

Zoning: R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

It is the intent of this district to establish and preserve quiet, single-family home neighborhoods as desired by large numbers of people, free from other uses except those which are both compatible and convenient to the residents of such a district.

Permitted uses.

1. Accessory buildings, but not including structures used for the keeping of livestock or poultry, provided such shall be permitted only in a rear yard and shall be not less than five (5) feet from any property line. Where the rear yard abuts a street, no accessory building shall be closer to the rear lot line than the required front setback for the district.
2. Accessory uses, including home gardens and non-commercial greenhouses, but not including the keeping of livestock or poultry.
3. Churches and their related religious activities, provided that any principal building shall be located at least fifty (50) feet from any property line and that required off-street parking be separated from any property line by an opaque fence at least six (6) feet high or a densely-planted buffer strip at least ten (10) feet wide.
4. Parks, playgrounds, community centers and golf courses, except commercial amusement parks, miniature golf courses, driving ranges or others operated for commercial purposes.
5. Public and semi-public buildings and uses.
6. Single-family, detached dwellings but not including mobile homes, recreational vehicles and travel trailers used as residences.
7. Camping, provided that such activity is limited to personal use of camping equipment, camping accessories, or both, on private property containing at least one principal structure by the property owner or by others with the property owner's permission and without the exchange of any form of compensation or remuneration. Camping as a permitted use hereunder shall not exceed seven consecutive days in duration or occur more than four times per calendar year. A minimum of 14 days is required between each camping period. Property on which camping is permitted shall be maintained in a clean and sanitary manner. All other uses or activities related to camping shall comply with all other provisions of the Town of Tallulah Falls Code of Ordinances or state law.

Conditional uses. (Requires Conditional Use Zoning Application and Approval)

Summarized as follows (see code for full text):

1. Home occupations conducted within a principal building by persons residing on the premises, provided that no more than thirty (30) percent of the floor area of the principal building shall be used for such purpose,
2. Kindergartens, nursery schools, or day care centers serving not more than ten (10) persons,
3. Manufactured homes and modular homes on individual lots, but not including mobile homes, mobile home parks and manufactured home parks,
4. Public and semi-public uses

Land disturbing activity permit required.

All applicants must install necessary deterrents to soil erosion. Best Management Practices (BMPs) are required at all times during construction.

When required by the State of Georgia's Erosion and Sedimentation Act of 1975, codified in O.C.G.A. § 12-7-1, et seq., a copy of any such permit required by the Erosion and Sedimentation Act of 1975 shall be presented to and filed with the Zoning Administrator prior to the commencement of such "Land-disturbing activity" as defined in or applicable to the Zoning Ordinance of the Town of Tallulah Falls, Georgia. It is the applicant's responsibility to inquire with EPD about the need for a permit. The Mountain District Office can be reached at 770-387-4900.

All permits related to erosion and/or sedimentation shall be obtained from, and shall be enforced by, the State of Georgia's Environmental Protection Division ("EPD") or such other governmental and/or quasi-governmental entity having jurisdiction over same pursuant to the Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1, et seq.

Building permit required.

No building, structure, or sign, except as specifically exempted by these regulations, shall be erected, moved, extended, enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building or structure be commenced until the zoning administrative officer has issued a building permit for such work in conformity with the provisions of these regulations. Exception: The foregoing notwithstanding, no building permit shall be required for accessory buildings or structures two hundred (200) square feet or less that are not permanently affixed to another building or structure. Applications for building permits shall be made in accordance with provisions of the Tallulah Falls building codes and shall be accompanied by plat plans in duplicate as required by the administrative officer.

Applicant is required to bring a Septic Permit from the County Department of Public Health for all new construction permits, changes to the number of bedrooms in a residential home, or modifications as to permitted use of a multi-family or commercial building.

Applicant agrees to comply with all Department of Natural Resources setbacks for designated state waters and land disturbance and any F.E.M.A. setbacks for floodplain or floodway. Applicant understands that it is the applicant's responsibility not to violate any Town ordinances or State laws.

Construction must conform to I.C.C. construction standards.

The Building, One and Two Family Dwelling Residential, Fire, Plumbing, Mechanical, Gas, Electrical, Energy, and Swimming Pool codes are mandatory codes, meaning that under Georgia law, any structure built in Georgia must comply with these codes, whether or not the local government chooses to locally enforce these codes

Mandatory Codes:

- **International Building Code**
- **International Residential Code for One- and Two-Family Dwellings**
- **International Fire Code**
- **International Plumbing Code**
- **International Mechanical Code**
- **International Fuel Gas Code**
- **National Electrical Code**
- **International Energy Conservation Code**
- **International Swimming Pool and Spa Code**

In the State of Georgia, any project that exceeds the amount of \$2,500.00 requires the general contractor to be a licensed contractor. Thus, whenever a building is built or an existing structure is remodeled, owners and property developers need to hire a prime contractor who holds a Georgia State License.

Four Basic Types of Georgia Contractor Licenses:

There are four basic types of licenses in the State of Georgia, and Georgia law prohibits anyone to engage in residential or general contracting without a valid license. The four categories:

- *Residential-Basic Contractor* – Performs work on family homes, with the limit of maximum a two-family residence and/or a townhouse.
- *Residential-Light Commercial Contractor* – Performs work on family homes, bigger than the *Residential-Basic Contractor* but is limited to multifamily or multi residential properties.
- *General Contractor* – There are no work or activity limitations on developing/remodeling residential or commercial properties, or other construction projects for the *General Contractor*.
- *Limited Tier General Contractor* – Is very similar to *General Contractor* but with one limitation, this license is limited to a contract amount of \$500,000 or less.

BUILDING PERMIT OWNER EXEMPTION AFFIDAVIT

Title 43 Chapter 41 of the Georgia state law concerning residential and general contracting state licensing requirements states: “Nothing in this chapter shall preclude any person from constructing a building or structure on real property owned by such person which is intended upon completion for use or occupancy solely by that person and his or her family, firm, or corporation and its employees, and not for use by the general public and not offered for sale or lease. In so doing, such person may act as his or her own contractor personally providing direct supervision and management of all work not performed by licensed contractors.

However, if, under this subsection, the person or his or her family, firm, or corporation has previously sold or transferred a building or structure which had been constructed by such person acting without a licensed residential or general contractor within the prior 24 month period, starting from the date on which a certificate of occupancy was issued for such building or structure, then such person may not, under this subsection, construct another separate building or structure without having first obtained on his or her own behalf an appropriate residential or general contractor license or having engaged such a duly licensed contractor to perform such work to the extent required under this chapter, or it shall be presumed that the person, firm, or corporation did not intend such building solely for occupancy by that person and his or her family, firm, or corporation.

Further, such person may not delegate the responsibility to directly supervise and manage all or any part of the work relating thereto to any other person unless that person is licensed under this chapter and the work being performed is within the scope of that person's license. In any event, however, all such work must be done in conformity with all other applicable provisions of this title, the rules and regulations of the board and division involved, and any applicable county or municipal resolutions, ordinances, codes, permitting, or inspection requirements

Checklist: the following items will be required prior to the issuance of a building permit by the Town of Tallulah Falls:

1. Building permit application
2. Plat of the lot or land parcel with the building or structure accurately depicted with setbacks identified.
3. Plans for the proposed building or structure to include elevation
5. Approved septic system permit, if applicable

- 6. Contractor's state license number or a homeowner's affidavit if applicable
- 7. Copy of Land Disturbing Permit if required

Permit Expiration.

Building permits shall become invalid unless the work authorized by it shall have been commenced within twelve (12) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of twelve (12) months or more.

Only one principal building on any lot.

Only one principal building and its customary accessory buildings may hereafter be erected on any lot, except for multi-family buildings, commercial and industrial buildings.

Reduction of 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 ordinance are not maintained.

Street access.

No building shall be erected on a lot which does not abut or have access to a publicly dedicated or maintained street.

Off-street automobile parking and storage.

Off-street automobile parking or storage space shall be provided on every lot for uses and structures hereafter established in all districts, except in cases where 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 the use it serves. Maneuvering space shall be provided at all residential establishments 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 a fractional space requirement, it shall be construed to mean one (1) additional space.

<i>Use Classification</i>	<i>Parking Space Requirement</i>
Residential dwelling	Two (2) spaces for each dwelling unit, except that no more than one (1) space per dwelling unit shall be required in multi-family public housing units intended for occupancy by the elderly.

Building height and placement requirements.

Except as otherwise specifically provided in this ordinance, no structure shall be erected between any lot line and the pertinent setback distance listed in Table 1, and no structure shall be erected which exceeds the height limit specified in Table 1.

TABLE 1. HEIGHT LIMITS AND MINIMUM SETBACKS FROM PROPERTY LINES (IN FEET)

District	Height Limitation	Front setbacks		Rear Setback*	Side Setback*
		Public Highways	Other Streets		
Residential: single-family (R-1)	35	60	20	15	15

- 1501.1. Where a lot abuts two streets, the front setback for that district shall apply to both frontages, including corner lots, reverse and double frontage lots.
- 1501.2. The side setback requirements apply to a side lot line and also to any lot line which is neither a front, rear, nor side lot line.
- 1501.3. The setback requirements of these regulations for dwellings shall not apply to any lot where the average setback on developed lots located wholly or in part within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback may be less than the required setback for the district but not less than the average of the existing setbacks on the developed lots. This section shall not be construed to allow less setback on lots which extend a developed area, but only to allow the filling in of vacant lots in developed areas.
- 1501.4. In such cases as the street right-of-way has not been established or cannot be determined, said front yard/front building setback requirement shall be measured from a point ten (10) feet beyond the construction limits of the road (edge of pavement or curb or edge of drainage ditch, whichever is greater).
- 1501.5. Height limitations shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, non-commercial radio and television towers, electricity transmission facilities and towers, and other similar utility structures.
- 1501.6. All setback requirements set forth herein this Article XV shall not apply to natural screenings and buffers, fences, walls, walkways, and steps except as otherwise set forth in this Section 1501.6 and Article V, Section 508 of the Zoning Ordinance of the Town of Tallulah Falls, Georgia. Subject to the foregoing requirements, all natural screenings and buffers, fences, walls, walkways and steps shall be constructed, erected, or planted within a lot's boundary. The foregoing notwithstanding, in such instances where a lot boundary abuts a right-of-way, such natural screenings and buffers, fences, walls, walkways, and steps to be constructed, erected, or planted along the lot boundary adjacent to such right-of-way shall be set back at least four (4) feet from the edge of the right-of-way boundary regardless of whether this boundary coincides with the actual edge of the physically improved area used for travel purposes that is present on the ground. For example, if the boundary of the right-of-way is thirty (30) feet wide, but the portion used for travel purposes, including any improved area located within the right-of-way for travel purposes, is only twenty-four (24) feet wide, then the set back referenced herein shall be measured from the boundary line of the right-of-way (i.e., thirty (30) feet) rather than from the edge of the improved area used for travel purposes located within the right-of-way (i.e., twenty-four (24) feet). If the boundary of such existing right-of-way has not been established or cannot be reasonably determined, then such natural screenings and buffers, fences, walls, walkways, or steps shall be set back four (4) feet from the edge of the improved area that is used for travel purposes within the presumptive right-of-way. The provisions of this Section 1501.6 shall be read in conjunction and harmony with, and construed to require adherence and compliance with, any additional requirements contained in Article V, Section 508 of the Zoning Ordinance of the Town of Tallulah Falls, Georgia.

Lot requirements.

Except as otherwise specified in this ordinance, no structure shall be erected on any lot which does not fulfill the requirements for area, width, depth and density set out in table 2.

TABLE 2. MINIMUM STANDARDS FOR LOT WIDTH AND AREA AND DENSITY

<i>District</i>	<i>Minimum Lot Width in Feet</i>	<i>Minimum Area in Square Feet</i>		<i>Maximum Units Per Acre</i>
		<i>Per Lot</i>	<i>Per Dwelling Unit</i>	
R-1	100	15,000	15,000	2.9

NOTE: Health department may require a larger lot size if lots are not served by public water and sanitary sewerage.

1502.1. Where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to meet the minimum lot size requirements of these regulations, such lot may be used as a building site; provided that the town council, upon recommendation from the planning commission, and the appropriate health officer find that the owner's building plans are consistent with existing health codes, and that the building plans will not otherwise adversely affect the health, safety, welfare, convenience, or property values of the area.

1502.2. In a district which requires side setbacks, if two or more adjoining and vacant lots with continuous frontage are in a single ownership at the time this ordinance becomes effective and such lots are individually 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 this ordinance.

Visibility at street intersections.

On a corner lot in any zoning district, no planting, structure, fence, wall, or other obstruction to vision more than three (3) feet in height from the street level shall be placed so that it obscures the vision of either drivers or pedestrians approaching the intersection.

At the intersection of any private drive or entrance or exit for a common parking area with a public street or alley, no fence, wall, hedge, structure, or other impediment to visibility shall be placed so that it obstructs the vision of drivers or pedestrians entering a public traffic way.

Short Term Vacation Rentals (Prohibited in R-1 Single Family Residential Zoning)

As used herein, the phrase short term vacation rental ("STVR") shall mean and apply to the leasing of any property or structures located thereon, whether used in whole or in part, for a period of 30 days or less for residential purposes. It includes, without limitation, any apartment, condominium, room, house, tourist home, tourist cabin, lodginghouse, roominghouse, dormitory, lodge, inn, or similar lodging accommodation known by another name of any kind whatsoever containing guest rooms that are occupied, intended or designed for occupancy by paying guests on a short-term basis for residential purposes, whether rent is paid in money, goods, labor, or otherwise.

STVRs shall be prohibited on all property located within the town's corporate limits, unless otherwise specifically permitted by the town's zoning classifications applicable to any such property. As of the date this article is adopted, STVRs are a permitted use only in the Business District and Highway Business District zoning classifications.

Water System tap fees.

- (a) Each single-family residence shall pay a tap-on fee of \$1,500.
- (b) When the water distribution line does not run immediately adjacent and parallel to the property to be served, the town may be required to make necessary connections upon payment of reasonable costs for the extensions of its water distribution line as may be required to render such service. The town shall pay a maximum amount as provided in the fee schedule to defray the expense of making said connection. The consumer must remain a customer of the town water system for a period of at least two years or reimburse the town for any and all monies expended to render service.

Certificate of occupancy required.

Applicant is required to report to the Tallulah Falls Zoning Administrator when work is complete and will apply for a Certificate of Occupancy prior to established use.

A certificate of occupancy issued by the administrative officer is required in advance of occupancy or use of any lot or change or extension in the use of any lot; any building or structure hereafter erected; or any change in the use of an existing building or structure. No such certificate shall be issued unless the proposed use of a building or land conforms to the applicable provisions of these regulations. Business licenses shall not be issued until the business conforms to the regulations of the district in which it is located and a valid certificate of occupancy is issued.

Applicant acknowledges receipt of, understands and agrees to abide by the Terms and Conditions of this permit.

Applicant

Date