
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 the following language to ZONING ARTICLE VIII. - SPECIAL ZONING CLASSIFICATIONS NOT DESIGNATED AS USE DISTRICTS Section Sec. 56-155. - Specific purpose, which shall henceforth read as follows:

Sec. 56-155. – Specific Purpose

- (a) The county board of commissioners are hereby authorized to amend the county ordinance to allow property to be used for a specific purpose. Prior to approval of any amendment to allow use for a specific purpose, the county planning commission shall first determine that the purpose for which the property is to be used is not contrary to or in degradation of the overall purpose of this chapter. The application for amending for a specific purpose must be made by the property owner on a form prescribed by the county planning commission, as in other applications, but such form shall fully explain the intended use for the subject property. An application for specific purpose will be handled in the same manner as a rezoning application in regards to posting of signs and advertising. In the event an application to amend for a specific purpose shall be approved by the county board of commissioners, then that property may be used only for the specific purpose for which it was amended.
- (b) When a property owner makes an application for an amendment to change a subject property's use district as defined in section 56-23, the planning commission shall not recommend amending for a specific purpose, unless the property owner shall consent to such specific purpose amendment and resubmit an application setting out the specific purpose. The resubmitting of an application shall not require additional public hearing scheduled pursuant to the original application.
- (c) Rezoning of any property for a specific purpose shall not be approved by either the county planning commission or the county board of commissioners except upon the property owner's application and consent to such rezoning.
- (d) The granting of a specific purpose amendment pursuant to this section shall remove the subject property from its former use district as defined by section 56-23, but shall not be considered to have been rezoned into a different use district. Said property may be returned only to its original use district by application of the

property owner, as in other amendments of the ordinance from which this section is derived. Specific purpose zoning amendments follow the ownership of the property. If a parcel of property is conveyed to a new owner, the new owner must reapply for the specific purpose amendment.

(e) Nothing in this section shall prohibit the county board of commissioners from rezoning or otherwise amending the ordinance from which this section is derived to change use districts where otherwise appropriate under this chapter.

(f) When property is zoned for a specific purpose and is not used for that purpose within 12 months, the zoning will then revert to its original use district. If the Specific Purpose ceases operation for any period of time equaling 6 months, the zoning will then revert to its original use district.

CHAPTER 56 of Rabun County's CODE OF ORDINANCES titled "ZONING" is hereby further amended by adding the following language to ZONING ARTICLE VII. - PROCEDURES FOR AMENDMENTS which shall henceforth read as follows:

Sec. 56-261. In General

- (a) *Purpose.* This article is intended to provide procedures to govern:
- (1) Processing of applications for zoning map amendments (rezoning), future land use map amendments, variances, and modifications to conditions of approval.
 - (2) The calling and conducting of public hearings pertaining to said applications.
 - (3) Establishing criteria for making decisions on such applications.
- (b) *Complete documentation required.* Prior to the processing of any application for zoning map amendments, future land use map amendments, variances, and modifications to conditions of approval, the applicant shall be required to file documentation and follow certain procedures as set forth in this article. Additional regulations that apply to specific application types may be found in subsequent sections of this article.

Sec. 56-262. Application Requirements

- (a) Application requirements. Applications seeking approval of a zoning map amendment, future land use map amendment, variance, and modifications to conditions of approval shall include the following:
- (1) *Preapplication conference.* Prior to the submittal of an application, the applicant, or their designee, shall meet with the zoning ordinance administrator or their designee for a preliminary conference to review the feasibility of the proposed project in terms of its consistency with the comprehensive plan, surrounding uses and zonings, and the adequacy of existing or public planned facilities.
 - (2) *Legal description.* A legal description of the tract(s) that are the subject of the application.
 - (3) *Owner's Signature.* If the applicant is not the property owner, the owner shall certify by notarized signature that they have given authority to the applicant to file the application. When properties have more than one (1) owner, the notarized signature of all property owners is required.
 - (4) *Fee.* An application fee established by the county.
 - (5) *Letter of intent.* A written analysis of the impact of the proposed application with respect to the criteria established in this article.
 - (6) *Boundary survey.* A boundary survey completed by a certified surveyor depicting the following:
 - a. Existing shape and dimensions of each lot that is the subject of the application, including the size, measurement and location of any existing buildings or structures on the lot(s);
 - b. Existing location of utilities.
 - c. Streams, creeks, lakes, wetlands, and ponds.
 - d. Easements and rights of way.
 - (7) *Site plan.* A site plan at a readable scale (1" = 100' minimum). The site plan shall demonstrate compliance with all regulations and calculations

required by this zoning ordinance and those stated on the application packet provided by the county.

- (8) *Landscape and tree plan.* This plan shall demonstrate compliance with all regulations and calculations required by the zoning ordinance related to landscaping and trees by depicting:
- a. Landscaping, including tree species, the number of all plantings, and landscaping that is replacing what is being removed.
 - b. The location and extent of required buffers and screened areas, depicting extent of natural vegetation and type and location of additional vegetation if required.
 - c. Open space where required.
- (9) *Architectural elements.* The architectural design elements showing compliance with all regulations and calculations required by the zoning ordinance which shall include but not be limited to:
- a. Scaled elevation drawings of proposed structures.
 - b. Information on building materials, features, exterior finish, windows, doors, and items affecting exterior appearance, such as signs, HVAC equipment, grills, compressors, and similar details including their respective measurements.
- (10) *Trip generation letter.* Trip generation estimates shall be provided by a traffic engineer and shall be based on the Institute of Transportation Engineers Trip Generation Manual, latest addition. See Sec. 56-263.b of this article for additional requirements.
- (11) *Impact studies.*
- a. Environmental. Applications that include any industrial uses or structures are required to include an environmental impact report before the application can be considered complete. The report shall include the following:
 - (i) Impacts on noise levels of the surrounding area;

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- (ii) Impacts on air quality of the surrounding area;
 - (iii) Impacts on water quality/resources including surface water, groundwater, floodplains, and wetlands;
 - (iv) Impacts on vegetation, fish, and wildlife species and habitats;
 - (v) Impacts of thermal and explosive hazards on the surrounding area;
 - (vi) Impacts of hazardous wastes on the surrounding area.
 - (vii) The report shall cite all uses and quantities of any agents listed on the Federal Environmental Protection Agency Lists of Hazardous Wastes.
 - (viii) The environmental impact report shall detail strategies to mitigate or avoid impacts listed in this section as applicable.
- b. Traffic. Applications that include at least 30 dwelling units and/or at least 10,000 square feet of non-residential space or will generate at least 100 trips during a peak hour are required to include a traffic impact study before the application can be considered complete. The report shall include the following:
- (i) The traffic impact study shall establish the impact of a development project on the surrounding roads and what improvements may be available to mitigate such impacts.
 - (ii) Seasonal and weekend variations in traffic should also be considered where appropriate.
- c. Economic. Applications that include non-residential development with over 10,000 square feet gross floor area are required to include an economic impact study before the application can be considered complete. The report shall include the following:
- (i) Analysis of job creation, employment opportunities for residents, tax generation, and other fiscal impacts on the county.
- (b) *Application submittal and completeness.* No application shall be deemed accepted and filed until all required fees have been paid, all required forms

have been submitted and all required materials, including any study that may be required at the discretion of the zoning administrator, have been submitted. Subsequent deadlines tied to the date of application shall begin to run as of said date.

Sec. 56-263. Common Procedures

- (a) *Staff review and analysis.* Within thirty (30) days of receipt of the application and all required information, the zoning administrator, or their designee, shall review the application and prepare a written analysis of the application. The analysis shall be provided to the planning commission and the board of commissioners.
- (b) *Planning commission review.*
- (1) All application materials shall be submitted to the planning commission for review. Such review shall be conducted based upon the standards set forth in the appropriate section of this zoning ordinance, depending on the type(s) of the application.
 - (2) The County shall give notice of such public meeting and the application to be considered in the same manner as required for public meetings under Sec. 56-264(c).
 - (3) Actions.
 - a. Deferral. Upon motion, the planning commission may defer any application which it deems to be incomplete.
 - b. Recommendation of approval. The planning commission may recommend to the board of commissioners that the proposed application is approved.
 - c. Recommendation of denial. The planning commission may recommend to the board of commissioners that the proposed application is denied.
 - (4) The planning commission shall have thirty (30) days after hearing such proposal to submit a report of its recommendation, unless extended upon request of the applicant and the approval of the planning commission. If the planning commission fails to submit a recommendation within the

specified period, the board of commissioners may vote to proceed with a public hearing on the application without a recommendation from the planning commission.

(c) *Board of commissioners' review.*

(1) After the planning commission's review, the county shall arrange a suitable public hearing date for the board of commissioners to consider the application.

a. Procedures found in Article II must be followed, as applicable.

(2) *Public hearing notice.*

a. The notice of such hearing shall be published at least fifteen (15) but not more than forty-five (45) days prior to the hearing on the proposed action, in the legal organ for the County. The notice shall state the date, time, place, and purpose of the hearing in accordance with O.C.G.A § 36-66-4.

b. The public hearing may be continued to the next regular board of commissioners' meeting date and for additional consecutive regular meeting dates without further legal notice as the board of commissioners deem necessary, provided that the date on the sign advertising the hearing be changed to reflect the continued hearing date.

c. If the requested zoning action is for the rezoning of property and is initiated by a party (applicant) other than the county:

(i) Signs shall be posted on the subject property at least fifteen (15) days before the public hearing. Signs shall contain the time, date, place of the public hearing and the current and proposed zoning of property.

(ii) The notice to the legal organ as required above shall include the location of the property, the current zoning classification of the property, and the proposed zoning classification for the property.

(3) *Actions.*

- a. The board of commissioners shall approve, approve with conditions, or deny the application request. Such final zoning action may occur at the time of the public hearing or at the next regularly scheduled board of commissioners meeting.
- b. The board of commissioners shall not be bound by but shall consider the recommendations of the planning commission in its deliberations on the application.

Table 12.1 Review and Approval Authority			
	Zoning Administrator	Planning Commission	Board of Commissioners
Zoning Map Amendment	R	R	PH-D
Future Land Use Map Amendment	R	R	PH-D
Text Amendment to Zoning Ordinance	R	R	PH-D
Variance	R	R-D	
Key R: Review and Recommendation PH: Public Hearing D: Final Decision			

Sec. 56-264. Public Hearing Procedures

- (a) Before the board of commissioners takes action on a proposed application, they shall hold a public hearing, to be conducted pursuant to procedures outlined in this zoning ordinance and those provided in O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter. At any such public hearing, the following procedures shall apply:

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- (1) The zoning administrator, or their designee, will briefly summarize the application and request and shall respond to any questions from the board of commissioners regarding the staff recommendations related to the application.
 - (2) The applicant shall be provided an opportunity to be heard and may present any evidence, information or materials which the applicant desires for the board of commissioners to consider in arriving at its determination.
 - a. If the owner applicant, or an attorney representing the applicant, cannot be present for the hearing, a written document signed by the applicant and notarized, designating a person who will be appearing on their behalf must be presented to the planning commission no later than 72 hours prior to the scheduled date of the hearing.
 - (3) Proponents of any zoning decision shall have no less than ten minutes to express their views and present data, evidence, and opinions on the proposed zoning decision.
 - (4) Opponents of any zoning decision shall have no less than ten minutes to express their views and present data, evidence, and opinions on the proposed zoning decision.

Sec. 56-265. Conditional Approval

- (a) In approving a zoning map amendment, future land use map amendment, or variances the planning commission may recommend and the board of commissioners may impose special conditions which they deem necessary to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of this ordinance and the comprehensive plan.
- (b) Such conditions shall be:
 - (1) Valid only if they are included in the motion approving the amendment of adoption.
 - (2) Permanent conditions of approval unless a lesser period of time is specified in the amendment.

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- (3) Required of the property owner and subsequent owners as a condition of their use of the property.
 - (4) Permitted and continuously enforced by the county in the same manner as any other provision of this ordinance.
- (c) Modifications to conditions of approval
- (1) Any proposed change in the conditions of approval previously established by the board of commissioners through action on a rezoning, future land use map amendment, or variance shall be considered a new application and therefore subject to all procedures and provisions of this article as applicable.

Sec. 56-266. Withdrawing an Application

- (a) Once an application for a zoning map amendment, future land use map amendment, variance, or modification to conditions of approval has been made, the applicant may withdraw the application without prejudice only until the legal advertisement of the public hearing is placed. An application may not be withdrawn by an applicant or property owner under any circumstance after the legal advertisement of the public hearing has been placed. All applications, having been advertised, shall be considered by the planning commission and board of commissioners as appropriate and shall receive action.

Sec. 56-267. Reapplication After Denial

- (a) No application or reapplication for the same type, affecting the same land or any portion thereof shall be acted upon within six (6) months from the date of last action by the board of commissioners as appropriate.

Sec. 56-268. Zoning Map Amendments

- (a) Authority to Initiate.
 - (1) A change in the zoning classification of a property by amending the Official Zoning Map may be initiated by the owner of the property or the owner's authorized representative by filing an application with the Planning and Zoning Department or by the board of commissioners.

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- (b) Procedures and application requirements for zoning map amendment applications shall comply with Sec. 56-263, Sec. 56-264, and Sec. 56-265 of this article.
- (c) *Review Criteria.* With respect to each application for a rezoning, the review commissions shall investigate and make a recommendation or take final action, as appropriate, based on the following criteria:
- (1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
 - (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
 - (3) Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned;
 - (4) Whether the zoning proposal will result in a use which will, or could, cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
 - (5) Whether the zoning proposal adversely impacts the environment or surrounding natural resources;
 - (6) Whether the zoning proposal is consistent with the Comprehensive Plan, including the future land use map, and other plans adopted for guiding development within the County;
 - (7) Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposed zoning amendment.

Sec. 56-269. Future Land Use Map Amendments

- (a) Authority to Initiate.
- (1) A change in the character area by amending the future land use map may be initiated by the owner of the property or the owner's authorized representative by filing an application with the Planning and Zoning Department or by the board of commissioners.

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- (b) Procedures and application requirements for future land use map amendment applications shall comply with Sec. 56-263, Sec. 56-264, and Sec. 56-265 of this article.
- (d) *Review Criteria.* With respect to each application for a future land use map amendment, the review commissions shall investigate and make a recommendation or take final action, as appropriate, based on the following criteria:
- (1) Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property.
 - (2) Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property.
 - (3) Whether the proposed land use change will result in uses that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
 - (4) Whether the amendment is consistent with the written policies in the comprehensive plan text.
 - (5) Whether there are environmental impacts or consequences resulting from the proposed change.
 - (6) Whether there are impacts on properties in an adjoining governmental jurisdiction in cases of proposed changes near county boundary lines.
 - (7) Whether there are other existing or changing conditions affecting the use and development of the affected land areas that support either approval or denial of the proposed land use change.

Sec. 56-270. Variances

- (a) Authority to Initiate.
- (1) A variance request may be initiated by the owner of the property or the owner's authorized representative by filing an application with the Planning and Zoning Department.

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- (b) Procedures and application requirements for variance applications shall comply with Sec. 56-263, Sec. 56-264, and Sec. 56-265 of this article.
- (1) See Chapter 16, Article II for additional variance procedures.
- (c) *Review Criteria.* With respect to each application for a variance, the review commissions shall investigate and make a recommendation based on the following criteria. A variance may be granted in an individual case upon a finding by the board of commissioners that all of the following conditions exist:
- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district;
- (2) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Development Code;
- (3) That the special conditions and circumstances do not result from the actions of the applicant;
- (4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;
- (5) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan

Sec. 56-271. Text Amendments

- (a) Authority to Initiate.
- (1) An amendment to this chapter may be initiated by the board of commissioners.
- (b) Procedures and application requirements for zoning ordinance text amendment applications shall comply with Sec. 56-263, Sec. 56-264, and Sec. 56-265 of this article.

Sec. 56-272. Timely Implementation Required

- (a) Actions to be taken if proposed plans of property owner are not implemented within six (6) months and found to be inconsistent with the comprehensive plan:
- (1) If a building permit, development permit, or preliminary subdivision plat has not been issued or approved within six (6) months of the date of approval and/or if it is determined that such plans or zoning is inconsistent with the Future Land Use designation of the Comprehensive Plan, then the zoning administrator may notify the planning commission of the lack of activity on the property.
 - (2) The planning commission may grant an extension to this time period subject to the applicable procedures in this article.
 - (3) The property owner may request a maximum of two extensions from the planning commission.
 - (4) In circumstances where the zoning and proposed development is no longer consistent with the Comprehensive Plan, the planning commission may recommend to the board of commissioners that it initiate a zoning map amendment or future land use map amendment to change the land to its appropriate zoning district classification.

Secs. 56-273—56-287. – Reserved

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
28th DAY OF November, 2023.

PLACED ON FINAL HEARING AND ADOPTION ON THE 19th DAY
OF December, 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