

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 Business means any Agriculturally based business offering to the general public the opportunity to visit for purposes of recreation, education, entertainment, events or active involvement and participation in the operation and activities of the agricultural enterprise.

To include: Distilleries, Wineries, Farm Stands, any and all Agriculturally based tourism destinations.

Wedding Venue means a building and/or premises used for the purpose of marriage ceremonies or similar such uses for profit, in which food and beverages may be served to guests. The term "Wedding Venue" shall not include places of worship.

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

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.

Distillery means any maker, producer, or bottler engaging in distilling, rectifying, or blending any distilled spirits. All state and federal licensing and regulatory requirements shall be met.

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

Non-Traditional Dwelling means a dwelling unit built using Non-Traditional methods of construction to include: Shipping Container Homes, Tree Houses, Yurts, Sub-terranean Homes, and Quonset Huts. Non-Traditional Dwelling Units must meet minimum square footage requirements and be accompanied by a Georgia certified Engineers set of stamped blueprints confirming said dwelling can be built to International Building Code (IBC).

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 – Grandfathering of nonconforming uses

A legal use in existence on the effective date of this section or any amendment thereto may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this section below.

- (1) Change of use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not constitute termination or abandonment of the nonconforming use, provided that the use itself remains unchanged and is continuously maintained.
- (2) Discontinuance or abandonment. A nonconforming use shall not be re-established after discontinuance or abandonment for six consecutive months unless the cessation of the nonconforming use is a direct result of governmental action impeding access to the property.
- (3) Vacancy or non-use of a building for twelve continuous months, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection.

Nonconforming land changes, A nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

Sec. 56-316. – Agri-tourism Business

- (a) Agritourism Businesses in operation before the adoption of this ordinance may continue operation of current business offerings. Any addition to the current offerings must comply with the following code.
- (b) Agritourism Businesses 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. 56-317. - Wedding Venues.

- (a) Wedding venues shall only be permitted in A (Agriculture) and C-B (Commercial Business) Zoning Districts and shall meet the following standards:
 - (1) Standards applying to all event venues:
 - i. Hours of operation of a booking shall be between the hours of 8:00 a.m. to 11:00 p.m., excluding event preparation and clean-up.
 - ii. Cleanliness of the entire site shall be maintained by removing any trash, rubbish, or other debris deposited on the site promptly following the event.
 - iii. All parking shall be fully contained on the parcel where the wedding venue is located.
 - iv. Any alcohol sales or consumption at a special event shall comply with the Rabun County Alcohol Code and applicable State law.
 - v. Wedding venues shall provide restroom facilities on site for guests that comply with the requirements of the Americans with Disabilities Act (ADA).
 - vi. Tents, pavilions, and other temporary structures used during a booking shall comply with Georgia State Fire Marshal regulations.
 - vii. All structures associated with a wedding venue facility shall adhere to Rabun County building permit requirements.

Sec. 56-318. - 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 and shall be incidental to the primary agricultural operation.
- (3) Farm stays shall be provided on the same parcel of property as the Agricultural Enterprise.
- (4) The owner of the land on which an agricultural farm stay facility is located shall reside on, or within thirty (30) minutes of the property. A homestead's exemption from property tax or lease agreement shall constitute evidence of this requirement.
- (5) The minimum side of an individual farm stay shall be 672 square feet.
- (6) The maximum number of individual farm stays shall not exceed three (3) units per operation.
- (7) A minimum of one acre must accompany each individual farm stay unit.
- (8) Each farm stay unit must have its own individual septic system.

Sec. 56-319. – Winery

(a) Wineries shall be permitted in the A (Agriculture) Zoning District 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.
- (3) Wineries must comply with all applicable state law requirements.

Sec. 56-321. – Distillery

(a) Distilleries shall only be permitted in the Commercial Business (CB) and A (Agriculture) Zoning Districts and shall meet the following standards:

- (1) Distilleries in the A (Agriculture) Zoning District shall require a Specific Purpose pursuant to Sec. 56-155.
- (2) An alcohol license issued by Rabun County is required to operate a distillery.
- (3) 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. 56-324. – Non-Traditional Dwellings

Non-Traditional Dwellings shall include: Shipping Container Homes, Quonset Huts, Sub-Terranean Homes, Treehouses, and Yurts and shall meet the following standards:

- (1) Must obtain a building permit from Rabun County Planning and Zoning Administrator
- (2) Must meet the minimum square footage for a dwelling (672 sq ft heated livable space).
- (3) Must provide a Georgia certified engineers stamped set of architectural drawings showing compliance with International Building Code (IBC).

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