

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 25

AN ORDINANCE

To add to the Code of Ordinances of the City of Lookout Mountain, Georgia, an ordinance prescribing a zoning plan for the territory within the corporate limits of the City of Lookout Mountain; regulating the erection, construction, and alteration of buildings; height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open space, the density of population, the location and use of buildings and other structures, the erection and maintenance of signs, the use, conditions of use, or occupancy of land for trade, industry, residence, recreation, transportation, agriculture, or other purposes; and prescribing penalties for the violation of this ordinance; and providing for its enforcement, changes and amendments, and adopting an official map showing the location of the boundaries described in this ordinance.

WHEREAS, by the provisions of the General Planning Enabling Act of 1957, Number 358 (H.B. No. 400), as amended, of the State of Georgia, the City Council of the City of Lookout Mountain, Georgia, is authorized to establish districts or zones within its corporate limits for the purpose of regulating the use of land and buildings therein,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lookout Mountain, Georgia, and it is hereby ordained:

Section 1. Title.

This ordinance shall be known and cited as the "Lookout Mountain, Georgia, Zoning Ordinance."

Section 2. Resolution.

RESOLVED, that the General Planning Enabling Act of 1957, Number 358 (H.B. No. 400), as amended, of the State of Georgia, providing for zoning, and planning in municipalities, be and the same is hereby declared to be effective immediately within and for the City of Lookout Mountain, Georgia (hereinafter referred to as "City"), and the following is herewith added to the Code of Ordinances of the City:

CHAPTER 10

ZONING

ARTICLE 1. STATEMENT OF NECESSITY

The City Council of City deems it necessary for the purposes of (i) lessening congestion in the roads and streets, (ii) securing safety from fire, flood, erosion and other dangers; (iii) promoting health and the general welfare; (iv) providing adequate light and air; (v) encouraging such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate economic and adequate provisions for transportation, communication, roads, water supply, drainage, sanitation, education, recreation or other public requirements; and (vi) conserving and developing the natural resources; to make and promulgate such regulations as will encourage the most appropriate use of land and promote desirable living conditions and sustained stability of neighborhoods throughout said City in accordance with a comprehensive plan, with reasonable consideration among other things for the character of the district and its peculiar suitability for particular uses, with a view to conserving the value of buildings.

ARTICLE II. DEFINITIONS

Sec. 10-1. Interpretation of words or terms.

For the purposes of this chapter, certain words and terms are defined as follows:

(1) Words used in the present tense may include the future tense; words in the singular may include the plural, and words in the plural may include the singular; the word "shall" is mandatory and not directory; the word "person" includes a firm, corporation, association, organization, partnership, trust, and company as well as an individual.

(2) Accessory Use or Building. A use or building subordinate to the main building on the lot and used for purposes customarily incidental to those of the main building.

(3) Alley. A way which affords only a secondary means of access to abutting property.

(4) Basement. That portion of a building having at least one-half (1/2) of its height below grade.

(5) Building. Any structure used or built for the shelter or enclosure of persons, animals or chattels.

(6) Building, Height of. The vertical distance between the curb level and the highest point of the roof surface of a flat roof, the deck line of a mansard roof and a point two-thirds (2/3) the height of a gable, hip or gambrel roof. If the building is set back from the street line, the height may be measured from the average elevation of the finished grade at the front of the building, provided that the distance from the street line to the front of the building is not less than the height of such finished grade above the established curb level.

(7) Campers. A mobile vehicle on its own wheels customarily used for camping trips.

(8) Curb Level. The mean level of the established curb in front of the building. Where no such curb has been established, the City Engineer when needed shall establish such curb level.

(9) Dwelling. Single Family. A building occupied or intended to be occupied as an abode of one family; provided, however, that no mobile home or camp ground shall be classified as a dwelling.

(10) Family. Individuals and their servants living together as a single housekeeping unit, but not consisting of more than four persons if not related by blood, marriage or adoption.

(11) Frontage. All the property of a lot abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.

(12) Garage, Private. A building or space, part of a main building or detached, permitted in any residence district for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

(13) Home Occupations. Any occupation of a professional nature engaged in by any occupant of a dwelling not including the conduct of a retail business, a manufacturing business, or a repair business of any kind on the premises. Home occupation shall not include any occupation conducted in any building on the premises other than the building which is used by the occupant as his or her private dwelling. Home occupation shall include in general personal services such as are furnished by a physician, dentist, musician, artist, tutor, attorney at law, nursery school, day nursery or seamstress when performed by the person occupying the building as his or her private dwelling but shall not include the employment of any additional person in the performance of such services. Such home occupation shall not include clairvoyants, fortune-telling, experimentation that involves the use of chemical matter or energy that may create or cause to be created noises, noxious odors, or hazards that will endanger the health, safety or welfare of the community.

(14) Lot. A parcel of land occupied or intended for occupancy by a building together with its accessory buildings; including the open space required under this ordinance. For the purpose of this ordinance, the word "lot" shall be taken to mean

any number of contiguous lots in one ownership or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.

(15) Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.

(16) Lot, Depth. The depth of a lot, for the purpose of this ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite main real line of the lot.

(17) Lot, Interior. A lot other than a corner lot.

(18) Lot Lines. The lines bounding the lot.

(19) Lot, Through. An interior lot having frontage on two (2) streets, other than a corner lot.

(20) Mobile Home. A detached residential unit designed for transportation on streets and highways on its own wheels or on a flatbed or other trailer, and arriving at the site where it is to be occupied, complete and ready for occupancy except for minor and incidental unpacking, assembly, furnishing, location on jacks or other temporary or permanent foundations, connection to utilities, and the like.

(21) Non-Conforming Use. A use that does not conform to the regulations for the district in which it is situated.

(22) Parking Lot. An area or plot of land used for the parking of vehicles, including all necessary additional space needed for vehicular access or maneuvering thereto or therefrom.

(23) Private Clubs or Lodges. Referring only to the Lookout Mountain Golf Club and the Lookout Mountain Fairyland Club as existing on the effective date of this chapter.

(24) Service Station. A building or lot where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade, or where battery, tire and other similar services are rendered.

(25) Sign. Any free standing or partly or wholly attached structure displayed for the purpose of conveying some information, knowledge, or idea to the public.

(26) Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. A basement shall be counted as a story if the average vertical distance from the grade at the front of the building to the ceiling of such basement is over five (5) feet.

(27) Story, Half. A story under a gabled, hipped or gambrel roof, the wall place of which on at least two opposite exterior walls is not more than three feet above the finished floor of such story.

(28) Street. A way which affords a primary means of access to abutting property, as distinguished from an alley.

(29) Street Line. The boundary line between the street and abutting property.

(30) Structure. Anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having a permanent location on the land.

(31) Structural Alterations. Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams, floor joists, roof joists, exterior walls, or girders.

(32) Trailer Court. An area intended primarily for automobile transients where tent houses, mobile homes, camper trucks, camper trailers, mobile campers on their own wheels, trailer or house cars may be located and used as living or sleeping quarters of two (2) or more families.

(33) Yard. An open space on the same lot with a building, unoccupied and unobstructed by any building or structure from the ground upward, except by trees, shrubbery, driveways or walkways, or as otherwise provided herein.

(34) Yard, Front. A yard across the full width of the lot, extending from the front line of the building, including porches, to the front line of the lot.

(35) Yard, Rear. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

(36) Yard, Side. An unenclosed yard extending the full depth of the lot and adjacent to the side lot line, other than the front yard or the rear yard.

ARTICLE III. DISTRICT REGULATIONS.

Sec. 10-2. Districts and Boundaries thereof.

For the purposes enumerated in this chapter, the City is hereby divided into three districts. The use, height, area, etc., regulations are uniform within each district, and such districts shall be known as:

Single Family District

Tourist Oriented Commercial District

Community Convenience Commercial District

The boundaries of said districts are described as follows:

Boundaries.

(A) Single Family District. All the area within the City not specifically included within the Tourist Oriented Commercial District and Community Convenience Commercial District as described below.

(B) Tourist Oriented Commercial District. Beginning at a point on the southern side of Rock City Trail forty (40) feet east of the southeastern corner of the intersection of the Aladdin Road and Rock City Trail rights-of-way; thence southwardly parallel to but forty (40) feet distant from Aladdin Road a distance of five hundred fifty (550) feet, more or less, to the northern lot line of lot 327; thence eastwardly one hundred fifty (150) feet, more or less, along the northern line of said lot 327 to the northeast corner of said lot, thence continuing eastwardly along the same course in a straight line until such line reaches a point five (5)

feet west of the existing stone wall on the south side of Rock City Gardens parking area; thence eastwardly following the curvature of said wall along a line parallel to but five (5) feet distant from said wall, until such parallel line intersects an easterly extension of the northerly line of lot 327. Thence eastwardly along such line, as thus extended, to the southwest corner of lot 58; thence eastwardly along the south line of lot 58 to the eastern line of Patten Road; thence along the eastern line of Patten Road to the southern line of lot 339; thence eastwardly to the city limits; thence northwardly along the city limits line one thousand one hundred fifty (1,150) feet, more or less, to a point; thence westwardly one thousand twenty-five (1,025) feet, more or less, to the eastern side of Mockingbird Lane; thence southerly along said eastern side of Mockingbird Lane four hundred sixty (460) feet, more or less, to a point which is the intersection of the eastern side of Mockingbird Lane with the southern side of Rock City Trail, if extended; thence westwardly crossing Mockingbird Lane along the southerly extension of Rock City Trail and then along the southern side of Rock City Trail to the point of beginning, said lots and streets being shown on Edward E. Betts Engineering Co. drawing No. 1440-24 dated January 14, 1926, as amended October 29, 1927, and further amended March 10, 1928, and recorded in the office of the Clerk of the Superior Court of Walker County, Georgia, in Plat Book 1, page 75.

(C) Community Convenience Commercial Districts.

Beginning at the northwest corner of the intersection of Lula Lake Road and McFarland Road; thence along the western side of Lula Lake Road northeastwardly six hundred twenty-five (625) feet, more or less, to the northern boundary line of the property known as "Lookout Mountain Courts" as presently constituted; thence westwardly six hundred seventy-six (676) feet, more or less, along the northern boundary line of the Lookout



Mountain Courts property, to a point in the west boundary line of said property; thence southwardly one hundred fifty (150) feet, along the said west boundary line to the southwest corner of the Lookout Mountain Courts property; thence eastwardly along the southern property line of the Lookout Mountain Courts sixty-three (63) feet, more or less, to the northwest corner of the Alan Voges (formerly Carol Crest) property; thence southwestwardly three hundred nineteen (319) feet along the western boundary line of Alan Voges property to the northern side of McFarland Road; thence eastwardly along said northern line of McFarland Road to the point of beginning.

The boundaries of such zones as are described herein are hereby adopted and approved and the regulations of this chapter governing the uses of land, buildings and structures, the height of buildings, building site areas, the size of yards around buildings and other matters as hereinafter set forth are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone herein.

Where uncertainty exists as to boundaries of any zone, the following rules shall apply:

(1) Where such zone boundaries are indicated as approximately following street lines or center of street lines, alley lines or lot lines, such lines shall be such boundaries.

(2) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

In cases of uncertainty, the Board of Zoning Appeals shall fix the exact location of boundaries.

In the creation of this chapter and of the respective districts, the Municipal Planning Commission has given due and careful consideration to the peculiar suitability of each district for the particular regulations applied thereto, and

the necessary, proper and comprehensive grouping and arrangements of the various uses and densities of population in accordance with a well considered plan for the development of the City.

There is hereby adopted and attached as the official map of the City the map of the City dated October, 1968, which shows the boundaries of the various districts as described.

ARTICLE IV. APPLICATION OF REGULATIONS.

Sec. 10-3. Single Family District.

(A) Uses Permitted:

(1) Single Family Dwellings.

(2) Accessory buildings and uses customarily incident to the above and below uses, such as garages, but not involving the conduct of business. Swimming pools and buildings used to contain bathing equipment and tennis courts for private use are allowable accessory uses and buildings, provided that plans are submitted to the Board of Zoning Appeals to show adequate provisions for water drainage and provided their use is adequately safeguarded to protect the life and health of the citizens of the City. Any such accessory building or use is permitted in the spaces herein provided for minimum rear yards provided that not more than 25 per cent of the minimum rear yard required is used for any such accessory buildings or uses. Accessory buildings and uses are not permitted in the spaces provided herein for minimum front and side yards.

(3) Public schools, public athletic fields in conjunction therewith.

(4) Public libraries and buildings used exclusively for the City Government for public purposes.

(5) Private clubs and lodges, including buildings and uses accessory thereto, including swimming pools, tennis courts and parking lots, but in no event may any such use be construed to permit commercial venture.

(6) Home occupations, provided and on condition that no display of products shall be visible from the street or streets or highways.

(7) Camper, provided that it is not used as residential living quarters.

Sec. 10-4. Community Convenience Commercial District.

(A) Uses Permitted:

- (1) Retail Grocery Stores.
- (2) Retail Drug Stores.
- (3) General Merchandise Stores.
- (4) Service Stations and Repair Shops.
- (5) Restaurants.
- (6) Barber Shops and Beauty Shops.
- (7) Offices.
- (8) Retail Clothing Stores.
- (9) Retail Hardware Stores.
- (10) Studios.
- (11) Retail Gift Shops.
- (12) Shoe Sales and Repair Shops.
- (13) City Buildings
- (14) Motels.
- (15) Print Shops.
- (16) Churches, Sunday School Buildings, and Parish Houses.

(17) Accessory buildings, and uses customarily incident to the above uses, except that no exterior signs will be permitted upon any premises except in conformity with Section 10-10.2 of this chapter.

Sec. 10-5. Tourist Oriented Commercial District.

(A) Uses Permitted.

- (1) Sightseeing.
- (2) Scientific and Educational Exhibitions.
- (3) Amusements and Displays.

- (4) Refreshment Stands.
- (5) Restaurants.
- (6) Gift Shops.
- (7) Parking Lots.
- (8) Other comforts and conveniences for tourists including the service station existing on the effective date of this chapter, but excluding motels and similar accommodations.
- (9) Antique Shops.
- (10) Subject to the provisions of Section 10-9(A), communications media facilities, including radio and television broadcasting.
- (11) Office, warehouse, utility and other accessory buildings, facilities and uses customarily, reasonably or necessarily incident to all or more of the foregoing uses.

Sec. 10-6. Non-Conforming Uses.

The lawful use, size, or location of a building or structure or the type of activity now being conducted in a building existing at the effective date of this chapter shall not be affected by this chapter, although such use, size, location or type of activity does not conform to the provisions of this chapter; but no such use shall be extended to occupy any portion of the building not presently so occupied nor to any land outside such buildings. Except as required by law, there shall be no structural alterations on premises devoted to a non-conforming use, until such structural alterations have been specifically authorized by the Board of Zoning Appeals after receipt of the recommendation of the Municipal Planning Commission. If such non-conforming building or structure is removed or the non-conforming use of such building is discontinued for a period of time exceeding one hundred (100) consecutive days, every future use of such premises shall be in conformity with the provisions of this chapter. No signs visible from the exterior in connection with a non-conforming use shall be constructed except for those lettered upon windows of the building.

Non-conforming buildings or structures may not be enlarged in any respect.

Except as herein provided, no building or structure shall be erected or altered, nor shall any building or structure or premises be used for any purpose other than is permitted in the district such building, structure or premises is located.

The lawful use of "land" existing at the effective date of this chapter, although such use does not conform to the provisions of this chapter, shall not be affected by this chapter; provided, however, that no such non-conforming use shall be extended to occupy a greater area of land. If such non-conforming use is discontinued for a period of not less than one hundred (100) days, any future use of land shall be in conformity with the provisions of this chapter. Provided, however, that where "land" is now used for a use excluded from the district in which such "land" is located, and such use is not accessory to the use of a main building located on the same lot or grounds, such non-conforming use of "land" shall be discontinued, and all material incident to such non-conforming use shall be completely removed by its owner not later than thirty (30) days from the passage of this chapter.

The provisions of this chapter are not to be considered as making lawful any use of buildings, structures or lands which had heretofore been forbidden by ordinance or law, nor as enlarging upon or varying the non-conforming use heretofore permitted under the provisions of any prior or existing law or ordinance.

Nothing in this chapter shall be taken to prevent the restoration and continued occupancy of a building or structure destroyed to the extent of not more than fifty per cent (50%) by fire, explosion or other casualty, or act of God, or the public enemy, provided that such restoration be commenced within four (4) months of such destruction.

In the event any non-conforming building or structure shall, in the judgment of the Board of Zoning Appeals, become so dilapidated as to be dangerous to public health, safety or welfare, such non-conforming use may thereupon be ordered by said Board to be discontinued. Commencing thirty (30) days after written notification to such effect to the owner of such building or structure and any occupants, such non-conforming use shall become illegal, and no alteration or restoration shall have the effect of allowing resumption of such non-conforming use, regardless of whether such alteration or restoration be voluntary or in obedience to instructions of the Board of Zoning Appeals.

Trailer courts and camp grounds are specifically designated herein as being non-conforming uses. If any such non-conforming court or camp ground is removed or abandoned, any future use shall be in conformity with this chapter, provided further that no such non-conforming use shall extend to occupy a greater portion of land than occupied on the effective date of this chapter, nor to increase the number or size of mobile homes, buildings or structures, nor to enlarge or extend the volume or intensity of business conducted thereon. If any such non-conforming use is removed or abandoned for a period of time in excess of one hundred (100) days, every future use shall be in conformity with this chapter. Provided, further, that each such non-conforming trailer court or camp ground shall contain five thousand (5,000) square feet per mobile home.

Sec. 10-7. Height and Area Regulations - Single Family District.

The height of buildings, minimum lot area, minimum lot width and the minimum yard dimensions shall be as follows:

(A) Building Height Limit:

No building or structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height except that

a building or structure may exceed thirty-five (35) feet in height if the building or structure shall be set back one additional foot from all property lines for every foot it exceeds such height.

(B) Building Site Area Required (Intensity of Use):

The minimum building site area shall be one lot or parcel of 15,000 square feet in area for each single family dwelling in the single family district. Such parcels or lots shall have a minimum width of at least seventy-five (75) feet. Such minimum building site area and minimum width requirement shall also apply to each lot or parcel upon which a public school, public library, public building, church, Sunday School building, or parish house, is erected.

The above minimum building site area of 15,000 square feet shall be reduced to 14,000 square feet for, but only for, those lots shown on plats of subdivisions recorded in the Office of the Clerk of the Superior Court of Walker County, Georgia, prior to the effective date of this chapter if construction on 25 per cent of the lots so platted has been completed prior to the effective date of this chapter, and if building site plans for any lot smaller in area than 15,000 square feet shall have been submitted to and approved by the Municipal Planning Commission prior to obtaining a building permit.

(C) Front Yard Required:

There shall be a front yard having a depth of not less than forty (40) feet; provided that if the front yard of any lot, any part of which fronts within one hundred (100) feet on either side of the subject lot, is less than forty (40) feet in depth, then the minimum front yard of the subject lot may be the average of the depth of the front yards of all such other lots but in no event less than thirty (30) feet. On through lots front yards are required on both streets in lieu of any rear yard.

(D) Side Yards Required:

On each side of a building there shall be a side yard of not less than fifteen (15) feet.

(E) Rear Yard Required:

There shall be a rear yard of not less than twenty-five (25) feet in depth, but only where a residential zone abuts such rear yard.

(F) Off-Street Parking:

At least two off-street parking spaces shall be provided for each dwelling unit. Such spaces shall contain a total of four hundred (400) square feet so set aside for such purpose that at least two cars of normal size may park thereon.

Sec. 10-8. Height, Area and Parking Regulations - Community Convenience Commercial District.

The building height, area and parking regulations shall be as follows:

(A) Building Height Limit:

No building or structure hereafter erected or structurally altered shall exceed two (2) stories or thirty-five (35) feet in height.

(B) Area and Parking Regulations:

At least one off-street parking space at least ten (10) feet wide and twenty-two (22) feet long shall be provided for every two hundred (200) square feet of gross floor area (exclusive of storage area) of any building hereafter erected. If the Board of Zoning Appeals should determine that the new business contemplated requires more or less off-street parking space than the minimum prescribed herein, such amount of off-street parking space as may be specified by the Board of Zoning Appeals shall be provided. In lieu of providing such off-street parking on new projects, the owner may offer to dedicate and if such offer is accepted by the City Council, such owner may dedicate or convey to the City a portion of his property abutting the street to provide parking space equivalent to the off-street parking space required above.



Sec. 10-9. Height, Area and Parking Regulations - Tourist Oriented Commercial District.

The building, height, area and parking regulations shall be as follows:

(A) Building Height Limit:

No building or structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height except for flagpoles, utility poles and other poles and towers for fire, observation, public service and communications purposes, provided that no pole, antenna or tower for communications purposes shall exceed one hundred sixty (160) feet in height, shall be other than of self-supporting solid or tubular metal construction without guy wires, or shall be located other than on the eastern side of Patten Road with a setback for every foot in height of one (1) foot from Patten Road and from the south and north property lines of the tourist oriented commercial district.

(B) Area and Parking Regulations:

Same as 10-8(B) above.

(C) Special Regulations Regarding Aladdin Road:

No commercial exits or entrances shall be permitted to connect with Aladdin Road along the boundary line which begins on the southern side of Rock City Trail forty (40) feet east of the southeastern corner of the intersection of Aladdin Road and Rock City Trail and extends five hundred fifty (550) feet, more or less, southward.

Sec. 10-10.1. Height, Area, and Use Exceptions and Supplements.

The following provisions shall be deemed to amend or supplement, as the case may be, the district regulations or requirements appearing elsewhere in this ordinance:

(A) Public buildings, schools and churches, where permitted in a district, may be erected to a height not exceeding seventy-five (75) feet when the front, rear and side yards are increased an additional foot for each foot such buildings

exceed the height limit otherwise provided in the district in which the building is located.

(B) Every part of a required yard shall be open from its lowest point to the sky unobstructed; except for the ordinary projection of sills, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.

(C) On corner lots in the Single Family Residential District, the front yard regulations shall apply on both street sides.

(D) A permit may be authorized by the City Council for the installation, construction, operation and maintenance of necessary public utility facilities of authorized public utilities; provided, however, that no structure or activity shall be permitted which is objectionable because of noise, dust, smoke, odor, or for any other reason. The height of any such building or structure shall not exceed two (2) stories nor thirty-five (35) feet except for authorized water tanks and utility poles.

Sec. 10-10.2. Signs and Billboards.

No sign shall be erected, painted, repainted, placed, replaced, or rehung in any district of this municipality except in conformity with the provisions hereof and of the Southern Standard Building Code as adopted by the City. The following signs of any type are herein specifically prohibited: Sidewalk signs, signs on utility poles, electric signs, neon signs, flashing signs, mechanical and moving signs.

(A) Community Convenience Commercial District.

There shall be no restriction on window signs. No other signs may exceed twenty-four (24) square feet in area and any sign must be attached to the business building for which it is displaying an advertisement.

(B) Tourist Oriented Commercial District.

Signs advertising businesses in this district may be erected upon any premises if not exceeding twenty-four (24) square feet in size.

(C) Real Estate Sign.

No permit shall be required for "For Sale" or "For Rent" signs which do not exceed a maximum size of six (6) square feet.

(D) Temporary signs advertising events of a public nature do not require a permit.

ARTICLE V. INTERPRETATION, AMENDMENT

Sec. 10-11. Interpretation, Purpose and Conflict.

In interpreting and applying the provisions of this chapter, the chapter shall be held to contain the minimum requirements for the promotion of the public health, safety, morals and general welfare of the community. It is not intended by this chapter to limit, abrogate, or annul any easements, covenants, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings, structures or premises or upon the height of buildings or structures, or requires larger open spaces than are imposed or required by other laws, ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this chapter shall control.

Sec. 10-11.1. Amendments of Chapter - Initiation.

The City Council may from time to time, after report thereon by the Municipal Planning Commission and after public hearing as required by law, amend, supplement or change the number, shape or boundaries of districts or any regulations or provisions of this chapter. Any such change may be initiated by the City Council, the Municipal Planning Commission, or by petition of the owners of fifty per cent (50%) or more of the frontage within a given area. When initiated by the City Council,

such change shall be referred to the Municipal Planning Commission for investigation and report as provided by the next section. Whenever an owner of property desires a change in classification thereof or a change in the regulations applying thereto, such owner shall present to the Municipal Planning Commission a petition duly signed and acknowledged by him, requesting such changes.

As used in this Section 10, the words "amend," "change" or "supplement" include the request for a change, or other proceeding to provide new or different uses, regulations or conditions with respect to the classification, zoning or use of any property.

Sec. 10-11.2. Same - Public Hearing.

Public hearings relating to any such change shall be in conformity with the provisions of Section 10 of the General Planning Enabling Act of 1957, No. 358, as amended, of Georgia. On receipt of a petition for such change, the Municipal Planning Commission shall prepare a preliminary report on the proposed change, approving or disapproving the petition or specifying conditions for approval or recommending modification of the proposed change, with reasons therefor.

Upon receipt of such report, the City Clerk shall promptly give notice of a public hearing thereon to be held by the Council at a meeting other than the next regular meeting of the Council. Such notice shall be given by publication in the official newspaper of the City once a week for two weeks and by posting a notice clearly visible from the street on the property of each petitioner and at City Hall at least fifteen (15) days prior to the hearing.

The Municipal Planning Commission may hold a preliminary public hearing, notice of which shall be given in the same manner as the notice of the Council meeting described above, except only one of the notices in the newspaper shall be required,

but such newspaper notice shall be published at least fifteen (15) days before such hearing.

Sec. 10-11.3. Same - Action by City Council.

After the public hearing by the City Council as described above, the Council shall by a majority vote of the full membership of the Council approve or disapprove the proposed amendment, or approve the amendment with modifications, but if modifications of the proposed change are made by the Council without previous recommendation of the Municipal Planning Commission, such proposed modification shall be referred back to the Municipal Planning Commission for report, as prescribed above.

Sec. 10-11.4. Same - Fees for Administrative Costs.

The Municipal Planning Commission is authorized to charge for each petition Twenty-Five Dollars (\$25.00), such charge being due and payable to the Treasurer of the City at the time of filing any petition for change.

Sec. 10-11.5. Same - Incorporation of Amendments into Charter.

The phrase used in this chapter "at the effective date of this chapter" shall in its application to land, buildings, structures, properties and uses affected by an amendment to this chapter be read to mean "at the effective date of" the amendment containing regulations or provisions with respect to such land, buildings, structures, properties and uses.

Sec. 10-12. Enforcement, Violations and Penalties.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be deemed in violation of this chapter and shall be punished in accordance with Section 1.8 of the Code of Ordinances of the City. Each day a violation exists shall constitute a separate offense.

It shall constitute a violation of this chapter for any person, firm or corporation, either owner or agent, to do any

of the things prohibited by this chapter, including without limitation doing anything that can be done only pursuant to a permit, without having first obtained the permit therefor required hereby; and if any permit is issued upon a false statement of any fact which is material to the issuance thereof (established to the satisfaction of the Building Official), he shall forthwith revoke the same by notice in writing to be delivered by him to the holder of the permit upon the premises with respect to which the violation has occurred, or, if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon such premises. Notice of such revocation shall also be given in writing by registered letter, return receipt requested, to the last known address of the person complained of. Any person who shall proceed thereafter with such work or use with respect to which the permit has been revoked, without having obtained a new and additional permit in accordance with this chapter, shall be deemed guilty of violation hereof.

In case any violations are discovered, the Building Official shall refer such violations to the City Council for appropriate action or proceeding at law or in equity to restrain, correct or remove such violation, or the execution of work thereon, or to restrain or correct the erection or alteration of, or to require the removal of, or to prevent the occupation or use of, the building or structure erected, constructed or altered in violation of, or not in compliance with, the provisions of this chapter or with respect to which the requirements thereof, or of any order or direction made pursuant to provisions contained therein, shall not have been complied with.

Whenever, in the opinion of the Building Official, by reason of illegal work in violation of a provision or requirement of this chapter, the continuation of a building or structure operation is contrary to public welfare, he shall also refer such

violation to the City Council. The Council shall thereupon order, in writing, all further work of such nature to be stopped and may require suspension of all work on the property until the condition in violation has been corrected.

The provision herein for penalties and other methods of enforcement shall not preclude the City Council, City Attorney or other proper prosecuting authority from instituting and prosecuting an appropriate action or proceeding to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate any violation, or to prevent the occupancy of any building, structure, or premises, or to prevent any illegal act, conduct, business or use in or about any premises.

Section 3. Severability.

If any section, subsection, sentence or clause in this Ordinance or of the Chapter of the City Code hereby adopted be adjudged invalid, such adjudication shall not affect the validity of the Ordinance or Code as a whole or of any section, subsection, sentence or clause hereof or thereof not adjudged invalid.

Section 4. Part of Code of Ordinances.

It is the intention of the governing body 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 5. Public Record.

This Ordinance with the accompanying official map shall be filed with the Clerk of the City and shall be available for inspection by the general public at City Hall during regular business hours. Copies of this Ordinance and map shall be made available upon request and upon payment of the costs of reproduction.

Section 6. Effective Date.

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

Approved on first reading on April 27, 1970.

Wilbur Mattingly  
Member of City Council of Lookout Mountain, Ga.

John Smith  
Member of City Council of Lookout Mountain, Ga.

Jesse B Sims  
Member of City Council of Lookout Mountain, Ga.

John Smith  
Member of City Council of Lookout Mountain, Ga.

John Smith  
Member of City Council of Lookout Mountain, Ga.

Harwood J. Dudley  
Mayor of Lookout Mountain, Georgia

Approved and adopted on second reading on May 8, 1970.

Wilbur Mattingly  
Member of City Council of Lookout Mountain, Ga.

John Smith  
Member of City Council of Lookout Mountain, Ga.

Jesse B Sims  
Member of City Council of Lookout Mountain, Ga.

John Smith  
Member of City Council of Lookout Mountain, Ga.

John Smith  
Member of City Council of Lookout Mountain, Ga.

Harwood J. Dudley  
Mayor of Lookout Mountain, Georgia

ATTEST:  
John Smith  
City Clerk of Lookout Mountain, Ga.

(SEAL)