

THE CODE OF SEMINOLE COUNTY, GEORGIA

Published by Order of the Board of Commissioners



MUNICIPAL CODE CORPORATION

Tallahassee, Florida

2003

OFFICIALS
OF
SEMINOLE COUNTY, GEORGIA
AT THE TIME OF THIS CODIFICATION

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PREFACE

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

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:

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RELATED LAWS COMPARATIVE TABLE	RLCT:1
CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLE	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
RELATED LAWS INDEX	RLi:1
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 pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Palmer Carr, Senior Code Attorney, and Sherry Allbritton, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mr. Marty Shingler, County Manager, and Mr. Kenneth L. Hornsby, County Attorney, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the county readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the county's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and Seminole County, Georgia. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and Seminole County, Georgia.

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PART I

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ARTICLE I. BOARD OF COMMISSIONERS*

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

***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.

State law references—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.

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 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 center

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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

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commissioner shall reside in any one district; and if a 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, elect 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 first 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.

State law references—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 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 in 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

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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.

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1924	371	5
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PART II

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

- Sec. 1-1. Designation and citation of Code.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Provisions considered continuations of existing ordinances.
- Sec. 1-4. Catchlines of sections, history notes and editor's notes.
- Sec. 1-5. Effect of repeal of ordinance.
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- Sec. 1-10. Altering Code.
- Sec. 1-11. Liability for violations by corporations; other associations.
- Sec. 1-12. General penalty; continuing violations.

GENERAL PROVISIONS

§ 1-2

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. Definitions 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.

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.

GENERAL PROVISIONS

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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.

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 references—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.

(a) 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.

§ 1-4

SEMINOLE COUNTY CODE

(b) 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. Effect of repeal of ordinance.

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) 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.

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

(a) 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:

- (1) 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.
- (2) 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.
- (3) Any contract or obligation assumed by the county.
- (4) Any ordinance fixing the salary of any county officer or employee.
- (5) Any right or franchise granted by the county.
- (6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the county.
- (7) Any appropriation ordinance.
- (8) Any ordinance which, by its own terms, is effective for a stated or limited term.

GENERAL PROVISIONS

§ 1-8

- (9) Any ordinance providing for local improvements and assessing taxes for such improvements.
- (10) Any zoning ordinance.
- (11) Any ordinance dedicating or accepting any subdivision plat.
- (12) Any ordinance describing or altering the boundaries of the county.
- (13) Any administrative ordinances or resolutions of the county not in conflict or inconsistent with the provisions of this Code.
- (14) Any ordinance levying or imposing taxes not included in this Code.
- (15) Any ordinance establishing or prescribing street grades in the county.
- (16) Any ordinance setting the rate of ad valorem taxes.

(b) 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; effect of new ordinances; amendatory language.

(a) 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.

(b) 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.

(c) 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.

(d) All sections, divisions, articles, chapters or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

Sec. 1-9. Supplementation of Code.

(a) 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.

(b) 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.

(c) 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:

- (1) Organize the ordinance material into appropriate subdivisions.
- (2) 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.
- (3) 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.
- (4) 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).
- (5) 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

GENERAL PROVISIONS

§ 1-12

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

(a) 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.

(b) 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.

(a) Whenever in this Code or in any other ordinance of the county any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of such provision shall be punishable by the imposition of a fine not to exceed \$1,000.00, by imprisonment 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 of any penalty provided by state law for the ordinance.

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

State law references—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 vehicles, 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 prosecuting 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*

Article I. In General

Sec. 2-1. Worker's compensation for members of volunteer fire departments.
Secs. 2-2—2-30. Reserved.

Article II. Board of Commissioners

Sec. 2-31. Meetings.
Sec. 2-32. Parliamentary procedure.
Secs. 2-33—2-60. Reserved.

Article III. Officers and Employees

Secs. 2-61—2-90. Reserved.

Article IV. Authorities, Boards and Commissions

Division 1. Generally

Secs. 2-91—2-110. Reserved.

Division 2. Joint Development Authority

Sec. 2-111. Activation of the authority.
Sec. 2-112. Joint authority.
Sec. 2-113. Directors.
Sec. 2-114. Officers.
Sec. 2-115. Successor to the Donalsonville and Seminole County Industrial Building Authority, created pursuant to 1962 Georgia Laws, page 1015.

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

ADMINISTRATION

§ 2-90

ARTICLE I. IN GENERAL

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

All official members of the Iron City Volunteer Fire Department, Spring Creek Volunteer Fire Department and the Donalsonville-Seminole 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*

Sec. 2-31. Meetings.

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

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

State law references—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†

Secs. 2-61—2-90. Reserved.

***State law references**—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 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.

†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 references—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,

§ 2-91

SEMINOLE COUNTY CODE

ARTICLE IV. AUTHORITIES, BOARDS AND COMMISSIONS*

DIVISION 1. GENERALLY

Secs. 2-91—2-110. Reserved.

DIVISION 2. JOINT DEVELOPMENT AUTHORITY†

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.

(a) 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

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).

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

†**State law references**—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.

ADMINISTRATION

§ 2-115

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.

(b) 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. Officers.

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.

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)

Chapters 3—5

RESERVED

Chapter 6

ALCOHOLIC BEVERAGES*

- Sec. 6-1. Provisions saved from repeal.
- Sec. 6-2. On-premises consumption.

***Cross reference**—Businesses, ch. 18.

State law reference—Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.

ALCOHOLIC BEVERAGES

§ 6-2

Sec. 6-1. Provisions saved from repeal.

The ordinance adopted May 14, 1992, as amended, on the subject of alcoholic beverage regulations is not repealed and shall continue in full force and effect pending a revision of the subject matter by the county.

Sec. 6-2. On-premises consumption.

(a) No on-premises consumption beer and/or wine license shall be issued under any condition to anyone or for any establishment within the 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.

(b) 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 the residence is owned by the person seeking to obtain such license.

(c) The fee for an on-premises license for the sale of beer and wine in the county shall be \$500.00 to be paid to the board of commissioners at the time the application is submitted.

(Ord. of 3-15-1999)

Chapters 7—9

RESERVED

Chapter 10

ANIMALS*
(RESERVED)

*Cross reference—Environment, ch. 26.

Chapters 11—13

RESERVED

Chapter 14

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

Secs. 14-1—14-30. Reserved.

Article II. Building Numbers

Sec. 14-31. Street address numbers.

***Cross references**—Environment, ch. 26; floods, ch. 30; planning, ch. 38; roads and bridges, ch. 42; solid waste, ch. 46; subdivisions, ch. 50; zoning, app. A.

BUILDINGS AND BUILDING REGULATIONS

§ 14-31

ARTICLE I. IN GENERAL

Secs. 14-1—14-30. Reserved.

ARTICLE II. BUILDING NUMBERS

Sec. 14-31. Street address numbers.

(a) *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.

(b) *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 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 curblin, 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.

(c) *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)

Chapters 15—17

RESERVED

Chapter 18

BUSINESSES*

Article I. In General

Secs. 18-1—18-30. Reserved.

Article II. Junk Dealers and Junkyards

Division 1. Generally

- Sec. 18-31. Definitions.
- Sec. 18-32. Violations.
- Sec. 18-33. General operating requirements.
- Sec. 18-34. Recordkeeping.
- Sec. 18-35. Dealings with minors.
- Sec. 18-36. Stolen goods.
- Sec. 18-37. Vehicles.
- Secs. 18-38—18-60. Reserved.

Division 2. Regulatory Certificate

- Sec. 18-61. Required.
- Sec. 18-62. Application.
- Sec. 18-63. Review of application.

***Cross references**—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 references—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).

BUSINESSES

§ 18-32

ARTICLE I. IN GENERAL

Secs. 18-1—18-30. Reserved.

ARTICLE II. JUNK DEALERS AND JUNKYARDS*

DIVISION 1. GENERALLY

Sec. 18-31. Definitions.

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

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)

***Cross reference**—Traffic and vehicles, ch. 58.

State law references—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.

Sec. 18-33. General operating requirements.

The following general operating requirements shall apply to all junk dealers doing business in the county:

- (1) The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition.
- (2) No space not covered by the regulatory certificate of division 2 of this article shall be used in the business.
- (3) No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
- (4) Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than four inches.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
- (10) 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.
- (11) 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.
- (12) The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and 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.
- (13) The business owner shall permit inspection of the business premises by any sheriff's deputy at any reasonable time.

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(14) 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)

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Sec. 18-62. Application.

Application for a regulatory certificate under this division shall contain the following information:

- (1) Trade names used during the previous five years by the applicant and each person signing the application, along with the locations of prior establishments.
- (2) Names and addresses of employers of each person signing the application during the previous five years.
- (3) 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.
- (4) 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.
- (5) 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)

Chapters 19—21

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Chapter 22

CIVIL EMERGENCIES*

Article I. In General

Secs. 22-1—22-30. Reserved.

Article II. Emergency Management

- Sec. 22-31. Definitions.
- Sec. 22-32. Violations.
- Sec. 22-33. Office established; director appointed, duties.
- Sec. 22-34. Emergency functions.
- Sec. 22-35. Emergency powers.
- Sec. 22-36. Volunteers.

*Cross reference—Administration, ch. 2.

CIVIL EMERGENCIES

§ 22-33

ARTICLE I. IN GENERAL

Secs. 22-1—22-30. Reserved.

ARTICLE II. EMERGENCY MANAGEMENT*

Sec. 22-31. Definitions.

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

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 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. Office 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

***State law references**—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).

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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:

- (1) Represent the governing officials of the county and cities and/or towns in the county on matters pertaining to emergency management.
- (2) Assist county and city officials in organizing county and city departments for emergency operations.
- (3) 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.
- (4) 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.
- (5) Submit reports as required by governing officials in keeping with good management practices, e.g., financial, daily activity, etc.
- (6) Procure, with the authority of governing officials, a facility to be used as the county emergency operating center.
- (7) 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.

(a) The county emergency management organization shall be established around existing city and county departments and agencies and the emergency functions are assigned as follows:

<i>Department</i>	<i>Emergency Functions</i>
(1) Executive (County elected officials)	Direction and control Public information supply—finance
(2) Police (County sheriff's office)	Security, movement Search—communications Warning
(3) Fire control	Fire control rescue* Damage assessment
(4) Public works and engineering	Utilities and public service restoration hazards analysis

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<i>Department</i>	<i>Emergency Functions</i>
(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.

(b) 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:

- (1) Enforce all rules, laws and regulations relating to emergency management, and to assume direct operational control over all emergency management resources.
- (2) Seize, take for temporary use, or condemn any private property for the protection of the public.
- (3) 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.
- (4) 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)

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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 23

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Chapter 24

EMERGENCY SERVICES

Article I. In General

Secs. 24-1—24-30. Reserved.

Article II. E 911 Service

Sec. 24-31. Charges; exemption.

Sec. 24-32. Collection.

Secs. 24-33—24-70. Reserved.

Article III. Unlawful Communications to E 911 Center

Sec. 24-71. Prohibitions.

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ARTICLE I. IN GENERAL

Secs. 24-1—24-30. Reserved.

ARTICLE II. E 911 SERVICE*

Sec. 24-31. Charges; exemption.

(a) 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.

(b) 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.

Secs. 24-33—24-70. Reserved.

ARTICLE III. UNLAWFUL COMMUNICATIONS TO E 911 CENTER

Sec. 24-71. Prohibitions.

(a) 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.

(b) 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.

***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.

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(c) 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.

(d) 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 25

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Chapter 26

ENVIRONMENT*

Article I. In General

Secs. 26-1—26-30. Reserved.

Article II. Soil Erosion and Sedimentation Control

- Sec. 26-31. Definitions.
- Sec. 26-32. Exemptions.
- Sec. 26-33. Minimum requirements for erosion and sedimentation control using best management practices.
- Sec. 26-34. Application and permit process.
- Sec. 26-35. Inspection and enforcement.
- Sec. 26-36. Penalties and incentives.
- Sec. 26-37. Administrative appeal; judicial review.
- Secs. 26-38—26-70. Reserved.

Article III. Groundwater Recharge Area Protection

- Sec. 26-71. Findings of fact and objectives.
- Sec. 26-72. Establishment of a groundwater recharge area district.
- Sec. 26-73. Definitions.
- Sec. 26-74. Criteria.
- Sec. 26-75. Variances.
- Sec. 26-76. Appeal procedures.
- Secs. 26-77—26-110. Reserved.

Article IV. River Corridor Protection

- Sec. 26-111. Purpose.
- Sec. 26-112. Establishment of protected river corridor district.
- Sec. 26-113. Definitions.
- Sec. 26-114. Penalties.
- Sec. 26-115. Permissible uses.
- Sec. 26-116. Prohibited uses.
- Sec. 26-117. Exemptions.
- Sec. 26-118. Site plans.
- Sec. 26-119. Filing fee.
- Sec. 26-120. Monitoring and enforcement.
- Sec. 26-121. Judicial review.
- Sec. 26-122. Amendments.
- Secs. 26-123—26-150. Reserved.

***Cross references**—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.

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Article V. Wetlands Protection

- Sec. 26-151. Findings and purpose.
- Sec. 26-152. Definitions.
- Sec. 26-153. Penalties.
- Sec. 26-154. Wetland protection district established.
- Sec. 26-155. Local development registration.
- Sec. 26-156. Judicial review.
- Sec. 26-157. Amendments.
- Sec. 26-158. Assessment relief.

ARTICLE I. IN GENERAL

Secs. 26-1—26-30. Reserved.

ARTICLE II. SOIL EROSION AND SEDIMENTATION CONTROL*

Sec. 26-31. Definitions.

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

Best management practices (BMPs) means a collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.

Board means the board of natural resources.

Buffer means an area along the course of any state waters to be maintained in an undisturbed and natural condition.

Commission means the state soil and water conservation commission.

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 excavated surface. Also known as excavation.

Department means the department of natural resources.

Director means the director of the environmental protection division of the department of natural resources.

District means the Flint River Soil and Water Conservation District.

Division means the environmental protection division 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 and sedimentation control plan means a plan for the control of soil erosion and sedimentation resulting from a land disturbing activity. Also known as the plan.

***State law references**—Georgia Surface Mining Act of 1968, O.C.G.A. § 12-4-70 et seq.; Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq.; Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1 et seq.

Fill means a portion of land surface to which soil or other solid material has been added; the depth above the original ground.

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.

Issuing authority means the governing authority of any county or municipality which has been certified by the director of the environmental protection division of the department of natural resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1 et seq. or the division in those instances where an application for a permit is submitted to the division.

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 section 26-32(1)e.

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 colloiddally dispersed particles are present.

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, any interstate body or any other legal entity.

Project means the entire proposed development project regardless of the size of the area of land to be disturbed.

Roadway drainage structure means a device such as a bridge, culvert or ditch, composed of a virtually nonerrodible material such as concrete, steel, plastic or other such material that

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conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

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.

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 and sedimentation 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 waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface waters, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Structural erosion and sedimentation control measures means measures for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such measures 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 game and fish division of the state department of natural resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq. 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 practices means practices for the stabilization of erodible or sediment-producing areas by covering the soil with the following:

- (1) Permanent seeding, sprigging or planting, producing longterm vegetative cover;
- (2) Temporary seeding, producing shortterm vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

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Such practices 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 includes any adjacent area subject to inundation by reason of overflow or floodwater.

Wetlands means those areas that are inundated or saturated by surface water 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. of 8-11-1998, § II)

Cross reference—Definitions generally, § 1-2.

Sec. 26-32. Exemptions.

(a) This article shall apply to any land disturbing activity undertaken by any person on any land except for the following:

- (1) Surface mining, as defined in O.C.G.A. § 12-4-72.
- (2) Granite quarrying and land clearing for such quarrying.
- (3) Such minor land disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which result in minor soil erosion.
- (4) The construction of single-family residences, when such are constructed by or under contract with the owner for his own occupancy, or the construction of single-family residences not a part of a platted subdivision, a planned community, or an association of other residential lots consisting of more than two lots and not otherwise exempted under this subsection; however, construction of any such residence shall conform to the minimum requirements as set forth in section 26-33. For single-family residence construction covered by the provisions of this subsection, 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 (O.C.G.A. § 12-5-20 et seq.). 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 streamflow 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

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25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of section 26-33 and the buffer zones provided by this section shall be enforced by the issuing authority.

- (5) Agricultural operations as defined in O.C.G.A. § 1-3-3 to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including, but not limited to, chicken, hens and turkeys; producing plants, trees, fowl, or animals; the production of aquaculture, horticultural, dairy, livestock, poultry, eggs and apiarian products; forestry land management practices, including harvesting and farm buildings and farm ponds.
- (6) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.
- (7) Any project including 1.1 acres or less; however, this exemption shall not apply to any land disturbing activity within 20 feet of the bank of any state waters; and for purposes of this subsection, the term "state waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them yearround; however, any person responsible for a project which involves 1.1 acres or less, which involves land disturbing activity and is within 200 feet of any such excluded channel or drainageway must prevent sediment from moving beyond the boundaries of the property on which such project is located and further, nothing contained in this subsection shall prevent the issuing authority from regulating any such project which is not specifically exempted by subsection (a)(1)—(6), (8) or (9) of this section.
- (8) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the department of transportation, the state highway authority, or the state tollway authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, such projects shall conform to the minimum requirements set forth in section 26-33.
- (9) 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, provided that any such land disturbing activity shall conform to the minimum requirements set forth in section 26-33(b) and (c).

(b) Where this section requires compliance with the minimum requirements set forth in section 26-33(b) and (c), issuing authorities shall enforce compliance with the minimum requirements as if a permit had been issued; and violations shall be subject to the same penalties as violations by permit holders.

(Ord. of 8-11-1998, § III)

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Sec. 26-33. Minimum requirements for erosion and sedimentation control using best management practices.

(a) Excessive soil erosion and resulting sedimentation can take place during land disturbing activities. Therefore, plans for those land disturbing activities not excluded by this article shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation 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 and sedimentation pollution during all stages of any land disturbing activity.

(b) Minimum requirements under this article are as follows:

- (1) Best management practices as set forth in this subsection and subsection (c) of this section shall be required for all land disturbing 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 subsection (b)(2) of this section or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f). As used in this subsection, the terms "proper design" and "properly designed" mean designed to control soil erosion and sedimentation for all rainfall events up to and including a 25-year, 24-hour rainfall event.
- (2) 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 by the division or of any general permit for construction activities issued by the division pursuant to O.C.G.A. § 12-5-30(f) 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.
- (3) 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 by the division or of any general permit for construction activities issued by the division pursuant to O.C.G.A. § 12-5-30(f) for each day on which such failure occurs.
- (4) 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.

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(c) The rules and regulations, ordinances or resolutions adopted pursuant to this article for the purpose of governing land disturbing activities shall require, as a minimum, 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 state 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:

- (1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
- (2) Cut-fill operations must be kept to a minimum;
- (3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
- (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- (5) The disturbed area and the duration of exposure of erosive elements shall be kept to a practicable minimum;
- (6) Disturbed soil shall be stabilized as quickly as practicable;
- (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- (8) Permanent vegetation and structural erosion control measures shall be installed as soon as practicable;
- (9) To the extent necessary, sediment in runoff 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 subsection, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of this article;
- (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills;
- (11) Cuts and fills may not endanger adjoining property;
- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (13) 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;
- (14) Land disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on the site or preclude sedimentation of adjacent waters beyond the levels specified in subsection (b)(2) of this section;
- (15) Land disturbing activities shall not be conducted within 25 feet of the banks of any state waters, as measured from the point where vegetation has been wrested by

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normal streamflow 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, or 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; however, buffers of at least 25 feet, established pursuant to part 6 of article 5 of chapter 5 of the Metropolitan River Protection Act (O.C.G.A. § 12-5-440 et seq.), shall remain in force unless a variance is granted by the director as provided in this subsection; and

- (16) Land disturbing activities shall not be conducted within 100 horizontal feet, as measured from the point where vegetation has been wrested by normal streamflow or wave action, of the banks of any state waters classified as trout streams pursuant to article 2 of chapter 5 of the Georgia Water Quality Act (O.C.G.A. § 12-5-20 et seq.), unless a variance for such activity is granted by the director except where a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented.

(d) Nothing contained in this article shall prevent an issuing authority from adopting rules and regulations, ordinances or resolutions which contain requirements that exceed the minimum requirements in subsections (b) and (c) of this section.

(e) 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. of 8-11-1998, § IV)

Sec. 26-34. Application and permit process.

(a) *Generally.* The property owner, developer, and designated planners and engineers shall review the general development plans and detailed plans of the issuing authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance (appendix A of this Code), subdivision ordinance (chapter 50), flood damage prevention ordinance (article II of chapter 30) this article, and other ordinances which regulate the development of land within the jurisdictional boundaries of the issuing authority. However, the property owner is the only party that can obtain a permit.

(b) *Application requirements.*

- (1) No person shall conduct any land disturbing activity within the jurisdictional boundaries of the county without first obtaining a permit from the board of commissioners to perform such activity.
- (2) The application for a permit shall be submitted to the board of commissioners and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. These plans shall include, as a minimum, the data specified in

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subsection (c) of this section. Soil erosion and sedimentation control plans shall conform to the provisions of section 26-33(b) and (c). Applications for a permit will not be accepted unless accompanied by two copies of the applicant's soil erosion and sedimentation control plans.

- (3) A fee, in the amount of \$50.00, shall be charged for each acre or fraction thereof in the project area.
- (4) Immediately upon receipt of an application and plan for a permit, the issuing authority shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. The results of the district review shall be forwarded to the issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by section 26-33(c)(15) and (16) and bonding, if required as per subsection (b)(5)b of this section, have been obtained. Such review will not be required if the issuing authority and the district have entered into an agreement which allows the issuing authority to conduct such review and approval of the plan without referring the application and plan to the district.
- (5)
 - a. If a permit applicant has had two or more violations of previous permits, this section, or the Erosion and Sedimentation Act, O.C.G.A. § 12-7-1 et seq., within three years prior to the date of filing of the application under consideration, the issuing authority may deny the permit application.
 - b. The 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 of an acre of the proposed land disturbing activity, prior to issuing the permit. If the applicant does not comply with this article or with the conditions of the permit after issuance, the issuing authority may call the bond or any part of the bond to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the issuing authority with respect to alleged permit violations.

(c) *Plan requirements.*

- (1) Plans must be prepared to meet the minimum requirements as contained in section 26-33(b) and (c). Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the Manual for Erosion and Sediment Control in Georgia, published by the state soil and water conservation commission as a guide; or through the use of alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is incorporated by reference into this article. The plan for the land disturbing activity shall consider the interrelationship of the soil types,

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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.

- (2) The following data is required for the site plan:
 - a. Narrative or notes, and other information, to be located on the site plan in general notes or in erosion and sediment control notes.
 - b. Description of existing land use at project site and description of proposed project.
 - c. Name, address, and phone number of the property owner.
 - d. Name and phone number of 24-local contact who is responsible for erosion and sedimentation controls.
 - e. Size of project, or phase under construction, in acres.
 - f. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters, that the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land disturbing activities.
 - g. Stormwater and sedimentation management systems storage capacity, hydrologic study, and calculations, including off-site drainage areas.
 - h. Vegetative plan for all temporary and permanent vegetative practices, including species, planting dates, and seeding, fertilizer, lime and mulching rates. The vegetative plan should show options for yearround seeding.
 - i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sedimentation Control in Georgia.
 - j. The following maintenance statement:

"Erosion and sedimentation control measures will be maintained at all times. Additional erosion and sedimentation control measures and practices will be installed if deemed necessary by on-site inspection."
- (3) Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. The certified plans shall contain the following:
 - a. Graphic scale and north point or arrow indicating magnetic north.
 - b. Vicinity maps showing location of project and existing streets.
 - c. Boundary line survey.
 - d. Delineation of disturbed areas within project boundary.
 - e. Existing and planned contours, with contour lines drawn with an interval in accordance with the following:

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<i>Map Scale</i>	<i>Ground Slope (%)</i>	<i>Contour Interval (feet)</i>
1 inch equals 100 feet or larger scale	Flat 0—2 Rolling 2—8 Steep 8 +	0.5 or 1 1 or 2 2, 5 or 10

- f. Adjacent areas and feature areas such as streams, lakes, residential areas, etc., which might be affected should be indicated on the plan.
 - g. Proposed structures or additions to existing structures and paved areas.
 - h. Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.
 - i. Delineate the specified horizontal buffer along designated trout streams, where applicable.
 - j. Location of erosion and sedimentation control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia, chapter 6.
- (4) Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.
- (d) *Permits.*
- (1) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the issuing authority of a completed application, providing variances and bonding are obtained, where necessary.
 - (2) No permit shall be issued by the issuing authority unless the erosion and sedimentation control plan has been approved by the district and the issuing authority has affirmatively determined that the plan is in compliance with this article, any variances required by section 26-33(c)(15) and (16) are obtained, bonding requirements, if necessary, as per subsection (b)(5) of this section are met, and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
 - (3) If the tract is to be developed in phases, a separate permit shall be required for each phase.
 - (4) The permit may be suspended, revoked, or modified by the issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in 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 article. 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.

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- (5) No permit shall be issued unless the applicant provides a statement by the county tax commissioner certifying that all ad valorem taxes levied against the property and due and owing have been paid.

(Ord. of 8-11-1998, § V)

Sec. 26-35. Inspection and enforcement.

(a) The soil technician 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. If, through inspection, it is deemed that a person engaged in land disturbing activities 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.

(b) The board of commissioners shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land disturbing activities.

(c) No person shall refuse entry or access to any authorized representative or agent of the issuing authority, the 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.

(d) The districts or the commission, or both, shall periodically review the actions of counties and municipalities which have been certified as issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The districts 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 and sedimentation control program. The districts or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

(e) The division may periodically review the actions of counties and municipalities which have been certified as 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 ordinances 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(d), 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 30 days within which to take the necessary

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corrective action to retain certification as an issuing authority. If the county or municipality does not take necessary corrective action within 30 days after notification by the division, the division may revoke the certification of the county or municipality as an issuing authority. (Ord. of 8-11-1998, § VI)

Sec. 26-36. Penalties and incentives.

(a) *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 the permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the issuing authority.

(b) *Stop work orders.* Upon notice from the issuing authority or its agent, work on any project that is being done contrary to the provisions of this article or in a dangerous or unsafe manner shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required.

(c) *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 section 26-34(b)(5)b. The issuing authority may call the bond or any part of the bond 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.

(d) *Monetary penalties.* Any person violating any provisions of this article, permitting conditions, or stop work order shall be liable for a monetary penalty not to exceed \$2,500.00 per day, by a sentence of imprisonment not exceeding 60 days in jail, or both fine and jail or work alternative. Each day during which the violation or failure or refusal to comply continues shall constitute a separate violation.

(Ord. of 8-11-1998, § VII)

Sec. 26-37. Administrative appeal; judicial review.

(a) *Administrative remedies.* The suspension, revocation, modification or grant with condition of a permit by the issuing authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan, or that the holder is in violation of permit conditions, or that the holder is in violation of this article shall entitle the person submitting the plan or holding the permit to a hearing before the board of commissioners within 15 days after receipt by the issuing authority of written notice of appeal.

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(b) *Judicial review.* Any person, aggrieved by a decision or order of the issuing authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the superior court of the county.

(Ord. of 8-11-1998, § VIII)

Secs. 26-38—26-70. Reserved.

ARTICLE III. GROUNDWATER RECHARGE AREA PROTECTION

Sec. 26-71. Findings of fact and objectives.

(a) 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.

(b) The objectives of this article are to protect groundwater quality by:

- (1) Restricting land uses that generate, use or store dangerous pollutants in recharge areas;
- (2) Limiting density of development; and
- (3) 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)

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. Definitions.

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

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:

- (1) The county shall not issue any permits for new sanitary landfills not having synthetic liners and leachate collection systems.
- (2) The county shall not issue any new permits for the land disposal of hazardous wastes.
- (3) 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.
- (4) 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

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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 prevention, 40 CFR 112.1.) Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

(5) New agricultural waste impoundment sites shall be lined if they are within:

- a. A high pollution susceptibility area.
- b. A medium pollution susceptibility area and exceed 15 acre-feet.
- c. 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 ten⁷ cm/sec or other criteria established by the natural resources conservation service.

(6) All residential lots not served by a public water system and public sewage system shall be at least one and one-half 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.

- a. 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.
- b. 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.
- c. 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.

(7) 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.

- a. 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.
- b. 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.
- c. 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.

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- (8) 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.
 - (9) 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.
 - (10) 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.
 - (11) 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 (February 1986 or latest edition) with amendments and other technical publications to site-specific information submitted by a registered professional engineer for each project.
 - (12) Permanent stormwater infiltration basins shall not be constructed in areas having high pollution susceptibility.
 - (13) 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.

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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.

(a) *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.

(b) *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.

(c) *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.
(Ord. of 8-14-2001(1), § 2)

Sec. 26-113. Definitions.

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

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.

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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:

- (1) Is completed;
- (2) Is under construction;
- (3) Is fully approved by the governing authority;
- (4) All materials have been submitted for approval by the governing authority; or
- (5) Is zoned, 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.

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.

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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:

- (1) Habitat, including nesting sites, occupied by rare or endangered species;
- (2) Rare or exemplary natural communities;
- (3) Significant land forms, hydroforms, or geological features; or
- (4) Other areas so designated by the department of natural resources; and which is sensitive or vulnerable to physical or biological alteration.

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.

(a) 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.

(b) 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.

(c) 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.

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(d) 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:

- (1) Single-family dwellings and their usual appurtenances, within the buffer area subject to the following conditions:
 - a. The dwelling shall be in compliance with all local zoning regulations.
 - b. 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).
 - c. There shall be only one such dwelling on each one and one-half acre or larger tract of land.
 - d. A septic tank serving such a dwelling may be located within the buffer area.
 - e. Septic tank drainfield shall not be located within the buffer area.
- (2) Industrial and commercial land uses existing prior to the promulgation of the river corridor protection district are exempt from these criteria provided that:
 - a. Industrial and commercial uses of river corridors shall not impair the drinking quality of the river water; and
 - b. Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.
- (3) 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).
- (4) Timber production and harvesting subject to the following conditions:
 - a. Forestry activity shall be consistent with best management practices established by the state forestry commission; and
 - b. Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.
- (5) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. § 12-2-8.
- (6) Wastewater treatment.
- (7) Recreational usage consistent with either the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, a boat ramp would be

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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.

- (8) Natural water quality treatment or purification.
 - (9) Agricultural production and management, subject to the following conditions:
 - a. Agricultural activity shall be consistent with best management practices established by the state soil and water conservation commission;
 - b. Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and
 - c. Agricultural activity shall be consistent with all state and federal laws, and all regulations promulgated by the state department of agriculture.
 - (10) 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.

- (a) The following uses are prohibited under this article:
 - (1) Handling areas for the receiving and storage of hazardous wastes are prohibited within river corridors. Port facilities are exempt from this criterion provided that:
 - a. Port facilities shall meet all federal and state laws and regulations for the handling and transport of hazardous waste.
 - b. 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.)
 - (2) Hazardous waste or solid waste landfills are prohibited within river corridors.
 - (3) New industrial and commercial uses not approved prior to adoption of the river protection district.
 - (4) Other uses not approved by the county shall not be acceptable within river corridors.
 - (5) Septic tanks and septic tank drainfields (except as provided under section 26-115).
 - (6) Except as noted in this section, all construction within the buffer area shall be prohibited.
 - (b) 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:

- (1) Land uses existing prior to the promulgation of a river corridor protection district.
- (2) 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.
- (3) 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:
 - a. The utilities shall be located as far from the river bank as reasonably possible;
 - b. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
 - c. Utilities shall not impair the quality of the river water.
- (4) 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:

- (1) 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.
- (2) 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.
- (3) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial.
- (4) Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet.
- (5) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- (6) All proposed temporary disruptions or diversions of local hydrology.
(Ord. of 8-14-2001(1), § 7)

Sec. 26-119. Filing fee.

(a) *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.

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(b) *Enforcement authority.* The county zoning administrator is established as the administrator of this article.

(c) *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.

(d) *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.

(e) *Duration of permit validity.*

- (1) If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
- (2) If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.
- (3) 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.

(a) 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.

- (1) 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.
- (2) 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.

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(3) 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.

(b) 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.

(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.

(a) 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

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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.

(b) 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. Definitions.

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

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,

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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.

(a) 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.

(b) 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.

(c) 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.

(a) *Generalized wetland map*. This article shall apply to all wetlands within the wetland protection district and located within the jurisdiction of the county. The generalized wetland map, adopted as part of this article, shows the general location of wetlands and of the wetland protection district and should be consulted by persons contemplating activities in or near wetlands before engaging in a regulated activity. The generalized wetland map, together with all explanatory matter thereon and attached thereto, is adopted by reference and declared to be a part of this article. The generalized wetland map shall be on file in the office of the county.

(b) *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

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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.

(a) *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.

(1) *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:

- a. It is not the type of activity that would cause the alteration of wetlands; or
- b. 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.

(2) *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.

(b) *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:

(1) 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.

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- (2) 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.
 - (3) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
 - (4) Forestry practices applied in accordance with best management practices approved by the state forestry commission.
 - (5) The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the state department of agriculture.
 - (6) The pasturing of livestock provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved best management practices are followed.
 - (7) Education, scientific research and nature trails.
 - (8) Emergency repair of critical facilities.
 - (9) 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.
 - (10) 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.
 - (11) 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.
 - (12) 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.
- (c) *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:
- (1) 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.

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- (2) 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.
- (3) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
- (4) Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet.
- (5) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- (6) All proposed temporary disruptions or diversions of local hydrology.

(d) *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.

(e) *Filing fee.* At the time of application for registration under this section, the applicant shall pay a filing fee of \$50.00.

(f) *Enforcement authority.* The county zoning administrator is established as the administrator of this article.

(g) *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.

(h) *Duration of permit validity.*

- (1) 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.
- (2) 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.

(a) *Jurisdiction.* All final decisions of the board of commissioners or its designee under this article shall be reviewable in the county superior court.

(b) *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)

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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)

Chapters 27—29

RESERVED

Chapter 30

FLOODS*

Article I. In General

Secs. 30-1—30-30. Reserved.

Article II. Flood Damage Prevention

Division 1. Generally

- Sec. 30-31. Findings of fact.
- Sec. 30-32. Statement of purpose.
- Sec. 30-33. Objectives.
- Sec. 30-34. Definitions.
- Sec. 30-35. Penalties for violation.
- Sec. 30-36. Lands to which this article applies.
- Sec. 30-37. Basis for establishing areas of special hazard.
- Sec. 30-38. Compliance with article.
- Sec. 30-39. Abrogation and greater restrictions.
- Sec. 30-40. Interpretation.
- Sec. 30-41. Warning and disclaimer of liability.
- Secs. 30-42—30-60. Reserved.

Division 2. Administration

- Sec. 30-61. Designation of local administrator.
- Sec. 30-62. Duties of local administrator.
- Sec. 30-63. Establishment of development permit.
- Sec. 30-64. Permit procedures.
- Secs. 30-65—30-80. Reserved.

Division 3. Flood Hazard Reduction

- Sec. 30-81. General standards.
- Sec. 30-82. Specific standards.

***Cross references**—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 references—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

DIVISION 1. GENERALLY

Sec. 30-31. Findings of fact.

(a) The flood hazard areas of the county are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods and hazardous to other properties which are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. of 4-17-1991, art. 1, § B)

Sec. 30-32. 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 to flood conditions in specific areas by provisions designed to do the following:

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

(Ord. of 4-17-1991, art. 1, § C)

Sec. 30-33. Objectives.

The objectives of this article are to:

- (1) Protect human life and health;

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- (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and bridges located in floodplains;
 - (6) Help maintain a stable tax base by providing for sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
 - (7) Ensure that potential homebuyers are notified that property is in a flood area.
- (Ord. of 4-17-1991, art. 1, § D)

Sec. 30-34. Definitions.

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

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 loadbearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter loadbearing walls shall be considered new construction.

Appeal means a request for a review of the county's interpretation of any provision of this article or a request for a variance.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

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

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

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

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

Elevated building means a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

Flood and *flooding* mean a general and temporary condition of partial or complete inundation of normally dry land areas from the:

- (1) Overflow of inland or tidal waters; and

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- (2) Unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means the official map issued by the Federal Emergency Management Agency where the areas of special flood hazard have been designated as zone A.

Flood insurance rate map (FIRM) means the official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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 one foot.

Floor means the top surface of an enclosed area in a building, including the basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for the parking of vehicles.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include longterm storage, manufacture, sales or service facilities.

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

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

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance from which this article is derived.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348), includes substantial improvement and means the date the building 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 a structure, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it

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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 accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

Substantial improvement means any repair, reconstruction or improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. 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 structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions.

(Ord. of 4-17-1991, art. 2)

Cross reference—Definitions generally, § 1-2.

Sec. 30-35. Penalties for violation.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction, be fined not more than \$100.00 or imprisoned for not more than 30 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 contained in this section shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. of 4-17-1991, art. 3, § G)

Sec. 30-36. Lands to which this article applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of the county.

(Ord. of 4-17-1991, art. 3, § A)

Sec. 30-37. Basis for establishing areas of special hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in its flood hazard boundary map (FHBM) or flood insurance rate map (FIRM) #H-01-21, dated May 14, 1976, and any revision thereto, are adopted by reference and declared to be a part of this article.

(Ord. of 4-17-1991, art. 3, § B)

Sec. 30-38. Compliance with article.

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

(Ord. of 4-17-1991, art. 3, § C)

Sec. 30-39. Abrogation and greater restrictions.

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

(Ord. of 4-17-1991, art. 3, § D)

Sec. 30-40. 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 4-17-1991, art. 3, § E)

Sec. 30-41. 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 on rare occasions. 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 damage. This article shall not create liability on the part of the 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 under this article.

(Ord. of 4-17-1991, art. 3, § F)

Secs. 30-42—30-60. Reserved.

DIVISION 2. ADMINISTRATION*

Sec. 30-61. Designation of local administrator.

The local administrator is appointed to administer and implement the provisions of this article by granting or denying development permit applications in accordance with its provisions.

(Ord. of 4-17-1991, art. 4, § B)

*Cross reference—Administration, ch. 2.

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Sec. 30-62. Duties of local administrator.

(a) Duties of the local administrator under this article shall include, but not be limited to, the following:

- (1) Reviewing all development permits to determine that the permit requirements of this article have been satisfied.
- (2) Advising the permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Reviewing all development permits to determine if proposed development adversely affects the flood-carrying capacity of the floodplain. For purposes of this article, the term "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
 - a. If it is determined that there is no adverse effect, and the development is not a building, then the permit shall be granted without further consideration.
 - b. If it is determined that there is an adverse effect, then technical justification, i.e., a professional engineering analysis, for the proposed development shall be required.
 - c. If the proposed development is a building, then the provisions of this article shall apply.
- (4) Verifying and recording the actual elevation, in relation to mean sea level, of the lowest floor, including the basement, of all new or substantially improved structures.
- (5) Verifying and recording the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed. Certification of such floodproofing shall be obtained in accordance with section 30-82(2).
- (6) Obtaining, reviewing, and reasonably utilizing any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of section 30-82, when base flood elevation data or floodway data have not been provided in accordance with section 30-37. In the absence of any base flood elevations or significant historical data then all structures should be elevated two feet above the highest adjacent grade that touches the building. This applies only in flood hazard areas.
- (7) Notifying adjacent communities and the state geologic survey, environment protection, prior to any alteration or relocation of a watercourse, and submitting evidence of such notification to the Federal Insurance Administration.
- (8) Ensuring that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished.

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- (9) Making the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual physical conditions.

(b) 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 4-17-1991, art. 4, § B—F)

Sec. 30-63. Establishment of development permit.

A development permit shall be required in conformance with the provisions of this article.
(Ord. of 4-17-1991, art. 4, § A)

Sec. 30-64. Permit procedures.

(a) Application for a development permit shall be made to the local administrator on forms furnished by him and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and their location. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level (MSL) of the lowest floor, including the basement, of all proposed structures.
- (2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
- (3) Certification by a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in section 30-82(2).
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (5) Provide a floor elevation or floodproofing certification after the lowest floor is completed. Upon placement of the lowest floor or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Such certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by such surveyor or engineer. When floodproofing is utilized for a particular building, such certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by such engineer or architect. Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

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(b) The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections required by this section shall be cause to issue a stop work order for the project.

(Ord. of 4-17-1991, art. 4, § A)

Secs. 30-65—30-80. Reserved.

DIVISION 3. FLOOD HAZARD REDUCTION

Sec. 30-81. General standards.

In all areas of special flood hazard, the following provisions are required:

- (1) *Anchoring.*
 - a. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - b. Manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top ties or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- (2) *Construction materials and methods.*
 - a. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, air conditioning equipment, 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.
- (3) *Utilities.*
 - a. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - b. 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.
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

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- (4) *Subdivision proposals.*
 - a. Subdivision proposals shall be consistent with the need to minimize flood damage.
 - b. Subdivision proposals shall have public utilities facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
 - c. Subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or five acres.
 - (5) *Encroachments.* The cumulative effect of any proposed development shall not adversely affect the area of special flood hazard. This determination is to be made in accordance with section 30-62(1), (3).
- (Ord. of 4-17-1991, art. 5, § A)

Sec. 30-82. Specific standards.

In all areas of special flood hazard where base flood elevation data or floodway data have been provided, as set forth in section 30-62(a)(6), the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including the basement, elevated to or above base flood elevation.
- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or other nonresidential structure, including manufactured homes, shall either have the lowest floor, including the basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 30-64(a)(3).
- (3) *Floodways.* The floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and has erosion potential. Therefore, the following provisions shall apply:
 - a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

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- b. If subsection (3)a of this section is satisfied, then all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this division.
- c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of section 30-81(1)b, the elevation standards of subsections (1) and (2) of this section, and the encroachment standards of subsection (3)a of this section are met.

(Ord. of 4-17-1991, art. 5, § B)

Chapters 31—33

RESERVED

Chapter 34

OFFENSES*

Article I. In General

Secs. 34-1—34-30. Reserved.

Article II. Curfew for Minors

- Sec. 34-31. Imposed.
- Sec. 34-32. Exceptions.
- Sec. 34-33. Parental responsibility.
- Sec. 34-34. Notice of violation.
- Sec. 34-35. Penalty for violation of article.

***Cross reference**—Traffic and vehicles, ch. 58.

State law references—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).

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ARTICLE I. IN GENERAL

Secs. 34-1—34-30. Reserved.

ARTICLE II. CURFEW FOR MINORS*

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:

- (1) 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
- (2) 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:

- (1) Accompanied by his parent, guardian, or other adult person having the lawful care and custody of the minor;
- (2) Upon an emergency errand directed by his parent or guardian or other adult person having the lawful care and custody of a minor;
- (3) Returning directly home by the most direct and efficient route, from a school activity, entertainment, recreational activity or dance;
- (4) 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;
- (5) 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;
- (6) 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

***State law references**—Offenses involving alcohol and underaged persons, O.C.G.A. § 3-3-23; age of legal majority, O.C.G.A. § 39-1-1.

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(7) 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 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:

- (1) 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
 - (2) 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)

Chapters 35—37

RESERVED

Chapter 38

PLANNING*

Article I. In General

- Sec. 38-1. Provisions saved from repeal.
Secs. 38-2—38-30. Reserved.

Article II. Zoning Policies, Procedures and Standards

- Sec. 38-31. Purpose of zoning ordinance.
Sec. 38-32. Zoning district classifications.
Sec. 38-33. Procedures for rezoning property requests.
Sec. 38-34. Public hearing procedures.
Sec. 38-35. Rezoning criteria.
Sec. 38-36. Conditional uses.
Sec. 38-37. Variances.
Sec. 38-38. Criteria for variance requests.
Sec. 38-39. Planning commission responsibility.
Sec. 38-40. Zoning administrator.
Sec. 38-41. Appeals.
Sec. 38-42. Zoning appeals.

***Cross references**—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 references—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*

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 classifications.

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
- R-PUD Residential planned unit development district
- C-1 Community business district
- C-2 General commercial district
- C-PUD Commercial planned unit development district
- I Industrial
- FH Flood hazard district

(Ord. of 8-14-2001(4))

***Cross reference**—Zoning, app. A.

State law references—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. 38-33. Procedures for rezoning property requests.

Procedures for rezoning property requests by citizens or property owners shall be as follows:

- (1) 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.
- (2) 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.)
- (3) 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.
- (4) 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.
- (5) 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).

(Ord. of 8-14-2001(4))

Sec. 38-34. Public hearing procedures.

Public hearing procedures for rezoning proposals shall be as follows:

- (1) The presider of each respective public hearing will review for those present, the following operating procedures for the public hearing:
 - a. 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.
 - b. 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.
 - c. 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.

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- d. Appropriate notes or minutes will be recorded by the planning commission and the board of commissioners at their respective public hearings.
 - (2) The public hearing held by the planning commission will follow the same meeting procedures as that of the board of commissioners.
 - (3) 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.
 - (4) 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.
 - (5) 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:

- (1) Does the proposed zoning classification promote the health, safety, morals or general welfare of the county?
- (2) The existing uses of the subject property and the adjacent and nearby properties.
- (3) The current zoning of the subject property and zoning of adjacent or nearby properties.
- (4) The extent to which the property values are diminished by the present zoning restrictions.
- (5) The extent to which the restrictions diminishing the property's values promote the health, safety, morals or general welfare of the public.
- (6) The relative gain to the public compared to the extent of hardship imposed upon the individual property owner.
- (7) The suitability of the subject property for the zoned purposes.
- (8) The history of the use of the subject property considered in the context of land developments in the vicinity of the property.

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(9) Conformity with the county comprehensive plan.
(Ord. of 8-14-2001(4))

Sec. 38-36. Conditional uses.

(a) *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.

(b) *Conditional use criteria.*

- (1) 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.
- (2) 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.
- (3) The parking and all development standards set forth for each particular use for which a permit may be granted have been met.
- (4) 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.

- (1) *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:
 - a. General location of existing structures and property lines.
 - b. Location of proposed buildings and land use.

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- c. Setback if applicable to the request.
 - (2) *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.
 - (3) *Fee.* Each application for a variance shall be accompanied by an application fee set by the board of commissioners to partially defray administrative costs.
- (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:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question and because of its size, shape or topography.
- (2) The application of this article to this particular piece of property would create an undue hardship.
- (3) Such conditions are particular to the particular piece of property involved and not the making of the applicant.
- (4) 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.
- (5) 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.
- (6) The proposed use will be a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.
- (7) 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.
- (8) 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))

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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.

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))

Chapters 39—41

RESERVED

Chapter 42

ROADS AND BRIDGES*

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.
Sec. 42-32. Standards.
Sec. 42-33. Limited responsibility of county.
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Division 2. Procedures

Sec. 42-61. Sketch plan.
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Sec. 42-63. Final plan.
Sec. 42-64. Preconstruction inspection.
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Sec. 42-66. Construction; inspection and approval.
Sec. 42-67. State department of transportation notification.
Sec. 42-68. Warranty required.
Sec. 42-69. Title.
Secs. 42-70—42-90. Reserved.

Division 3. Standards

Sec. 42-91. Alignment.

***Cross references**—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 references—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).

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Sec. 42-92. Intersections.
Sec. 42-93. Dead ends and culs-de-sac.
Sec. 42-94. Dimensions.
Sec. 42-95. Grades.
Sec. 42-96. Signs.
Sec. 42-97. Paving.
Secs. 42-98—42-120. Reserved.

Division 4. Variances

Sec. 42-121. Application.
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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:

- (1) Encourage the development of economically sound and stable communities;
- (2) Ensure the establishment of an economically maintainable network of roads in the county;
- (3) Ensure safe and convenient traffic, both vehicular and pedestrian, access to new land developments; and
- (4) 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 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)

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Sec. 42-34. Definitions.

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

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.

(Ord. of 4-12-1982, § 201)

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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 superintendent'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 notification.

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)

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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.

(Ord. of 4-12-1982, § 206)

Sec. 42-67. State department of transportation notification.

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

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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 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

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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 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

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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)

Chapters 43—45

RESERVED

Chapter 46

SOLID WASTE*

Article I. In General

Secs. 46-1—46-30. Reserved.

Article II. Clean Community Standards

- Sec. 46-31. Fees.
- Sec. 46-32. Definitions.
- Sec. 46-33. Enforcement.
- Sec. 46-34. Violations.
- Sec. 46-35. Unlawful disposal of refuse, garbage or rubbish.
- Sec. 46-36. Preparation and storage of residential refuse for collection; placement; unacceptable refuse.
- Sec. 46-37. Prohibited activities.

***Cross references**—Buildings and building regulations, ch. 14; environment, ch. 26.

State law references—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).

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ARTICLE I. IN GENERAL

Secs. 46-1—46-30. Reserved.

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. Definitions.

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

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.

(a) *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.

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(b) *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.

(c) *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 violated this article.

(d) *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.

(e) *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.

(f) *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:

- (1) 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
- (2) 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.

(g) *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)

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Sec. 46-34. Violations.

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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 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:

- (1) 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.

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- (2) 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.
 - (3) 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.
 - (4) 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:

- (1) *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.
- (2) *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.
- (3) *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.
- (4) *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.
- (5) *Scattering of refuse and littering prohibited.* No person shall throw or deposit the following:
 - a. Any refuse on any public or private street or to scatter such refuse or litter on any public or private property.
 - b. Any refuse, trash or debris in any marsh area, stream, drainage ditch, body of water or beach area.

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- (6) *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.
- (7) *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.
- (8) *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.
- (9) *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)

Chapters 47—49

RESERVED

Chapter 50

SUBDIVISIONS*

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- Sec. 50-121. Developer's responsibility.

***Cross references**—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).

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- Sec. 50-122. Monuments and iron pipes.
- Sec. 50-123. Curb and gutter.
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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:

- (1) Encourage the development of sound and stable neighborhoods.
- (2) Ensure the provision of adequate streets, utilities and other facilities and services to new land development projects.
- (3) Promote and protect the health, safety, prosperity and welfare of the citizens of the county.
- (4) Conserve and protect the natural and scenic resources of the county.
- (5) Maintain the economic viability of forestry and agricultural resources of the county.
- (6) Prevent the spread of blight and slums within the county.
- (7) Ensure that residential and commercial lots within the county will be of such design, area and width as will prevent health and sanitation problems.
- (8) Prevent and reduce traffic congestion and traffic hazards within the county.
- (9) Provide buffers to protect property values and maintain the scenic beauty of the county.
- (10) Ensure that drainage systems for subdivisions within the county are constructed so as to not adversely affect the natural drainage systems for surrounding properties.
- (11) Reduce maintenance problems with roads, drainage and other subdivision improvements within the county.
- (12) Ensure the timely completion of subdivision improvements within subdivisions in the county.
- (13) 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.
- (14) Prevent development in areas of the county unsuitable for residential or commercial uses because of soils, wetlands or drainage characteristics.

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- (15) Ensure that all lots within the county will be accessible to firefighting equipment and other emergency and service vehicles.
- (16) Protect the investments of the buyers of lots within subdivisions.
- (17) Preserve the environmental, historical and social heritage and character of the county.
- (18) 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.

(a) 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.

(b) 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.

(c) 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.

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. Definitions.

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).

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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:

- (1) 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
- (2) Particular areas of the county which, based on actual observation of flooding or engineering studies, have been designated as local flood hazard areas by the 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.

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.

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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.

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Sec. 50-9. Penalty.

(a) 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.

(b) Any subdivision hereafter established shall be designed, developed, and recorded in accordance with the provisions of this chapter. Failure to comply with the regulations of this chapter shall result in the following:

- (1) 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.
- (2) 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.

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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:

- (1) 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.
- (2) The applicant shall not be bound by the determination of the preapplication conference, nor shall the county commission be bound by any such review.
- (3) 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.

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.

(a) *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.

(b) *Preliminary plat requirements.* The preliminary plat for a major subdivision shall include the following information:

- (1) Proposed subdivision name and total acres. Subdivision names shall not duplicate the name of any other subdivision in the county.

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- (2) Name of owner of subdivision.
- (3) The names of owners of all adjacent land contiguous to the proposed subdivision.
- (4) A vicinity map showing the relative location of the proposed subdivision.
- (5) Proposed street names, right-of-way and roadway width.
- (6) Location of utility and drainage easements.
- (7) Lot lines, lot and block numbers (consecutively numbered or lettered), lot sizes, area in parks, etc.
- (8) Topographic maps of all land subdivided, with scale and contour interval as deemed appropriate by the planning commission and board of commissioners.
- (9) Minimum building setback lines.
- (10) Numerical scale, graphic scale, north arrow, and date.
- (11) All elevations shall be based on sea level datum.
- (12) 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.
- (13) Plans for control of erosion and sedimentation.
- (14) Location of all water supplies on or off the subdivision which will bear upon the location of the on-site sewage management systems.
- (15) Delineation on plat of all wetlands and 100-year regulatory floodplains.
- (16) If state department of transportation approval and permits are required, submit a copy of the department's approval letter and permit.
- (17) Site reservation for garbage dumpsters, with ten or more lots as needed.
- (18) 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.

(c) *County commission action.*

- (1) 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.

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- (2) 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.
- (3) 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.
- (4) 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.

(d) *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:

- (1) The general terms and conditions on which preliminary approval was granted shall not be changed;
- (2) 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
- (3) The applicant may apply for and the county commission may grant an extension on such preliminary approval for a specified time period.

(e) *House numbers / street addresses.* House numbers and street addresses shall be assigned by the county after preliminary plat approval for a major subdivision.

(f) *Final plat approval.*

- (1) 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.
- (2) 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.
- (3) 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.

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(4) 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.

(g) *Final plat requirements.* The final plat for a major subdivision shall:

- (1) Conform to the preliminary plat as approved.
- (2) Be a professional drawing at a size which is suitable for filing in the land records of the county.

(h) *Final plat contents.* The final plat for a major subdivision shall contain the following information:

- (1) 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.
- (2) 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.
- (3) Names and right-of-way of each street or other right-of-way.
- (4) Location, dimensions and purpose of easement.
- (5) Number or letters to identify each lot.
- (6) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (7) Minimum building setback lines on all lots and other sites.
- (8) Location and description of monuments.
- (9) Name of record owners of adjoining property owners.
- (10) Reference to recorded subdivision plats of adjoining platted land by record names, data and number.
- (11) Certification by a registered surveyor or registered engineer to accuracy of survey and plat.
- (12) Declaration of land ownership.
- (13) Title, numerical scale, graphic scale, north arrow, and date.
- (14) A statement, either directly on the plat or in an identified attached document of private covenants, if any.
- (15) A copy of the deeds for dedications of public areas to the board of commissioners.

(i) *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

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County Commission on _____ day of _____, 20____.

Clerk

County Commission Chairman,
Seminole County

(j) *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.

(k) *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 two-year maintenance and performance period shall be met.

- (1) *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 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.
- (2) *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.
- (3) *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 final 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.

- (1) *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.
- (2) *Application requirements.* The application shall contain the following:
 - a. A letter of application containing the name and address of a person to whom notice may be sent.

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- b. A certified copy of all private covenants or deed restrictions, if any, pertaining to land within the subdivision.
- c. 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.

(a) *Generally.*

- (1) The arrangement of streets in subdivisions shall conform to the circulation plan of the comprehensive plan or official map for the county.
- (2) For streets not shown on the comprehensive plan or official map, the arrangement shall provide for the appropriate extension of existing streets.
- (3) Residential streets shall be arranged so as to discourage through traffic and provide for maximum privacy.

(b) *Access.*

- (1) Streets within the subdivision shall be so arranged as to provide for the alignment and continuation of or projection of existing public streets, where feasible.
- (2) 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.
- (3) Private streets shall be prohibited.
- (4) 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.
- (5) 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.

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- (6) 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.
- (7) Traffic control signs shall be installed by the county and the cost thereof paid by the developer prior to final acceptance of streets.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) Minimum street right-of-way widths shall conform to the following:

<i>Street Type</i>	<i>Right-of-Way (feet)</i>
Residential	60
Collector	60—90
Arterial	150 or more
Culs-de-sac	50
Alleys, service drives	20

- (12) 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.

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.

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Sec. 50-84. Lots.

Lots in subdivisions shall conform to the following requirements:

- (1) *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.
- (2) *Corner lots.* Corner lots for residential use shall have extra width to permit appropriate building setback from both abutting streets.
- (3) *Access.* Each lot shall have a required 125-foot frontage on a public street.
- (4) *Double frontage.* Double frontage lots shall be avoided.
- (5) *Lot lines.* Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- (6) *Lot depth.* Lot depth shall not be more than three and one half times the lot frontage.
- (7) *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.
- (8) *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 one-half 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.

§ 50-123

SEMINOLE COUNTY CODE

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. Traffic 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.

(a) *Water mains.*

- (1) 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.
- (2) 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.

SUBDIVISIONS

§ 50-162

(b) *Sanitary sewer disposal.*

- (1) 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.
- (2) 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 compliance with the standards of the health department.
- (3) 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.

(c) *Underground utilities.*

- (1) 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.
- (2) 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.

(a) 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).

(b) 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.

§ 50-163

SEMINOLE COUNTY CODE

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.

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.

SUBDIVISIONS

§ 50-196

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.

Chapters 51—53

RESERVED

Chapter 54

TAXATION*

Article I. In General

Secs. 54-1—54-30. Reserved.

Article II. Freeport Exemption

Sec. 54-31. Types of tangible personal property which are exempt.

***Cross references**—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 references—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

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.

- (1) 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.
- (2) 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.
- (3) 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.

Chapters 55—57

RESERVED

Chapter 58

TRAFFIC AND VEHICLES*

Sec. 58-1. Uniform rules of the road adopted; penalty.

***Cross references**—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 references—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).

TRAFFIC AND VEHICLES

§ 58-1

Sec. 58-1. Uniform rules of the road adopted; penalty.

(a) 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.

(b) 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.

APPENDIX A

ZONING*

Article I. Introduction

- Sec. 1.01. Authority for enactment.
- Sec. 1.02. Jurisdiction.
- Sec. 1.03. Application of Ordinance.

Article II. Definitions

- Sec. 2.01. [Rules applying to text.]
- Sec. 2.02. Definitions.

Article III. Establishment of Zoning Districts

- Sec. 3.01. Districts.
- Sec. 3.02. Limited Use (L.U.) Provision.
- Sec. 3.03. District boundaries.
- Sec. 3.04. District boundary lines dividing a lot of single ownership.

Article IV. General Provisions

- Sec. 4.01. Conflicting regulations.
- Sec. 4.02. Scope.
- Sec. 4.03. Only one principal dwelling per lot.
- Sec. 4.04. Substandard lots.
- Sec. 4.05. Frontage.
- Sec. 4.06. Dwellings other than main structure.
- Sec. 4.07. Site distance at intersections.
- Sec. 4.08. Reduction of lot area prohibited.
- Sec. 4.09. Accessory buildings.
- Sec. 4.10. Prohibited uses in all residential districts.
- Sec. 4.11. Protective screening.
- Sec. 4.12. Animals in residential districts.
- Sec. 4.13. Recreational vehicles.
- Sec. 4.14. Mobile homes.

***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 references—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. 50.

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- Sec. 4.15. Mobile home accessory building.
- Sec. 4.16. Mobile home safety tiedowns.
- Sec. 4.17. Mobile home storage.
- Sec. 4.18. Skirting.
- Sec. 4.19. Conditional uses.
- Sec. 4.20. Telecommunication antennas and towers.
- Sec. 4.21. Appeals and variances.
- Sec. 4.22. Hardship manufactured homes/travel trailers.
- Sec. 4.23. Rural business uses permitted, prohibited and development standards.
- Sec. 4.24. Outdoor shooting ranges.
- Sec. 4.25. Concentrated animal feeding operations.
- Sec. 4.26. Conditional zoning.

Article V. R-1, Single-Family Residential District

- Sec. 5.01. Statement of purpose.
- Sec. 5.02. Permitted uses.
- Sec. 5.03. Conditional uses permitted after special review by planning commission and approved by county commission.
- Sec. 5.04. Area, height, and setback requirements.

Article VI. R-2, One-, Two- and Multiple-family Residential District

- Sec. 6.01. R-2, residential district.
- Sec. 6.02. Permitted uses.
- Sec. 6.03. Conditional uses.
- Sec. 6.04. Area, height and setback requirements.

Article VII. R-Pud, Residential Planned Unit Development

- Sec. 7.01. Residential planned unit developments.
- Sec. 7.02. Permitted uses.
- Sec. 7.03. Design standards and performance criteria.
- Sec. 7.04. Open space requirement for residential planned unit developments.
- Sec. 7.05. Access.
- Sec. 7.06. Height.
- Sec. 7.07. Minimum distance between buildings.
- Sec. 7.08. Off-street parking and loading.
- Sec. 7.09. Pedestrian circulation.
- Sec. 7.10. Perimeter control.
- Sec. 7.11. Ownership.
- Sec. 7.12. Phasing of construction.
- Sec. 7.13. Procedures for PUD rezoning.

Article VIII. Manufactured Home Park Regulations

- Sec. 8.01. General requirements.
- Sec. 8.02. Improvements.
- Sec. 8.03. Accessory uses permitted.
- Sec. 8.04. Area, height, placement and development requirements.

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Sec. 8.05. Other requirements.

Article IX. Travel Trailer And/Or Camper Park Regulations

Sec. 9.01. Minimum area requirements.
Sec. 9.02. Yard requirements.
Sec. 9.03. Minimum requirements.
Sec. 9.04. General requirements.

Article X. AG, Agriculture District

Sec. 10.01. [Establishment; general intent.]
Sec. 10.02. Permitted uses.
Sec. 10.03. Conditional uses.
Sec. 10.04. Area, height and setback requirements.

Article XI. C-1, Neighborhood Business District

Sec. 11.01. Statement of purpose.
Sec. 11.02. Permitted uses.
Sec. 11.03. Conditional uses.
Sec. 11.04. Protective screening.
Sec. 11.05. Signs.
Sec. 11.06. Off-street parking.
Sec. 11.07. Area, height and setback requirements.

Article XII. C-2, General Commercial District

Sec. 12.01. Statement of purpose.
Sec. 12.02. Permitted uses.
Sec. 12.03. Conditional uses.
Sec. 12.04. Signs.
Sec. 12.05. Off-street parking.
Sec. 12.06. Area, height and setback requirements.

Article XIII. C-PUD Commercial Planned Unit Development Regulations

Sec. 13.01. Commercial planned unit developments.
Sec. 13.02. Uses permitted.
Sec. 13.03. Procedure for project approval.
Sec. 13.04. Procedure for preliminary and final approval.

Article XIV. I, Industrial

Sec. 14.01. Statement of purpose.
Sec. 14.02. Permitted uses.
Sec. 14.03. Conditional uses.
Sec. 14.04. Protective screening.
Sec. 14.05. Off-street parking.
Sec. 14.06. Area, height and setback requirements.

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Article XV. FH, Flood Hazard District

- Sec. 15.01. Statement of purpose.
- Sec. 15.02. District boundaries.
- Sec. 15.03. Permitted uses.
- Sec. 15.04. Required plans.
- Sec. 15.05. Warning of disclaimer of liability.
- Sec. 15.06. Area, height, bulk and placement requirements.

Article XVI. Nonconforming Buildings and Uses

- Sec. 16.01. Nonconforming residences.
- Sec. 16.02. Nonconforming use of land, continuation of use.
- Sec. 16.03. Restorations.
- Sec. 16.04. Discontinuance or abandonment.
- Sec. 16.05. Change of tenancy or ownership.

Article XVII. Off-Street Parking and Loading Requirements

- Sec. 17.01. Scope of provisions.
- Sec. 17.02. Parking spaces may not be reduced.
- Sec. 17.03. Drainage, construction and maintenance.
- Sec. 17.04. Separation from walkways, sidewalks, and streets.
- Sec. 17.05. Parking area design.
- Sec. 17.06. Joint parking facilities.
- Sec. 17.07. Pavement markings and signs.
- Sec. 17.08. Number of parking spaces.
- Sec. 17.09. Street parking requirements.
- Sec. 17.10. Location of parking space for other land uses.
- Sec. 17.11. Off-street parking standards.
- Sec. 17.12. Off-street loading requirements.
- Sec. 17.13. Minimum number of loading spaces required.

Article XVIII. Sign Regulations

- Sec. 18.01. Signs [to] meet requirements of [article].
- Sec. 18.02. Signs hamper[ing] traffic safety [prohibited].
- Sec. 18.03. Locations prohibited.
- Sec. 18.04. Illumination not to be a nuisance.
- Sec. 18.05. Signs not requiring a permit.
- Sec. 18.06. Maximum area of signs.
- Sec. 18.07. Standards for off-site advertising signs (billboards).
- Sec. 18.08. Issuance of permits, administration, and filing procedure.

Article XIX. Area, Height, and Setback Requirements

- Sec. 19.01. Schedule of regulations

Article XX. Administration and Enforcement

- Sec. 20.01. Enforcement.

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- Sec. 20.02. Permits.
- Sec. 20.03. Certificates of occupancy.
- Sec. 20.04. Electrical power.
- Sec. 20.05. Fees.
- Sec. 20.06. Amendments.
- Sec. 20.07. Zoning policies and procedures.
- Sec. 20.08. Policies and procedures for county-initiated zoning activities.
- Sec. 20.09. Procedures for rezoning property requested by citizen/property owner.

Article XXI. Interpretation, Application, Violations, Validity, Conflict and Effective Date

- Sec. 21.01. Interpretation, purpose and conflict.
- Sec. 21.02. Violations and penalties.
- Sec. 21.03. Validity.
- Sec. 21.04. Conflicting provisions repealed.
- Sec. 21.05. Effective date.

APPENDIX A—ZONING

§ 2.01

**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.

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:

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.

§ 2.01

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The term "governing body" shall mean the Board of Commissioners of Seminole County, Georgia.

Section 2.02. Definitions.

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.

APPENDIX A—ZONING

§ 2.02

Basement. A portion of a building partly below grade and having less than five feet above the finished grade level of the building.

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.

§ 2.02

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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.

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. 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.
- B. 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.

APPENDIX A—ZONING

§ 2.02

- C. *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.
- D. *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.
- E. *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.

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.

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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:

- A. 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.
- B. Utensils, if used at all, are made of plastic or other disposable materials. Food is packaged in paper or styrofoam or other disposable containers.
- C. 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.

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.

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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 inorganic 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.

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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.

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.

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Lot lines. The property lines bounding the lot.

- A. *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.
- B. *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.
- C. *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-of-way.

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.

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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:

- A. Retail sale of trees, shrubbery, plants, flowers, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- B. Retail sale of fruits and vegetables
- C. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park[s] or similar recreation uses.
- D. Bicycle, trailer, motor vehicles, mobile homes, boats or home equipment sales, services or rental services.
- E. 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.

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 farming methods.

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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.

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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.

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 of 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.

- A. *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.
- B. *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.
- C. *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.

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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:

- A. 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.
- B. 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.

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:

- A. The owner cannot comply with the provisions of [these regulations] without violation of some other [regulation] or sections of [these regulations].
- B. The provisions of [these regulations] create for the property owner a peculiar condition not common to other nearby property owners.

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- C. A conforming use or requirement is incongruous with the remainder of the area in which the property is located.
- D. 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.
- 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

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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:

- A. 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.
- B. 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.
- C. 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.
- D. 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.

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ARTICLE IV. GENERAL PROVISIONS

Except as hereinafter specifically provided, the following regulations shall apply.

Section 4.01. Conflicting regulations.

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:

- A. The purpose for this special use is to support established farming operations located on the property being requested.
- B. Each such nonprincipal residential use shall occupy a land area not less than 40,000 square feet in size.
- C. Each such land area shall be so defined by permanent physical markers as to be given a numerical address and location designation.
- D. 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.
- E. 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.
- F. Each such use shall be accessible either by private drive or public roadway to the public thoroughfare system.
- G. 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.

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- H. 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.
- I. 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.

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.

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Section 4.09. Accessory buildings.

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. 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.
- B. 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.
- C. 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.
- D. No detached accessory building shall be located closer than 15 feet to any principal building.
- E. 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.
- F. 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.
- G. 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.
- H. 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:

- A. Wrecked or junked vehicles; power-driven construction equipment; used lumber, metal or rubbish; or any other miscellaneous scrap or salvageable material in quantity.
- B. Tractor-trailer combinations, tractors or trailers.
- C. Kennels.
- D. Wrecked or junked vehicles in "open" buildings.

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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.

A. *Uses permitted:*

1. *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.
2. *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.
3. *Fowl.* Ducks, quail, chickens, turkeys, pigeons, pheasants, etc., may be raised for home use, provided such fowl are adequately contained (penned) within that property.

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4. *[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.
5. *[Maintenance in relation to property line.]* All animals will be maintained at least 25 feet from any property line.

B. *Uses prohibited.*

1. 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.

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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:

- A. The proposed use will not be contrary to the purpose of this Ordinance.
- B. 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.
- C. 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.
- D. 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.
- E. The parking and all development standards set forth for each particular use for which a permit may be granted have been met.
- F. Provided that the county commission 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; and provided that wherever the county commission shall find, in the case of any permit granted, pursuant to the provision of these regulations that any term, conditions or restrictions upon which such permit was granted are not being complied with, said commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting 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.

- A. All siting of antennas and towers will be required to submit site plans to the county for approval.
- B. 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.
- C. 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:
 - (1) 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.

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- (2) 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.
 - (3) 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.
 - (4) 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.
- D. 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.

A. 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.

B. The board of commissioners may authorize in specific cases such hardship variances from the terms of this Ordinance as will not in its opinion be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will in an individual case result in unnecessary hardship, so that the spirit of the Ordinance will be observed, public safety and welfare secured. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and
2. The application of this Ordinance to th[at] particular piece of property would create an unnecessary hardship; and
3. Such conditions are peculiar to the particular piece of property involved; and
4. 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

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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.

C. 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:

- A. The subject occupant of the manufactured home or travel trailer is a relative by blood or marriage of the owner of the property; and
- B. Documentation of medical disability or age infirmity is 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
- C. Said manufactured home or travel trailer shall be removed from the premises within 60 days when the specified disability ceases to exist; and
- D. Under no circumstances shall the manufactured home or travel trailer be rented or otherwise occupied by anyone other than the approved applicant nor shall it be used for storage or other similar uses; and
- E. The Seminole County Health Department approves the temporary placement of a second dwelling on the proposed property; and
- F. 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

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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.

[A.] *Permitted uses.*

1. Offices.
2. Beauty shops and barber shops.
3. 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.
4. Small repair shops for appliances, machinery, farm equipment or automobiles with the following limitations:
 - a. 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.
 - b. Outdoor storage of inoperable machinery, equipment or vehicles shall be prohibited.
 - e. No more than two vehicles shall actually be serviced, actively worked on or repaired at any one time.
 - d. 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.
5. Small businesses similar to the above, as approved by the planning commission.

[B.] *Prohibited Uses.*

1. Retail sales of gasoline, service stations, mechanical, or do it yourself care washes.
2. Truck terminals, heavy equipment rental.
3. 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).
4. 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.
5. Any use which is clearly out of scale or character with an agricultural and residential area.

[C.] *Development standards.* The following standards shall apply to all rural business[es] unless specifically exempted by the planning commission. The petitioner must satis-

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factorily 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.

1. 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.
2. The property containing the site of the rural business must also be the bona fide residence of the petitioner and principal practitioner.
3. Structure:
 - a. Any detached structure (existing or proposed) housing the rural business must be located to the sides or the rear of the principal residence of the property.
 - b. 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.
4. 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.
5. A rural business shall be limited to a total of 1,000 square feet of gross floor area.
6. 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.
7. Off-street parking shall be provided as set out in article XVII, section 17.01.
8. 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.

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- 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.

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:

- A. To encourage the construction of and the continued use of the land for conventional, site-built, single-family dwellings.
- B. 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:]

- A. Single-family detached dwellings, except mobile homes, manufactured homes and modular homes.
- B. 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.
- C. 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:]

- A. 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.
- B. Public and private schools.
- C. 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.

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- D. Cemeteries, provided that a complete site development sketch plan is submitted with the application.
- E. Clubs and fraternal organizations not operating for profit provided that:
 - 1. The buildings are not placed closer than 50 feet to any property lines; and
 - 2. There is a planted buffer strip at least ten feet wide along the side and rear lot lines.
- F. Public buildings, structures or other public land uses.
- G. Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons, orphanages, group homes and halfway homes.
- H. Home occupations as restricted and defined in article II.
- I. Nursery schools, kindergartens or day care facilities, provided that all state licensing requirements are met.
- J. 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.
- K. All radio, cellular phone, or similar transmission/receiving towers.

Cross references—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:]

- A. Any use permitted in the R-1 residential districts.
- B. Manufactured homes.
- C. Modular homes.

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Section 6.03. Conditional uses.

[The following are conditional uses within this district:]

- A. 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.
- B. Public and private schools.
- C. 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.
- D. Cemeteries, provided that a complete site development sketch is submitted with the application.
- E. Clubs and fraternal organizations not operating for profit, provided that:
 - 1. The buildings are not placed closer than 50 feet to any property lines; and
 - 2. There is a planted buffer strip at least ten feet wide along the side and rear lot lines.
- F. Group homes.
- G. Public buildings, structures or other public land uses.
- H. Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons, orphanages, group homes, and halfway homes.
 - 1. Home occupations as restricted and defined in article II.
- J. Nursery schools, kindergartens or day care facilities, provided that all state licensing requirements are met.
- K. Mortuaries.
- L. Professional offices.
- M. Boardinghomes.
- N. Art, music, photographic and dance studios.
- O. Duplexes.
- P. Multiple-family dwellings*.
- Q. Townhouses (see article II).
- R. Radio, cellular phone or similar transmission/receiving towers.
- S. Mobile home/travel trailer park (see articles VIII and IX).

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- T. 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:

- A. Permits a creative approach to the residential development.
- B. 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.
- C. Enhances the appearance of neighborhoods through the preservation of natural features, the provision of recreation areas and open space.
- D. Provides an environment of stable character compatible with surrounding residential areas and other areas of Seminole County.

Section 7.02. Permitted uses.

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:

- A. One-, two-, and multifamily dwelling units, including townhouse dwellings.
- B. Mobile home parks/travel trailer park (see articles VIII and IX).
- C. Recreational facilities.
- D. Churches, community clubs.
- E. Schools.
- F. Other governmental functions.

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Section 7.03. Design standards and performance criteria.

A. *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.

B. *Minimum size.* The minimum size of a planned unit development shall be three acres.

C. *Density.* For the purpose of this Ordinance, overall residential density for a planned unit development shall not exceed [the following]:

- [1.] One-family dwelling unit: one unit per 7,000 square feet of land.
- [2.] Multifamily unit: one unit per 3,630 square feet of land.

Section 7.04. Open space requirement for residential planned unit developments.

A. 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.

B. 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.

C. 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.

D. 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.

A. 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.

A. The maximum building height in all residential [planned unit developments R-] PUDs shall be 35 feet.

Section 7.07. Minimum distance between buildings.

A. The minimum distance between the buildings in any category of a PUD district shall be 20 feet.

B. Multifamily and townhouse structure[s] shall be separated from one another by the following minimum distance:

- | | | |
|----|----------------------------------|---------|
| 1. | Front-to-front 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. Off-street parking and loading.

A. Off-street parking and loading shall meet all off-street parking and loading requirements of this Zoning Ordinance.

Section 7.09. Pedestrian circulation.

A. 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.

A. 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.

B. 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.

C. Privacy walls and screening shall be provided where deemed necessary by the planning commission for any type of planned unit development.

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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:

- A. 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
- B. 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
- C. Notify and bind their successors in title to any commitments made in their petitions of PUD approval.
- D. 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.
- E. 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.

- A. *[Written statement.]* A written statement to accompany the rezoning petition must contain the following information:
 - 1. 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.
 - 2. A statement of present ownership of all of the land included within the development.
 - 3. A general indication of the expected schedule of development.
 - 4. An official legal description of the total area within the planned unit development.

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- B. *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:
1. 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.
 2. The preliminary location and grouping of all uses and the amount of area for each plus preliminary utility service plans.
 3. 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.
 4. 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.
 5. 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.
 6. 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.
 7. 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.
- C. *[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:
1. 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.

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2. 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.
 3. The proposed planned unit development will accomplish the objectives and will meet the standards and performance criteria as outlined in this Ordinance.
- D. *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:
1. The revised plan contains the same or a fewer number of dwelling units or other structures and/or floor area; or
 2. The open space is in the same general location and in the same general amount, or a greater amount; or
 3. The buildings have the same or less number of stories and/or floor area; or
 4. The roads and drives follow approximately the same course.
- E. *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 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:

- A. *Establishment of manufactured home parks.*
1. 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

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- 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.
2. 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.
- B. *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.
- C. *Design.* The design of a manufactured home park shall conform to the following design requirements:
- a. *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.
 - b. *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.
 - c. *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.
 - d. *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.
 - e. *Minimum area of tract.* A manufactured home park shall have a minimum size of 25 acres.
 - f. *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.
 - g. *Density.* A maximum of four manufactured home stands per acre or eight travel trailer stands per acre is allowed.

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- h. *Length of residential occupancy.* No space within a manufactured home park shall be rented for residential use of a manufactured home except for periods of 30 days or longer.
- i. *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.
- j. *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:

- a. *Sewage.* The manufactured home park shall be provided with an approved sewerage collection system.
- b. *Water.* A potable water supply shall be provided by the park operator.
- c. *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.
- d. *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.
- e. *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.
- f. *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.

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- g. *Walks.*
- (1) *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.
 - (2) *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.
 - (3) *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.
- h. *Manufactured home stands.* Each manufactured home stand shall be required to be provided with the following minimum accommodations:
- (1) *Interior street access.* Each stand shall be provided with access frontage of at least 20 feet.
 - (2) *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.
 - (3) *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.
- i. *[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:

- a. Coin-operated laundry.
- b. Coin-operated vending machines of types allowed under applicable codes of Seminole County.
- c. 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.

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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.

1. *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).

2. *[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.

3. *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.

4. *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.

Section 9.01. Minimum area requirements.

[Minimum area requirements for this district shall be as follows:]

1. 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.
2. 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:]

1. Trailers shall be separated from each other by not less than 15 feet.
2. 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.

1. 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.

2. 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.

- (a) 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.
- (b) 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.

3. 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.

- (a) 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.
- (b) 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.
- (c) No wastewater or other liquid effluent shall be discharged or allowed to accumulate on the ground surface.

4. 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.

5. At least one health department-approved container for solid waste shall be provided for each trailer space to be rented.

6. 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

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one commode, one lavatory, and one tub or showerhead shall be 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.

7. All-weather drives at least 20 feet wide shall be provided to each trailer space within the park.

8. 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.

1. 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.

2. 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.

3. 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.

4. 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.

5. Every operator of a travel trailer park shall maintain a register as required by Georgia State Law.

6. 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:

- A. To protect land, especially prime farmland, needed and used for agricultural pursuits from encroachment by untimely and unplanned residential, commercial, or industrial development.

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- B. 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.
- C. 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:]

- A. 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.
- B. Accessory farm uses including the sale of products grown on the premises and the keeping of livestock or poultry.
- C. Agricultural, dairying, forestry or horticulture uses.
- D. Rural businesses (as defined in article II).
- E. Open-air businesses (as defined in article II).
- F. Commercial fishing ponds.
- G. Farm stands (provided adequate parking is available).
- H. Residences:
 - 1. Single-family.
 - 2. Manufactured and modular homes.

Section 10.03. Conditional uses.

[The following are conditional uses:]

- A. Airfields.
- B. Customary home occupations (as defined in [and] restricted in article II).
- C. Commercial chicken houses (see section 10.04).
- D. Concentrated animal feedlots.
- E. Fraternal organizations or private clubs.
- F. Nursery school or kindergarten, [or] day care center.
- G. Recreational and/or cultural uses of a commercial nature.
- H. Residences:
 - 1. Two-family-concentrated feedlots.

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2. Group homes.
3. Halfway homes.
4. Hunting lodges and cabins.
- I. Churches, provided that the proposed site for a church is not less than one acre and required off-street parking is provided.
- J. Public, parochial and private elementary, intermediate, and/or high schools.
- K. Publicly owned and operated buildings, libraries, parks and recreational facilities.
- L. Public and private hospitals, provided that the hospital is adjacent to a major thoroughfare.
- M. Kennels (noise buffers or barriers may be required to protect adjacent residential properties).
- N. All radio, cellular phone, or similar transmission/receiving towers.
- O. 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**

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*

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.

***Cross reference**—Businesses, ch. 18.

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Section 11.02. Permitted uses.

[The following are uses permitted in this district:]

- A. Barbershops/beauty shops.
- B. Custom dressmaking and tailoring [establishments].
- C. Eating or drinking places in which there is no dancing, floor show, or other live entertainment.
- D. Laundry or dry cleaning and laundry [establishments] operated by customers, such as [a] laundrette, laundromat and the like.
- E. Offices, either business, professional or governmental.
- F. Repairs, electrical or other household appliances, locks, radios, television and the like.
- G. 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:]

- A. Other uses similar to the above, subject to the following restrictions:
 - 1. 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.
 - 2. All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
- B. Churches, synagogue[s] and temples (see subsection 5.03 A.).
- C. Hospitals, animal hospitals or sanitarium[s] for care of contagious, mental, drug, or liquor addiction cases.
- D. Public buildings.
- E. Schools, nursery school, kindergarten, [and] day care center.
- F. All radio, cellular phone or similar transmission/receiving towers and radio studios.
- G. 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. Off-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*

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:]

- A. All permitted uses in the C-1 district.
- B. Any retail or service establishment.
- C. Bottling and canning plants.
- D. Wholesale stores, storage buildings, warehouses, miniwarehouses, distributing plants, freezers and lockers.
- E. Commercial greenhouses and nurseries.
- F. 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.
- G. Travel trailer parks (see article IX).

Section 12.03. Conditional uses.

[The following are conditional uses for this district:]

- A. 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.
- B. Public and private schools.

***Cross reference**—Businesses, ch. 18.

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- C. 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.
- D. Cemeteries, provided that a complete site development sketch is submitted with the application.
- E. Nightclubs and lounges as well as clubs and fraternal organizations not operating for profit, provided that:
 - 1. The buildings are not placed closer than 50 feet to any property lines; and
 - 2. There is a planted buffer strip at least ten feet wide along the side and rear lot lines.
- F. Public buildings, structures or land uses.
- G. Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons and orphanages, group homes and halfway homes.
- H. Nursery schools, kindergartens or day care facilities, provided that all state licensing requirements are met.
- I. Boardinghouses.
- J. All radio, cellular phone, or similar transmission/receiving towers and radio studios.
- K. Travel trailer parks (see article IX).
- L. 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. Off-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***

Section 13.01. Commercial planned unit developments.

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.

***Cross reference**—Businesses, ch. 18.

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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:]

- A. Any use permitted in [the] C-1 and C-2 zoning districts.
- B. Recreation facilities.
- C. Churches, [and] community clubs.
- D. Schools.
- E. 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 final approval.

[The procedure for preliminary and final approval] shall be in compliance with section 7.13.

ARTICLE XIV. I, INDUSTRIAL*

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:]

- A. Any use permitted in the commercial zone districts.
- B. Manufacturing.

***Cross reference**—Businesses, ch. 18.

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- C. Warehousing, wholesaling, shipping and receiving.
- D. Agriculture.

Section 14.03. Conditional uses.

[The following are conditional uses in this district:]

- A. Petroleum bulk plant.
- B. Junkyards, automobile salvage yards or scrap metal processors. (Site plan with appropriate screening and fencing are required).
- C. Asphalt plants.
- D. Cement, line gypsum, or plaster of Paris manufacturing.
- E. Fat rendering and fertilizer manufacturing.
- F. Paper and pulp manufacturing.
- G. Corrosive acid or alkali manufacturing.
- H. Public buildings and utilities.
- I. Cemeteries (site plan required).
- J. Chemical plants.
- K. Churches (see subsection 5.03 A.).
- L. Adult businesses.
- M. Uses similar to the above.

Section 14.04. Protective screening.

See section 4.11 [for provisions pertaining to required protective screening].

Section 14.05. Off-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*

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

*Cross reference—Floods, ch. 30.

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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.

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:]

- A. Single-family residences.
- B. Agriculture, poultry and livestock raising and riding stables.
- C. 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.
- D. 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:

- A. Any structure or the filling of land permitted shall be of a type not appreciably damaged by floodwaters.
- B. 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.
- C. 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.

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- D. 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.
- E. 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 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 must [must] comply with current codes.

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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:

- A. No such nonconforming use of land shall in any way be expanded or extended.
- B. 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*

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.

***Cross reference**—Traffic and vehicles, ch. 58.

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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. Off-street parking standards.

[Off-street parking shall conform to the following standards:]

<i>Use</i>	<i>Number of Parking Spaces Required</i>
1. Apartment and multi-family 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 floor area.
4. Auditorium, stadium assembly hall, gymnasium, theater, community recreation center	(a) One space per three fixed seats in largest assembly or area, or (b) One space for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or combination of fixed and movable seats; or (c) One space per each 150 square feet of gross floor area, whichever is greatest.

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	<i>Use</i>	<i>Number of Parking Spaces Required</i>
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 floor 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 floor 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 floor 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 floor 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 floor area and two waiting spaces for each drive-through window.
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 floor 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 floor area.

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<i>Use</i>	<i>Number of Parking Spaces Required</i>
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 five 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 staff 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 floor, 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.
26. Nightclubs	One space for each 100 square feet of gross floor 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. Office, professional building or similar use	One space for each 350 square feet of the gross floor 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 floor area, or one space for each two employees, whichever is greater.
30. Repair shop	One space for every 300 square feet of gross floor 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 floor 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 floor area (with a minimum of ten spaces for this); plus one additional space for each three outdoor seats provided.

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	<i>Use</i>	<i>Number of Parking Spaces Required</i>
33.	Restaurant or place dispensing food, drink or refreshments for carry out (no seating provided)	One space for each 150 square feet of gross floor 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 drive-through service	One space for each 100 square feet of gross floor area; with a minimum of ten parking spaces and providing an adequate lane for through traffic 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 floor area)	One space for every 300 square feet of gross floor area.
37.	Shopping center (if 35,000 square feet or less of gross floor area)	One space for every 350 square feet of gross floor 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.
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 floor area.
41.	Wholesale establishment	One space for each employee plus sufficient spaces to accommodate vehicles used in the conduct of the business.

Section 17.12. Off-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

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the following schedule:

<i>Gross Floor Area In Square Feet</i>	<i>Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area</i>
0—10,000	None
10,001—100,000	One space for the first 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 first 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:

- A. Off-street loading spaces shall be provided as appropriate to the function and scope of operation of individual or groups of buildings and uses.
- B. 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.
- C. 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] traffic safety [prohibited].

No sign shall be erected or continued that:

- A. Obstructs the sight distance along a public right-of-way.
- B. 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.
- C. Would by its nature or moving parts tend to confuse traffic or create any potential hazard to traffic.
- D. Uses admonitions such as "stop," "go," "slow," "danger" etc., which might be confused with traffic directional signals.

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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:

- A. Signs to regulate traffic.
- B. Signs required to be posted by law.
- C. Warning signs and no trespassing signs.
- D. Signs established by governmental agencies.
- E. Signs indicating bus stops, taxistands, and similar transportation facilities.
- F. Signs not exceeding ten square feet in area giving information concerning the location of use of accessory off-street parking facilities or loading and unloading facilities.
- G. 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.
- H. Any sign not exceeding ten square feet in area other than advertising, separate use, or signs requiring electrical wiring.
- I. Temporary signs on private land involved in campaigns of religious, charitable, civic, fraternal, political, and similar organizations.

Section 18.06. Maximum area of signs.

A. 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.

B. The maximum area of an off-site advertising sign (billboard) shall be 750 square feet, exclusive of any border or trim.

C. The maximum area of a portable sign shall be 40 square feet.

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D. A temporary sign for a nonconforming business shall not exceed a maximum of 32 square feet.

E. Construction signs and temporary subdivision signs should not exceed a maximum of 50 square feet.

Section 18.07. Standards for off-site advertising signs (billboards).

A. *Location where allowed.* Off-site advertising signs (billboards) shall be allowed only in the following zoning districts:

1. C-2, highway [general] commercial.
2. I, industrial.

B. *Off-site advertising sign requirements:*

1. *Sign surface area.* Maximum—750 square feet per face.
2. *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.
3. *Height.* Maximum:
 - a. Arterial street location—45 feet.
 - b. All other locations where allowed—18 feet.
4. *[Minimum clearance.]* Minimum clearance required under sign will be ten feet.
5. *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.
6. *Minimum spacing.* Three hundred feet on the same side of the road from another off-site sign.

C. *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.

D. *[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.

E. *[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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F. *[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.

G. *[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 filing procedure.

A. *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.

B. *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.

C. *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*

Section 19.01. Schedule of regulations

<i>Zoning Districts</i>	<i>Minimum Lot Area (Sq. Ft. *)</i>	<i>Minimum Lot Width (Ft.)</i>	<i>Front Yard (Ft.)</i>	<i>Side Yard (Ft.)</i>	<i>Rear Yard (Ft.)</i>	<i>Maximum Height (Ft.)</i>	<i>Minimum Dwelling Size (Sq. Ft.)</i>
R-1	15,000	100	30	10	30	35	800
R-2	10,000	100	30	10	30	35	800
Single-family							
Two-family	7,000	100	30	10	30	35	800

***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.

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<i>Zoning Districts</i>	<i>Minimum Lot Area (Sq. Ft. *)</i>	<i>Minimum Lot Width (Ft.)</i>	<i>Front Yard (Ft.)</i>	<i>Side Yard (Ft.)</i>	<i>Rear Yard (Ft.)</i>	<i>Maximum Height (Ft.)</i>	<i>Minimum Dwelling Size (Sq. Ft.)</i>
Multifamily	3,630	100	30	10	30	35	800
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

A. 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.

- B. Refer to section 7.01 (R-PUD).
- C. Refer to section 13.01 (C-PUD).

ARTICLE XX. ADMINISTRATION AND ENFORCEMENT*

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:

- A. To serve as a liaison between the Seminole County Planning Commission and the board of commissioners, keeping each body advised of pending actions pertaining to zoning.

*Cross reference—Administration, ch. 2.

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- B. To serve as a nonvoting ex officio member of the planning commission to provide technical assistance in matters relating to zoning requests.
- C. 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.
- D. 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:

- A. *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.
- [B. *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. Certificates 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.

- A. *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.
- B. *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.
- C. *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.

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- D. *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.
- E. *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 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:

- A. 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.
- B. 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.

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- C. 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:

- A. The adoption of a new county zoning ordinance.
- B. The adoption of an amendment of the zoning ordinance which changes the text of the ordinance (text amendment).
- C. The adoption of an amendment to a zoning ordinance (map amendment) which rezones property from one zoning classification to another.
- D. The procedure requirements for zoning amendments sponsored by the Seminole County Commission.
- E. The grant of a permit relating to a special use of property.
- F. The procedure requirements for zoning amendments sponsored by a citizen or property owner.

Section 20.08. Policies and procedures for county-initiated zoning activities.

A. In the case of developing an initial zoning ordinance (map and text) or updating or amending an existing zoning 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.

B. 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.

C. 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.

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D. 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:

1. Does the proposed zoning classification promote the health, safety, moral or general welfare?
2. The existing uses of the subject property and adjacent and near properties.
3. The current zoning of the subject property and adjacent or near properties.
4. The extent to which property values are diminished by the present zoning restrictions.
5. The extent to which the restrictions diminishing property values promote the health, safety, morals or general welfare of the public.
6. The relative gain to the public compared to the extent of hardship imposed upon the individual property owner.
7. The suitability of the subject considered under the proposed zoning.
8. The history of the use of the subject property considered in the context of land development in the vicinity of the property.
9. Conformity with the Seminole County Comprehensive Plan.

E. The public hearings will be convened at the advertised time and place and will be presided over by the appropriate officials.

F. The presider of each respective public hearing will review for those present the following operating procedures for the public hearing:

1. Each side of a zoning issue will be allowed a minimum of ten minutes per side for the presentation of data, evidence, and opinions.
2. 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.
3. 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.
4. Appropriate notes or minutes will be recorded by the county commission and the planning commission at their respective public hearings.

G. 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.

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H. 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.

A. An application for rezoning must be filed with the zoning administrator on a prescribed form and fees paid as set by the county commission.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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 conflict.

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 annul 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

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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.

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. Conflicting 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. Effective 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 materials are not reflected in this table.

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Ord. of	4-12-1982	102—105 201—209 301—307 401, 402	42-31—42-34 42-61—42-69 42-91—42-97 42-121, 42-122
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Ord. of	4-17-1991	art. 1, § B— art. 1, § D art. 2 art. 3, § A— art. 3, § F art. 3, § G art. 4, § A art. 4, § B art. 4, §§ C—F art. 5, § A, art. 5, § B	30-31—30-33 30-34 30-36—30-41 30-35 30-63, 30-64 30-61, 30-62 30-62 30-81, 30-82
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Res. of	11-20-1995	1—5	2-111—2-115
Ord. of	10- 8-1996	62-121—62-125	34-31—34-35
Ord. of	8-11-1998	II—VIII	26-31—26-37
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Ord. of	8-14-2001(2)	1—6	26-71—26-76
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STATE LAW REFERENCE TABLE

This table shows the location within the Related Laws and Code, either in the text or notes following the text, of references to the Official Code of Georgia Annotated.

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	26-115	30-3-1 et seq.	Ch. 18
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	26-113	36-1-16	Ch. 46
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45-10-3	Ch. 2, Art. IV		
45-19-20 et seq.	Ch. 2, Art. III		
45-20-90 et seq.	Ch. 2, Art. III		
45-22-1 et seq.	Ch. 2, Art. III		
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***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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