

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 247

AN ORDINANCE

To amend Ordinance Nos. 25, 44, 129 and 215; to prevent the erection of chain link fences within the City of Lookout Mountain except in cases of extreme hardship; and for other purposes.

BE IT ORDAINED by the City Council of the City of Lookout Mountain, Georgia, and IT IS HEREBY ORDAINED:

Section 1. Section 10-10.3(A) of Article IV of Ordinance No. 25 (as heretofore amended) is hereby amended by the addition thereto of the following subparagraph (7):

- (7) No fences shall be constructed of any form of chain link, except under the limited circumstances set forth in Section 10-10.3(B)(3) below.

Section 2. Section 10-10.3(B) of Article IV of Ordinance No. 25 (as heretofore amended) is further amended by the addition thereto of the following new subparagraph (3):

- (3) Chain link fencing will be considered only if the property owner can demonstrate all of the following:
- A. Chain link fencing is necessary due to extreme hardship unique to the property in question as a result of its topography, location, or other reasons;
 - B. The length of the proposed fence is greater than 250 feet;
 - C. The fence will not be visible from any public street or way within the city limits; and
 - D. If adjacent to property owned by neighbors, the fence must be completely obscured by an approved, non-invasive type of vegetation (shrubs or bushes) that will be planted as part of the installation in such a way that the fence will be obscured from view within two years.

Section 3. Section 10-10.3(C) of Article IV of Ordinance No. 25 (as heretofore amended) is further amended by the addition thereto of the following subparagraph (7):

- (7) Chain link fences, if allowed by the Planning Commission, must be coated in a material and color approved by the Planning Commission, and all posts, rails, braces, etc., must be coated or painted to match the plastic coating.

Section 4. Section 10-10.3(F) of Article IV of Ordinance No. 25 (as heretofore amended) is further amended by the deletion therefrom of the current subparagraph (5).

Section 5. Severability. If any of the sections, subsections, sentences, clauses or phrases of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be affected, since it is the express intent of the Council of the City to pass each section, phrase, paragraph and word separately.

Section 6. Part of Code of Ordinances. It is the intention of the Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lookout Mountain, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 7. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. Effective Date: This Ordinance shall be effective ten (10) days after its adoption by at least three (3) members of the Council of the City after two (2) readings at least one (1) week apart.

APPROVED on the first reading June 15, 2009.



Member of City Council



Member of City Council



Member of City Council



Member of City Council

Member of City Council




Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on June 25, 2009.



Member of City Council



Member of City Council



Member of City Council



Member of City Council

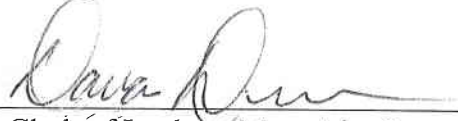


Member of City Council



Mayor of Lookout Mountain, Georgia

ATTEST:



City Clerk of Lookout Mountain, Georgia

