upon public property or public right-of-way.

No person shall abandon a dead animal on any public property or public right-of-way unless the place in which the animal is

being left is a public dump or other facility designed for receiving such and had been designated by the county as a public facility

for receiving trash or refuse.

(Ord. of 12-15-2008)

Sec. 10-11. - Removal of dead animals from private property.

When any dead animal is found on private property, the owner of the dead animal or the owner of the premises upon which

such animal is located shall remove the animal immediately at his own cost. Failure to do so in a timely manner is declared a

nuisance and constitutes a violation of this chapter.

(Ord. of 12-15-2008)

Sec. 10-12. - Abandonment of dead animals upon private property.

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No person shall intentionally abandon a dead animal on any private property belonging to another unless the person so doing

shall have first obtained permission from the owner of the property on which the animal is being left.

(Ord. of 12-15-2008)

Sec. 10-13. - Livestock on public rights-of-way.

No one shall allow or permit any horses, cattle, sheep, goats or other livestock to run at large on public rights-of-way or to be

staked so that they can go upon public rights-of-way, or to drive or lead any such animals along or on the public rights-of-way

unless fastened to a rope, chain or other substantial leading device, which rope, chain or other substantial leading device is

securely held by a responsible person during all the time that such animals are being led or driven along and over the public rightsof-way.

(Ord. of 12-15-2008)

Sec. 10-14. - Abandonment of animals.

No person shall release an animal or leave an animal on any property, public or private, with the intention of abandoning the

animal.

(Ord. of 12-15-2008)

Sec. 10-15. - Liability of owner or custodian for damages to livestock and poultry by an animal.

The owner, or if no owner can be found, the custodian exercising care and control over any animal that goes upon

land of another and causes injury, death or damage directly or indirectly to any livestock or poultry shall be civilly

liable to the owner of the livestock or poultry for damages, death or injury caused by the animal. The liability of the

owner or custodian of the dog shall include consequential damages.

This section is to be considered cumulative of other remedies provided by law. There is no intent to do away with or

limit other causes of an action that might inure to the owner of any livestock or poultry.

(Ord. of 12-15-2008)

Sec. 10-16. - Permitting animals in heat to roam or run free.

No owner or custodian of any animal in heat shall permit the animal to roam free. Such animal shall be confined in a building

or securely enclosed in a manner that shall not allow contact with a nonneutered male animal except for planned breeding.

(Ord. of 12-15-2008)

Sec. 10-17. - Limiting number of animals.

With respect to all subdivisions (residential areas with six or more lots) located in the unincorporated area of

Seminole County, there shall not be located upon any lot within such areas more than four animals (plus any

offspring thereof less than six months of age) at any one time which are owned by one or more persons residing

upon said lot. In addition, any animal residing at such location shall be maintained, except as otherwise permitted

under the provisions of this chapter, at all times within a proper enclosure which shall be located no closer than ten

feet from the nearest point of any property line. Any owner or occupier of any such premises who desires to keep or

maintain more than four animals at such premises shall not be authorized to do so unless such owner or occupier

obtains a kennel license as provided for under appropriate county ordinance.

The provisions of this section shall not apply to the following, nor shall such provisions apply to employees, agents

and servants of the following while they are acting within the scope of their employment:

Licensed veterinarians;

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Animal shelters;

Any legitimate institution or agency of education, health or research; or

Any federal, state or local governmental entity, agency or instrumentality.

(Ord. of 12-15-2008)

Sec. 10-18. - Nuisance animals.

It is unlawful for the owner of any animal to allow it to run at large or unattended on or about the streets and

highways or upon property of another without the property owner's consent;

Unlawful for the animal to cause a disturbance lasting 15 minutes or longer;

Chases vehicles or pedestrians or continuously barking or attacking passersby, whether such passersby or

pedestrians are on a bicycle, motor vehicle, jogging, or walking;

Causes an unsanitary, dangerous or offensive condition or creates noxious or offensive odors with are detectable

outside the property of the owner or custodian;

Not allowed to train, own or harbor for the purpose, primary or in part, for animal fighting;

Is in estrus (heat or season) and is located upon and in any road, street, or public property, outside property owned

or controlled by the owner or custodian;

All owners should have dogs inoculated for rabies and display proof of inoculation.

(Ord. of 12-15-2008)

Sec. 10-19. - Prohibited animals.

Except to the extent otherwise authorized in this chapter, no person shall own, have, keep or maintain within the county any of

the following:

Any poisonous or venomous biting or injecting species of amphibian or reptile, including snakes;

Any animal listed as inherently dangerous to humans pursuant to the provisions of O.C.G.A. § 27-5-4 or

determined by regulation of the state board of natural resources pursuant to the provisions of that code

section as being considered to be inherently dangerous to humans;

Any animal, bird, fish or insect, either dead or alive, and including any body or part thereof, which then

appears on the endangered species list designated by the United States Secretary of the Interior and published

in the Code of Federal Regulations pursuant to the Endangered Species Act of 1973 or which is protected

under any federal or state law or regulation which has as its purpose the protection of endangered or

threatened species;

Any animal, which is afflicted with any disease, which is contagious to humans or other animals and is not

under treatment for that disease;

Any carnivorous animal which has not been domesticated or which has dangerous propensity toward any

person, any other animal or any property of anyone other than the owner or custodian thereof;

Any animal pet at the age of three months and older, which has not been currently inoculated for rabies;

Any animal pet, which has been inoculated for rabies without identifiable proof of inoculation for rabies;

The provisions of this section shall not apply to the following as long as they have a current valid license for

such business:

Animal dealers;

Livestock dealers;

Livestock market operators;

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Kennels or professional breeders.

(Ord. of 12-15-2008)

Sec. 10-20. - Animal control board.

The purpose of the animal control board, and hereafter referred to as the board shall be to hear and determine matters

submitted to the board pursuant to the state Dangerous Dog Control Law (O.C.G.A. §§ 4-8-20—4-8-29) and to determine such other

matters as shall be provided from time to time by ordinance of the county.

(Ord. of 12-15-2008)

Sec. 10-21. - Membership.

The board shall consist of three members and one alternate board member to serve when any board member cannot serve.

Board of commissioners or their designee of Seminole County shall appoint members of the board, which must consist of a

veterinarian, an employee of the county, and a citizen of the county. The term of office of each member position of the board shall

be on a calendar year basis for a three-year period with members subject to removal with or without cause by a majority vote of

the Board of Commissioners of Seminole County prior to the end of their term of office. The alternate member shall be either a

veterinarian, an employee of the county, or a citizen of the county.

(Ord. of 12-15-2008)

Sec. 10-22. - Compensation.

Members of the board shall receive no compensation for their services.

(Ord. of 12-15-2008)

Sec. 10-23. - Disqualication of members.

No member of the board shall participate in connection with any hearing or any decision involving classification or

nonclassification pursuant to the provisions of the state dangerous dog control law with respect to any dog of which

the member has a personal knowledge, other than as a member of the board, with such member being disqualified

from participating with such matter.

Should any member of the board have any personal or financial interest or relationship with respect to any animal,

owner, matter or issue pending before the board or otherwise be closely associated with any animal, owner, matter

or issue pending before the board, then such member should declare a conflict of interest in connection with such

matter or issue.

Any member of the board shall be entitled to raise a question of a potential disqualification of any other member who has not

disqualified himself whereupon, following such consideration as the board shall deem appropriate, the board shall determine by

the majority vote of the remaining members (including the alternate) as to whether the member should be disqualified from voting

on the matter under consideration.

(Ord. of 12-15-2008)

Sec. 10-24. - Meetings.

Meetings of the board shall be held from time to time as necessary for the board to perform its duties and responsibilities. All

meetings of the board shall be open to the public and shall be held in accordance with the requirements of state law relative to

open public meetings. The records of the board shall be open to the public under the Georgia Open Records Act to the extent

required by law.

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(Ord. of 12-15-2008)

Sec. 10-25. - Duties and responsibilities.

The board shall hear and determine such issues and matters as it shall be authorized from time to time by law or by

ordinance of the county, including specifically determination of matters provided in O.C.G.A. § 4-8-24 and other

provisions of the state dangerous dog control law as now enacted and subsequently amended from time to time.

The board shall have such additional duties, responsibilities and powers as shall be specifically provided from time

to time by ordinance adopted by the board of commissioners.

(Ord. of 12-15-2008)

Sec. 10-26. - Rules and regulations.

The board shall recommend such rules, policies, procedures and regulations for the transaction of its business and for

consideration and determination of issues and matters before the board, as it deems necessary, subject to prior approval by the

board of commissioners or their designee.

(Ord. of 12-15-2008)

Sec. 10-27. - Selection of chairman and vice-chairman.

The board shall select from among its members a chairman who shall preside at meetings and hearings of the board and vicechairman who shall preside at meetings and hearings of the board in the absence or disqualification of the chairman. The

chairman, or in the absence or disqualification of the chairman, the vice-chairman, shall call all meetings of the board.

(Ord. of 12-15-2008)

Sec. 10-28. - Secretary of board—Designation.

The secretary of the board shall be such person or official as shall from time to time be designated by the animal control

department to perform the functions of secretary of the board. The secretary may, but need not be, a member of the board.

(Ord. of 12-15-2008)

Sec. 10-29. - Secretary duties.

The secretary of the board or his designee shall:

Prepare and conduct all correspondence of the board;

Receive and file all correspondence to the board;

Receive and file all requests for hearings before the board and other applications;

Receive and file all transmittals to the board from the animal control officer and other public officials;

Review and evaluate all requests, applications and filings to and with the board for compliance with the rules

and regulations of the board and notify those filing the same of any noncompliance therewith;

Following consultation with the chairman and to the extent necessary the other members of the board,

schedule hearings and meetings of the board in accordance with applicable laws and ordinances and the rules

and regulations of the board;

Prepare and maintain a calendar and docket of proceedings before the board;

Prepare and submit to members of the board at least 24 hours prior to a scheduled hearing an agenda

therefore, as well as copies of all requests and other filings made in connection with each such proceedings;

Determine all notices to be given in connection with proceedings before the board and cause such notices to

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be given to those entitled thereto;

Attend all meetings and hearings of the board;

Retain and maintain all evidence presented in connection with matters before the board;

Prepare and maintain minutes of proceedings of the board indicating therein all significant information,

matters and facts pertaining thereto, including specifically all motions, votes and decisions of the board,

together with such other matters as shall be pertinent to the activities of the board;

Retain and maintain all minutes, records, files and notices of the board;

Maintain a minutes book of the board in which shall be recorded by date, owner and animal and record of the

decision of the board;

At hearings before the board attempt to obtain the name and address of all persons, who shall present any

evidence, testimony or opinions, make any statement to the board or present any argument in connection with

matters before the board;

Obtain transcriptions of hearings before the board upon the direction of the chairman of the board and the

approval of the county administrator;

Notify those persons entitled thereto of decisions of the board; and

Perform such other duties with respect to the activities of the board as shall be directed from time to time by

the board and approved by the county administrator.

(Ord. of 12-15-2008)

Sec. 10-30. - Authority.

The board shall have no authority or power other than as specifically provided from time to time by law or by ordinance and,

without limiting the generality of the foregoing, shall have no authority, right or power to expend any funds, to direct the activities

of any employee or official of the county, except solely the secretary of the board, if applicable, and then only to the extent

specifically provided in this division, or to contract for or on behalf of either itself or the county.

(Ord. of 12-15-2008)

Sec. 10-31. - Vicious dogs.

No person owning or having custody or control of any dog or other animal known by such person to be vicious shall

permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to

endanger the life or limb of any person lawfully entering such premises.

It shall be the duty of every owner of any vicious animal, or anyone having any such animal in his possession or

custody, to ensure that the vicious animal is kept under restraint, as prescribed in subsections (d), (e) and (f) of this

section and that reasonable care and precautions are taken to prevent the vicious animal from leaving, while

unattended, the real property limits of its owner, custodian, or harborer, and it is securely and humanely enclosed

within a house, building, fence, locked pen, or other enclosure out of which it cannot climb, dig, jump, or otherwise

escape on its own volition. Such enclosure must be securely locked at any time the animal is left unattended so that

children are prevented from entry and to prevent the vicious animal from escaping.

For owners of a vicious animal whose animal lives out-of-doors, a portion of their property should be fenced with a

perimeter or area fence. Within this perimeter fence, the vicious animal must be humanely confined inside a locked

pen or kennel of adequate size. The kennel or pen must have secure sides that set securely into the ground or onto

a concrete pad. The gate to the kennel must be locked when the animal is unattended. This enclosure shall provide

protection from the elements.

A vicious animal shall not be upon any street or public place except when securely restrained by a leash not more

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than six feet in length and humanely muzzled when appropriate, as determined by the animal control officer, and in

the charge of a competent person.

Whenever outside of its enclosure, as provided for in subsections (b) and (c) of this section, but the owner's

property, a vicious animal must be attended by the owner or custodian and restrained by a secure collar, muzzled

when appropriate, as determined by the health control officer, and on a leash of sufficient strength to prevent

escape.

No vicious animal shall be chained, tethered, or otherwise tied while unattended by the owner or custodian to any

inanimate object such as a tree, post, or building outside of its primary enclosure.

A warning sign (i.e. beware of dog) shall be conspicuously posted denoting a vicious animal on the premises.

Failure to keep any vicious animal confined or under restraint as provided for in this section shall be unlawful and

shall be punishable as provided in this article.

(Ord. of 12-15-2008)

Sec. 10-32. - Tethering of animals.

It shall be unlawful to tether any animal on a chain, rope or cable, which is shorter than three times the length of the

animal from the nose to the tip of the tail.

It shall be unlawful to tether an animal on a chain in which the weight of the chain would cause unreasonable pain

or stress.

It shall be unlawful to attach a weight of any kind to any type of tether for the purpose of making the animal pull the

weight.

(Ord. of 12-15-2008)

Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

FOOTNOTE(S):

Cross reference— Environment, ch. 26; floods, ch. 30; planning, ch. 38; roads and bridges, ch. 42; solid waste, ch. 46;

subdivisions, ch. 50; zoning, app. A.

ARTICLE I. - IN GENERAL

Secs. 14-1—14-30. - Reserved.

ARTICLE II. - BUILDING NUMBERS

Sec. 14-31. - Street address numbers.

Display required. Every house, mobile home, apartment, business, or building having a street address number

assigned to it under the system of numbering in the incorporated and unincorporated areas of the county shall

display such number in a readily visible manner and in compliance with the requirements of this article. Mobile

home parks and apartment complexes, including duplex dwelling structures, shall also be required to have each

individual pad, lot number or apartment number displayed in a readily visible manner and in compliance with the

requirements of this article.

Method of display. Assigned street address numbers shall be displayed at the driveway to each structure and the

number shall be readily visible from the street by persons traveling along the street in either direction. Such address

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numbers may be placed on mailboxes or on signs in front of the house, apartment, mobile home, business, or other

building, provided that such signs are of a durable type, and are not located more than 50 feet from the curbline,

pavement edge, or edge of the travel way of the street in front of the property, and provided that numbers on such

sign shall be readily visible from the street by persons traveling along the street in either direction.

Common Drives. If more than one house, mobile home, business, or other structure share a common drive, the

street address numbers shall be displayed at the drive in the manner set forth in subsection (b) of this section, as

well as displayed on each house, mobile home, business, or other structure, so it can be readily seen by responding

emergency agencies.

(Ord. No. 061102-02, 6-11-2002)

Chapter 18 - BUSINESSES

FOOTNOTE(S):

Cross reference— Alcoholic beverages, ch. 6; taxation, ch. 54; C-1, neighborhood business district, app. A, § 11.01 et seq.; C-2,

general commercial district, app. A, § 12.01 et seq.; C-PUD, commercial planned unit development regulations, app. A, § 13.01 et

seq.; I, industrial, app. A, § 14.01 et seq.

State Law reference— Water Well Standards Act of 1985, O.C.G.A. § 12-5-120 et seq.; access to and use of public facilities by

physically handicapped persons, O.C.G.A. § 30-3-1 et seq.; repair, closing and demolition of dwellings unfit for human habitation or

buildings or structures that imperil health, safety or welfare, O.C.G.A. § 36-61-11; authority to demolish structures where drug

crimes are committed, O.C.G.A. § 41-2-7; authority to repair, close or demolish unfit buildings or structures, O.C.G.A. § 41-2-7;

county or municipal ordinances relating to unfit buildings or structures, O.C.G.A. § 41-2-9 et seq.; water efficiency requirements,

O.C.G.A. § 8-2-1 et seq.; construction standards generally, O.C.G.A. § 8-2-1 et seq.; minimum state construction codes, O.C.G.A. § 8-

2-25; enforcement of minimum state construction codes, O.C.G.A. § 8-2-26; flow-rate restrictions on plumbing fixtures, O.C.G.A. § 8-

2-3; fire escapes in buildings, O.C.G.A. § 8-2-50 et seq.; authority to adopt codes, Ga. Const. art. IX, § II, ¶ III(a)(12).

ARTICLE I. - IN GENERAL

Secs. 18-1—18-30. - Reserved.

ARTICLE II. - JUNK DEALERS AND JUNKYARDS

FOOTNOTE(S):

Cross reference— Traffic and vehicles, ch. 58.

State Law reference— Junk or metal dealers records, O.C.G.A. § 10-1-351; purchase and resale of used motor vehicles and used

parts, O.C.G.A. § 40-4-40 et seq.; junk dealers, O.C.G.A. § 43-22-1 et seq.; control of junkyards, O.C.G.A. § 32-6-240 et seq.;

nuisances, O.C.G.A. § 41-1-1 et seq.; jurisdiction of municipal court or magistrate court to abate nuisances, O.C.G.A. § 41-2-5.

DIVISION 1. - GENERALLY

Sec. 18-31. - Denitions.

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:

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Business premises and premises mean the area of a junkyard as described in a junk dealer's license or application for license,

as provided for in this article.

Junk means old iron, steel, brass, copper, tin, lead or other base metals; old cordage, ropes, rags, fibers or fabrics; old rubber;

old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in

some form; and motor vehicles no longer used as such, to be used for scrap metal or stripping of parts; however, the term "junk"

shall not include materials or objects accumulated by a person as byproducts, waste or scraps from the operation of his own

business or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.

Junk dealer means a person who operates a junkyard within the county.

Junkyard means a yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing junk, upon which

occurs one or more acts of buying, keeping, dismantling, processing, selling or offering for sale any such junk, in whole units or by

parts, for a business or commercial purpose, whether or not the proceeds from such acts are to be used for charity.

(Ord. of 11-16-1998, § 22-236)

Cross reference— Definitions generally, § 1-2.

Sec. 18-32. - Violations.

Violations of this article are punishable as provided in section 1-12.

(Ord. of 11-16-1998)

Sec. 18-33. - General operating requirements.

The following general operating requirements shall apply to all junk dealers doing business in the county:

The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition.

No space not covered by the regulatory certificate of division 2 of this article shall be used in the business.

No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place

for mosquitoes.

Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than four

inches.

No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, nor

shall any refuse of any kind be kept on the premises, unless such refuse is junk and is in use in the business.

No junk shall be allowed to rest upon or protrude over any public street, walkway or curb, or become scattered

or blown off the business premises.

Junk shall be stored in piles not exceeding ten feet in height and shall be arranged so as to permit easy access

to all such junk for firefighting purposes.

No combustible material of any kind not necessary or beneficial to the business shall be kept on the premises,

nor shall the premises be allowed to become a fire hazard.

Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.

No junk or other material shall be burned on the premises in any incinerator not meeting the requirements of

the building code. No junk or other material shall be burned on the premises in the open except in accordance

with the provisions of the building regulations.

No noisy processing of junk or other noisy activity shall be carried on in connection with the business on any

Sunday, Christmas Day, Thanksgiving Day or at any time between the hours of 6:00 p.m. and 7:00 a.m.

The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and

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exits, with a solid, vertical wall or fence. The fence or wall shall not contain any poster or advertising of any

kind excepting one sign of the licensee. Entrances and exits shall not be wider or more numerous than

reasonably necessary for the conduct of the licensed business.

The business owner shall permit inspection of the business premises by any sheriff's deputy at any reasonable

time.

No junkyard shall be allowed to become a nuisance; nor shall any junkyard be operated in such manner as to

become injurious to the health, safety or welfare of the community or of any residents close by.

(Ord. of 11-16-1998, § 22-237)

Sec. 18-34. - Recordkeeping.

Each acquisition of junk shall be recorded in a permanent type register kept on the business premises, giving the name and

residence address of the person from whom the acquisition was made, a description of the junk acquired, and the date of the

transaction. Such data shall be held available for inspection by any sheriff's deputy.

(Ord. of 11-16-1998, § 22-238)

Sec. 18-35. - Dealings with minors.

No junk dealer shall have any business dealings as a junk dealer with a minor, nor shall a regulatory certificate, as provided in

division 2 of this article, be issued to a minor, nor shall a junk dealer employ a minor to assist him in his business.

(Ord. of 11-16-1998, § 22-239)

Sec. 18-36. - Stolen goods.

Every junk dealer who shall receive or be in possession of any goods, articles or things of value which may have been lost or

stolen shall upon demand produce such article or thing to any member of the sheriff's department for examination.

(Ord. of 11-16-1998, § 22-240)

Sec. 18-37. - Vehicles.

Every vehicle used by a junk dealer in the conduct of his business shall bear thereon, in legible characters, the name and

address of the owner and proprietor thereof.

(Ord. of 11-16-1998, § 22-241)

Secs. 18-38—18-60. - Reserved.

DIVISION 2. - REGULATORY CERTIFICATE

Sec. 18-61. - Required.

Each junk dealer who does business within this municipality shall be required to obtain a regulatory certificate.

(Ord. of 11-16-1998, § 22-261)

Sec. 18-62. - Application.

Application for a regulatory certificate under this division shall contain the following information:

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Trade names used during the previous five years by the applicant and each person signing the application, along

locations of prior establishments.

Names and addresses of employers of each person signing the application during the previous five years.

The name, residence address and telephone number of each person employed or intended to be employed in

the business as of the time the application is filed.

A sketch of the actual premises to be used in connection with the business, giving distances in feet and

showing adjoining roads, property lines, buildings and uses.

A description of the materials with which any buildings to be used in connection with the licensed business are,

or are to be made; a sketch giving distances, showing the location of such buildings on the business premises;

and a diagram or plan giving distances and heights, showing floors, exits, entrances, windows, ventilators and

walls.

(Ord. of 11-16-1998, § 22-262)

Sec. 18-63. - Review of application.

No action on any application for a regulatory certificate to operate a junkyard shall be taken by the board of commissioners

until the sheriff has reviewed such application and forwarded his recommendation thereon to the county clerk.

(Ord. of 11-16-1998, § 22-263)

Chapter 22 - CIVIL EMERGENCIES

FOOTNOTE(S):

Cross reference— Administration, ch. 2.

ARTICLE I. - IN GENERAL

Secs. 22-1—22-30. - Reserved.

ARTICLE II. - EMERGENCY MANAGEMENT

FOOTNOTE(S):

State Law reference— Georgia Mutual Aid Act, O.C.G.A. § 36-69-1 et seq.; Georgia Emergency Management Act of 1981,

O.C.G.A. § 38-3-1 et seq.; Interstate Civil Defense and Disaster Compact, O.C.G.A. § 38-3-70 et seq.; authority to adopt temporary or

experimental traffic regulations to cover emergencies or special conditions, O.C.G.A. § 40-6-371(a)(19).

Sec. 22-31. - Denitions.

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:

Emergency management means the preparation for and the carrying out of all emergency and disaster functions other than

those functions for which military forces or other state and federal agencies are primarily responsible, to prevent, minimize, and

repair injury and damage resulting from emergencies or disasters, or their imminent threat, of manmade or natural origin. These

functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning

services, communications, defense from radiological, chemical and other special weapons, evacuation of persons from stricken

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areas, emergency welfare services, emergency transportation, plant protection, temporary restoration of public utility services, and

other functions related to civilian population, together with all other activities necessary or incidental to total emergency and

disaster preparedness for carrying out these functions.

(Res. of 2-11-1986, § I)

Cross reference— Definitions generally, § 1-2.

Sec. 22-32. - Violations.

Any person violating any provision of this article, or any rule, order, or regulation made pursuant to this article, shall, upon

conviction thereof, be punishable as provided in section 1-12.

(Res. of 2-11-1986, § VI)

Sec. 22-33. - Oce established; director appointed, duties.

In agreement with the governing officials of cities and/or towns within the county, there is established the county emergency

management office. The board of commissioners, with concurrence of officials of cities and towns within the county, shall

nominate, for appointment by the governor, a director/coordinator of emergency management for the entire county. When

appointed, the emergency management director/coordinator is charged with the duties to do as follows:

Represent the governing officials of the county and cities and/or towns in the county on matters pertaining to

emergency management.

Assist county and city officials in organizing county and city departments for emergency operations.

Develop, in conjunction with city and county departments and agencies, the county plan for emergency

functions set forth in section 22-34. Such plan will be in consonance with the state natural disaster operations

plan and nuclear emergency operations plan, and shall be submitted to the governing officials of the county

and the cities and/or towns in the county for approval, and thence to the state emergency management

agency for approval.

Maintain the emergency management office and carry out the day-to-day administration of the county

emergency management program, including the submission of required reports to the state emergency

management agency.

Submit reports as required by governing officials in keeping with good management practices, e.g., financial,

daily activity, etc.

Procure, with the authority of governing officials, a facility to be used as the county emergency operating

center.

Coordinate the activities of the county emergency operating center staff during periods of a declared

emergency, and under the supervision of county governing officials.

(Res. of 2-11-1986, § II)

Sec. 22-34. - Emergency functions.

The county emergency management organization shall be established around existing city and county departments

and agencies and the emergency functions are assigned as follows:

Department Emergency Functions

(1) Executive Direction and control

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(County elected ocials) Public information supply—nance

(2) Police Security, movement

(County sheri's oce) Search—communications

Warning

(3) Fire control Fire control rescue\*

Damage assessment

(4) Public works and engineering Utilities and public service restoration hazards

analysis

(5) Human resources, including: Human needs, including:

a.  Division of family and children services Welfare

b.  Division of physical health Health control

c.  Hospital services Medical and mortuary services

d.  Ambulance services Casualty transport

(6) Emergency management Shelter

Radiological defense rescue\*

Assistance in industrial and institutional emergency

planning

Evacuation planning

Emergency transportation

\* As appropriate to local organization; function can be assigned to an existing department or may be separate.

The department heads of the departments listed in subsection (a) of this section are responsible for developing the

plan for their assigned emergency function. Such plans will be submitted through the emergency management

director/coordinator to the board of commissioners and governing officials of cities and/or towns for approval.

(Res. of 2-11-1986, § III)

Sec. 22-35. - Emergency powers.

In the event of manmade or natural disaster, actual enemy attack upon the United States, or any other emergency which may

affect the lives and property of the citizens of the county, the chairman of the board of commissioners, jointly with the Mayors of

the Cities of Donalsonville and Iron City or in their absence legally appointed successors, may declare that a state of emergency

exists and thereafter shall have and may exercise for such period as such state of emergency exists or continues, the following

powers:

Enforce all rules, laws and regulations relating to emergency management, and to assume direct operational

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control over all emergency management resources.

Seize, take for temporary use, or condemn any private property for the protection of the public.

Sell, lend, give, or distribute all or any such property or supplies among the inhabitants of the county and

maintain a strict accounting of property or supplies distributed and funds received for such property and

supplies.

Perform and exercise such other functions and duties, and take such emergency actions as may be necessary

to promote and secure the safety, protection and well-being of the inhabitants of the county.

(Res. of 2-11-1986, § IV)

Sec. 22-36. - Volunteers.

All persons, other than officers and employees of the cities, towns, and county, performing emergency functions pursuant to

this article, shall have the same immunities as county officers and employees.

(Res. of 2-11-1986, § V)

Chapter 24 - EMERGENCY SERVICES

ARTICLE I. - IN GENERAL

Secs. 24-1—24-30. - Reserved.

ARTICLE II. - E 911 SERVICE

FOOTNOTE(S):

Editor's note— On November 5, 1996, the voters of the county elected to provide for an emergency telephone number 911

system and to impose charges upon telephone subscribers in compliance with the Georgia Emergency Telephone Number 911

Service Act of 1977 as set forth in O.C.G.A. § 46-5-120 et seq. A public hearing on the question of imposing a wireless enhanced 911

charge was held by the board of commissioners on May 23, 2002.

Sec. 24-31. - Charges; exemption.

Pursuant to O.C.G.A. §§ 46-5-133(a), 46-5-134(a), the board of commissioners imposes upon each exchange access

facility subscribed to by telephone subscribers whose exchange access lines are in the area served or which would

be served by the E 911 service in the county an amount of $1.50 per month per exchange access facility provided to

the telephone subscriber. All exchange access facilities billed to federal, state or local government shall be exempt

from the E 911 charge.

A wireless enhanced 911 charge shall be imposed upon each wireless telecommunications connection subscribed to

by subscribers whose billing address is within the jurisdiction of the county at the rate of $1.00 per month per

wireless connection provided to each telephone subscriber.

(Res. of 6-11-2002)

Sec. 24-32. - Collection.

Each service supplier shall, on behalf of the county, collect the 911 charge from those telephone subscribers to whom it

provides exchange telephone and wireless service in the area served by the county emergency 911 system.

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Secs. 24-33—24-70. - Reserved.

ARTICLE III. - UNLAWFUL COMMUNICATIONS TO E 911 CENTER

Sec. 24-71. - Prohibitions.

It shall be unlawful for any person to knowingly communicate any false information or make calls of a

harassing/obscene nature to the E 911 center of the county, the county sheriff's office, the county ambulance or the

county fire/rescue. It shall also be unlawful to make calls of a nonemergency nature to the E 911 center by dialing 9-

1-1.

This article shall be enforced by the county sheriff, the director of the county E 911 center, the director of the county

ambulance service, or the director of the county fire/rescue as applicable.

Upon any violation of this article, the caller and/or phone subscriber may be cited for such violation. If the caller

and/or phone subscriber is not cited after the first offense, a letter will be mailed to the phone subscriber from

which the call was made stating the date, time and nature of the call, along with a copy of this article.

Upon being cited for and convicted of any violation of this article, the caller and/or phone subscriber shall be fined a

minimum of $100.00 up to $500.00 for the first offense and a minimum of $500.00 up to $1,000.00 for the second

offense. A third offense shall constitute a second degree misdemeanor punishable as provided by general state law.

Fifty percent of this fine shall be deposited into the E 911 fund.

(Ord. No. 061102-01, 6-11-2002)

Chapter 26 - ENVIRONMENT

FOOTNOTE(S):

Cross reference— Animals, ch. 10; buildings and building regulations, ch. 14; floods, ch. 30; planning, ch. 38; roads and bridges,

ch. 42; solid waste, ch. 46; subdivisions, ch. 50; zoning, app. A.

ARTICLE I. - IN GENERAL

Secs. 26-1—26-30. - Reserved.

ARTICLE II. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

FOOTNOTE(S):

Editor's note— Ord. of Dec. 14, 2010, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 26-31—26-37,

pertained to the same subject matter, and derived from Ord. of 8-11-1998, §§ II—VIII.

Sec. 26-31. - Title.

This article will be known as "Soil Erosion, Sedimentation and Pollution Control Ordinance."

(Ord. No. 2010-12-2, § I, 12-14-2010)

Sec. 26-32. - Denitions.

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The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

Best management practices (BMPs). These include sound conservation and engineering practices to prevent and minimize

erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the

'Manual for Erosion and Sediment Control in Georgia' published by the commission as of January 1 of the year in which the landdisturbing activity was permitted.

Board means the board of natural resources.

Buffer means the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which

facilitates the protection of water quality and aquatic habitat.

Certified personnel means a person who has successfully completed the appropriate certification course approved by the

Georgia Soil and Water Conservation Commission.

Commission means the Georgia Soil and Water Conservation Commission (GSWCC).

CPESC means certified professional in erosion and sediment control with current certification by Certified Profession in

Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Cut means 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 the excavated surface. Also known as excavation.

Department means the Georgia Department of Natural Resources (DNR).

Design professional means a professional licensed by the State of Georgia in the field of means engineering, architecture,

landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and sediment

control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control, Inc.

Director means the director of the environmental protection division or an authorized representative.

District means the Flint River Soil and Water Conservation District.

Division means the environmental protection division (EPD) of the department of natural resources.

Drainage structure means a device composed of a virtually nonerodible 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 stormwater

management, drainage control, or flood control purposes.

Erosion means the process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, sedimentation and pollution control plan means a plan required by the Erosion and Sedimentation Act, O.C.G.A.

Chapter 12-7, that includes, as a minimum protections at least as stringent as the state general permit, best management

practices, and requirements in subsection 26-34(c) of this article.

Fill means a portion of land surface to which soil or other solid material has been added; the depth above the original ground

surface or an excavation.

Final stabilization means all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not

covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD

for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or

greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles)

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have been used. Permanent vegetation shall consist of means planted trees, shrubs, perennial vines; a crop of perennial

vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials

appropriate for the region. Final stabilization applies to each phase of construction.

Finished grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed

design.

Grading means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling,

stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation means the original elevation of the ground surface prior to cutting or filling.

Land-disturbing activity means 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 subsection 26-33(5).

Larger common plan of development or sale means a contiguous area where multiple separate and distinct construction

activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an

announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit

application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings,

indicating that construction activities may occur on a specific plot.

Local issuing authority means the governing authority of any county or municipality which is certified pursuant to O.C.G.A. §

12-7-8(a).

Metropolitan River Protection Act (MRPA) means a state law referenced as O.C.G.A. § 12-5-440 et seq. which addresses

environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural ground surface means the ground surface in its original state before any grading, excavation or filling.

Nephelometric turbidity units (NTU) means numerical units of measure based upon photometric analytical techniques for

measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent

of turbidity in water in which colloidally dispersed or suspended particles are present.

NOI means a notice of intent form provided by EPD for coverage under the state general permit.

NOT means a notice of termination form provided by EPD to terminate coverage under the state general permit.

Operator means the party or parties that have means: (1) operational control of construction project plans and specifications,

including the ability to make modifications to those plans and specifications; or (2) day-to-day operational control of those activities

that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit

conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation

and pollution control plan or to comply with other permit conditions.

Outfall means the location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if

there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit means the authorization necessary to conduct a land-disturbing activity under the provisions of this article.

Person means 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 the

State of Georgia, any interstate body or any other legal entity.

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Phase or phased means subparts or segments of construction projects where the subpart or segment is constructed and

stabilized prior to completing construction activities on the entire construction site.

Project means the entire proposed development project regardless of the size of the area of land to be disturbed.

Properly designed means designed in accordance with the design requirements and specifications contained in the "Manual

for Erosion and Sediment Control in Georgia" (manual) published by the Georgia Soil and Water Conservation Commission as of

January 1 of the year in which the land-disturbing activity was permitted and amendments to the manual as approved by the

commission up until the date of NOI submittal.

Roadway drainage structure means a device such as a bridge, culvert, or ditch, composed of a virtually nonerodible 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 roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point

on the other side.

Sediment means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved

from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation means the process by which eroded material is transported and deposited by the action of water, wind, ice or

gravity.

Soil and water conservation district approved plan means an erosion, sedimentation and pollution control plan approved in

writing by the Flint River Soil and Water Conservation District.

Stabilization means the process of establishing an enduring soil cover of vegetation by the installation of 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.

State general permit means the national pollution discharge elimination system (NPDES) general permit or permits for storm

water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's

authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C.

Section 1251, et seq., and O.C.G.A. § 12-5-30(f).

State waters means 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 Georgia

which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural erosion, sedimentation and pollution control practices means practices for the stabilization of erodible or sedimentproducing 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 riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and

sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Trout streams means all streams or portions of streams within the watershed as designated by the wildlife resources division

of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20,

in the Rules and Regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout

waters 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. First order trout waters are streams into which no other streams flow except springs.

Vegetative erosion and sedimentation control measures means measures for the stabilization of erodible or sedimentproducing areas by covering the soil with:

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Permanent seeding, sprigging or planting, producing long-term vegetative cover, or

Temporary seeding, producing short-term vegetative cover; or

Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Watercourse means any natural or artificial watercourse, stream, river, creek, 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.

Wetlands means those areas that are inundated or saturated by surface or groundwater 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.

(Ord. No. 2010-12-2, § II, 12-14-2010)

Sec. 26-33. - Exemptions.

This article shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968";

Granite quarrying and land clearing for such quarrying;

Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance

work, fences, and other related activities which result in minor soil erosion;

The construction of single-family residences, when such construction disturbs less than one acre and is not a

part of a larger common plan of development or sale with a planned disturbance of equal to or greater than

one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such

residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph. For

single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone

between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of

the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed

between the residence and the point where vegetation has been wrested by normal stream flow or wave

action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50

horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer

zone shall be at least 50 horizontal feet, but the director may grant variances to no less than 25 feet.

Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams

into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no

variance to a smaller buffer shall be granted. The minimum requirements of O.C.G.A. § 12-7-6(b) and the buffer

zones provided by this paragraph shall be enforced by the local issuing authority;

Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions", 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 chickens, hens and turkeys;

producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry,

eggs and apiarian products; farm buildings and farm ponds;

Forestry land management practices, including harvesting; provided, however, that when such exempt forestry

practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in

subsections 26-34(c)(15) and (c)(16) of this article, no other land-disturbing activities, except for normal forest

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management practices, shall be allowed on the entire property upon which the forestry practices were

conducted for a period of three years after completion of such forestry practices;

Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS)

of the United States Department of Agriculture;

Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not

apply to any land-disturbing activity within a larger common plan of development or sale with a planned

disturbance of equal to or greater than one acre or 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 less than one acre,

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 local issuing authority from

regulating any such project which is not specifically exempted by paragraph (1), (2), (3), (4), (5), (6), (7), (9) or (10)

of this section;

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 state road and tollway authority; or any

road construction or maintenance project, or both, undertaken by any county or municipality; provided,

however, that construction or maintenance projects of the department of transportation or the state road and

tollway authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A.

§ 12-7-7.1; except where the department of transportation, the Georgia Highway Authority, or the state road

and tollway authority is a secondary permittee for a project located within a larger common plan of

development or sale under the state general permit, in which case a copy of a notice of intent under the state

general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce

compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and

violations shall be subject to the same penalties as violations by permit holders;

Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system

or any public utility under the regulatory jurisdiction of the public service commission, any utility under the

regulatory jurisdiction of the federal energy regulatory commission, any cable television system as defined in

O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation,

transmission, or distribution of power; except where an electric membership corporation or municipal

electrical system or any public utility under the regulatory jurisdiction of the public service commission, any

utility under the regulatory jurisdiction of the federal energy regulatory commission, any cable television

system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the

generation, transmission, or distribution of power is a secondary permittee for a project located within a larger

common plan of development or sale under the state general permit, in which case the local issuing authority

shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been

issued, and violations shall be subject to the same penalties as violations by permit holders; and

Any public water system reservoir.

(Ord. No. 2010-12-2, § III, 12-14-2010)

Sec. 26-34. - Minimum requirements for erosion, sedimentation and pollution control using best management practices.

General provisions. Excessive soil erosion and resulting sedimentation can take place during land-disturbing

activities if requirements of the ordinance and the NPDES general permit are not met. Therefore, plans for those

land-disturbing activities which are not exempted by this article shall contain provisions for application of soil

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erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the

erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and

practices shall conform to the minimum requirements of subsections (b) and (c) of this section. The application of

measures and practices 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, sedimentation and pollution during all stages of any land-disturbing activity in accordance with

requirements of this article and the NPDES general permit.

Minimum requirements/BMPs.

Best management practices as set forth in subsections (b) and (c) of this section shall be required for all landdisturbing activities. Proper design, installation, and maintenance of best management practices shall

constitute a complete defense to any action by the director or to any other allegation of noncompliance with

paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of

storm water issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act". As used in this

subsection the terms proper design and properly designed mean designed in accordance with the hydraulic

design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in

O.C.G.A. § 12-7-6(b).

A discharge of stormwater runoff from disturbed areas where best management practices have not been

properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit

issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. §

12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such discharge results in the

turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters

supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as

trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be

issued by the director. This paragraph shall not apply to any land disturbance associated with the construction

of single-family homes which are not part of a larger common plan of development or sale unless the planned

disturbance for such construction is equal to or greater than five acres.

Failure to properly design, install, or maintain best management practices shall constitute a violation of any

land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division

pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such failure

occurs.

The director may require, in accordance with regulations adopted by the board, reasonable and prudent

monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

The LIA may set more stringent buffer requirements than stated in subsections (c)(15) and (c)(16), in light of

O.C.G.A. § 12-7-6(c).

The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose

of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state

general permit; and best management practices, including sound conservation and engineering practices to prevent

and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those

practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and

Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as

well as the following:

Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to

minimize erosion;

Cut-fill operations must be kept to a minimum;

Development plans must conform to topography and soil type so as to create the lowest practicable erosion

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potential;

Whenever feasible, natural vegetation shall be retained, protected and supplemented;

The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;

Disturbed soil shall be stabilized as quickly as practicable;

Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;

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. As used in this paragraph, a

disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements

of O.C.G.A. § 12-7-1 et seq.;

Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations

or the sloping of fills;

Cuts and fills may not endanger adjoining property;

Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely

affect other property owners;

Grading equipment must cross flowing streams by means of bridges or culverts except when such methods

are not feasible, provided, in any case, that such crossings are kept to a minimum;

Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for

treatment or control of any source of sediments and adequate sedimentation control facilities to retain

sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subsection (b)(2)

of this section;

Except as provided in paragraph (16) of this subsection, there is established a 25-foot buffer along the banks of

all state waters, as measured horizontally from the point where vegetation has been wrested by normal

stream flow or wave action, except where the director determines to allow a variance that is at least as

protective of natural resources and the environment, where otherwise allowed by the director pursuant to

O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided

that adequate erosion control measures are incorporated in the project plans and specifications, and are

implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a

stream: that under normal circumstances has water flowing only during and for a short duration after

precipitation events; that has the channel located above the groundwater table year round; for which

groundwater is not a source of water; and for which runoff from precipitation is the primary source of water

flow, unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to

part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a

variance is granted by the director as provided in this paragraph. The following requirements shall apply to any

such buffer:

No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural,

undisturbed state of vegetation until all land-disturbing activities on the construction site are completed.

Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as

long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural

canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person

constructing a single-family residence, when such residence is constructed by or under contract with the

owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as

protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is

left in sufficient quantity to keep shade on the stream bed; and

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The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as

point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not mor

the buffer; and adequate erosion control measures are incorporated into the project plans and specification

implemented: (i) stream crossings for water lines; or (ii) stream crossings for sewer lines; and

There is established a 50-foot buffer as measured horizontally from the point where vegetation has been

wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout

streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a

roadway drainage structure must be constructed; provided, however, that small springs and streams classified

as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot

buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a

general variance promulgated by the board, so long as any such pipe stops short of the downstream

landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams.

The director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate

erosion control measures are incorporated in the project plans and specifications and are implemented. The

following requirements shall apply to such buffer:

No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural,

undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed.

Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as

long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural

canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person

constructing a single-family residence, when such residence is constructed by or under contract with the

owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as

protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is

left in sufficient quantity to keep shade on the stream bed; and

The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle,

as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width

of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are

incorporated into the project plans and specifications and are implemented: (i) stream crossings for

water lines; or (ii) stream crossings for sewer lines.

Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and

regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum

requirements in subsections (b) and (c) of this section.

The fact that 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 article

or the terms of the permit.

(Ord. No. 2010-12-2, § IV, 12-14-2010)

Sec. 26-35. - Application/permit process.

General. The property owner, developer and designated planners and engineers shall design and review before

submittal the general development plans. The local issuing authority shall review the tract to be developed and the

area surrounding it. They shall consult the zoning ordinance, stormwater management ordinance, subdivision

ordinance, flood damage prevention ordinance, this article, and any other ordinances, rules, regulations or permits,

which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However,

the owner and/or operator are the only parties who may obtain a permit.

Application requirements.

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No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Seminole County with

obtaining a permit from the Seminole County Building and Zoning office to perform such activity and providing a

intent submitted to EPD if applicable.

The application for a permit shall be submitted to the Seminole County Building and Zoning office and must

include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary.

Said plans shall include, as a minimum, the data specified in subsection (c) of this section. Erosion,

sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that

the land-disturbing activity proposed will be carried out in such a manner that the provisions of subsections

26-34(b) and (c) of this article will be met. Applications for a permit will not be accepted unless accompanied by

two copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a

certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan

in accordance with EPD Rule 391-3-7-.10.

In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(5)(a), provided

that such fees shall not exceed $80.00 per acre of land-disturbing activity, and these fees shall be calculated

and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing

activity included in the planned development or each phase of development. All applicable fees shall be paid

prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-

8(a) half of such fees levied shall be submitted to the division; except that any and all fees due from an entity

which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the

division, regardless of the existence of a local issuing authority in the jurisdiction.

Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the

application and plan to the district for its review and approval or disapproval concerning the adequacy of the

erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within 35

days of receipt. Failure of the district to act within 35 days shall be considered an approval of the pending plan.

The results of the district review shall be forwarded to the local issuing authority. No permit will be issued

unless the plan has been approved by the district, and any variances required by subsections 26-34(c)(15) and

(c)(16) has been obtained, all fees have been paid, and bonding, if required as per subsection (b)(6), have been

obtained. Such review will not be required if the local issuing authority and the district have entered into an

agreement which allows the local issuing authority to conduct such review and approval of the plan without

referring the application and plan to the district. The local issuing authority with plan review authority shall

approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority

with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.

If a permit applicant has had two or more violations of previous permits, this article section, or the Erosion and

Sedimentation Act, as amended, within three years prior to the date of filing the application under

consideration, the local issuing authority may deny the permit application.

The local issuing authority may require the permit applicant to post a bond in the form of government security,

cash, irrevocable letter of credit, or any combination 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 section or with the conditions of the permit after issuance, the local 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 local issuing authority with respect to alleged permit violations.

Plan requirements.

Plans must be prepared to meet the minimum requirements as contained in subsections 26-34(b) and (c) of

this article, or through the use of more stringent, alternate design criteria which conform to sound

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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

stormwater management facilities, local ordinances and state laws. Maps, drawings and supportive

computations shall bear the signature and seal of the certified design professional. Persons involved in land

development design, review, permitting, construction, monitoring, or inspections or any land-disturbing activity

shall meet the education and training certification requirements, dependent on his or her level of involvement

with the process, as developed by the commission and in consultation with the division and the stakeholder

advisory board created pursuant to O.C.G.A. § 12-7-20.

Data required for site plan shall include all the information required from the appropriate erosion,

sedimentation and pollution control plan review checklist established by the commission as of January 1 of the

year in which the land-disturbing activity was permitted.

Permits.

Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by

the local issuing authority of a completed application, providing variances and bonding are obtained, where

necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions

under which the activity may be undertaken.

No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control

plan has been approved by the district and the local issuing authority has affirmatively determined that the

plan is in compliance with this article, any variances required by subsections 26-34(c)(15) and (c)(16) are

obtained, bonding requirements, if necessary, as per subsection (b)(6) are met and all ordinances and rules

and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the

permit is denied, the reason for denial shall be furnished to the applicant.

Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this

ordinance, and any other ordinances relating to land development, as are applied to private persons and the

division shall enforce such requirements upon the local issuing authority.

If the tract is to be developed in phases, then a separate permit shall be required for each phase.

The permit may be suspended, revoked, or modified by the local 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 sedimentation control plan or that the holder or his successor in title is 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.

The LIA may reject a permit application if the applicant has had two or more violations of previous permits or

the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application,

in light of O.C.G.A. § 12-7-7(f)(1).

(Ord. No. 2010-12-2, § V, 12-14-2010)

Sec. 26-36. - Inspection and enforcement.

The Seminole County Building and Zoning office 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. Also, the local issuing

authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general

permit. Primary permittees shall be responsible for installation and maintenance of best management practices

where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for

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installation and maintenance of best management practices where the secondary permittee is conducting landdisturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary

permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in landdisturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with

the provisions of this article, 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 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 article.

The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any

amendments to the Erosion and Sedimentation Act of 1975.

The Seminole County Building and Zoning office shall have the power to conduct such investigations as it may

reasonably deem necessary to carry out 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.

No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the

commission, the district, or division who requests entry for the purposes 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.

The district or the commission or both shall semi-annually review the actions of counties and municipalities which

have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The district or the commission or

both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness

of the county's or municipality's erosion, sedimentation and pollution control program. The district or the

commission shall notify the division and request investigation by the division if any deficient or ineffective local

program is found.

The division may periodically review the actions of counties and municipalities which have been certified as local

issuing authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of

the administration and enforcement of a governing authority's ordinance and review of conformance with an

agreement, if any, between the district and the governing authority. If such review indicates that the governing

authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced

its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to

O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing. The

governing authority of any county or municipality so notified shall have 90 days within which to take the necessary

corrective action to retain certification as a local issuing authority. If the county or municipality does not take

necessary corrective action within 90 days after notification by the division, the division shall revoke the certification

of the county or municipality as a local issuing authority.

(Ord. No. 2010-12-2, § VI, 12-14-2010)

Sec. 26-37. - Penalties and incentives.

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 article 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 local issuing authority.

Stop-work orders.

For the first and second violations of the provisions of this article, the director or the local issuing authority

shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the

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violation is not corrected within five days, the director or the local issuing authority shall issue a stop-work

order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has

occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of

the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the director

or the local issuing authority shall issue an immediate stop-work order in lieu of a warning;

For a third and each subsequent violation, the director or the local issuing authority shall issue an immediate

stop-work order; and;

All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary

corrective action or mitigation has occurred.

When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or

significant amounts of sediment, as determined by the local issuing authority or by the director or his or her

designee, have been or are being discharged into state waters and where best management practices have not

been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing

authority or by the director or his or her designee. All such stop-work orders shall be effective immediately

upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stopwork orders shall apply to all land-disturbing activity on the site with the exception of the installation and

maintenance of temporary or permanent erosion and sediment controls.

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 article and, in addition to other penalties, shall be deemed to have

forfeited his performance bond, if required to post one under the provisions of subsection 26-35(b)(6). The local

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.

Monetary penalties.

Any person who violates any provisions of this article, or any permit condition or limitation established

pursuant to this article, or who negligently or intentionally fails or refuses to comply with any final or

emergency order of the director issued as provided in this article shall be liable for a civil penalty not to exceed

$2,500.00 per day. For the purpose of enforcing the provisions of this article, notwithstanding any provisions in

any City Charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed

$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for

violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases

brought as violations of this article under county ordinances approved under this ordinance shall be

authorized to impose penalties for such violations not to exceed $2,500.00 for each violation. Each day during

which violation or failure or refusal to comply continues shall be a separate violation.

(Ord. No. 2010-12-2, § VII, 12-14-2010)

Sec. 26-38. - Education and certication.

Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any

land-disturbing activity shall meet the education and training certification requirements, dependent on their level of

involvement with the process, as developed by the commission in consultation with the division and the stakeholder

advisory board created pursuant to O.C.G.A. § 12-7-20.

For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or

tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible

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charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable

education or training certification requirements developed by the commission present on site whenever landdisturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or

multiple sites within a larger common plan of development or sale permitted by an owner or operator for

compliance with the state general permit.

Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified

personnel on site may contract with certified persons to meet the requirements of this article.

If a state general permittee who has operational control of land-disturbing activities for a site has met the

certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at

that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements

specified in O.C.G.A § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed

those specified in said paragraph.

(Ord. No. 2010-12-2, § VIII, 12-14-2010)

Sec. 26-39. - Administrative appeal; judicial review.

Administrative remedies. The suspension, revocation, modification or grant with condition of a permit by the local

issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and

pollution control plan; 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 magistrate

judge within 30 days after receipt by the local issuing authority of written notice of appeal.

Judicial review. Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his

administrative remedies, shall have the right to appeal denovo to the Superior Court of Seminole County.

(Ord. No. 2010-12-2, § IX, 12-14-2010)

Secs. 26-40—26-70. - Reserved.

ARTICLE III. - GROUNDWATER RECHARGE AREA PROTECTION

Sec. 26-71. - Findings of fact and objectives.

In order to provide for the health, safety and welfare of the public and a healthy economic climate within the county

and surrounding communities, it is essential that the quality of public drinking water be ensured. For this reason, it

is necessary to protect the subsurface water resources that the county and surrounding communities rely on as

sources of public water. Groundwater resources are contained within aquifers, which are permeable, rock strata

occupying vast regions of the subsurface. These aquifers are replenished by infiltration of surface water runoff in

zones of the surface known as groundwater recharge areas. Groundwater is susceptible to contamination when

unrestricted development occurs within significant groundwater recharge areas. It is, therefore, necessary to

manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized.

The objectives of this article are to protect groundwater quality by:

Restricting land uses that generate, use or store dangerous pollutants in recharge areas;

Limiting density of development; and

Ensuring that any development that occurs within the recharge area shall have no adverse affect on

groundwater quality.

(Ord. of 8-14-2001(2), § 1)

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Sec. 26-72. - Establishment of a groundwater recharge area district.

A groundwater recharge area district is established which shall correspond to all lands within the jurisdiction of the county that

are mapped as significant recharge areas by the department of natural resources in Hydrologic Atlas 20, 1992 edition. Each

recharge area shall be determined to have a pollution susceptibility of high, medium or low based on the state pollution

susceptibility map, Hydrologic Atlas 20, 1992 edition. Such map is adopted and made a part of this article.

(Ord. of 8-14-2001(2), § 2)

Sec. 26-73. - Denitions.

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:

Aquifer means any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a

well.

Drastic means the standardized system for evaluating groundwater pollution potential using the hydrogeologic settings

described in the U.S. Environmental Protection Agency document EPA-600/2-87-035. (Note: The drastic methodology is the most

widely used technique for evaluating pollution susceptibility.)

Pollution susceptibility means the relative vulnerability of an aquifer to being polluted from spills, discharges, leaks,

impoundments, applications of chemicals, injections and other human activities in the recharge area.

Pollution susceptibility maps means maps of relative vulnerability to pollution prepared by the department of natural

resources. Pollution susceptibility maps categorize the land areas of the state into areas having high, medium and low

groundwater pollution potential.

Recharge area means any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

Significant recharge areas means those areas mapped by the department of natural resources in the state pollution

susceptibility map, Hydrologic Atlas 20, 1992 edition. Mapping of recharge areas is based on outcrop area, lithology, soil type and

thickness, slope, density of lithologic contracts, geologic structure, the presence of karst, and potentiometric surfaces. Significant

recharge areas for the county are typified by those of the coastal plain. In the coastal plain, the significant recharge areas are the

surface outcroppings of the large and extensively used drinking water aquifers (e.g., the Floridan, the Clayton, etc.) and soils having

high permeability according to the 1976 1:750,000 soils association map of the state.

(Ord. of 8-14-2001(2), § 3)

Cross reference— Definitions generally, § 1-2.

Sec. 26-74. - Criteria.

The following criteria shall apply in significant recharge areas:

The county shall not issue any permits for new sanitary landfills not having synthetic liners and leachate

collection systems.

The county shall not issue any new permits for the land disposal of hazardous wastes.

The county shall require all new facilities permitted or to be permitted to treat, store, or dispose of hazardous

waste to perform such operations on an impermeable pad having a spill and leak collection system.

New aboveground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have

secondary containment for 110 percent of the volume of such tanks or 110 percent of the volume of the

largest tank in a cluster of tanks. (Note: These figures are consistent with US EPA rules for oil pollution

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prevention, 40 CFR 112.1.) Such tanks used for agricultural purposes are exempt, provided they comply with all

federal requirements.

New agricultural waste impoundment sites shall be lined if they are within:

A high pollution susceptibility area.

A medium pollution susceptibility area and exceed 15 acre-feet.

A low pollution susceptibility area and exceed 50 acre-feet.

As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical

hydraulic conductivity of less than five by ten cm/sec or other criteria established by the natural resources

conservation service.

All residential lots not served by a public water system and public sewage system shall be at least one and onehalf acres in size (consult the county health department) or the following size limitations, whichever is larger.

New homes served by a septic tank/drainfield system shall be on lots having minimum size limitations as

follows, based on application of table MT-1 of the department of human resources manual (hereinafter DHR

table MT-1). The minimums set forth in table MT-1 may be increased further based on consideration of other

factors (set forth in sections A—F) of the DHR manual.

If lots are within a high pollution susceptibility area, 150 percent of the subdivision minimum lot size

calculated based on application of DHR table MT-1.

If lots are within a medium pollution susceptibility area, 125 percent of the subdivision minimum lot size

calculated based on application of DHR table MT-1.

If lots are within a low pollution susceptibility area, 110 percent of the subdivision minimum lot size

calculated based on application of DHR table MT-1.

New mobile home parks served by septic tank/drainfield systems shall have lots or spaces having minimum

size limitations as follows, based on application of table MT-2 the department of human resources' manual for

on-site sewage management systems (hereinafter DHR table MT-2). The minimums set forth in table MT-2 may

be increased further based on consideration of other factors (set forth in sections a—f) of the DHR manual.

If lots or spaces are within a high pollution susceptibility area, 150 percent of the subdivision minimum

lot or space size of DHR table MT-2.

If lots or spaces are within a medium pollution susceptibility area, 125 percent of the subdivision

minimum lot or space size of DHR table MT-2.

If lots or spaces are within a low pollution susceptibility area, 110 percent of the subdivision minimum lot

or space size of DHR table MT-2.

No construction may proceed on a building or mobile home to be served by a septic tank unless the county

health department first approves the proposed septic tank installation as meeting the requirements of the

DHR manual and subsections (6) and (7) of this section.

Lots of record approved prior to the adoption of the ordinance from which this article is derived are exempt

from the requirements of subsections (6) and (7) of this section.

New facilities that handle hazardous materials of the types listed in section 312 of the Resource Conservation

and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on

any one day, shall perform their operations on impervious surfaces and in conformance with any applicable

federal spill prevention requirements and local fire code requirements.

The department of natural resources shall require conservative design in any new permits for the spray

irrigation of wastewaters or the land spreading of wastewater sludge in areas having high pollution

susceptibility. This shall be accomplished by comparing the department's criteria for slow rate land treatment

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(February 1986 or latest edition) with amendments and other technical publications to site-specific information

submitted by a registered professional engineer for each project.

Permanent stormwater infiltration basins shall not be constructed in areas having high pollution susceptibility.

Exclusive of mining settling basins, new wastewater treatment basins shall have an impermeable liner in areas

having high pollution susceptibility.

(Ord. of 8-14-2001(2), § 4)

Sec. 26-75. - Variances.

A variance may be approved if such approval is not contrary to the public interest and where because of the special

characteristics of the property and the activity, a literal enforcement of provisions of this article will, in an individual case, result in

unnecessary hardship. However, the spirit of this article must be observed, public safety and welfare secured, and substantial

justice done; provided that the variance, if granted, will not result in damage to the groundwater.

(Ord. of 8-14-2001(2), § 5)

Sec. 26-76. - Appeal procedures.

Any aggrieved party may appeal a decision by the enforcement officer under this article according to the appeal process

established under the county's zoning ordinance in appendix A of this Code.

(Ord. of 8-14-2001(2), § 6)

Secs. 26-77—26-110. - Reserved.

ARTICLE IV. - RIVER CORRIDOR PROTECTION

Sec. 26-111. - Purpose.

The purpose of this article is to protect potential public water supplies, to control erosion and pollution and to protect against

future flood damage.

(Ord. of 8-14-2001(1), § 1)

Sec. 26-112. - Establishment of protected river corridor district.

River corridor district. This article shall apply to all land, inclusive of islands, being within 100 feet horizontally on the

county side of the Chattahoochee River as measured from the river banks. Also included is the area between the top

of the bank and the edge of the river although this strip of land is not included as part of the 100-foot buffer

requirement contained in the minimum standards.

Map. The generalized corridor map, adopted as part of this article, shows the general locations of the protected

river corridor and such 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 adopted by

reference and declared to be a part of this article. Such map shall be on file in the county administrator's office and

the zoning administrator's office.

Development permits required. No regulated activity will be allowed within the protected Chattahoochee River

Corridor District without written permission from the county zoning department in the form of a local development

permit. Issuance of a local development permit is contingent on full compliance with the terms of this article and

other applicable regulations.

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(Ord. of 8-14-2001(1), § 2)

Sec. 26-113. - Denitions.

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:

Hazardous waste means any solid waste which has been defined as a hazardous waste in regulations, promulgated by the

administrator or his designee 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 CFR 261.3. (Note: This is the same definition as used in the Georgia Hazardous

Waste Management Act, O.C.G.A. § 12-8-60 et seq.)

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.

Land uses existing prior to the promulgation of a Chattahoochee River Corridor Protection District means any land use or land

disturbing activity, including all human endeavors prior to the promulgation of the Chattahoochee River Corridor Protection

District, which falls within one of the following categories:

Is completed;

Is under construction;

Is fully approved by the governing authority;

All materials have been submitted for approval by the governing authority; or

Is zoned, if applicable, for such use and expenditures in excess of $2,500.00 have been made in preparation for

construction in accordance with such zoning.

Local government means the board of commissioners.

Natural vegetative buffer and buffer area mean a river corridor containing the flora native to that area. The natural floras for

specific areas are described in the state 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.

Perennial river means a river or section of a river that flows continuously throughout the year.

Plan and comprehensive plan mean 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.

Port facility means any facility for the docking, loading and unloading of ships.

Protected river means any perennial river or 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 (O.C.G.A. § 12-5-440 et seq.) or the Coastal Marshlands Protection Act (O.C.G.A. § 12-5-280 et seq.) 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.

Public utility and utilities mean services provided by a public utility company or a private entity which provides such services,

and all equipment and structures necessary to provide such services.

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Quadrangle map means the most recently published U.S. Geological Survey 7.5-minute topographic map prepared at a scale of

1:24,000.

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.

River corridor means all land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. §§ 12-5-

440—12-5-457), or the Coastal Marshlands Protection Act (O.C.G.A. §§ 12-5-280—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 Chattahoochee River Corridor Protection District. 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.

Sensitive natural area means any area, as identified now or hereafter by the department of natural resources, which contains

one or more of the following:

Habitat, including nesting sites, occupied by rare or endangered species;

Rare or exemplary natural communities;

Significant land forms, hydroforms, or geological features; or

Other areas so designated by the department of natural resources; and which is sensitive or vulnerable to

physical or biological alteration.

Single-family dwelling means a dwelling structure that is designed for the use of one family.

(Ord. of 8-14-2001(1), § 3)

Cross reference— Definitions generally, § 1-2.

Sec. 26-114. - Penalties.

Any person who commits, takes part in, or assists in any violation of any provision of this article may be fined not

more than $10,000.00 for each offense. Each violation of this article 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.

When a building or other structure has been constructed in violation of this article, the violator may be required to

remove the structure, at the discretion of the county commission.

When removal of vegetative cover, excavation or fill has taken place in violation of this article, 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.

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.

(Ord. of 8-14-2001(1), § 10)

Sec. 26-115. - Permissible uses.

The following uses are considered as permissible uses under this article:

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Single-family dwellings and their usual appurtenances, within the buffer area subject to the following conditions:

The dwelling shall be in compliance with all local zoning regulations.

The dwelling shall be located on a tract of land containing at least one and one-half 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 1½ acre minimum size).

There shall be only one such dwelling on each one and one-half acre or larger tract of land.

A septic tank serving such a dwelling may be located within the buffer area.

Septic tank drainfield shall not be located within the buffer area.

Industrial and commercial land uses existing prior to the promulgation of the river corridor protection district

are exempt from these criteria provided that:

Industrial and commercial uses of river corridors shall not impair the drinking quality of the river water;

and

Industrial and commercial activity within the river corridor shall meet all state and federal environmental

rules and regulations.

Road crossings and utility crossings (meeting all requirements of the Erosion and Sedimentation Control Act of

1975 (O.C.G.A. § 12-7-1 et seq.), and of any applicable local ordinance pursuant to).

Timber production and harvesting subject to the following conditions:

Forestry activity shall be consistent with best management practices established by the state forestry

commission; and

Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean

Water Act, as amended.

Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. § 12-2-8.

Wastewater treatment.

Recreational usage consistent with either the maintenance of a natural vegetative buffer or with riverdependent 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.

Natural water quality treatment or purification.

Agricultural production and management, subject to the following conditions:

Agricultural activity shall be consistent with best management practices established by the state soil and

water conservation commission;

Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean

Water Act, as amended; and

Agricultural activity shall be consistent with all state and federal laws, and all regulations promulgated by

the state department of agriculture.

Other uses permitted by the department of natural resources or under section 404 of the Clean Water Act.

(Ord. of 8-14-2001(1), § 4)

Sec. 26-116. - Prohibited uses.

The following uses are prohibited under this article:

Handling areas for the receiving and storage of hazardous wastes are prohibited within river corridors. Port

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facilities are exempt from this criterion provided that:

Port facilities shall meet all federal and state laws and regulations for the handling and transport of

hazardous waste.

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.)

Hazardous waste or solid waste landfills are prohibited within river corridors.

New industrial and commercial uses not approved prior to adoption of the river protection district.

Other uses not approved by the county shall not be acceptable within river corridors.

Septic tanks and septic tank drainfields (except as provided under section 26-115).

Except as noted in this section, all construction within the buffer area shall be prohibited.

Any use not permitted in the buffer area shall be set back at least 100 feet from the river bank.

(Ord. of 8-14-2001(1), § 5)

Sec. 26-117. - Exemptions.

The following uses are exempted from the Chattahoochee River Corridor Protection District requirements:

Land uses existing prior to the promulgation of a river corridor protection district.

Mining activities, if permitted by the department of natural resources pursuant to the Georgia Surface Mining

Act of 1968, O.C.G.A. § 12-4-70 et seq.

Utilities, (except as provided in section 26-115(3)) if such utilities cannot feasibly be located outside the buffer

area (feasibility shall be decided conservatively by the local government), provided that:

The utilities shall be located as far from the river bank as reasonably possible;

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

Utilities shall not impair the quality of the river water.

Forestry and agricultural activities except as provided in section 26-115(4) and (9).

(Ord. of 8-14-2001(1), § 7)

Sec. 26-118. - Site plans.

Applications for a development permit within the protected river corridor shall include a site plan, drawn at a scale of one inch

equals 200 feet, with the following information:

A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, and cross

sectional drawings showing existing and proposed grades. Elevations, horizontal scale, and vertical scale must

be shown on the cross sectional drawings.

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.

The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected

perennial.

Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two

feet.

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Location and detailed design of any spill and leak collection systems designed for the purpose of containing accid

hazardous or toxic materials.

All proposed temporary disruptions or diversions of local hydrology.

(Ord. of 8-14-2001(1), § 7)

Sec. 26-119. - Filing fee.

Required. At the time of application for a development permit under this article, the applicant shall pay a filing fee

specified by the board of commissioners.

Enforcement authority. The county zoning administrator is established as the administrator of this article.

Review procedures. Applications under this article shall be made to the administrator or his designee and will be

reviewed within 15 days. The review period shall include the preparation of findings (approval or disapproval) by the

administrator or his designee. The applicant will receive written notification of the findings of the administrator or

his designee. If the review process is not completed within 15 days, the application is considered to be approved.

Appeals. Decisions on permit applications made by the administrator or his designee may be appealed to the board

of commissioners. The appeal must be made within 30 days of the decision rendered by the administrator or his

designee. 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

board of commissioners may be appealed to a court of competent jurisdiction.

Duration of permit validity.

If construction described in the development permit has not commenced within 12 months from the date of

issuance, the permit shall expire.

If construction described in the development permit is suspended or abandoned after work has commenced,

the permit shall expire 12 months after the date that work ceased.

Written notice of the pending expiration of the development permit shall be issued by the administrator or his

designee.

(Ord. of 8-14-2001(1), § 8)

Sec. 26-120. - Monitoring and enforcement.

The county zoning administrator, agent, officers, and employees shall have authority to enter upon privately owned

land for the purpose of performing their duties under this article and may take or cause to be made such

examinations, surveys, or sampling as the administrator deems necessary.

The county zoning administrator shall have authority to enforce this article, issue permits under this article,

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.

County law enforcement officials or other officials having police powers shall have authority to assist the

zoning administrator or his designee in the enforcement of this article.

The zoning administrator shall have authority to issue cease and desist orders in the event of any violation of

this article. Cease and desist orders may be appealed to a court of competent jurisdiction.

The administrator or his designee may require a bond in an amount of $1,000.00 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 article. In the event of a breach of any condition of any

such bond, the administrator or his designee may institute an action in a court of competent jurisdiction upon such

bond and prosecute the same to judgment and execution.

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(Ord. of 8-14-2001(1), § 9)

Sec. 26-121. - Judicial review.

All final decisions of the board of commissioners concerning denial, approval or conditional approval of a special permit under

this article shall be reviewable in the county superior court.

(Ord. of 8-14-2001(1), § 11)

Sec. 26-122. - Amendments.

The regulations of this article 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 county planning

commission for review and recommendations. The planning commission shall have 30 days within which to make its review and

submit its report. If the planning commission fails to submit a report within the 30-day period, it shall be deemed to have approved

the proposal before enacting an amendment to this article. The county shall hold a public hearing thereon, at least 15 days' notice

of the time and place of which shall be published in a newspaper of general circulation in the county.

(Ord. of 8-14-2001(1), § 12)

Secs. 26-123—26-150. - Reserved.

ARTICLE V. - WETLANDS PROTECTION

Sec. 26-151. - Findings and purpose.

The wetlands within the county are indispensable and fragile natural resources with significant development

constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature.

They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood

control; erosion control; natural resource education; scientific study; open space; and recreational opportunities. In

addition, the wise management of forested wetlands is essential to the economic well-being of many communities

within the state. Nationally, a considerable number of these important natural resources have been lost or impaired

by draining, dredging, filling, excavation, building, pollution, and other acts. Piecemeal or cumulative losses will, over

time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general

welfare. The state department of natural resources and the state department of community affairs have determined

that each local government with classified wetlands located in its jurisdiction must adopt a wetlands protection

ordinance under the requirements of House Bill 215, the state's 1989 Growth Strategies Legislation and the rules

promulgated thereunder.

This article shall be known as the wetlands protection ordinance of the county. The purpose of this article is to

promote wise use of wetlands and protect wetlands, while taking into account varying ecological, economic

development, recreational and aesthetic values. The objective of this article is to make the public aware of state and

federal laws that protect wetlands from alterations which will significantly affect or reduce their primary functions

for water quality, floodplain and erosion control, groundwater recharge, aesthetic nature and wildlife.

(Ord. of 8-14-2001(3), § 1)

Sec. 26-152. - Denitions.

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:

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Function means the beneficial role that wetlands serve, including storage, conveyance and attenuation of floodwater and

stormwater; protection of water quality and reduction of erosion; habitat for wildlife, including rare, threatened and endangered

species; food chain support for a wide variety of wildlife and fisheries; educational, historical and archeological value protection;

and scenic, aesthetic and recreational amenities.

General wetland map includes all wetlands within the jurisdiction of the county as indicated on the national wetlands inventory

map.

Hydric soils means soils that form as a result of saturated soil conditions. A list of these soils is maintained by the soil

conservation service.

Hydrophytic vegetation means macrophytic plants tolerant of or dependent on saturated soil conditions.

Jurisdictional wetland means a wetland area that meets the definitional requirements for wetlands as determined by the U.S.

Army Corps of Engineers.

Regulated activity means any activity which will, or which may reasonably be expected to, result in the discharge of dredged or

fill material into waters of the United States exempted in section 404 of the Federal Clean Water Act.

Silviculture means the art of producing, reproducing and growing a forest of distinctive stands of trees.

Wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient

to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil

conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetland delineation means the establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers

or any authority designated by the Corps.

Wetland protection district means all wetlands within the jurisdiction of the county which are indicated on the generalized

wetland map as "wetlands providing significant wildlife habitat and/or which may be subject to extensive mitigation."

(Ord. of 8-14-2001(3), § 2)

Cross reference— Definitions generally, § 1-2.

Sec. 26-153. - Penalties.

Any person who commits, takes part in, or assists in any violation of any provision of this article shall be guilty of a

misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each violation of this article 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.

If the board of commissioners or its designee discovers a violation of this article that also constitutes a violation of

provisions of the Clean Water Act as amended, the county or its designee shall issue written notification of the

violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers and the landowner.

The county or its designee may suspend or revoke a registration, as described in section 26-155, 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. The county or its designee may cause notice of its denial, issuance, conditional

issuance, revocation or suspension of a permit to be published in a daily newspaper having a broad circulation in

the area where the wetland is located.

(Ord. of 8-14-2001(3), § 5)

Sec. 26-154. - Wetland protection district established.

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Generalized wetland map. This article shall apply to all wetlands within the wetland protection district and located with

jurisdiction of the county. The generalized wetland map, adopted as part of this article, shows the general location of w

and of the wetland protection district and should be consulted by persons contemplating activities in or near wetlands

engaging in a regulated activity. The generalized wetland map, together with all explanatory matter thereon and attach

is adopted by reference and declared to be a part of this article. The generalized wetland map shall be on file in the off

county.

Boundaries. The generalized wetland map is a general reference document and wetland boundaries indicated on

the map are approximations. The purpose of the generalized wetland map is to alert developers/landowners if they

are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdiction

wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers' guidance as to whether a

section 404 permit will be required prior to any activity. The generalized wetland map does not necessarily

represent the exact boundaries of jurisdictional wetlands within the jurisdiction of the county, and cannot serve as a

substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by section 404

of the Clean Water Act, as amended. Any local government action under this article does not relieve the landowner

from federal or state permitting requirements.

(Ord. of 8-14-2001(3), § 3)

Sec. 26-155. - Local development registration.

Requirements. No regulated activity will be conducted within the wetland protection district without registration

with the board of commissioners or its designee. All activities that are not exempted in subsection (b) of this section

shall be prohibited without prior issuance of a local registration. If the area proposed for development is located

within 50 feet of the wetland protection district boundary, as determined from the generalized wetland map, a U.S.

Army Corps of Engineers determination shall be required. If the U.S. Army Corps of Engineers determines that

wetlands are present and that a section 404 permit or letter of permission is required, a local development permit

will be issued only following issuance of the section 404 permit or letter of permission.

Issuance of local permit. A local permit shall be issued without a jurisdictional wetlands determination by the

U.S. Army Corps of Engineers if either one of the following two conditions exist:

It is not the type of activity that would cause the alteration of wetlands; or

The proposed location of the activity is not near or within a protected wetland boundary as shown on the

generalized wetlands map adopted by the county as a part of this article.

Deferment of local permit. Issuance of a local permit shall be deferred pending a jurisdictional wetland

determination by the U.S. Army Corps of Engineers. This determination is required when a proposed activity is

of a type that would cause alteration of wetlands and the proposed location of the activity is near or within a

wetland boundary. A deferred local permit will be issued after a letter of permission or section 404 permit is

obtained from the U.S. Army Corps of Engineers by the applicant.

Permissible uses (use as a right). The following uses shall be allowed as a right within the wetland protection district

to the extent that they are not prohibited by any other ordinance or law and provided they do not require

structures, grading, fill, drainage or dredging except as provided in this subsection:

Operations conducted during normal silvicultural activities, including minor dredge and fill associated with

road construction, harvesting, and reforestation practices provided they meet the performance standards and

road construction best management practices required under section 404 of the Clean Water Act.

Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided they do not affect

waters of the state or of the United States in such a way that would require an individual 404 permit.

Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and

canoeing.

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Forestry practices applied in accordance with best management practices approved by the state forestry commiss

The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices

approved by the state department of agriculture.

The pasturing of livestock provided that riparian wetlands are protected, that soil profiles are not disturbed

and that approved best management practices are followed.

Education, scientific research and nature trails.

Emergency repair of critical facilities.

Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public

to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services,

provided that such roads, structures or facilities are not materially changed or enlarged and that, prior to the

commencement of work, written notice has been given to the board of commissioners or its designee and

provided that the work is conducted using best management practices to ensure that flow and circulation

patterns, and chemical and biological characteristics of the wetland, are not impaired and that any adverse

effect on the aquatic environment will be minimized.

Temporary water level stabilization measures associated with silvicultural operations, provided that they are

necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of

silvicultural activities if not corrected.

Limited ditching, tilling, dredging, excavating or filling done solely for the purpose of maintaining or repairing

existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or

repair activity does not result in the impairment, alteration or loss of wetlands not previously subject to

agricultural and silvicultural use under the terms and provisions of this subsection.

Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails,

observation decks, wildlife management shelters, boathouses or other similar water-related structures,

provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of

the wetland.

Site plans. Applications for registration, as described in subsection (a) of this section, within the generalized wetland

protection district shall include a site plan, drawn at a scale of one inch equals 50 feet, with the following

information:

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 and vertical scale must

be shown on the cross sectional drawings.

Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent

to the site for a distance of plus or minus 200 feet.

The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected

perennial stream or water body.

Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two

feet.

Location and detailed design of any spill and leak collection systems designed for the purpose of containing

accidentally released hazardous or toxic materials.

All proposed temporary disruptions or diversions of local hydrology.

Activities to comply with site plan. All development activities or site work conducted after approval of the site plan,

as described in subsection (c) of this section, shall conform with the specifications of the site plan. The site plan may

be amended by prior written notice to the board of commissioners or its designee.

Filing fee. At the time of application for registration under this section, the applicant shall pay a filing fee of $50.00.

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Enforcement authority. The county zoning administrator is established as the administrator of this article.

Review procedures. Application for registration under this section shall be made to the zoning administrator with a

copy to the county planning commission or such parties which may be designated by the county.

Duration of permit validity.

If construction described in the development permit has not commenced within 12 months from the date of

issuance, the registration shall be renewed before construction may begin.

If construction described in the development permit is suspended or abandoned after work has commenced,

the registration shall expire 12 months after the date that work ceased.

(Ord. of 8-14-2001(3), § 4)

Sec. 26-156. - Judicial review.

Jurisdiction. All final decisions of the board of commissioners or its designee under this article shall be reviewable in

the county superior court.

Alternative actions. Based on the proceedings of subsection (a) of this section and the decision of the court, the

board of commissioners or its designee may, within the time specified by the court, elect to institute other

appropriate actions ordered by the court that fall within the jurisdiction of the county commission.

(Ord. of 8-14-2001(3), § 6)

Sec. 26-157. - Amendments.

The regulations of this article and the generalized wetland map may from time to time be amended in accordance with

procedures and requirements in the general statutes and as new information concerning wetland locations, soils, hydrology,

flooding or botanical species peculiar to wetlands becomes available.

(Ord. of 8-14-2001(3), § 7)

Sec. 26-158. - Assessment relief.

Assessors and boards of assessors shall consider wetland regulations in determining the fair market value of land. Any owner

of an undeveloped wetland who has dedicated an easement or entered into a conservation restriction with the government or a

nonprofit organization to permanently control some or all regulated activities in the wetland shall have that portion of land

assessed consistent with those restrictions. Such landowner shall also be exempted from special assessment on the controlled

wetland to defray the cost of municipal improvements such as sanitary sewers, storm sewers and water mains.

(Ord. of 8-14-2001(3), § 8)

Secs. 26-159—26-190. - Reserved.

ARTICLE VI. - STANDARDS FOR OUTDOOR WATERING OF LANDSCAPE

FOOTNOTE(S):

Editor's note— Ord. No. 2010-12-01, adopted Dec. 13, 2010, did not specifically amend the Code; therefore, these provisions

have been added as Art. VI, at the editor's discretion.

Sec. 26-191. - Restriction on outdoor water of landscape.

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Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants in

the unincorporated area may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation

shall not create any limitation upon the following outdoor water uses:

Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the

commercial production or storing of 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, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial

production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise

defined in O.C.G.A. § 1-3-3;

Capture and reuse of cooling system condensate or storm water in compliance with applicable ordinances and

state guidelines;

Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;

Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection

Division of the Georgia Department of Natural Resources to provide reclaimed wastewater;

Watering personal food gardens;

Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during

installation and for a period of 30 days immediately following the date of installation;

Drip irrigation or irrigation using soaker hoses;

Hand watering with a hose with automatic cutoff or handheld container;

Use of water withdrawn from private water wells or surface water by an owner or operator of property if such

well or surface water is on said property;

Watering horticultural crops held for sale, resale, or installation;

Watering athletic fields, golf courses, or public turf grass recreational areas;

Installation, maintenance, or calibration of irrigation systems; or

Hydroseeding.

(Ord. No. 2010-12-01, 12-13-2010)

Sec. 26-192. - Enforcement.

No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in

ordinance.

The code enforcement department will be the enforcement authority for this article. The county manager may also

authorize other departments as may be deemed necessary to support enforcement.

Criminal and alternative penalties. Any violation of this section may also be enforced by a citation or accusation

returnable to the magistrate court or by any other legal means as set forth in this Code.

(Ord. No. 2010-12-01, 12-13-2010)

Sec. 26-193. - Repealer.

All ordinances or parts of ordinances in conflict with this article are repealed.

(Ord. No. 2010-12-01, 12-13-2010)

Sec. 26-194. - Severability.

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The sections, paragraphs, sentences, clauses and phrases of this article are severable.

Should any section, paragraph, sentence, clause or phrase of this article be rendered invalid by any court of law, the remaining

sections, paragraphs, sentences, clauses or phrases shall not be affected but shall continue in effect until amended or repealed by

action of the governing authority of Seminole County.

(Ord. No. 2010-12-01, 12-13-2010)

Sec. 26-195. - Eective date.

This article shall go into effect on January 1, 2011.

(Ord. No. 2010-12-01, 12-13-2010)

Secs. 26-196—26-220. - Reserved.

ARTICLE VII. - TIMBER HARVESTING ORDINANCE

Sec. 26-221. - Requirements.

Any individual, partnership, corporation or any other entity (hereinafter called "Harvester") who harvests standing timber in

any unincorporated area of the County for delivery as pulpwood, logs, poles, posts or wood chips to any wood yard or processing

plant located inside or outside this state will be required to perform the following:

The harvester shall obtain a timber harvesting permit from the Seminole County Board of Commissioner's

office prior to start-up (moving in of equipment or cutting of any trees). Said notification will be on such permit

form as approved and provided by the board of commissioners.

The harvester shall post an annual cash bond, surety bond or irrevocable letter of credit as provided for in this

paragraph, in the amount of $5,000.00. The purpose of the bond is to insure that all damages to roadways,

ditches, or rights-of-way be corrected and said areas left at least in the same condition as existing immediately

prior to the operations start-up. Notice shall not be or remain effective for such harvesting operations unless

and until the person or firm providing such notice has delivered to the governing authority or its designated

agent a valid surety bond, executed by a surety corporation authorized to transact business in this state,

protecting the county against any damage caused by harvester.

In order to preserve county roadways, some job sites may require the installation of a temporary entrance/exit

driveway. The determination for such a driveway will be made by the county road department superintendent.

The county shall loan the harvester the driveway culvert pipe necessary to build the driveway. The harvester

must install the driveway pipe and provide soil and any other necessary materials to bring the ingress/egress

point to build a reliable driveway. No roadside ditches can be filled in to provide the ingress/egress. A culvert

pipe must be used to prevent the blockage of stormwater. At the conclusion of harvesting the site, the

harvester will notify the county commissioner's office and the county road department will remove and retain

the pipe.

If the harvester fails to return the roadways, ditches or rights-of-way to a state at least equal to that existing

immediately prior to the instituting of the harvesting process, the Board of Commissioners of Seminole County

shall cause the repairs to be made and deduct the costs for the same from the posted bond.

If the harvester causes no damages and/or upon his satisfactory completion of necessary repairs, the bond

shall be released to the harvester at year end following inspection of all sites by the county road department

superintendent. Harvester shall notify the county tax assessors' office of actual completion date on each site.

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(Ord. of 3-15-2011, § 1)

Editor's note—

The timber harvesting permit form as mention above can be found at the end of this article.

Sec. 26-222. - Enforcement.

All operations shall be conducted at a loading site off the county rights-of-way and behind the established ditch line

of county roads.

Loading or skidding of logs will not be permitted on county roads.

Ditches shall be kept clear of all debris or residue at all times to allow for proper drainage.

County roads at the access site shall be kept serviceable at all times for the passing public, emergency vehicles,

school buses, mail carriers, etc.

The county road department superintendent has the authority to close down all operations when it is determined

that the county roads and access sites are not being properly maintained. Such notice shall be in writing and shall

be given to the person or persons in charge of the activity at the harvesting site and shall state the conditions under

which the work may be resumed. When an emergency exists, the sheriff or code enforcement officer is authorized

to stop work with no written notice.

(Ord. of 3-15-2011, § 2)

Sec. 26-223 - Penalties.

For failure to comply with the foregoing reporting requirements the penalty for the first offense shall be a warning. The second

offense and subsequent offenses shall be a fine of up to $2,500.00.

(Ord. of 3-15-2011, § 3)

Sec. 26-224. - Enforcement—Violations.

This article shall be enforced by the Sheriff or Code Enforcement Officer of Seminole County. Citations for violations shall

require an appearance before the Magistrate Court of Seminole County, Georgia.

(Ord. of 3-15-2011, § 4)

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Chapter 30 - FLOODS

FOOTNOTE(S):

Cross reference— Buildings and building regulations, ch. 14; environment, ch. 26; planning, ch. 38; roads and bridges, ch. 42;

subdivisions, ch. 50; zoning, app. A; FH, flood hazard district, app. A, § 15.01 et seq.

State Law reference— Georgia Safe Dams Act of 1978, O.C.G.A. § 12-5-370 et seq.; construction and operation of watershed

and flood control projects by counties, O.C.G.A. § 22-3-100 et seq.

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ARTICLE I. - IN GENERAL

Secs. 30-1—30-30. - Reserved.

ARTICLE II. - FLOOD DAMAGE PREVENTION

FOOTNOTE(S):

Editor's note— Ord. of Sept. 8, 2009, arts. 1—6, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 30-31

—30-82, pertained to the same subject matter, and derived from Ord. of 4-17-1991, arts. 1—5.

DIVISION 1. - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Sec. 30-31. - Authorization.

Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) have delegated the responsibility to

local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the Seminole County Commission of Donalsonville, Georgia, does ordain as follows.

(Ord. of 9-8-2009, art. 1, § A)

Sec. 30-32. - Findings of fact.

The flood hazard areas of Seminole 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.

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 floodplains causing increases in flood heights and velocities.

(Ord. of 9-8-2009, art. 1, § B)

Sec. 30-33. - Statement of purpose.

It is the purpose of this article 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:

Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood

damage at the time of initial construction;

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;

Control filling, grading, dredging and other development which may increase flood damage or erosion;

Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may

increase flood hazards to other lands; and

Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are

involved in the accommodation of floodwaters.

(Ord. of 9-8-2009, art. 1, § C)

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Sec. 30-34. - Objectives.

The objectives of this article are:

To protect human life and health;

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;

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,

To minimize expenditure of public money for costly flood control projects;

To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the

expense of the general public;

To minimize prolonged business interruptions; and

To insure that potential homebuyers are notified that property is in a flood area.

(Ord. of 9-8-2009, art. 1, § D)

Secs. 30-35—30-50. - Reserved.

DIVISION 2. - GENERAL PROVISIONS

Sec. 30-51. - Lands to which this ordinance applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of Seminole County, Georgia.

(Ord. of 9-8-2009, art. 2, § A)

Sec. 30-52. - Basis for area of special ood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS),

dated September 25, 2009, with accompanying maps and other supporting data and any revision thereto, are adopted by

reference and declared a part of this article.

For those land areas acquired by a municipality through annexation, the current effective FIS dated September 25, 2009, with

accompanying maps and other supporting data and any revision thereto, for Seminole County are hereby adopted by reference.

Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard

engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is

located: In the Building Inspection Office of the Seminole County Courthouse.

(Ord. of 9-8-2009, art. 2, § B)

Sec. 30-53. - Establishment of development permit.

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any

development activities.

(Ord. of 9-8-2009, art. 2, § C)

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Sec. 30-54. - Compliance.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this

article and other applicable regulations.

(Ord. of 9-8-2009, art. 2, § D)

Sec. 30-55. - Abrogation and greater restrictions.

This article 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.

(Ord. of 9-8-2009, art. 2, § E)

Sec. 30-56. - Interpretation.

In the interpretation and application of this article 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.

(Ord. of 9-8-2009, art. 2, § F)

Sec. 30-57. - Warning and disclaimer of liability.

The degree of flood protection required by this article 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 manmade or natural

causes. This article 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 article shall not create liability on the part of Seminole County or by any officer or

employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made

hereunder.

(Ord. of 9-8-2009, art. 2, § G)

Sec. 30-58. - Penalties for violation.

Failure to comply with the provisions of this article or with any of its requirements, including conditions and safeguards

established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this

article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $1,000.00 or

imprisoned for not more than 90 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 Seminole County from taking

such other lawful actions as is necessary to prevent or remedy any violation.

(Ord. of 9-8-2009, art. 2, § H)

Secs. 30-59—30-80. - Reserved.

DIVISION 3. - ADMINISTRATION

Sec. 30-81. - Designation of ordinance administrator.

The Seminole County Building Official/Code Enforcement Officer (local administrator) is hereby appointed to administer and

implement the provisions of this article.

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(Ord. of 9-8-2009, art. 3, § A)

Sec. 30-82. - Permit procedures.

Application for a development permit shall be made to the county commissioner's office on forms furnished by the community

prior to any development activities, and may include, but not be limited to the following: Plans in duplicate drawn to scale showing

the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill

placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

Application stage:

Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement,

of all proposed structures;

Elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed;

Design certification from a registered professional engineer or architect that any proposed nonresidential

flood-proofed structure will meet the flood-proofing criteria of subsection 30-112(2);

Description of the extent to which any watercourse will be altered or relocated as a result of a proposed

development, and;

Construction stage:

For all new construction and substantial improvements, the permit holder shall provide to the local

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 nonresidential 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 county code enforcement officer 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.

(Ord. of 9-8-2009, art. 3, § B)

Sec. 30-83. - Duties and responsibilities of the administrator.

Duties of the local administrator shall include, but shall not be limited to:

Review proposed development to assure that the permit requirements of this article have been satisfied.

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.

Review all permit applications to determine whether proposed building sites will be reasonably safe from

flooding.

When base flood elevation data or floodway data have not been provided in accordance with section 30-52,

then the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway

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data available from a federal, state or other sources in order to administer the provisions of division 4.

Review 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 subsection 30-

82(2).

Review and record the actual elevation, in relation to mean sea level (or highest adjacent grade) to which any

new or substantially improved structures have been flood-proofed, in accordance with subsection 30-82(2).

When flood-proofing is utilized for a structure, the local administrator shall obtain certification of design

criteria from a registered professional engineer or architect in accordance with subsection 30-82(1)c. and

subsection 30-112(2) or 30-114(2).

Make substantial damage determinations following a flood event or any other event that causes damage to

structures in flood hazard areas.

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).

For any altered or relocated watercourse, submit engineering data/analysis within six 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.

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

local administrator 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 article.

All records pertaining to the provisions of this article shall be maintained in the office of the local administrator

and shall be open for public inspection.

(Ord. of 9-8-2009, art. 3, § C)

Secs. 30-84—30-110. - Reserved.

DIVISION 4. - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 30-111. - General standards.

In all areas of special flood hazard the following provisions are required:

New construction and substantial improvements of existing structures shall be anchored to prevent flotation,

collapse or lateral movement of the structure;

New construction and substantial improvements of existing structures shall be constructed with materials and

utility equipment resistant to flood damage;

New construction or substantial improvements of existing structures shall be constructed by methods and

practices that minimize flood damage;

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.

Designs for complying with this requirement must either be certified by a professional engineer or

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architect or meet the following minimum criteria:

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;

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

Openings may be equipped with screens, louvers, valves or other coverings or devices provided they

permit the automatic flow of floodwater in both directions.

So as not to violate the "lowest floor" criteria of this article, 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

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

All heating and air conditioning equipment and components (including ductwork), 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.

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.

New and replacement water supply systems shall be designed to minimize or eliminate infiltration of

floodwaters into the system;

New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of

floodwaters into the systems and discharges from the systems into floodwaters;

On-site waste disposal systems shall be located and constructed to avoid impairment to them or

contamination from them during flooding, and;

Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the

provisions of this article, shall be undertaken only if the nonconformity is not furthered, extended or replaced.

(Ord. of 9-8-2009, art. 4, § A)

Sec. 30-112. - Specic standards.

In all areas of special flood hazard the following provisions are required:

New construction and/or substantial improvements. Where base flood elevation data are available, new

construction and/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 equalization of flood

hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of subsection

30-111(4), "elevated buildings".

All heating and air conditioning equipment and components (including ductwork), all electrical,

ventilation, plumbing, and other service facilities shall be elevated at or above one foot above the base

flood elevation.

Nonresidential construction. New construction and/or the substantial improvement of any 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 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

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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 subsection 30-83(6).

Standards for manufactured homes and recreational vehicles. Where base flood elevation data are available:

All manufactured homes placed and/or substantially improved on:

Individual lots or parcels;

In new and/or substantially improved manufactured home parks or subdivisions;

In expansions to existing manufactured home parks or subdivisions; or

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.

Manufactured homes placed and/or substantially improved in an existing manufactured home park or

subdivision may be elevated so that either:

The lowest floor of the manufactured home is elevated no lower than one foot above the level of

the base flood elevation; or

The manufactured home chassis is elevated and supported by reinforced piers (or other foundation

elements of at least an equivalent strength) of no less than 36 inches in height above grade.

All manufactured homes must be securely anchored to an adequately anchored foundation system to

resist flotation, collapse and lateral movement. (Ref. subsection 30-111(6), above).

All recreational vehicles placed on sites must either:

Be on the site for fewer than 30 consecutive days;

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

The recreational vehicle must meet all the requirements for "new construction", including the

anchoring and elevation requirements of subsections (3)a. and (3)c., above.

Floodway. Located within areas of special flood hazard established in section 30-52, are areas designated as

floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, 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:

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.

Only if subsection (4)a. above is satisfied, then any new construction or substantial improvement shall

comply with all other applicable flood hazard reduction provisions of division 4.

(Ord. of 9-8-2009, art. 4, § B)

Sec. 30-113. - Building standards for streams without established base ood elevations and/or oodway (A-Zones).

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Located within the areas of special flood hazard established in section 30-52, 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:

When base flood elevation data or floodway data have not been provided in accordance with section 30-52,

then the local administrator shall obtain, review, and reasonably utilize any scientific or historic base flood

elevation and floodway data available from a federal, state, or other source, in order to administer the

provisions of division 4. Only if data are not available from these sources, then the following provisions (2) and

(3) shall apply:

No encroachments, including structures or fill material, shall be located within an area equal to the width of

the stream or twenty 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

more than a one foot increase in flood levels during the occurrence of the base flood discharge.

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 feet above the highest adjacent grade at the building site. (NOTE:

Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas

where a limited detail study has been completed). Openings sufficient to facilitate the unimpeded movements

of floodwaters shall be provided in accordance with standards of subsection 30-111(4) "elevated buildings".

All heating and air conditioning equipment and components (including ductwork), all electrical,

ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the

highest adjacent grade at the building site.

The local administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the

permit file.

(Ord. of 9-8-2009, art. 4, § C)

Sec. 30-114. - Standards for areas of special ood hazard (Zones AE) with established base ood elevations without designated

oodways.

Located within the areas of special flood hazard established in section 30-52, where streams with base flood elevations are

provided but no floodways have been designated, (Zones AE) the following provisions apply:

No encroachments, including fill material, new structures or substantial improvements shall be located within

areas of special flood hazard, unless certification by a registered professional engineer is provided

demonstrating that the cumulative effect of the proposed development, when combined with all other existing

and anticipated development, will not increase the water surface elevation of the base flood more than one

foot at any point within the community. The engineering certification should be supported by technical data

that conforms to standard hydraulic engineering principles.

New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations

established in accordance with section 30-112

(Ord. of 9-8-2009, art. 4, § D)

Sec. 30-115. - Standards for areas of shallow ooding (AO Zones).

Areas of special flood hazard established in section 30-52, may include designated "AO" shallow flooding areas. These areas

have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

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All new construction and substantial improvements of residential and nonresidential structures shall have the low

including basement, elevated to the flood depth number specified on the flood insurance rate map (FIRM), above

adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at le

above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters sha

accordance with standards of subsection 30-111(4), "elevated buildings".

The local administrator shall certify the lowest floor elevation level and the record shall become a permanent

part of the permit file.

New construction or the substantial improvement of a nonresidential 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 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 subsections 30-82(1)c. and 30-82(2).

Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. of 9-8-2009, art. 4, § E)

Sec. 30-116. - Standards for subdivisions.

All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;

All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical

and water systems located and constructed to minimize flood damage;

All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood

hazards, and;

For subdivisions and/or developments greater than fifty lots or five acres, whichever is less, base flood elevation

data shall be provided for subdivision and all other proposed development, including manufactured home parks

and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be

submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map

amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for

submitting the "as-built" data to FEMA in order to obtain the final LOMR.

(Ord. of 9-8-2009, art. 4, § F)

Sec. 30-117. - Standards for critical facilities.

Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

(Ord. of 9-8-2009, art. 4, § G)

Secs. 30-118—30-130. - Reserved.

DIVISION 5. - VARIANCE PROCEDURES

Sec. 30-131. - Variance procedures.

The county zoning board as established by the Seminole County Commissioners shall hear and decide requests for

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appeals or variance from the requirements of this article.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination

is made by the local administrator in the enforcement or administration of this article.

Any person aggrieved by the decision of the zoning board may appeal such decision to the Superior Court of

Seminole County, Georgia as provided in O.C.G.A. § 5-4-1.

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 a historic structure and

the variance is the minimum to preserve the historic character and design of the structure.

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.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood

discharge would result.

In reviewing such requests, the zoning board shall consider all technical evaluations, relevant factors, and all

standards specified in this and other sections of this article.

Conditions for variances:

A variance shall be issued only when there is:

A finding of good and sufficient cause;

A determination that failure to grant the variance would result in exceptional hardship; and

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.

The provisions of this article 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.

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.

The local administrator shall maintain the records of all appeal actions and report any variances to the Federal

Emergency Management Agency upon request.

Upon consideration of the factors listed above and the purposes of this article, the zoning board may attach such

conditions to the granting of variances as it deems necessary to further the purposes of this article.

(Ord. of 9-8-2009, art. 5)

DIVISION 6. - DEFINITIONS

(note: \* date must be inserted)

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning

they have in common usage and to give this article its most reasonable application.

Accessory structure means a structure having minimal value and used for parking, storage and other nonhabitable uses, such

as garages, carports, storage sheds, pole barns, hay sheds and the like.

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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 firewall. Any walled and roofed addition, which is connected by a firewall

or is separated by an independent perimeter load-bearing wall, shall be considered "new construction".

Appeal means a request for a review of the local administrator's interpretation of any provision of this article.

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 section 30-52.

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

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map for Zones AE, AH, A1-A30, AR, AR/A,

AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one

percent chance of equaling or exceeding that level 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.

Critical facility means any public or private facility, which, if flooded, would create an added dimension to the disaster or would

increase the hazard to life and health. Critical facilities include:

Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive

materials;

Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not

be sufficiently mobile to avoid the loss of life or injury during flood and storm events;

Emergency operation centers or data storage centers which contain records or services that may become lost

or inoperative during flood and storm events; and

Generating plants, and other principal points of utility lines.

Development means any manmade 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 storage of materials or equipment.

Elevated building means a nonbasement 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 means for the purposes of determining rates, structures for which the "start of construction"

commenced before September 1, 1986 the effective date of the initial FIRM for that community.

\*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 December 2, 1975

the effective date of the first floodplain management regulations adopted by a community.

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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 streets, and either final site grading or the pouring of concrete pads.

Flood or flooding;\i means a general and temporary condition of partial or complete inundation of normally dry land areas

from:

The overflow of inland or tidal waters; or

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.

Flood-proofing means any combination of structural and nonstructural additions, changes, or adjustments to structures, which

reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their

contents.

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.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height

calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of

urbanization of the watershed.

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:

Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of

Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual

listing on the national register:

Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical

significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a

registered historic district:

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

Individually listed on a local inventory of historic places and determined as eligible by communities with

historic preservation programs that have been certified either:

By an approved state program as determined by the Secretary of the Interior, or

Directly by the Secretary of the Interior in states without approved programs.

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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.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more

manufactured home lots for rent or sale.

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 the National Flood Insurance Program, the National Geodetic Vertical Datum

(NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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, for the purposes of determining insurance rates, structures for which the "start of construction"

commenced after September 1, 1986 and includes any subsequent improvements to such structures. For floodplain management

purposes, "new construction" means structures for which the "start of construction" commenced after December 2, 1975 the

effective date of the first floodplain management ordinance adopted by the community and includes any subsequent

improvements to such structures.

\*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 after December 2,

1975 the effective date of the first floodplain management regulations adopted by a community.

North American Vertical Datum (NAVD) has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA

flood modernization maps.

Recreational vehicle means a vehicle, which is:

Built on a single chassis;

Four hundred square feet or less when measured at the largest horizontal projection;

Designed to be self-propelled or permanently towable by a light duty truck; and

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

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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.

Subdivision the division of a single lot into two or more lots for the purpose of sale or development.

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 reconstruction, rehabilitation, addition, or other improvement of a structure, taking place

during a five-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to

the "start of construction" of the improvement. NOTE: The market value of the structure 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: (1) those improvements of a structure required to comply with existing violations of

state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which

have been identified by the code enforcement official, and not solely triggered by an improvement or repair project, or (2) any

alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic

structure".

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or

improvement 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 article, which permits construction in a manner otherwise prohibited

by this article.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain

management regulations. A structure or other development without the elevation certificate, or other certifications, or other

evidence of compliance required by this article is presumed to be in violation until such time as that documentation is provided.

(Ord. of 9-8-2009, art. 6)

Chapter 34 - OFFENSES

FOOTNOTE(S):

Cross reference— Traffic and vehicles, ch. 58.

State Law reference— Criminal Code of Georgia, O.C.G.A. § 16-1-1 et seq.; limitation on home rule powers of municipal

corporations with respect to duplication of state criminal offenses, O.C.G.A. § 36-35-6(a)(2).

ARTICLE I. - IN GENERAL

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Secs. 34-1—34-30. - Reserved.

ARTICLE II. - CURFEW FOR MINORS

FOOTNOTE(S):

State Law reference— Offenses involving alcohol and underaged persons, O.C.G.A. § 3-3-23; age of legal majority, O.C.G.A. §

39-1-1.

Sec. 34-31. - Imposed.

It shall be unlawful for any minor under the age of 18 years to loiter, idle, wander, stroll or play in or upon the public streets,

highways, roads, alleys, parks, playgrounds or other public grounds, public places or public buildings, places of amusement or

entertainment, eating places, vacant lots or any other place normally accessible to the general public for public use, whether on

foot or in a motor vehicle or by any other means, during the following periods of time:

For minors age 15 years and under, between the hours of 10:30 p.m. on any day and 6:00 a.m. of the following

day; and

For minors age 16 and 17 years, between the hours of 12:00 midnight on any day and 6:00 a.m. of the

following day.

(Ord. of 10-8-1996, § 62-121)

Sec. 34-32. - Exceptions.

The provisions of section 34-31 shall not apply in the following instances when a minor is:

Accompanied by his parent, guardian, or other adult person having the lawful care and custody of the minor;

Upon an emergency errand directed by his parent or guardian or other adult person having the lawful care

and custody of a minor;

Returning directly home by the most direct and efficient route, from a school activity, entertainment,

recreational activity or dance;

Returning directly home, by the most direct and efficient route, from lawful employment that makes it

necessary to be in the places described in section 34-31 during the prescribed period of time;

On the sidewalk abutting a minor's residence or abutting the residence of a nextdoor neighbor if the neighbor

did not complain to the police officer about such minor's presence;

Attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free

speech, freedom of assembly or free exercise of religion; and

In interstate travel through the city.

(Ord. of 10-8-1996, § 62-122)

Sec. 34-33. - Parental responsibility.

Except in circumstances set out in section 34-32, it shall be unlawful for the parent, guardian or other adult having the care

and custody of a minor under the age of 18 years to permit, whether knowingly or through ineffective control or supervision, such

minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public

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grounds, public places, or public buildings, places of amusement or entertainment, eating places, vacant lots, or any other place

normally accessible to the general public for public use, whether on foot or in a motor vehicle or by any other means, during the

following periods of time:

For minors age 15 years and under, between the hours of 10:30 p.m. on any day and 6:00 a.m. of the following

day; and

For minors age 16 and 17 years, between the hours of 12:00 midnight on any day and 6:00 a.m. of the

following day.

(Ord. of 10-8-1996, § 62-123)

Sec. 34-34. - Notice of violation.

Any minor violating the provisions of this article shall be dealt with in accordance with juvenile court law and procedure. Any

police officer finding a minor under the age of 18 years violating the provisions of this article shall warn the minor to desist from

such violation and to immediately return home and shall cause a written notice to be served upon the parent, guardian or person

in charge of a minor, setting forth the manner in which the provisions of this section have been violated. For the purposes of this

article, notice shall be deemed properly served upon the parent, guardian or person in charge of a minor if a copy of the notice is

served upon him personally or if a copy is sent by certified mail, return receipt requested, to his last known address.

(Ord. of 10-8-1996, § 62-124)

Sec. 34-35. - Penalty for violation of article.

Any parent, guardian, or person having the care and custody of a minor who shall permit, whether knowingly or through

ineffective control or supervision, a minor to violate the provisions of this article, after receiving written notice that such minor has

previously violated this article, shall be subject to a mandatory fine of not less than $50.00 nor more than $500.00 plus costs, for

the first such offense, and for each and every subsequent conviction a violation of this article involving the same minor, the

mandatory minimum fine shall be an amount $100.00 greater than the previous fine imposed.

(Ord. of 10-8-1996, § 62-125)

Secs. 34-36—34-60. - Reserved.

ARTICLE III. - NOISE

FOOTNOTE(S):

Editor's note— Ord. of 8-11-2009(1), did not specifically amend the Code; therefore, these provisions have been included as Art.

III, at the editor's discretion.

Sec. 34-61. - Noise from radios, cassette players, etc.

It shall be unlawful for any person to play, use, operate or permit to be played, used, or operated any radio, tape

recorder, cassette player or other machine or device for reproducing sound, if the sound generated is audible at a

distance of 100 feet from the device producing the sound and if it is located in or on any of the following:

Any public or private property, including any private or public street, highway, building, sidewalk, park or

thoroughfare within Seminole County; or

Any motor vehicle on private space or a public space, street or highway.

It shall be unlawful for any person to operate any motor vehicle on public or private space within the county in or on

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which the motor vehicle there is then being played, used, or operated, any radio, tape recorder, cassette player, or

other machine or device for reproducing sound if the sound generated is audible at a distance of 100 feet from the

device producing the sound.

Any authorized public safety officer shall issue a summons for any violation of this section, except that they may

arrest for instances when:

The alleged violator refuses to provide the officer with such person's name and address and sufficient proof

thereof as may be reasonably available to the alleged violator;

When the alleged violator refuses to cease such illegal activity after being issued a citation.

(Ord. of 8-11-2009(1))

Chapter 38 - PLANNING

FOOTNOTE(S):

Cross reference— Administration, ch. 2; buildings and building regulations, ch. 14; environment, ch. 26; floods, ch. 30; roads

and bridges, ch. 42; subdivisions, ch. 50; zoning, app. A.

State Law reference— Coordinated and comprehensive planning by counties and municipalities, O.C.G.A. § 36-70-1 et seq.;

regional development centers, O.C.G.A. § 50-8-30 et seq.

ARTICLE I. - IN GENERAL

Sec. 38-1. - Provisions saved from repeal.

The ordinance adopted August 14, 2001, providing for the Seminole Planning Commission is not repealed and shall continue in

full force and effect pending a revision of the subject matter by the county.

Secs. 38-2—38-30. - Reserved.

ARTICLE II. - ZONING POLICIES, PROCEDURES AND STANDARDS

FOOTNOTE(S):

Cross reference— Zoning, app. A.

State Law reference— The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; conflicts of interest in zoning actions, O.C.G.A. §

36-67A-1 et seq.; authority to adopt plans and exercise zoning powers, Ga. Const. art. IX, § II, ¶ IV.

Sec. 38-31. - Purpose of zoning ordinance.

The county zoning ordinance, published as appendix A of this Code, will regulate the location, height of buildings and

structures; the density of population; the size of yards and other open spaces; the use of land, buildings and structures for

industry, commerce, agriculture, recreation, residence, public activities and other purposes; create districts for such purposes and

establish boundaries; define terms; methods for administration, amendment and enforcement as well as penalties for violations;

and provide for zoning appeals.

(Ord. of 8-14-2001(4))

Sec. 38-32. - Zoning district classications.

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The unincorporated portions of the county are divided into nine classes of zoning districts known as follows:

AG Agricultural-limited residential district

R-1 Single-family residential district

R-2 One-family, two-family and multiple-family residential district

RPUD

Residential planned unit development district

C-1 Community business district

C-2 General commercial district

CPUD

Commercial planned unit development district

I Industrial

FH Flood hazard district

(Ord. of 8-14-2001(4))

Sec. 38-33. - Procedures for rezoning property requests.

Procedures for rezoning property requests by citizens or property owners shall be as follows:

An application for rezoning must be filed with the zoning administrator on a prescribed form and fees paid as

set by the board of commissioners. The application shall be filed 30 days prior to the planning commission

meeting.

The zoning administrator will inform the applicant of the public hearing dates. The planning commission will

convene a public hearing on each rezoning proposal. However, the official public hearing will be held by the

board of commissioners and public notice will appear no less than 15 days nor more than 45 days prior to the

official public hearing. (Note: the planning commission makes recommendations to the board of

commissioners. The final zoning decision lies with the board of commissioners.)

Official public hearing notices will be published in a newspaper of general circulation within the county at least

15 days prior to the official public hearing date.

The public hearing notice will name the applicant, the location of property to be affected, the present zoning

classification, the proposed zoning classification and the date, time and place of both the planning commission

public hearing and the public hearing held by the board of commissioners.

The zoning administrator shall also have erected upon the property for which rezoning is to be considered, a

sign of no less than 17 inches by 24 inches announcing the public hearings, stipulating the dates, times, and

places for the two hearings, the present zoning classification and the proposed zoning classification. The sign

shall be seen clearly from a public street. It shall be erected not less than 15 days before the public hearing

date (board of commissioners).

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(Ord. of 8-14-2001(4))

Sec. 38-34. - Public hearing procedures.

Public hearing procedures for rezoning proposals shall be as follows:

The presider of each respective public hearing will review for those present, the following operating

procedures for the public hearing:

In order for a person in attendance to speak, the chair must recognize him. The person recognized will

identify himself. The chair may also request that the person furnish a home or business street address, as

appropriate.

A minimum of ten minutes per side (proponents and opponents) will be allowed for discussion. The

applicant or an authorized representative of the applicant will be given the option of speaking first at the

hearing.

Additional persons will be recognized per the procedures of this section for the purpose of addressing

additional concerns of the revisions or to make additional points with regard to elements already

addressed, but not to rehash points already made.

Appropriate notes or minutes will be recorded by the planning commission and the board of

commissioners at their respective public hearings.

The public hearing held by the planning commission will follow the same meeting procedures as that of the

board of commissioners.

The planning commission shall prepare and submit the necessary minutes, evaluations and/or

recommendations to the board of commissioners prior to the county commissioners public hearing.

The board of commissioners, at its public hearing, will review the evaluation and recommendations from the

planning commission and may choose to adopt or reject or modify the planning commission

recommendations or the business may be tabled for additional study to the next regular commission meeting

with the consent of the applicant.

Any application for rezoning of a particular parcel of property, which is denied by the board of commissioners,

may not again be considered for rezoning until the expiration of at least 12 months immediately following the

defeat of the rezoning request.

(Ord. of 8-14-2001(4))

Sec. 38-35. - Rezoning criteria.

When the county or an individual initiates a rezoning of property, the criteria for determining whether or not to recommend

the approval or denial of in the case of the planning commission, or whether to approve or deny a rezoning application request in

the case of the board of commissioners, is based on the criteria set forth in this section. The following criteria are established to

assist the planning commission and board of commissioners in balancing the interests of the public with the interests of the

private property owner:

Does the proposed zoning classification promote the health, safety, morals or general welfare of the county?

The existing uses of the subject property and the adjacent and nearby properties.

The current zoning of the subject property and zoning of adjacent or nearby properties.

The extent to which the property values are diminished by the present zoning restrictions.

The extent to which the restrictions diminishing the property's values promote the health, safety, morals or

general welfare of the public.

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The relative gain to the public compared to the extent of hardship imposed upon the individual property owner.

The suitability of the subject property for the zoned purposes.

The history of the use of the subject property considered in the context of land developments in the vicinity of

the property.

Conformity with the county comprehensive plan.

(Ord. of 8-14-2001(4))

Sec. 38-36. - Conditional uses.

Approval. The county planning commission may recommend approval of a rezoning proposal under this article to

the board of commissioners on conditional uses, which are specifically authorized. The board will make the final

decision. The procedures and application process is the same as in a rezoning. A public hearing is required.

Conditional use criteria.

The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend

or use such facility, vehicular movement, noise or fume generation or type of physical activity.

The proposed use will not be affected adversely by the existing uses; and the proposed use will be placed on a

lot of sufficient size to satisfy the space requirements of such use.

The parking and all development standards set forth for each particular use for which a permit may be granted

have been met.

The board of commissioners may impose or require such additional restrictions and standards as may be

necessary to protect the health and safety of workers and residents in the community and to protect the value

and use of property in the general neighborhood provided that, wherever the county commission shall find, in

the case of any permit granted pursuant to the provisions of the regulations of this article, that any term of the

permit has not been complied with, the commission shall rescind and revoke such permit after giving due

notice to all parties concerned and granting full opportunity for a public hearing.

(Ord. of 8-14-2001(4))

Sec. 38-37. - Variances.

The planning commission may recommend approval of a variance from the provisions of this article to the board of

commissioners which shall have the power to authorize such variance from the terms of the zoning regulations as will not be

contrary to the public interest, where a literal enforcement of the zoning requirements would result in undue hardship.

Procedure. Applications for a variance shall be filed with the office of the zoning administrator. Such

application must be filed 30 days before the date of the following planning commission meeting in order that

the required public notice may be given before the next scheduled meeting. Each application shall be

accompanied by a simple sketch of the site, showing the following:

General location of existing structures and property lines.

Location of proposed buildings and land use.

Setback if applicable to the request.

Public hearing. A public hearing shall be held by the board of commissioners for the review of an application

for a variance. Notice of the time and place of such hearing shall be published at least 15 days before the

hearing in a newspaper of general circulation in the county.

Fee. Each application for a variance shall be accompanied by an application fee set by the board of

commissioners to partially defray administrative costs.

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(Ord. of 8-14-2001(4))

Sec. 38-38. - Criteria for variance requests.

The following criteria shall be utilized when considering specific cases where the variance from the terms of this article will not

be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article will, in an

individual case, result in unnecessary hardship so that the spirit of this article shall be observed, public safety and welfare secured

and substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding of the

board of commissioners that:

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question

and because of its size, shape or topography.

The application of this article to this particular piece of property would create an undue hardship.

Such conditions are particular to the particular piece of property involved and not the making of the applicant.

Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent

of this article; however, no variance may be granted for a use of land or building or structure that is prohibited

by this article.

The proposed use will be of such location, size and character that it will be in harmony with the appropriate

and orderly development of the surrounding neighborhood.

The proposed use will be a nature that will make vehicular and pedestrian traffic no more hazardous than is

normal for the district involved.

The location, size intensity, site layout and periods of operation of any such proposed use will be designed to

eliminate any possible nuisance emanating from the use which might be noxious to the occupants of any other

nearby uses whether by reason of dust, noise, fumes, vibration, smoke or lights.

The location and height of buildings or structures and the location, nature and height of walls and fences will

be such that the proposed use will not interfere with or discourage appropriate development and the use of

adjacent land and buildings or unreasonably affect their value.

(Ord. of 8-14-2001(4))

Sec. 38-39. - Planning commission responsibility.

The primary purpose of the county planning commission is to research, review, and make recommendations to the board of

commissioners on rezoning applications, conditional use requests, zoning ordinance amendments and general planning within the

community. The county planning commission consists of members from each voting district in the county appointed by the board

of commissioners.

(Ord. of 8-14-2001(4))

Sec. 38-40. - Zoning administrator.

The zoning administrator, appointed by the board of commissioners, shall administer and enforce the zoning ordinance

(appendix A of this Code) and is given the authority and responsibility to enforce all provisions of this article under the direction of

the board of commissioners.

(Ord. of 8-14-2001(4))

Cross reference— Officers and employees, § 2-61 et seq.

Sec. 38-41. - Appeals.

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The board of commissioners shall hear and decide appeals where there is alleged error in any order, requirement, decision or

determination made by the zoning administrator under this article.

(Ord. of 8-14-2001(4))

Sec. 38-42. - Zoning appeals.

A rezoning case can be contested by a private party in the superior court within 30 days of any zoning decision rendered by

the board of commissioners.

(Ord. of 8-14-2001(4))

Chapter 40 - PUBLIC GATHERINGS AND DEMONSTRATIONS

FOOTNOTE(S):

Editor's note— Ord. of 10-13-2009, did not specifically amend the Code; therefore, these provisions have been included as

chapter 40, at the editor's discretion.

Sec. 40-1. - Short title.

This chapter shall be known and may be cited as the Public Gatherings and Demonstrations Regulations of Seminole County.

(Ord. of 10-13-2009)

Sec. 40-2. - Authority.

This chapter is adopted pursuant to the authority delegated to the county under Georgia Constitution article IX, § II, ¶ I.

(Ord. of 10-13-2009)

Sec. 40-3. - Purpose.

The purpose of this chapter is to promote and regulate the use of public spaces and facilities within the unincorporated

portion of Seminole County and any other public space or facility owned by Seminole County, consistent with the dedicated uses

and maintenance of such public properties, the preservation of public safety, lawful commerce, and rights of access and traverse in

preservation of natural and historic environments, and the protection of the well-being, peace, privacy, and good order necessary

to the free enjoyment by citizens of the rights to private property and personal pursuits. Furthermore, it is the specific intent of

Seminole County in enacting this chapter, to regulate only the time, place, and manner of events and not the content or message

of any speech or expressive conduct.

(Ord. of 10-13-2009)

Sec. 40-4. - Application process.

The application shall include at a minimum:

The name, address, gender, and date of birth of the applicant. If the applicant is an association of persons in

fact or in law, the application shall contain a description of the entity; the name of said entity, if named; the

registered or recognized address of the entity, if any; the name of the person making the application on behalf

of or as a representative of said entity; such person's relationship to said entity; and some demonstration or

recitation of the authority of the person making the application to act on behalf of the entity.

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A plan for review by the sheriff and the county commission, which will include:

The anticipated number of persons participating in the event;

The date or dates of the event;

The hours of each day the event will be conducted;

The exact location of said event, or, if the event is processional or mobile, the route of the event;

Whether sound amplification equipment will be employed;

Whether artificial light will be employed;

Whether temporary static structures will be employed;

A description of the anticipated need for safety, police, medical, sanitation, and other required personnel

and equipment.

(Ord. of 10-13-2009)

Sec. 40-5. - Review by the county commission and the sheri

All public parades, picketing and demonstrations that take place on Seminole County property shall be by permit

only.

The Seminole County Commission will have the ultimate responsibility to accept or deny permits for conduct in

public spaces and facilities (hereinafter referred to as the "event") in the unincorporated areas or any owned or

controlled property of Seminole County.

The sheriff will have the final determination for the amount of the cash bond necessary to cover the cost of law

enforcement personnel; fire safety; and EMS services necessary to assure for a peaceful event and to provide for

the safety of the citizens of Seminole County.

Due to the limited number of combined law enforcement availability, no two public assemblies may take place in

the same locale on the same day. The first organizer to apply for such permit will have priority over any subsequent

application unless such application is scheduled on a date recognized as being a date of a continuing or annual

event.

Within five working days of the receipt of a fully completed, executed, and filed application, the county commission

shall review the application in light of all of the contents thereof and the goals, intentions, and presumptions of this

chapter as set out hereinbefore, and render a decision and communicate same to applicant, either permitting the

event as planned or denying a permit for same. If the permit is denied, the commission shall provide the applicant

in writing a statement of the reasons therefore. (First class mail to the address provided by applicant, postmarked

no more than five working days after receipt of the fully completed, executed, and filed application, shall be

sufficient for this purpose, though not the exclusive means of notice.)

Nothing in this process shall prevent the commission, at their sole option and within the five working day period for

approval or denial, to confer with applicant with respect to modifications of applicant's plan for the event, and

amend the application to reflect such modifications if agreed to by applicant. However, applicant may neither

supplement nor amend its application within said five working day period except at the invitation of the

commission. Any attempt to do so sua sponte shall be deemed a separate and new application.

The commission may deny the application for permit upon any of the following reasons or combination of reasons:

The application does not contain all required information or materials, or the information set out in the

application is so incomplete, vague, or ambiguous as to prevent full and proper review by the commission;

The application contains material omissions, falsehoods, or misrepresentations;

The applicant, or entity represented by applicant, is incompetent to contract, sue, or be sued;

The person applying lacks authority to represent the entity for which the application is made;

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The applicant or entity represented by applicant has on prior occasions damaged public property, or has not paid

damages, or is in arrears as to any judgment civil, criminal, or administrative rendered against the applicant or en

violation of any injunction or restraining order entered against the applicant or entity, whether under the same na

The applicant or entity represented by applicant has on prior occasions violated permitting ordinances in

connection with events of a substantially similar nature;

The plan of the event as proposed is likely to present a danger to the health or safety of participants in the

event or other members of the public (though not through the agency of any predicted reaction by onlookers

or members of the public);

The plan of the event as proposed is likely to restrict and/or congest traffic (vehicular or pedestrian) on any of

the public roads, rights-of-way, sidewalks, or waterways in the immediate vicinity of such event;

The plan of the event as proposed is likely to cause a disturbance of the peace, or is likely to burden lawful

commerce in the area at the time of the proposed event, or is likely to intrude upon the privacy or property of

citizens in the area of the proposed event;

The plan of the event as proposed includes activities which are prohibited by laws of the United States, the

State of Georgia, or ordinances of Seminole County, or activities which constitute nuisance or tortious conduct

with respect to public or private property or persons;

The plan of the event as proposed would conflict with previously planned programs or events organized and

conducted by Seminole County and previously scheduled for the same time and place;

The plan of the event as proposed is prohibited by or is inconsistent with the classifications and uses of the

proposed or desired location;

A fully executed prior application for permit has been or will be granted to a prior applicant; or

The plan of the event as proposed includes the use of sign(s), display(s), post(s), or placard(s), banner(s) which

exceed three feet by three feet in size, are made of a material other than paper, cardboard, poster board, or

foam, are attached or affixed to any wooden, plastic, metal, or other type of support, or are draped or affixed

to any Seminole County property, including, but limited to, the ground, trees, and buildings within Seminole

County.

(Ord. of 10-13-2009)

Sec. 40-6. - Revocation.

For events that have been granted a permit or events that do not require a permit, the Seminole County Sheriff's

Office or the county commission shall have the authority to terminate an event at any time, or prevent its initiation,

should traffic, weather, or other conditions develop which present an imminent danger to those participating in the

event or to the public at large. If an event is permitted and is terminated pursuant to this subsection, the permit

shall be revoked for that day only.

If in preparation for or after the start of an event for which a permit has been issued, participants in said event

violate the terms of the permit or deviate in material fashion from the plan submitted in the application for the

permit, the Seminole County Sheriff's Office or the county commission shall have the authority to terminate the

event at any time or prevent its initiation. If an event is terminated pursuant to this subsection, the permit shall be

permanently revoked.

(Ord. of 10-13-2009)

Sec. 40-7. - Appeals.

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Upon receipt of any decision by the commission denying an application an applicant may, within five calendar days, file an

appeal of said denial with the county administrator, which appeal shall be in writing and sent to the county administrator by

certified U.S. mail or hand delivery.

(Ord. of 10-13-2009)

Sec. 40-8. - Assemblies, parades and picketing

All assemblies, parades and picketing shall be peaceful and unattended by noise and boisterousness, and there shall be no

yelling, shouting, singing, chanting, clapping, or making any other loud noise by any means whatsoever whether by voice,

handclapping, stomping or by mechanical means to such extent as to annoy or disturb the peace, quiet, comfort or repose of

reasonable persons in any office, dwelling, hotel or other type residence, or any persons in the vicinity; provided, however, that the

use of bands shall be permitted in parades.

(Ord. of 10-13-2009)

Sec. 40-9. - Use of sidewalks and streets.

Picketing and demonstrations shall be conducted only on the public sidewalks maintained by the county, and only in such

manner and on such locations on the sidewalks as not to interfere with the free passage of traffic on the sidewalks. No picketing or

demonstrating will be conducted on those portions of the county streets used primarily for vehicular traffic.

(Ord. of 10-13-2009)

Sec. 40-10. - Use of placards and signs.

Picketers or demonstrators shall carry only cardboard or paper placards or signs. No metal or wood may be attached to the

placards or signs and the placards or signs shall not be more than 36 inches in length and not more than 36 inches in width.

(Ord. of 10-13-2009)

Sec. 40-11. - Prohibited in certain places.

There shall be no picketing or demonstrating in front of any building in which the following are located, affecting the normal

operations thereof, while the following are in use:

A church;

A fraternal order;

A school;

A hospital, nursing home or rest home.

(Ord. of 10-13-2009)

Sec. 40-12. - Notice of proposed picketing; demonstrating or mass gathering.

The organizers of a proposed picket, demonstration or mass gathering must fill out an application with the board of

commissioners. The final approval will come from the board of commissioners after they have reviewed and approved the event

plan.

(Ord. of 10-13-2009)

Sec. 40-13. - Duty to disperse as directed by law enforcement.

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Whenever the free passage of any street or sidewalk in the county shall be obstructed by a crowd, the persons composing

such crowd shall disperse or move on when directed to do so by a law enforcement officer. It shall be unlawful for any person to

refuse to so disperse or move on when so directed by a law enforcement officer.

(Ord. of 10-13-2009)

State law reference— Obstructing highways, streets, sidewalks and other public passages, O.C.G.A. § 16-11-43.

Sec. 40-14. - Use of vehicles for picketing or demonstrating.

No vehicles shall be used in any picket or demonstrating line, and all picketers or demonstrators shall be afoot.

(Ord. of 10-13-2009)

Sec. 40-15. - Use of vehicles in parades

The county law enforcement officers may make temporary rules directing and regulating the traffic in congested districts, and

any person, who, after being warned of the temporary traffic regulations, shall violate them, shall be liable therefore as for other

violations of this Code.

(Ord. of 10-13-2009)

Sec. 40-16. - Prohibited conduct.

Prohibited conduct. It shall be unlawful for any person or persons during any public event within the

unincorporated areas of the county to engage in any conduct described in the following subsections:

To act in a violent or tumultuous manner toward another whereby any person is placed in fear for the safety of

his life, limb, or health;

To act in a violent or tumultuous manner toward another whereby the property of any person is placed in

danger of being damaged or destroyed;

To cause, provoke or engage in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or

property of another;

To assemble or congregate with another or others for the purpose of or with the intent to engage in gaming;

To be in or about any place, alone or with another or others with the purpose of or intent to engage in any

fraudulent scheme, trick, or device to obtain any money or valuable thing; or to aid or abet any person or

persons in doing so;

To be in or about any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics

or dangerous drugs is practiced, allowed, or tolerated, for the purpose of or intent to engage in gaming or the

purchase, use, possession or consumption of said illegal drugs, narcotics, or alcoholic beverages;

To direct "fighting words" toward another, that is words which by their very nature tend to incite a breach of

the peace;

To interfere, by acts of physical obstruction, with another's pursuit of a lawful occupation;

To congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian

traffic, and to fail to clear that public way after being ordered to do so by a Seminole County law enforcement

officer or other lawful authority;

To disrupt, by actions which tend to incite a breach of peace, the activities of any house of worship, hospital,

home for the elderly, or any lawful meeting, gathering or procession; or

To throw bottles, paper, cans, glass, sticks, stones, missiles, or any other debris on public property.

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Penalty. Upon finding of guilt for the violation of this section, the offender shall be subject to imprisonment for a term

exceeding 60 days or by fine not exceeding $500.00, or both.

Jurisdiction. The Magistrate Court of Seminole County and the State Court of Seminole County shall each have

jurisdictions to try the offense described in this section.

(Ord. of 10-13-2009)

Sec. 40-17. - Eective date.

This chapter shall become effective upon adoption. All ordinances or parts of ordinances in conflict with this chapter are

hereby repealed.

(Ord. of 10-13-2009)

Sec. 40-18. - Severability.

Should any section, provisions, or clause of any part of this chapter be declared invalid or unconstitutional, or if the provisions

of any part of this chapter as applied to any particular situation or set of circumstances be declared invalid or unconstitutional,

such invalidity shall not be construed to affect portions of this chapter not so held to be invalid, or the application of this chapter to

other circumstances not so held to be invalid. It is hereby declared as the intent of Seminole County that this chapter would have

been adopted had any such invalid portion not been included herein.

(Ord. of 10-13-2009)

Sec. 40-19. - Violations.

Whenever in this chapter any act is prohibited or is made or declared to be unlawful or an offense, or whenever herein the

doing of an act is required or the failure to do any act is declared to be unlawful, the violation of such provision shall be an

ordinance violation punishable by a fine of at least but not to exceed $500.00, or by imprisonment of at least 24 hours, not to

exceed 60 days, or both. Any person who violates this chapter may be subject to immediate arrest. The imposition of a penalty

under the provisions of this section shall not prevent the revocation of any permit issued pursuant to this chapter.

(Ord. of 10-13-2009)

Sec. 40-20. - Exceptions.

This chapter shall not apply to any of the following:

A governmental agency, including its employees or officials, acting within the scope of its functions or

conducting official governmental business;

Uses, activities, or events being conducted on the public properties of Seminole County, or the facilities

thereon, that do not have the effect, intent, purpose, or propensity to attract the notice of people who are not

a part of such use, activity, or event;

Events that are sponsored by Seminole County within the scope of its functions;

Students going to and from school classes or participating in educational activities, provided that such conduct

is under the immediate direction and supervision of the proper school authorities; and

Funeral processions.

(Ord. of 10-13-2009)

Chapter 42 - ROADS AND BRIDGES

FOOTNOTE(S):

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Cross reference— Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any

street or public way in the county saved from repeal, § 1-7(a)(6); any ordinance establishing or prescribing street grades in the

county saved from repeal, § 1-7(a)(15); buildings and building regulations, ch. 14; environment, ch. 26; floods, ch. 30; planning, ch.

38; subdivisions, ch. 50.

State Law reference— Probate court's jurisdiction involving the removal of obstructions from roads, O.C.G.A. § 15-9-30.1;

damaging, injuring or interfering with utilities, O.C.G.A. § 16-7-25; Georgia Code of Public Transportation, O.C.G.A. § 32-1-1 et seq.;

governmental authorization for construction or maintenance of any private road unlawful, O.C.G.A. § 32-1-8; state, county and

municipal road systems, O.C.G.A. § 32-4-1 et seq.; county road systems, O.C.G.A. § 32-4-40 et seq.; regulation of maintenance and

use of public roads generally, O.C.G.A. § 32-6-1 et seq.; state grants for construction and maintenance of county roads, O.C.G.A. §

36-17-20 et seq.; inspection of and reports on roads and bridges by county police, O.C.G.A. § 36-8-6; authority to construct and

maintain roads, including curbs, sidewalks, streetlights and devices to control the flow of traffic, Ga. Const. art. IX, § II, ¶ III(a)(4).

ARTICLE I. - IN GENERAL

Secs. 42-1—42-30. - Reserved.

ARTICLE II. - PLACEMENT, CONSTRUCTION AND ACCEPTANCE

DIVISION 1. - GENERALLY

Sec. 42-31. - Purpose and intent.

The public health, safety, morals and general welfare of the county require the orderly, harmonious and progressive

development of the area within the county, and in the interest of this goal the purpose and intent of this article is to:

Encourage the development of economically sound and stable communities;

Ensure the establishment of an economically maintainable network of roads in the county;

Ensure safe and convenient traffic, both vehicular and pedestrian, access to new land developments; and

Ensure harmony and compatibility between new roads and existing county roadways, state and federal

highways, and streets of the several municipalities.

(Ord. of 4-12-1982, § 102)

Sec. 42-32. - Standards.

From and after the adoption of the ordinance from which this article is derived, all roads proposed for the unincorporated

portion of the county, except for through streets and roads that may be included in a major thoroughfare plan adopted by the

county commission, shall be built by the landowner or developer proposing such road and shall be located and built in the manner

and to the standards prescribed in this article.

(Ord. of 4-12-1982, § 103)

Sec. 42-33. - Limited responsibility of county.

No road will be accepted for county maintenance unless the provisions of this article have been met. The approval of the plans

required by section 42-63 constitutes no implied responsibility on the county for any assistance in construction, either in materials,

labor or equipment, these being entirely the responsibility of the developer. Specifically, the developer will move, at his cost, all

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utility lines and poles, install all required drainage facilities, install all culverts for access to abutting property, construct the

roadway and improve the entire right-of-way. The county's approval of the plans required by section 42-63 shall in no way obligate

the county to pave or resurface the road at the time of construction or at a future date. Paving shall be done at the discretion of

the board of commissioners.

(Ord. of 4-12-1982, § 104)

Sec. 42-34. - Denitions.

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:

Arterial road means a road used primarily for faster and/or heavier traffic and includes all federal, state and major paved

county roads.

Collector road means a road used to carry traffic from minor or access roads to the major system of arterial roads and

highways and promises a traffic potential greater than that of minor roads.

Cul-de-sac means a short minor residential road with only one end open to vehicular traffic and being permanently terminated

at the other end by a vehicle turnaround.

Dead-end road means a road with only one end open to vehicular traffic and not provided with a vehicle turnaround at the

other end.

Easement means a grant by a property owner of the use, for a specific purpose, of a piece of land by the general public, a

corporation, or a person.

Fee simple deed means a deed without any liens.

Minor residential road means a road used primarily for access to the abutting properties.

Road means a way dedicated for vehicular traffic by the general public whether designated as a street, highway, parkway,

road, avenue, boulevard, lane, place or other similar designations.

(Ord. of 4-12-1982, § 105)

Cross reference— Definitions generally, § 1-2.

Secs. 42-35—42-60. - Reserved.

DIVISION 2. - PROCEDURES

Sec. 42-61. - Sketch plan.

Any person, firm or corporation desiring to locate a road in the county shall, prior to the beginning of any construction of such

road or the offering for sale of any parcel of land not abutting an existing public roadway, prepare a sketch plan of the proposed

road. Such plan must be at a scale sufficient to depict clearly all points pertinent to the proposal such as curve radii, intersections

and offsets. Existing roads immediately adjacent on all sides shall be shown on the sketch or referenced by distance. The location

of existing roads less than one-half mile from the proposed street shall be dimensioned in feet, accurate to within 50 feet. The

location of those roads between one-half mile and one mile distant shall be dimensioned in feet, accurate to within 100 feet while

the location of those over one mile distant shall be dimensioned in miles and tenths of a mile, accurate to within one tenth of a

mile.

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(Ord. of 4-12-1982, § 201)

Sec. 42-62. - Proposal submission.

The developer shall meet with the county administrator and road superintendent to review the contents of the sketch plan

specified in section 42-61. The requirements of the regulations will be explained. The road superintendent will advise on location

and sizing of under-the-roadway drainage culverts, if required, and the location and design of ditches, ditch spillways, back-slopes

and drainage easements required on adjoining property. The developer shall note the advice in this section and any

recommendations made by the road superintendent and/or county administrator for the purpose of preparing a final plan.

Pursuant to this section, the county administrator shall notify the county commissioner serving the district in which the proposed

road will be located of the proposal and the intended use of the proposed road.

(Ord. of 4-12-1982, § 202)

Sec. 42-63. - Final plan.

Four copies of a final plan containing the information required in an original proposal under this division, modified to include

the suggestions of the road superintendent and the county administrator, along with four copies of each required drainage

easement shall be submitted to the road superintendent. If, in the road suprintendent's opinion, the plan meets all of the

planimetric requirements of the regulations of this division, he shall, within three days, note such approval on all copies and apply

his initials. He shall then forward all copies to the county administrator. The county administrator shall, within three days, obtain

on all copies the initials of the county commissioner serving the district in which the proposed road will be located. Following the

approval of the county commissioner, the county administrator shall within two days execute, initial and date each copy. He shall

forward one copy to the developer, retain two copies for his files and return one copy to the road superintendent. Upon receiving a

copy of the plan, the developer may proceed with on-the-ground location of the roadway.

(Ord. of 4-12-1982, § 203)

Sec. 42-64. - Preconstruction inspection.

When the developer has adequately, through centerline stakes, right-of-way clearance or similar means, located the proposed

road, he shall notify the road superintendent who shall, within two days, inspect the layout. If, in the road superintendent's opinion

the layout follows the approved plan, he shall so note that fact on the developer's copy of the approved plan and date the note. He

shall make the same notation on his copy of the approved plan. Upon such approval and upon compliance with section 42-65,

construction may begin.

(Ord. of 4-12-1982, § 204)

Sec. 42-65. - Utilities notication.

Prior to actual grading or excavation, the developer or his agent (contractor, if applicable) shall notify any and all utility

companies, including municipalities, that are known to have underground facilities in the area of the intention to grade or

excavate.

(Ord. of 4-12-1982, § 205)

Sec. 42-66. - Construction; inspection and approval.

Upon completion of all construction, the developer shall notify the road superintendent who shall, within three days, inspect

the entire project for conformity with the approved plan and the regulations of this division. When he is able to do so, he shall note

that approval and the date on the developer's, the commissioner's, and the administrator's copies, and his own copy of the

approved plan.

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(Ord. of 4-12-1982, § 206)

Sec. 42-67. - State department of transportation notication.

As soon as practical after construction approval pursuant to this division, the county administrator shall, for mapping

purposes, notify the district engineer's office of the state department of transportation of the new road and its location.

(Ord. of 4-12-1982, § 207)

Sec. 42-68. - Warranty required.

While the county may on its regular schedule mow the right-of-way or drag the ditches of newly constructed roads, it shall be

the responsibility of the developer to otherwise maintain the road for one year from the date of construction approval. The

developer may file with the county administrator a written, notarized commitment to maintain the roadbed, shoulders, ditches,

backslopes and drainage structures or in lieu thereof may post a bond, approved by the county attorney as to form, in an amount

stipulated by the county administrator. That amount shall be sufficient to reimburse the county for any costs that it might have to

assume to provide a road of the intended quality at the end of the one-year warranty period.

(Ord. of 4-12-1982, § 208)

Sec. 42-69. - Title.

Upon the satisfactory completion of all the conditions of this division, the developer shall give a fee simple title by warranty to

the county.

(Ord. of 4-12-1982, § 209)

Secs. 42-70—42-90. - Reserved.

DIVISION 3. - STANDARDS

Sec. 42-91. - Alignment.

Collector roads are to be aligned so as to contribute to the circulatory network of the county. To achieve this objective, the

road superintendent may require that they be terminated so that future rights-of-way may continue on the same alignment into

other property. If land abutting a proposed or existing collector road in the vicinity of another proposed collector road is owned by

the applicant, then the board of commissioners may require that the road be constructed through the property to achieve an

intersection, provided the proposed land development for which a collector road is to be built is one-fourth mile or less from such

intersection. Minor residential roads are to be aligned so as to follow the contours of the existing terrain as much as possible while

simultaneously considering the best land utilization by the developer. At the city limits of incorporated places and in the urbanizing

areas adjacent thereto, proposed roads shall, wherever possible, continue the existing street patterns. Curves on collector roads

shall have a radius sufficient to achieve a sight distance of 400 feet, on minor residential roads, 150 feet.

(Ord. of 4-12-1982, § 301)

Sec. 42-92. - Intersections.

Block lengths shall not be less than 400 feet and where residential subdivisions are to be built, blocks shall not exceed 1,200

feet. Intersections with collector or arterial roads shall not be located closer than 400 feet of the crest of a hill. Each proposed road

intersection shall be, if at all possible, at right angles but in no case shall any intersection angle be less than 75 degrees. If the basic

alignment of a proposed road has to be deflected to achieve the required intersection angle, the sight distance from the centerline

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of the road in the curve to the intersection shall be at least 400 feet for a collector road, and 150 feet for a minor residential road.

No proposed intersection shall be offset less than 200 feet, whether the intersection is on a proposed road or between a proposed

road and an existing road where the proposed new road is, in effect, a continuation of an existing road.

(Ord. of 4-12-1982, § 302)

Sec. 42-93. - Dead ends and culs-de-sac.

Where a collector road is terminated as provided for in section 42-91, a turnaround is to be provided and, if necessary, a

temporary easement granted to the county for the use of undeveloped future rights-of-way for that purpose. Minor residential

roads designed so as to be permanently dead ended or as a cul-de-sac shall terminate in a turnaround constructed to the same

standards as the road and with a right-of-way as required in section 42-94.

(Ord. of 4-12-1982, § 303)

Sec. 42-94. - Dimensions.

Each road is to have a right-of-way of at least 60 feet. Each permanent turnaround shall have a right-of-way of 100 feet in

diameter. A collector road shall have a finished trafficway surface of at least 25 feet centered within the required right-of-way. A

minor residential road shall have a finished traffic way of at least 21 feet centered within the required right-of-way. A five-foot

shoulder shall be provided on either side between the finished trafficway and the facing slope of the required drainage ditch. The

entire surface from the centerline to the facing slope of the drainage ditch shall have a slope of six inches. The drainage ditch shall

have a depth of at least two and one-half feet below the crown of the road. The road superintendent may require more depth in

consideration of the drainage area to be served. The facing and back slopes of the ditches shall have a ratio of 3:1 except that, in

consideration of soil stability, the back slope may be at a different angle at appropriate locations along the road when suggested or

approved by the road superintendent. Appropriate adjustments in the backslope angle are to be made at any ditch drainage

spillways. Where a road is built on a fill, the ditch requirements are not applicable but the slope of the fill shall not exceed 3:1.

(Ord. of 4-12-1982, § 304)

Sec. 42-95. - Grades.

Cuts and fills shall be made so that the vertical alignment has no grade in excess of five percent.

(Ord. of 4-12-1982, § 305)

Sec. 42-96. - Signs.

In the urbanizing areas adjacent to present incorporated places, signs shall be erected at the intersections of the rights-of-way

of intersections of roads designating the road names of the intersecting roads. Size, lettering size, color, material and height shall

be consistent with that of the signs used by the incorporated place.

(Ord. of 4-12-1982, § 306)

Sec. 42-97. - Paving.

If the developer desires to pave any new road, the combination and specifications for materials including base course, prime

and surface treatment shall meet state department of transportation specifications which are applicable at that time. The base

course shall extend across the finished trafficway required by section 42-94. Surface treatment may be one foot less in width,

centered in the right-of-way. The slope of the finished paved section from the centerline toward the ditch shall be at the rate of

one-fourth inch per foot of width while the unpaved portion to the facing slope of the ditch shall be sloped one inch per foot of

width. The road superintendent shall be notified when the application of the base course is completed. He shall, within two days,

inspect the work for compliance with these regulations. Upon approval, the surface treatment may be applied. Prior to acceptance

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by the county, the road superintendent shall certify that the work has been completed in compliance with these regulations. In

making the necessary inspections, the road superintendent, with the approval of the county administrator, may seek the advice of

qualified personnel of the state department of transportation if and when available.

(Ord. of 4-12-1982, § 307)

Secs. 42-98—42-120. - Reserved.

DIVISION 4. - VARIANCES

Sec. 42-121. - Application.

When an owner or developer believes that the strict adherence to the regulations of this article imposes an undue hardship,

written application for a variance may be filed with the county commission at least ten days prior to any regular commission

meeting. The application shall cite the section from which a variance is desired, the alternative that is being proposed, and the

reason for the request. The county administrator will confer with the road superintendent and a recommendation shall be

prepared for the county commission. The applicant or his agent may appear before the commission in person at its regular

meeting to further explain the request. If, in the opinion of the commission, the request is valid and granting it will not

substantially affect the public welfare, it may approve the request or negotiate an acceptable alternative.

(Ord. of 4-12-1982, § 401)

Sec. 42-122. - Recording.

If the approved variance substantially affected the prepared plans required by section 42-63, the plans shall be modified and

reapproved as provided for in that section. If the variance is approved prior to the submission of required plans, a note stating

"includes variance(s) approved by county commission on (date)" shall be included on the submitted plans. If plans have been

approved as provided for in section 42-63 and the variance(s) granted are minor, the road superintendent shall note and initial the

approved variance(s) on each of four copies of the approved plan.

(Ord. of 4-12-1982, § 402)

Secs. 42-123—42-129. - Reserved.

DIVISION 5. - IRRIGATION SYSTEM END-GUN SHUT-OFF'S

Sec. 42-130. - Irrigation systems.

All functioning and operating irrigation systems and which are adjacent to a public county road, paved and/or graded, shall be

equipped with a correctly operating end-gun shutoff system, which will discontinue or shut off the operation of the water system

when the system is at a location that will spray or apply water onto the public roads or adjacent ditches.

(Res. of 8-11-2009(2))

Sec. 42-131. - Responsibility.

Any landowner, tenant, or leasee of landowner whose irrigation system is adjacent to the public road shall construct the

appropriate shut-off system or stop gate to prevent the system from spraying, crossing or entering the public road or adjacent

ditches.

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(Res. of 8-11-2009(2))

Sec. 42-132. - Enforcement.

The provisions of this division shall be enforced by the official so designated by the board of commissioners. Said official shall

have the right to enter any property area, at any reasonable time, for the purpose of making inspection of the irrigation system

regulated herein and to carry out his duties in the enforcement of this regulation.

(Res. of 8-11-2009(2))

Sec. 42-133. - Penalty.

Any landowner, tenant, or leasee cited for the first violation of this division shall have 30 days to install an end-gun shut-off

system, which will prevent the spray or application of water upon the public roads. Upon any landowner, tenant, or leasee being

cited for a second violation, a fine will be imposed by the county in the amount of $600.00 and upon a third violation a fine will be

imposed in the amount of $1,000.00. Each day a violation continues to exist may be deemed to be a separate violation of the Code.

(Res. of 8-11-2009(2))

Sec. 42-134. - Repealer.

All resolutions or parts of resolutions, in conflict herewith are repealed.

(Res. of 8-11-2009(2))

Secs. 42-135—42-160. - Reserved.

DIVISION 6. - DRAINAGE DITCHES

Sec. 42-161. - Denitions.

Best management practices (BMPs) means a collection of structural measures and vegetation practices which, when properly

designed, installed and maintained, will provide effective erosion and sedimentation control for rainfall events.

Buffer/greenspace means permanently protected areas of the site that are preserved in a natural state. See also under "open

space."

Ditch/channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or

periodically flowing water.

Erosion means the process by which land surface is worn away by the action of wind, water, ice, gravity or manmade actions.

Land disturbing activity means any activity which may result in soil erosion from water or wind and the movement of

sediments into county maintained ditches, including, but not limited to, clearing, dredging, grading, excavating, transporting, filling

of land and agricultural practices.

Project means the entire proposed project regardless of the size of the area of land to be disturbed.

Sediment means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved

from its site of origin by air, water, ice, or gravity as a product of erosion.

(Ord. No. 2010-04-02, 4-13-2010)

Sec. 42-162. - Exceptions.

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This division shall apply to any land disturbing activity undertaken by any person on any land, with no exceptions.

(Ord. No. 2010-04-02, 4-13-2010)

Sec. 42-163. - Obstruction.

It shall be unlawful for any person to obstruct, block, divert or otherwise interfere with the flow of water within the drainage

ditches and roadside ditches in the unincorporated areas of the county.

(Ord. No. 2010-04-02, 4-13-2010)

Sec. 42-164. - Installation of culverts.

Inspection required. No person shall install a culvert in a roadside ditch or drainage ditch on a county maintained

road without an inspection by the road department superintendent.

Inspection process.

Any person desiring to install a culvert in any drainage ditch or roadside ditch shall contact the county road

department superintendent before proceeding with the project. The site must be inspected by the

Superintendent prior to covering the culvert.

The driveway culvert pipe shall be constructed of corrugated metal, HDPE plastic or concrete and the diameter

shall be specified by the road department superintendent.

Property owners may request the county to install the driveway culvert. The cost for the installation shall be

$500.00 and will include the cost of soil and labor. The cost of the pipe itself is not included and is priced

according to size.

(Ord. No. 2010-04-02, 4-13-2010)

Sec. 42-165. - Drainage easements.

Where a subdivision or residential area is traversed by a watercourse, drainage way, channel or stream, there shall be

provided a storm water easement or drainage right-of-way, which shall conform substantially to the lines of such watercourse,

drainage, channel or stream or shall be of such addition width or construction, or both, as will be adequate for the purpose.

(Ord. No. 2010-04-02, 4-13-2010)

Sec. 42-166. - Placing in and lling up of ditch prohibited.

The placing in and filling up of any ditch located beside any county road for the purpose of installing or creating a private way

from the county road over such ditch to a residence, farm, or business by any person is hereby prohibited.

(Ord. No. 2010-04-02, 4-13-2010)

Sec. 42-167. - Harvesting operations.

All logging, pulpwood harvesting, stumping or farmland preparation and/or tilling shall be conducted off the county

rights-of-way and behind the established ditch lines of county roads.

Loading or skidding of logs or stumps is forbidden on county road rights-of-way.

Discing, planting, or tilling in any manner what so ever are forbidden on county road rights-of-way.

No residue from such operations shall be allowed to accumulate in county drainage ditches so as to impede the

flow of water therein. Nor shall any out-fall be directed into a county drainage ditch so as to cause undue erosion of

the ditch, ditch walls, or the roadway.

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Crossing any county drainage ditch shall be by means of a culvert of the correct size that has been installed so as to mi

damage to ditch. The Seminole County Road Superintendent is available to assist in determining how best to meet this

requirement.

County roads at any access site shall be kept serviceable at all times for the motoring public, emergency vehicles,

school buses, mail carriers, etc. No vehicles, equipment or blockade of any kind shall be allowed to obstruct traffic

on county roads.

Upon the completion of a farming, logging or timber cutting operation, any damage to the ditch line, back slopes,

and road shoulders shall be restored to their original condition by the person who has committed the offense.

There shall be no trucks, trailers or equipment parked on county rights-of-way. Staging of loads shall not be done on

county right-of-way.

Gravel or other material shall be used in staging area to reduce mud being backed on county roads. Mud removal

equipment shall be on site at all times mud may present a problem. The county will not tolerate a buildup of mud

on county roads. Skidders shall not be used to remove mud from county roads.

This Code holds responsible the landowner, therefore, landowners are to assure that renters are aware of this

division and insure their compliance.

(Ord. No. 2010-04-02, 4-13-2010)

Sec. 42-168. - Violation.

Any person violating the terms of this division shall be guilty of a misdemeanor.

(Ord. No. 2010-04-02, 4-13-2010)

Sec. 42-169. - Fine.

Any person found guilty of violating this division shall pay a fine up to and not to exceed $1,000.00 and incarceration

for up to and not to exceed 60 days.

Each day any violation of this Code or other ordinance shall continue shall constitute a separate offense.

(Ord. No. 2010-04-02, 4-13-2010)

Chapter 46 - SOLID WASTE

FOOTNOTE(S):

Cross reference— Buildings and building regulations, ch. 14; environment, ch. 26.

State Law reference— Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; local,

multijurisdictional and regional solid waste plans, O.C.G.A. § 12-8-31.1; yard trimmings disposal restrictions, O.C.G.A. § 12-8-40.2;

Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq.; Litter Control Law, O.C.G.A. § 16-7-40 et seq.; transporting

garbage or waste across state or county boundaries without permission, O.C.G.A. § 36-1-16; littering highways, O.C.G.A. § 40-6-249;

transportation of biomedical waste, O.C.G.A. § 40-6-253.1; solid waste management education program, establishment of Georgia

Clean and Beautiful Advisory Committee and Interagency Council on Solid Waste Management, O.C.G.A. § 50-8-7.3; authorization to

provide garbage and solid waste collection and disposal, Ga. Const. art. IX, § II, ¶ III(a)(2).

ARTICLE I. - IN GENERAL

Secs. 46-1—46-30. - Reserved.

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ARTICLE II. - CLEAN COMMUNITY STANDARDS

Sec. 46-31. - Fees.

All fees imposed by this article within the unincorporated areas of the county shall be used and appropriated to pay the cost of

collection storage and/or disposal service within the unincorporated areas of the county and the necessary related expenses

associated therewith, including, but not limited to, the construction and operation of solid waste collection, storage and/or disposal

collection and/or transfer stations; transportation costs to the disposal site and/or transfer site; tipping fees and disposal charges;

and such other costs and expenses as may be deemed needed from time to time by the board of commissioners in order to

collect, store and/or dispose of the solid waste generated within the unincorporated areas of the county.

(Ord. of 5-9-1994, § 1)

Sec. 46-32. - Denitions.

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:

Brown goods means sofas, chairs, mattresses and the like.

Garbage means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or

consumption of food and including food containers.

Refuse means discarded waste materials in a solid or semiliquid state, consisting of garbage, rubbish or a combination thereof.

Residential unit means a dwelling or occupied living space within the unincorporated areas of the county, used or constructed

for use as a residence for one family.

Rubbish means nonputrescible solid wastes consisting of combustible and noncombustible materials.

Solid waste means garbage, rubbish or refuse.

White goods means stoves, washers, dryers, refrigerators and the like.

(Ord. of 5-9-1994, § 2)

Cross reference— Definitions generally, § 1-2.

Sec. 46-33. - Enforcement.

Generally. It is the principal objective of this article to attain a clean and litter-free community and encourage

recycling of selected material through education and voluntary compliance. Enforcement procedures shall be

utilized only where other means fail.

Monitoring by employees. Solid waste collection employees, road department employees, and other county

employees shall be alert to observe violations of the provisions of this article, including, but without limitation, loose

trash and garbage, waste, litter, containers not in compliance, or any other thing or matter which may be in violation

of this article or of the rules and regulations of the board of commissioners. An employee observing such violations

shall report the violations to his supervisor, who in turn shall cause the information to be conveyed to the county

administrator for required action.

Prima facie case. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane,

wagon, wheelbarrow or other conveyance in violation of this article or the rules and regulations promulgated by the

board of commissioners under this article, it shall be prima facie evidence that the operator of the conveyance has

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violated this article.

Presumption. Whenever any litter, which is dumped, deposited, thrown or left on public or private property in

violation of this article or of the rules and regulations promulgated by the board of commissioners under this

article, is discovered to contain any article or articles, including, but not limited to, letters, bills, publications or other

writings which display the name of a person thereon in such manner as to indicate that the article belongs or

belonged to such person, it shall be a rebuttable presumption that such person has violated this article.

Specific penalties cumulative. Where any section of this article contains specific remedies or punishments, such

specific remedies or punishments shall not be exclusive, but shall be in addition to all other remedies and

punishments provided in this section or otherwise provided by law for the violation of or noncompliance with this

article or the rules and regulations of the board of commissioners.

Additional penalties. In addition to all punishments and penalties provided anywhere in this article, otherwise by

law, the magistrate's court may impose the following additional or alternative sentences, either as a direct sentence

or as a condition to probation:

The court may direct the convicted person to pick up and remove from any public street or highway or public

right-of-way any and all litter deposited thereon by anyone else prior to the date of the execution of the

sentence; or

The court may direct the convicted person to pick up and remove from any public area, public park, private

right-of-way, or, with the prior permission of the legal owner or tenant in lawful possession of such property,

any private property upon which it can be established by competent evidence that the person has deposited

litter, any and all litter deposited thereon by anyone prior to the date of the execution of the sentence.

Action in emergencies. Nothing contained in this section or elsewhere in this article shall require intermediate

measures where the violation is of such nature or degree as to constitute an immediate, clear and present danger

to the health and safety of the public. The failure to take the steps provided in this section shall constitute a defense

to any proceeding to enforce the provisions of this article.

(Ord. of 5-9-1994, § 6)

Sec. 46-34. - Violations.

It shall be unlawful for any person, firm, organization, business, corporation or entity to wilfully and intentionally

violate any of the provisions of this article.

It shall be unlawful for any person, firm, organization, business, corporation or other entity, wilfully with intent to

evade or defeat or attempt to evade or defeat any fee or penalty imposed by this article.

It shall be unlawful for any person to burn or attempt to burn or cause to be burned any material of any nature in

any container belonging to or used by the county for residential solid waste collection purposes.

It shall be unlawful for any person to wilfully and intentionally damage or destroy or to allow or permit damage to or

destruction of any container provided by the county.

Each violation of any of the provisions of this article shall be punishable by a fine not to exceed $1,000.00 or 60 days

imprisonment in the county jail, or both. Ordinance violations may be tried upon citations with or without a

prosecuting attorney as well as upon accusations, as provided in O.C.G.A. § 15-10-60 et seq. Citations shall be issued

by the county administrator or his designee. Service upon corporations, partnerships and other entities and

organizations shall be effected by serving any managing agent located in the county, or by serving the registered

agent, or any officer or partner of the corporation, partnership, organization or entity. The provisions of this article

may also be enforced through the use of other remedies, such as injunctive relief, provided by the laws of the state.

Whenever a corporation, partnership, organization or other artificial entity shall violate any of the provisions of this

article, such violations shall be deemed to be also that of the individual directors, officers or agents of such

corporation, partnership, organization or other artificial entity who shall have authorized, ordered or done any of

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the acts constituting in whole or in part such violation. In such cases, service shall also be made upon the individual

director, officer or other agent accused of authorizing, ordering or doing acts constituting in whole or in part

violations of this article.

(Ord. of 5-9-1994, § 7)

Sec. 46-35. - Unlawful disposal of refuse, garbage or rubbish.

It shall be unlawful for any person to dump or bury or cause to be dumped or buried any garbage, refuse or rubbish anywhere

in the unincorporated areas of the county, other than in the manned disposal site provided.

(Ord. of 5-9-1994, § 3)

Sec. 46-36. - Preparation and storage of residential refuse for collection; placement; unacceptable refuse.

It shall be the duty of both the occupant and/or owner of every residential unit located in the unincorporated area of the

county to dispose of all solid waste generated by each such residential unit as follows:

All solid waste shall be free from excessive liquid and placed in watertight county garbage bags and the top

secured and placed in a solid waste container located at one of the manned disposal sites furnished by the

county.

The county will furnish at the manned disposal site containers to collect recyclables, i.e., glass, plastics,

aluminum and cardboard. Additionally, areas to dispose of brown goods, tires, yard waste and white goods will

be provided.

The county will make approved waste containers, 38-gallon or 16-gallon, and county garbage bags available at

convenience stores and grocery stores located within the city and county. These approved bags will be for sale

at a price established by the board of commissioners.

The county residents have the option to contract with any private solid waste contractor to dispose of their

waste.

(Ord. of 5-9-1994, § 4)

Sec. 46-37. - Prohibited activities.

The following activities are declared to be unlawful and in violation of this article:

Public streets and private property. No person shall place any litter, refuse, garbage or trash in any street,

median strip, alley or other public place of travel, nor upon any other public property, nor upon any private

property except with the written consent of the owner or occupant thereof, and then only in accordance with

the provisions of this article.

Blockage of drainage. No person shall place any litter, refuse, trash, trees, grass, refuse receptacles, containers

or garbage on, over or so close thereto as to cause such material to interfere in any way with such drainage.

Vacant units, lots and rental units. The county will not remove garbage, trash, building material, household

trash or tree shrubbery or lawn trimmings or any other debris that is accumulated. Once advised of the

violation of this subsection in writing, the owner/manager shall have seven calendar days to remove or have

removed all debris. If the removal of debris is not accomplished in the allotted time, the county shall dispose of

the debris and charge the owner/manager the amount necessary to pay for such removal.

Scavenging. No person other than the owner thereof shall disturb or interfere with any container used for the

purpose of storing refuse pending its collection, or remove any contents therefrom, or remove such container

from its location.

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Scattering of refuse and littering prohibited. No person shall throw or deposit the following:

Any refuse on any public or private street or to scatter such refuse or litter on any public or private

property.

Any refuse, trash or debris in any marsh area, stream, drainage ditch, body of water or beach area.

Use of streets. It shall be unlawful for any vehicle transporting loose materials on any of the roads of the

county to transport such materials without suitable covers securely fastened to the vehicle in such manner as

to prevent the loose materials from being deposited on the streets or adjoining areas.

Accumulation of litter. No owner or occupant of any property in the unincorporated area of the county shall

allow appliances, litter, garbage, refuse, rubbish, filth, carrion and debris to accumulate thereon. If any owner,

occupant or other person responsible for the existence of any of these conditions shall fail to remedy such

conditions within seven days, excluding Saturdays, Sundays and holidays, after notice to remedy such

condition from the county administrator, or his designee or the county sheriff's department, such condition

shall be a violation of this article and punishable under this article, and abatable as a nuisance.

Unlawful dumping. It shall be unlawful for any person to deposit, drop, dump or otherwise leave any litter on

the premises of another without the consent of such other person and without complying with the other

provisions of this article or the rules and regulations of the board of commissioners adopted pursuant hereto.

Ownership of refuse. All refuse, including refuse deposited in the refuse containers provided by the county,

shall be and remain the property of the owner or occupant until the refuse has been placed in vehicles of the

county or its designee. The county has no responsibility or liability for any injuries or damage resulting from

such refuse.

(Ord. of 5-9-1994, § 5)

Chapter 50 - SUBDIVISIONS

FOOTNOTE(S):

Cross reference— Any ordinance dedicating or accepting any subdivision plat saved from repeal, § 1-7(a)(11); buildings and

building regulations, ch. 14; environment, ch. 26; floods, ch. 30; planning, ch. 38; roads and bridges, ch. 42; zoning, app. A.

State Law reference— Approval by planning commission or governing authority on plat of subdivision required for filing or

recording in superior court clerk's office, O.C.G.A. § 15-6-67(d).

ARTICLE I. - IN GENERAL

Sec. 50-1. - Short title.

This chapter shall be known and may be cited as the Subdivision Regulations of Seminole County, Georgia.

Sec. 50-2. - Authority.

This chapter is adopted pursuant to the authority delegated to the county under Ga. Const. art. IX, § II, ¶ I.

Sec. 50-3. - Purpose.

The expressed purpose of this chapter is to protect the public health, safety, morals and general welfare of county residents

and to:

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Encourage the development of sound and stable neighborhoods.

Ensure the provision of adequate streets, utilities and other facilities and services to new land development

projects.

Promote and protect the health, safety, prosperity and welfare of the citizens of the county.

Conserve and protect the natural and scenic resources of the county.

Maintain the economic viability of forestry and agricultural resources of the county.

Prevent the spread of blight and slums within the county.

Ensure that residential and commercial lots within the county will be of such design, area and width as will

prevent health and sanitation problems.

Prevent and reduce traffic congestion and traffic hazards within the county.

Provide buffers to protect property values and maintain the scenic beauty of the county.

Ensure that drainage systems for subdivisions within the county are constructed so as to not adversely affect

the natural drainage systems for surrounding properties.

Reduce maintenance problems with roads, drainage and other subdivision improvements within the county.

Ensure the timely completion of subdivision improvements within subdivisions in the county.

Ensure that the taxpayers of the county are not burdened with costs of completing subdivision improvements

or correcting improperly constructed subdivision improvements, which costs should be the responsibility of

private businesses.

Prevent development in areas of the county unsuitable for residential or commercial uses because of soils,

wetlands or drainage characteristics.

Ensure that all lots within the county will be accessible to firefighting equipment and other emergency and

service vehicles.

Protect the investments of the buyers of lots within subdivisions.

Preserve the environmental, historical and social heritage and character of the county.

Encourage the design of roads within subdivisions so that speeding within subdivisions will be reduced.

Sec. 50-4. - Jurisdiction.

This chapter shall govern all subdivision of land within the unincorporated areas of the county, as now or hereafter

established.

Sec. 50-5. - Scope.

No person shall divide or subdivide or cause a subdivision to be made, by deed or map, of any parcel of land which

is located within the boundaries of the unincorporated county, except in conformity with the provisions of this

chapter.

Any owner or developer of any tract of land situated within the county who subdivides such land shall cause a plat

of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of

the clerk of superior court of the county. No such plat of subdivision shall be recorded unless and until it shall have

been submitted to and approved and certified by the county planning commission and the board of commissioners.

The regulations of this chapter bear no relation to any private easement, covenant, agreement or restriction, and

the responsibility of enforcing such private easement, covenant, agreement or restriction is not implied herein to

any public official. When the regulations of this chapter call for more restrictive standards than those required by

private contract, the provisions of this chapter shall control.

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Sec. 50-6. - Fees.

The board of commissioners will establish a reasonable fee schedule to help cover the costs of administering this chapter.

Such fees shall be submitted with the preliminary or final plat and, upon acceptance of such plat for review and consideration,

shall be deposited into the treasury of the county.

Sec. 50-7. - Denitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section,

except where the context clearly indicates a different meaning:

Alley means a public or private street primarily designed to serve as secondary access to the side or rear of those properties of

which the principle frontage is on some other street.

Comprehensive plan means the county adopted long range plan (20 years).

Concept plan means a preliminary presentation and attendant documentation of a proposed subdivision or site plan of

sufficient accuracy to be used for the purpose of discussion.

Cul-de-sac means a street with only one outlet and having the other end for reversal of traffic movement.

Elevation certificate means a document produced by the Federal Emergency Management Agency to be used by registered

land surveyors or other authorized individuals to verify and record the actual as-built lowest floor elevation of a structure. This

document will be required to be filed with the board of commissioners when a structure is being constructed or substantially

improved in a special flood hazard area (zones A, AE, A-1—A-30, AO and AH).

Easement means a right-of-way granted, but not dedicated, for limited use of private land for a public purpose.

Final plat means the final map of all or a portion of a subdivision presented for final approval which is accurate and complete

and suitable for recording pursuant to the regulations of this chapter.

Final plat approval means the official action of the county commission taken on a subdivision after all conditions, engineering

plans, and other requirements have been completed, and the required improvements have been installed, or guaranteed posted

for their completion.

Flood hazard area means 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:

Those areas within the county identified by the Federal Emergency Management Agency (FEMA) as being

subject to flooding and delineated on flood insurance maps; or

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 county.

Lot of record means a lot or parcel of land which has been lawfully recorded by subdivision plat or deed on the public records

of the county on or before the date of adoption of the ordinance from which this chapter is derived.

Maintenance guarantee means any security which may be required and accepted to ensure that necessary improvements will

function as required for a specific period of time.

Marginal access street means a service street that runs parallel to a higher-order access to abutting properties and separation

from through traffic.

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Minor subdivision means a subdivision of land of not more than three lots, provided that such subdivision does not involve

any new street, nor change in grade, drainage or dirt moving.

Plat means a map indicating the subdivision or resubdivision of land, intended to be filed for record.

Preapplication conference means an informal meeting between developers and county representatives which affords

developers the opportunity to present their plans informally.

Preliminary plat approval means the conferral of certain rights prior to final approval after specific elements of a development

plan have been agreed upon by the county commission and the applicant.

Preliminary subdivision plat means a map indicating the proposed layout of a planned development that is submitted for

preliminary approval.

Resubdivision means a change in an approved or recorded subdivision plat if such change affects any street or area reserved

for public use or any lot line.

Setback means the distance between the street right-of-way line and the front line of a building, or any projection thereof,

excluding uncovered steps.

Soil erosion and sedimentation control plan means a plan for the control of soil erosion and sediment resulting from a land

disturbing activity. Appropriate copies of this plan are required to be delivered to the county for dispersal to the appropriate

reviewers along with a land disturbing permit application. Approval of the plan by the Flint River Natural Resource Conservation

Services Office is required prior to preliminary plat consideration.

Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the

purpose, whether immediate or future, of sale, legacy or building development and includes all division of land involving a new

street or a change in existing streets, and includes resubdivision and, where appropriate to the context, relates to the process of

subdividing; however, the following is not (exempted) included in this definition: 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.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and

where, owing to conditions peculiar to the particular property and not the result of any action of the applicant, a literal

enforcement of this chapter's requirements would result in unnecessary and undue hardship.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration

sufficient to support, and 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.

Cross reference— Definitions generally, § 1-2.

Sec. 50-8. - Violations.

In case of any violation or attempted violation of the provisions of this chapter, the county may institute any appropriate action

or proceeding to prevent such violation or attempted violation.

Sec. 50-9. - Penalty.

Any owner or proprietor of any tract of land who subdivided that tract of land and who violates the provisions of

this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law.

Any subdivision hereafter established shall be designed, developed, and recorded in accordance with the provisions

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of this chapter. Failure to comply with the regulations of this chapter shall result in the following:

The county shall not accept the subdivision, nor shall not improve, maintain, grade or pave any street within

such subdivision unless such street shall have met the specifications described in this chapter.

No public agency shall authorize the extension of water service, sewer service or other publicly operated

services into such subdivisions.

Sec. 50-10. - Amendments.

The regulations of this chapter may be amended from time to time by the county.

Sec. 50-11. - Appeal to the county commission.

Any party aggrieved because of the alleged error in any order, requirement, decision or determination made by a county

employee in enforcement of this chapter may appeal in writing to the county clerk for and receive a hearing by the county

commission for an interpretation of the pertinent chapter provision. In exercising this power of interpretation, the county

commission may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or

determination made by a county employee.

Sec. 50-12. - Appeal from the county commission chairman.

Any party aggrieved by any decision of the county commission may seek review of such decision by a court of record, as

provided by law.

Secs. 50-13—50-40. - Reserved.

ARTICLE II. - SUBDIVIDING PROCEDURE

Sec. 50-41. - Purpose.

The purpose of this article is to establish the procedure for county commission review and action on applications for proposed

subdivisions. The procedure is intended to provide orderly and expeditious processing of such applications. The documents to be

submitted are intended to provide the county with sufficient information and data to ensure compliance with all county codes and

specifications and ensure that the proposed development meets the design and improvement standards contained in this chapter.

Sec. 50-42. - Preapplication conference.

For the purpose of expediting subdivision applications and reducing subdivision design and development costs, the developer

may request a preapplication conference in accordance with the following requirements:

The preapplication conference shall allow the applicant to meet with appropriate county representatives.

These individuals may include the county engineer and county planner, among others.

The applicant shall not be bound by the determination of the preapplication conference, nor shall the county

commission be bound by any such review.

The purpose of the meeting is defeated if the technical staff does not have the preliminary plat far enough in

advance to study it.

Sec. 50-43. - Department of transportation approval required.

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For subdivisions abutting a road maintained by the state, state department of transportation approval must be obtained for

such subdivision's plan for access to state highway prior to submission for preliminary plat review.

Sec. 50-44. - Application.

The developer shall submit to the appropriate county official a written application for subdivision review and approval. Within

45 days of the date of submission of a complete application, the county commission will act on the application. Failure of the

county commission to act within the period prescribed shall constitute subdivision approval.

Sec. 50-45. - Minor subdivision procedure.

Any applicant requesting approval of a proposed minor subdivision shall submit to the county commission chair an

appropriate number of copies of the subdivision plat meeting all final plat specifications, together with an executed application

form and prescribed fees. If the county commission chair approves the minor subdivision, no further action shall be required of

the county commission. The chair shall affix on the plat an approval stamp as required for recording.

Sec. 50-46. - Major subdivision procedure.

Preliminary plat approval. Any applicant seeking preliminary plat approval for a major subdivision shall submit to

the county administrative officer an appropriate number of copies of the preliminary plat along with an executed

formal application.

Preliminary plat requirements. The preliminary plat for a major subdivision shall include the following information:

Proposed subdivision name and total acres. Subdivision names shall not duplicate the name of any other

subdivision in the county.

Name of owner of subdivision.

The names of owners of all adjacent land contiguous to the proposed subdivision.

A vicinity map showing the relative location of the proposed subdivision.

Proposed street names, right-of-way and roadway width.

Location of utility and drainage easements.

Lot lines, lot and block numbers (consecutively numbered or lettered), lot sizes, area in parks, etc.

Topographic maps of all land subdivided, with scale and contour interval as deemed appropriate by the

planning commission and board of commissioners.

Minimum building setback lines.

Numerical scale, graphic scale, north arrow, and date.

All elevations shall be based on sea level datum.

Soil characteristics, including soil types and capabilities, frequency and evaluations of seasonal high

groundwater tables, occurrence of rock, and other impervious strata where the subdivision is not to be served

by a public or community sewerage system. This should be superimposed on the plat.

Plans for control of erosion and sedimentation.

Location of all water supplies on or off the subdivision which will bear upon the location of the on-site sewage

management systems.

Delineation on plat of all wetlands and 100-year regulatory floodplains.

If state department of transportation approval and permits are required, submit a copy of the department's

approval letter and permit.

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Site reservation for garbage dumpsters, with ten or more lots as needed.

Health department statement of approval of all lots.

The county commission may waive the requirements of this section which are determined not needed. Where, in the

judgement of the planning commission, any requirements under this section are determined as not necessary, the

planning commission and board of commissioners may recommend the waiver of such requirements.

County commission action.

A complete application for a major subdivision shall be acted upon within 45 days of the date of such

submission, or within such further time as may be consented to by the developer. Otherwise, the county

commission shall be deemed to have approved the subdivision plat.

Final plat approval shall be granted or denied within 45 days after submission of a complete application or

within such time as may be consented by the applicant. Failure of the county commission to act within the

period prescribed shall constitute final approval.

Final approval shall expire within 90 days from the date of the signing of the plat by the county commission

chair and clerk of the county unless within such period the plat shall have been duly filed for recording by the

developer within the office of the clerk of superior court of the county.

No subdivision plat shall be accepted for filing by the superior court until it has been approved by the county

commission chair as indicated on the instrument by the signature of the county commission chair and county

clerk. The signatures of the county commission chair and county clerk shall not be affixed until the developer

has posted the guarantees required to have granted final plat approval.

Effect of preliminary plat approval. Preliminary plat approval for a major subdivision shall confer upon the applicant

the following rights for a three-year period from the date of the preliminary approval:

The general terms and conditions on which preliminary approval was granted shall not be changed;

The applicant may submit for final approval on or before the expiration date of preliminary approval, the

whole or sections of the preliminary subdivision plat; and

The applicant may apply for and the county commission may grant an extension on such preliminary approval

for a specified time period.

House numbers/street addresses. House numbers and street addresses shall be assigned by the county after

preliminary plat approval for a major subdivision.

Final plat approval.

An applicant seeking final plat approval of a major subdivision shall submit to the county an appropriate

number of copies of the final plat. The final plat shall be accompanied by a statement from the county

engineer that the county is in receipt of as-built plans showing all streets, drainage and retention facilities and

utilities in exact location and elevation and identifying those portions already installed and those to be

installed, and/or certified in the amount of performance guarantees required to ensure completion of those

improvements not yet installed.

Final plat approval of a major subdivision shall be granted or denied within 45 days after submission of a

complete application to the administrative officer, or within such time as may be consented to by the

applicant. Failure of the county commission to act within 45 days shall constitute final approval.

Final approval of a major subdivision shall expire 90 days from the date of the signing of the plat by the county

commission chair and county clerk unless within such period the plat shall have been duly filed by the

developer within the clerk of superior court.

No subdivision plat shall be accepted for filing by the clerk of superior court until it has been approved by the

county commission as indicated on the plat by the signature of the county commission chair and county clerk.

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Final plat requirements. The final plat for a major subdivision shall:

Conform to the preliminary plat as approved.

Be a professional drawing at a size which is suitable for filing in the land records of the county.

Final plat contents. The final plat for a major subdivision shall contain the following information:

Primary control points and benchmarks with necessary descriptions and locations of such control points,

including all dimensions, angles, bearings and similar data necessary for proper location.

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 of deflection angles, radii and area and

central angle of all curves.

Names and right-of-way of each street or other right-of-way.

Location, dimensions and purpose of easement.

Number or letters to identify each lot.

Purpose for which sites, other than residential lots, are dedicated or reserved.

Minimum building setback lines on all lots and other sites.

Location and description of monuments.

Name of record owners of adjoining property owners.

Reference to recorded subdivision plats of adjoining platted land by record names, data and number.

Certification by a registered surveyor or registered engineer to accuracy of survey and plat.

Declaration of land ownership.

Title, numerical scale, graphic scale, north arrow, and date.

A statement, either directly on the plat or in an identified attached document of private covenants, if any.

A copy of the deeds for dedications of public areas to the board of commissioners.

Certificate of final subdivision approval. Upon final approval of a major subdivision by the county commission chair,

the county clerk shall inscribe on the plat the following:

Pursuant to the Land Subdivision Ordinance of Seminole County, Georgia, all the requirements of approval having

been fulfilled, this final plat was given final approval by: The County Commission on \_\_\_\_\_\_\_\_\_\_\_\_ day of

\_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_\_\_\_\_\_\_.

.....

Clerk

.....

County Commission Chairman,

Seminole County

Streets, easements, alleys, etc. The approval of a final plat under this section by the county commission and its

subsequent recording does not constitute acceptance by the county of any street, easement, alley or other grounds

shown on the plat. This will be done by formal dedication and by acceptance resolution of the county commission.

Bonds and requirements. To ensure the adequacy and integrity of materials, construction and installation of public

facilities and improvements, i.e., streets, drainageways and other infrastructure, the developer shall post a bond or

certified check with the county clerk. Such 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 twoyear maintenance and performance period shall be met.

Required bond. The bond shall be with a surety company licensed to do business in the state and acceptable

to the county attorney. It shall contain a provision indemnifying the county for the maintenance of installations

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and improvements required by this article in the subdivision for two years following the date of final approval.

The county engineer shall determine the amount of the bond which shall be adequate to cover any failures of

the improvements and drainage system.

Bond submission. Maintenance and/or performance bonds shall be submitted to the county prior to the

approval of the final plat and is a prerequisite for the acceptance of any such final plat for review and

consideration.

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.

Sec. 50-47. - Combined preliminary and nal plat approval procedure.

Where a single parcel, or minor subdivision, is proposed which will require no new roadways or drainage improvements, the

planning commission may, at its discretion, allow for combined, one step review and approval of the proposed development. Such

review will entail the filing of a single application and final plat to satisfy the requirements of this article.

Filing. The developer shall file with the county an application for one step final plat approval with all

specifications and data required for final plats under section 50-46(g). In the case of a single parcel, plat

requirements may be waived if the parcel can be adequately described without the use of a plat.

Application requirements. The application shall contain the following:

A letter of application containing the name and address of a person to whom notice may be sent.

A certified copy of all private covenants or deed restrictions, if any, pertaining to land within the

subdivision.

The original reproducible on plastic or linen and a minimum of ten prints of the final plat.

Secs. 50-48—50-80. - Reserved.

ARTICLE III. - DESIGN STANDARDS

Sec. 50-81. - Purpose.

The purpose of good subdivision and site design is to create a functional and attractive development, to minimize adverse

impacts and to ensure a project will be an asset to the community. To promote this purpose, the subdivision and/or site plan shall

conform to the standards of this article which are designed to result in a well-planned community without adding unnecessarily to

development costs.

Sec. 50-82. - Streets.

Generally.

The arrangement of streets in subdivisions shall conform to the circulation plan of the comprehensive plan or

official map for the county.

For streets not shown on the comprehensive plan or official map, the arrangement shall provide for the

appropriate extension of existing streets.

Residential streets shall be arranged so as to discourage through traffic and provide for maximum privacy.

Access.

Streets within the subdivision shall be so arranged as to provide for the alignment and continuation of or

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projection of existing public streets, where feasible.

Permanent dead-end streets and alleys shall be prohibited. Subdivisions that are developed in phases and

exhibit streets to be completed at a later date must provide for a temporary unpaved turnaround at the end of

a paved street having a roadway diameter of at least 80 feet.

Private streets shall be prohibited.

The centerline of no more than two streets shall intersect at any one point. No street or its centerline tangent

shall intersect another street at less than 80 degrees and shall as nearly as possible intersect at 90 degrees.

The curb radius at street intersections shall be no less than 20 feet except on major arterial streets where state

highway department standards shall prevail.

The inner curb radius shall not be less than 350 feet for major arterial streets, 250 feet for secondary streets,

and 100 feet for collector and residential streets. Centerline tangents between reverse curves shall not be less

than 200 feet for secondary streets and 100 feet for collector and residential streets.

Traffic control signs shall be installed by the county and the cost thereof paid by the developer prior to final

acceptance of streets.

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 an angle less than 60 degrees.

No street name shall be used which will duplicate or be confused with the name of existing streets. Street

names shall be subject to the approval of the county commission chair and county commission.

Culs-de-sac or permanent dead-end streets shall be terminated by a turnaround with an outside roadway

diameter of at least 80 feet and a street property line diameter of at least 100 feet. Cul-de-sac streets shall not

exceed 800 feet in length. A cul-de-sac may have only four lots fronting on the turnaround.

Minimum street right-of-way widths shall conform to the following:

Street Type Right-of-Way

(feet)

Residential 60

Collector 60—90

Arterial 150 or more

Culs-de-sac 50

Alleys, service drives 20

Subdivisions that adjoin existing streets shall dedicate additional rights-of-way if needed to meet the minimum

street width requirements of subsection (b)(11) of this section. The entire right-of-way shall be provided where

any part of the subdivision is on both sides of the existing street. When a proposed subdivision is located on

only one side of an existing substandard street, one-half of the required right-of-way shall be provided.

Sec. 50-83. - Easements.

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Except where alleys are permitted, the developer of a subdivision shall provide easements across lots or centered on rear or

side lot lines for utilities and such easements shall be at least 20 feet wide. Where a subdivision is traversed by a watercourse,

drainageway or stream, there shall be provided a stormwater easement at such width adequate for the purpose. Easements for

the location of garbage receptacles and for ingress and egress thereto together with fences or other screens shall be provided

when, in the opinion of the county commission, such easements and fences or screens are necessary to provide adequate garbage

collection service to the proposed subdivision.

Sec. 50-84. - Lots.

Lots in subdivisions shall conform to the following requirements:

Lot dimension. Lot dimensions shall conform to the requirements of the county's zoning ordinance (appendix

A of this Code) or county health department, where applicable.

Corner lots. Corner lots for residential use shall have extra width to permit appropriate building setback from

both abutting streets.

Access. Each lot shall have a required 125-foot frontage on a public street.

Double frontage. Double frontage lots shall be avoided.

Lot lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street

lines.

Lot depth. Lot depth shall not be more than three and one half times the lot frontage.

Lot remnants. Lots below the minimum area or width left over after subdivision shall be prohibited. Such

remnant areas shall be added to adjacent lots rather than remain as unusable parcels.

Only one dwelling. No more than one residential dwelling unit shall be allowed upon any single-family

residential lot.

Sec. 50-85. - Blocks.

Blocks longer than 1,200 feet or shorter than 400 feet between street intersections may be cause for disapproval of a

subdivision.

Secs. 50-86—50-120. - Reserved.

ARTICLE IV. - REQUIRED IMPROVEMENTS

Sec. 50-121. - Developer's responsibility.

Every subdivider, at his own expense, shall be required to install, or at his own expense, to have installed by the appropriate

public utility, the requirements under this article.

Sec. 50-122. - Monuments and iron pipes.

Permanent reference monuments shall be placed at block corners and other points such as street intersections and point of

curve, lot corners and tangent points and angle points and shall be marked with a solid iron rod or an iron pipe not less than onehalf inch in diameter, or at least two feet long, driven flush with the ground. Monuments shall be indicated on all plats. Removal of

monuments and resetting by anyone other than a certified land surveyor is prohibited.

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Sec. 50-123. - Curb and gutter.

All new streets may be required to have curb and gutter built in accordance with county standards.

Sec. 50-124. - Street paving.

All new streets shall be properly graded and paved according to current county standards and specifications.

Sec. 50-125. - Storm sewers, catchbasins, and manholes.

All new streets shall be provided with the necessary storm sewers, catchbasins and manholes, built in accordance with county

standards.

Sec. 50-126. - Sidewalks.

Sidewalks may be required for safe pedestrian movement. Where required, sidewalks shall have a minimum width of four feet.

Sec. 50-127. - Street lighting.

Streetlights may be required to help create a nighttime environment which provides quick, accurate and comfortable vision for

both drivers and pedestrians.

Sec. 50-128. - Trac control signs.

Traffic control signs are required in accordance with state standards and criteria.

Sec. 50-129. - Fire hydrants.

Fire hydrants shall be located and set in accordance with county specifications.

Sec. 50-130. - Street name signs.

At least two street name signs shall be placed at each four-way street intersection and one at each "T" intersection. The design

of street name signs shall be consistent with others in the county.

Sec. 50-131. - Installation of utilities.

Water mains.

Where a public water supply is within a reasonable distance, the subdivider shall install or have installed a

system of water mains and connect to such supply. The installation of such mains and connection to each lot

shall be installed prior to the paving of the street, if possible.

Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply

system approved by the health department.

Sanitary sewer disposal.

When, in the written opinion of the health department, public sanitary sewers are within reasonable access of

the subdivision, the subdivider shall provide sanitary sewer services to each lot within the bounds of the

subdivision. All street sewers serving lots in the subdivision shall be installed by the subdivider.

When, in the written opinion of the health department, a public sanitary sewer is not accessible, an alternate

method of sewage disposal for each lot or a community sewage disposal system may be used when in

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compliance with the standards of the health department.

Whenever the installation of a sanitary sewer is required, as provided by this section, no new street shall be

paved without such sewer being first installed in accordance with the requirements of the county's sewer

specifications.

Underground utilities.

Any underground utilities shall be installed with the surface having the same compaction as that of the paved

way and marked on the plat to indicate the location.

The facilities for underground utilities such as sewer, water and gas, including sewer and water laterals to each

lot line when laid in streets, shall be in place prior to final surfacing of streets. All facilities for utilities shall,

where possible, be placed in easements provided for that purpose in the subdivision, if public utilities are

available.

Secs. 50-132—50-160. - Reserved.

ARTICLE V. - DEDICATION AND RESERVATION

Sec. 50-161. - Land and street.

All land designated for street purposes or street widening shall be laid out and shown on the map of the subdivision

and shall have provided therefor rights-of-way not less than the widths specified in section 50-82(b)(11).

All streets which are designated as part of the general highway system of the county, or part, division or section

thereof, as amended, shall be coordinated with adjoining links in such system and dedicated at the same or greater

widths.

Sec. 50-162. - Drainage easement.

All drainage easements offered for dedication to public use shall have a minimum width of 15 feet, except under unusual

circumstances, where a greater or lesser width may be required and/or approved. The county may not accept an easement for

drainage maintenance purposes along a creek or natural drainage channel.

Sec. 50-163. - Utility easement.

Utility easements for electric and telephone service lines, sewage lines, water lines or other such utilities located along rear lot

lines or side lot lines or passing through a lot shall be at least 20 feet wide and ten feet on each lot. No structure shall be built on

such easement.

Sec. 50-164. - County maintenance easement.

Maintenance easements shall be provided when deemed necessary by the county engineer. All easements to the county shall,

in addition to being shown on a final plat, be evidenced by a written easement agreement recorded in the clerk's office.

Secs. 50-165—50-190. - Reserved.

ARTICLE VI. - CONSTRUCTION SCHEDULE

Sec. 50-191. - Prior approval.

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No construction activity of any kind, including grading, installation of improvements, and building, shall begin on any land

subject to the regulations of this chapter without prior approval of the preliminary plat by the county commission chair.

Sec. 50-192. - Grading.

Grading operations may begin following approval of a preliminary plat under this chapter.

Sec. 50-193. - Inspections.

Periodic inspection during the installation of the physical improvements in a subdivision shall be made by a duly authorized

official of the county to ensure conformity with the approved plans and specifications. The subdivider shall notify the county when

each phase of the installation is completed and ready for inspection.

Sec. 50-194. - Sale and transfer.

No lot or parcel of land shall be sold or transferred or a building permit issued until the final plat, of which such lot or parcel is

a part, shall have been approved and recorded as provided for in the regulations of this chapter.

Sec. 50-195. - Building permits.

A building permit for the erection of any building or structure to be located in any subdivision, a plat whereof is required to be

recorded pursuant to the provisions of the regulations of this chapter, will not be issued until such plat shall have been admitted to

record as provided for in the regulations of this chapter.

Sec. 50-196. - Occupancy.

No dwelling within the county may be occupied for dwelling purposes until all required utility installations, including the water

supply and sanitary sewer systems, have been completed to the satisfaction of the county.

Chapter 54 - TAXATION

FOOTNOTE(S):

Cross reference— Any ordinance or resolution promising or guaranteeing the payment of money for the county or authorizing

the issuance of any bonds of the county or any evidence of the county's indebtedness saved from repeal, § 1-7(a)(2); any ordinance

providing for local improvements and assessing taxes for such improvements saved from repeal, § 1-7(a)(9); any ordinance levying

or imposing taxes not included in this Code saved from repeal, § 1-7(a)(14); administration, ch. 2; businesses, ch. 18.

State Law reference— Providing funds or extending credit to private persons, Ga. Const. art. IX, § II, ¶ VIII; taxation power of

municipal and county governments, Ga. Const. art. IX, § IV, ¶ I.

ARTICLE I. - IN GENERAL

Secs. 54-1—54-30. - Reserved.

ARTICLE II. - FREEPORT EXEMPTION

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Sec. 54-31. - Types of tangible personal property which are exempt.

Pursuant to O.C.G.A. § 48-5-48.2, there shall be exempt from taxation 100 percent of the value of the tangible personal

properties set forth in this section unless changed by further resolution of the board of commissioners.

Inventory of goods in the process of manufacture or production which shall include all partly finished goods

and raw materials held for direct use or consumption in the ordinary course of the taxpayer's manufacturing

or production business in the state. The exemption provided for in this section shall apply only to tangible

personal property which is substantially modified, altered or changed in the ordinary course of the taxpayer's

manufacturing, processing or production operations in the state.

Inventory of finished goods manufactured or produced within the state in the ordinary course of the

taxpayer's manufacturing or production business when held by the original manufacturer or producer of such

finished goods. The exemption provided for in this subsection shall be for a period not exceeding 12 months

from the date such property is produced or manufactured.

Inventory of finished goods which, on January 1, are stored in a warehouse, dock or wharf, whether public or

private, and which are destined for shipment to a final destination outside the state and inventory of finished

goods which are shipped into the state from outside the state. The exemption provided for in this subsection

shall be for a period not exceeding 12 months from the date such property is stored in the state.

State law reference— Freeport exemption, O.C.G.A. § 48-5-48.2.

Chapter 58 - TRAFFIC AND VEHICLES

FOOTNOTE(S):

Cross reference— Junk dealers and junkyards, § 18-31 et seq.; offenses, ch. 34; off-street parking and loading requirements,

app. A, § 17.01 et seq.

State Law reference— Preventing or disrupting lawful procession, O.C.G.A. § 16-11-34; deposit of driver's license for violations

of laws pertaining to traffic and motor vehicles, O.C.G.A. § 17-6-11; authority of county to regulate traffic in unincorporated areas,

O.C.G.A. § 36-1-20; prosecution of traffic offenses, O.C.G.A. § 40-13-1 et seq.; traffic offenses triable on complaint without

indictment except in superior courts, report of disposition, O.C.G.A. § 40-13-3; uniform rules of the road, O.C.G.A. § 40-6-1 et seq.;

alteration of speed limits by local authorities, O.C.G.A. § 40-6-183; stopping, standing and parking, O.C.G.A. § 40-6-200 et seq.;

Parking Law for Persons with Disabilities, O.C.G.A. § 40-6-220 et seq.; bicycles and play vehicles, O.C.G.A. § 40-6-290 et seq.;

authority to regulate or prohibit stopping, standing or parking, O.C.G.A. § 40-6-371(a)(1); authority to regulate or prohibit

processions or assemblages on the highways, O.C.G.A. § 40-6-371(a)(3); power of local authorities generally, O.C.G.A. § 40-6-371;

adoption of uniform rules of the road by local authorities, O.C.G.A. § 40-6-372; funeral processions, O.C.G.A. § 40-6-76; operation of

motorcycles and motor vehicles in parades, O.C.G.A. § 40-6-7; sirens, whistles and bells prohibited on vehicles, O.C.G.A. § 40-8-

70(b); responsibility of railroad employees for obstructing crossings, O.C.G.A. § 46-8-197; authority to provide devices to control the

flow of traffic, Ga. Const. art. IX, § II, ¶ III(a)(4).

Sec. 58-1. - Uniform rules of the road adopted; penalty.

Pursuant to O.C.G.A. §§ 40-6-372—40-6-376, O.C.G.A. §§ 40-6-1—40-6-395 of that chapter known as the Uniform

Rules of the Road and the definitions contained in O.C.G.A. § 40-1-1 are adopted as and for the traffic regulations of

the county, with like effect as if recited in this section.

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this

section shall be punished in accordance with section 1-12

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APPENDIX A - ZONING

ZONING ORDINANCE

SEMINOLE COUNTY, GEORGIA

This Ordinance shall be known as the "Zoning Ordinance of Seminole County, Georgia", for the purpose of setting

forth standards and permissible uses designed to secure safety, to promote health, aesthetics, and general welfare; to

provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to

facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements by

dividing Seminole County into districts of such size and shape as may be best suited to carry out the purposes of the

legislative act and of this Ordinance.

FOOTNOTE(S):

Editor's note— Printed herein is the county's zoning ordinance, as adopted by the board of commissioners April 13, 2001.

Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history

note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors

have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to

state statutes, and expression of numbers in text has been used to conform to The Code of Seminole County, Georgia. Additions

made for clarity are indicated by brackets.

Cross reference— Any zoning ordinance saved from repeal, § 1-7(a)(10); buildings and building regulations, ch. 14;

environment, ch. 26; floods, ch. 30; planning, ch. 38; zoning policies, procedures and standards, § 38-31 et seq.; subdivisions, ch.

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ARTICLE I. - INTRODUCTION

Section 1.01. - Authority for enactment.

The Board of Seminole County Commissioners enacts this Ordinance under the exercise of powers conferred upon it by Ga.

Const. art. IX, § II, ¶ IV, Planning and Zoning.

Section 1.02. - Jurisdiction.

This Ordinance shall only apply to the unincorporated areas of Seminole County.

Section 1.03. - Application of Ordinance.

The requirements of this Ordinance 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 Ordinance impose greater restrictions upon the use of land or buildings than the provisions of

other ordinances, rules, regulations, permits, or any easement, covenants or other agreements between parties, the provisions of

this Ordinance shall govern.

ARTICLE II. - DEFINITIONS

Section 2.01. - [Rules applying to text.]

For the purposes of these regulations, certain words and tenses used herein shall be interpreted or defined as follows:

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Words used in the present tense include the future tense.

The singular number includes the plural and the plural the singular.

The word "person" includes a corporation, partnership, or association as well as an individual.

The term "shall" is always mandatory and not merely directory.

Terms not herein defined shall have the meanings customarily assigned to them.

The term "governing body" shall mean the Board of Commissioners of Seminole County, Georgia.

Section 2.02. - Denitions.

Accessory building. 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 buildings shall include storage buildings, toolhouses, party houses, bathhouses (used in conjunction with swimming

pools) and similar uses.

Accessory use. The use customarily incidental and accessory to the principal use of a building located upon the same building

site as the principal use.

Adult entertainment businesses. Any business, such as motion pictures, theaters, mini-motion theaters, erotic dancing, escort

services, bookstores, etc., characterized by an emphasis on sexual activities.

Agriculture. Agriculture shall be considered to mean the raising of soil crops and/or livestock in a customary manner on tracts

of land six acres or more in size and shall include all associated activities. Retail selling of products raised on the premises shall be

considered a permissible activity, provided that space necessary for the parking of customers' vehicles shall be provided off the

public right-of-way.

Airfield. Any area of land or water utilized for the landing or taking off of aircraft.

Alley. Any dedicated public way providing a secondary means of ingress to or egress from land or structure thereon.

Alteration. Any change, addition or modification in construction or type of occupancy; any change in the structural members of

the building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or

"reconstructed."

Ambulatory. In respect to a person, the ability to move from place to place by walking, either unaided or aided by prosthesis,

brace, cane, crutches or handrails, or by propelling a wheelchair, and can perceive an emergency condition, whether caused by fire

or otherwise, and escape without human assistance using the normal means of egress.

Apartment. A room or suite of rooms used as [a] dwelling for one family which does its cooking therein.

Apartment houses. A residential structure containing three or more apartment units.

Aquaculture. A controlled discharge of pollutants to enhance growth of harvestable freshwater, estuarine, or marine life plants

or animal species.

Automobile wrecking yard, automobile used parts or auto graveyard. [These terms shall] mean anywhere three or more

vehicles not in running condition, or the parts thereof, are stored in the open or any building or structure used principally for

wrecking or storage of automobiles not in running condition for automobile parts.

Basement. A portion of a building partly below grade and having less than five feet above the finished grade level of the

building.

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Bed and breakfast. Overnight accommodations and a morning meal dwelling unit provided to transients for compensation.

Comment: Bed and breakfast (B&B) accommodations differ from roominghouses and boardinghouses in that they are truly

transient accommodations, with guests rarely staying more than a few days. In addition, the owner almost always lives in the

facility. The impact of a B&B should not be much greater than that of a private home with frequent houseguests, with the

exception of parking demand.

Block. A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way,

shorelines of waterways, drainageways, or boundary lines of municipalities or counties.

Boardinghouse. A residence or part thereof where meals or lodging and meals are provided for compensation to three or

more persons by prearrangement for definite periods. A boardinghouse is to be distinguished from a hotel, motel or a nursing

home.

Buffer. That portion of a given lot not covered by buildings, pavement, parking, access and service areas, established as

landscaped open space for the purposes of screening and separating properties with incompatible land uses, the width of which is

measured from the common property line and extends the developed portion of the common property line. A buffer consists of

trees, shrubs, and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or

where disturbed for approved access and utility crossings.

Buildable area. The buildable area of a lot is the space remaining after the minimum open space requirements of these

regulations have been completed with.

Building. Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of any

person, animal or goods. Where roofed structures are separated from each other by party walls having no opening passage, each

portion so separated shall be considered a separate building.

Building inspector. The building inspector of the governing body, or his representative.

Building line. A line established, in general, parallel to the front right-of-way line, between which line and the front right-of-way

line no part of a building shall project, except as otherwise provided by these regulations. Minimum building lines are set by this

Ordinance.

Building height. The vertical distance of a building measured from the average elevation of the finished grade to the highest

point on the roof surface.

Building, principal. A building in which is conducted the principal use of the lot on which it is located.

Caretaker or employee residence. An accessory residence located inside or in addition to the principal structure or use of a

parcel of land. Said residence must be occupied by a bona fide caretaker or the owner himself as necessary to the property's

orderly operation or safety.

Clerk. The clerk of the governing body.

Clinic. A professional office where the services of more than one practitioner can be obtained and where patients are studied

or treated on an outpatient basis and where no overnight accommodations are provided.

Club. An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the

like, but not for profit.

Comprehensive plan. The adopted county plan intended to guide the growth and development of the community.

Concentrated feed lot. A relative[ly] small, confined land area for fattening cattle or holding temporarily for shipment.

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Conditional use. A use which within certain districts specified by this Ordinance is not permitted as a matter of right but may

be permitted within these districts by the county commission after the planning commission has (1) reviewed the proposed site

plans for the use, its arrangement and design, its relationship to neighboring property and other conditions peculiar to the

particular proposal which would determine its desirability or undesirability; (2) has found the proposal not to be contrary to the

intent of this Ordinance. All conditional use applications will follow the same public notice, public hearing and review process as

any application for rezoning. Additionally, any application for conditional use of a particular parcel or property which is denied by

the county commission may not again be considered until the expiration of at least 12 months.

Convalescent home. A convalescent home is a home for the care of children or the aged or infirm, or a place of rest for those

suffering bodily disorders, wherein two or more persons are cared for. Said home shall conform and qualify for license under state

laws.

Curb cut. An existing curb and gutter for the construction of a driveway to provide for ingress/egress between property and an

abutting public street.

Day care facility. A day care facility is an individual[ly] or jointly owned facility designated to offer care and/or training to

children unrelated to the owner or director for any part of a day on a regular basis. Such facility may or may not be operated for

profit. Day care is not a babysitting service to be used for the convenience of the parents at irregular intervals (drop-ins).

A group center (day nursery, day care center) is defined as a facility for six or more children, regardless of age,

whose primary purpose is the care of the child for part of a day, while his parent or parents are absent from

home.

A nursery school is defined as a school for two-, three-, and four-year-old children which operates for periods

not to exceed four hours a day and whose primary purpose is education and guidance for healthy emotional

and social development of children.

Kindergarten is defined as a school for four- or five-year-old children which operates for periods not to exceed

four hours a day and whose primary purpose is education and guidance for healthy emotional and social

development.

Family day care is defined as a service in a private home offering care in a family setting to a maximum of five

children, including the foster family's own children, during part of the day while the natural parents are absent

from their home.

Adult day care is defined as personal care and supervision in a protective setting for adults outside their own

home for less than 24 hours per day. The program may include the provisions of daily medical supervision,

nursing and other health care support, psychosocial assistance, or appropriate socialization stimuli or a

combination of these. Adult day care is available for those persons who do not require 24-hour-per-day

institutional care, but who, because of physical and/or mental disability, are not capable of full-time

independent living.

Density. The number of dwelling units developed on an acre of land. As used in this Ordinance, all densities are stated in

dwelling units per gross acre.

District. A portion of the jurisdiction of the governing body within which, on a uniform basis, certain uses of land and buildings

are permitted and within which certain yards, open spaces, lot areas and other requirements are established.

Drive-in establishment. A business establishment, other than a drive-in restaurant, so developed that its retail or service

character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the

motor vehicle and may include drive-in banks, drive-in cleaners, and drive-in laundries.

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Drive-in restaurant. A restaurant or other establishment serving food and/or drink so developed that its retail or service

character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the

motor vehicle.

Dwelling, multiple. A building or portion thereof used or designed as a residence for three or more families living and cooking

independent of each other in said building. This definition includes three-family houses, four-family houses and apartment houses,

but does not include hotels, motels, trailer camps or mobile home parks.

Dwelling, single-family. A building used or designed for use as a residence for a single-family.

Dwelling, two-family (duplex). A duplex is a building either designed, constructed, altered or used for two adjoining dwelling

units that are connected by a common wall and/or if two stor[ies, then] by a common floor.

Erected. Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the

building. Excavation, fill, drainage, and the like shall be considered a part of the erection.

Essential services. The erection, construction, alteration, or maintenance by public utilities, governmental departments or

commissions of underground, surface, or overhead gas, communication, electrical, steam, fuel or water transmission or

distribution systems, sewers, pipes, conduits, cable, fire alarm and police callboxes, traffic signals, hydrant and similar accessories

in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or

governmental departments for the general public health, safety, convenience or welfare.

Family. One or more persons occupying a housing unit and using common kitchen facilities and entrances, as distinguished

from a group occupying a boardinghouse or personal care home.

Farm. A platted or unplatted parcel of 100 acres or more in an area which is used for growing crops, raising livestock or other

agricultural purposes.

Farm, mini. The use of parcels of land between six and 20 acres in size for agriculture-related activities within agricultural

zoning districts.

Farm stand. A booth or stall located on a farm from which produce and farm products are sold to the general public.

Fast food restaurant. A fast food restaurant is defined to be a restaurant that has all of the following characteristics:

Its principal business is the sale of food items and beverages of the kind which can readily be taken out of the

restaurant for consumption off the premises.

Utensils, if used at all, are made of plastic or other disposable materials. Food is packaged in paper or

styrofoam or other disposable containers.

Service is not customarily provided to customers at their tables by employees of the restaurant.

Filling. [This term] shall mean the depositing or dumping of any matter on or into the ground, except deposits resulting from

common household gardening and general farm care.

Flea market. An outdoor and/or indoor facility established for the purpose of selling at retail such new or used items as

household goods, tools, crafts or any other combination of new or used goods. These markets, sales and displays are those that

occur continuously or frequently, and specifically more than two times per year, normally at a fixed location where a proprietor,

partnership, or corporation leases to vendors a booth, commercial staff or designated area from which the vendor markets his/her

goods.

Floodplain. A nearly level alluvial plane that borders a stream and is subject to flooding unless protected artificially.

Forestry. Establishments engaged in the operation of timber tracts, tree farms or the gathering of forest products.

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Foster child. A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and

education.

Garage, private. An accessory building designed or used for the storage of motor-driven vehicles owned and used by the

occupants of the building to which it is an accessory.

Garage, public. Any premises used for the storage or care of motor vehicles or [a] place where any such vehicles are equipped

for operation, repaired or kept for pay, hire or sale.

Garden, private. A noncommercial private garden in which is an accessory use to the primary use of the zoning district. The

primary use must be present at the same location as the garden in any zoning district with the exception of agricultural zoning

districts.

Group home. A group home is a residential use (home) of a property for the care of individuals in the home environment

which have mental and/or developmental disabilities or individuals who will benefit socially from living in a group environment. All

group homes must be licensed by the appropriate state agency.

Guest home. A building or portion thereof used or designed for uses as a residence, specifically as an accessory use to the

principal dwelling.

Halfway house. A group home facility which is licensed or supervised by any federal, state or county to be used for

health/welfare rehabilitation or similar purposes.

Home occupation. Any use conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is

incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided

further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that

such occupation shall not require internal or external alterations or construction, open storage or signs not customary in

residential areas. One nonilluminated nameplate, which is not more than two square feet in area, may be attached to the building

which shall contain only the name and occupation of the resident of the premises. Clinics, hospitals, child care centers, and day

nurseries, among others, shall not be deemed to be home occupations.

Hospital. An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured,

including, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities,

central service facilities and staff offices.

Hydroponics. The cultivation of plants in water containing dissolved in organic nutrients rather than in soil.

Industrialized building. A structure or component which is wholly or in substantial part made, fabricated, formed or assembled

in or at manufacturing facilities and delivered to a building site for fabrication and installation in such assemblies that all parts or

processes cannot be inspected except by disassembly by the building official but in lieu of such inspection bears an insignia, label,

or decal issued by the Georgia Department of Community Affairs to certify the unit as to construction and safety standards.

Junk. Any motor vehicle, machine, appliance, scrap material or other items that are in a condition which prevents its use for

the purpose for which it was originally manufactured.

Junkyard. Includes automobile wrecking yards and includes any area of more than 200 square feet for the storage, keeping or

abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of

automobiles, or other vehicles or machinery or parts thereof, but does not include vehicles or machinery or parts thereof, nor does

it include uses established entirely within enclosed buildings.

Kennel. Any lot or premises on which three or more dogs, four months or older, are kept either permanently or temporarily for

commercial or breeding purposes.

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Laboratory. A place devoted to experimental study, such as testing and analyzing. Manufacturing of [a] product or products is

not permitted within this definition.

Landscape strip. That portion of a given lot not covered by buildings, pavement, parking, access and service areas established

as landscaped open space, the width of which is measured from the common property line and extending the developed portion

of the property line. A landscape strip, as distinguished from a buffer, may be disturbed by grading or site development but shall

be maintained as landscaped open space. A landscape strip may consist of grass lawns, decorative plantings, berms, walls, fences

or other approved features designed and arranged to produce an aesthetically pleasing effect within the development.

Loading space. An off-street space on the same parcel of property with the building or group of buildings for temporary

parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodginghouse. A lodginghouse or roominghouse is a building other than a hotel where lodging is provided for five or more

persons for compensation pursuant to previous arrangement.

Lot. A parcel of land occupied or intended to be occupied by a principal building or use and any accessory buildings and uses

customarily incident[al] to it, and including open spaces not less in extent than those required in connection therewith by these

regulations.

Lot area. The size of a lot measured within the lot lines as expressed in terms of acres or square feet.

Lot, corner. A lot abutting on two streets at their intersection.

Lot coverage. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot depth. The mean distance between the front and rear lot lines.

Lot, double frontage. An interior lot having frontages on two or more parallel streets as distinguished from a corner lot. In the

case of a row of double frontage lots, one street will be designated as the front street on the plat and the request for a building

permit will indicate which street is the designated front street.

Lot frontage. That portion of a lot extending along a street right-of-way line.

Lot, interior. A lot other than a corner lot.

Lot lines. The property lines bounding the lot.

Front lot line. On a lot abutting upon a public street, the "front lot line" shall mean the line separating such lot

from such street right-of-way.

Rear lot line. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the

case of an irregular-shaped lot, the county planner shall designate the rear lot line.

Side lot line. Any lot line that is not a front or rear lot line.

Lot of record. A parcel of land, the dimensions of which are shown on a map or plat on file with the clerk of Superior Court of

Seminole County, Georgia, and which actually exists as shown, or any part of such parcel held in a recorded ownership separate

from the ownership of the remainder thereof.

Lot, through. A lot, other than a corner lot, having frontage on more than one street.

Lot width. The distance between the side lot lines, measured along the front building line and parallel to the street right-ofway.

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Manufactured home. A factory-built structure that is manufactured or constructed under the authority of 42 USC 5401 and is

to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device

allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently

attached to its body or frame any wheels or axles. A mobile home is not a manufactured home, except as hereafter provided.

(Manufactured homes must bear an insignia issued by the U.S. Department of Housing and Urban Development (HUD)).

Manufactured home park. A licensed business operation which leases spaces for permanent or for temporary occupancy for

periods exceeding 30 days for mobile homes and, under some conditions, travel trailers.

Manufactured home stand. The site designed for the placement of a manufactured home and its cabana, accessory structures,

utility connections and off-street parking facilities.

Mobile home. A manufactured home built before June 15, 1976. They do not meet current building codes.

Modular homes (also see industrialized building). Factory-built housing certified as meeting local or state building codes as

applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built

homes.

Motor vehicle repair. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as

body, frame or fender straightening and repair; overall painting; but not including undercoating of automobiles unless conducted

in a completely enclosed spray booth.

Motor vehicle wash establishment. A building, or portion thereof, the primary purpose of which is that of washing motor

vehicles.

Nonconforming use. Any building or land use which lawfully exists at the time of adoption of this Ordinance and which does

not now conform with the use regulations of the district in which it is located.

Nursery (tree and shrub). An area or establishment devoted to the raising and care of trees, shrubs, or similar plant materials.

Off-street parking lot. A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so

as to provide access for entrance[s] and exits for the parking of more than two automobiles.

Open air business uses. Open air business uses shall include the following:

Retail sale of trees, shrubbery, plants, flowers, seeds, topsoil, humus, fertilizer, trellises, lawn furniture,

playground equipment and other home garden supplies and equipment.

Retail sale of fruits and vegetables

Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's

amusement park[s] or similar recreation uses.

Bicycle, trailer, motor vehicles, mobile homes, boats or home equipment sales, services or rental services.

Outdoor display and sale of prefabricated storage buildings, garages, swimming pools and similar use[s].

Open space, landscaped. That portion or portions of a given lot, not covered by buildings, pavement, parking access and

service areas, set aside and maintained as a buffer, landscape strip or other approved open area.

Parking space. An area of not less than nine feet wide and 20 feet long for each automobile or motor vehicle, such space being

exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

Personal care home. A dwelling in which aged or infirm persons are boarded and receive personal care on a 24-hour basis. All

such homes shall be licensed by the appropriate state agency.

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Planned unit development. A planned unit development is a single parcel of land within which a number of buildings (uses) are

located or intended to be located in accordance with an overall plan of design and not in relation to a prearranged pattern of land

subdivision. Examples of a planned unit development (PUD) include a complex of apartment buildings, offices and a shopping

center with a number of stores.

Prime farmland. Land in Seminole County which is best suited for producing food, feed, forage, fiber, and oil seed crops and

also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce [a] sustained good

yield of crops economically if treated and managed, including water management, according to modern fanning methods.

Produce stand/curb market. A permanent or semipermanent building stand not exceeding 200 square feet of floor area

intended to provide a place to sell at retail only perishable farm and garden vegetables and orchard or grove fruits, but not

including buildings or structures erected by a bona fide farmer for the sale of seasonal produce grown on their land in an

agricultural zoning district.

Recreation facility, commercial. A recreation facility operated as a business and open to the public for a fee.

Reference level. The reference level for any building is seven inches above the existing curb or, in the absence of an existing

curb, above the crown of the adjacent public road.

Rubbish. The miscellaneous waste material resulting from housekeeping, mercantile enterprises, trades, manufacturing offices

and construction enterprises, including other waste material such as slag, stone, broken concrete, fly ash, tin cans, glass, scrap

metal, rubber, paper, rags, chemicals, or and similar or related combinations thereof.

Rural business. A rural business shall be a small office or small scale retail sales or service type business which shall be

secondary or incidental to the primary use of property for agricultural or residential purposes. Such business shall be primarily

directed toward providing local or neighborhood services to rural-residential areas. Rural businesses shall be similar to home

occupations, except that the activity can occur in an accessory structure detached from the principal residence.

Screening. Also referred to in the text as "protective screening," ["screening"] is a visual and acoustical barrier which, through

the use of buffers, natural topography, landscaping, fences, walls, berms or approved combination thereof is of such nature and

density that provides yearround maximum capacity from the ground to a height of at least six feet that screens structures and

activities on the lot from view from the normal level of a first story window on an abutting lot.

Service station. A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other

operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of

such commodities on or in vehicles, and including space for facilities for the temporary storage of vehicles, minor repair or

servicing.

Sign, area. The smallest square, rectangle, triangle, circle or combination thereof that encompasses the entire area devoted to

advertising, information or identification. The term "sign area" includes trim, but excludes structural supports. In the case of a sign

with two sides for display, one side only shall be counted in determining sign area.

Sign, freestanding. A sign which is supported by one or more columns, uprights or braces in or upon the ground, or by another

structure, the sole purpose of which is to support the sign. A freestanding sign is not attached to a building.

Sign, general advertising. A sign which directs attention to a business, profession, idea, product, service, activity, or

entertainment not conducted, sold or offered on the premises upon which the sign is located. It may either be freestanding or be

attached to the building. A general advertising sign is commonly known as a "billboard."

S[ign, s]hopping center. A sign which directs attention to a business, profession, product, service, activity or entertainment

conducted, sold or offered on the premises at which the sign is located.

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Sign, wall. A sign which is attached to the wall of any building. A wall sign shall project not more than 12 inches from the

building.

Single parcel ownership. Possession of a parcel of property wherein the owner does not own adjoining property.

Soil removal. [This term] shall mean the removal of any kind or soil or earth matter which includes topsoil, sand, gravel, clay or

similar materials or any combination thereof, except common household gardening and general farm care.

Stable, commercial. Any place established for gain or profit at which more than four adult horses are kept for the purpose of

training, boarding, riding, sale or breeding or where instruction pertaining to the same is given for a fee.

Story. That portion of a building, other than the cellar or mezzanine, included between the surface of any floor and the floor

next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of

these regulations, a basement or cellar shall be counted as a story if over 50 percent of its height is above the level from which the

height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a

janitor or domestic servant employed in the same building including the family of the same.

Ground story. The lowest story of a building, the floor of which is not more than 12 inches below the elevation

of the reference level.

Half-story. The part of a building between a pitched roof and the uppermost full story, said part having a

finished floor area which does not exceed one-half of the floor area of said story.

Mezzanine. [A mezzanine] shall be deemed a full story when it covers more than 50 percent of the story

underneath said mezzanine or if the vertical distance from the floor next below it to the floor above it is 24 feet

or more.

Street. A thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue,

place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley. A "public street" is a street accepted

by dedication or otherwise by the governing body. A "private street" is a street not so accepted.

Structural alteration. Any change in the supporting members of a building or structure, such as bearing walls or partitions,

columns, beams or girders or any change in the width or number of exits or any structural change in the roof.

Structure. Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed

location on or in the ground. Among other things, structures include buildings, manufactured homes, signs, swimming pools and

fallout shelters, but does not include walls or fences.

Subdivision. Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose,

whether immediate or future, of sale, legacy, or building development, and includes resubdivision and, where appropriate to the

context, relates to the process of subdividing or to the land or area subdivided; however, the following are not included in this

definition:

The combination or recombination of portions of previously platted lots where the total number of lots is not

increased and the resultant lots comply with the standards of these regulations and all other ordinances and

resolutions of the county; provided, however, that no changes in roads or drainage are proposed or necessary.

Subdivision into parcels which have 25 acres or more; provided that the "cut off" tract or the resultant tract

with which it is combined will then front on a public road a minimum distance of 150 feet.

Subdivision regulations. Regulations as adopted by the governing body governing the subdivision of land.

Travel trailer. A motorized camper, converted bus, tent-trailer or other similar vehicular or portable structure used or designed

for temporary portable housing or occupancy while on vacation, recreation or other trips which provide sleeping accommodations.

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Travel trailer park. [A] trailer park where the principal use is for overnight tourists or for vacationers whose stay will not exceed

45 days.

Truck terminal. A building and premises catering primarily to trucks which may include warehousing facilities and may include

the functions and services of a mechanical garage, but shall not include the storage of trucks or other vehicles for the purpose of

using parts for sale or repair.

Undue hardship. A condition which shall be considered to exist only when one or more of the following apply to a particular

piece of property and such condition has not been created by action of the property owner:

The owner cannot comply with the provisions of [these regulations] without violation of some other

[regulation] or sections of [these regulations].

The provisions of [these regulations] create for the property owner a peculiar condition not common to other

nearby property owners.

A conforming use or requirement is incongruous with the remainder of the area in which the property is

located.

The topography of the land or shape of a particular lot precludes a conforming use.

Variance. A deviation from the strict application of this Ordinance which may be permitted after review by the planning

commission and approval by the Seminole County Board of Commissioners. Such deviation will not be contrary to the public

interest, and where owing to conditions unique to the individual property on which the variance is sought and not as a result of

any action on the part of the property owner, a literal enforcement of this Ordinance would result in unnecessary and undue

hardship; provided, however, that no variance will be granted which shall authorize a land use not otherwise permitted in a

particular district. (See article IV, section 4.21 for the criteria to be utilized in the review of variance requests.)

Water station. A facility for supplying water storage tanks of dependent trailers with potable water.

Yard. A space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from

ground to sky, except where encroachments and accessory buildings are expressly permitted. The yard adjacent to the public

street or road shall be considered the front yard.

ARTICLE III. - ESTABLISHMENT OF ZONING DISTRICTS

Section 3.01. - Districts.

The unincorporated portions of Seminole County are hereby divided into nine classes of districts known as follows:

R-1, Single-Family Residential District.

R-2, One-, Two- and Multiple-Family Residential District.

R-PUD, Residential Planned Unit Development District.

AG, Agricultural-Limited Residential District.

C-1, Neighborhood Business District.

C-2, General Commercial District.

C-PUD, Commercial Planned Unit Development District.

I, Industrial District.

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FH, Flood Hazard District.

Section 3.02. - Limited Use (L.U.) Provision.

The Seminole County Board of Commission established the "Limited Use" Provision for the purpose of allowing an applicant to

request that a certain area be designated as a limited use. In some areas of the county, a particular land use activity out of a

general zoning classification may have less community impact than some of the possibilities of uses in that specific classification.

For this reason, an applicant may request in his rezoning petition to limit the use of a proposed property to a specified use only

(i.e., C-1 L.U.). To wit: neighborhood business district limited to a "beauty shop". The limited use must be among the uses permitted

in the zone classification for which the limited use is taken.

Section 3.03. - District boundaries.

The boundaries of the above districts are shown on a set of maps designated "Official Zoning Maps, Seminole County,

Georgia." The Seminole County Tax Parcel Maps are the base maps for the county's zoning districts and all of these tax parcel

maps are hereby designated AG, agricultural zoning unless otherwise designated on said map.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning maps, the

following rules shall apply:

Where zoning district boundaries are indicated as approximately following the centerlines of roads or

highways or railroad right-of-way lines extended, such centerlines or railroad right-of-way lines or such lines

extended shall be construed to be such boundaries.

Where district boundaries are indicated as approximately following the county line or the corporate limits line

of any incorporated place or the militia district line of any militia district or the land lot line of any land lot, such

county line, corporate limits line, militia district line or land lot shall be construed to be such boundaries.

Where district boundaries are indicated as approximately parallel to the centerlines of streets or highways,

such district boundaries, unless otherwise specifically indicated, shall be construed as being parallel thereto

and at a distance of 200 feet from the right-of-way line of such streets and highways, each above district

boundary being shown at scale on the official zoning map of Seminole County, Georgia.

Where district boundaries are indicated as approximately following the centerline of streambeds or riverbeds,

such centerlines or such lines extended shall be construed to be such boundaries.

Section 3.04. - District boundary lines dividing a lot of single ownership.

Where a district boundary line, as appearing on the zoning map, divides a lot in single ownership at the time of the enactment

of these regulations, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of

the lot; provided, that such extension will not include any part of such lot more than 35 feet beyond the district boundary line; and,

provided further, that this provision shall not apply to a through lot. In the case of a through lot, the restriction of the district

applying to the adjoining lots which front on the same street as the proposed use of the lot shall apply. A through lot being a lot

that runs from street to street.

ARTICLE IV. - GENERAL PROVISIONS

Except as hereinafter specifically provided, the following regulations shall apply.

Section 4.01. - Conicting regulations.

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Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations that

are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 4.02. - Scope.

No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed, or altered and maintained,

and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity

with the provisions of this Ordinance (farm accessory buildings excluded).

Section 4.03. - Only one principal dwelling per lot.

Except as herein provided, there shall be no more than one principal dwelling per lot or parcel other than within a PUD

development. However, in AG zones within the unincorporated area of Seminole County, there shall be permitted as many as four

residential uses (farm-related dwellings) on any parcel of land under single ownership where the following conditions can be met:

The purpose for this special use is to support established farming operations located on the property being

requested.

Each such nonprincipal residential use shall occupy a land area not less than 40,000 square feet in size.

Each such land area shall be so defined by permanent physical markers as to be given a numerical address

and location designation.

Each such land area shall receive approval from the Seminole County health authorities as to its suitability as a

site for an effective sanitary sewage disposal system designed to accommodate wastes generated by the user

of that land site.

An acceptable domestic water supply shall be available to each satellite user of this special provision and such

water supply shall meet local public requirements as administered by the Seminole County health authorities.

Each such use shall be accessible either by private drive or public roadway to the public thoroughfare system.

Individual power supply sources shall be provided to each user under this special provision and each utility

installation shall meet such standards as have been adopted by local authorities.

Facilities established under this special provision for residential use shall meet the requirements of local

construction and use codes established by the Seminole County Commission.

Permits for construction will not be issued prior to the approval of each of the aforementioned condition by

the zoning administrator. In addition, any change in use or occupancy must be approved by the zoning

administrator.

Section 4.04. - Substandard lots.

Any residentially zoned lot which was of record at the time of the adoption of this Ordinance that does not meet the

requirements of this Ordinance for yards or other area or open space may be utilized for single residence purposes, provided the

area from such yard or court in width, depth, or open space is not less than 75 percent of that required by the terms of this

Ordinance. However, all substandard lots must have health department approval for placement of well and septic tanks. The

purpose is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be

provided.

Section 4.05. - Frontage.

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Every principal building shall have required frontage upon a public street, except that in the case of the planned unit

developments, variations may be allowed by the planning commission with due regard for the overall health, welfare, safety and

convenience of the people.

Section 4.06. - Dwellings other than main structure.

No residential structure shall be erected or placed upon the rear or side of a lot or upon a lot with another dwelling.

Section 4.07. - Site distance at intersections.

In all districts, no fence, wall, hedge or shrub planting which obstructs the site lines at elevations between two and 12 feet

above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street

property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded

property corner, from the intersection of the street property lines extended. No trees shall be permitted to remain within such

distances of such intersections unless the foliage line is maintained to comply with the above site lines.

Section 4.08. - Reduction of lot area prohibited.

No lot shall be reduced in size so that yard, lot width, lot area or other requirements of this Ordinance are not maintained.

Section 4.09. - Accessory buildings.

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

Where the accessory building is structurally attached to a main building, it shall be subject to and must

conform to all regulations of this Ordinance applicable to principal buildings.

Accessory buildings, except garages, shall be erected in any required yard except a front yard, providing

further that in no instance shall such a building be nearer than five feet to any adjoining side lot line or rear lot

line.

An accessory building shall not exceed one story or 14 feet in height, and in no instance shall the accessory

building exceed the ground floor area of the principal building.

No detached accessory building shall be located closer than 15 feet to any principal building.

In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street

frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent

blocks.

When an accessory building is to be located on a corner lot, the side lot line of which is substantially a

continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line

required on the lot in rear of such corner lot.

In any residence zone, no garage shall be erected closer to the side lot line than the permitted distance for the

dwelling, unless the garage shall be completely to the rear of the dwelling; in which event, the garage may be

erected five feet from the side and rear lot line.

In any residential zone, no carport shall be erected, constructed or altered closer to the side lot line than the

permitted distance for the dwelling, nor beyond the front [lot] line of the house to which it is attached.

Section 4.10. - Prohibited uses in all residential districts.

It shall be prohibited in all residentially zoned districts and residential lots to park, place or store in the open:

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Wrecked or junked vehicles; power-driven construction equipment; used lumber, metal or rubbish; or any other m

scrap or salvageable material in quantity.

Tractor-trailer combinations, tractors or trailers.

Kennels.

Wrecked or junked vehicles in "open" buildings.

Section 4.11. - Protective screening.

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following

regulation shall apply:

Adjacent residential property. Where a manufacturing or commercial district abuts directly upon a residentially

zoned district, a landscaped greenbelt, not less than 20 feet wide, shall be provided and maintained along its entire

length by the users of these properties. These districts shall be screened from such contiguous residentially zoned

district. Such greenbelt shall be planted with deciduous trees, evergreens, flowering trees and/or ornamental trees

set not closer than six feet to the fence or wall.

The remainder of the landscaped area, which is not planted with the aforementioned stock, shall be in well-kept

lawn. All landscaping shall be maintained in a healthy growing condition.

All planting plans shall be first submitted to the planning commission for approval as to suitability of planting

materials and arrangement thereof in accordance with the provisions of this Ordinance.

If, in the opinion of the planning commission, the greenbelt would serve no good purpose, the commission may

waive such requirements.

Section 4.12. - Animals in residential districts.

It is the intent of this section to permit certain uses in residential zoning districts (R-1 and R-2) which involve the keeping of

limited numbers of domestic animals or pets where it is recognized that such areas are changing from agricultural to suburban

residential in character. This section is further intended to minimize problems which may arise from such animal uses and to

provide suitable standards for protection of health, safety, welfare and preservation of residential districts from indiscriminate

raising of animals.

Uses permitted:

Livestock. Horses, cows, ponies, donkeys, and other domestic livestock may be kept, raised or bred for

home use and enjoyment; provided, that only one such animal shall be permitted for each two acres of

land area and shall be adequately contained by fence within that property. The keeping of any swine is

specifically prohibited.

Domestic pets. Cats, dogs, rabbits, or other generally recognized domestic pets may be kept or bred by

persons residing on the property for their use and enjoyment.

Fowl. Ducks, quail, chickens, turkeys, pigeons, pheasants, etc., may be raised for home use, provided such

fowl are adequately contained (penned) within that property.

[Application to in-residence use.] These permitted use provisions for animals in residential districts are

meant to apply only outside of the residence on an individual lot and are not intended to restrict the type

or number of animals within a residence.

[Maintenance in relation to property line.] All animals will be maintained at least 25 feet from any

property line.

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Uses prohibited.

The keeping, breeding, or training of any animals or fowl for monetary gain or profit shall be deemed a

commercial business and is expressly prohibited in all residential districts (R-1 and R-2).

Section 4.13. - Recreational vehicles.

Recreational vehicles shall not be utilized as a permanent dwelling in any zoning district. Occupancy exceeding 30 days shall be

considered permanent.

Section 4.14. - Mobile homes.

Mobile homes which do not bear a[n] HUD insignia are prohibited. [This prohibition is] not applicable to existing mobile homes

in [the] county.

Section 4.15. - Mobile home accessory building.

Mobile homes are prohibited [from being] used as an accessory building.

Section 4.16. - Mobile home safety tiedowns.

All mobile homes within Seminole County will be installed with adequate safety tiedowns.

Section 4.17. - Mobile home storage.

Mobile homes shall not be stored on a lot or parcel more than 30 days.

Section 4.18. - Skirting.

All mobile homes must be properly skirted. (See section 8.05.)

Section 4.19. - Conditional uses.

[A] public hearing [is] required. Before a building permit or certificate of occupancy shall be issued for a conditional use,

application shall be made to the planning commission which, after careful review of any applicable sections of this Ordinance, may

recommend to the county commission the issuance of such permit or approval if in the judgment of the planning commission it

will not be detrimental to the health, safety, and general welfare of Seminole County.

An application to establish a conditional use shall be approved following a review by the planning commission and a

determination by the Seminole County Board of Commissioners that:

The proposed use will not be contrary to the purpose of this Ordinance.

The proposed use will not be detrimental to the use or development of adjacent properties or the general

neighborhood nor affect adversely the health and safety of residents and workers.

The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend

or use such facility, vehicular movement, noise or fumes generation, or type of physical activity.

The proposed use will not be affected adversely by the existing uses, and the proposed use will be placed on a

lot of sufficient size to satisfy the space requirements of said use.

The parking and all development standards set forth for each particular use for which a permit may be granted

have been met.

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Provided that the county commission may impose or require such additional restrictions and standards as may b

protect the health and safety of workers and residents in the community, and to protect the value and use of pro

general neighborhood; and provided that wherever the county commission shall find, in the case of any permit gr

to the provision of these regulations that any term, conditions or restrictions upon which such permit was grante

complied with, said commission shall rescind and revoke such permit after giving due notice to all parties concern

full opportunity for a public hearing.

Cross reference— Conditional uses permitted after special review by planning commission and approved by county commission,

app. A, § 5.03.

Section 4.20. - Telecommunication antennas and towers.

The purpose of this section is to establish standards and regulations for the siting of antennas and towers.

All siting of antennas and towers will be required to submit site plans to the county for approval.

Each applicant for an antenna and/or tower shall provide an inventory of its existing owner that are either

within the county or within one-quarter mile of the border thereof, including specific information about the

location, height, and design of each tower.

The following shall govern the location of all towers and the installation of all antennas. If, in the opinion of the

board of commissioners, these requirements would serve no good purpose, the board of commissioners may

waive such requirements:

Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA,

be painted a neutral color, so as to reduce visual obtrusiveness.

At a tower site, the design of the buildings and related structures shall, to the extent possible, use

materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural

setting and built environment.

If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and

mechanical equipment must be of a neutral color that is identical to or closely compatible with the color

of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as

possible.

Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting

is required, the governing authority may review the available lighting alternatives and approve the design

that would cause the least disturbance to the surrounding views.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered

abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice

from the governing authority notifying the owner of such abandonment. If such antenna or tower is not

removed within said 90 days, the governing authority may, in the manner provided in O.C.G.A. §§ 41-2-8—41-2-

17, remove such antenna or tower at the owner's expense. If there are two or more users of a single tower,

then this provision shall not become effective until all users cease using the tower.

Cross reference— Conditional uses permitted after special review by planning commission and approved by county commission,

app. A, § 5.03.

Section 4.21. - Appeals and variances.

The Seminole County Board of Commissioners shall hear and decide appeals where there is alleged error in any

order, requirements, decision, or determination made by the zoning administrator in enforcement of this

Ordinance.

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The board of commissioners may authorize in specific cases such hardship variances from the terms of this Ordinance

in its opinion be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisio

Ordinance will in an individual case result in unnecessary hardship, so that the spirit of the Ordinance will be observed

safety and welfare secured. Such variance may be granted in such individual case of unnecessary hardship upon a find

board that:

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question

because of its size, shape or topography; and

The application of this Ordinance to th[at] particular piece of property would create an unnecessary hardship;

and

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

Relief, if granted, would not cause substantial detriment to the public interest or impair the purposes and

intent of this Ordinance; provided, however, that no variance may be granted for a use of land or building

which use is prohibited by this Ordinance. The county will control the actual use of properties through zoning

and conditional uses and not through a grant of variance.

Variances will first be reviewed by the Seminole County Planning Commission and recommendation made to the

county commission. (Public hearing required).

Section 4.22. - Hardship manufactured homes/travel trailers.

The planning commission may recommend to the board of commissioners approval of a variance for the use of one hardship

manufactured home or travel trailer. The application for such a variance shall be for the use of one manufactured home or travel

trailer. The placement of one hardship manufactured home or travel trailer on an occupied residential lot may be allowed if it is

established that a genuine hardship exists only by reason of medical disability or age and the following variance criteria are met:

The subject occupant of the manufactured home or travel trailer is a relative by blood or marriage of the

owner of the property; and

Documentation of medical disability or age infirmity is required to be certified by a medical doctor's statement.

This certification will be valid for a one-year period. If an extension is needed after one year, a new application

for a hardship variance shall be submitted; and

Said manufactured home or travel trailer shall be removed from the premises within 60 days when the

specified disability ceases to exist; and

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

The Seminole County Health Department approves the temporary placement of a second dwelling on the

proposed property; and

The planning commission board of commissioners may impose reasonable requirements which would effect

the interests of the public health, safety and general welfare.

Section 4.23. - Rural business uses permitted, prohibited and development standards.

A rural business shall be secondary or incidental to the primary use of property for agricultural or residential purposes. Such

business shall be primarily directed toward providing local or neighborhood services to rural-residential areas. Rural business are

intended to be of smaller size, intensity and scale commercial uses that would be more commonly found in commercial zoning

districts. Rural businesses shall be similar to home occupations except that the activity can occur in an accessory structure

detached from the principal residence. In addition, an application for rural business must have established residency and be living

in residence upon the subject property prior to any application being filed for consideration by the planning commission.

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Permitted uses.

Offices.

Beauty shops and barber shops.

Retail sales or services of a specialty nature; antique shops, specialty foods, custom furniture, upholstery

shops, tailoring, taxidermist, custom-made sporting goods, meat cutting as a retail service to the public,

provided, however, that no slaughtering or wholesale meat cutting or processing is permitted.

Small repair shops for appliances, machinery, farm equipment or automobiles with the following

limitations:

Repair shops shall not create noise, noxious odors, bothersome illumination or any hazard which

would adversely affect the health, safety or welfare of the adjoining property owners or the

neighborhood in general.

Outdoor storage of inoperable machinery, equipment or vehicles shall be prohibited.

No more than two vehicles shall actually be serviced, actively worked on or repaired at any one time.

All spare parts (new or used) shall be stored within a structure and the storage space shall be

included in the total space allocated for the rural business.

Small businesses similar to the above, as approved by the planning commission.

Prohibited Uses.

Retail sales of gasoline, service stations, mechanical, or do it yourself care washes.

Truck terminals, heavy equipment rental.

Industrial or manufacturing uses which require specialized equipment not ordinarily associated with

agricultural and residential uses; i.e., forges, large milling machines, poultry or meat processing or

packing equipment (except as provided for above).

Drive-in theaters, restaurants, entertainment facilities, skating rinks or any use which as a result of its

normal operation would generate large amounts of vehicular traffic.

Any use which is clearly out of scale or character with an agricultural and residential area.

Development standards. The following standards shall apply to all rural business[es] unless specifically

exempted by the planning commission. The petitioner must satisfactorily demonstrate that exemption from

one or more of these standards will not result in adverse impacts on the surrounding property. The following

standards cannot be exempted by the planning commission: 1., 2., 3., 4, and 6. A modification of development

standards 3., 5., 7., and 8. shall only be permitted if: a) there are special and unusual topographic conditions

unique to the property or structure, or (b) the proposed use is clearly and will remain of such a small scale that

conducting or operating the business would not be obvious or noticeable from the adjoining property or by

the public in general, and (c) a modification of the development standards shall be made only if the intent of

the rural business section is maintained.

An approved rural business shall only be valid as long as the original petitioner owns and operates the

business and [a] business license is issued to the petitioner. If the business license expires or the

petitioner wishes to sell or transfer the business or license, the planning commission board of

commissioners' approval would be void and a new application shall be submitted to the planning

commission board of commissioners for consideration.

The property containing the site of the rural business must also be the bona fide residence of the

petitioner and principal practitioner.

Structure:

Any detached structure (existing or proposed) housing the rural business must be located to the

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sides or the rear of the principal residence of the property.

The structure shall not contain any equipment which would not ordinarily be found in accessory

structures in an agricultural/residential district. Such a structure shall be readily and easily usable of

customary agricultural and residential uses. The architectural style shall be in keeping with the

surrounding agricultural and residential development.

Rural business shall be located on property containing at least one acre of land and the site upon which

the business is actually conducted shall not exceed one-half acre of land.

A rural business shall be limited to a total of 1,000 square feet of gross floor area.

Only one nonilluminated sign, limited to a maximum of 16 square feet shall be permitted. This sign may

have two faces of 16 square feet each, back to back, on one set of supports.

Off-street parking shall be provided as set out in article XVII, section 17.01

Only two employees, excluding immediate family members, shall be permitted.

Section 4.24. - Outdoor shooting ranges.

All outdoor shooting ranges must comply with the following requirements:

Shooting ranges must be a minimum of 20 acres.

All shooting areas shall be set back a minimum distance of 100 feet from any street right-of-way.

The firing range shall have a natural earth embankment at least ten feet high placed behind all targets within

the shooting area.

The firing range shall be posted "No Trespassing-Danger-Shooting Range," at 100-foot intervals around the

perimeter.

At least one qualified individual in the sponsoring club or organization shall be certified for shooting range

supervision. Each facility shall adopt safety rules and regulations as determined by the sponsoring club or

organization.

The firing range shall be covered by a minimum of $300,000.00 accident and liability insurance.

An ancillary retail store is allowed, but no selling of alcoholic beverages.

A site plan must be submitted to the county which shows the location stakes, targets, and backstops, etc.

Section 4.25. - Concentrated animal feeding operations.

An application for a concentrated animal feed lot operation is required to contain:

A blueprint showing building design configuration, both exterior and interior, dimensions and construction

materials; and

A survey plat prepared by a registered land surveyor of the real estate on which the proposed facility will be

constructed as well as the surrounding area to show compliance with setback requirements; and

A list of names and mailing addresses of all adjoining property owners; and

A statement of manure management which shall identify all recorded manure easement agreements, if any,

that have been obtained for the facility including a manure disposal plan; and

A statement of the responsible parties who will supervise the construction and initial operation of the facility;

and

A statement of a plan for runoff management or waste disposal.

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Section 4.26. - Conditional zoning.

The Seminole County Board of Commissioners may change, modify or otherwise restrict any rezoning proposal in the interest

of public health, safety or welfare.

ARTICLE V. - R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 5.01. - Statement of purpose.

The single-family residential district is established as a district in which the principal use of land is for conventional, site-built,

single-family detached dwellings. For the single-family residential district, in promoting the general purpose of this Ordinance, the

specific intent of this section is:

To encourage the construction of and the continued use of the land for conventional, site-built, single-family

dwellings.

To discourage any land use development within the district which would generate traffic on minor or local

streets other than normal traffic to serve the residences on those streets.

Section 5.02. - Permitted uses.

[The following uses are permitted in this district:]

Single-family detached dwellings, except mobile homes, manufactured homes and modular homes.

Accessory buildings or uses customarily incidental to any of the permitted uses when located on the same lot

and not involving any business, profession, trade or occupation. Provided that all accessory buildings shall

conform and be located as required in section 4.09

Off-street parking and loading in accordance with the requirements of article XVII of this Ordinance.

Section 5.03. - Conditional uses permitted after special review by planning commission and approved by county commission.

[The following conditional uses shall be permitted after special review by planning commission and approved by county

commission:]

Churches, provided that the proposed site for a church is not less than one acre, a complete site development

sketch plan is submitted with the application, and provision is made for off-street parking.

Public and private schools.

Recreational developments including, but not limited to, private or public lakes, swimming pools, golf courses

or driving ranges, or other recreational developments; provided that a comprehensive development plan for

the area is submitted to the planning commission and includes the location of the site on maps of not less

than 1˝ = 400′ scale, the location and function of all buildings, and modifications of the natural landscape, the

location and surface treatment of all roadways, appropriate details of drinking water of sanitary facilities, plus

a time schedule.

Cemeteries, provided that a complete site development sketch plan is submitted with the application.

Clubs and fraternal organizations not operating for profit provided that:

The buildings are not placed closer than 50 feet to any property lines; and

There is a planted buffer strip at least ten feet wide along the side and rear lot lines.

Public buildings, structures or other public land uses.

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Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons, orphanages, group

homes and halfway homes.

Home occupations as restricted and defined in article II.

Nursery schools, kindergartens or day care facilities, provided that all state licensing requirements are met.

Other uses similar to the above and compatible with the local neighborhood and environment as interpreted

by the planning commission and approved by the county commission.

All radio, cellular phone, or similar transmission/receiving towers.

Cross reference— For conditional uses requiring public hearing, see § 4.19; telecommunication antennas and towers, app. A, §

4.20.

Section 5.04. - Area, height, and setback requirements.

[Area, height, and setback requirements shall be] in accordance with the Schedule of Regulations, article XIX.

ARTICLE VI. - R-2, ONE-, TWO- AND MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 6.01. - R-2, residential district.

The intent of the R-2 residential district is to provide for medium- to higher-density residential development, to provide for

variety in the county's housing stock, [to] encourage neighborhood maintenance and preservation, and to provide suitable areas

for new multifamily development.

Section 6.02. - Permitted uses.

[The following shall be permitted uses in the R-2 district:]

Any use permitted in the R-1 residential districts.

Manufactured homes.

Modular homes.

Section 6.03. - Conditional uses.

[The following are conditional uses within this district:]

Churches, provided that the proposed site for a church is not less than one acre, a complete site development

sketch plan is submitted with the application, and provision is made for off-street parking.

Public and private schools.

Recreational developments including, but not limited to, private or public lakes, swimming pools, golf courses

or driving ranges, or other recreational developments, provided that a comprehensive development plan for

the area is submitted to the planning commission and includes the location of the site of maps not less than 1˝

= 400′ scale, the location and function of all buildings, and modifications of the natural landscape, the location

and surface treatment of all roadways, appropriate details of drinking water of sanitary facilities, plus a time

schedule.

Cemeteries, provided that a complete site development sketch is submitted with the application.

Clubs and fraternal organizations not operating for profit, provided that:

The buildings are not placed closer than 50 feet to any property lines; and

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There is a planted buffer strip at least ten feet wide along the side and rear lot lines.

Group homes.

Public buildings, structures or other public land uses.

Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons, orphanages, group

homes, and halfway homes.

Home occupations as restricted and defined in article II.

Nursery schools, kindergartens or day care facilities, provided that all state licensing requirements are met.

Mortuaries.

Professional offices.

Boardinghomes.

Art, music, photographic and dance studios.

Duplexes.

Multiple-family dwellings\*.

Townhouses (see article II).

Radio, cellular phone or similar transmission/receiving towers.

Mobile home/travel trailer park (see articles VIII and IX).

Other uses similar to the above and compatible with the local neighborhood and environment as interpreted

by the planning commission and approved by the county commission.

\* For development of multiple-family areas of only one structure on any given site. The R-PUD development standards, article

VII, will govern multiple dwellings of more than one building on a given site.

Section 6.04. - Area, height and setback requirements.

[Area, height and setback requirements shall be] in accordance with the Schedule of Regulations, article XIX.

ARTICLE VII. - R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT

Section 7.01. - Residential planned unit developments.

The objective of the planned unit development is to encourage ingenuity, imagination, and flexibility of design efforts on the

part of builders, architects, site planners, and developers to produce land developments which are in keeping with density and

open space objectives of the Zoning Resolution, while departing from the strict application of use, setback, height, and minimum

lot size requirements of the Zoning Ordinance. The intent of this section is to permit such flexibility and provide performance

criteria for planned developments which:

Permits a creative approach to the residential development.

Provides for an efficient use of land potentially resulting in more economical networks of streets and utilities

thereby lowering housing and other land development costs.

Enhances the appearance of neighborhoods through the preservation of natural features, the provision of

recreation areas and open space.

Provides an environment of stable character compatible with surrounding residential areas and other areas of

Seminole County.

Section 7.02. - Permitted uses.

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In all R-PUD developments, no building or land, except as otherwise provided in this Ordinance, shall be erected or used

except for one or more of the following specified uses:

One-, two-, and multifamily dwelling units, including townhouse dwellings.

Mobile home parks/travel trailer park (see articles VIII and IX).

Recreational facilities.

Churches, community clubs.

Schools.

Other governmental functions.

Section 7.03. - Design standards and performance criteria.

Location. The planned unit development shall have access to streets outside the development that can adequately

serve the traffic needs of the development. The planned unit development shall also be adequately served by water

and sewerage systems.

Minimum size. The minimum size of a planned unit development shall be three acres.

Density. For the purpose of this Ordinance, overall residential density for a planned unit development shall not

exceed [the following]:

One-family dwelling unit: one unit per 7,000 square feet of land.

Multifamily unit: one unit per 3,630 square feet of land.

Section 7.04. - Open space requirement for residential planned unit developments.

As a prerequisite for approval of a R-PUD, residential planned unit development, a minimum of 20 percent

excluding rights-of-way, easements or paved areas of the gross residential acres, plus one acre for each 100

residential units shall be allocated to local open space for the use of the residents of the planned unit development.

Each two square feet of existing and/or natural water surface, periodically flooded (based upon the 100-year flood

contour elevation) or inundated land may be credited as one square foot of land area for required open area. Land

below the 100-year flood elevation can only be substituted for one-half of the required open space or common

areas.

Common open space must be used for amenity or recreation purposes and must be suitably improved for its

intended use. Common open space containing natural features worthy of preservation may be left unimproved. The

buildings, structures, and improvements which are permitted in the common open space must be appropriate to

the uses which are authorized for the common open space and must conserve and enhance the amenities of the

common open space having regard to its topography and unimproved condition. Open space shall not be

interpreted to include rights-of-way, easements, paved areas, [and] pending area of service areas.

The development schedule must coordinate the improvement of the common open space, the construction of the

buildings, structures and improvements in the common open space, and the construction of residential dwellings in

the planning [planned] unit development.

The common open space shall be situated such that it will best serve the residents and be totally integrated within

the various land uses of the planned unit development.

Section 7.05. - Access.

Private vehicular access drives not maintained by the county throughout the planned unit development site shall be

paved to a minimum width of 20 feet.

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Section 7.06. - Height.

The maximum building height in all residential [planned unit developments R-] PUDs shall be 35 feet.

Section 7.07. - Minimum distance between buildings.

The minimum distance between the buildings in any category of a PUD district shall be 20 feet.

Multifamily and townhouse structure[s] shall be separated from one another by the following minimum distance:

1. Front-tofront

arrangement

.....

40 feet

2. Front-to-rear

arrangement

.....

50 feet

3. Rear-to-rear

arrangement

.....

30 feet

4. Side-to-side

arrangement

.....

20 feet

5. All other

combinations

.....

20 feet

Section 7.08. - O-street parking and loading.

Off-street parking and loading shall meet all off-street parking and loading requirements of this Zoning Ordinance.

Section 7.09. - Pedestrian circulation.

The pedestrian circulation system and its related walkways shall be separated as completely as possible from the

street or vehicular circulation system. All walks shall be of permanent nature and material and shall be of sufficient

width to carry two people walking abreast.

Section 7.10. - Perimeter control.

The minimum setback from the exterior boundaries of the planned unit development site shall be 25 feet or an

appropriate setback to be compatible with the adjacent properties and buffered as needed and related to adjacent

land development.

Buildings in excess of 35 feet in height shall be located within the planned unit development in such a way as not to

invade the privacy of the occupants of buildings of lesser height both on- and off-site.

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Privacy walls and screening shall be provided where deemed necessary by the planning commission for any type of pla

development.

Section 7.11. - Ownership.

There shall be unified control of the entire site. Prior to final approval of the development plan, evidence of unified control of

the entire site must be submitted to the planning commission. In addition, an agreement by all owners of the planned unit

development which includes their commitment to:

Proceed with the proposed development in accordance with the planned unit development plans as

submitted, and such conditions and safeguards as may be set by the county commission granting the

rezoning; and

Provide agreements and deed restrictions acceptable to the county for completion of such development

according to plans approved at the time of rezoning and for the maintenance of such areas, functions, and

facilities as are not to be provided, operated or maintained by the county, pursuant to written agreement; and

Notify and bind their successors in title to any commitments made in their petitions of PUD approval.

All plans approved shall be reviewed as a form of commitment to execute and development precisely as and

only as submitted to and ultimately accepted and approved by the county commission. No variations, changes,

departures or exceptions to the approved plan shall be permitted except through the formal zoning

amendment process.

After PUD zoning has been given formal approval, no use shall be made of a PUD site except that which has

been approved as a result of the application or the continuation of uses that existed at the time of application.

Section 7.12. - Phasing of construction.

The phasing of residential construction in any one residential density district shall not exceed the overall density requirement

of the planned unit development as a whole.

Section 7.13. - Procedures for PUD rezoning.

A petition for rezoning land to a planned unit development, either residential or commercial PUD district, shall be submitted to

the zoning administrator the same as any rezoning request.

[Written statement.] A written statement to accompany the rezoning petition must contain the following

information:

An explanation of the character of the planned unit development and the manner in which it has been

planned to take advantage of the planned unit regulations.

A statement of present ownership of all of the land included within the development.

A general indication of the expected schedule of development.

An official legal description of the total area within the planned unit development.

Preliminary development plan. An applicant shall submit a preliminary development plan along with the

written statement at the time of submission of the rezoning request. The preliminary development plans must

include all of the following information:

A preliminary site plan at an appropriate scale depicting all existing masses of trees and other natural

features including the topography of the land. A preliminary solution of all storm drainage needs shall be

included.

The preliminary location and grouping of all uses and the amount of area for each plus preliminary utility

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service plans.

The tentative location of each residential density district, the number of residential units proposed for

each density district, their general location, proposed lot designs, and district lines. Tentative floor plans

and exterior elevations, which need not be the result of final architectural decisions but which shall

adequately describe the development.

A preliminary vehicular and pedestrian circulation system including driveways, walkways, loading areas,

parking areas including the number of parking spaces, and streets to be dedicated.

A system of open space and recreational uses in residential projects with estimates of acreage to be

dedicated for public use and that to be retained in common ownership.

A draft of the declaration by which the use, maintenance, and continued protection of the planned

development and any of its common open space areas shall be submitted.

A development schedule indicating (1) the approximate date when construction of the project can be

expected to begin, (2) the states in which the project will be built and the approximate date when

construction of each stage can be expected to begin, (3) the anticipated rate of development, (4) the

approximate dates when the states in the development will be completed, and (5) the area and location

of common open space that will be provided at each stage.

[Action of planning commission; basis for recommendations.] The planning commission shall, after review by

the appropriate county departments, hold a public hearing, review the preliminary development plan and

forward their recommendation to the county commission for final approval of the preliminary development

plan. The planning commission's recommendations shall be based on the following:

The proposed planned unit development does not affect adversely the orderly development of Seminole

County as embodied in the Zoning Resolution and in any comprehensive plan or portion thereof adopted

by the board of commissioners.

The proposed planned unit development will not affect adversely the health, safety and welfare of

residents or workers in the area and will not be detrimental to the natural environment or to the use or

development of adjacent properties or the general neighborhood.

The proposed planned unit development will accomplish the objectives and will meet the standards and

performance criteria as outlined in this Ordinance.

Final development plan. Following the approval of the preliminary development plan by the commission, the

applicant shall within six months submit to the planning commission a final development plan containing in

final form the information required in the preliminary plan. Upon receipt of a request by the applicant, the

county commission may extend for six months the period for filing the final development plan. Upon receipt of

the final development plan, the planning commission shall, after review by the appropriate county

departments, review the final development plan to see that it is in compliance with the preliminary

development plan and forward their recommendation to the county commission for final approval. The

planning commission may recommend changes in the final development plan which comply with the following

criteria:

The revised plan contains the same or a fewer number of dwelling units or other structures and/or floor

area; or

The open space is in the same general location and in the same general amount, or a greater amount; or

The buildings have the same or less number of stories and/or floor area; or

The roads and drives follow approximately the same course.

Final approval. The PUD zoning shall not be effective until the final development plan has been reviewed by

the planning commission and given formal approval by the county commission. No building permit shall be

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issued until the approval process is complete and all necessary plans, drawings, specifications and other

required data have been submitted and approved. No construction may commence until the entire approval

process is completed and appropriate permits issued.

ARTICLE VIII. - MANUFACTURED HOME PARK REGULATIONS

Section 8.01. - General requirements.

All manufactured home parks located within Seminole County shall meet the following general requirements:

Establishment of manufactured home parks.

A person, firm, or corporation desiring to develop a manufactured home park within Seminole County

shall provide appropriate copies of a sketch plan of a proposed layout which shall conform to the

minimum requirements stated herein and shall file said copies of said sketch plan with the planning

commission for review.

No private construction or public improvements shall commence on any land to be used as a

manufactured home park prior to the approval and certification of the required development plans.

Expansion of manufactured home parks. A person, firm, or corporation desiring to expand a manufactured

home park to include more manufactured homes or manufactured home sites shall submit plans and

specifications for such improvements to the planning commission for review prior to initiating construction

and improvements.

Design. The design of a manufactured home park shall conform to the following design requirements:

Setback. The manufactured home park shall be so designed that manufactured homes (and travel

trailers) and their accessory structures shall be a minimum distance of 15 feet from adjoining property

lines, 20 feet from internal park streets, and at least 30 feet from any publicly dedicated street.

Manufactured home stands shall be designed so as to provide a distance of at least 30 feet between

manufactured homes.

Access. The manufactured home [park] shall have an entrance drive from a public street. Each

manufactured home site and its parking area shall have direct access to the internal street system, with

no direct access to public streets. The width and design of the entrance drive and access drives shall be

adequate to accommodate fire protection vehicles and equipment.

Streets. Streets within a manufactured home park shall be privately owned, privately constructed, and

privately maintained. Such private streets shall be well-drained and paved to county specifications, with a

minimum surface of ten feet for one-way streets and 20 feet for two-way streets.

Parking. Each manufactured home stand shall be provided with a minimum of two off-street parking

spaces. One additional parking space must be provided for every five dwelling units to accommodate

guests. Parking on interior streets within a park is hereby prohibited. The required front yard may be

used for the minimum parking; however, required side and rear yards may not be utilized for the

minimum parking.

Minimum area of tract. A manufactured home park shall have a minimum size of 25 acres.

Minimum number of spaces. A manufactured home park shall have a minimum of ten spaces prepared

with all utilities in place prior to its approval for occupancy.

Density. A maximum of four manufactured home stands per acre or eight travel trailer stands per acre is

allowed.

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Length of residential occupancy. No space within a manufactured home park shall be rented for residential

manufactured home except for periods of 30 days or longer.

Manufactured home inspection. It shall be the initial responsibility of each manufactured home or trailer

park operator to notify the county code enforcement officer to inspect manufactured homes being placed

within the confines of any park under this jurisdiction, control or supervision for compliance with the

provisions of this Ordinance prior to the placement of any such manufactured home on its stand and

within such park and to the connection of utility services to and occupancy of the manufactured home.

Issuance of permit. At least once each year, the county code enforcement officer, at his/her convenience,

shall inspect each manufactured home park and the manufactured home units within said parks to

determine that same are in full compliance with the codes of Seminole County. He/she shall issue a

permit for each manufactured home unit, which in the course of each such inspection he[/she] finds to

be in full compliance with the requirements of this Ordinance, and such permit shall be valid for a period

of one year from the date of its issue.

Section 8.02. - Improvements.

Manufactured home parks constructed or reconstructed within Seminole County shall be provided with the following

minimum improvements:

Sewage. The manufactured home park shall be provided with an approved sewerage collection system.

Water. A potable water supply shall be provided by the park operator.

Easement. Publicly dedicated easements or proper size for their respective intended purposes shall be

provided within the park if individual manufactured home stands and accessory park uses are to be serviced

by a public utility system.

Utility placement. All water, sewer, or gas lines shall be buried a minimum of 18 inches below the finished

ground surface of the park and shall be provided with adequate valve systems to follow the cutoff of utility

service to a manufactured home stand at the manufactured home stand and at the entrance of the utility

service from the stand to the trunk line of the utility system. Electrical service lines shall be placed

underground.

Lighting. All recreation areas (required for developments of 25 units or more), park entrances, park streets,

and pedestrian easements shall be illuminated to provide at least three-tenths footcandles of lighting.

Garbage and refuse. Garbage and refuse service areas (fenced and paved) shall be reserved within the park

and shall conform with all applicable county ordinances.

Walks.

General requirements. All manufactured home developments shall be provided with safe and convenient

pedestrian accesses of adequate width for their intended use and same shall be durable and convenient

to maintain.

Common walk system. A common walk system (paved) shall be provided and maintained between

locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of

3½ feet.

Individual walks. All manufactured home stands (paved) shall be connected to common walks, or to

streets, or to driveways or to parking spaces. Such individual walks shall have a minimum width of two

feet.

Manufactured home stands. Each manufactured home stand shall be required to be provided with the

following minimum accommodations:

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Interior street access. Each stand shall be provided with access frontage of at least 20 feet.

Electric power supply. Each stand shall be provided with a properly grounded, waterproofed electrical

receptacle. A properly sized overcurrent device shall be installed as a part of each power outlet. Said

fixtures shall meet the standards established by applicable county codes.

Stand identification. A property and street number designation or other appropriate numbering device

properly identifying each manufactured home stand shall be placed at the interior side lot line at a point

ten to 15 feet from the interior road system of the park. Such device shall be clearly visible from the

street and shall be embossed with reflectorized glaze for the numbers. Such numbers shall be a

minimum of six inches in height.

[Recreation manufactured home parks.] Recreation manufactured home parks of 20 units or more must

reserve an appropriate area for park recreation use.

Section 8.03. - Accessory uses permitted.

The following establishments, of a commercial nature, may be permitted as customary accessory uses in a manufactured

home park, provided such uses do not occupy more than ten percent of the area of the park, are located a minimum distance of

100 feet from any adjoining property line or street or highway right-of-way, and are primarily intended for the convenience of and

service to the occupants of the park:

Coin-operated laundry.

Coin-operated vending machines of types allowed under applicable codes of Seminole County.

One or more signs identifying the name of the park and the service provided therein, signs regulating traffic or

provided for the convenience and welfare of park residents.

Section 8.04. - Area, height, placement and development requirements.

[The area, height, placement and development requirements for manufactured home parks shall be] in accordance with [the]

Schedule of Regulations in article XIX.

Section 8.05. - Other requirements.

Additions. Any additions to a manufactured home or accessory buildings constructed on a lot shall comply with the

requirements of the building, electrical, plumbing and gas codes (if applicable).

[Required permits and inspections.] Before a certificate of occupancy is issued, the required permits and inspections

must be obtained from the county code enforcement office.

Foundations. All main buildings shall be placed on a properly engineered foundation which meets the manufactured

home's installation requirements and applicable state and local requirements.

Siding material. All manufactured homes (except in manufactured home parks) shall have exterior siding materials

consisting of either wood, masonry, concrete, stucco, hard board siding, or metal lap. The exterior siding material

shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding

material need not extend below the top of the foundation.

ARTICLE IX. - TRAVEL TRAILER AND/OR CAMPER PARK REGULATIONS

Regulations in this article are established for trailer parks where the principal use is for overnight tourists or for vacationers

whose stay will not exceed two weeks.

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Section 9.01. - Minimum area requirements.

[Minimum area requirements for this district shall be as follows:]

The park shall be on a lot of not less than five acres, with a width at the building line of not less than 300 feet.

The density of trailer spaces shall not exceed nine per acre without approved community water system.

Section 9.02. - Yard requirements.

[Yard requirements for this district shall be as follows:]

Trailers shall be separated from each other by not less than 15 feet.

No trailer shall be located closer to any exterior property line than the corresponding yard requirement in the

district in which it is located.

Section 9.03. - Minimum requirements.

Each trailer space within a park shall be provided with an all-weather surface of sufficient area to provide parking

for both trailer and towing vehicles. All other exposed ground surfaces shall be covered or protected with a

vegetative growth that is capable of preventing soil erosion and of eliminating dust.

Water supply connections shall be made to a public water system wherever possible and feasible as determined by

the Seminole County Health Department. Where a public system is not available, a private system approved by the

Seminole County Health Department may be used.

The water supply shall be capable of supplying 50 gallons per space per day for all spaces lacking individual

water connections and 100 gallons per day for all spaces provided with individual water connections.

Each travel trailer park shall be provided with at least one water supply station per 100 trailer sites, or fraction

thereof. Such water supply outlet shall consist of at least a hydrant and the necessary appurtenances and shall

be protected against backflow and backsiphonage.

Connection shall be made to a public [sewage] system whenever possible and feasible as determined by the

Seminole County Health Department. Where a public system is not available, a private system approved by the

Seminole County Health Department and where applicable the Georgia Water Quality Control Board may be used.

No septic tanks are permitted.

Each travel trailer parking area shall be provided with a sanitary station in the ratio of one [per] 100 trailer

spaces or fraction thereof and shall be separated from any trailer space by a distance of at least 50 feet.

A sanitary station shall consist of at least a trapped four-inch sewer riser pipe connected to the park's sewage

system surrounded at the inlet end by a concrete apron sloped to the drain and provided with a suitable

hinged cover and a water outlet with the necessary appurtenances to permit periodic wash down of the

immediate area.

No wastewater or other liquid effluent shall be discharged or allowed to accumulate on the ground surface.

Grounded and weatherproof electrical outlets, supplying at least 110 volts, shall be provided at each trailer space.

All electrical work shall comply with the regulations of the National Electrical Code.

At least one health department-approved container for solid waste shall be provided for each trailer space to be

rented.

Where dependent trailers are to be located, central toilet facilities shall be provided. Central toilets shall be plainly

marked, separated by sex, lighted at night, and located within 200 feet of the trailer spaces served. For each ten

spaces or every fraction thereof, not less than one commode, one lavatory, and one tub or showerhead shall be

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provided for each sex. In addition, for each 20 trailer spaces or fraction thereof, at least one urinal shall be provided

in each central toilet designated for men.

All-weather drives at least 20 feet wide shall be provided to each trailer space within the park.

A buffer strip adjacent to each exterior property line that is not also a street right-of-way line, and not [to] be

included within any individual trailer lot, shall be densely planted and maintained.

Section 9.04. - General requirements.

Grounds, buildings, and structures shall be maintained free of insects and rodents. Extermination methods and

other measures to control insects and rodents shall conform with the requirements of the Seminole County Health

Department.

The park area shall be so maintained as to prevent the growth of ragweed, poison ivy, and other noxious plants

considered to be detrimental to health.

No open fire shall be permitted, except in facilities designed for such purposes. No open fire shall be left

unattended. No fuel shall be used, nor material burned, which causes dense smoke or odors.

The person to whom approval is given to operate a travel trailer park shall at all times operate the park in

compliance with this Resolution and shall provide adequate supervision to maintain the park area, its facilities and

equipment in good repair and in a clean and sanitary condition.

Every operator of a travel trailer park shall maintain a register as required by Georgia State Law.

Every park operator shall notify the local health authority immediately of any suspected communicable or

contagious disease within the park area. In the case of disease diagnosed by a physician as quarantinable, the

departure of the trailer or its occupants or the removal of any articles which have been exposed to infection is

prohibited.

ARTICLE X. - AG, AGRICULTURE DISTRICT

Section 10.01. - [Establishment; general intent.]

The agricultural district is established as a district in which the principal use of land is for farming, dairying, forestry operations

and other agricultural-related activities. For the agricultural district in promoting the general purpose of these regulations, the

specific intent of this article is:

To protect land, especially prime farmland, needed and used for agricultural pursuits from encroachment by

untimely and unplanned residential, commercial, or industrial development.

To allow the continuation of existing agricultural pursuits in areas where, in accordance with the

recommendations of the Land Use Plan, future residential, commercial or industrial development is

anticipated but where the present application of zoning controls for future, more intensive land uses would be

unreasonable and premature.

Subdivision proposals (five or more lots) planned for residential uses within the county's agricultural zoning

districts must be rezoned to the appropriate residential zoning classification prior to development.

Section 10.02. - Permitted uses.

[The following are uses permitted in this district:]

Accessory residential uses including, but not limited to, a private garage, detached home workshop, swimming

pool, [or] greenhouse, all of which shall be incidental to the use of the property as a residence.

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Accessory farm uses including the sale of products grown on the premises and the keeping of livestock or poultry

Agricultural, dairying, forestry or horticulture uses.

Rural businesses (as defined in article II).

Open-air businesses (as defined in article II).

Commercial fishing ponds.

Farm stands (provided adequate parking is available).

Residences:

Single-family.

Manufactured and modular homes.

Section 10.03. - Conditional uses.

[The following are conditional uses:]

Airfields.

Customary home occupations (as defined in [and] restricted in article II).

Commercial chicken houses (see section 10.04).

Concentrated animal feedlots.

Fraternal organizations or private clubs.

Nursery school or kindergarten, [or] day care center.

Recreational and/or cultural uses of a commercial nature.

Residences:

Two-family-concentrated feedlots.

Group homes.

Halfway homes.

Hunting lodges and cabins.

Churches, provided that the proposed site for a church is not less than one acre and required off-street

parking is provided.

Public, parochial and private elementary, intermediate, and/or high schools.

Publicly owned and operated buildings, libraries, parks and recreational facilities.

Public and private hospitals, provided that the hospital is adjacent to a major thoroughfare.

Kennels (noise buffers or barriers may be required to protect adjacent residential properties).

All radio, cellular phone, or similar transmission/receiving towers.

Outdoor shooting ranges (see section 4.24).

Section 10.04. - Area, height and setback requirements.

[Area, height and setback requirements shall be] in accordance with the Schedule of Regulations in article XIX).

\*Development Standards for Commercial Chicken Houses

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Location: All chicken house facilities must be located at least 1,250 feet [from] any residential dwelling, excluding

any dwelling belonging to the owner of the poultry operation; [and from any] commercial or industrial use; [and]

100 feet from a public road or adjoining property line.

Minimum size: The parcel upon which a poultry facility is to be placed must be at least five acres in size.

ARTICLE XI. - C-1, NEIGHBORHOOD BUSINESS DISTRICT

FOOTNOTE(S):

Cross reference— Businesses, ch. 18.

Section 11.01. - Statement of purpose.

The neighborhood business district established in this article is intended to permit retail business and service uses which are

needed to serve the nearby residential areas. In order to promote such business development so far as is possible and appropriate

in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck

traffic, or late hours of operation. The intent of this district is also to encourage the concentration of local business areas in

locations which propose the mutual advantages of both the consumers and merchants and thereby promote the best use of land

at certain strategic locations.

Section 11.02. - Permitted uses.

[The following are uses permitted in this district:]

Barbershops/beauty shops.

Custom dressmaking and tailoring [establishments].

Eating or drinking places in which there is no dancing, floor show, or other live entertainment.

Laundry or dry cleaning and laundry [establishments] operated by customers, such as [a] launderette,

laundromat and the like.

Offices, either business, professional or governmental.

Repairs, electrical or other household appliances, locks, radios, television and the like.

Retail businesses selling convenience goods and serving the adjacent residential neighborhoods such as

apparel, drugs and food.

Section 11.03. - Conditional uses.

[The following are conditional uses established for this district:]

Other uses similar to the above, subject to the following restrictions:

All business establishments shall be retail or service establishments dealing directly with consumers. All

goods produced on the premises shall be sold at retail on the premises where produced.

All business, servicing or processing, except for off-street parking or loading, shall be conducted within

completely enclosed buildings.

Churches, synagogue[s] and temples (see subsection 5.03 A.).

Hospitals, animal hospitals or sanitarium[s] for care of contagious, mental, drug, or liquor addiction cases.

Public buildings.

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Schools, nursery school, kindergarten, [and] day care center.

All radio, cellular phone or similar transmission/receiving towers and radio studios.

Travel trailer parks (see article IX).

Section 11.04. - Protective screening.

Protective screening for C-1 districts adjacent to or near residential districts shall be in compliance with the regulations set

forth in section 4.11 of this Ordinance.

Section 11.05. - Signs.

See article XVIII [for regulations as to signs in this district].

Section 11.06. - O-street parking.

See article XVII [for regulations as to off-street parking in this district].

Section 11.07. - Area, height and setback requirements.

[Area, height and setback requirements shall be] in accordance with the Schedule of Regulations [set out in] article XIX [of this

Ordinance].

ARTICLE XII. - C-2, GENERAL COMMERCIAL DISTRICT

FOOTNOTE(S):

Cross reference— Businesses, ch. 18.

Section 12.01. - Statement of purpose.

The purpose of the general commercial district is to provide for and encourage area for development which will include a wide

variety of sales and services that will both accommodate the needs of the county [sic.]. Adequate off-street parking, adequate

building setbacks and reduction of traffic hazards are prime county objectives for development in these business districts.

Section 12.02. - Permitted uses.

[The following are permitted uses in this district:]

All permitted uses in the C-1 district.

Any retail or service establishment.

Bottling and canning plants.

Wholesale stores, storage buildings, warehouses, miniwarehouses, distributing plants, freezers and lockers.

Commercial greenhouses and nurseries.

Small fabrication and manufacturing shops, when employing not more than 25 employees in the office and

manufacturing operations, such as small tool and die shops, dental, surgical, and optical goods manufacturing.

Travel trailer parks (see article IX).

Section 12.03. - Conditional uses.

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[The following are conditional uses for this district:]

Churches, provided that the proposed site for a church is not less than one acre, a complete site development

sketch is submitted with the application and provision is made for off-street parking.

Public and private schools.

Recreational developments, including, but not limited to, private or public lakes, swimming pools, golf courses

or driving ranges, or other recreational developments; provided that a comprehensive development plan for

the area is submitted to the planning commission and includes the location of the site of maps of not less than

1˝ = 400′ scale, the location and function of all buildings, and modifications of the natural landscape, the

location and surface treatment of all roadways, appropriate details of drinking water of [or] sanitary facilities,

plus a time schedule.

Cemeteries, provided that a complete site development sketch is submitted with the application.

Nightclubs and lounges as well as clubs and fraternal organizations not operating for profit, provided that:

The buildings are not placed closer than 50 feet to any property lines; and

There is a planted buffer strip at least ten feet wide along the side and rear lot lines.

Public buildings, structures or land uses.

Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons and orphanages,

group homes and halfway homes.

Nursery schools, kindergartens or day care facilities, provided that all state licensing requirements are met.

Boardinghouses.

All radio, cellular phone, or similar transmission/receiving towers and radio studios.

Travel trailer parks (see article IX).

Adult businesses. All adult entertainment establishments shall comply with applicable county codes pursuant

to these businesses.

Section 12.04. - Signs.

See article XVIII [for regulations as to signs in this district].

Section 12.05. - O-street parking.

See article XVII [for regulations as to off-street parking in this district].

Section 12.06. - Area, height and setback requirements.

See article XIX [for area, height and setback requirements].

ARTICLE XIII. - C-PUD COMMERCIAL PLANNED UNIT DEVELOPMENT REGULATIONS

FOOTNOTE(S):

Cross reference— Businesses, ch. 18.

Section 13.01. - Commercial planned unit developments.

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It is the intent of this section to provide areas of sufficient size and allowing reasonable flexibility in design and orientation for

the establishment of a group of structures which include two or more retail sales, services and office enterprise on a single parcel

of land.

The minimum size of commercial planned unit development shall be three acres.

Within the commercial planned unit development, the following regulations shall apply.

Section 13.02. - Uses permitted.

[The following uses are permitted in this district:]

Any use permitted in [the] C-1 and C-2 zoning districts.

Recreation facilities.

Churches, [and] community clubs.

Schools.

Governmental functions.

Section 13.03. - Procedure for project approval.

In connection with all of the above uses, the following requirements shall be complied with before any building permit is

issued. The developer shall furnish the zoning administrator with appropriate copies of the letter of intent and the development

plans for any use permitted in the commercial planned unit development, drawn to scale, showing the general location of all

buildings, roads, parking area, open areas, sidewalks and street lighting. Typical elevations of all four sides of the proposed

buildings, proposed number of units by type and floor space shall be submitted (e.g., furniture sales, 800 square feet).

Section 13.04. - Procedure for preliminary and nal approval.

[The procedure for preliminary and final approval] shall be in compliance with section 7.13.

ARTICLE XIV. - I, INDUSTRIAL

FOOTNOTE(S):

Cross reference— Businesses, ch. 18.

Section 14.01. - Statement of purpose.

The intent of the industrial district is to provide areas for wholesaling, warehousing, storage, manufacturing, processing, repair

services, and sale lots in addition to other retail and service establishments [and] to expand or extend existing districts only where

there is adequate and direct access to major transportation facilities and where there is minimum conflict with residential districts.

Section 14.02. - Permitted uses.

[The following uses are permitted in this district:]

Any use permitted in the commercial zone districts.

Manufacturing.

Warehousing, wholesaling, shipping and receiving.

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Agriculture.

Section 14.03. - Conditional uses.

[The following are conditional uses in this district:]

Petroleum bulk plant.

Junkyards, automobile salvage yards or scrap metal processors. (Site plan with appropriate screening and

fencing are required).

Asphalt plants.

Cement, line gypsum, or plaster of Paris manufacturing.

Fat rendering and fertilizer manufacturing.

Paper and pulp manufacturing.

Corrosive acid or alkali manufacturing.

Public buildings and utilities.

Cemeteries (site plan required).

Chemical plants.

Churches (see subsection 5.03 A.).

Adult businesses.

Uses similar to the above.

Section 14.04. - Protective screening.

See section 4.11 [for provisions pertaining to required protective screening].

Section 14.05. - O-street parking.

See article XVII [for provisions pertaining to required off-street parking].

Section 14.06. - Area, height and setback requirements.

[Area, height and setback requirements shall be] in accordance with the Schedule of Regulations [set out in] article XIX.

ARTICLE XV. - FH, FLOOD HAZARD DISTRICT

FOOTNOTE(S):

Cross reference— Floods, ch. 30.

Section 15.01. - Statement of purpose.

[The purpose of the provisions of this district is] to restrict or prohibit uses which may be dangerous to health, safety or

property in times of flood or which may cause increased flood heights or velocities; to require that uses vulnerable to floods,

including public facilities which serve such uses, be provided with physical flood protection features at the time of initial

construction; to protect individuals from buying lands which are unsuited for intended purposes because of flood hazards; and [to

provide] other public requirements to protect against floods.

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Section 15.02. - District boundaries.

For the purpose of these regulations, the Flood Insurance Study for Seminole County, as prepared by the U.S. Department of

Housing and Urban Development, Federal Insurance Administration is hereby made a part of these regulations. The Housing and

Urban Development report shall be kept permanently in the office of the zoning administrator, where said reports shall be

accessible to the general public. The boundaries of the flood hazard district shall be synonymous with the limits of the flood region

as determined in the above said study (100-year floodplain).

Section 15.03. - Permitted uses.

[The following uses are permitted in this district:]

Single-family residences.

Agriculture, poultry and livestock raising and riding stables.

Noncommercial recreational facilities involving only light structures primarily for purposes of shelter and

equipment storage such as fishing lakes, golf courses, tennis courts, archery clubs, [or] swimming pools.

Park and outdoor recreational facilities.

Section 15.04. - Required plans.

No permit shall be issued for the construction of any building or structure within the flood hazard district until the plans for

such construction or use have been submitted to the planning commission and approval is given in writing for such construction or

use. In its review of plans submitted, the planning commission shall be guided by the following standards, keeping in mind that the

purpose of this district is to prevent encroachment into the floodway which will unduly increase flood heights and endanger life

and property:

Any structure or the filling of land permitted shall be of a type not appreciably damaged by floodwaters.

Any permitted structures or the filling of land shall be designed, constructed and placed on the lot so as to

offer the minimum obstruction to and effect upon the flow of water.

Any structure, equipment or material permitted shall be firmly anchored to prevent it from floating away and

thus damaging other structures and threatening to obstruct bridge openings and other restricted sections of

the stream.

Where, in the opinion of the planning commission, topographic data, engineering and other studies are

needed to determine the effects of flooding on a proposed structure or fill and/or the effect of the structure or

fill on the flow of water, the planning commission may require the applicant to submit such data or other

studies prepared by competent engineers and other technical people.

The granting of approval of any structure or use shall not constitute a representation, guarantee or warranty

of any kind or nature by Seminole County or by any officer or employee thereof of the practicality or safety of

any structure or use proposed and shall create no liability upon of [or] cause action against such public body,

officer or employee for any damage that may result pursuant thereto.

Section 15.05. - Warning of disclaimer of liability.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on

engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by

manmade or natural causes, such as bridge openings restricted by debris. These regulations do not imply that areas outside the

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flood district boundaries or land uses permitted within such district will be free from flooding or flood damage. These regulations

shall not create liability on the part of the government or any officer or employee thereof for any flood damage that results from

reliance on these regulations or any administrative decision lawfully made thereunder.

Section 15.06. - Area, height, bulk and placement requirements.

[Area, height, bulk and placement requirements shall be] in accordance with the Schedule of Regulations [set out in] article XIX.

ARTICLE XVI. - NONCONFORMING BUILDINGS AND USES

Any lawful use of the land or buildings existing at the date of passage of this Ordinance and located in a district in which it

would not be permitted as a new use under the regulations of this Ordinance is hereby declared to be a "nonconforming use" and

not in violation of this Ordinance at the date of adoption of this Ordinance; provided, however, that a nonconforming use shall be

subject to, and the owner shall comply with, the following regulations.

Section 16.01. - Nonconforming residences.

A residence which is determined to be nonconforming within the zoning district in which the residence is located may be

continued and is exempted for the provisions of these sections. However, a pre-1976 mobile home which [has been] replaced most

[must] comply with current codes.

Section 16.02. - Nonconforming use of land, continuation of use.

A nonconforming use of land, which exists when this Ordinance becomes effective, may be continued, provided that:

No such nonconforming use of land shall in any way be expanded or extended.

If such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such

land shall be in conformity with the provisions of this Ordinance.

Section 16.03. - Restorations.

A building which houses a nonconforming use which has been destroyed or damaged by fire, explosion, [or] act of God may be

restored to the same nonconforming use as existed before such damage.

Section 16.04. - Discontinuance or abandonment.

Any nonconforming use of land or building (except residential dwellings) which has become vacant or remains unoccupied

owing to abandonment or discontinuance for a period of 12 months shall thereafter conform to the provisions of this Ordinance.

Section 16.05. - Change of tenancy or ownership.

There may be a change in tenancy, ownership, or management of an existing nonconforming use.

ARTICLE XVII. - OFF-STREET PARKING AND LOADING REQUIREMENTS

FOOTNOTE(S):

Cross reference— Traffic and vehicles, ch. 58.

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Section 17.01. - Scope of provisions.

Except as provided in this section [article], no application for a building permit shall be approved unless there is included with

the plan for such building, improvements, or use a plot [plat] showing the required space reserved for off-street parking and

service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in

accordance with those shown on the approved plan.

Section 17.02. - Parking spaces may not be reduced.

Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are

assigned.

Section 17.03. - Drainage, construction and maintenance.

All off-street parking, loading, and service areas shall be constructed of concrete or asphalt. All such areas shall be at all times

maintained at the expense of the owners thereof in a clean, orderly, and dustfree condition.

Section 17.04. - Separation from walkways, sidewalks, and streets.

All off-street parking, loading and service areas shall be separated from walkways, sidewalks, and streets by curbing or other

suitable protective devices. Curbing and other protection devices must be set back a minimum of three feet to prevent vehicle

overhang.

Section 17.05. - Parking area design.

Parking stalls shall have a minimum width of nine feet and length of 18 feet. There shall be provided adequate interior

driveways to connect each parking space with a public right-of-way. Interior driveway[s] shall be at least 24 feet wide where used

with 90-degree angle parking, at least 18 feet wide where used with 60-degree angle parking, at least 13 feet wide where used with

45-degree parking, and at least 12 feet wide where used with parallel parking. Where there is no parking, interior driveways shall

be at least ten feet wide for one-way traffic movement and at least 20 feet wide for two-way traffic movement.

Section 17.06. - Joint parking facilities.

Two or more neighboring uses of the same or different types may provide joint facilities, provided the number of off-street

parking spaces are not less than the sum of the individual requirements.

Section 17.07. - Pavement markings and signs.

Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided in each

travel way wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum

efficiency.

Section 17.08. - Number of parking spaces.

In order to ensure a proper and uniform development of public parking areas throughout the area of jurisdiction of this

Ordinance, to relieve traffic congestion on the streets, and to minimize any detrimental effects on adjacent properties, off-street

parking space shall be provided and maintained as called for in the following schedule. For any use or class of use not mentioned

in this schedule, the requirements shall be the same as a similar use as mentioned herein. Parking requirements for additions to

existing uses shall be based only upon the new addition even if the existing use is deficient.

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Section 17.09. - Street parking requirements.

In all zoning districts, off-street parking spaces for the storage and parking of self-propelled motor vehicles for the use of

occupants, employees and patrons of the buildings hereafter erected or enlarged after their effective date of this Ordinance shall

be provided as herein prescribed.

Required parking spaces shall be maintained and shall not be encroached upon so long as said main building or structure

remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance. The owner or

owners of a building structure or other land use requiring off-street parking spaces must show, to the satisfaction of the zoning

administrator, that he is the record title holder of the property devoted to said principal land use and of the property proposed for

off-street parking use or that he is the lessee of such property.

Section 17.10. - Location of parking space for other land uses.

The off-street parking facilities required for all other uses shall be located on the lot or within 1,000 feet of the permitted use

requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest

point of the parking facility to the building to be served.

Section 17.11. - O-street parking standards.

[Off-street parking shall conform to the following standards:]

Use Number of Parking Spaces Required

1. Apartment

and

multifamily

dwelling

Two spaces for each dwelling unit plus 1 space for each ten units for travel trailers, boats,

and other vehicles.

2. Apartments

for the elderly

One space for each dwelling unit.

3. Appliance

store

One space for each 400 square feet of gross oor area.

4. Auditorium,

stadium

assembly hall,

gymnasium,

theater,

community

recreation

center

(a) One space per three xed seats in largest assembly or area, or

(b) One space for each 40 square feet of oor area available for the accommodation of

movable seats in the largest assembly room, or combination of xed and movable seats; or

(c) One space per each 150 square feet of gross oor area, whichever is greatest.

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5. Automobile

fueling

stations

One space (in addition to service area) for each pump and grease rack and one space for

each two employees during period of greatest employment but not less than four spaces.

6. Automobile

parts and

accessories

One space for each 400 square feet of gross oor area.

7. Automobile

sales and

repair, service

stations and

auto

washeterias

Same as use [number] 5. above plus one space for each 500 square feet of gross oor area

of the shop or washeteria.

8. Automobile

service and

appliance

centers

One space for each 400 square feet of retail area plus two spaces for each service bay.

9. Bowling alley Four spaces per alley plus requirements for any other use associated with the

establishment such as a restaurant, etc.

10. Club or lodge One space for each two employees plus one space for each 200 square feet of gross oor

area within the main assembly area plus additional spaces for other uses permitted within

the premises.

11. Church One space per four seats in main place of assembly.

12. Combined

uses

Parking spaces shall be the total of the spaces required for each separate use established

by this schedule.

13. Dance school One space for each employee plus one space per 150 square feet of gross oor area plus

safe and convenient loading and unloading of students.

14. Duplex

dwelling unit

One unpaved space per each unit. Residential driveways will satisfy this need.

15. Financial

institution

One space for each 250 square feet of gross oor area and two waiting spaces for each

drive-through window.

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16. Funeral home Six spaces per viewing room or one space for each 50 square feet of chapel used for

services.

17. Furniture

store

One space for each 400 square feet of gross oor area.

18. Golf course Two spaces for each hole and one space for each two employees plus requirements for any

other use associated with the golf course.

19. Grocery store

(including

small

convenience

type food

store)

One space for every 250 square feet of gross oor area.

20. High schools,

trade schools,

colleges and

universities

One space for each teacher, employee and administrative personnel plus safe and

convenient loading of students plus ve spaces for each classroom.

21. Hospital One space for each bed plus one space for each employee (nurse, attendant, etc.) per shift

plus one space for each sta or visiting doctor.

22. Hotel/motel One space for each guestroom suite or unit plus one space for each two employees.

23. Indoor and

outdoor

recreational

areas

(commercial)

(a) One space for each 150 square feet of gross oor, building, ground area or combination

devoted to such use; or (b) one space per each four seats or facilities available for patron

use, whichever is greater.

24. Industrial or

manufacturing

establishment

or warehouse

Two spaces for each three employees on shift of greatest employment, plus one space for

each vehicle used directly in the conduct of the business.

25. Kindergarten,

nursery

schools and

day care

One space for each employee plus safe and convenient loading of children.

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26. Nightclubs One space for each 100 square feet of gross oor area plus one space for each employee.

27. Nursing home One space for each two beds plus one space for each employee on shift of greatest

employment.

28. Oce,

professional

building or

similar use

One space for each 350 square feet of the gross oor area or one space for each two

employees, whichever is greater.

29. Personal

service

establishment

One space for every 350 square feet of the gross oor area, or one space for each two

employees, whichever is greater.

30. Repair shop One space for every 300 square feet of gross oor area plus one space for each employee.

31. Restaurant or

place

dispensing

food, drink, or

refreshments

to be

consumed on

the premises

One space for each 100 square feet of gross oor area with a minimum of ten parking

spaces.

32. Restaurant or

place

dispensing

food, drink or

refreshments

for carry out

only (and

having

outdoor

seating area)

One space for each 150 square feet of gross oor area (with a minimum of ten spaces for

this); plus one additional space for each three outdoor seats provided.

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33. Restaurant or

place

dispensing

food, drink or

refreshments

for carry out

(no seating

provided)

One space for each 150 square feet of gross oor area with a minimum of ten parking

spaces.

34. Restaurant or

place

dispensing

food, drink, or

refreshments

to be

consumed on

the premises

and also

having a drivethrough

service

One space for each 100 square feet of gross oor area; with a minimum of ten parking

spaces and providing an adequate lane for through trac which will not obstruct the

required parking and driveway for the restaurant.

35. Schools,

elementary

One space for each teacher, one space for each two employees, and administrative

personnel, and one for each classroom, plus safe and convenient loading and unloading of

students.

36. Shopping

center (if over

35,000 square

feet of gross

oor area)

One space for every 300 square feet of gross oor area.

37. Shopping

center (if

35,000 square

feet or less of

gross feet

area)

One space for every 350 square feet of gross oor area.

38. Swimming

pool

One space for each 200 square feet of water surface area plus requirements for additional

uses in association with the establishment such as a restaurant, etc.

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39. Trailer park One space for each trailer stall plus one space for each two employees.

40. Retail stores

of all types not

mentioned

otherwise

One space for every 300 square feet of gross oor area.

41. Wholesale

establishment

One space for each employee plus sucient spaces to accommodate vehicles used in the

conduct of the business.

Section 17.12. - O-street loading requirements.

On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage,

warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry

cleaning or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided

and maintained on the lot of adequate space for standing, loading and unloading services in order to avoid undue interference

with public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten feet by 50 feet, with [a] 15-

foot height clearance, and shall be provided according to the following schedule:

Gross

Floor

Area In

Square

Feet

Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area

0—

10,000

None

10,001

—

100,000

One space for the rst 10,001 square feet plus one additional space for each additional 40,000 square

feet in excess of 10,001 square feet.

100,001

—

500,000

Three spaces for the rst 100,001 square feet plus one space for each additional 100,000 square feet in

excess of 500,001 square feet.

Section 17.13. - Minimum number of loading spaces required.

Industrial, wholesale, and retail operations shall provide space as follows:

Off-street loading spaces shall be provided as appropriate to the function and scope of operation of individual

or groups of buildings and uses.

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Off-street loading spaces shall be designed and constructed so that all maneuvering to park and unpark

vehicles for loading and unloading can take place entirely within the property lines on the premises. Loading

spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on

public right[s]-of-way.

Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations of Seminole

County.

ARTICLE XVIII. - SIGN REGULATIONS

Section 18.01. - Signs [to] meet requirements of [article].

All signs within Seminole County shall be erected, constructed, or maintained in accordance with the provision of the sections

[of this article] and only those signs that are permitted by these regulations shall be erected within the county.

Section 18.02. - Signs hamper[ing] trac safety [prohibited].

No sign shall be erected or continued that:

Obstructs the sight distance along a public right-of-way.

Would tend by its location, color, or nature to be confused with or obstruct the view of traffic signs or signals

or to be confused with a flashing light of an emergency vehicle.

Would by its nature or moving parts tend to confuse traffic or create any potential hazard to traffic.

Uses admonitions such as "stop," "go," "slow," "danger" etc., which might be confused with traffic directional

signals.

Section 18.03. - Locations prohibited.

No sign shall be attached to or painted on any telephone pole, light pole, telegraph pole, or any tree, rock, or other natural

object. No signs other than those signs erected by public governmental agencies or signs required by law shall be placed so as to

overhang any portion of public rights-of-way or other public properties.

Section 18.04. - Illumination not to be a nuisance.

Illumination devices, such as, but not limited to, flood or spot lights, shall be so placed and so shielded as to prevent the rays

or illumination therefrom being cast into neighboring dwellings and/or approaching vehicles.

Section 18.05. - Signs not requiring a permit.

The following signs shall not require a permit:

Signs to regulate traffic.

Signs required to be posted by law.

Warning signs and no trespassing signs.

Signs established by governmental agencies.

Signs indicating bus stops, taxistands, and similar transportation facilities.

Signs not exceeding ten square feet in area giving information concerning the location of use of accessory offstreet parking facilities or loading and unloading facilities.

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Temporary real estate signs on a residentially zoned piece of property shall be limited to a maximum of ten

square feet, and temporary real estate signs in any zones other than residential should be a maximum of 32

square feet.

Any sign not exceeding ten square feet in area other than advertising, separate use, or signs requiring

electrical wiring.

Temporary signs on private land involved in campaigns of religious, charitable, civic, fraternal, political, and

similar organizations.

Section 18.06. - Maximum area of signs.

The maximum area of a point-of-business sign, an incidental use sign, or an identification sign shall be 150 square

feet; except in R-1, R-2, and C-1 zones, all signs (except identification sign[s] and signs as identified in section 18.05)

shall be no larger than ten square feet in area and shall not be illuminated directly or indirectly.

The maximum area of an off-site advertising sign (billboard) shall be 750 square feet, exclusive of any border or

trim.

The maximum area of a portable sign shall be 40 square feet.

A temporary sign for a nonconforming business shall not exceed a maximum of 32 square feet.

Construction signs and temporary subdivision signs should not exceed a maximum of 50 square feet.

Section 18.07. - Standards for o-site advertising signs (billboards).

Location where allowed. Off-site advertising signs (billboards) shall be allowed only in the following zoning districts:

C-2, highway [general] commercial.

I, industrial.

Off-site advertising sign requirements:

Sign surface area. Maximum—750 square feet per face.

Maximum number of signs. Two signs per sign structure which may be single- or double-faced, provided that

each side shall have no more than 750 square feet.

Height. Maximum:

Arterial street location—45 feet.

All other locations where allowed—18 feet.

[Minimum clearance.] Minimum clearance required under sign will be ten feet.

Minimum setback. Five feet from the nearest right-of-way line and ten feet from the right-of-way line

intersection point measured at any angle.

Minimum spacing. Three hundred feet on the same side of the road from another off-site sign.

Priority of signs. Where the location of two or more off-site advertising signs conflicts under the requirements of this

Ordinance, the sign meeting the requirements of this Ordinance and having the earliest dated permit for its erection

shall have priority over other signs in conflict herewith.

[Location in relation to certain uses.] Off-site advertising signs shall not be established at any location having

principal frontage on any street within 100 feet of any church, school, cemetery, public park, public playground, or

residential districts including, AG, R-1, R-2 and C-1 zones.

[Revolving, rotating or beacon lighting of signs.] No revolving or rotating beam or beacon of light that resembles or

simulates any emergency light device shall be permitted as part of any sign. Illuminated signs which indicate

customary public information, such as time, date, temperature or other similar information, shall be permitted.

Within 30 days from the effective date of this Ordinance, this provision must be complied with.

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[Other external of signs.] External lighting, such as floodlights, thin line and gooseneck reflectors, are permitted,

provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or

rays of light from being directed into any portion of the thoroughfare. Within 30 days from the effective date of this

Ordinance, this provision must be complied with.

[Defusing of lighting.] The illumination of any sign within 100 feet of an AG, R-1, R-2, or C-1 zone lot line shall be

defused or indirect in design to prevent direct rays of light from shining into those adjoining zones. Within 30 days

from the effective date of this Ordinance, this provision must be complied with.

Section 18.08. - Issuance of permits, administration, and ling procedure.

Issuance of permits. No sign, except those listed in section 18.05, shall be erected, hung, or placed or structurally

altered without a permit from the zoning administrator.

Filing procedure. Application for permits to erect, hang, or place a sign shall be submitted on forms obtainable from

the zoning administrator. Each application shall be accompanied by plans showing the area of the sign, size,

character, the method of illumination, if any, the exact location proposed for such sign and, in the case of a

projecting sign, the proposed method of fastening said sign to the building structure, the vertical distance between

such sign and the finished grade, and the horizontal distance between such sign and the street right-of-way line.

Additional information. Each applicant shall, upon the request of the zoning administrator, submit any additional

information deemed necessary by said administrator.

ARTICLE XIX. - AREA, HEIGHT, AND SETBACK REQUIREMENTS

FOOTNOTE(S):

Note— Minimum lot size requirements noted in this schedule are for developments with both a public or community water

supply and public sewage system. All residential lots not served by a public water system and public sewage system shall be at

least 150 [feet] in width at the minimum building setback line and at least 1.5 acres in size (consult Seminole County Health

Department). Lots served by individual sewage disposal systems with public water supply shall be at least 100 feet in width at the

minimum building setback line and at least 32,670 square feet in area.

Section 19.01. - Schedule of regulations

Zoning

Districts

Minimum

Lot Area

(Sq. Ft.\*)

Minimum

Lot Width

(Ft.)

Front Yard

(Ft.)

Side Yard

(Ft.)

Rear Yard

(Ft.)

Maximum

Height

(Ft.)

Minimum

Dwelling

Size

(Sq. Ft.)

R-1 15,000 100 30 10 30 35 800

R-2

Singlefamily

10,000 100 30 10 30 35 800

Two-family 7,000 100 30 10 30 35 800

Multifamily 3,630 100 30 10 30 35 800

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R-PUD (A), (B) (A), (B) (A), (B) 800

C-1  -  100 30  -   -   -   -

C-2  -   -  30 5 12  -   -

C-PUD (A), (C) (A), (C) (A), (C) (A), (C) (A), (C) (A), (C)  -

I  -   -  30 20 20  -   -

AG 15,000 100 40 10 12 35

FH 15,000 100 40 10 50 35 800

(A), (B), (C), etc., denotes references to [the] footnotes to Schedule of Regulations, which follow:

FOOTNOTES OF ARTICLE XIX, SCHEDULE OF REGULATIONS

Planned unit developments. The requirements of area, height, bulk, and placement regulations, as they are

usually applicable to individual buildings in lots of record, would in certain cases of large scale developments

have results affording less protection to the public health, safety and welfare than if a measure of flexibility

were permitted. The permitting of these planned unit developments can, in certain cases, increase the

desirability and convenience to the residents or occupants of the planned unit development without causing

adverse effects in adjoining properties.

Therefore, the zoning regulations, relative to area, height, bulk and placement, may be modified by the

planning commission and county commission in the case of a plan for a large scale development which, in the

judgment of the planning commission and county commission, provides adequate open space and

improvements for circulation, recreation, education, light, air and service needs of the tract when fully

developed; provided that in no case may the density of the proposed planned unit development exceed that of

the zoning regulation requirements; and provided further that the minimum site for residential planned unit

development is three acres.

Refer to section 7.01 (R-PUD).

Refer to section 13.01 (C-PUD).

ARTICLE XX. - ADMINISTRATION AND ENFORCEMENT

FOOTNOTE(S):

Cross reference— Administration, ch. 2.

Section 20.01. - Enforcement.

The zoning administrator shall administer and enforce this Ordinance and is hereby given the authority and responsibility to

enforce all provisions of this Ordinance under the direction of the board of county commissioners, which includes, but is not

limited to, the following duties:

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To serve as a liaison between the Seminole County Planning Commission and the board of commissioners, keepin

advised of pending actions pertaining to zoning.

To serve as a nonvoting ex officio member of the planning commission to provide technical assistance in

matters relating to zoning requests.

To maintain in a timely and current manner the official zoning maps reflecting thereon any and all rezoning

amendments approved by the board of commissioners. Amendments of the official zoning map will be posted

by the zoning administrator within seven calendar days following approval of such action by the board of

commissioners.

To perform any other rezoning duties as directed by the county commission.

Section 20.02. - Permits.

The following shall apply in the issuance of any permits:

Permits required. It shall be unlawful for any person to commence excavation for or construction of any

building structure or moving of any existing building without first obtaining a building permit from the zoning

administrator. No permit shall be issued for the construction, alteration or remodeling of any building or

structure until an application has been submitted in accordance with the provisions of this Resolution, showing

that the construction proposed is in compliance with the provisions of this Ordinance.

Conformance of provisions.] No plumbing, electrical, drainage or other permit shall be issued until the zoning

administrator has determined that the plans and designated use indicate that the structure and premises, if

constructed as planned and proposed, will conform to the provisions of this Ordinance.

Section 20.03. - Certicates of occupancy.

It shall be unlawful to use or permit the use of land, building[s] or structure[s] for which a building permit is required, and to

use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the zoning

administrator has issued a certificate of occupancy stating that the provisions of this Ordinance have been complied with.

Certificate validity. The certificate of occupancy as required for new construction of or renovations to existing

buildings and structures in the building code (if applicable) shall also constitute certificates of occupancy as

required by this Ordinance.

Temporary certificates. Temporary certificates of occupancy may be issued for a part of a building or structure

prior to the occupation of the entire building or structure; provided that such temporary certificate of

occupancy shall not remain in force more than six months nor more than five days after the building or

structure is fully completed and ready for occupancy; and provided further that such portions of the buildings

or structure are in conformity with the provisions of this Ordinance.

Records of certificates. A record of all certificates of occupancy shall be kept in the office of the zoning

administrator, and copies of such certificates of occupancy shall be furnished upon request to a person or

persons having a proprietary or tenancy interest in the property involved.

Certificates for accessory buildings to dwellings. Accessory buildings or structures to dwellings shall not

require a separate certificate of occupancy, but rather may be included in the certificate of occupancy for the

principal dwelling, building or structure on the same lot when such accessory buildings or structures are

completed at the same time as the principal use.

Application for certificates. Certificates of occupancy shall be applied for coincident with the application for a

zoning/building permit and shall be issued within ten days after the erection of [or] alteration of such building

shall have been completed in conformity with the provisions and requirements of this Ordinance. If such

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certificate is refused for cause, the applicant therefor shall be notified of such refusal and the cause thereof

within ten days.

Section 20.04. - Electrical power.

It shall be unlawful to connect electrical power to a building or structure for which a building permit is required until such time

as the zoning administrator has issued a "certificate of compliance" stating that the provisions of this Ordinance have been

complied with.

Section 20.05. - Fees.

Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of

this Ordinance shall be collected by the zoning administrator in advance of the issuance of such permits or certificates.

The amount of such fees shall be established by the county commission from time to time and shall cover the cost of

inspection and supervision resulting from the enforcement of this Ordinance. The fees shall be deposited with the county clerk.

Section 20.06. - Amendments.

The Seminole County Commission may amend, supplement or change the regulations or the district boundaries of this

Ordinance as established herein. The procedure for submitting a request for an amendment to the Zoning Ordinance or district

boundaries of the official zoning map shall be as follows:

The applicant shall complete and submit to the zoning administrator a rezoning application at least 20 days

prior to the next scheduled planning commission meeting. Completed applications submitted less than 20

days will not be considered for that meeting.

At the time of the application submittal, the application [applicant] shall deposit the appropriate fee amount

with the zoning administrator to cover the cost of processing the application.

Within ten days of the next scheduled planning commission meeting, the zoning administrator shall compile all

of the rezoning requests for the next scheduled meeting. This agenda shall be mailed to all planning

commission members, and all other relevant personnel.

Section 20.07. - Zoning policies and procedures.

The following policies and procedures are herein established to provide guidelines for the following zoning activities:

The adoption of a new county zoning ordinance.

The adoption of an amendment of the zoning ordinance which changes the text of the ordinance (text

amendment).

The adoption of an amendment to a zoning ordinance (map amendment) which rezones property from one

zoning classification to another.

The procedure requirements for zoning amendments sponsored by the Seminole County Commission.

The grant of a permit relating to a special use of property.

The procedure requirements for zoning amendments sponsored by a citizen or property owner.

Section 20.08. - Policies and procedures for county-initiated zoning activities.

In the case of developing an initial zoning ordinance (map and text) or updating or amending an existing zoning

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plan, the planning commission and the county commission will, where appropriate, utilize any new or existing land

use studies, land use plans or other relevant documents as a resource for ordinance development or ordinance

amendment. The Seminole County Commission and the planning commission will each hold at least one public

hearing on any new zoning ordinance development or any proposed amendment to the current zoning ordinance.

Upon the completion of a preliminary zoning document(s) by the planning commission and after this draft

document has been presented to and reviewed by the county commissioners, public hearings will be scheduled by

both the planning commission and the county commission, respectively. The official public hearing will be held by

the planning commission, and the public notice will be given no less than 15 days nor more than 45 days prior to the

official hearing date.

Public hearing notices will be published within a newspaper of general circulation within Seminole County for two

consecutive weeks prior to the official public hearing date. The public hearing notice will state the time, place, and

purposes of the hearing.

All amendments to any existing zoning plan must [be] reviewed by both the planning commission and county

commission. However, when the boundary lines of an established zoning district are proposed for change

(rezoning), the county commission shall have the planning commission prepare an evaluation of each such

proposed rezoning considering each of the following factors:

Rezoning Criteria:

Does the proposed zoning classification promote the health, safety, moral or general welfare?

The existing uses of the subject property and adjacent and near properties.

The current zoning of the subject property and adjacent or near properties.

The extent to which property values are diminished by the present zoning restrictions.

The extent to which the restrictions diminishing property values promote the health, safety, morals or general

welfare of the public.

The relative gain to the public compared to the extent of hardship imposed upon the individual property

owner.

The suitability of the subject considered under the proposed zoning.

The history of the use of the subject property considered in the context of land development in the vicinity of

the property.

Conformity with the Seminole County Comprehensive Plan.

The public hearings will be convened at the advertised time and place and will be presided over by the appropriate

officials.

The presider of each respective public hearing will review for those present the following operating procedures for

the public hearing:

Each side of a zoning issue will be allowed a minimum of ten minutes per side for the presentation of data,

evidence, and opinions.

In order for a person in attendance to speak, the chair must recognize him/her. Upon rising to speak, the

person recognized will first identify himself/herself. The chair may also request that the person furnish a home

or business street address, as appropriate.

Additional persons will be recognized per the above procedure for the purpose of addressing additional

elements of the proposed zoning or to make additional points with regard to elements already addressed, but

not to rehash points already made.

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Appropriate notes or minutes will be recorded by the county commission and the planning commission at their re

hearings.

The planning commission shall prepare and submit the necessary minutes, evaluations and/or recommendations to

the county commission prior to the county commission's public hearing.

The county commission at its public hearing will review the evaluation and recommendations from the planning

commission and may choose to adopt or reject or modify the planning commission recommendations, or the

business may be tabled for additional study to the next regular commission meeting.

Section 20.09. - Procedures for rezoning property requested by citizen/property owner.

An application for rezoning must be filed with the zoning administrator on a prescribed form and fees paid as set by

the county commission.

The zoning administrator will inform the applicant of the public hearing dates. The planning commission will

convene a public hearing on each proposal. The official public hearing will be held by the planning commission and

public notice will appear no less than 15 days nor more than 45 days prior to the official public hearing.

Official public notices will be published within a newspaper of general circulation within Seminole County for two

consecutive weeks prior to the official public hearing date.

The public hearing notice will name the applicant, the location of property to be affected, the present zoning class,

the proposed zoning class and the date, time and place of both the planning commission hearing and the public

hearing held by the county commission.

The zoning administrator shall have erected upon the property for which rezoning is to be considered a sign of no

less than 17˝ X 24˝ announcing the public hearings, stipulating the dates, times, and places for the two hearings, the

present zoning class and the proposed zoning class. The sign shall be clearly visible from a public street. It shall be

erected not less than 15 days before the public hearing date [before the] planning commission.

Any application for rezoning of a particular parcel of property which is denied by the county commission may not

again be considered for rezoning until the expiration of at least 12 months immediately following the defeat of the

rezoning request.

ARTICLE XXI. - INTERPRETATION, APPLICATION, VIOLATIONS, VALIDITY, CONFLICT AND EFFECTIVE DATE

Section 21.01. - Interpretation, purpose and conict.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the

promotion of the public safety, health, convenience, comforts, prosperity, and general welfare.

It is not intended by this Ordinance to interfere with or abrogate or annual any ordinance, rule, regulation or permit previously

adopted or issued and not in conflict with any of the provisions of this Ordinance or which shall be adopted or issued pursuant to

law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance

to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that

where this Ordinance imposes a greater restriction or requires larger open spaces or larger lot areas than are imposed or required

by such ordinances[, then this Ordinance] shall control.

Section 21.02. - Violations and penalties.

Any person violating or neglecting or refusing to comply with any of the provisions of this Ordinance shall, upon conviction

thereof, be deemed guilty of a misdemeanor and shall be punished by imposition of the appropriate fine or by imprisonment in

the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

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Section 21.03. - Validity.

This Ordinance and the various articles, sections, paragraphs and clauses thereof are hereby declared to be severable. If any

article, section, paragraph or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the

Ordinance shall not be affected thereby.

Section 21.04. - Conicting provisions repealed.

All other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and not further, are

hereby repealed.

Section 21.05. - Eective date.

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace,

health, safety, and welfare of the people of Seminole County and are hereby ordered to be given immediate effect from and after

the date of its passage.

CODE COMPARATIVE TABLE ORDINANCES

This is a chronological listing of the ordinances and resolutions of the county used in this Code. Repealed or superseded laws at

the time of the codification and any omitted mateials are not reflected in this table.

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arts. 4—6 .....Added 30-83—30-119

Ord. of 10-13-2009 .....Added 40-1—40-20

2010-04-02  4-13-2010 .....Added 42-161—42-169

2010-12-01 12-13-2010 .....Added 26-191—26-195

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STATE LAW REFERENCE TABLE

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