

ARTICLE XII. A, AGRICULTURAL DISTRICT

Sec. 1201. Purpose and intent.

It is the intent of this district to facilitate the orderly and economically efficient development of Tallulah Falls from existing built-up areas outward to the town's perimeter by establishing and preserving areas for low intensity uses such as agricultural, low density residential, and outdoor recreational uses in outlying areas without permitting an intensity of development which would require provision of additional public facilities and services in those areas until the land preserved for non-agricultural uses has been developed to the extent that agricultural land is needed for expansion of urban uses.

Sec. 1202. Permitted uses.

1. Accessory buildings and uses including barns, poultry houses for family use only, and other structures for the maintenance of livestock; storage sheds; implement sheds; roadside stands for the sale of farm products; and similar uses.
2. Any agricultural or horticultural use, including livestock, and poultry; provided no building or enclosure for the maintenance or shelter of animals shall be located within three hundred (300) feet of any private residence, other than that of the owner, or any public building, and no closer than one hundred fifty (150) feet from any property line. Pastures are not considered enclosures under the provisions set out above. Shelters or enclosures for three (3) or less household pets may be located within the three hundred (300) foot requirement, provided they meet the provisions of the sanitary rules and regulations of Rabun or Habersham County and/or health regulations of the State of Georgia. The definitions of "household pets" other than animals customarily kept as pets shall be determined by the appropriate health official.
3. Single-family residences including modular and manufactured homes, but not mobile homes, with a minimum lot size of one (1) acre, provided that any new residence, other than that of the owner, shall be located at least three hundred (300) feet from any building or structure used for the shelter or maintenance of farm animals. Modular and manufactured homes shall meet the criteria specified for manufactured/modular homes in the R-I district (section 703.).

Sec. 1203. Conditional uses. (Requires Council approval)

1. Churches and related activities and cemeteries with the provision of off-street parking facilities.
2. Customary home occupations conducted within a principal building by persons residing on premises, provided that not more than thirty (30) percent of the floor area of the principal building shall be used for such purpose and off-street parking is furnished.
3. Greenhouses and nurseries with provision of off-street parking.
4. Parks, playgrounds, and other outdoor recreational facilities, either public or commercial, with provisions for off-street parking.
5. 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, and similar installations. Such facilities shall be landscaped, enclosed by proper fencing, and buildings shall be architecturally harmonious with the surrounding area.
6. Camping, provided that such activity is limited to personal use of camping equipment, camping accessories, or both, on private property 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.

Sec. 1204. Height, placement, area and density requirements.

In accordance with article XV of this ordinance.

Land disturbing activity permit required.

All applicants must install necessary deterrents to soil erosion. BMPs are required at all times during construction.

If a State EPD land disturbing permit is required based on the work to be performed, a copy of the LDP will be required prior to issuance of a building permit. 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.

In addition, a land disturbing activity permit shall be required for any proposed use of land(s) or building(s) to indicate and ensure compliance with all provisions of these regulations before any building permit is issued or any improvement, grading, land disturbing activity or alteration of land(s) or building(s) commences; provided, however, that permits shall not be required for any land disturbing activities exempted in section III of the soil erosion and sediment control ordinance of the Town of Tallulah Falls, Georgia.

All land disturbing activity permits shall be issued by the administrative officer, who shall in no case approve a development permit for the use, construction, or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of these regulations or any other codes and laws. Land disturbing activity permits shall be valid for two (2) years from its issuance. If work described in any permit has not begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire, and further work shall not proceed until a new development permit has been obtained.

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

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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.

ARTICLE XV. HEIGHT, PLACEMENT, AREA AND DENSITY REQUIREMENTS

Sec. 1501. 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)

		<i>Front setbacks</i>			
<i>District</i>	<i>Height Limitation</i>	<i>Public Highways</i>	<i>Other Streets</i>	<i>Rear Setback*</i>	<i>Side Setback*</i>
Agricultural (A)	35	60	35	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.

Sec. 1502. 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>Minimum Area in Square Feet</i>		
<i>District</i>	<i>Minimum Lot Width in Feet</i>	<i>Per Lot</i>	<i>Per Dwelling Unit</i>	<i>Maximum Units Per Acre</i>
A	None	43,560	43,560	1.0

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

*See section 906.

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 Agricultural 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