

BE IT ORDAINED by the Board of Commissioners of Rabun County, Georgia, CHAPTER 56 of Rabun County's CODE OF ORDINANCES titled "ZONING" is hereby amended by adding certain definitions to Section 56-1, which shall henceforth read as follows:

Sec. 56-1. – Definitions.

Agritourism means the business or practice of offering to the general public the opportunity to visit an agricultural enterprise for recreation, education, entertainment, events or active involvement and participation in the operation and activities (other than as a contractor or employee) of the agricultural enterprise.

Event Venue means a building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests. The term "special events facility" shall not include places of worship.

Farm Stay means transient lodging accommodations accessory to an agriculturally based enterprise.

Farm Winery means winery which makes at least 40 percent of its annual production from agricultural produce grown in the state where the winery is located and:

- (A) Is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or
- (B) Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

Glamping Facility means a structure or shelter designed and intended for temporary occupancy by persons engaged in camping for recreation. Glamping facilities include but are not limited to camping cabins, tents, tepees, yurts and other similar shelters. Camping units such as camping cabins, yurts or other structures constructed on site, which are not subject to the Department of Labor and Industry certification, require a building permit from Rabun County.

Micro Distillery means any maker, producer, or bottler engaging in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits. All state and federal licensing and regulatory requirements shall be met.

Solar Energy System (SES) means a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications. For purposes of the Rabun County zoning ordinance, SES refers only to (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling. SES as used in the Rabun County zoning ordinance excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity. Also known as 'solar farms.'

Yurt means portable, wood lattice-framed dwelling structure covered by material such as felt or canvas.

CHAPTER 56 of Rabun County's CODE OF ORDINANCES titled "ZONING" is hereby further amended by adding ARTICLE XV, Supplemental Use Standards, which shall henceforth read as follows:

CHAPTER 56 - ZONING

ARTICLE XV. SUPPLEMENTAL USE STANDARDS

The purpose of this article is to establish regulations relating to the operation and management of temporary and permanent uses with the County so as to address potential impacts to residents and visitors and ensure minimal disruption to neighboring property owners.

Sec. 56-315. – Agri-tourism

- (a) Agritourism activities shall only be permitted in the A (Agriculture) Zoning District and shall meet the following standards:
- (1) Shall meet all requirements for and obtain a Specific Purpose zoning amendment as described in Sec. 56-155.
 - (2) Shall provide all materials required in the land use application packet distributed by the zoning administrator.

Sec. 56-316. - Event Venues.

(a) Event venues shall only be permitted in A (Agriculture), C-B (Commercial Business), V-C (Vacation Cottage) Zoning Districts and shall meet the following standards:

(1) Standards applying to all event venues:

- i. Event venues located in V-C (Vacation Cottage) zoning shall not include accommodations.
- ii. Hours of operation of a special event shall be between the hours of 8:00 a.m. to 11:00 p.m., excluding event preparation and clean-up.
- iii. Cleanliness of the entire site shall be maintained by removing any trash, rubbish, or other debris deposited on the site promptly following the event.
- iv. Shall provide a minimum of one parking space for each 200 square feet of space used for such event activity and a maximum of one parking space for each 100 square foot of space used for such event activity.
- v. All parking shall be fully contained on the parcel where the event venue is located.
- vi. Parking spaces must be designed so that light pollution does not negatively impact surrounding properties.
- vii. Any alcohol sales or consumption at a special event shall comply with the Rabun County Alcohol Code and applicable State law.
- viii. Event venues shall provide restroom facilities on site for guests that comply with the requirements of the Americans with Disabilities Act (ADA).
- ix. Tents, pavilions, and other temporary structures used during a special event shall comply with Georgia State Fire Marshal regulations.
- x. All structures associated with a special event facility shall adhere to Rabun County building permit requirements.

(2) In addition to Sec. 56-317(a), temporary event venues:

- i. Shall not be permitted on less than five (5) acres.
- ii. Shall not host more than four (4) events per calendar year.
- iii. Shall not be associated with a short-term rental as defined in Article VI of this code.
- iv. Shall meet all applicable standards of this zoning ordinance.

- (3) In addition to Sec. 56-317(a), permanent event venues:
- i. Shall not be permitted on less than ten (10) acres.
 - ii. Shall require undisturbed buffers of 25' along the side and rear of the property.
 - iii. Must obtain a Public Accommodations License if accommodations are provided.
 - iv. Special event accommodation units permitted in conjunction with a special event venue shall be limited to use by guests of a special event held at the special event facility. No special event lodging unit(s) permitted pursuant to subsection (b) shall be rented or otherwise used as a separate dwelling unit.

Sec. 56-317. - Farm Stays

(a) Farm stays shall only be permitted in the A (Agriculture) Zoning District and shall meet the following standards:

- (1) Must obtain a Public Accommodations License and Short Term Rental Permit.
- (2) Farm stays shall be located on and be part of an agriculturally based enterprise that produces agricultural products as its primary source of income and shall be incidental to the primary agricultural operation.
- (3) Farm stays shall be provided in the primary residence or guest house on the property, and not in agricultural employee housing, seasonal or year-round farmworker housing, farm family dwellings, or second dwelling units.
- (4) The owner, or tenant farmer, of the land on which an agricultural farm stay facility is located shall reside on the property. A homestead's exemption from property tax or lease agreement shall constitute evidence of this requirement.
- (5) Farm stays shall meet the Area Yard and Height Requirements in Article VII of this chapter.
- (6) The minimum size of an individual farm stay shall be 672 square feet.
- (7) The maximum size of an individual farm stay shall be 2,000 square feet.
- (8) The total square footage of farm stays at an agriculturally based enterprise shall not exceed the following:

Permitted Total Square Footage of Farm Stays Per Acre	
0 - 2 acres	2,000 square feet
2.1 - 4 acres	5,000 square feet
4.1 – 6 acres	6,500 square feet
6.1 – 8 acres	7,500 square feet
8.1 – 10 acres	8,000 square feet
Over 10 acres	10,000 square feet

Sec. 56-318. – Farm Winery

- (a) Wineries shall be permitted in the Commercial Business (CB) and A (Agriculture) Zoning Districts and shall meet the following standards:
- (1) An alcohol license is required to operate a winery.
 - (2) If accommodations are offered, they must meet the farm stay standards in Sec. 56-320 of this code.

Sec. 56-319. - Glamping Facilities

- (a) Glamping facilities shall meet the following standards:
- (1) Shall be permitted only in the Commercial Business (CB) zoning district.
 - (2) Shall not be permitted on less than twenty-five (25) acres.
 - (3) Shall require undisturbed buffers of 30’ along the side and rear of the property.
 - (4) Shall meet campground standards in Sec. 56-79(27).
 - (5) Shall only be permitted as a temporary residence.

Sec. 56-320. – Micro Distillery

- (a) Micro distilleries shall only be permitted in the Commercial Business (CB) and A (Agriculture) Zoning Districts and shall meet the following standards:
- (1) Micro distilleries in the A (Agriculture) Zoning District shall require a Specific Purpose pursuant to Sec. 56-155.
 - (2) An alcohol license is required to operate a distillery.
 - (3) Micro distillery operations must comply with all state law requirements.
 - (4) Any outdoor storage shall be located in the side or rear yard and screened from view.

Sec. 56-321. – Ground Mounted Solar Energy Systems (SES)

(a) Ground Mounted Solar Energy Systems shall only be permitted in the and A (Agriculture) and M-II (Heavy Industrial) Zoning Districts and shall meet the standards in this section.

- (1) This section applies to the siting, construction, installation, and decommissioning of any new SES to be constructed or installed after the adoption of this ordinance within the jurisdiction of Rabun County.
- (2) Unless otherwise expressly stated herein, an SES shall comply with all applicable federal, state, and local laws, including the requirements of the Rabun County zoning ordinance and applicable building, fire, electric, and plumbing codes.
- (3) Minimum Acreage. Ground Mounted Solar Energy Systems shall not be permitted on less than ten (10) acres.
- (4) Solar Access. Consistent with O.C.G.A. § 44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring a Ground Mounted SES adequate exposure to sunlight.
 - i. Ground Mounted SES in Rabun County require 80% sunlight year-round.
- (5) Permission from power provider. A letter shall be required from the power provider showing approval of SES.
- (6) Certifications required. The applicant shall submit an affidavit that provides, to the best of the applicant's knowledge:
 - i. Construction and operation of the SES will comply with all applicable federal and state laws;
 - ii. Construction and operation of the SES will comply with all local laws, including the requirements of the Rabun County zoning ordinance, unless waived by the County; and
 - iii. Commercial general liability insurance will be maintained throughout the siting, construction, installation, operation, and decommissioning of the SES.
- (7) Impervious Surface. Ground mounted structures and components of the Ground Mounted SES, including transformers and foundations, shall be considered pervious if they maintain sheet flow and allow for water to

infiltrate under and around them through a pervious surface and into the subsoil.

- (8) Lighting. To reduce light pollution, lighting of a Ground Mounted SES shall:
 - i. be limited to the minimum reasonably necessary for its safe operation;
 - ii. be directed downward where reasonably feasible;
 - iii. incorporate full cut-off fixtures; and
 - iv. reasonably utilize motion sensors.
- (9) Tree Removal. The removal of trees or natural vegetation for a Ground Mounted SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of the Rabun County zoning ordinance.
- (10) Decommissioning. Unless otherwise approved by Rabun County Board of Commissioners, decommissioning shall begin no later than 12 months after a Ground Mounted SES has ceased to generate electricity or thermal energy:
 - i. Within 6 months of the beginning of decommissioning, the SES and all structures associated with it shall be removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use.
- (11) Setbacks. A Ground Mounted SES shall comply with the following setback requirements:
 - i. The SES shall be setback 150 feet from any property line;
- (12) Visual Buffers. A Ground Mounted SES shall have a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be a minimum of eight (8) feet in height.
- (13) Signage. A Ground Mounted SES shall display signs:

- i. stating the risks that may result from contact with Ground Mounted SES,
- ii. identifying the owner or operator of the Ground Mounted SES, and
- iii. providing a 24-hour emergency contact phone number.

Sec. 56-322. – Temporary Recreational Vehicle Use

(a) Recreational Vehicles used as temporary lodging shall meet the following standards:

- (1) Shall only be permitted in the A (Agriculture) zoning district.
- (2) Shall only be permitted for personal use.
- (3) Shall not be permitted as a permanent dwelling.
- (4) Shall require power, septic, and water connections.
- (5) Shall not be used for temporary lodging for more than 14 consecutive days at a time.

Unless specifically amended or modified herein, all remaining portions of Chapter 56 of Rabun County's CODE OF ORDINANCES titled "ZONING" shall remain in full force and effect, unchanged and unamended hereby.

PLACED ON FIRST READING AT THE REGULAR MEETING ON THE 26th DAY OF September, 2023.

PLACED ON FINAL HEARING AND ADOPTION ON THE 24th DAY OF October, 2023.

Any ordinance in conflict with said ordinance amendment is specifically repealed. This ordinance shall become effective immediately upon adoption, after the second reading by the County.

RABUN COUNTY, by and through its Board of Commissioners

L.S.
Greg James, Chairman

L.S.
Scott Crane

L.S.
Tom Garrison

L.S.
Kent Woerner

L.S.
Will Nichols

This is to certify that the above Ordinance was adopted at a regular meeting of the Rabun County Board of Commissioners as provided by law. This ____ day of _____, 2023.

Linda Ramey, County Clerk