

**RABUN COUNTY
OFFICIAL
ZONING
ORDINANCE
AND
SUBDIVISION
REGULATIONS
2007**

AN ORDINANCE TO ADOPT A NEW ZONING ORDINANCE AND SUBDIVISION REGULATIONS FOR RABUN COUNTY, GEORGIA, TO REPEAL CONFLICTING ORDINANCES, TO ESTABLISH AN EFFECTIVE DATE AND FOR OTHER PURPOSES

BE IT ORDAINED by the Board of Commissioners of Rabun County, Georgia; and

IT IS HEREBY ORDAINED by authority of the same that the attached "Zoning Ordinance and Subdivision Regulations of Rabun County, Georgia" dated 2007 is hereby adopted as an ordinance of the county.

All other ordinances in conflict with this ordinance are hereby repealed in their entirety.

Said ordinance shall take effect and be in force from and after the date of its adoption.

All conditions imposed as a part of zoning and subdivision regulations under the previous ordinance and subdivision regulations of Rabun County are hereby incorporated into this zoning ordinance and subdivision regulations and shall be saved from repeal by this ordinance.

SO ORDAINED in open session lawfully assembled after public notice and hearing as provided by Georgia law, this _____ day of _____, 2007.

Chairman

Attest:

Clerk

RABUN COUNTY
OFFICIAL ZONING ORDINANCE
AND
SUBDIVISION REGULATIONS

PREPARED BY

RABUN COUNTY PLANNING COMMISSION

APPROVED: MARCH 4, 1974

RABUN COUNTY BOARD OF COMMISSIONERS: Mr. Coleman Jarrard,
Chairman
Mr. Herschel Grist, Member
Mr. Duncan Long, Member

RABUN COUNTY PLANNING COMMISSION: Mr. Allen Taylor, Chairman
Mrs. Joyce Alexander,
Secretary
Mr. J. Robert Ramey,
Member
Mr. William O'Neal,
Member
Mr. Claude Kelly, Member

AMENDED: JUNE 11, 1979

RABUN COUNTY BOARD OF COMMISSIONERS: Mr. Max Watts, Chairman
Dr. Richard J. Turner,
Member
Mr. Virgil P. Ledford,
Member

RABUN COUNTY PLANNING COMMISSION: Mr. Claude Kelly, Chairman
Mrs. Jane Gillespie,
Secretary
Mr. J. Robert Ramey,
Member
Mr. William O'Neal,
Member
Mr. James York, Member

AMENDED: APRIL 12, 1984

RABUN COUNTY BOARD OF COMMISSIONERS: Mr. Virgil P. Ledford,
Chairman

Dr. Richard J. Turner,
Member
Mr. Max Watts, Member

RABUN COUNTY PLANNING COMMISSION:

Mr. Claude Kelly, Chairman
Mrs. Dottie Speed-Mason,
Secretary
Mr. O.S. Garland, Member
Mr. William O'Neal,
Member
Mr. James York, Member

AMENDED: FEBRUARY 4, 1991

RABUN COUNTY BOARD OF COMMISSIONERS: Mr. Richard Godfrey, Chairman
Dr. Richard J. Turner,
Member
Mr. Johnny Ramey, Member

RABUN COUNTY PLANNING COMMISSION:

Mr. William O'Neal, Chairman
Mrs. Dottie Mason-Cathey,
Sec.
Mr. Carlton Coleman,
Member
Mrs. Corinne P. Hamby,
Member
Mr. Elliott Keller, Member

AMENDED: DECEMBER 23, 2003

RABUN COUNTY BOARD OF COMMISSIONERS:

Mr. Virgil Kilby, Chairman
Mr. John Davis, Member
Mr. Eston Melton, Member
Mr. Jim Bleckley, County
Administrator

RABUN COUNTY PLANNING COMMISSION:

Mr. Boyce Speed, Chairman
Mrs. Mary Elizabeth Law,
Sec.
Mr. Curtis York, Member
Mrs. Glenda Swanson,
Member

Mr. Kenneth L. Burson,
Member
Mr. Mike Copeland, Adm.
Officer

AMENDED: NOVEMBER 23, 2004

RABUN COUNTY BOARD OF COMMISSIONERS:

Mr. Virgil Kilby, Chairman
Mr. John Davis, Member
Mr. Eston Melton, Member
Mr. Jim Bleckley, County
Administrator

RABUN COUNTY PLANNING COMMISSION:

Mr. Boyce Speed, Chairman
Mrs. Mary Elizabeth Law,
Sec.
Mr. Curtis York, Member
Mrs. Glenda Swanson,
Member
Mr. Kenneth L. Burson,
Member
Mr. Mike Copeland, Adm.
Officer

AMENDED: MARCH , 2007

RABUN COUNTY BOARD OF COMMISSIONERS:

Mr. Virgil Kilby, Chairman
Mr. Pete Cleaveland,
Member
Mrs. Mary Elizabeth Law,
Member
Mr. Pat Marcellino, Member
Mr. Max Watts, Member
Mr. Jim Bleckley, County
Administrator

RABUN COUNTY PLANNING COMMISSION:

Mr. Boyce Speed, Chairman
Ms. Carol Turner, Member
Mrs. Janine Bethel, Member
Mrs. Glenda Swanson,
Member
Mr. Kenneth L. Burson,
Member
Mr. Les Neely, Adm. Officer

ABSTRACT

This volume contains two regulatory documents which aid in implementing the Comprehensive Plan of Rabun County, Georgia.

FIRST: The Zoning Ordinance is particularly significant because of the changes taking place in Rabun County. The Ordinance intends to provide needed protection from inharmonious uses of the land. Under the zoning, residential categories are concerned with the density of population, open space and lot area considerations. Commercial and industrial classifications are concerned with characteristics of the land use such as traffic generation, parking needs, odors, lighting and visual harmony, noise, vibration, and smoke.

SECOND: Subdivision Regulations contained herein have standardized plat preparation and will give the developers, engineers, surveyors, and property owners a useful guide including sufficient formal procedures to follow in filing plats for review by the Planning Commission and in recording them with the County.

ZONING ORDINANCE
OF
RABUN COUNTY, GEORGIA

AN ORDINANCE FOR RABUN COUNTY, GEORGIA REGULATING THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES, AND THE SIZE OF BUILDINGS AND STRUCTURES; THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACE; THE DENSITY AND DISTRIBUTION OF POPULATION; THE USES OF BUILDINGS AND STRUCTURES AND LAND FOR TRADE, INDUSTRY, COMMERCE, RESIDENCE, RECREATION, PUBLIC ACTIVITIES, OR OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSE AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; DEFINING THE POWERS AND DUTIES OF THE PLANNING COMMISSION, BUILDING INSPECTOR AND GOVERNING AUTHORITY; PROVIDING PENALTIES FOR VIOLATION; AND REPEALING CONFLICTING REGULATIONS.

This document has been approved as to its legal form and sufficiency by the legal counsel of the local government prior to its adoption.

TABLE OF CONTENTS

ZONING ORDINANCE

ARTICLE
PAGE

I	PREAMBLE AND ENACTMENT	11
II	SHORT TITLE	11
III	DEFINITIONS OF TERMS USED IN ORDINANCE	12
IV	ESTABLISHMENT OF DISTRICTS	39
	Sec. 41 Use Districts Listed	39
	Sec. 42 District Boundaries	39
	Sec. 43 Interpretation of District Boundaries	40
	Sec. 44 District Boundary Line Divides a Lot of Single Ownership	41
V	USE REQUIREMENTS FOR RESIDENTIAL DISTRICTS	41
	Sec. 51 Single-Family District (R-I)	41
	Sec. 52 Two-Family District (R-II)	42
	Sec. 53 Multi-Family District (R-III)	43
	Sec. 54 Vacation Cottage District (V-C)	45
VI	USE REQUIREMENTS FOR COMMERCIAL DISTRICTS	46
	Sec. 61 Neighborhood Shopping District (NS)	46
	Sec. 62 Highway Business District (HB)	47
	Sec. 63 Commercial Business District	48
VII	USE REQUIREMENTS FOR INDUSTRIAL DISTRICTS	53
	Sec. 71 Restricted Industrial District (M-I)	53
	Sec. 72 Heavy Industrial District (M-II)	54
VIII	USE REQUIREMENTS FOR AGRICULTURAL DISTRICTS (A)	56
	Sec. 81 Agricultural District (A)	56
	Sec. 82 Mobile, Manufactured, and Modular Home Standards	58

IX	AREA, YARD, AND HEIGHT REQUIREMENTS	62
X	SPECIAL ZONING CLASSIFICATIONS NOT DESIGNATED AS USE DISTRICTS	64
	Sec. 100 Planned Unit Development (PUD)	64
	Sec. 101 Specific Purpose	75
XI	GENERAL PROVISIONS	77
	Sec. 111 Zoning Affects Every Building and Use	77
	Sec. 112 Continuance of a Non-conforming Use	77
	Sec. 113 Variances	78
	Sec. 114 Only One Principal Building on Any Lot	79
	Sec. 115 Reduction of Lot Prohibited	79
	Sec. 116 Off-Street Automobile Parking and Storage	79
	Sec. 117 Off-Street Loading and Unloading Spaces	82
XII	EXCEPTIONS AND MODIFICATIONS	83
	Sec. 118 Cleanliness of property	83
	Sec. 119 Junk or Unlicensed Motor Vehicles Prohibited	83
	Sec. 121 Existing Lots	84
	Sec. 122 Adjoining and Vacant Lots of Record	84
	Sec. 123 Front Yard Setbacks for Dwellings	85
	Sec. 124 Visibility at Intersections	85
	Sec. 125 Corner Lots	85
XIII	SIGN REQUIREMENTS AND OUTDOOR LIGHTING	85
	Sec. 131 Objectives and Purpose	85
	Sec. 132 Jurisdiction and Application of Code Requirements	88
	Sec. 133 Variance for Signs	88
	Sec. 134 Lighting Requirements Signs	88
	Sec. 135 Height Requirements Signs	89
	Sec. 136 Prohibited Signs	89
	Sec. 137 Exempt Signs	90
	Sec. 138 Outdoor Lighting	95

XIV	WIRELESS COMMUNICATION TOWERS	98
	Sec. 141 Objectives and Purpose	98
	Sec. 142 Jurisdiction and Application	99
	Sec. 143 Height and Setback Requirements	99
	Sec. 144 Exempt Towers	99
	Sec. 145 Zoning District	100
	Sec. 146 General Requirement	100
	Sec. 147 Permit Application	100
XV	ADMINISTRATIVE AND ENFORCEMENT	102
	Sec. 151 Zoning Classification and Stamp of Approval on Plats	102
	Sec. 152 Plats of 43,560 Square Feet or Less	102
	Sec. 153 Common Ownership Exceptions	103
	Sec. 154 Deeds from Unapproved Plats Prohibited	104
	Sec. 155 Building Permit Required	104
	Sec. 156 Application for Building Permit	106
	Sec. 157 Remedies	106
XVI	AMENDMENTS	107
	Sec. 161 Amendments to Ordinance and Zoning Map	107
	Sec. 162 Application for Zoning Map Amendment and Variance Request by Individuals	108
XVII	APPEALS	111
XVIII	LEGAL STATUS PROVISIONS	112
	Sec. 181 Conflict With Other Regulations	112
	Sec. 182 Validity	112
XIX	PENALTIES FOR VIOLATION	113

ARTICLE I

PREAMBLE AND ENACTMENT CLAUSE

In pursuance of the authority conferred by the Georgia Planning and Zoning Enabling Act of 1957, as amended, and for the purpose of promoting the aesthetics, health, safety, convenience, order, prosperity or welfare of the present and future inhabitants of the County of Rabun and the State of Georgia, including among other purposes – protecting the environment, lessening the congestion in the streets and roads; securing safety from fire and other dangers; providing adequate light and air; promoting such distribution of population and such classification and land uses and distribution of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provision for transportation, water supply, drainage, sanitation, educational opportunity and recreation; all in accordance with the Comprehensive Plan of the County of Rabun, the Rabun County Board of Commissioners does hereby ordain and enact into law the following Articles and Sections:

ARTICLE II

SHORT TITLE

These regulations shall be known and may be cited as “The Zoning Ordinance of Rabun County, Georgia.”

ARTICLE III

DEFINITION OF TERMS IN ORDINANCE

Section 31. Definitions

For the purpose of these regulations, certain words and terms used herein shall be defined as follows: Words used in the present tense include the future tense. Words used in the singular number include the plural and words used in the plural include the singular. The word “person” includes a firm, co-partnership, or corporation. The word “lot” includes the word “plot” or “parcel”. The word “building” includes the word “structure”.

The word “shall” is always mandatory, and not merely directory. The word “used” or “occupied” as applied to any land or building shall be construed to include the word “intended, arranged or designed to be used or occupied”. Words included in the definition section are not to be construed as an allowable use (see appropriate districts for allowable uses).

Abandonment: The cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abutting: Having property or district lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.

Accessory Apartment: A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility for a single housekeeping unit (family), with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is considered an accessory use and/or structure to the main dwelling.

Accessory Building or Use: A building or use which: is not more than two (2) stories in height; is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal building or use served; contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and is

located on the same lot as the principal building or principal use.

Administrative Officer: That representative (or representatives) appointed by the Rabun County Board of Commissioners being assigned the responsibility for administering the zoning ordinance and subdivision regulations of the county. The office of the administrative officer shall act as staff to the Planning Commission and shall be given full responsibility of administration of applications, fees and filings from applicants and members of the public, and shall report to the Planning Commission as to the status of zoning, subdivision, and related planning activities.

Agriculture: The cultivation or growth of a field or horticultural crop, including dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses.

Airport: Any area of land, water or mechanical structure which is used for the landing and take-off of aircraft, including any appurtenant structures and areas which are used or intended to be used for airport buildings, other airport facilities, rights-of-ways or easements.

Alley: A private or public thoroughfare, which affords only a secondary means of access to a building or abutting property and is not intended for general traffic circulation.

Alteration: Any change in the supporting members of a building, (such as bearing walls, columns, girders) except such change as may be required for safety purposes, any addition to a building, any modification or change in construction, any addition which increases the area or height, any change in use from that of one district classification to another.

Amusement Arcade: A building or part of a building in which three (3) or more pinball machines, coin-operated billiard tables, videogames, or other similar player operated amusement devices are maintained.

Animal Hospital: A facility operated by a licensed veterinarian specifically for the practice of veterinary medicine.

Antique Shop: A store or shop for the sale of relics, objects of ancient times or of an earlier period, works of art, pieces of furniture or decorative objects made at a much earlier period than present.

Apartment House: A multi-family dwelling located on a parcel of land under a single ownership, designed for use by three or more housekeeping units, living independently of each other, and doing their own cooking on the premises.

Art Gallery: A facility, structure or building used for the display of sculptures, paintings, photographs or other artistic works for public viewing with only incidental sales.

Automated Teller: An accessory facility through which certain banking functions such as deposits and withdrawals can be completed without the personal assistance of a bank employee.

Automotive Repair Garage: A use of land and/or structures involving maintenance, repair, conversion and other such services on cars, trucks, boats, motorcycles, recreational vehicles, and mobile/manufactured homes, typically including vehicle storage and incidental sales of parts. Also referred to as automotive services.

Automobile Sales Lot: An area of land on which more than one (1) car, truck, van, boat, agricultural vehicle or implement, motorcycle, recreational vehicle, or other motorized vehicle exists, and where such vehicles are indicated as for sale, as evidenced by "for sale" signs, dealers tags, warranty signs in windows, or other such indications.

Basement: That portion of a building located wholly or partly underground but having less than one-half of its height above the grade. A basement shall not be counted as a story for the purposes of determining maximum permitted height.

Bed and Breakfast Inn: A dwelling unit, or portion thereof, of no more than four (4) rooms or units, where short-term overnight lodging rooms, with or without meals, are provided for compensation, and where the operator of the inn resides on the premises. The offering of the same type rooms from a structure or building not occupied as a primary residence shall be considered as an inn, hotel or motel.

Biomedical Waste: Pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts.

Berm: An earthen structure used as a screening device in conjunction with the planting of grass, shrubbery and trees.

Billboard: An offsite advertising sign larger than 50 square feet in area. Not to exceed 300 square feet in area.

Boarding House: A building, where for compensation, both lodging and meals are provided for persons, provided that a single family dwelling shall not be deemed to be a boarding house by reason of a contribution to or expense sharing arrangement with the owner or tenant occupying the dwelling by a person related by blood or marriage.

Broadcasting Studio: A room or suite or rooms operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs.

Buffer: A landscaped open space and/or screen located between compatible or incompatible land uses for the purpose of visibly separating uses through distance and to

shield or block noise, light, glare, or visual or other nuisances; that portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established for the purpose of screening and separating properties with compatible and incompatible land uses, the width of which is measured from the common property line and extending 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 portion of a lot remaining after required yards, buffers and building setbacks have been provided, where construction of principal buildings is permitted. Also known as building "envelope."

Building: Any structure, either temporary or permanent, above or below ground, having a roof or other covering, and designed, built, or used as a shelter or enclosure for persons, animals, or property of any kind.

Building Inspector: The Building Inspector of Rabun County, or their authorized representative.

Building, Principal: A building or structure in which is conducted the main use of the property on which the building or structure is located. In any residential district, any structure containing a dwelling unit shall be defined to be the principal building on the lot on which said structure is located.

Building Setback Line: A line establishing the minimum allowable distance between any wall of a building or portion of any structure and the street right-of-way or property line when measured perpendicularly thereto. In the case of corner lots or double frontage lots, front yard requirements will be required to be observed for those areas adjacent to street right-of-ways.

Bus Terminal: An area and building where buses stop to load and unload passengers and luggage or packages and which may include the sale of bus tickets.

Campground: Land containing two (2) or more campsites which are located, established or maintained for occupancy by people in temporary lodging units such as camp tents, or cabins, for recreation, education or vacation purposes.

Car Wash: An establishment engaged in the business of washing vehicles with self serve, automated or staffed facilities.

Carport: An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two (2) sides, and designed or used for the storage of motor vehicles or boats.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, but not including crematories and mortuaries.

Centerline of Street: That line surveyed and monumented by the Governing Body and designated as the center of a public street. If a centerline has not been surveyed, it shall be the line running midway between the outside curbs, ditches, right-of-way edges, or pavement edges of such street.

Certificate of Occupancy: A legal statement or document issued by the Building Inspector indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such building or land may be occupied for the purpose stated therein.

Church: An institution that people regularly attend to participate in or hold religious services, meeting and other purposes, including education, day care and recreation facilities when owned and operated by such church.

Circus: The temporary use of land offering entertainment and instruction in the form of such things as thrill rides, games of chance and skill, educational exhibits, and animal displays or acts. The term also includes carnivals and fairs.

County Engineer: The Engineer or Engineering Firm in the employ of Rabun County, or authorized representative.

Clinic: A building designed and used for the diagnosis and treatment of patients that does not include overnight care facilities.

Club, Non-Profit: A building or facilities owned or operated by a group for social, educational or recreational purposes, but not customarily for profit or to render a service that is customarily carried on for gain.

College: A degree-granting establishment, accredited or qualified, which provides formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training. Accessory uses under this definition include but are not limited to dormitories, cafeterias, bookstores, research facilities, sports facilities and auditoriums.

Commercial Recreation Facility: Any use of building and/or land that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: amphitheaters and stadiums; assembly halls, auditoriums and meeting halls; billiard halls, pool rooms and amusement/video arcades; bowling alleys; firearms shooting ranges and turkey shoots; golf driving ranges, public golf courses, miniature golf courses and baseball batting cages; private clubs operated for profit, race tracks for animals and motor-driven vehicles, ice and roller skating rinks; horse and pony-riding rinks; circuses and carnivals; indoor and drive-in theaters; physical fitness facilities and health clubs; botanical gardens and zoological gardens; commercial museums and art galleries; racquetball courts; bungi jumping.

Compatibility: The characteristics of different uses or activities that permit such uses or activities to be located near each other in harmony and without conflict. Some elements affecting compatibility include: intensity of occupancy as measured by dwelling units per acre or gross square footage per acre; pedestrian or vehicular traffic generated; volume of goods handled, and such environmental affects as noise, vibration, odor, glare, lighting, air and water pollution or radiation.

Comprehensive Plan: Those coordinated plans or portions thereof which have been prepared by or for the Governing Body for the physical development of the jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

Conditional Zoning/Use: The granting or adoption of zoning or use for property subject to compliance with restrictions as to use, size, density or actions stipulated by the Governing Body to mitigate adverse impacts that are anticipated without imposition of such conditions. All Zoning Applications are considered conditional uses and are permitted as such.

Condominium (Residential Building): A building or complex of multiple-unit dwellings in which a tenant holds full title to his unit and joint ownership in the common grounds.

Connecting Route: A road or street designated as a connecting route by the Rabun County Planning Commission and shown as such on the official Zoning Map.

Continuing Care Retirement Community: A development or facility that provides, to individuals accommodations and care such as board, independent living, licensed nursing care and medical or other health related services, and that typically enters into contracts to provide care.

Contractor's Establishment: An establishment engaged in the provision of construction activities including but not limited to plumbing, electrical work, building, paving, carpentry and other such contracting activities, including the storage of materials and the overnight parking of commercial vehicles.

Convalescent Home: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two (2) or more persons are professionally cared for.

Convenience Store: A small retail store which sells pre-packaged food products, household and other items and which may include the sale of gasoline and diesel fuel.

Conversion: Any change in the original use or purpose of a building or lot to a different use.

Crematorium: The structure that contains the furnace for cremating a body.

Curb Cut: A provision for vehicular ingress and/or egress between property and an abutting public street.

Day Care Center: Any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than twenty-four (24) hours per day without transfer of legal custody, seven (7) or more children under eighteen (18) years of age. A day care center of six (6) children or less may be considered to be a home occupation unless in conflict with state regulations.

Decks: Outside unenclosed auxiliary area adjacent to or attached to the primary structure, not considered living space, and not capable of being artificially heated or cooled.

Density: The number of dwelling units developed, or to be developed, per gross acre of land, or the gross square footage of a building per acre of land.

Development: Any man-made change on improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or permanent storage of materials or equipment.

Developmentally Disabled Person: A person with a disability resulting in substantial functional limitations in such person's major life activities which disability is attributable to mental retardation, cerebral palsy, epilepsy, or autism or is attributable to any other condition related to mental retardation because such condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons.

District, Zoning: A geographical area or areas, designated with the use of symbols on the Official Zoning Map, wherein uses of land are restricted in type, size, height and other limitations as established in these regulations.

Dormitory: A building, the primary purpose of which is to provide living accommodations for individuals, but which does not include individual kitchen facilities.

Drive-in: A retail or service enterprise wherein service is provided to the customer within a motor vehicle on the outside of the principal building.

Drive-in Theater: A facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's automobile.

Driveway: A way upon which automobiles can travel which terminates on private property and originates from a public or private road or street.

Dry Cleaners: An establishment engaged in providing laundry, dyeing and dry cleaning services to individual customers.

Dry Cleaning Plant: An establishment engaged in providing laundry, dyeing and dry cleaning services for institutions, businesses or other such establishments.

Duplex: A building on a single lot containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

Dwelling: A building, or portion thereof, designed, arranged or used for permanent living, and/or sleeping quarters.

Dwelling Unit: A building, or portion thereof, designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

Dwelling, Multi-Family: A building designed for or occupied exclusively by three (3) or more single housekeeping units with separate kitchen and bath facilities for each family or housekeeping unit, including apartment houses, row houses, townhouses, and similar housing types but not including motels, hotels, lodging houses, hospitals, nursing homes, or public institutions such as prisons and mental institutions.

Dwelling, Single-Family: A building designed or arranged to be occupied by one (1) single housekeeping unit only.

Dwelling, Two-Family (Duplex): A building designed or arranged to be occupied by two (2) single housekeeping units living independently of each other.

Easement: A non-possessory interest in land; a grant by a property owner for the use by the public, a corporation or persons, of a portion of land for a specified purpose or purposes.

Exterminator: An establishment or person engaged in the service of killing insects, mice, rats or other pests.

Family: An individual, or two (2) or more persons related by blood, marriage, adoption or guardianship, or a group of not more than three (3) unrelated persons, occupying a single dwelling unit and using the same cooking facilities; provided however that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. Any group which is licensed by the State of Georgia, or any political subdivision thereof, which contains up to six developmentally disabled persons and up to two (2) supervisors or surrogate parents residing on the premise at one time shall constitute a family.

Farm: An area of land principally devoted to agriculture.

Farm Supply Store: An establishment engaged in the retail sale of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other such farm supplies.

Fence: A structural barrier for enclosure, screening or demarcation, presenting a solid face or having openings amongst or between its constituents members; also, a wall separate from or extending from a building. Fences must be constructed of wood, metal, or other conventional fence building material. Fences cannot be constructed from salvage or junk materials.

Finance, Insurance and Real Estate Establishments: Including but not limited to banks, savings and loan institutions and credit unions; security and commodity exchanges; insurance agents, brokers and service; real estate brokers, agents, managers and developers; trusts; holding and investment companies.

Finished Ground Level: The elevation of the ground after final cutting and filling.

Flea Market: The use of land, structures or buildings for the sale of produce or new or used goods, usually of second quality or at cut-rate prices, in which more than two (2) vendors are accommodated in spaces on the same lot or within the same building.

Floor Area: The gross heated, finished horizontal area of the floor or floors of a dwelling unit.

Foundation: The load-bearing structural elements of a building, usually of masonry construction.

Funeral Home: A building or part thereof used for funeral services, which may contain space and facilities for: embalming and the performance of other services used in preparation of the dead for burial; performance of autopsies; storage of caskets; and chapel services.

Garage: An accessory building or portion of a principal building used only for the private storage of motor vehicles and other personal property as an accessory use. Garages will not include living quarter, sanitary and/or cooking facilities.

Garage Apartment: An accessory building or portion of a principal building used only for the private storage of motor vehicles and other personal property as an accessory use, but may include living quarters, sanitary, and/or cooking facilities.

Glare: A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Governing Body: The Rabun County Commissioners, duly elected by the citizens within the jurisdiction.

Green Area (Space): Land shown on a development plan, master plan, or official map for conservation, preservation, recreation, landscaping or parks(s).

Greenbelt: An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

Greenhouse: A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light. Greenhouses shall not be construed to include

commercial horticultural activities.

Guest House: A lodging unit for temporary guests in an accessory building. Such lodging unit may contain limited cooking or kitchen facilities but shall not be rented or otherwise used as a separate dwelling.

Hazardous Waste: Any waste which is capable of posing a present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise, based on factors set forth in applicable regulations of the Environmental Protection Agency (EPA).

Height, Highest Living Floor: The vertical distance measured from the highest point at which the exterior Foundation of the building or structure intersects the highest Finished Ground Level to the highest living area finished floor level.

Height, Overall Building: The vertical distance measured from the highest point at which the exterior Foundation of the building or structure intersects the highest Finished Ground Level to the highest point on the finished roof.

Heliport: An area, either at ground level or elevated on a structure, licensed or approved for the landing and take off of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Helistop: A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Home Occupation: Any activity carried out for gain or support in the home, excluding retail sales. Only residents of the dwelling may be engaged in the home occupation, with the exception of one (1) person not residing in the dwelling. The home occupation shall be clearly incidental and secondary to the residential use of the dwelling and shall not change the residential character of the building or lot. A home occupation shall not create any additional vehicular traffic for its address or location than what is expected for its residential use and shall not be detrimental to surrounding property owners.

Hospital: An institution providing health services, for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patients department, training facilities, central service facilities and staff offices.

Hotel: A public commercial lodging facility intended for use as temporary residence which may make provisions for meals, entertainment and various personal services provided for compensation to persons traveling for business, tourism or other visitation purposes in which ingress and egress from all rooms is made through an inside lobby or office supervised by a person in charge.

Household Pet: An animal which is customarily kept for company or pleasure within a

home or yard which is not raised for commercial purposes. Household pets include domestic canines, felines, tropical birds, fish, rabbits, rodents and other animals customarily sold in pet stores.

Impervious Surface: Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land, including but not limited to buildings, paved roads, parking lots and driveways, decks, swimming pools and patios, but not including graveled driveways and parking areas.

Inn: An overnight lodging facility.

Inoperable Vehicle: Any motorized vehicle, other than those vehicles temporarily disabled, not in excess of 60 days, and under active repair, incapable of immediately being driven. Any motorized vehicle without a current vehicle registration tag shall be considered an inoperable vehicle.

Junk: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale, or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. Junk may include inoperable vehicles, boats, tires, vehicle parts, equipment, paper, rags, metal, glass, scrap building materials, household appliances, machinery, brush, wood and lumber (not to include wood that is commonly used as firewood).

Junk/Salvage Yard: Any property involving the abandonment, parking, storage or disassembly of junk, including inoperable vehicles or junked machinery, the abandonment, storage, sale, or resale of used auto parts, tires, scrap iron, metal, used plumbing fixtures, old stoves, refrigerators and/or other old household appliances, used brick, wood, or other building/structural materials, used paper, rags or other scrap materials.

Kennel: The housing or boarding of dogs, cats or other domestic animals, operated for the purpose of providing income and revenue.

Laboratory: A place devoted to research or study, such as testing and analyzing, but not including the manufacturing of product or products.

Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into State water or onto lands of the State, including but not limited to clearing, dredging, grading, scraping, excavating, transporting, or filling of land; and any construction, rebuilding or alteration of a structure, but specifically excluding agricultural and gardening practices.

Landfill: An area wherein solid wastes are placed, under license, compacted and covered but specifically excluding hazardous or radioactive wastes.

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 a given 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 side development but is maintained as landscaped open space. A landscape strip may consist of grass lawns, decorative planting, berms, walls, fences or other features designed and arranged to produce an aesthetically pleasing effect within and outside of the development.

Landscaping: Changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation.

Landscaping Service: An establishment engaged in performing a variety of lawn and landscaping services such as lawn fertilizing, mowing, spraying and planting, and the planting and maintenance of landscaping.

Laundromat: A business that provides commercial washing and drying machines for hire to be used by customers on the premises.

Library: A building in which literary, musical, artistic or reference materials are kept for use but not primarily for sale.

Loading and Unloading Space: A space, typically, but not necessarily contained, with dimensions of twelve (12) feet by sixty (60) feet, logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles to be used, and accessible to such vehicles.

Lodging House: A fraternity house, sorority house, dormitory, or other such building designed and occupied, with or without separate kitchen or housekeeping facilities for each unit.

Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot Area: The total horizontal area within the lot lines of a lot, exclusive of public street right-of-ways but inclusive of easements.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot Coverage: The part or percent of a lot occupied by buildings and structures, including accessory buildings and structures, but not including unenclosed parking areas.

Lot Depth: The mean horizontal distance from the front lot line to the rear lot line.

Lot, Double Frontage: Any lot, other than a corner lot, which has frontage on two (2) streets that do not intersect at a point abutting the property.

Lot Frontage: The width in linear feet of a lot where it abuts any street or roadway or right of way thereof.

Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the records of the County Superior Court Clerk; or a parcel of land, the deed of which has been recorded in the same office as of the date of adoption of these regulations.

Lot Width: The horizontal distance between side lot lines measured at the minimum required front yard (regulatory front building set back) line.

Mail Order Office: An establishment which engages in the taking of requests for mail order or telephone or facsimile machine for catalog merchandise but not including the storage or distribution of such merchandise. An establishment where orders are picked up or taken in person is not considered a mail order office.

Manufactured Home/Mobile Home: A structure, built to conform to national standards embodied in the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq. administered by the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three-hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes mandatory plumbing, heating, air-conditioning and electrical systems contained therein. A manufactured home displays a certificate from the U.S. Department of Housing and Urban Development if manufactured after June 15, 1976.

Manufactured Home/Mobile Home Park: A parcel of land which has been planned or improved for the placement of two or more manufactured homes for residential use, including land, buildings and facilities used by the occupants of manufactured homes on such property must comply with all other regulations for mobile/manufactured home park.

Manufactured/Mobile Home Space: A parcel of land within a manufactured home park which is reserved or leased for the placement of an individual mobile home and accessory structures for the exclusive use of its occupants.

Manufactured Home Subdivision: Parcels of land planned or improved for the placement of manufactured homes on individual lots for residential use and must meet all subdivision regulations as outlined in this document.

Manufacturing, Processing and Assembling: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling

component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins or liquors.

Marquee: A permanent roof-like structure made of metal or other durable material affixed to the wall of a building.

Materials Recovery Facility: A solid waste handling facility that provides for the extraction from solid waste of recoverable materials.

Metes and Bounds: A system of describing and identifying land by distances or measures (metes) and bearings or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the intersection of the center line of intersecting streets.

Mini-Warehouse: A building or group of buildings that contains varying sizes of individual, compartmentalized stalls or lockers used for storage, which may include accessory office and/or night watchman's residence, but not including retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use; also known as self-service storage facilities.

Modular Structure: A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential or commercial purposes and which bears a seal of compliance with regulations of either the International Code Council (ICC) or the Georgia Industrialized Building Act.

Motel: A public commercial lodging facility intended for use as temporary residence, which may also include provision of meals, entertainment and various personal services, provided for compensation to persons traveling for business, tourism or other visitation purposes, distinguished from a hotel in that ingress and/or egress to and from all rooms is made primarily from an exterior walkway rather than from an interior lobby.

Mortuary: A place in which dead bodies are kept until burial.

Museum: An establishment engaged in the procurement, care, study, and display of objects of historical, educational and cultural value and interest.

Non-Conforming Lot: A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was of record as of the date of adoption of these regulations.

Non-Conforming Structure: Any building or structure lawfully existing at the date of adoption of these regulations or as a result of subsequent amendments to these regulations which does not conform to the regulations governing the bulk, location, height or size of buildings or structures permitted in the district.

Non-Conforming Use: Any building or use of land or building lawfully existing at the date of adoption of these regulations or as a result of subsequent amendments to these regulations, which does not conform with the permitted use provisions established herein for the district in which it is located.

Nuisance: Anything that interferes with the use or enjoyment of property, endangers public health or safety, or is offensive to the senses; anything that causes hurt, inconvenience or damage to another, even though it may otherwise be lawful.

Nursing Home: A long term care facility which admits patients by medical referral and provides for continuous medical supervision via 24 hour-a-day nursing care and related services in addition to food, shelter, and personal care. A nursing home may be licensed as a skilled nursing facility, an intermediate care facility, or an intermingled facility.

Off-street: Not located on a street as defined by this Article.

Office: A building or portion thereof wherein predominantly administrative, professional or clerical operations are performed, and not involving retail sales or other sales of any kind on the premises.

Official Zoning Map: The map, which accompanies the zoning ordinance text, that delineates the geographic location of the boundaries of zoning districts established in this ordinance in relation to natural features, man-made features and/or property uses.

Open Air Business: Any commercial establishment that displays products in a non-enclosed area.

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.

Original Tract of Land: Any parcel of land conveyed by deed or other legal document that has not been subdivided for a period of five (5) years or more from the date that said tract was originally conveyed. A division of land resulting from the settlement of an estate shall be considered to be an original tract of land immediately upon conveyance.

Outdoor Display: The keeping of any goods, junk, material or merchandise outside of a business, building or establishment or in an area visible from a public street, for display, advertisement or purposes of attracting rental or sales. Such definition shall not be construed as to include the temporary loading or unloading of such goods, junk, material or merchandise to or from an enclosed area.

Outdoor Storage: The keeping of any goods, junk, material, merchandise, or commercial vehicles in the same outdoor place for more than twenty-four hours.

Parking Lot: Any public or private open area used for the express purpose of temporary parking of private motor vehicles. A parking lot may be the principal use on a given lot or an accessory use to the principal use on a given lot.

Parking Space: An area having an area of at least two hundred (200) square feet and three hundred (300) square feet including maneuvering space within a parking lot, to be used exclusively as a temporary parking space for a motor vehicle.

Permitted Use: A use which is specifically authorized in a particular zoning district.

Person: An individual, firm, partnership, corporation, company, association or institution, including any trustee, assigns or other representative.

Personal Care: Protective care and watchful oversight of a resident who needs a watchful environment but who does not have an illness, injury, or disability which requires chronic or convalescent care including medical and nursing services.

Personal Care Home: A building or group of buildings, a facility or place in which is provided two or more beds and other facilities and services, including room, meals, and personal care, for non-family ambulatory adults.

Personal Care Home, Family: A personal care home for adults in a family-type residence, non-institutional in character, which offers care to two (2) through six (6) persons.

Personal Care Home, Group: A personal care home for adult persons in a residence or other type building(s), non-institutional in character, which offers care to seven (7) through fifteen (15) persons.

Personal Care Home, Congregate: A personal care home for adults which offers care to sixteen (16) or more persons.

Photography Studio: An establishment engaged in photography for hire for the general public, including but not limited to portrait, passport, wedding and other special occasion photographs.

Planned Unit Development (P.U.D.): An overlay or floating form of zoning classification (or development) usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, pedestrian amenities, and a mix of building types and land uses in a more dense setting (recognizing overall density) than allowable on separate zoned lots and maintained as a single entity. When a proposed P.U.D. site plan is approved, then all guidance, recommendations and restrictions are specifically bound to the approved plan.

Planning Commission: The Rabun County Planning Commission as established by Ordinance of the Governing Body.

Pool Hall: An establishment containing one (1) or more billiard tables, operated for profit, and open to the general public.

Premises: A lot as otherwise used in this Ordinance.

Public Use: Any building, structure or use owned and/or operated by the Federal Government, State of Georgia, Rabun County or other county, or other municipality, or any authority, agency, board or commission of the above governments, which is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, police and fire stations, public health facilities and hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage storage, intake, collection and treatment and pumping facilities, public housing facilities, jails and correctional centers.

Recreational Vehicle: A vehicular type portable structure which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel uses.

Recreational Vehicle (RV) Park: Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles of the general public as temporary living quarters by campers, vacationers or travelers.

Recycling Collection Center: A principal or accessory use that serves as a neighborhood or regional drop-off point for temporary storage of recoverable resources such as cans, bottles and newspapers, but specifically excluding processing of such resources.

Recycling Plant: A facility in which recoverable resources such as cans, bottles and newspapers are recycled, reprocessed and treated to return such products to a condition in which they may again be used in packaging or for production.

Rehabilitation: The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions of the property which are significant to its historic, architectural and cultural values.

Rehabilitation Center: Facilities authorized or licensed by appropriate agencies for the primary purpose of rehabilitation of: offenders against the law; persons with drug or alcohol abuse problems; mentally handicapped; and physically handicapped.

Rental Cabin: A unit built for the purpose of rental to guest(s) for less than 30 days.

Rental Housing: Housing occupied by a tenant paying rent to an owner and no part of the rent is used to acquire equity in the property.

Residence For Caretaker or Night Watchman: An accessory residence, located inside or in addition to the principal structure or use of a parcel of land, designed or occupied by security personnel for security reasons only.

Residential District: Any Residential Zoning District as indicated on the Official Zoning Map.

Restaurant: Any place or premises used for sale, dispensing or service of food, refreshment or beverages.

Restaurant, Drive-in: Any place or premises used for sale, dispensing or service of food, refreshment or beverage to person(s) in vehicles, including those establishments where customers may eat or drink on the premises.

Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail Trade Establishment, Enclosed: Any business offering goods and products for sale to the public, which operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during business hours and accessory storage in enclosed, subordinate buildings. Incidental repair is also included. The following are considered enclosed retail trade establishments (list is not all inclusive): convenience stores including the sale of gasoline; paint, glass and wallpaper stores; grocery and miscellaneous food stores including retail bakeries; apparel, shoe and accessory clothing stores; furniture, floor covering and home furnishing stores; household appliance stores; radio, television and computer stores; musical instrument stores; record, tape and compact disc stores; eating and drinking places not involving drive-in or drive-through facilities; drug stores and proprietary stores; liquor stores; used merchandise stores; sporting goods and bicycle shops; book, art and stationery stores; hobby, toy and game shops; jewelry, gift, novelty, souvenir and antique shops; camera and photographic supply stores, luggage and leather goods stores; sewing, needlework and piece goods stores; catalog and mail order stores; florists; tobacco stores; optical goods stores; news stands; automotive parts stores not involving repair; video rental and sales stores; watches and clocks stores; pawnshops; convenience stores with or without retail gasoline sales.

Retail Trade Establishment, Unenclosed: Any business offering goods and products for sale to the public, which does not operate entirely within a structure containing a roof and walls on all sides, and which all or a portion of the goods and products are displayed and/or stored, or business transacted, in the open-air or other shelter not completely enclosed. The following are considered unenclosed retail trade establishments (list is not all inclusive): lumber and building materials; retail nurseries and garden supply stores; mobile and manufactured home/modular building dealers; new and used car, truck, boat, recreational vehicle, camper, motorcycle, and other motorized vehicle sales and leasing; eating and drinking places including drive-in and drive-through facilities; fuel oil and

liquified petroleum dealers; agricultural implement and equipment sales and rental; Christmas tree sales; flea markets; monument sales establishments; automatic teller facilities; gas stations; produce stands; firewood sales.

Rezoning: An amendment to or a change in the official zoning map. Rezoning applications may be considered conditional uses and permitted as such. Applicants must present all required documents, site plans, and plats prior to any rezoning being granted.

Right-of-Way: That area, distinguished from an easement, which is owned in fee-simple title by the Governing Body or other government, for the present or future use of roads, streets, and highways, together with its drainage facilities and other supporting uses and structures.

Rooming House: A building where, for compensation, lodging only is provided.

Sanitarium: A hospital used for treating chronic and usually long-term illness.

Satellite Dish Antenna: A round, parabolic antenna intended to receive signals from orbiting satellites and other sources.

School: A facility that provides a curriculum of elementary and secondary academic instruction. A school is considered public if operated by a unit of government.

School, Trade, Technical, Business: An establishment in which is offered, for compensation, instruction in a trade, craft, technical field, or business skills.

Screening: A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, berms, densely planted vegetation, natural vegetation or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum opacity from the ground to a height of at least six (6) feet or that screens structures and activities from view from the normal level of a first story window on an abutting lot. Screening methods include opaque fences, walls, hedges, berms and other features.

Septic Tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewage solids, and discharging sewage effluent to an absorption field or other management system.

Semi-Public Use: Any building, structure or use owned and/or operated by private utilities or private companies for a public purpose, or which is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground or overhead gas, electrical, steam or water distribution or transmission lines or systems, electric power substations, wires, towers, cables, and poles, railroad facilities and bus and air terminals.

Service, Automotive: An establishment providing services and repairs to motor-driven vehicles, including but not limited to: rental car facilities; automobile parking lots; top and body, paint, automotive glass, transmission, and tire repair shops; car washes, including automated and full service facilities; oil change and lubrication.

Service Establishment, Business: A facility engaged in support functions to establishments operating for a profit on a fee or contract basis, including but not limited to: advertising agencies; photocopying, blueprinting and duplication services; mailing agencies; commercial art and graphic design; disinfecting, exterminating and pest control; personnel supply services and employment agencies; computer and data processing services; detective, protective and security system services; accounting, auditing and bookkeeping services; publications and business consulting firms; food catering, interior decorating, real estate and insurance offices.

Service Establishment, Personal: A facility engaged in the provision of services to persons and their apparel, including but not limited to: barber and beauty shops; coin-operated and full service laundries and dry cleaners; photographic studios; shoe repair and shoeshine parlors; dance studios, schools and halls; specialized instructional studios and schools; day care centers; massage parlors; travel agencies.

Service, Health: Health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen and miscellaneous types of medical supplies and services; offices of doctors, dentists, physical therapists, and other medical practitioners.

Service, Lodging: A facility which offers temporary shelter accommodations, or place for such shelter, open to the public for a fee, including but not limited to: hotels, motels and motor hotels; rooming and boarding houses; bed and breakfast inns; recreational vehicle parks and campgrounds.

Service, Miscellaneous: Those service establishments not otherwise specifically classified, including but not limited to: animal hospitals and veterinary clinics; funeral homes, mortuaries and mausoleums; construction contractors establishments not involving outside storage of vehicles or materials; palm reading and fortune telling; pet grooming, pet psychologists, dog obedience schools; taxidermists; and locksmiths.

Service Station: Any building, structure or land used for the retail sale of motor vehicle fuel, oil, accessories, and motor vehicle servicing, except that major repairs, body repairs, and painting of motor vehicles shall not be considered motor vehicle servicing.

Setback: The minimum horizontal distance between a street, alley, or the property boundary lines of a lot and the front, rear, or side lines of a building located on that lot.

Shopping Center: A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking on the property.

Sign: Any writing, pictorial presentation, illustration, or decoration, flag, banner or pennant or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known, and which is designed to be visible from any street or adjoining property, except for house numbers and address numbers and non-business letters on mailboxes. For the purposes of these regulations, any sign not visible from a street or adjoining property or any sign within a business, office, mall or totally enclosed area is exempted from these regulations, as are all approved traffic control signs and devices.

Sign, Animated: Any sign of which all or any part thereof visibly moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights or lighting device or devices which change color, flash or alternate, show movement or motion, or automatically change the appearance of said sign or any part thereof.

Sign Area: The entire area within a rectangle, circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background; any blank rectangular area which consists of ten (10) percent or more of the area of the sign as otherwise computed shall be disregarded. All of the lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation. Where a sign has two or more faces, the area of all faces shall be counted as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

Sign, Bench: A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Construction: Any sign giving the name or names and location of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed.

Sign, Directional: A sign temporarily or permanently erected on a site other than that to which persons are directed (off-site) which denotes the route to a particular business or other destination.

Sign, Flashing: A sign designed to attract attention through the use of a flashing, changing, revolving or flickering light source, or a change in light intensity.

Sign, Freestanding/ Ground: A permanently affixed sign which is wholly independent of any building for support.

Sign Height: The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

Sign, Identification: A sign which depicts the name and/or address of a building, subdivision or establishment on the premises where the sign is located as a means of identifying said building, subdivision or establishment.

Sign, Internally Illuminated: A sign illuminated with a light source which is enclosed within the sign and viewed through a translucent panel.

Sign, Mansard: A sign attached to or erected against a mansard or marquee of a building, with the face horizontally parallel to the building wall. Since said sign is mounted parallel to and within the limitations of the building wall on which same is mounted, such sign is deemed to be a wall sign and not a roof sign.

Sign Number: For the purposes of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related and composed to form a single unit. A ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single side.

Sign, Off-site: Any notice or advertisement, pictorial or otherwise which directs attention to goods, commodities, products, services, entertainment or other items that are not sold or offered upon the premises where such sign is located, except that government notices shall not be considered off-site signs.

Sign, On-site: Any notice or advertisement, pictorial or otherwise which directs attention to goods, commodities, products, services or entertainment sold or offered upon the premises where such sign is located.

Sign, Political: A sign which announces, promotes or advertises the name, program, or political party of any candidate for public office, or an opinion regarding a public referendum.

Sign, Portable: A sign, whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols. Even though the wheels or supports of such sign should be removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, such sign shall retain its character as a portable sign based on its original design unless modified to change its original design through incorporation into a permanent ground sign.

Sign, Projecting: A sign other than a wall sign affixed to any building or wall whose leading edge extends more than one (1) foot beyond such building or wall.

Sign, Real Estate: A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, lease or for sale.

Sign, Roof: Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sign, Sandwich: Any sign, double or single-faced, which is portable and may readily be moved from place to place, but not including portable signs as defined herein.

Sign, Special Event: A temporary outdoor advertising sign announcing special activities, events, or shows to be held in the near future within the community which are open to the general public, not including political information or advertising for an individual business or businesses.

Sign Structure: Any construction used or designed to support a sign.

Sign, Wall: A sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall.

Sign, Window: Any sign painted or placed inside or upon a door or window facing the outside and which is intended to be seen from the exterior, which is devoted to operational aspects of a business or other establishment (i.e., open, closed, out-to-lunch, no smoking, etc.) and which may contain general advertising material.

Site Plan: A graphic illustration, two-dimensional, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a lot or tract and the location of all buildings, structures, uses and principal site development features proposed for a specific lot or tract of land.

Slaughterhouse: An establishment where animals are killed, butchered, prepared for further processing, or processed in a final form.

Solid Waste: Discarded putrescible and non putrescible waste, except water carried body waste and recovered materials, and shall include garbage; rubbish such as paper, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, glass, crockery, or dunnage; ashes; street refuse; dead animals; sewage sludges; animal manures; industrial waste, such as waste materials generated in industrial operations; residue from incineration; food processing wastes; demolition wastes; abandoned automobiles and boats; dredging and construction waste.

Story: That portion of a building comprised between a floor and the floor or roof above.

Street: A public or private thoroughfare which is open to the general public and which affords the principal means of access to abutting property.

Street, Arterial: Unless otherwise specified by the Comprehensive Plan, Transportation element of the Comprehensive Plan or Major Thoroughfare Plan or Zoning Map and designated by the Rabun County Planning Commission, arterial streets are those streets and highway facilities, including full and partial access controlled highways and major urban area entrance highways, which are designed to carry the highest traffic volumes and the longest trips through and within an urban area.

Street, Collector: Unless otherwise specified by the Comprehensive Plan, Transportation element of the Comprehensive Plan or Major Thoroughfare Plan, collector streets are those streets that collect traffic from minor streets or other collector streets and channel it to the arterial system.

Street, Public: A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties.

Street, Residential: Streets within a residential neighborhood or sub-division.

Structure: Anything constructed or erected, the use of which requires more or less permanent or semi-permanent location on the ground, or which is attached to something having more or less permanent location on the ground, not including utility poles, but specifically including tents, bleachers, gasoline pumps, recreational vehicles, travel trailers signs, and structures from which products are vended and similar objects.

Subdivision: The division of a parcel or tract of land into any number of smaller tracts, lots or parcels for ready sale to the general public. For the purposes of this ordinance, "Subdivision" shall not include the division of property for the following:

- (A) Land division resulting in three (3) parcels or less. Subdivision shall include adjoining parcels when added or included in the scheme to sell parcels to the general public.
- (B) Land divided solely for the purpose of dividing an estate or inter-family transfers between parents, children and grandchildren or their spouses.
- (C) Parcels of three (3) acres or larger regardless of the number of parcels. Roads must be constructed as outlined in Exhibit A. Roads must also be approved by County Commissioners, or their designee.

Subdivision shall include adjoining parcels when added or included in the scheme to sell parcels to the general public. A lot or parcel obtained in the normal course of business by a parent, child or grandchild of the owner shall not be exempt from previous regulation because of the relationship.

Taxi Cab Station: An establishment engaged in furnishing passenger transportation by automobile or van, not operating on regular schedules or between fixed terminals and containing space for taxi cab fleets and related office facilities.

Temporary Use: A use intended for a specified limited duration.

Tower: A structure that is intended to send and/or receive radio, telephone, or television communications.

Townhouse: One (1) of a group of three (3) or more attached dwelling units under fee simple ownership.

Transitional Use: A permitted use, building or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

Transportation, Communication and Utility Facilities: Including but not limited to the following: bus passenger stations and terminals; airports, heliports and helistops; taxi cab and limousine services; radio and television studios and broadcasting towers; recycling collection centers; truck stops and truck terminals; trucking and courier services; marinas; railroad facilities; gas, electric, water supply services; emergency medical services; ultra-light flight parks.

Travel Trailer: A portable dwelling or lodging unit having no other foundation than wheels, distinguished from a mobile or manufactured home, designed for short-term travel, recreational or vacation use, including pickup campers and motor homes.

Tree: Any self-supporting, woody perennial plant having a single trunk diameter of two (2) inches or more which normally grows at maturity to an overall height of a minimum of fifteen (15) feet.

Truck Stop: An area principally devoted to the service re-fueling, temporary storage or parking of trucks, including accessory buildings, structures and uses such as restaurants.

Truck Terminal: An area where cargo is stored for routing or reshipment and where trucks load and unload cargo on a regular basis, or an area in which semi-trailers and/or trucks are parked and stored.

Underground Storage Tank: Any one or combination of tanks, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected thereto, is ten (10) percent or more beneath the surface of the ground.

Unenclosed Area: Any area of a given lot or structure which is not covered with a roof and protected by opaque walls on each of the sides of said area or structure.

Use: Any purpose for which a building or structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure or on a tract of land.

Utility: Public or private water and sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, cable television lines, roads, driveways, river/lake access facilities, stormwater facilities, railroads, airports and bus terminals.

Variance: A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

Warehouse: A building or group of buildings for the storage of goods or wares, with controlled access to contents.

Wholesale Distribution: An establishment engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.

Wrecked Motor Vehicle Compound: An area used to store disabled motor vehicles until such time as their disposition (either by junk, salvage or repair) has been determined by the insurance company, the owner of the vehicle, or his legal representative.

Yard: A space on the same lot with a principal building, which is open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted. A yard may contain a parking and/or loading area unless otherwise specified by these regulations.

Yard, Front: A space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. In the case of a corner lot, both spaces with street frontage may be considered front yards. In the case of double frontage lots, the spaces as defined above may both be considered front yards.

Yard, Rear: The space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, Side: A space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

Yard Sale: The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage, usually as a result of the occupant moving/relocating to another place of residence. Yard sales which do not take place on the premises on which such occupant resides are considered open-air businesses.

Zero Lot Line: The location of a building on a lot in such a manner that one or more building sides have no side building set back and rest directly on a side lot line.

Zoning: A legislative procedure in which the community is divided into districts or zones within which permitted uses, and in some cases conditional uses, are established as well as regulations governing lot size, bulk, height and other development requirements.

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

Section 41. Use Districts

For the purpose of these regulations, the area of jurisdiction within is divided into ten

(10) districts designated as follows:

1. Single-Family Residential District (R-1)
2. Two-Family Residential District (R-II)
3. Multi-Family Residential District (R-III)
4. Vacation Cottage District (V-C)
5. Neighborhood Shopping District (N-S)
6. Highway Business District (H-B)
7. Commercial Business District (C-B)
8. Restricted Industrial District (M-1)
9. Heavy Industrial District (M-II)
10. Agricultural (A)

Section 42. District Boundaries

The boundaries of the area of jurisdiction and of these districts are hereby established as shown on a map entitled “RABUN COUNTY ZONING MAP” which is recommended and certified by the Rabun County Planning Commission and adopted by the Board of Commissioners as required by law. This map is hereby made a part of this ordinance and shall be certified and on file in the office of the County Commission Chairman of the County of Rabun, or such other office designated by them, said map marked as Exhibit “C” and is attached hereto. The Clerk of the Rabun County Board of Commissioners is hereby authorized to separate the Rabun County Zoning Map from the official minutes of the Rabun County Board of Commissioners and display or present them in an appropriate office for public viewing.

Section 43. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- 43.1 Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or railroad right-of-way lines or such lines extended, such center lines, street lines, or railroad right-of-way lines shall be construed to be such boundaries.
- 43.2 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- 43.3 Where district boundaries are so indicated that they are approximately parallel to the center line of streets, highways, or railroads, or right-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the said Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
- 43.4 Where district boundaries follow a stream, lake or other body of water, and such district line also constitutes a county line, said boundaries shall be construed to be at the limits of the jurisdiction of the County of Rabun unless otherwise indicated.
- 43.5 Where district boundaries appear to follow corporate lines, such boundaries do follow the corporate lines.

Section 44. District Boundary Line Divides 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 shall not include any part of such lot more than thirty-five (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 restrictions of the district applying to the adjoining lots which front on the same street as the proposed use of the lot shall apply.

ARTICLE V

USE REQUIREMENTS FOR RESIDENTIAL DISTRICTS

Section 51. Residential I: Single Family District (R1)

Within a Single-Family Residential District (R-1) the following uses shall be permitted:

1. Residential subdivisions (single family)
2. Single-family detached dwelling (excluding mobile homes)
3. Churches
4. Public or private schools offering general education courses. Private schools require site approval by the Board of Commissioners.
5. Park, playgrounds, museums, library and community buildings owned and operated by public agencies.

6. Country club or golf courses, except miniature course or practice driving range operated for commercial purposes.
7. Home gardens and non-commercial greenhouses shall be permitted.
8. Accessory uses may generally be considered as private garages, storehouses, non-commercial greenhouses, children's play houses, summer houses, and home workshops, swimming pools, provided that auto repair facilities shall not be included if used as a business. Where the rear yard abuts upon a street no accessory building shall be closer to the rear lot line than the required front setback for the zone.
9. Quasi-public Service Uses: Utility company facilities on premises which are necessary for the convenience and general welfare of the public, such as telephone exchanges, pump houses, transformer substations, pressure resources, cable easements, etc. Such structures shall be architecturally harmonious with the general character of the surrounding area, shall be enclosed by proper fencing, and shall be suitably landscaped.
10. None of the above shall be used for commercial purposes.

Section 52. Two-Family Residential District (R-II)

Within a Two-Family Residential District (R-II) the following uses shall be permitted:

1. Any use permitted in the Single-Family (R-1) Residential District.
2. Two-Family dwellings (duplexes). (Not to exceed the maximum allowable building height).

Section 53. Residential III District-Multi-Family District (R-III)

Within a Multi-Family Residential District (R-III) the following uses shall be permitted:

1. Any use permitted in the Two-Family District (R-II).
2. Multiple-Family dwelling units which includes condominiums, townhouses or attached dwelling units, not to exceed the maximum allowable building height. (See page 58 for greenbelt area and density).
3. Rooming or boarding houses accommodating more than two persons.
4. Bed and Breakfast accommodations.
5. Institutions of a religious, educational, charitable or philanthropic nature, but not a penal institution.
6. Private clubs, fraternities, sororities and lodges, EXCEPTING, if any of the above should engage in a service customarily carried on as a business and affords this service to the general public, such use would not be permitted.
7. Mobile or manufactured homes in a mobile or manufactured home park subject to approval by the Planning Commission and after a public hearing by the Rabun County Board of Commissioners, provided that:

- (a) a minimum area of five (5) acres shall be devoted to mobile home park purposes;
- (b) there shall be a lot of not less than 5,000 square feet for each mobile home space;
- (c) provisions for sewage must be through a municipal sewage system or on-site treatment facility approved by the Rabun County Health Department. No septic tanks will be permitted.
- (d) each mobile home shall be underpinned;
- (e) mobile homes shall be separated by at least thirty (30) feet and shall be at least twenty (20) feet from internal and external roadways;
- (f) there shall be two parking spaces for each mobile home;
- (g) the front, side and rear setback requirements shall apply to the exterior boundaries of the park;
- (h) that the Planning Commission approve the location and design of the mobile home park. The Planning Commission may disapprove an application for a mobile home park provided that the park does not meet the stated requirements and/or the park will be detrimental to the neighborhood.
- (i) at least 30% of the land be greenbelt. Roads, parking area and required setback area are not included as greenbelt.

8. Accessory buildings or uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business, including a storage garage on a lot occupied by a multiple dwelling or

institution.

9. No signs exceeding twelve (12) square feet in area will be permitted to identify R-III Zone uses. Such signs shall be located not less than fifteen (15) feet from the front lot line of the property so identified.

Section 54. Vacation Cottage District (V-C)

Within a Vacation Cottage District (V-C) the following uses shall be permitted:

1. Single-Family detached residences (excluding mobile, manufactured or modular homes or industrialized dwelling units).
2. Non-commercial greenhouses and home gardens.
3. Municipal, county, state and other public uses, including parks and playgrounds.
4. Churches
5. Accessory buildings provided such shall be permitted only in a rear yard and shall not be less than ten (10) feet from any property lines.
6. Static electrical transformer stations and gas regulator stations if essential for the service of the immediate area, and subject to the following conditions: such uses shall be enclosed within a woven wire fence; shall be suitably landscaped; and the storage of vehicles and equipment on the premises shall be prohibited.
7. Rental Cabins. A minimum of one (1) acre is required for each cabin and each cabin must have its own septic system or be connected to a municipal sewage system. (Rental cabins shall not be sold separately unless applicable zoning requirements and subdivision regulations are met.)

ARTICLE VI

USE REQUIREMENTS FOR COMMERCIAL DISTRICTS

Section 61. Neighborhood Shopping District (NS)

The following shall be permitted in the Neighborhood Shopping District (NS):

1. Automobile parking lots.
2. Banks
3. Cemeteries – commercial. Site must be approved by Board of Commissioners and meet all criteria as outlined by the Secretary of State.
4. Clinics
5. Service Stations.
6. Florist shops or greenhouses.
7. Offices and office buildings.
8. Self-service laundries.
9. Household appliances and furniture sales.
10. Bakeries, but only when the products are sold at retail on the premises.
11. Retail Establishments, in connection with such stores there shall be no slaughtering of animals or poultry on the premises.
12. Service Establishments.
13. Quasi-Public Service Uses: Utility company facilities on premises which are necessary for the convenience and general welfare of the public, such as telephone exchanges, pump houses, transformer substations, pressure reducers, cable easements, etc. Such structures shall be architecturally harmonious with the general character of the surrounding area, shall be enclosed by proper

fencing, and shall be suitably landscaped.

Section 62. Highway Business District (HB)

The following uses shall be permitted in the Highway Business District (HB):

1. Any use permitted in the Neighborhood Shopping District (NS) or the Commercial Business District (CB).
2. Automobile dealership or mobile home dealership.
3. Business or commercial school.
4. Bowling alley when located not less than one hundred (100) feet from any Residential District.
5. Frozen food locker.
6. Radio or television broadcasting studio.
7. Hotel or motel.
8. Restaurant.
9. Animal hospital and veterinary clinic.
10. Theater and drive-in theater.
11. Retail/Service Establishments.
12. When located at least fifty feet from any Residential District:
 - a. Used car sales lot.
 - b. Boat sales lot.
13. Mortuary/Crematorium/Funeral Home.
14. Farm implement display and sales room.
15. Milk distributing station.
16. Parking or public garage.

17. Dyeing and cleaning establishment or laundry, painting, plumbing or tinsmithing shop, printing shop, tire sales and service, including vulcanizing, upholstering shop, not involving furniture manufacture. Any other general service or repair establishment of similar character.
18. Accessory building or use customarily incidental to any of the above uses.
19. Hardware store.
20. Bus terminal, passenger.
21. Hospitals.
22. Quasi-Public Service Uses: Utility company facilities on premises which are necessary for the convenience and general welfare of the public, such as telephone exchanges, pump houses, transformer substations, pressure reducers, cable easements, etc. Such structures shall be architecturally harmonious with the general character of the surrounding area, shall be enclosed by proper fencing, and shall be suitably landscaped.

Section 63. Commercial Business District (CB)

Within a Commercial Business District (CB) the following uses shall be permitted

1. Any use allowed in a Highway Business (HB) District.
2. Animal hospital or veterinary clinic.
3. Nursing and convalescent homes.
4. Automobile parts sales store.
5. Mini-warehouses and boat storage (enclosed).
6. Automobile washing establishment.
7. Bed and Breakfasts.

8. Bowling alleys.
9. Bus terminals.
10. Business and outdoor advertising signs. (Please see sign requirements in Article XIII Sec. 131)
11. Drive-in theater and theater.
12. Electrical repair shops.
13. Dry cleaning and laundry establishments.
14. Fabricating shops of small size such as woodwork shops, cabinet shops, and upholstery shops.
15. Farm equipment sales and service.
16. Funeral homes or mortuaries.
17. Service stations.
18. Greenhouses or horticultural nurseries.
19. Motels, Hotels, Inns.
20. Public and semi-public recreational facilities.
21. Repair services.
22. Restaurants, including drive-in restaurants
23. Retail Establishments/Service Establishments.
24. Hospitals.
25. Customary accessory uses and structures, when located on the same lot as the main structure.
26. Quasi-Public Service Uses; Utility company facilities on premises which are necessary for the convenience and general welfare of the public such as

telephone exchanges, pump houses, transformer substations, pressure reducers, cable easements, etc. Such structures shall be architecturally harmonious with the general character of the surrounding area, shall be enclosed by proper fencing, and shall be suitably landscaped.

27. Recreational Vehicle Parks, Campgrounds, and Recreational Vehicle Lot Sales.

- A. Definition of allowed vehicles: A vehicle built on a single chassis and maintained on wheels, primarily designed to provide temporary living quarters for recreation and camping.
- B. Vehicles not allowed: No manufactured homes or mobile homes, or other structures generally recognized as a permanent structure.
- C. Requirements:
 - 1. Minimum acreage for use as a Recreational Vehicle Park, Campground, or Recreational Vehicle lot sales shall be ten (10) acres, with said site having direct access to a County, State, or Federal Highway. No entrance or exit shall be through a residential district, or shall require movement of traffic from the park through a residential district.
 - 2.
 - A. The minimum lot size of individual lots for sale or rent shall be 1,750 square feet.
 - B. The minimum frontage of individual lots for sale or rent shall be 35 feet.

3. The minimum paved road width for area of for sale or for rent lots shall be twenty (20) feet with a total of thirty (30) foot right-of-way.
 - A. Roads shall be built with ten (10) inches of base and three and a half (3 ½) inches of asphalt, and be approved for quality of construction by the Rabun County Board of Commissioners or its designee.
4. Before approval of any new site by the Rabun County Planning and Zoning Commission, applicant must secure written approval from the Rabun County Health Department, DNR, and all other applicable governing authorities, that said site and usage meets the minimum requirements of said authorities. Assurance of continuity of maintenance and operation of utilities, including an approved water source and sewage disposal system, must be approved and documented as provided by applicable state regulations to insure the continuance of the operation and maintenance of said system for the benefit of the present and future owners of the properties connected thereto.
 - A. For sale lots must have preliminary and final plat approval by the Rabun County Planning Commission prior to lots being sold.
5. Management headquarters, recreational facilities, toilets, showers, laundry facilities, and other use and structures customarily

incidental to operation of a Recreational Vehicle Park for rental or recreational vehicle lot sales, are permitted as accessory uses.

- A. Such establishments and the parking are primarily related to their operation.
- B. Such establishments shall present no visible evidence of their commercial character, which would attract customers other than occupants of the Park.

6. Prohibited usage:

- A. No business of any type shall be conducted from any individual Recreational Vehicle rental or sold lot.
- B. There shall be no “time share” sale of lots or rental spaces.
- C. No rental or sold lot shall be used for permanent living accommodations, and any recreational vehicle occupying a space within a Recreational Vehicle Park, or campground, or located on a Recreational Vehicle park lot sold, must be removed for a period of at least thirty (30) days within each calendar year, with accurate records of occupancy to be kept by the park management, and notice of this ordinance to be furnished to all renters and purchasers of lots to be enforced by park management. The County Marshall may enforce this ordinance by ordering a vehicle removed from said park, campground, or lot, in violation of this provision.

7. Exceptions:

This amendment shall not disallow the existing usage of Recreational Vehicle Parks and campgrounds located within the county, or expansion onto adjacent land currently owned and appropriately zoned.

ARTICLE VII

USE REQUIREMENTS FOR INDUSTRIAL DISTRICTS

Section 71. Restricted Industrial District (M-1)

Within the Restricted Industrial District (M-1) the following uses shall be permitted:

1. Warehousing, wholesaling, storage or light manufacturing uses.
2. Bottling works.
3. Saw mill, lumber and storage yard, including construction yard and contractor's yard.
4. Coal or wood yard.
5. Storage of petroleum products, but only after the location of the premises have been approved by the fire chief; and further provided that any residence shall not be located within 500' of the location.
6. Textile manufacturing or processing.
7. Fabrication of wood and metal products.
8. Industrial and manufacturing plant where the process of manufacturing or the treatment of material is not objectionable because of dust, odor, gas, smoke, vibration, lighting or noise.
9. Truck or transfer terminal or freight house, or bus garages and repair shop.

10. Ice manufacturing plant.
11. Laboratory – experimental, film and testing.
12. Assembly plant.
13. Quasi-Public Service Uses: Utility company facilities on premises which are necessary for the convenience and general welfare of the public, such as telephone exchanges, pump houses, transformer substations, pressure reducers, cable easements, etc. Such structures shall be architecturally harmonious with the general character of the surrounding area, shall be enclosed by proper fencing and shall be suitably landscaped.

Section 72. Heavy Industrial District (M-11)

Within a Heavy Industrial District (M-11) the following uses shall be permitted:

1. Any industrial use, provided that such use shall not be likely to be dangerous, offensive or detrimental to the health, safety, welfare, or general character of this zoning district or of the community by reasons of the emission of dust, gas, smoke, noise, fumes, odors, vibrations, glare or otherwise.
2. Any non-residential uses permitted in the Restricted Industrial District (M-1).
3. Business and outdoor advertising signs.
4. Cold storage plants.
5. Service stations.
6. Laundry and dry cleaning establishments.
7. Public utility structures.
8. Repair shops.
9. Restaurants, cafes, and similar establishments.

10. Truck terminals.
11. Warehousing.
12. Wholesale establishments, including building material yards.
13. Accessory uses and buildings which are clearly incidental to a permitted use and which will not create a nuisance or hazard.
14. Any building or land may be used for any purpose not in conflict with any ordinance of Rabun County regulating nuisances; provided, however, that no building shall be erected, reconstructed or structurally altered for residential purposes except for resident watchmen and caretakers employed on the premises.
15. Assembly plant.
16. No permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the Planning Commission and the County Commissioners
 - (a) Acid manufacture.
 - (b) Cement, lime, gypsum or plaster of paris manufacture.
 - (c) Stockyards, or slaughter of animals.
 - (d) Ammonia, chlorine or bleaching powder manufacture.
 - (e) Asphalt manufacture or refining.
 - (f) Auto wrecking and junk yard.
 - (g) Coal, tar products manufacture.
 - (h) Linoleum manufacture.
 - (i) Mining operations.

- (j) Sanitary landfills and dumps.
 - (k) Quarry operations.
17. The following uses shall not be permitted in this or any other district:
- (l) Distillation of bones and glue manufacture.
 - (m) Fertilizer manufacture.
 - (n) Reduction or dumping of garbage, offal or dead animals.
 - (o) Refining of petroleum or its products.
 - (p) Paper or paper pulp manufacture.
 - (q) Smelting of tin, copper, zinc or iron ores.
18. Quasi-Public Service Uses: Utility company facilities or premises which are necessary for the convenience and general welfare of the public such as telephone exchanges, pump houses, transformer substations, pressure reducers, cable easements, etc. Such structures shall be architecturally harmonious with the general character of the surrounding area, shall be enclosed by proper fencing, and shall be suitably landscaped.

ARTICLE VIII

USE REQUIREMENTS FOR AGRICULTURAL DISTRICT

Section 81. Agricultural District (A)

The following uses shall be permitted in Agricultural District (A):

1. Farm residences, including quarters for migrant farm workers.
2. Land divisions and dwellings for related family use.
3. Mobile, manufactured or modular homes. (see Section 82 for setup regulations).

4. All agricultural and forestry uses, including broiler, poultry, and other livestock raising. Agricultural uses must be non-detrimental to the environment.
5. Customary and essential accessory buildings and uses including barns and other livestock structures, storage sheds, implement sheds, roadside stands for the sale of produce raised on the farm.
6. Churches.
7. Family/Church Cemeteries: Provided approval is granted by the Planning Commission and the County Commissioners. (Requires ¼ acre designated as cemetery. Plat must be recorded and public access shown.)
8. Home occupations (see definitions).
9. Public and semi-public buildings and land uses.
10. Public and semi-public recreation facilities and grounds.
11. Sawmill – Private – not producing lumber to sell.
12. Signs advertising the sale, lease or rental of property on which they are located when located at least fifty (50) feet from road right-of-way.
13. Subdivisions of three (3) acre tracts of land or larger for residential purposes, provided that all roads constructed thereon are built to comply with Article VII and VIII of the Subdivision Regulations of Rabun County, Georgia. No subdivision of land for sale for residential purposes into parcels less than three (3) acres in size shall occur in an Agricultural District.

14. Quasi-Public Service Uses: Utility company facilities on premises which are necessary for the convenience and general welfare of the public such as telephone exchanges, pump houses, transformer substations, pressure reducers, cable easements, etc. Such structures shall be architecturally harmonious with the general character of the surrounding area, shall be enclosed by proper fencing, and shall be suitably landscaped.

Section 82. Mobile, Manufactured, or Modular Home Minimum Construction Standards and Requirements for Permits.

Each newly installed mobile, manufactured, or modular home in Rabun County shall conform to the minimum construction standards required by the U.S. Housing and Urban Development, as required by the National Mobile Home and Safety Standards Act of 1974, 42 U.S.C., Section 5401, et. seq., before that mobile or manufactured home is entitled to receive any utility service to said mobile or manufactured home. It is the intent of this Ordinance to prohibit moving mobile or manufactured homes into Rabun County that do not conform to the applicable U.S. Housing and Urban Development Department's construction standards, as expressed in 42 U.S.C. Section 5401., et. seq., and regulations established pursuant to that Act. To that end, no mobile or manufactured home shall be allowed to locate for permanent or temporary occupancy in this County unless that mobile or manufactured home complies with the minimum construction standards required by the Housing and Urban Development Department. No used mobile or manufactured home being moved into Rabun County shall be allowed to locate for permanent or temporary occupancy in this county if said mobile or manufactured home is more than seven (7) years old, except as provided in the hereinafter paragraph 2 of this

Ordinance, provided, however, that any mobile or manufactured home that is located in Rabun County at the time of the passage of this Ordinance shall be freely transferable and may be relocated in Rabun County, unless said existing mobile or manufactured home was manufactured prior to U.S. Housing and Urban Development Department construction standards. An existing mobile home manufactured prior to 1974 may be moved within the County provided that a certificate is obtained from a licensed electrician which indicated that the unit has been re-wired to meet the latest published electric code standards.

No permit shall be issued from this Section 82 unless a septic tank permit has been obtained from the Rabun County Health Department, unless, however, the mobile or manufactured home will be connected to a publicly owned sewer system.

No mobile or manufactured home permit will be issued unless proof of payment of current years taxes is provided, and a relocation permit and building site permit is obtained.

Notwithstanding anything to the contrary, a mobile or manufactured home may be moved into Rabun County that is more than seven (7) years old provided the following conditions are met:

- (a) Said mobile or manufacture home is inspected by the Rabun County Planning and Zoning Administrator's Department prior to being brought into Rabun County and must pass the same test as to the condition of the mobile or manufactured home as that required by homes that are less than seven (7) years old.
- (b) An application for a permit to locate the mobile or manufactured home will be

filed with the Rabun County Planning Commission. Each application must have with it a site plan for the placement of the home. Each application will be heard by the Rabun County Planning Commission and then referred to the Rabun County Board of Commissioners for final and approval or denial. Each application will be processed and considered by the Rabun County Commissioners in the same manner as a variance application, as provided for in the Rabun County Planning and Zoning Ordinance.

- (c) The fees to be paid with each application will be the same as in filing an application for a building permit. In addition, there will be a \$.40 per mile charge for travel outside Rabun County plus a \$50.00 inspection fee for the purpose of an inspection to determine if said mobile or manufactured home meets the same test as described above. This inspection is to be made by the Rabun County Planning & Zoning Administration before the application is presented to the Rabun County Planning Commission for consideration. No trip will be made more than 100 miles, the minimum travel fee will be \$50.00.
- (d) Said mobile or manufactured home is compatible with existing housing in the surrounding area in terms of type, style, age and condition.
- (e) No mobile home, manufactured, or modular homes, will be allowed to set up without the following construction procedures:
 1. The foundation piers must be a minimum of double 8" x 16" block making the pier 16" x 16" and a minimum of 16" high and a maximum of 48" high.
 2. The footers must be minimum of 24" x 24" x 8" poured concrete bearing

3000 psi with 3-#4 bars in both directions, except for those homes which are located on leased or rental space which may have pre-cast or composite footers..

3. The footers must be located no more than 6'0-0 apart on soil bearing at least 95% compaction.
4. The home must be storm tied down located at each pier.
5. The mobile or modular home must be under skirted from the exterior wall to the ground with a non combustible material such as concrete, steel, simulated-stone, etc. No plywood, black board or wood is acceptable. There must be adequate ventilation provided in the skirted walls.
6. The mobile or modular home must have a porch at each exit. Handrails are mandatory. The minimum size is 4' x 4' with adequate steps leading to the ground. Dry stacked cement blocks are not acceptable as steps.

ARTICLE IX

AREA YARD AND HEIGHT REQUIREMENTS

DISTRICT	MINIMUM LOT SIZE		MINIMUM YARD REQUIREMENTS BUILDING SETBACKS					
			Front Yard Setback			15*	15*	
			Major Artery	Minor Artery	Other Streets			
Vacation Cottage	1 acre	43,560	100	40*	30*	25*	15*	15*
Agricultural (A)	1 acre	43,560	100	40*	30*	25*	15*	15*
RESIDENTIAL								
Single Family (R-1)	1 acre	43,560	100	40*	30*	25*	15*	15*
Two Family (R-11)	Max. 2 units per acre	21,780 per 2 unit duplex (1 acre minimum for individual lot).	100	40*	30*	25*	15*	15*
Multi-Family (R-111) 30% area must be greenbelt. 1 acre minimum.	Max. 6 units per acre	7,260 per condo or apartment unit. minimum 1 acre for individual lot.	100	40*	30*	25*	15*	15*
Manufactured Home Park	5 acres		See District in which Park is located. (Greenbelt Req.) R-III					
COMMERCIAL								
Neighborhood Shopping (NS)				40	35	25*	15*	10*
Highway Business (HB)				40	35	25*	15*	10*
Commercial Business (CB)				40	35	25*	15*	10*
INDUSTRIAL								
Restricted (M-1)				50	40	40	40*	40*
Heavy (M-11) No residence permitted				50	40	40		
<p>*Setbacks for any buildings or development are subject to Department of Natural Resources, Environmental Protection Division, and any other State or Federal regulations regarding setbacks, but shall be no less than 25' from protected waters at any time. <u>All lot sizes are contingent on Health Department requirements</u> (no lot may be smaller than County requirements but, may have to be larger to meet Health Department Regulations. <u>Front yard setbacks are from the Right-of-Way.</u> Side and rear setbacks are from lot line. The following land areas are not considered as a part of a lot when calculating the required minimum lot size; right of way of roads, easements (such as power lines or pipe lines), bodies of water, land within 50 feet of a lake, river, stream, wetlands, or other adverse topographic features. The Highest Living Floor Height of all buildings and structures in all use districts cannot exceed twenty-six feet (26'). The Overall Building Height of any single-family residential or commercial building or structure cannot exceed forty feet (40'). The Overall Building Height of any multi-family residential building or structure cannot exceed forty-six feet (46'). The maximum number of habitable floors of any building or structure in all use districts is three (3 stories) above the point used to determine the Highest Living Floor Height. For buildings or structures with two or more floors above the location of the</p>								

point used to determine the Highest Living Floor Height, the immediate environs of the point used to determine the Highest Living Floor Height must be accessible to an over-the-road, wheeled vehicle.

All three story (3) multi-family residential and commercial buildings or structures must be sprinklered throughout the entire building, including any enclosed attic/storage/garage spaces, and have a minimum of two (2) stairwells. All sprinkler systems and stairwells must be installed in accordance with the applicable State of Georgia Fire Code specifications.

No building or structure shall hereafter be erected, constructed, reconstructed, or altered in any way so as to depart from the provisions of this ordinance described above: provided, however, the Rabun County Board of Commissioners may, upon application and approval of a variance, allow buildings and structures to depart from the provisions of this ordinance as described above subject to application requirements and procedures for variances established in Section 162 of this Zoning Ordinance.

ARTICLE X
SPECIAL ZONING CLASSIFICATIONS NOT DESIGNATED AS USE
DISTRICTS

Section 100. Planned Unit Development (PUD)

100.1 General Character:

Purpose: It is the intent of this Section 100 to:

1. Encourage the development of large tracts of land as planned neighborhoods or communities;
2. Encourage flexible and creative concepts in site planning;
3. Preserve the natural amenities of the land by encouraging scenic and functional open areas within residential areas;
4. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the Ordinance;
5. Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lower development and housing costs;
6. Provide an environment of stable character compatible with surrounding residential areas.

Within the planned area, a variety of land uses may be permitted in an orderly relation to one another and to existing land uses, as well as with due regard to comprehensive planning in Rabun County.

100.2 Requirements and Standards for Approval:

1. An application for development as a Planned Unit Development must

contain a minimum area of twenty (20) contiguous acres.

2. The Rabun County Planning Commission and the Rabun County Board of Commissioners in their review of the proposed development plan shall consider:
 - (a) The proper relation between the proposed development and surrounding uses, and the effect of the plan upon comprehensive planning for Rabun County;
 - (b) The adequacy of existing and proposed streets, water, sewer, electrical and gas service, and other public services to serve the development
 - (c) The character, design, and appropriateness of the proposed land uses and their adequacy to encourage desirable living conditions, to provide separation and screening between uses where desirable to preserve the natural amenities of streets, wooded areas and similar natural features;
 - (d) The adequacy of open and play areas and the recreation facilities provided for the needs of the development.
3. Approval and recommendation of the Planning Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed Planned Unit Development will not adversely affect the property adjacent to the area included in the plan.
4. Final approval of a Planned Unit Development shall not be granted

until the owner of the property gives written notice of his consent to the proposed development.

100.3 Review and Approval Procedures:

1. Pre-Application Conference

Prior to filing a formal application as a Planned Unit Development, the applicant is encouraged to confer with the staff of the Planning Commission in order to review the general character of the plan (on the basis of a tentative land use sketch if available), and to obtain information on projected programs and other matters.

2. Development Plan

(e) An applicant shall file a petition with the Administrative Officer for approval as a Planned Unit Development. This application shall be supported by a development plan and a written summary of intent, and shall show the relation between the proposed development and the surrounding area, both existing and proposed.

(f) The following information shall be presented:

1. A general location map;
2. Existing topographic conditions, including contour intervals of no more than four (4) feet based on field surveys or photogrammetric methods;
3. The existing and proposed land uses and the approximate

- location of all buildings and structures;
4. The approximate location of existing and proposed streets and major thoroughfares;
 5. The approximate location of all existing and proposed utilities, including a preliminary utility and drainage plan;
 6. The present zoning pattern in the area;
 7. A legal description of the subject property;
 8. The location and use of existing and proposed public, semi-public, or community facilities such as schools, parks and open area. This will include area proposed to be dedicated or reserved for community or public use.
 9. Perspective drawings of representative building types, except for detached single-family dwellings and their accessory buildings.
 10. If a proposed development creates special problems or involves unusual circumstances, additional information may be required in order to properly evaluate the proposal as follows:
 - a. An off-street parking and loading plan.
 - b. An economic feasibility report or market analysis.
 - c. A traffic study of the area and a circulation plan within the development and to and from existing streets and thoroughfares.

- (g) The written statement submitted with the development plan shall include the following information.
1. A statement of the present ownership of all land within the proposed development.
 2. An explanation of the character of the proposed development, including a summary of acres, dwelling units and gross density by type of land use. The statement shall include minimum standards for floor area, lot size, yard and spacing requirements.
 3. Background and history of prior developments of developer and/or applicant.
 4. Agreements, provisions and covenants which govern the use, maintenance and protection of the development and any common or open areas.
 5. A general statement of the proposed development schedule and progression of unit division of staging.
 6. All road rights of way shall be constructed according to Required Minimum Sections approved by the Rabun County Board of Commissioners (see Exhibit A – Required Minimum Sections).
- (h) Approval
1. An application for approval of a Planned Unit Development will be considered administratively as a petition for

rezoning, and will be subject to the procedures established in the Zoning Ordinance, including the requirements of a public hearing.

2. After review and public hearing the Board of Commissioners may disapprove, approve, or approve with modifications, the plan after receiving the recommendation of the Rabun County Planning Commission.
3. If the development plan is approved as submitted, the Administrative Officer will cause the official Zoning Map to be changed to indicate the Planned Unit Development. If the plan is approved with modifications, the applicant shall file written notice of consent to the modifications and a properly revised site plan with the Administrative Officer prior to changing the Zoning Map. The site plan and supporting information of an approved plan shall be properly identified and permanently filed with the Administrative Officer. No building permits shall be issued until the development plan has been approved by the Board of Commissioners.

3. Building and Occupancy Permits

The Administrative Officer shall issue building permits for buildings and structures in the area covered by the approved development plan if they are in conformity with the approved development plan, the

development schedule, and with all other regulations. He may issue a Certificate of Occupancy for any completed building or structure located in the area covered by the approved development plan if it conforms to the requirements of the approved development plan and all other applicable regulations.

4. Revisions of Development Plan

Any change in the approved development plan which affects the intent and character of the development, the density of land use pattern, the location or dimensions of streets, or similar changes will be reviewed and approved by the Board of Commissioners subsequent to receipt of the recommendations of the Planning Commission. A request for a revision of the development plan shall be supported by a written statement of why the revisions are necessary or desirable.

5. Revision of Zoning Approval

Approval of the Board of Commissioners shall be in effect for at least one (1) year period. However, if no construction has begun within two (2) years after approval of the development plan, or if the applicant fails to maintain the approved development schedule, the approval of the development plan shall lapse and be of no further effect. At its discretion, and for good cause, the Planning Commission may extend for six (6) months the period for beginning construction for any phase of the project. If the approval of the development plan lapses under this provision, the Building Inspector

shall cause the development to be removed from the official Zoning Map, file a notice of revocation with the recorded development plan, and reinstate the zoning district and regulations which were in effect prior to approval of the development plan. The Planning Commission shall be the sole authority to determine if “construction has begun”.

100.4 Use, Density and Other Regulations:

1. Permitted Uses

The uses permitted within the Planned Unit Development shall be primarily residential in character, and may include the following uses:

- (a) Single-family detached dwelling,
- (b) Single-family attached dwellings, town-houses, duplexes or similar types,
- (c) Multi-family dwelling,
- (d) Churches, schools, community or club facilities, and similar public or semi-public facilities, including recreational,
- (e) Commercial or retail uses, including offices and clinics provided they meet the following criteria:
 1. The location is appropriate in relation to other land uses.
 2. The proposed use is designed so that it will primarily serve the planned development.
- (f) Accessory uses to those listed above.

2. Density Controls

The maximum number of dwelling units per acre in residential areas of the

planned Unit Development shall not exceed 6.0 dwelling units per acre. For purposes of this section, density shall be interpreted as the number of dwelling units per gross acre denoted to residential development. Gross acreage shall include, in addition to land area and parcels used primarily for residential purposes, all open space including private lakes reserved for common usage within the Planned Unit Development and held under private or condominium ownership. Gross acreage for residential development shall exclude areas reserved or dedicated for street rights-of-way.

3. Variance to Required Densities

The Board of Commissioners may allow a higher overall density, or a higher density of a particular residential use provided that the applicant can show that such higher density will not be detrimental to the surrounding neighborhood. The Board of Commissioners shall consider a variance to the required density only after consideration for a specific density by the Rabun County Planning Commission.

Land area proposed for common open space may be allocated to a single-family detached, single-family attached, and multi-family use areas in proportion to the percentage of the area of each use to the total area of residential use provided that open space acreage allocated to a use must be reasonably accessible to that use.

4. Dimensional and Bulk Regulations

The approximate location of all structures shall be shown on the development plan, subject to minimum lot size, setback lines, lot coverage or floor area,

specified in the approved plan. The proposed location and arrangement of structures shall not be detrimental to existing or proposed adjacent dwellings or to the development of the neighborhood.

5. Perimeter Requirements

Unless topographical or other barriers protect the privacy of existing adjoining uses, the Board of Commissioners, upon the recommendation of the Planning Commission, may impose one or both of the following requirements:

- (a) Structure or buildings located at the perimeter of the development shall be set back a distance of at least one (100) feet to protect the privacy and amenities of adjacent existing uses.
- (b) Structures or buildings located at the perimeter of the development shall be permanently screened in a manner which sufficiently protects the privacy and amenities to the adjacent existing uses.

100.5 Uses permitted Subject to the Approval of the Planning Commission and County Commissioners:

- 1. All uses permitted under Section 54.
- 2. Multi family dwelling units.
- 3. Church bulletin boards.
- 4. Group camp developments of at least ten (10) acres. Such development may include hotels, cabins, country clubs, trailer and tent accommodations, commercial boating facilities, and retail sales, are incidental to the group camp activities. Provided, however that there shall be a minimum of 10,000

square feet of lot area for each dwelling unit or non-housekeeping accommodations and that there shall not be less than 20 feet of open space between buildings. Provided that such group camp developments are not used as permanent residential accommodations by any group or member of a group, excepting managers, night watchmen and any other employees of the organization whose duties shall require permanent residence on the premises.

5. Mobile Home Parks (defined as more than two units) subject to approval by the Planning Commission and after public hearing, and final approval by the Board of County Commissioners.

100.6 Control Of Area Following Completion

1. After completion of a Planned Unit Development, the use of land and construction, modification or alteration of any buildings or structures within the area covered by the plan shall be regulated by the approved development plan.
2. No changes may be made in the approved development plan except as provided below:
 - (a) Minor extensions, alterations, or modifications of existing buildings or structures may be permitted after review and approval by the Building and Zoning Office and the Planning Commission, provided they are substantially consistent with purposes and intent of the development plan.
 - (b) Substantial change in permitted uses, location of building or other specifications of the development plan may be permitted following a

public hearing and approval by the Board of Commissioners upon receipt of the recommendation of the Planning Commission.

Section 101. Specific Purpose

a. The Rabun 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 Rabun 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 Ordinance and particularly Article I of this Act. The application for amending for a specific purpose must be made by the property owner on a form prescribed by the Rabun 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 Rabun 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 41 of this Ordinance, 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 Rabun County Planning Commission or the Rabun 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 41 of Article IV, 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 this ordinance.

Nothing in this Section shall prohibit the Rabun County Board of Commissioners from rezoning or otherwise amending the Ordinance to change "use districts" where otherwise appropriate under this Ordinance.

1. When property is zoned for a specific purpose and is not used for that purpose within twelve (12) months, the zoning will then revert to its original use district.

ARTICLE XI

GENERAL PROVISIONS

Section 111. Zoning Affects Every Building and Use

No building or land shall hereinafter be used or occupied and no building, or part thereof, shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, and without first obtaining a building permit, except as hereinafter provided. In the enforcement of the provisions of this Ordinance, the Administrative Officer may withhold building or occupancy permits until all provisions of this resolution are complied with or his decision is appealed to the Rabun County Planning Commission.

An Administrative Office (i.e.) Rabun County Marshal, may (1) with the knowing and voluntary consent of an occupant or owner, or (2) pursuant to a warrant lawfully issued upon probable cause, enter at reasonable times any building, structure or premises in Rabun County solely for the purpose of determining its compliance with the rules, regulations and limitations of this Zoning Ordinance.

Section 112. Continuance of Non-Conforming Building or Use

Any structure or use of land existing at the time of the enactment or subsequent amendment of this Ordinance, but not in conformity with its use regulations and provisions, may be continued with the following limitations:

112.1. It shall not be changed to another non-conforming use.

112.2. It shall not be re-established after discontinuance or abandonment for one year.

- 112.3. It shall not be extended, except in conformity with these regulations.
- 112.4 Non-residential buildings shall not be rebuilt, altered or repaired after damage exceeding seventy-five (75) percent of the fair sale value of the building immediately prior to damage.
- 112.5 It shall not be allowed to continue if it involves junk, salvage materials, inoperable vehicles, and the storage thereof unless enclosed or completely screened from passing public view. Properties in violation of this section shall have a 6 month period from the date of the adoption of this ordinance to come into compliance.

Section 113. Variances

The Rabun County Commission may grant variances from the terms and provisions of this ordinance under the following provisions:

1. No such variance shall change the zoning or use classification of such property.
2. No such variance shall permit a use of such property that is not otherwise permitted in its zoning classification.
3. Such variance shall not be contrary to the public interest or detrimental to the adjoining land owners or neighborhood, and shall not impair the purpose and intent of this Ordinance.
4. There must be extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or

topography.

5. There must exist a practical difficulty or unnecessary hardship in the use and utilization of said property without such variance.
6. The circumstances of the hardship cannot be self-created by the applicant.
7. The provisions of Article XVI must be followed as the same pertains to the public hearing and advertisement requirements thereof.
8. If a requested variance application is denied by the Rabun County Planning Commission, it will be forwarded to the Rabun County Board of Commissioners for reconsideration under the above stated provisions.

Section 114. Only One Principal Building on Any Lot

Only one principal building and its customary accessory buildings may hereafter be erected on any lot. In zones approved for individual mobile homes, the lot size and other lot specifications for mobile homes shall be the same as for other housing units in the zone.

Section 115. Reduction of a Lot Area Prohibited

No lot shall be reduced in size so that lot width, yard requirements, lot area per dwelling unit, or other requirements of this resolution are not maintained.

Section 116. Off-Street Automobile Parking and Storage

Off-street automobile parking or storage space shall be provided in every lot on which any of the following uses are hereafter established in all districts except Commercial District, or provided that no parking space can be reasonably provided on the same lot, such space shall be provided on any lot a substantial portion of which is within four hundred (400) feet of such uses. The required parking space for any number

of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use at the same time, except

that one half (1/2) of the parking space required for churches, theatres or assembly halls whose peak attendance will be at night or on Sundays, may be used to augment parking for adjacent day-use activities. Each automobile parking space shall not be less than two hundred (200) square feet in area exclusive of adequate access drives and maneuvering space. Maneuvering space shall be provided (except for single family residents) to prevent any vehicle from backing into the street. Such space shall be provided with vehicular access to a street or alley; such use shall not thereafter be encroached upon or altered; and shall be equal in number to at least the minimum requirements for the specific use set forth below. When application of said provision results in fractional space requirement, the next largest requirement shall prevail.

USE CLASSIFICATION	PARKING SPACE REQUIREMENTS
Automobile Sales and Repair	One (1) space for each two (2) employees at maximum employment on a single shift, plus two (2) spaces for each 300 square feet of repair or maintenance space.
Bowling Alleys	Two (2) spaces for each alley, plus one additional space for each two (2) employees.
Churches	One (1) space for each five (5) seats.
Elementary Schools and Junior High Schools, both public and private	One (1) space for each classroom and administrative office
Filling Station	Two (2) spaces for each gas pump plus three (3) spaces for each grease rack or similar facility.
Hospitals	One (1) space for each two (2) patient beds plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees, including nurses.
Mortuary or Funeral Home	One (1) space for each four (4) seats in the assembly room or chapel
Motel, Hotel, Inn, Bed & Breakfast	One (1) space for each accommodation, plus two (2) additional spaces for employees.
Offices, Professional, Business or Public, including Banks	One (1) space for each 200 square feet of gross floor area
Places of public assembly including private clubs, lodges, and fraternal buildings not providing overnight accommodations, auditoriums, dance halls, pool rooms, theaters, stadiums, gymnasiums, amusement parks, community centers, libraries, museums, and all similar places of public assembly	One (1) space for each 200 square feet provided for patron use, plus one (1) space for each 100 square feet of floor or ground area used for amusement or assembly, but not containing fixed assets.

Rooming and Boarding Houses	One (1) space for each guest, plus one (1) additional space for the owner.
Residential Dwellings	Two (2) spaces for each dwelling unit.
Restaurants	One (1) space for each 75 feet of floor area denoted to patron use, plus one (1) space for each four employees.
Retail Business	One (1) space for each 200 square feet of total floor area.
Sanitariums, Rest and Convalescent Homes, Homes for the Aged, and Similar Institutions	One (1) space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four employees
Senior High Schools, both public and private	One (1) space for each ten (10) pupils for which the space was designed, plus one (1) space for each classroom and administrative office.
Manufactured Home Parks	Two (2) spaces for each sleeping unit.
Wholesaling and Industrial Uses	One (1) space for each two (2) employees at maximum employment on a single shift.

Section 117. Off-Street Loading and Unloading Spaces

Every building and structure used for business, trade or industry hereafter erected, shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or if there is no alley, to a street. For the purpose of this section, off-street loading spaces shall have minimum dimensions of twelve (12) feet by forty (40) feet and an overhead clearance of fourteen (14) feet in height above the alley or street grade.

117.1. Retail Business: One (1) space for each 3,000 square feet of floor area or fraction thereof.

117.2. Wholesale and industry: One (1) space for each 10,000 square feet of floor space or fraction thereof.

117.3. Terminal facilities for trucks, buses, or railroads: One (1) space for each bus or truck to be stored or loading or unloading at the terminal at any one time.

ARTICLE XII

EXCEPTIONS AND MODIFICATIONS

Section 118. Cleanliness of Private Properties Required.

Every owner, occupant, tenant, lessee, proprietor, and person in charge of every dwelling, building, business, commercial establishment, institution, and industrial establishment shall, jointly and severally, be required to comply with the following:

118.1. Keep driveways, yards, parking, loading, work areas and areas adjacent thereto and under his control reasonably clean at all times, and to keep property free of junk, salvage or scrap materials.

118.2. Maintain garbage storage areas in a clean condition and to insure that all garbage is properly containerized; and all containers shall be shielded from public view.

118.3. Furnish containers for construction debris, salvage materials and litter, and to containerize all such litter by the end of each work day.

Section 119. Junk or Inoperable Motor Vehicles Prohibited

Except on properties that meet the definition of an auto wrecking or junkyard, and such uses are permitted in the zoning district in which they are located, no person owning real estate within Rabun County shall allow or keep any junk or inoperable motor vehicle or parts thereof on said

property unless vehicles are stored out of view of passing public and adjoining properties.

119.2 Screening of Wrecked Motor Vehicle Compounds Required.

Any person who owns, operates or maintains an auto wrecking or junkyard, automobile repair garage, automobile body shop, or other permitted use involving junk, unlicensed motor vehicles, or junk motor vehicles outdoors shall provide a solid vertical wall or fence of a minimum height of six (6) feet, measured along the ground level along the entire perimeter of the subject yard, compound or area, including entrance and exit gates, such that screening is provided on all sides from the view from public streets and adjacent properties.

Section 121. Existing Lots

Where the owner of a lot consisting of one or more lots of official record in any district at the time of adoption of this Ordinance does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this Ordinance, such lot may be used as a building site provided, however, that the requirements of this district are complied with, health department issues approval for sewage and water supply if necessary.

Section 122. Adjoining and Vacant Lots of Record

If two or more adjoining or vacant lots with continuous frontage are in a single ownership at the time of the adoption of these regulations and such lots individually are less than fifty (50) feet in width, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be

subject to the requirements of these regulations.

Section 123. Front Yard Setbacks for Dwellings

Setbacks are from Right-of-Way, where roads are involved.

Section 124. Visibility at Intersections

On a corner lot in any zoning district, no planting, structure, fence, wall, or obstruction to vision more than three (3) feet in height measured from the center line of the street shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines each of which is twenty five (25) feet distance from the point of intersection.

Section 125. Corner Lots

The side yard setback requirements for corner lots shall be the same for front yard setback requirements.

ARTICLE XIII

SIGN REQUIREMENTS

Section 131. Objectives and Purpose.

The objective of this article is to establish requirements for the placement, installation, and maintenance of signs and off-premise advertising in order to preserve and protect the health, safety, welfare, and general well-being of the citizens of Rabun County. As the regulations of the placement, construction, and maintenance of buildings and structures through zoning is a valid use of the police power, so too is the regulation of the placement, installation, and maintenance of signs, since such signs in the literal

sense must ordinarily be considered structures, and in a practical sense are capable of producing many of the same nuisances as are produced by buildings. The regulation of the placement, installation, and maintenance of signs is further justified by the signs innate scheme and primary purpose to draw mental attention to its content, potentially to the detriment of sound driving practices and the safety of the motoring public to whom a majority of the signs are oriented. Therefore, it is the intent of this article to regulate the size and location of signs such that their purpose can be served without unduly interfering with the motoring public and causing unsafe conditions. Further, it is an objective of this article to protect and preserve the aesthetic qualities of the county by regulating the number, size, placement, installation, and maintenance of signs. The fact that such signs are intended to command visual contact grants to signs a proportionally greater role than other structures in determining the overall aesthetic quality of the county. The aesthetic impact of signs is an economic fact that can bear heavily upon the enjoyment and value of property; therefore, the regulation of signs is validly justified on the basis of conserving the value of property and encouraging the most appropriate use of land throughout the county. It is contended that it is not irrational for the County's citizens to plan their physical surroundings in such a way that unsightliness is minimized.

With these objectives and purposes in mind, it is the intention of this article to authorize the use of signs that:

1. Are compatible with their surroundings in terms of zoning, existing land use, and architectural characteristics.
2. Are appropriate to the type of activity to which they pertain.
3. Are expressive of the identity of the individual properties and/or of the County

as a whole.

4. Are legible in the circumstances in which they are seen.

In addition, it is declared that the regulation of signs within the county is necessary and in the public interest:

1. To protect property values within the county.
2. To protect the motoring public from damage or injury caused or partially attributable to distractions or obstructions from improperly designed or situated signs.
3. To promote the economic well-being of Rabun County by creating a favorable physical image.
4. To improve the legibility and effectiveness of commercial and governmental signs.
5. To afford the business community equal and fair opportunity to advertise and promote products and services without discrimination.
6. To create and maintain high quality commercial districts.
7. To eliminate the clutter and unsightliness of excessive signage.
8. To protect the right of citizens to enjoy Rabun County's natural scenic beauty.
9. To encourage the development of tourism.
10. To regulate the construction, erection, maintenance and size of signs that may constitute a direct danger to pedestrians and property, especially during periods of high winds.
6. To preserve and promote the public health, safety and welfare in Rabun County.

Section 132. Jurisdiction and Applicability of Code Requirements.

1. This article shall apply to all properties within the unincorporated areas of Rabun County, Georgia. This article shall not relate to the copy or message on a sign within the incorporated areas of Rabun County, Georgia.
2. All signs and other advertising structures shall be constructed and maintained in strict conformity with the building and electrical codes adopted by the State of Georgia, Rabun County, Georgia, and the International Code Council (ICC) and the Southern Building Code.
3. If any provisions or requirements of this article are found to be in conflict with any other provision or requirement of this ordinance or any other applicable governmental law, ordinance, resolution, rule or other governmental regulation of any kind, the more restrictive rule or standard shall take precedence.

Section 133. Variances for Signs.

Variances from the provisions of this article may be requested. All such variances shall be considered and decided by the Rabun County Planning and Zoning Board in accordance with officially adopted procedures and standards contained in the Rabun County Zoning Ordinance.

Section 134 Lighting Requirements.

1. Lighted, neon or luminous signs giving off light resulting in glare, blinding or any other such adverse effect on traffic shall not be erected or maintained.
2. The light from illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. Lighting shall not be directed skyward.

3. No illuminated signs shall be constructed or maintained within fifty (50) feet of any residential dwelling unless written approval is obtained from the owner and occupant(s) of such dwelling.

4. No sign shall be erected which simulates an official traffic control or warning sign in such a manner as to confuse or mislead the motoring public or hide from view any traffic or street sign or signal.

Section 135. Height Requirements.

No permitted sign, regardless of type, shall exceed forty (40) feet from ground level.

Section 136. Prohibited Signs.

The following signs and advertising devices are prohibited within the unincorporated portions of Rabun County:

1. Signs which advertise or encourage an illegal activity as defined by local, state, or federal laws.
2. A-frame, sandwich type, sidewalk or curb signs.
3. Swinging or projected signs.
4. Signs that resemble any official traffic control device or emergency vehicle markings.
5. Signs which contain or make use of the words ‘stop’, ‘go’, ‘slow’, ‘caution’, ‘danger’, ‘warning’, or similar words, phrases, symbols or character in such a manner as to interfere with, mislead, or confuse vehicular traffic except construction signs or barricades and except when words are incorporated in the permanent name of a business.
6. Search lights and beacons, or any blinking signs.
7. Signs or any blinking signs (with the exception of blinking arrows or other similar

directional indicators), attached to or painted on vehicles of any type which are conspicuously parked in proximity to a right-of-way, and obviously parked in such a way as to advertise any business or service to motorists or pedestrians.

8. Signs which emit visible smoke, vapor, particles, or odor.

9. Signs on ground or attached to trees or on right of way.

10. Political Signs

(a) Any primary candidate who does not advance to the general election, must remove all of his/her signs within seven (7) days after the primary election is held. All other political candidates must remove their signs within seven (7) days after the general election is held.

(b) The signs shall be located entirely on private property. No sign shall be placed on any public lands or public right of way and shall not be attached to any other sign, utility pole, tree, rock or other form of vegetation or natural feature.

(c) Signs shall not exceed thirty-two (32) square feet.

Section 137. Exempt Signs.

Except as otherwise provided, the following on-premises signs may be erected without securing a permit. Such exempt signs shall not be considered in determining the allowable number or size of signs on zoning lot; provided, however that they must comply with all other applicable sections of this article and applicable codes and regulations. The erection of any sign not listed in this section shall require a permit.

1. One (1) on-site identification sign for each commercial establishment. Each sign shall not exceed fifty (50) feet in area.

2. One (1) separate identification sign for each commercial establishment when

affixed to a building wall or window and limited to a maximum size of not more than 10% of wall area.

3. One (1) informational bulletin board for public, charitable, educational or religious institutions when located on the premises of said institution. Bulletin boards may not exceed thirty-two (32) square feet in area and shall be located in such a manner that said bulletin board will satisfy the required setback requirements for the zoning district in which the bulletin board is located.
4. Traffic, directional, warning, or official notices or signs owned by any public agency or office.
5. One (1) non-illuminated temporary real estate sign per street frontage and provided as follows:
 - (a) Maximum sign area shall be limited to six (6) square feet with a maximum height of four (4) feet in all residential districts, and be limited to fifty (50) square feet with a maximum height of twelve (12) feet in all non-residential districts.
 - (b) Multiple listing strips, sale pending and sold signs may be allowed when attached two (2) square feet in area with a maximum height of four (4) feet, may be allowed in addition to the above requirements.
 - (c) One (1) on-premises open house or open for inspection sign, not exceeding two (2) square feet in area with a maximum height of four (4) feet, may be allowed in addition to the above requirements.
 - (d) All the temporary real estate signs shall be removed when ownership or occupancy has changed.

(e) In addition to the one “open house” sign placed on the property, an additional off-property open house sign may be placed at an appropriate road intersection if it will help people locate the property. These signs may be placed in position at the start of the open house and must be removed immediately upon completion of the open house on that same day. Open house signs of this type may be of the type that are stick into the ground, or may be in the form of sandwich boards.

(f) Arrow signs, directing people to listed properties, may be placed by real estate brokerages and their agents at appropriate intersections where private roads meet publicly maintained roads, to help people find property that they may not be acquainted with. Such signs must be removed after the ownership of the property has changed or the listing agreement for the property has been terminated for other reasons. Arrow signs may not be larger than two (2) square feet in area, and may not be placed so that their tops are more than four (4) feet above the ground.

(g) On the day of an open house, arrow signs, tethered balloons, streams, or other similar attention getting devices may be placed at appropriate road intersections to help people find the property. All such devices must be removed at the completion of the open house under the same regulations as apply to off-property open house signs. The devices utilized must be of a type that their display does not provide a sufficient distraction as to pose a hazard to passing motorists.

(h) Because of the nature of the land, it may sometimes be more appropriate to mount real estate signage on a tree, rather than on the property. In such cases the single sign allowed on the property may be placed on a tree, and without penalty

should it later be determined that such placement was not necessary.

- (i) Larger properties may have multiple real estate “for sale” signs placed on the property by real estate brokers, providing the signs are at least 1500 feet apart.
 - (j) Additional signage, not to exceed four (4) square feet in area, may be placed on each property by real estate brokers and their agents, for the purpose of alerting the public to the presence of property information that might be available in the form of brochures, plats, property specification sheets, short range AM radio broadcasts, or other such specific local media available at the property. These signs are restricted to one for each road that the property fronts.
6. Flags and insignia subject to being flown in accordance with standard protocol.
 7. Integral decorative or architectural features of buildings.
 8. Non-advertising directional signs or symbols, such as 911 numbers, not exceeding two (2) square feet, and signs designed to direct and inform public as to location or direction to a parcel of private property (e.g. entrance, exit, caution, slow, no trespassing, service areas, or loading and unloading areas.)
 9. Signs which appear on vending machines as long as the sign refers to the product contained within or on the device.
 10. Gasoline pump signs shall be allowed on gasoline pumps so as to provide information to the public, such as gallons, price, octane rating, and type of fuel. As the trade name of the business is often incorporated into the name of the different types of fuel, said trade name and any associated symbols shall be allowed on the pumps.

Political signs as follows:

- (a) The sign shall not be displayed more than thirty (30) days prior to the primary election, general election or referendum it concerns and shall be removed within seven (7) days after the election has been held. The owner of the property on which the sign is located and the candidate will be responsible for removing the sign.
 - (b) The sign shall be located entirely on private property. No sign shall be placed on any public lands or public right-of-way and shall not be attached to any other sign, utility pole, tree, rock, or other form of vegetation or natural feature.
 - (c) The number of signs displayed shall be restricted to one (1) sign per parcel of property per candidate.
 - (d) Signs shall not exceed six (6) square feet in area.
11. Signs for temporary garage sales, yard sales, and the like, located in residential districts are subject to the following provisions:
- (a) On-premises signs shall be limited to one (1) sign per parcel of property.
 - (b) The maximum areas of the sign shall be six (6) square feet and the maximum height shall be four (4) feet.
 - (c) Signs must be removed at the close of the sale.
12. Signs located on the inside of windows intended for the purpose of disseminating information about special sales or promotional campaigns, provided that such signs are temporary in nature, and are constructed of such material that clearly indicates that they are temporary.
13. Signs on private property are exempt from this Ordinance to the extent that the signage is not viewable from publicly maintained roads, not to exceed four (4) square feet.
14. In the case of public or charitable events, arrow signs, tethered balloons, streams, or other similar attention getting devices may be placed at appropriate road intersections to help people find the event. Such devices may be displayed no earlier than twenty four (24) hours before the event, and must be removed no later than forty eight (48) hours after the completion of the event. The devices utilized

must be of a type that their display does not provide a sufficient distraction as to pose a hazard to passing motorists. In addition, one (1) sign, advertising the event, which is no larger than thirty-two (32) square feet and no height than eight (8) feet may be erected no earlier than two weeks prior to the event and must be removed within one week following the event.

15. Offsite Billboard Signs:

- A. Sign must be single face only and may not exceed 300 square feet face area.
- B. 1500 feet distance must be maintained between any other billboard in any direction.
- C. Maximum height for billboards is 40 feet.
- D. Setback from right of way is 40 feet minimum.
- E. Property on which billboards are placed must have commercial zoning.

16. Offsite signs (not billboards): Offsite advertising signs 50 square feet in face area or smaller are allowed with following conditions:

- A. Only one offsite sign per parcel allowed.
- B. Property on which signs are placed must have commercial zoning.
- C. Signs must not be placed in right of way of road.

Section 138. Outdoor Lighting Standards

Lighting Standards.

(a) Purpose. This section is intended to minimize light pollution and the indiscriminate use

of outdoor lighting, and to create a unifying, community-wide approach to outdoor lighting.

(b) Applicability. These standards apply in all zone districts to public and private property.

(c) Exemptions. The following outdoor lights are exempt from the requirements of this section provided that such lights do not create a hazard to the public.

(1) Temporary holiday tree lights;

(2) Decorative seasonal and/or display lights;

(3) Street, highway, illuminated signs or other lighting installed for the benefit of public health, safety and welfare.

(d) Lighting materials and methods of installation. Mercury vapor lights are prohibited, but

the following types of lamps are permitted:

- (1) High pressure sodium (HPS)
- (2) Low pressure sodium (LPS)
- (3) Metal halide; maximum 250 watts
- (4) Incandescent lights of one hundred (100) watts or less per fixture;
- (5) Fluorescent lights forty (40) watts or less per fixture;
- (6) Alternative types of lights approved by the Planning Commission as substantially similar in appearance and impacts on nearby properties.

(e) Luminance. All light sources that are visible from a public right-of-way and/or adjacent property shall exhibit a ratio of source lumens to luminous area not exceeding one hundred twenty-five (125) (i.e. source lumens x 125 – luminous area). The same lumens and luminous area is to be shown on the development plan or a separate lighting plan with square footage calculation, and the manufacturer's specification sheets should be provided by the applicant on request.

(f) Height and Spacing Requirements. The maximum height of a light whether on a pole or building, shall not exceed twenty (20) feet for the purpose of illuminating parking lots or streets. The maximum height of a light, whether on a pole or building, shall not exceed sixteen (16) feet for the purposes of illuminating pedestrian walkways, crossings, or trails. Municipal recreational fields and facility lighting shall be exempt from these height requirements if the Planning Commission determines that higher lights are

required for the effective use of the facility and will not create serious adverse impacts on surrounding property owners. The spacing of all lighting shall be the minimum industry standards as adopted by the illuminating engineering society, to provide necessary illumination for life, safety purposes, including lighting of street intersections, trail or street crossings and access points, bridges, and other circulation system hazards or obstacles, and to clearly delineate other circulation systems features, and required security or entrance lighting.

(g) On-site lighting. Building mounted and freestanding exterior lighting shall be directed downward using downcast light fixtures, with the light source screened and shielded from adjacent properties and from public rights-of-way so that the light source is not visible. The lighting or internal amenities and parking lots shall be designed to be lit from the outside perimeter inward, or shall incorporate design features to reduce off-site glare. In all cases, placement of lighting shall be such that glare on-site or off-site does not negatively impact vehicles in adjacent street systems.

(h) Shielding. All light sources shall be fully shielded so the light source is not visible from adjacent properties (i.e. no light is shining directly onto adjacent properties). This definition shall not be read so as to prohibit the glow of lights from being seen on adjacent properties.

(i) Residential light trespass. Outdoor light fixtures installed and maintained on residential dwellings shall be positioned so that there is no direct light emission onto adjacent residential properties. All residential light sources shall be fully shielded so they are not obtrusively visible from adjacent properties.

(j) Nonconforming lights. All existing outdoor lighting that does not conform to this

section shall be required to be brought into conformity with these requirements relating to shielding within 6 months of the adoption of this ordinance, but shall not otherwise be required to comply with the standards adopted under this section.

ARTICLE XIV

INSTALLATION, DESIGN, AND LOCATION OF WIRELESS COMMUNICATION TOWERS; PERMITS AND PENALTIES IN REGULATING SAID STRUCTURES

Section 141. Objectives and Purpose.

The objective of this ordinance is to establish requirements for the placement, design, installation, and maintenance of cell towers and other wireless communication towers and structures in order to preserve and protect the safety, welfare, and general well-being of the citizens of Rabun County. As the regulations of the placement, design, construction, and maintenance of buildings and structures through zoning is a valid use of the police power, so too is the regulation of the placement, installation, design, and maintenance of wireless communications towers. Therefore, it is the intent of this article to regulate the height, set back, design, and location of wireless communications towers, either existing or new, such that their purpose can be served without unduly interfering with the safety and welfare of the citizens of Rabun County.

Further, it is an objective of this article to protect and preserve the aesthetic qualities of the county by regulating the number, size, placement, installment, and design of said towers and structures. The aesthetic impact of such towers is an economic fact that can impact the enjoyment and value of property; therefore, the regulation of wireless communication towers and structures is justified on the basis of conserving the value of property and encouraging the most appropriate use of land throughout the county in

conformity with the existing zoning regulations of Rabun County.

Section 142. Jurisdiction and Applicability of Ordinance.

Requirements.

1. This ordinance shall apply to all properties within the unincorporated areas of Rabun County, Georgia.
2. All wireless communication towers and structures shall be constructed and maintained in strict conformity with the building and electrical codes adopted by the State of Georgia, Rabun County, Georgia, and the International Code Council (ICC).
3. If any provisions or requirements of this ordinance are found to be in conflict with any other provision or requirement of this ordinance or any other applicable governmental law, ordinance, resolution, rule or other governmental regulation of any kind, the more restrictive rule or standard shall take precedence.
4. All requirements of the Federal Telecommunications Act and regulations of the FCC and other federal agencies must be strictly adhered to.

Section 143. Height and Setback Requirements.

No permitted wireless communication tower regardless of type, shall exceed 200 feet from ground level and shall not be closer than 200 feet from a residence or a boundary line of the property where said tower is located.

Section 144. Exempt Towers

This ordinance shall not apply to and specifically exempts any amateur radio tower or antenna. This ordinance does apply to all commercially used towers and structures erected subsequent to the passage of this ordinance.

Section 145. Zoning District.

Wireless communication towers may be allowed only in agriculture or commercial business districts with the specific site to be designated by plat to accompany application and said site must be specifically approved by the Planning and Zoning Commission and the Rabun County Board of Commissioners as a special use for the specific site applied for. Procedure for site approval shall be the same as for a rezoning application.

Section 146. General Requirements for Wireless Communication Towers.

Towers, regardless of the district in which they are located, shall conform to the following requirements:

1. All wireless communication towers shall be erected in such a manner as to be camouflaged sites with the specific design, construction materials, and engineering plan of said structures as well as the specific site location being necessary integral inclusion of any application considered for approval.

Section 147. Permit Application.

1. Applications for all communication towers or structures shall be made by the tower owner, or its agent, with the Administrative Officer or his designee upon forms furnished by the County. Said applications shall describe and set forth the following:
 - (a) The type and purpose of the tower as defined in this ordinance.
 - (b) The value of the tower and materials to be used in the construction of said structure.
 - (c) The street address and zoning designation of the property upon which the tower is to be located and the proposed location of the tower on the property as

- platted.
- (d) The square foot area per tower and the overall height and setback, and number of signal carriers and type of signal to be transmitted from said tower.
 - (e) The name(s) and address(es) of the owner(s) of the real property upon which the subject tower is to be located.
 - (f) Written consent of the property owner, or his agent, granting permission for the placement of the tower on the specific site.
 - (g) A sketch or print drawn to scale showing all dimensions with pertinent information such as wind pressure requirements and overall appearance as built. The Zoning Administrator or his designee may require additional information on

such sketch or print to insure compliance with this ordinance.
 - (h) Name, address, phone number and business license number of the contractor to construct said tower and an approved engineering drawing and plans for said structures.
 - (i) A written agreement to indemnify and hold the County harmless of all damages, demands or expenses of every type which may in any manner be caused by the

wireless communication tower or structure being granted a permit.
2. Fees. No permit shall be issued until the appropriate application has been filed with the Administrative Officer or his designee and a permit fee of \$1,000.00 or such amended fee has been paid.

ARTICLE XV

ADMINISTRATION AND ENFORCEMENTS

Section 151. Zoning Classification and Stamp of Approval on Plats

A. All plats of survey of real property in Rabun County prepared after the enactment of this section shall have placed thereon, prior to recordation of said plat in the office of the Clerk of the Rabun County Superior Court, the zoning classification of the property thereon delineated. Such zoning classification shall be placed upon said plat of survey by the surveyor in such manner as to show the zoning classification of each district within which such property lies.

B. All plats prior to recordation must be stamped approved by the Administrative Officer.

Section 152. Plats of Lots Less Than 43,560 Square Feet Are Not Allowed

In addition to the zoning classification required to be shown upon each plat of survey recorded in Rabun County, in the event such plat of survey delineates a tract or parcel of land, or directly or indirectly subdivides a tract or parcel of land in such manner as to create delineated parcels of less than 43,560 square feet (1 acre), then such plat shall not have the stamp of approval of the Administrative Officer of the Rabun County Planning Commission prior to being recorded. The following land areas are not considered as a part of a lot when calculating the required minimum lot size; right of way of roads, utility easements (such as power lines or pipe lines), bodies of water, land within 25 feet of a lake, river, stream, wetlands, or other adverse topographic features. Such approval of such Administrative Officer shall state that such tract or parcel of land

and any subdivision thereof meets the requirements of the Ordinance as to area when applied to the zoning classification. Should such plat of survey contain less than the generally required area under this Ordinance, and be permissible for conveyance or subdivision under a limited or restrictive use provision of this Ordinance, then the Administrative Officer may approve the same, but his approval placed upon such plat of survey shall specifically set forth any qualifying or limited conditions to such approval. The Administrative Officer may require additional information other than that which is shown upon the plat offered for approval, and the person offering such plat for approval shall comply with such request for additional information, including, but not limited to, topographical profiles of such property, additional measurements as to street or road frontage, the owners of adjoining property and any other information which might be reasonably needful to the Administrative Officer in determining whether or not such plat should be approved as being in compliance with this Ordinance.

Section 153. Common Ownership Exceptions

Notwithstanding the provisions of Section 115 of this Ordinance, or any other provision to the contrary, a parcel of land may be subdivided or reduced in size so as to create a parcel of less than the required applicable area if the two following conditions are first met: (1) Such parcel shall be conveyed to and acquired by the owner of adjoining lands which, together with the added portion, does comply in all respects in this Ordinance and (2) The remaining lands from which such parcel is being taken shall, after the removal of such parcel, comply in all respects with this Ordinance. Any parcel approved for division under this Section shall not again be platted or conveyed as a single tract or parcel unless the same then complies in all respects with this Ordinance.

Section 154. Deeds From Unapproved Plats Prohibited

No deed or other conveyance of title to real property in Rabun County shall be recorded in Rabun County from any plat of survey or from information obtained from a ground survey unless and until such plat has met the requirements of the foregoing Sections 151, 152, and 153. Further, no deed or other conveyance of title to real property in Rabun County shall be recorded in violation of the provisions of Section 115 of this Ordinance.

Section 155. Building Permit Required

No building or other structure shall be erected, moved, extended, or enlarged, structurally altered, nor shall any excavation or filling of any lot for construction of any building be commenced until the Administrative Officer has issued a building permit for such work.

Design, Installation, and Construction Requirements: Authorities Listed.

Authorities. The design, installation and construction requirements of all systems, appliances and equipment shall be in accordance with the recommendations of the latest applicable publications. The editions currently adopted and in force of the following listed authorities are accepted as the county minimum requirements, and any further publications by these authorities may be adopted:

1. Heating, Ventilation and Air Conditioning Guide;
2. National Warm Air Heating and Air Conditioning Association;
3. International Code Council.
4. National Fire Protection Association;

5. Georgia State Heating and Air Conditioning Code and the Standard Mechanical Code.

(a) Size of equipment in new residential construction. All heating, ventilating or air conditioning equipment used in all new residential construction shall be sized in accordance with national minimum standards and must be adequate for all areas

6. National Electrical Code

Required Plans and Drawings

The seal of an architect or engineer currently licensed by the state shall be affixed to the plans of the following projects:

1. All places of assembly with a calculated occupant load of 100 or more persons using occupant load calculations as set forth in the NFPA Life Safety Code.
2. All healthcare facilities as defined by NFPA Life Safety Code #101
3. All penal and correctional institutions
4. All educational facilities
5. All personal care facilities with a calculated occupant load of 5 or more persons

All buildings must adhere to fire safety standards:

The State of Georgia minimum fire safety standards as adopted in the State Safety Fire Commissioner rules and regulations for the prevention of loss and property from fire, panic from fear of fire, explosions or related hazards in buildings, structures, occupancies and facilities as specified in the 1949 Georgia Safety Fire Act, amended effective March

1, 1979, including all subsequent revision thereof, as shall become considered the fire safety standards for Rabun County.

Section 156. Application For Building Permit

Each application to the Administrative Officer for a building permit shall be accompanied by dimensioned plans showing:

- (a) The dimensions of the lot to be built upon (plat);
- (b) The size, Highest Living Floor Height and the Overall Building Height of the building to be erected;
- (c) The location of the building on the lot;
- (d) Such other information as may be essential for determining whether the provisions of this Ordinance are being observed.

Any building permit issued shall become invalid twelve (12) months after date of issue subject to being renewed upon application to the Administrative Officer.

Section 157. Remedies

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this Ordinance, the Building and Zoning Office or any other person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action of proceeding to prevent such violation.

ARTICLE XVI

POLICIES, PROCEDURES AND STANDARDS FOR ZONING TEXT AMENDMENTS, ZONING MAP AMENDMENTS AND VARIANCE REQUESTS

Section 161. Amendments to Ordinance Text and Zoning Map

This Ordinance, including the Zoning Map, may be amended from time to time by the Board of Commissioners of Rabun County, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Rabun County Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days after hearing such proposal to submit a report. If the Planning Commission fails to submit a report within a thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Before enacting an amendment to this Ordinance or map, Rabun County shall hold a public hearing thereon, prior notice of the time and place of which shall be published in a newspaper of general circulation in Rabun County at least 15 days but no more than 45 days prior to the date of the hearing. Such public hearing shall be advertised and held by The Rabun County Board of Commissioners; however, the Board of Commissioners of Rabun County may in its discretion hold such other and additional hearings as it deems appropriate. The notice shall state the time, place and purpose of the hearing. 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. 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.

Section 162. Application for Zoning Map Amendment and/or Variance Request by

Individuals

(A) A zoning map amendment and/or zoning variance request may be proposed by an individual or an entity owning fee simple title to the subject property, or by one with written authorization to act on behalf of such owner or owners, by:

(i) Obtaining an application for a Zoning Map amendment or Variance Request from the Administrative Officer of the Planning Commission in the Rabun County Courthouse.

(ii) Filing with the Administrative Officer the completed application along with a plat of the subject property outlining its proposed use and an advertising fee as set by the Planning Commission.

(B) Notification of Public Hearing Before the Rabun County Planning Commission makes a recommendation regarding an application for zoning map amendment or variance request by an individual property owner to the Rabun County Board of Commissioners, the Commission shall hold a public meeting or hearing thereon, official notice of which shall be advertised in the current legal organ of the county (Clayton Tribune) or its successor at least fifteen (15) days, but not more than forty five (45) days, prior to the hearing. The notice of the public hearing shall include the time, place and purpose of the hearing, the location of the property, the present and proposed zoning classifications, and the name of the owner or owners.

Signs shall be posted on the subject property in a conspicuous place at least fifteen (15) days before the public hearing is to be held. Signs shall contain the time, date, place of public hearing and the present and proposed zoning of property.

(C) Hearing on Proposed Zoning Map or Zoning Text Amendment and/or Variance Request by Individuals

A public meeting or hearing to consider a zoning map amendment and/or variance request will be heard before the Rabun County Planning Commission. 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. 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.

In hearings on rezoning and/or variance applications, 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 his behalf must be furnished to the Planning Commission no later than seventy-two (72) hours prior to the scheduled date of the hearing.

It will be the responsibility of the applicant to prove to the Planning Commission, through use of witnesses, written statements, technical data, field data or any other materials the applicant deems relevant to the subject property, the need for the rezoning and that the rezoning will be compatible with the long range requirements of the public health, safety and welfare, and is not contrary to the overall objective to the Rabun County Zoning Ordinance. Provisions for all utilities must be submitted at the hearing.

After all parties present have had an opportunity to express their views and present evidence on the proposed zoning decision and after the Planning Commission has discussed, propounded questions to the applicant and participants, and considered the rezoning request or variance request, the chairman will call for a motion to be made by

one of the members of the Planning Commission. If the motion is made and seconded, a vote will be made by the members of the commission, with the chairman voting only in the event that the vote is tied.

(D) Standards on Which the Planning Commission Will Base Their Decision

The Planning Commission will base their decision, for or against, on the following six (6) standards:

- (a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- (b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (c) Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned;
- (d) 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;
- (e) If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan;
- (f) 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.

(E) Recommendations of Planning Commission

The decision of the Planning Commission will be forwarded to the Board of Commissioners, in the form of a recommendation, for their review. The Board of

Commissioners will then make the final decision as to whether or not the zoning change will be made.

(F) Hearing Before Board of Commissioners

Notice is hereby given that the same notice and advertising requirements pertain to the hearing to be held before the Board of Commissioners as those that pertain to the hearing before the Planning Commission. It is the responsibility of the applicant to assure, through the Rabun County Board of Commissioners that the necessary notices are published in the legal organ of the county (Clayton Tribune) and to present sufficient evidence before the Board of Commissioners, either to refute the recommendation of the Rabun County Planning Commission, or to support recommendation under the same Standards set out in Section D above. The applicant has the same burden before the Board of Commissioners as before the Planning Commission and must be present, or be represented, at all hearings.

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. 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.

ARTICLE XVII

APPEALS

A person who is dissatisfied with a zoning decision rendered by the Rabun County Board of Commissioners may challenge the decision by appealing to either state or federal court. Zoning cases are ordinarily decided by the State Courts.

ARTICLE XVIII

LEGAL STATUS PROVISIONS

Section 181. Conflicts With Other Regulations

Whenever the regulations of this Ordinance require a greater width or size of yards, courts, or other open space, or require a lower height of buildings, or lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose more restrictive standards than are required in or under any other statutes, the regulations and requirements of this Ordinance shall govern.

Section 182. Validity

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XIX

PENALTIES FOR VIOLATIONS

Any person, firm, corporation, or other entity which does any act prohibited by this Ordinance, or which fails to discharge any duty imposed hereby, shall be guilty of a violation of a County Ordinance, and subject to the process of the Magistrate Court of Rabun County, and, upon conviction, shall be punished by a fine not less than \$500.00, or by confinement in the County Jail not to exceed sixty (60) days, either fine or confinement, or both, in the discretion of this Magistrate Court. Each day the violation continues shall constitute a separate offense. It shall be the duty of the County Marshall, to enforce the provisions of this ordinance. Upon information constituting probable cause made known to any person authorized to enforce the provisions of this Ordinance that a violation of same has occurred, a citation and summons may be issued to the alleged violator requiring him or her to appear before the Magistrate Court of Rabun County, Georgia, on a day and time certain, to answer the charge contained herein. In addition to the above legal remedy, the county may proceed in equity to obtain an injunction to any threatened construction or seek any other available equitable relief for any violation of the terms or intent of this Ordinance.

**SUBDIVISION
REGULATIONS
OF
RABUN COUNTY
GEORGIA**

SUBDIVISION REGULATIONS

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND IN RABUN COUNTY, GEORGIA REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE: ESTABLISHING MINIMUM SUBDIVISION DESIGN STANDARDS: REQUIRING MINIMUM IMPROVEMENTS TO BE MADE OR TO BE GUARENTEED TO BE MADE BY THE SUBDIVIDER: SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY RABUN COUNTY PLANNING COMMISSION IN APPLYING THESE RULES, REGULATIONS AND STANDARDS: AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED BY THE RABUN COUNTY BOARD OF COMMISSIONERS.

This document has been approved as to its legal form and is sufficient as approved by the legal counsel of the local government prior to it's adoption.

SUBDIVISION REGULATIONS

ARTICLE

PAGE

I	SHORT TITLE, PURPOSE AND INTENT	118
	Sec. 101. Short Title	118
	Sec. 102. Purpose And Intent	118
	Sec. 103. Statute	118
II	DEFINITION OF TERMS USED IN THIS ORDINANCE	119
	Sec. 201. Definitions	119
III	PLATTING JURISDICTION AND ENFORCEMENT	121
	Sec. 301 Sewer and Water Regulations	121
	Sec. 302 Platting Authority	121
	Sec. 303 Use of Plat	121
	Sec. 304 Opening and Improving Public Streets	121
	Sec. 305 Bond for Road Paving	122
IV	PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLATS	123
	Sec. 401 Required Conditions	123
	Sec. 402 Preapplication Review	124
	Sec. 403 Application for Preliminary Plat Approval	124
	Sec. 404 Review of Preliminary Plat	124
	Sec. 405 Preliminary Plat Specifications	125
V	FINAL PLAT APPROVAL	127
	Sec. 501 Application for Final Plat Approval	127
	Sec. 502 Review of Final Plat	127
	Sec. 503 Recording of Final Plat	128
	Sec. 504 Final Plat Specifications	128
VI	GENERAL DESIGN AND OTHER REQUIREMENTS	133
	Sec. 601 Suitability of the Land	133
	Sec. 602 Name of Subdivision	133
	Sec. 603 Access	133
	Sec. 604 Conformance to Adopted Major-Thoroughfare and Other Plans	133
	Sec. 605 Easements	134
	Sec. 606 Reservation of Public Sites and Open Spaces	134
	Sec. 607 Community Assets	135

VII	REQUIREMENTS FOR STREETS AND OTHER RIGHTS OF WAY	135
	Sec. 701 Continuation of Existing Spaces	135
	Sec. 702 Street Names	135
	Sec. 703 Cul-de-sacs	135
	Sec. 704 Development Along Major Thoroughfares Limited Access	136
	Highway or Railroad Right-Of-Way	136
	Sec. 705 Alleys	136
	Sec. 706 Street Right-Of-Way Widths	
126	Sec. 707 Additional Width on Existing Streets	138
	Sec. 708 Street Grades	138
	Sec. 709 Street Intersections	138
VIII	DESIGN STANDARDS FOR BLOCKS AND LOTS	139
	Sec. 801 Block Lengths and Widths	139
	Sec. 802 Lot Sizes and Proportions	139
	Sec. 803 Adequate Building Sites	140
IX	REQUIRED IMPROVEMENTS	140
	Sec. 901 Performance and Specifications	140
	Sec. 902 Monuments	140
	Sec. 903 Grading	141
	Sec. 904 Storm Drainage	142
	Sec. 905 Sanitary Sewers	142
	Sec. 906 Street Pavements Widths	142
X	DRIVEWAY ACCESS REQUIREMENTS	144
	Sec. 1001 Objectives and Purpose	144
	Sec. 1002 Driveway Application	144
	Sec. 1003 Inspection	144
XI	AMENDMENTS	146
XIII	LEGAL STATUS PROVISION	146
	Sec. 1301 Validity	146
	Sec. 1302 Repeal of Conflicting Ordinances	146
XIV	PENALTIES FOR VIOLATIONS	147
	EXHIBIT A	148

ARTICLE I
SHORT TITLE, PURPOSE AND INTENT

Section 101. Short Title

This Ordinance shall be known and may be cited as the “SUBDIVISION REGULATIONS OF RABUN COUNTY, GEORGIA”..

Section 102. Purpose and Intent

This Ordinance is enacted pursuant to the authority contained in the General Planning and Zoning Enabling Act of 1957 as amended, (General Laws 1957, p.420), for the following purposes:

- a. To encourage economically sound and stable land development;
- b. To assure the provision of required streets, utilities, and other facilities and services to land development;
- c. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in the land development;
- d. To assure the provision of needed public open spaces and building sited in land developments through the dedications or reservations of land or recreational, educational or other public purposes; and
- e. To assure that land is developed in conformity with the Comprehensive Plan of Rabun County, Georgia.

Section 103. Statute

Whenever the provisions of this Ordinance and those of some other Ordinance or statute apply to the same subject matter, that Ordinance requiring the highest, or more strict standard shall govern.

ARTICLE II

DEFINITION OF TERMS USED IN THIS ORDINANCE

Section 201. Definitions

When used in this Ordinance the following words and phrases shall have the meaning given to this Section. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular.

Words used in the present tense include the future.

- a. “Lot”- A portion or parcel of land separated from other portions of parcels by descriptions as on a subdivision plat or record of survey map or as described by metes and bounds, and intended for transfer of ownership for building development. For the purpose of this Ordinance, the term does not include any portion of a dedicated right-of-way.
- b. “Planning Commission” is the Rabun County Planning Commission.
- c. “Street” is a way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, lane, alley, or other way, and for the purpose of this Ordinance “Streets” are divided into the following categories:
 - (1) “Major Thoroughfares”: those streets designated as such on the Major Thoroughfare Plan of the County of Rabun.
 - (2) “Collector Streets”: Those streets serving subdivisions to carry traffic from residential streets to the major thoroughfare.
 - (3) “Residential Streets”: Streets used primarily for access to the abutting properties and serving minor traffic demands (Sub-division streets).

- (4) "Alley": a minor way used for service access to the back or side of properties otherwise abutting on a street.
 - (5) "Cul-De-Sac": a residential street with only one outlet, sometimes called a "dead end" street.
 - (6) "Turn-around": a dead end street with an area for vehicles to turn around, similar to a cul-de-sac.
- d. "Sub-divider" is the person, firm, or corporation having such a proprietary interest in the land to be subdivided or the authorized agent of such personal, firm or corporation for the purpose of proceeding under this Ordinance.
 - e. "Subdivision" the division of a tract of land into any number of smaller tracts, lots or parcels for ready sale to the general public. For the purpose of this ordinance "Subdivision" shall not include the division for the following:
 - (A) Land division resulting in three (3) parcels or less.
 Subdivision shall include adjoining parcels when added or included in the scheme to sell parcels to the general public.
 - (B) Land divided solely for the purpose of dividing an estate or inter- family transfers between parents, child or grandchild or their spouses.
 - (C) Parcels of three (3) acres or larger regardless of the number of parcels. Roads must be constructed and paved as outlined in Exhibit A. Roads must also be approved by County Commissioners, or their designee prior to any lot being sold.

ARTICLE III

PLATTING JURISDICTION AND ENFORCEMENT

Section 301: Sewer and Water Regulations

No person may sell, offer for sale, lease, rent, begin construction or otherwise begin the physical development of a subdivision or mobile home park where public or community sewage treatment systems are not available or contemplated to be available to serve the proposed development until proposals and plans for the water supply and sewage disposal method to be provided or installed have been submitted to and written approval has been obtained from the Rabun County Board of Health.

Section 302. Platting Authority

From and after the passage of this Ordinance, the Planning Commission shall be the official platting authority, and no plat of land subdivision (as defined by Section 201-e) shall be entitled to record in the Office of the Clerk in the Superior Court of Rabun County, Georgia unless it shall have the approval of the Planning Commission as required by this Ordinance.

Section 303. Use Of Plat

The transfer of, sale, agreement to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been given Final Approval by the Planning Commission and recorded in the office of the Clerk of the Superior Court of Rabun County is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties.

Section 304. Opening and Improving Public Streets

The governing body of Rabun County shall not accept, lay out, open, improve, grade, pave or light any street or lay any utility lines in any street, which had not attained the status of a public street prior to the effective date of this Ordinance, unless such street corresponds to the street location shown on an approved subdivision plat or on an Official street map adopted by the Planning Commission: Providing that the governing body may accept, layout, open and improve any street not so platted if it first submits such proposed action to the Planning Commission for it's review and comment.

- a. Any street that meets the minimum requirements of this act and any additional road right-of-way or maintenance requirements adopted by the Rabun County Board Of Commissioners may be accepted by the County Board Of Commissioners upon request and application of the owner and consent of the County Board Of Commissioners. (Roads must be constructed and paved in compliance with Articles VII, VIII, IX and Exhibit A of these subdivision regulations).

Section 305. Bond for Road Paving

- A. Any land owner, by and through himself individually or through a licensed Developer, who elects to develop lands lying and being in Rabun County, Georgia, and in accordance with the Zoning and Subdivision Regulations established by said county may delay the paving completion of any roadway or road system within the subdivision, for a period not to exceed two years from the date that such subdivision plans are given final plat approval by the Rabun County Zoning Board; or if all tracts are 3 acres or larger, from the date the first

tract is sold; and

- B. Said paving of any roadway or road system within the subdivision must be planned, approved and performed in accordance with all of the provisions set forth in Articles VII, VIII, and IX of the Zoning and Subdivision Regulations. The cutting, compacting, and graveling of sub-division roads must be completed before any lot is sold.
- C. Paving may be delayed only and in such an event said land owner or developer post a surety in the form of cash, a cash performance bond, or irrevocable letter of credit with such being deposited into the escrow account of the county Attorney, in an amount equal to 125% of cost as determined by bids from paving contractors for preparing and paving the entire roadway designated for such subdivision, all being in accordance with Articles VII, VIII, IX, and Exhibit A thereof.
- D. It is also provided, that in the event the actual cost to pave exceeds the amount deposited, then and in such an event the County may seek the deficiency of such cost by all legal remedies afforded to said County and such being sought from the land owner, the developer or both.

ARTICLE IV

PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT

Section 401. Required Conditions

Preliminary plats shall address all of the required conditions and limitations set forth in Section 301 of Article III.

Section 402. Pre-application Review

Whenever the subdivision of a tract of land within Rabun County, Georgia is proposed, the sub divider is urged to consult early and informally with the Administrative Officer of the Planning Commission. The sub divider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the pre application review and no formal application shall be required.

Section 403 Application for Preliminary Plat Approval

The sub divider shall submit to the Administrative Officer of the Planning Commission, at least fifteen (15) days prior to the next regular meeting of the Planning Commission, the following:

- a. Three (3) copies of the Preliminary Plat and other documents, as may be specified.
- b. A statement specifying the name of the person who will be representing the request for preliminary plat approval.
- c. Contact the Administrative Officer of the Planning Commission either by telephone or letter and request to be placed on the agenda for the next regular meeting of the Planning Commission.

Section 404. Review of Preliminary Plat

The Administrative Officer of the Planning Commission shall check the plat for conformance to the rules and regulations of this Ordinance and report his findings and recommendations to the Planning Commission, which shall afford a hearing on the Preliminary Plat, notice of the time and place of which shall be given at the time of the

application by the Administrative Officer.

Thereafter, the Planning Commission shall give tentative approval or disapproval to the Preliminary Plat. A notation of the action shall be made on the minutes of the Planning Commission including a statement of the reasons for disapproval if the Preliminary Plat is disapproved. One copy of the Plat shall be returned to the subdivider or his agent and one copy added to the records of the Planning Commission.

Tentative approval of a preliminary Plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the Final Plat. Tentative approval shall expire and be null and void after a period of one year unless an extension of time is approved by the Planning Commission.

If action on a Preliminary Plat is not taken by the Planning Commission at the next regular meeting, the Preliminary Plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

A Preliminary and Final Plat cannot be submitted for review and approval at the same meeting of the Rabun County Planning Commission.

Section 405. Preliminary Plat Specifications

- a. Information to be provided on Preliminary Plat
 1. Name and address of owner of record and of Subdivider
 2. Proposed name of Subdivision and its acreage.
 3. Exact boundary lines of the tract by bearings and distances.
 4. Proposed street names (as approved by 911 mapping with accompanying letter).

- 5. Lot numbers
- 6. Provisions for water supply, sewerage, drainage, and all utilities.
- 7. Present Zoning Classification

b. Certificate of Tentative Approval

A certificate of Tentative Approval of the Preliminary plat by the Planning Commission shall be inscribed on the plat as follows: “Pursuant to the Land Subdivision Regulations of Rabun County, all the requirements of Tentative Approval having been fulfilled, this preliminary plat was given Tentative Approval by the Rabun County Planning Commission on _____, 2_____.

This Tentative Approval does not constitute approval of a Final Plat. This Certificate of Tentative Approval shall expire and be null on _____, 2_____.

Date _____

Secretary, Rabun County Planning Commission

ARTICLE V

FINAL PLAT PROCEDURE

Section 501. Application for Final Plat Approval

After the Preliminary Plat of a proposed land subdivision has been given tentative approval by the Planning Commission, the sub-divider may, within one year from tentative approval, submit to the Planning Commission:

- a. Either a letter or a telephone call to the Administrative Officer of the Planning Commission requesting to be placed on the agenda of the next regular meeting.
- b. Three paper copies of the Final Plat and other documents, as may be specified, and the original tracing or reproducible print thereof drawn with permanent ink or equivalent on drafting film.
- c. A Final Plat filing fee of \$10.00 per lot.

Section 502. Review Of Final Plat

The Secretary of the Planning Commission shall check the Final Plat for conformance with the tentatively approved Preliminary Plat, and with the rules and regulations of this

Ordinance and report his findings and recommendations to the Planning Commission, which shall afford a hearing on the Final Plat. A notice of the time and place shall be given by the Administrative Officer at the time of the request to be placed on the agenda.

Thereafter, the Planning Commission shall approve or disapprove the Final Plat. A notation of approval, if appropriate, shall be made on the Final Plat that is recorded. A notation of the action shall be made in the minutes of the Commission including a

statement of the reasons therefore, if the Final Plat is disapproved. If action on the Final Plat is not taken by the Planning Commission at the next regular Meeting, the Final Plat shall be considered approved and a Certificate of Approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

Section 503. Recording Of Final Plat

Upon approval of a final plat the sub-divider shall be responsible for the recording of the Final Plat and payment of the recording fee.

The copy of the Final Plat that is recorded must have the surveyor's original seal and signature affixed thereto.

Section 504. Final Plat Specifications

The Final Plat shall conform to and meet the following specifications and contain the required information:

- a. Scale. The Final Plat shall be clearly and legibly drawn at a scale not smaller than
100 feet to an inch.
- b. Sheet Size. Sheet sizes shall be sixteen (16) inches wide and twenty one (21) inches long leaving a margin two inches in width on one end for binding purposes and a one half inch margin on the other three sides and where more than one sheet is required an index map should be required on the same size sheet.
- c. Information To Be Provided on Final Plat
 8. Name and address of owner of record and subdivider.

9. North Point, graphic scale and date.
10. Vicinity map showing location and acreage of subdivision.
11. Bearings and distances to the nearest existing street line or bench marks or other permanent monuments (not less than three) shall be accurately described on the plat.
12. Municipal, county and land-lot corner accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
13. Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest one-tenth foot and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one to three thousand.
14. Name of sub-division, its acreage, its exact locations, width, and names of all streets and alleys within, and immediately adjoining, the Plat.
15. Names of owners of adjoining land.
16. Lot lines with dimensions to the nearest one-tenth foot and bearings.
17. Minimum front yard building set back lines.
18. Lots numbered in numerical order and blocks lettered alphabetically.
19. Locations, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.
20. Accurate location, material, and description of monuments and markers.
21. Provisions for water, sewage, drainage, and all other utilities with written approval from each appropriate agency.

22. The present zoning classification.
23. A statement, either directly on the plat or in an identified attached document, of any private covenants.
24. All plats shall show the direction and distance from the boundary of the surveyed property to a point of reference. Said point or reference shall be the nearest established private or public road to the surveyed property, which said public road can be identified or located from maps, plats, or other documents of public record. Also included shall be any additional data that will help locate the surveyed property from the point of reference.
25. A certification by the Rabun County Health Department or other governing authority certifying that plans for water supply and sewage disposal meet with their requirements, or from a municipality confirming approval of hook-ups or supply.
26. All underground utility components, where applicable, must be complete for that phase of the development prior to such phase being granted final plat approval.
27. Road construction, graveling, and paving or a bonding procedure for paving of roads in a specific phase, must be completed and approved by the Rabun County Board of Commissioners or its designee prior to that phase of the development being granted final plat approval (See Exhibit A) (See Section 305 for bonding process to delay paving only).
28. "911" addressing office must review and give written approval of all

road names to be used on final plat.

29. The following certifications shall be placed directly on the plat by the surveyor:

a. Planning Commission Statement

“The Rabun Planning Commission does not certify nor guarantee the availability of water and sewer services as stated on this plat. The availability water and sewer services shall be confirmed from the appropriate authorities prior to any purchase.”

b. Surveyors Certification

“It is hereby certified that the plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as future, and their location, size, type and material are correctly shown.

BY _____

Registered Georgia Land Survey Number

c. An Owner’s Certification

“Owner’s Certification:

State Of Georgia, County Of Rabun”

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all state, city or county taxes or other assessments, now due on this

land have been paid”.

Agent _____

Owner _____

Date _____

Date _____

d. Certificate of Dedication.

A Certificate of Dedication by the owner submitted with the Final Plat and in such form as approved by the County Attorney which sets forth the description of the areas and improvements dedicated by the owner to the public and the extent of title which is being dedicated.

e. Copy of Official Action of Governing Body.

A copy of the Ordinance or Resolution adopted by the governing body accepting the streets, improvements, easements and other property dedicated by the owner for public use, as indicated on a Final Plat, shall be attached to the Final Plat before recording.

f. A Certificate of Approval of the Final Plat by the Planning Commission directly on the plat as follows: “Pursuant to the Land Subdivisions Regulations of Rabun County, all requirements of approval having been fulfilled, this Final Plat was given Final Approval by the Rabun County Planning Commission on _____ 2_____” _____

Secretary, Planning Commission Rabun County

ARTICLE VI

GENERAL SUB-DIVISION DESIGN AND OTHER REQUIREMENTS

Section 601. Suitability of the Land

It shall be the developers responsibility to ensure land subject to floodway, improper drainage, erosion, or that is for topographical or other reasons unsuitable for residential use shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or property destruction, unless the hazards can be and are corrected with written verification from the proper authority.

Section 602. Name of Subdivision

The name of the subdivision must have the approval of the Planning Commission. The name shall not duplicate nor closely approximate the name of an existing subdivision.

Section 603. Access

Access to every subdivision shall be provided to a public street.

Section 604. Conformance to Adopted Major-Thoroughfare and Other Plans

All streets and other features of the Major Thoroughfare Plan of Rabun County, if applicable, shall be platted by the sub-divider in the location and to the dimension

indicated on the Major Thoroughfare Plan adopted by the Planning Commission.

When features of other plans adopted by the Planning Commission such as schools or other public building sites, parks, and other land for public uses are located in whole or in part in a land subdivision, such features shall be either dedicated or reserved by the sub-divider for acquisition within a reasonable time by the appropriate public agency.

Whenever a plat proposes the dedication of land to public use that the Planning Commission finds not required or suitable for such public use, the Planning Commission shall refuse to approve the plat, and shall notify the governing body of the reasons for such action.

Section 605. Easements

Easements, where necessary, having a minimum width of 10 feet and located along the side and/or rear lot lines shall be provided, as required, for utility lines and underground mains and cables.

Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm-water or drainage right-of-way of adequate width. Parallel streets may be required by the Planning Commission in connection therewith.

Section 606. Reservation of Public Sites and Open Spaces

a. Where the features of the Comprehensive Plan, such as school sites, parks, playgrounds and other public spaces are located in whole or in part in a proposed subdivision, the Planning Commission shall not approve plats when such planned features, as specified by the Comprehensive Plan, are not incorporated into the plat.

b. Whenever the Planning Commission finds that proposed reservation of land or

dedication of land for public use is not required, that area may be used in the general scheme or plans as offered by the developer or owner.

Section 607. Community Assets

In all subdivisions due regard shall be shown for all natural features such as, but not limited to, large trees, and water courses, and for historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

ARTICLE VII

REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY

Section 701. Continuation of Existing Streets

Existing streets shall be continued at the same or greater width, but in no case less than the required width as outlined in Exhibit A.

Section 702. Street Names

Proposed streets which are obviously in alignment with others already existing and named, shall bear the name of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place, way, or court. 911 mapping must approve all street names.

Section 703. Cul-De-Sacs or Dead End Streets

- a. Minor streets or courts designed to have one end permanently closed shall be no more than eight hundred (800) feet long unless necessitated by topography. They shall be provided with a turn around at a closed end.

- b. In the opinion of the Planning Commission, it is desirable to provide street access to adjoining property, streets shall be extended to the boundary of such property and provided with a temporary turn-around.

Section 704. Development Along Major Thoroughfares, Limited Access Highway, or Railroad

Right of-Way:

Where a subdivision abuts or contains a major thoroughfare, a limited access highway, or railroad right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way either as a marginal access street or, at a distance suitable for an appropriate use of the intervening land, with a non-access reservation strip suitably planted to screen adjoining property from objectionable noise or lights. Due regard will be given to requirements for approach grades and future grade separation in determine distances. Lots shall have no access to Major Thoroughfare (or limited access highway), but only to access streets.

Section 705. Alleys

Alleys may be required at the rear of all lots used for multi-family, commercial, or industrial development but shall not be provided in one and two family residential developments unless the sub-divider provides evidence satisfactory to the Planning Commission of the need for alleys.

Section 706. Street Right-Of-Way Widths

The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:

- a. Major Street Widths as shown on any approved Major Thoroughfare Plan, but in no event less than 60 feet or as further approved by the Rabun County Board Of Commissioners.
- b. Paved Collectors Streets, 60 feet.
- c. Sub-division residential streets and dead-end streets, paved 35', minimum(s).
- d. Turn-arounds, 60' diameter right of way.
- e. All subdivision or 3 acre tract and larger development roads shall be constructed and approved according to the following specifications including all right-of-ways or easements:
 1. All roads shall be constructed according to the specifications shown on the "Required Minimum Section" identified as exhibit "A" attached hereto and incorporated herein. All residential roads shall have 18 feet of pavement width and shoulders of not less than three (3) feet on both sides. Right-of-Way for all roads shall be the width necessary to build to specification and shall include the total width from ditch to ditch, but shall not be less than 35 feet.
 2. The Rabun County Board of Commissioners may, in their sole discretion, accept roads constructed pursuant to the provisions of this article and according to Exhibit A for future maintenance, provided no roads shall be accepted unless an 60' right of way is provided. The Rabun County Board of Commissioners will not accept gravel or unpaved roads. It shall be required that the Rabun County Board of Commissioners or its designee inspect all roads for compliance prior to

county consideration to take over ownership of any road. All roads shall meet or exceed the specifications provided for herein. (Exhibit A).

Section 707. Additional Width on Existing Streets

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the street.
- b. When the subdivision is located on one side of an existing street, one half of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

Section 708. Street Grades

Maximum and minimum street grades shall be as follows:

- a. Major Thoroughfares, not in excess of 15 percent.
- b. Collector Streets, not in excess of 15 percent.
- c. Residential streets and dead end streets and alleys, not in excess of 15 percent. Short runs of 200' or less may have a grade up to 20%. Total of grades steeper than 15% may not be more than 10% of total road length.
- d. No street grade shall be less than 1%.

Section 709. Streets Intersections

Street intersections shall be as nearly at right angles as possible. No street intersections shall be at an angle less than 75 degrees, unless required by unusual circumstances and approval by the Rabun County Planning Commission.

ARTICLE VIII

DESIGN STANDARDS FOR BLOCKS AND LOTS

Section 801. Block Lengths and Widths

Blocks lengths and widths shall be as follows:

- a. Blocks shall be no greater than 1,800 feet nor less than 600 feet in length, except in unusual circumstances such as P.U.D.
- b. Blocks shall be wide enough to allow two tiers of lots, except where fronting on major thoroughfares, limited access highways, or railroads or prevented by topographical conditions or size of property; in which case the Planning Commission may approve a single tier of lots of minimum depth.

Section 802. Lot Sizes and Proportions

- a. Residential lots shall meet the lot width and lot area requirements of the zoning ordinance. (1 acre minimum).
- b. Residential Lots shall have a depth of not less than 100 feet.
- c. Residential lots shall have a minimum road frontage of 100 feet, excepting cul-de-sac lots which shall have a minimum of 25' frontage.
- d. Residential corner lots shall have adequate width to meet building set back requirements from both abutting streets.
- e. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the intended use.
- f. Health and Sanitary Conditions
 - (1) Residential lots served by public water system or private community systems approved by Georgia E.P.D. or the Rabun County Health

Department, but not a public sewer system, shall not be less than 100 feet wide at the site nor less than 43,560 square feet in area. (1 acre minimum).

- (2) Residential lots not served by a public water system or private community systems approved by Georgia E.P.D. or the Rabun County Health Department, or public sewer system, shall not be less than 100 feet wide at the building site or less than 43,560 square feet in area.

Section 803. Adequate Building Sites

Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by this Ordinance and Zoning Ordinance.

ARTICLE IX

REQUIRED IMPROVEMENTS

Section 901. Performance and Specifications

Every sub-divider shall be required to make the improvements outlined in this Article in accordance with the specifications herein or otherwise adopted by the County of Rabun.

Section 902. Monuments

- a. Monuments shall be placed at all block corners, angle points, and at intermediate points as required by the Planning Commission. Monuments shall be of reinforced concrete with dimensions of at least 4" x 4" x 24", and after installation the top shall be flush with the finished grade, or lot corners

shall be marked with solid steel rods not less than 5/8" inch in diameter and 24" in length and driven so as to be flush with the finished grade.

Section 903. Road Grading

All streets, roads, and alleys shall be graded by the sub-dividers so that pavement can be constructed to the required cross section. The minimum width of grading shall be the pavement width as specified in Section 906, plus three (3) feet on each side.

Deviation from the above will be allowed only due to special topographical conditions and approved by the Rabun County Planning Commission.

- a. Preparation: Before grading is started the entire road bed area shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.
- b. Cuts: All tree stumps, boulders and other obstructions shall be removed.
- c. Fill: All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the roadway. The fill shall be spread in layers not to exceed six (6) inches loose and compacted. The filling of utility trenches and other places not accessible to the roller shall be tamped and grassed.
- d. Subgrade: The subgrade shall be properly shaped, rolled, and uniformly compacted to 95% compaction to conform with the lines, grades and typical cross sections as shown on drawings approved by the Planning Commission. Unsuitable materials shall be excavated and replaced with acceptable

compacted material.

Section 904. Storm Drainage

Soil and Erosion Plans must be filed and approved by the County Marshal's Office or appropriate agency prior to any development beginning.

Section 905. Sanitary Sewers

If the required sewer line cannot be connected to a trunk line sewer at the time of the development of the subdivision, septic tanks, an oxidation pond, or other approved method of treatment of sanitary sewage, approved by the Planning Commission, shall be installed by and at the expense of the sub-divider or lot purchaser for interim use, and only in strict conformity with the requirements of the County Health Department.

Section 906. Minimum Street Pavement Widths & Specifications

Street pavement widths shall be as follows:

- a. Collector Streets, 24 feet.
 - b. Residential Streets 18 Feet, (subdivision)
 - c. Turn arounds, and cul-de-sacs an area 40' in diameter.
 - d. Residential subdivision roads shall be constructed in accordance with the specification set forth in Exhibit A.
- (1) Base. The base shall consist of crushed stone or other approved material having a minimum thickness of 6 and constructed on a prepared subgrade in accordance with these specifications and in conformity with the lines, grades, and typical cross-section as shown on the drawings submitted to and approved by the Planning Commission.

- (a) All materials shall be secured from an approved source and shall generally conform to the Georgia Department of Highway's minimum acceptable standards for this area.
 - (b) As soon as the base material has been spread and mixed, the base shall be brought to approximate line, grade and cross-section and then rolled with a vibrating smooth drum roller, and finally with a pneumatic tire or general purpose roller until full thickness of the base course has been compacted thoroughly. Defects and soft spots shall be remedied as soon as they are discovered. New materials may be added if necessary and defective portions shall be entirely removed.
 - (c) The base course shall be maintained under traffic, and kept free from ruts, ridges, and dusting, true to grade and cross-section until it is primed for paving.
- (2) Required pavement thickness of 3 ½" shall be 2" of binder followed by a bituminous tack coat, and, 1 ½" of asphalt topping. (See Exhibit A).
 - (3) Care and precaution shall be taken at all joints between such structures as manholes and curbs.
 - (4) All reference to Required Minimum Section shall mean that section attached to this Ordinance as Exhibit "A". Any and all new roads in Rabun County must be constructed to this standard.

ARTICLE X

DRIVEWAY ACCESS REQUIREMENTS

Section 1001. Objectives and Purpose.

The objective of this requirements is to provide for permits to construct driveways; to provide for penalties for failure to obtain permits to construct driveways or other thoroughfares; and to provide for the proper construction of driveways and other connections to the public road system for Rabun County.

It shall be unlawful for any person, corporation, or other legal entity to construct a driveway, road, street, or thoroughfare upon or adjacent to any public road within Rabun County so as to intersect with said road unless such person, corporation, or other legal entity, shall first obtain a permit to construct such driveway, road, street, or thoroughfare for the purpose of gaining access to the public roads of Rabun County, Georgia.

Section 1002. Driveway Application.

Any person, corporation, or other legal entity wishing to construct a driveway, road, street or thoroughfare upon or intersecting with the public roads of Rabun County, shall make an application to the office of the Board of Commissioners in the Rabun County Courthouse and pay a fee with said application as established from time to time by the Board of Commissioners with the initial fee to be \$40.00. The Rabun County Board of Commissioners will provide for the application to be considered within 3 business days and will instruct the applicant of the requirements necessary to provide access to the county road. Each access shall be constructed in a manner which will not damage the public or county roads.

Section 1003. Inspection.

Any such driveway, road, street, or thoroughfare shall be subject to inspection prior to issuance of a permit to connect to the county road. The appropriate official as designated by the Rabun County Board of Commissioners may consider any plans or other evidence deemed sufficient to inform the County of the intended construction of any such driveway. The permit issued by the County to construct any driveway, road, street, or thoroughfare may include specifications for grade, gravel, or other construction specifications so as to provide for the orderly management of the public roads within Rabun County and their connection to private ways for access.

ARTICLE XI
AMENDMENTS

This Ordinance may be amended from time to time. Before enacting an amendment to this Ordinance, this Commissioners of Rabun County, Georgia shall hold a public hearing thereon, notice of which shall be published at least fifteen (15) days prior to such hearing in a newspaper in general circulation in Rabun County.

ARTICLE XIII
LEGAL STATUS PROVISION

Section 1301. Validity

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such adjudication shall not affect the validity of these regulations as a whole or any part thereof, other than the part so to be declared invalid, each section, clause and provision thereof being declared severable.

Section 1302. Repealer of Conflicting Ordinances

All Ordinances, parts of Ordinances or regulations in conflict herewith are hereby repealed.

XIV

PENALTIES FOR VIOLATIONS

Any person, firm, corporation, or other entity which does any act prohibited by this Ordinance, or which fails to discharge any duty imposed hereby, shall be guilty of a violation of a County Ordinance, and subject to the process of the Magistrate Court of Rabun County, and, upon conviction, shall be punished by a fine of no less than \$500.00, or by confinement in the County Jail not to exceed sixty (60) days, either fine or confinement, or both, is the discretion of this Magistrate Court. Each day the violation continues shall constitute a separate offense. It shall be the duty of the County Marshall, to enforce the provisions of this ordinance. Upon information constituting probable cause made known to any person authorized to enforce the provisions of this Ordinance that a violation of same has occurred, a citation and summons may be issued to the alleged violator requiring him or her to appear before the Magistrate Court of Rabun County, Georgia, on a day and time certain, to answer the charge contained herein. In addition to the above legal remedy, the county may proceed in equity to obtain an injunction to any threatened construction or seek any other available equitable relief for any violation of the terms or intent of this Ordinance. Any practice or condition deemed to be in violation of these ordinances and regulations by any official of the Permitting Office, Planning and Zoning Board, or Board of Commissioners, shall upon request, be brought into compliance immediately. Failure to do so will result in legal action being taken.

- ** Pavement width is exclusive of curbing if used.
- ** Center line striping is required.
- ** Subdivision road right of way may be 35' to meet subdivision regulations.
- ** Road right of way must be 60' prior to Rabun County Board of Commissioners considering taking over road maintenance
- ** See Section 305 for bonding process for paving.