

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 179

AN ORDINANCE to amend Ordinance Nos. 25 and 44 to require approval by the Municipal Planning Commission of fences erected within the City, 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 of Article IV of Ordinance No. 25 (as set forth in Section 4 of Ordinance No. 44) is hereby deleted in its entirety and the following substituted therefor:

"Section 10-10.3. Fences.

"A. General Fence Prohibitions:

"(1) No fences constructed or consisting of or containing barbed wire or barbs shall be erected or placed on any property within the City.

"(2) No fences containing or facilitating the use of electrical current shall be erected or placed on any property within the City.

"(3) No fences shall be erected or placed on any property within the City without the prior approval of the Municipal Planning Commission obtained as hereinafter provided.

"B. Front Yard Fences Permitted. Fences shall be permitted in any front yard; provided that the following conditions shall apply to any fence in any area between the line of the street and that point of any building which is nearest the street (which point shall not include overhangs, front stoops and the like):

"(1) Except where exceptional need is established to the satisfaction of the Municipal Planning Commission, no such fence shall be erected or placed at a height greater than three (3) feet from ground level at any point. In no event (regardless of whether exceptional need is shown) shall any such fence exceed six (6) feet in height at any point.

"(2) No such fence shall be made or constructed of plastic wire, chain link, metal or concrete block nor shall any solid fencing be permitted except for mountain stone or brick (excluding concrete brick).

"C. Side and Rear Yard Fences Permitted: Fences shall be permitted in any side yard and rear yard provided that the following conditions shall apply to any fence in any area less than fifteen (15) feet from a side lot line on any side yard and less than twenty-five (25) feet from a rear lot line in any rear yard:

"(1) No such fence shall be erected or placed at a greater height than six (6) feet from ground level at any point.

"(2) No such fence shall be made or constructed of plastic wire, chain link, metal (except ornamental iron) or concrete block unless there have been planted sufficient shrubbery, bushes, hedges, plants, trees or other natural foliage which will grow to a sufficient height and density to substantially cover and screen the outside of such fence within three to five years.

"D. Encroachment. Nothing contained in this ordinance shall be interpreted to permit encroachment into adjacent lots or rights of way for the purpose of providing any screening and foliage cover required by this ordinance. Any such required screening and foliage cover shall be placed and located solely within the property where the fence is erected or placed but may be rooted on either the inside or the outside of the fence so long as the outside of the fence has the required cover and screening.

"E. Existing Fences: The lawful use, size or location of a fence existing as of the effective date of this Ordinance shall not be affected by this Ordinance although such existing fence may not conform to or comply with the provisions hereof; provided, however, that no such fence shall be extended, enlarged or replaced except in full conformity and compliance with the terms hereof.

"F. Municipal Planning Commission Approval.


Applications for permits to erect or place fences on any property within the City must be made in writing to the Municipal Planning Commission. Notice of such applications shall be provided to adjoining property owners either by letter delivered to the property owner or by letter placed in the U.S. Mail to the property owner's last known address as shown on the tax records of the City. The Commission shall require as a condition to considering the application such building plans, maps and other data as it may deem material and may conduct such investigations and inquiries as it may deem necessary or expedient. The applicant shall have the burden of showing to the satisfaction of the Commission that the proposed fence will not create a safety hazard and will not adversely affect the accessibility to buildings on the property in the event of fire or other emergency, police protection, accessibility for garbage and leaf service, the natural beauty of the neighborhood, and scenic views. The Commission will also consider such factors as objections of other persons in the neighborhood, the extent that adjacent and neighboring yards are open, and such other practical and aesthetic factors deemed material by the Commission. An applicant seeking to erect a front yard fence which at any point in the front yard is in excess of three (3) feet in height shall also have the burden of establishing that there is an exceptional need for such a fence. Exceptional need may include but is not necessarily limited to peculiar safety needs of the occupants of the property or privacy needs caused by the size, shape or topography of the property. In the event any applicant or other interested party is aggrieved by any decision of the Commission either granting or denying the application, he or she may within but no later than ten (10) days after such decision, petition the City Council in writing for a hearing, and the action of the City Council by resolution of

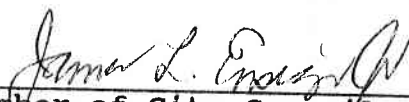
a majority of the Council at a meeting at which a quorum is present shall be final and binding upon the applicant."


SECTION 2. 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 3. 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 first reading on March 20, 1997.

  
\_\_\_\_\_  
Member of City Council of Lookout Mountain, Ga.

  
\_\_\_\_\_  
Member of City Council of Lookout Mountain, Ga.

  
\_\_\_\_\_  
Member of City Council of Lookout Mountain, Ga.


  
\_\_\_\_\_  
Member of City Council of Lookout Mountain, Ga.


\_\_\_\_\_  
Member of City Council of Lookout Mountain, Ga.

  
\_\_\_\_\_  
Mayor of Lookout Mountain, Georgia

Approved and adopted on second reading on April 17, 1997.

  
\_\_\_\_\_  
Member of City Council of Lookout Mountain, Ga.

  
\_\_\_\_\_  
Member of City Council of Lookout Mountain, Ga.

  
\_\_\_\_\_  
Member of City Council of Lookout Mountain, Ga.

*[Signature]*  
Member of City Council of Lookout Mountain, Ga.

*[Signature]*  
Member of City Council of Lookout Mountain, Ga.

*[Signature]*  
Mayor of Lookout Mountain, Georgia

ATTEST:

*[Signature]*  
City Clerk of Lookout Mountain, Ga.

(SEAL)