

**CITY OF LOOKOUT MOUNTAIN, GEORGIA**

**ORDINANCE NO. 292**

**AMENDED AND RESTATED ZONING ORDINANCE**

AN ORDINANCE to amend and restate in its entirety the City of Lookout Mountain's Ordinance No. 25, as heretofore amended; to prescribe a zoning plan for the territory within the corporate limits of the City of Lookout Mountain; to establish zoning districts within the City of Lookout Mountain, the boundaries of those districts and the uses permitted therein; to adopt an official map showing the location of the zoning districts within the City of Lookout Mountain; to regulate the erection, construction, and alternation of buildings and other structures and the location, use, size and height thereof; to establish minimum standards and setbacks for yards and other open spaces; to regulate fences and signs; to prescribe penalties for the violation of this ordinance; to provide for this ordinance's enforcement, changes and amendments; and for other purposes.

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

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

**ARTICLE I: STATEMENT OF NECESSITY**

The Council of the City of Lookout Mountain 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 stability 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 land and 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) Farm Winery shall mean a Georgia Farm Winery as defined in O.C.G.A. § 3-6-21.1(a)(2).

(12) Farm Winery Tasting Room shall mean a tasting room as defined in O.C.G.A. §3-6-21.1(a)(3) that is operated by a Farm Winery as defined in this Ordinance.

(13) 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.

(14) 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.

(15) 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.

(16) 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. For the purpose of the Multiple Family Dwelling District the word lot shall include all contiguous properties in one ownership, upon any portion of which one or more structures for multiple family use are erected or to be erected." For the purpose of the Multiple Family Dwelling District the word lot shall include all contiguous properties in one ownership, upon any portion of which one or more structures for multiple family use are erected or to be erected.

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

(18) 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.

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

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

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

(22) 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.

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

(24) 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.

(25) 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.

(26) 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.

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

(28) 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.

(29) 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.

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

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

(32) 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, but excluding fences of less than six feet in height from ground level as and to the extent permitted by this Ordinance."

(33) 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.

(34) 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.

(35) 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, walkways, or fences less than six feet in height from ground level as and to the extent permitted by this Ordinance, and except as otherwise provided herein.

(36) 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.

(37) 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.

(38) 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.

(39) The term "Fence" as used herein shall include any structure, railing, barrier, enclosure of materials or other obstruction erected or placed on any property within the City which encloses or obstructs all or part of such property, and which is not also a "building" or "structure" within the definitions of this Ordinance.

### ARTICLE III: DISTRICT REGULATIONS

#### Sec. 10-2. Districts and Boundaries thereof.

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

- (A) Single Family District
- (B) Tourist Oriented Commercial District
- (C) Community Convenience Commercial District
- (D) Multiple Family Dwelling District
- (E) Single Family/Church-Related District
- (F) Single Family/Business Conference District
- (G) Single Family/Neighborhood Commercial District
- (H) Municipal District

#### Boundaries.

(A) Single Family District. All the area within the City not specifically included within the Tourist Oriented Commercial District, Community Convenience Commercial District, Multiple Family Dwelling District, Single Family/Church-Related District, Single Family/Business Conference District, Single Family/Neighborhood Commercial District, and Municipal 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.

In addition, Lot No. 65B of Fairyland Estates, a subdivision of the Fairyland Company on Lookout Mountain, according to the plat thereof prepared by Betts Engineering Company, of record in Plat Book 1, Page 75, in the Office of the Clerk of the Superior Court of Walker County, Georgia, said lot and subdivision lying and being in Land Lot No. One (1) in the Ninth (9th) District and Fourth (4th) Sec. of Walker County, Georgia.

(C) Community Convenience Commercial District. 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.

In addition, all that tract or parcel of land lying and being in Land Lot No. One (1) in the Ninth (9th) District and Fourth (4th) Sec. of Walker County, Georgia, being more particularly described as follows: BEGINNING at an iron pin which iron pin is located the following courses and distances from an iron pin located at the intersection of the South land lot line of Land Lot No. One (1) with the West right-of-way line of Lula Lake Road. (Measuring from said reference point said beginning point is located as follows: South 89 degrees 50 minutes 47 seconds East along and with the South land lot line of Land Lot No. One (1) 261.17 feet to an iron pin; thence North 0 degrees 15 minutes 21 seconds West 201.89 feet to an iron pin; thence North 75 degrees 54 minutes 21 seconds West 16.72 feet to an iron pin and point of beginning.)

Thence from said beginning point North 75 degrees 54 minutes 21 seconds West 75 feet to an iron pin; thence North 0 degrees 31 minutes 20 seconds West 208.38 feet to an iron pin on the South right-of-way line of McFarland Road; thence in a general Easterly direction along and with the South right-of-way line of McFarland Road 104 feet, more or less, to an iron pin; thence South 0 degrees 31 minutes 20 seconds East 149.93 feet to an iron pin and point of beginning.

In addition, all that tract or parcel of land lying and being in Original Land Lot 36, in the 9th Civil District and 4th Section of Walker County, Georgia, and in the City of Lookout Mountain, Georgia, and being more particularly described as follows: Tract Two (2), The Oaks Ltd., as shown by plat of record in Plat Book 8, Page 322, in the Office of the Clerk of the Superior Court of Walker County, Georgia.

In addition, all that tract or parcel of land lying and being in Original Land Lot One, 9th District, 4th Section of Walker County, Georgia, and within the City of Lookout Mountain, Georgia, and being part of Deed Book 161, Page 1371, in the Office of the Clerk of Superior Court Walker County, Georgia, and being more particularly described as follows:

Commencing at a rebar on the north right of way of Durand Drive (30' right of way) and the eastern property line of Tract 1, The Oaks LTD, Plat Book 8, Page 323-331, thence along said property line of Tract 1, The Oaks LTD North 00 degrees 15 minutes 58 seconds West 147.31 feet to the **True Point of Beginning**; thence continue along said Tract 1 and now or formerly Martin, Deed Book 187, Page 4 North 00 degrees 15 minutes 58 seconds West 176.22 feet to a point on the right of way of McFarland Road; thence along said right of way of McFarland with a curve to the left having a radius of 461.94 feet and an arc length of 115.96 feet and a delta angle of 14 degrees 23 minutes 00 seconds and a chord bearing of South 64 degrees 29 minutes 19 seconds East 115.66 feet to a point; thence leaving said right of way of McFarland Road South 02 degrees 00 minutes 28 seconds West 126.01 feet to a point; thence South 89 degrees 44 minutes 02 seconds West 99.15 feet to the point of beginning. Said tract of land contains 0.35 Acres more or less. As shown on survey by Hopkins Surveying Group, Drawing Number 2013-68-2, dated April 29, 2013.

Subject to Easement in favor of City of Lookout Mountain, Georgia, recorded in Deed Book 899, Page 193, in the Office of the Clerk of the Superior Court Walker County, Georgia, which Easement covers sanitary sewer lines as actually installed on the property (including the force main in the approximate location depicted on the above survey by Hopkins Surveying Group).

The above described property, formerly a part of the Lookout Mountain United Methodist Church parking lot, is depicted as Lot 1 on the survey by Hopkins Surveying Group, the pertinent portion of which survey is attached as Exhibit A to this Ordinance.

(D) Multiple Family Dwelling District.

- (1) A part of the old Carrol Crest Tract now known as the Voges Tract and beginning at an iron pipe on the northwest corner of the Voges tract and bearing south 82°10' East 200 feet to an iron pipe; thence south 22°12'

West a distance of 272.4 feet to a point; thence westwardly a distance of 122.5 feet, more or less, to a point; thence south 22°12' West a distance of 147 feet, more or less, to a point on the north line of the right-of-way of McFarland Road; thence westwardly following the northern line of the right-of-way of McFarland Road a distance of 73 feet, more or less, (on the Chord) to an iron pipe; thence north 21°54' East 336.9 feet to the Point of Beginning.”

- (2) All that tract or parcel of land lying or being in land lot 36 in the Ninth District and Fourth Sec. of Walker County, Georgia, Beginning at an iron pin South of the intersection of the South right of way line of McFarland Road with the Eastern right of way line of an unopened and unnamed road; thence in a northeasterly direction along the eastern right of way line of McFarland Road 222.2 feet to a concrete monument at the property line of Dan Gibbs; thence South 34 degrees 52 minutes East 263.5 feet to a concrete monument; thence North 89 degrees 08 minutes East 481.8 feet to a concrete monument; thence South 1 degree 21 minutes East 169 feet to a concrete monument; thence South 89 degrees 17 minutes West 370 feet to a concrete monument; thence South 0 degrees 54 minutes East 406 feet to a concrete monument; thence South 89 degrees 04 minutes West 414.3 feet to a concrete monument on the eastern right of way of an unnamed and unopened road; thence North 7 degrees 01 minutes East along the Eastern right of way of the above named unopened road 468.1 feet to an iron pin; thence continuing along the eastern right of way line of said unopened road North 5 degrees 35 minutes West 65 feet to an iron pin; thence continuing along the eastern right of way line of said unopened road North 28 degrees 50 minutes West 120.9 feet to an iron pin at the intersection of the Eastern right of way line of said unopened road with the South right of way line of McFarland Road and back to the beginning. Said tract is composed of lot 7 and part of lot 6 of the T. G. McFarland estate subdivision and is bounded on the West by an unopened road, on the South by the Joe Massey subdivision and on the East by property of the Walker County Board of Education and on the North by McFarland Road and property of Dan Gibbs and others.”
- (3) All that tract or parcel of land lying and being in Land Lot One (1) and Thirty-Six (36), in the Ninth (9th) District and Fourth (4th) Sec. of Walker County, Georgia, and within the City of Lookout Mountain, Georgia, more particularly described as follows: BEGINNING at an iron pin on the North land lot line of Land Lot 36, 598.57 feet from the intersection of the North land lot line of Land Lot 36 with the West right-of-way line of Lula Lake Road; thence South 0° 56' 42" East 159.5 feet to an iron pipe; thence North 89° 50' 18" East 335.19 feet to an iron pipe; thence North 0° 9' 42" West 159.5 feet to an iron pipe on the North land lot line of Land Lot 36; thence continuing North 0° 9' 42" West into Land Lot 1, 20 feet to an iron pin; thence South 63° 16' 16.6" West 44.72 feet to an iron pipe on the North land lot line of Land Lot 36; thence South 89° 50' 9" West, 297.4



feet along the north land lot line of Land Lot 36 to an iron pipe and point of beginning. Said tract contains 1.24 acres in accordance with a survey of Betts Engineering Company, Inc., Drawing No. 7465537R dated August 16, 1977.

- (4) All that tract or parcel of land lying and being in Land Lot No. One (1) in the Ninth (9th) District and Fourth (4th) Sec. of Walker County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin in the South land lot of line of Land Lot No. One (1), which iron pin is located 261.17 feet Westerly of the intersection of the South land lot line of Land Lot No. One (1) with the West right-of-way line of Lula Lake Road (40 foot right-of-way); thence from said beginning point North 0 degrees 15 minutes 21 seconds West 201.89 feet to an iron pin; thence North 75 degrees 54 minutes 21 seconds West 91.72 feet to an iron pin; thence North 0 degrees 31 minutes 20 seconds West 208.38 feet to an iron pin on the South right-of-way line of McFarland Road; thence in a Westerly direction along and with the South right-of-way line of McFarland Road 305 feet, more or less, to a point in the South right-of-way line of McFarland Road; thence South 04 degrees 21 minutes 32 seconds West 13 feet, more or less, to an iron pin; thence continuing South 04 degrees 21 minutes 32 seconds West 650 feet to an iron pin in the South land lot line of Land Lot No. One (1); thence North 89 degrees 50 minutes 47 seconds East along and with the South land lot line of Land Lot No. One (1) 337.83 feet to an iron pin and point of beginning.

(E) Single Family/Church-Related District.

- (i) All those tracts or parcels of land lying and being in Original Land Lot Nos. 18 and 19 in the Tenth District and Fourth Sec. of Walker County, Georgia, and being Lot Nos. 21, 22, 23, and 24, in the T. G. McFarland Estate Subdivision on Lookout Mountain, as shown by plat of record in Deed Book 11, page 564, Office of the Clerk of Superior Court of Walker County, Georgia, being the property of Our Lady of the Mount Catholic Church. According to a survey drawing prepared by Hopkins Surveying, Inc., dated July 18, 1998, for the Catholic Diocese of Atlanta, said Lots are further described by metes and bounds as follows:

BEGINNING at an iron pin at the eastern corner of the intersection between two roads now known as Scenic Highway and McFarland Road; thence running North 33 degrees 50 minutes 11 seconds East along the eastern right of way line of Scenic Highway, a distance of 754.12 feet to a point; thence leaving the eastern right of way line of Scenic Highway, South 55 degrees 34 minutes 00 seconds East, a distance of 567.42 feet to a point; thence South 58 degrees 36 minutes 58 seconds West, a distance of 340.28 feet to a point; thence South 49 degrees 25 minutes 29 seconds

West, a distance of 210.59 feet to a point; thence South 73 degrees 09 minutes 18 seconds West, a distance of 98.13 feet to a point; thence North 55 degrees 34 minutes 00 seconds West, a distance of 100 feet to a point; thence South 28 degrees 00 minutes 19 seconds West, a distance of 294.36 feet to a point in the eastern right of way line of McFarland Road; thence along the eastern right of way line of McFarland Road, North 42 degrees 02 minutes 34 seconds West, a distance of 129.05 feet to a point; thence continuing along the eastern right of way line of McFarland Road, North 27 degrees 01 minutes 49 seconds West, a distance of 142.81 feet to the POINT OF BEGINNING.

- (ii) All that tract or parcel of land lying and being in Walker County, Georgia, being part of Original Land Lot No. 1, 9th District, 4th Sec., being the property of the Lookout Mountain United Methodist Church, described as follows:

BEGINNING at an iron pin on the southern line of McFarland Avenue at the northeast corner of the T. F. McFarland lands; thence South 76 degrees 08 minutes East a chord distance of 245 feet to an iron pin; thence North 60 degrees 10 minutes East a chord distance of 115 feet to an iron pin in the western line of the Lula Lake Road; thence South 09 degrees 57 minutes West along the Lula Lake Road 207 feet to a point; thence continuing along the Lula Lake Road South 11 degrees 06 minutes West 129 feet, more or less, to an iron pin in the northern line of a land; 10-5thence South 88 degrees 37 minutes West along the northern line of said land 103 feet, more or less, to an iron pin; thence South 88 degrees 37 minutes West 163 feet to an iron pin; thence North 01 degree 28 minutes West along a fence line 348.5 feet to the point of beginning.

- (3) The Single Family/Church-Related District and all structures contained therein and uses made thereof shall be subject to the same Height and Area Regulations as those provided for the Single Family District (set forth in Section 10-12, as amended or supplemented by Section 10-17).

(F) Single Family/Business Conference District.

A tract of land lying North of Rock City Gardens on Lookout Mountain in Walker County, Georgia, beginning at a point in the East line of Patten Road, said point being North 16 degrees 11 minutes East, a distance of 153.2 feet from Northwest corner of Rock City Gardens; thence along a line parallel to and 150 feet from the North property line of Rock City Gardens South 88 degrees 03 minutes East a distance of 320 feet more or less, to a point in the original Grandview Estate line; thence along the Grandview Estate line as follows: North 19 degrees 42 minutes East a distance of 15 feet, more or less, to a point in the bluff; thence in a Westwardly, Northwardly and Northwestwardly direction along the sinuosities of the Mountain a distance of 400 feet to a cross on a rock. This being the Northeast corner of the original Grandview Estate tract; thence along the original line of Grandview Estate tract South 87 degrees 30 minutes West a distance of 143 feet, more or less, to a point in the South line of the Ochs Highway; thence

along the South line of Ochs Highway in a Westwardly direction a distance of 285 feet, more or less, to a point; thence leaving Ochs Highway South 32 degrees 14 minutes West a distance of 55 feet, more or less, to a point in the North line of Patten Road; then in an Easterly and Southerly direction along the line of Patten Road a distance of 360 feet, more or less, to this point of beginning. All as shown on Betts Engineering Co., Inc. Dwg. No. 2691-1-373, dated November 20, 1967.

- (1) The Single Family/Business Conference District and all structures contained therein and uses made thereof shall be subject to the same Height and Area Regulations as those provided for the Single Family District (set forth in Section 10-12, as amended or supplemented by Section 10-17).

(G) Single Family/Neighborhood Commercial.

That certain tract of land located on the north side of McFarland Road at 308 McFarland Road, identified in the City of Lookout Mountain, Georgia's Tax Digest as Map #5, Parcel #27, and more particularly described as follows:

A tract of land lying in Original Land Lot No. One (1), in the Ninth (91h) District and Fourth (4th) Sec. of Walker County, Georgia, being a part of Lot No. Thirteen (13), of the survey of the T.G. McFarland Estate, on Lookout Mountain, as shown by map or plat of said Estate made by T.F. McFarland on March 16, 1897, appearing of record in the Office of the Clerk of the Superior Court of Walker County, Georgia, and described as follows: Beginning at a corner on the Northwest line of McFarland Road, located 13 feet and 8 inches Northeastwardly along said road from the Southwestern or extreme Southern corner of said Lot No. 13, said beginning point being also in the Northeastern line of a 13-foot, 8 inch driveway running along the Southwestern line of said Lot 13, and being also the Southwestern or extreme Southern corner of a commercial building located on said lot; thence Northeastwardly along the Northwestern line of McFarland Road a distance of 50 feet; thence Northwestwardly, parallel with the driveway above mentioned a distance of 30 feet to a corner of said building; thence Southwestwardly, parallel with McFarland Road to a stairway of said building; thence Northwestwardly with said stairway a distance of 4 feet, being the width of said stairway; thence Southwestwardly, parallel with McFarland Road and along the outside edge of said stairway to a corner in said building; thence Northwestwardly along the outside line of said building a distance of 6 feet; more or less, to a corner of said building; thence Southwestwardly along the outside line of said building a distance of 10 feet to the driveway hereinabove first mentioned; thence Southeastwardly along the Northeast line of said driveway a distance of 40 feet to the point of beginning.

That certain tract of land located on the south side of McFarland Road, said property being a part of Lot 3, T.G. McFarland Estate, located in Land Lot 19, 4<sup>th</sup> Sec., 10<sup>th</sup> District, in Walker County, Georgia, and being more particularly described as follows:

Beginning at a point marked with a rebar with cap 183.06 feet west of the southwest corner of the intersection of McFarland Road and Whitt Road, thence 410.76 feet in a southwesterly direction to a rebar with cap in the center of the stream, thence in a northwesterly

direction 183.53 feet to a rebar with cap in the middle of the stream, thence in a westerly direction 27.67 feet to an old rebar, thence in a west northwesterly direction 45.66 feet to an old iron pipe, thence in a north northeasterly direction 44.22 feet to an old iron pipe, thence in an east southeasterly direction 27.62 feet to a rebar with cap, thence in an easterly direction 159.43 feet to a rebar with cap, thence in a north easterly direction 165.22 feet to a rebar with cap on the south side of McFarland Road, thence in an easterly direction along the south side of McFarland Road 90.06 feet to a rebar with cap, thence continuing along the south side of McFarland Road 8.70 feet to a rebar with cap, thence continuing along the south side of McFarland Road 59.00 feet to the point of beginning.

The boundaries of said property are highlighted on the preliminary survey attached as Exhibit B hereto.

- (1) The Single Family/Neighborhood Commercial District and all structures contained therein and uses made thereof shall be subject to the same Height and Area Regulations as those provided for the Single Family District (set forth in Section 10-12, as amended as amended or supplemented by Section 10-17).

(H) Municipal District. That certain tract of land located on the east side of Lula Lake Road at 1827 Lula Lake Road, identified in the City of Lookout Mountain, Georgia's Tax Digest as Nos. 4-31-001; 4-31-002; 4-31-003; and 4-31-003A of record in Deed Book 1587, Page 589 and Deed Book 581, Page 93 in the Clerks' Office of Walker County, Georgia (C.O.W.C.) and being more particularly described as follows:

THE POINT OF BEGINNING being the intersection of the east Right-of-Way (R/W) line of Lula Lake Road with the south line of the aforesaid Land Lot Number 55, said point being located 6 tenths of a foot east of a one inch Iron Pipe Old, said point located 25 feet east of the centerline of Lula Lake Road and said Point of Beginning being located a chord distance of 112.8 feet southwardly along aforesaid east R/W line from the intersection of the centerline of a 24 inch corrugated metal pipe (if said centerline is extended eastwardly) with the east R/W line of Lula Lake Road;

THENCE Northwardly along the east R/W line of Lula Lake Road the following courses and distances;

THENCE along a curve to the left having a radius of 415.6 feet and an arc length of 30.4 feet, being subtended by a chord of North 12 degrees 44 minutes 40 seconds East for a distance of 30.4 feet to a point;

THENCE along a curve to the right having a radius of 1502.9 feet and an arc length of 131.8 feet, being subtended by a chord of North 13 degrees 09 minutes 50 seconds East for a distance of 131.8 feet to a point;

THENCE North 15 degrees 40 minutes 30 seconds East for a distance of 346.7 feet to a point;

THENCE South 75 degrees 49 minutes 00 seconds East along the Southern boundary line of the property of JOE A. MURRAY, et al of Record in Deed Book 705, Page 285, C.O.W.C., said line also being the same as in prior Deed Book 211, Page 387 C.O.W.C., said prior deed line also being called for in the property description of JUDY NEWSOM, of Record in Deed Book 1472, Page 19, C.O.W.C., for a total distance of 501.9 feet to a half inch Iron Rod New;

THENCE North 88 degrees 11 minutes 00 seconds East continuing along the south line of the aforesaid property of JOE A. MURRAY, et al for a distance of 265.0 feet to a half inch Iron Rod New;

THENCE South 00 degrees 10 minutes 00 seconds East, along the eastern line of the aforesaid Land Lot Number 55, for a distance of 354.0 feet to a 1-inch Iron Pipe Old, said point being the southeast corner of the aforesaid Land Lot Number 55;

THENCE South 88 degrees 30 minutes 00 seconds West, along the south line of the aforesaid Land Lot Number 55, for a distance of 883.2 feet to the POINT OF BEGINNING.

Said property contains 7.61 acres more or less.

All as shown on the plat/survey by True Line Company, Land Surveyors, Job No. 08-753 8, dated December 22, 2008, revised January 2, 2009 and recorded at Plat Book 14, Page 250-251 in the Walker County, Georgia Superior Court Clerk's Office.

- (1) City buildings will continue to be a permitted use in the Community Convenience Commercial District.
- (2) The Municipal District and all structures contained therein and uses made thereof shall be subject to the same Height and Area Regulations as those provided for the Single Family District (set forth in Sec. 10-2, as amended or supplemented by Sec. 10-17).

Sec. 10-2.1. General Provisions regarding Districts and Boundaries.

The boundaries of all of the aforesaid 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 January 21, 2016, 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 Municipal Planning Commission 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; provided, however, that businesses which would otherwise qualify as permissible Home Occupations under the provisions of this ordinance may be carried on within office spaces leased to dues paying members of such clubs and lodges; provided further that such use by members shall be confined to the

main buildings of such clubs or lodges existing on the effective date hereof, that no signs which are visible from outside the building will be permitted, and that only one employee (in addition to the business owner/lessee) will be permitted for each 1,000 square feet of office space leased to all tenants within the structure.

- (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.
- (8) Sewage treatment facilities upon the following conditions:
  - (a) Submission of an application for the construction and use of a sewage treatment facility within the Single Family District which shall be in writing signed by the Owner of the property upon which the facility is to be located and directed to the Municipal Planning Commission of the City. Each application shall be made on forms to be provided by the Municipal Planning Commission and shall contain the following information:
    - (i) A survey or map showing the location of the proposed facility and compliance with all setback, side and rear yard requirements;
    - (ii) Names and addresses of owners of property upon which facility is to be located;
    - (iii) Location of residences within 400 feet of proposed location of the nearest exterior wall of said facility.
    - (iv) Photograph of artist's rendering of proposed facility, together with screening proposed;
    - (v) Detailed plans and specifications of the facility which shall include, without limitation, finished grade and building height elevations;
    - (vi) Engineering data regarding rate and location of discharge, amount of sewage to be treated per day; source of sewage, noise and odor levels generated;
    - (vii) Proposed screening and safety features; and
    - (viii) Such other information as the Municipal Planning Commission may reasonably require.

- (b) An application for a sewage treatment facility shall not be approved and the use under this paragraph (8) shall not be permitted unless and until the Municipal Planning Commission shall make all of the following findings:
  - (i) That sewage generated by the proposed or present improvements to be served by the facility does or will present a substantial health hazard to residents of the City or constitutes an unreasonable increase in water pollution detrimental to the environment of the City, and that septic systems to handle present or proposed effluents will not comply with the State or Walker County Health Board Regulations, and
  - (ii) That the proposed facility meets with the approval of the State or Walker County Board of Health, and
  - (iii) That the proposed facility conforms to all applicable zoning regulations, or if not that variances have been granted therefor, and
  - (iv) That screening as proposed is sufficient and predicted noise and odor levels are sufficiently low so as not to adversely affect the general character of the neighborhood or the property of other residents, and
  - (v) That adequate precautions have been proposed to safeguard the life and health of the residents of the City.
- (c) In making such findings the Municipal Planning Commission shall be entitled to rely on information and opinions supplied by the State or Walker County Boards of Health, the Coosa Valley Regional Planning Commission, and/or engineers or other qualified water-quality experts, including without limitation applicants engineers or water- quality experts.
- (d) All findings by the Municipal Planning Commission shall be final and non-reviewable except to the extent appeals are provided by Ordinance or Law.
- (e) All such findings (whether favorable or unfavorable to the applicant) shall be made at a regular or special meeting of the Municipal Planning Commission held within 60 days from the date of application. Each applicant shall be entitled to a hearing at such meeting or at such earlier time as the Municipal Planning Commission shall set, notice of which shall be given to the applicant at least five (5) days in advance thereof.



- (f) In the event of favorable findings by the Municipal Planning Commission, the Municipal Planning Commission shall direct the City Building Inspector to issue a building permit upon compliance with applicable building code requirements and payment of required building permit fees.
- (g) In the event the proposed facility is not built in strict compliance with the written application and all exhibits attached thereto, the Municipal Planning Commission shall have the right to either waive such non-compliance or to seek enforcement by appropriate legal action in the City or State Courts; and to require removal of the facility by the owner in the event compliance is not obtained within thirty days from the date of notice of non-compliance.
- (h) No approved facility nor plans therefor shall be altered or its size increased without resubmitting an application hereunder.
- (i) In the event any sewage treatment facility shall become a nuisance to the residents of the City, because of lack of proper maintenance, the Municipal Planning Commission shall have the right to enjoin its continued use until such nuisance has been abated.

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) Retail piano and music stores.
- (18) Upholstery and piano and furniture refinishing shops.
- (19) Laundry and dry cleaning pickup and delivery services not involving the operation of laundry or dry cleaning equipment within the City.
- (20) Veterinary clinics; provided, however, that (a) no such clinics may have outdoor pens, runs or other outdoor boarding facilities; (b) such clinics shall be subject to the requirements of all other ordinances of the City, particularly those pertaining to animals; and (c) the City Council may adopt such rules and regulations pertaining to such clinics as, in the sole discretion of the Council, are necessary or appropriate for the protection of the public health, safety or welfare of the City.
- (21) Stores engaged in the business of renting and/or selling video cassette tapes; provided, however, that no adult or x-rated videos or other obscene videos or materials (as defined in O.C.G.A. § 16-12-80) may be sold or leased, and the rental, sale or other distribution of any such videos or materials within the Community Convenience Commercial District is expressly prohibited and declared to be a non-conforming use.
- (22) Automated Teller Machines.
- (23) Banks and Banking Facilities
- (24) Coin Grading and Coin Encapsulation Services
- (25) 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 Sec. 10-18 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 Sec. 10-14(A), communications media facilities, including radio and television broadcasting.
- (11) Retail Health Food Stores
- (12) Office, warehouse, utility and other accessory buildings, facilities and uses customarily, reasonably or necessarily incident to all or more of the foregoing uses.
- (13) Farm Winery Tasting Rooms duly licensed and operating in accordance and conformity with Article IV of the City of Lookout Mountain, Georgia Controlled Beverages Ordinance (Ordinance No. 69, as amended).

Sec. 10-6. Multiple Family District.

(A) Uses Permitted. Multiple family dwellings upon issuance of a building permit as provided in the Ordinances of this City.

Sec 10-7. Single Family/Church-Related District.

(A) Uses Permitted.

- (1) All uses permitted in the Single Family District.
- (2) Churches and church-related uses, including church worship facilities, church parish halls, church education buildings, pastoral/clergy residences, church parking lots, church gardens, church memorial gardens for the interment of ashes only, and uses customarily incident to the foregoing.

Sec. 10-8. Single Family/Business Conference District.

(A) Uses Permitted.

- (1) All uses permitted in the Single Family District.

- (2) Business and educational meetings.
- (3) Business and educational retreats.
- (4) Social gatherings.
- (5) Catering.

Sec. 10-9. Single Family/Neighborhood Commercial District.

(A) Uses Permitted.

- (1) All uses permitted in the Single Family District.
- (2) Office buildings.
- (3) Plumbing businesses, provided that all inventory, supplies, equipment and other materials must at all times be kept, stored and maintained inside the building in which the business is conducted unless such inventory, supplies, equipment or other materials are concealed from view by shrubbery, bushes, hedges or other natural foliage and/or by opaque fencing approved in advance by the Municipal Planning Commission and meeting the requirements of all City ordinances.
- (4) Residential and commercial contracting businesses, provided that all inventory, supplies, equipment and other materials must at all times be kept, stored and maintained inside the building in which the business is conducted unless such inventory, supplies, equipment or other materials are concealed from view by shrubbery, bushes, hedges or other natural foliage and/or by opaque fencing approved in advance by the Municipal Planning Commission and meeting the requirements of all City ordinances.
- (5) Repair businesses, workshops and warehouse facilities, provided that all inventory, supplies, equipment and other materials must at all times be kept, stored and maintained inside the building in which the business is conducted unless such inventory, supplies, equipment or other materials are concealed from view by shrubbery, bushes, hedges or other natural foliage and/or by opaque fencing approved in advance by the Municipal Planning Commission and meeting the requirements of all City ordinances.
- (6) Farm Winery Tasting Rooms duly licensed and operating in accordance and conformity with Article IV of the City of Lookout Mountain, Georgia Controlled Beverages Ordinance (Ordinance No. 69, as amended).

(B) Additional Provisions Applicable to the Single Family/Neighborhood Commercial District.

- (1) All provisions of the ordinances of the City of Lookout Mountain, Georgia, regulating parking generally and parking in the Single Family District particularly shall be fully applicable to parking in the Single Family/Neighborhood Commercial District.
- (2) Unreasonably loud and/or disturbing noises are specifically prohibited in the Single Family/Neighborhood Commercial District. Machinery and equipment emitting any sound or noise may be operated in the Single Family/Neighborhood Commercial District only between the hours of 8:00 a.m. to 5:00 p.m. Monday through Saturday. During these times (when the operation of sound-emitting machinery or equipment is permitted), sound or noise levels from such machinery and equipment (other than yard maintenance and landscaping equipment customarily used in the Single Family District) may not exceed fifty-five (55) db(A) as measured anywhere within the boundary lines of the nearest residentially occupied property.
- (3) The restrictions on signs applicable to the Single Family District, as set forth in Sec. 10-18 of this chapter shall be fully applicable to the Single Family/Neighborhood Commercial District.

Sec. 10-10. Municipal District.

(A) Uses Permitted.

- (1) All uses permitted in the Single Family District.
- (2) Municipal buildings, facilities and operations, including but not limited to a City Hall; municipal offices; fire stations and police stations; facilities for public works, sanitation, sewer and other municipal services; and municipal operations and activities.
- (3) Accessory buildings and uses customarily incident to the above uses.

Sec. 10-11. 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 original effective date of this chapter (i.e., May 18, 1970) 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 original effective date of this chapter (i.e., May 18, 1970), 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 nonconforming use, regardless of whether such alteration or restoration be voluntary or in obedience to instructions of the Board of Zoning Appeals.

Any provision of the ordinances of the City of Lookout Mountain to the contrary notwithstanding, mobile homes, trailer courts, camp grounds, amusement rides (as that term is defined in Official Code of Georgia Annotated §34-12-2(2) (1992)), carnival rides (as that term is defined in Official Code of Georgia Annotated §34-13-2(3) (1992)), other mechanical rides, go cart tracks, batting cages, chair lifts, sky lifts, water slides, wave pools, alpine slides, outdoor amphitheaters and other outdoor theaters, bungee jumping towers, observation towers, zoos and animal parks are specifically designated herein as being non-conforming uses within all district or zones of the City of Lookout Mountain and are specifically prohibited in all such districts or zones. If any such non-conforming use in existence on the original effective date hereof (i.e.,

May 18, 1970) is removed or abandoned, any future use of the land shall be in full conformity with this chapter. No such non-conforming use shall be extended to occupy a greater portion of land than occupied on the original effective date hereof (i.e., May 18, 1970), nor to increase the number or size of nor to enlarge or extend the volume or intensity of any such non-conforming use. 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 of the land shall be in full conformity with this chapter. As used herein, the porch and patio area on the east side of the Cliff Terrace building of Rock City Gardens, as currently used for the Fairy Tale Festival or similar functions, shall not constitute either an amphitheater or an outdoor theater.

Sec. 10-12. 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 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. 10-13. 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.

(C) There shall be a front yard of not less than thirty (30) feet in depth.

Sec. 10-14. 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 10-13(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. 10-15. Regulations of Multiple Family Dwelling District.

(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 and one-half (1-1/2) off-street parking spaces, each full parking space to be at least ten (10) feet wide and twenty-two (22) feet long shall be provided for each unit in any multiple family dwelling.

(c) Lot Size Requirement. The minimum lot size shall be Four Thousand (4,000) square feet for each unit of a multiple family dwelling. Such parcels or lots shall have a minimum width of at least One hundred and ninety (190) feet.

(d) Front Yard Requirement. There shall be a front yard having a depth of not less than 30 feet.

(e) Side Yard Requirements. On each side of a building there shall be a side yard of not less than thirty feet provided that where a side yard adjoins a different zone there shall be a side yard of forty feet.

(f) Rear Yard Requirement. There shall be a rear yard of not less than twenty-five feet in depth provided that where the rear yard adjoins a different zone, there shall be a rear yard of thirty-five feet.

(g) Building Arrangement Requirements. All buildings containing multiple family dwellings shall be set apart in accordance with the following regulations:

Front to Front Arrangement - 60 feet

Front to Rear Arrangement - 70 feet

Rear to Rear Arrangement - 50 feet

Side to Side Arrangement - 30 feet

Other Arrangements - 40 feet

(h) Landscaping. At least 50 per cent of the lot upon which multiple family dwellings are to be located will either be landscaped or, in conjunction with the landscaping, the natural state of the lot may be retained, the intention of this provision being to afford as much natural screening as possible and to blend the entire lot with the general landscaping of the community.

Between all parking areas and the buildings there shall be a landscaped area of at least ten (10) feet provided that when the rear of a building faces the side or rear yard where a buffer zone is required, the buffer zone may, at the option of the developer, be in lieu of the landscaped area required herein.

(i) Buffer Zone. Where the lot upon which multiple family dwellings are constructed adjoins a different zone, a ten foot buffer on all lot lines adjoining such zone shall be landscaped with emphasis on the deciduous and evergreen trees and shrubs of sufficient height and density as to provide adequate screening from adjoining properties and no parking or paving shall be permitted within the buffer zone.

(j) Illumination. Illumination for signs, buildings and parking areas and drives shall be placed and directed so that the source of light is not directly visible from adjoining properties.

(k) Parking and Drives. All parking areas and driveways shall be paved and the size, location and arrangement shall be such as to permit fire department access to all fire hydrants without interference.

(l) Garbage Bins. All garbage areas shall be located so as to be easily accessible to the City's garbage collection service and shall be landscaped to provide screening from adjoining properties.

(m) Driveway Entrances and Exits. The location of driveway entrances and exits onto the public streets of the City shall be subject to the approval of the City Engineer who shall consult with the Chief of Police and/or the Councilman in charge of the Police Department and such City Engineer shall take into consideration the following factors in making their determination as to the number, location and size of entrances and exits:

- (a) Width of lot on public street;
- (b) On site traffic flow;
- (c) Off site traffic flow;
- (d) Visibility;
- (e) Fire department requirements and garbage truck requirements;
- (f) Speed limits. The intention of this paragraph is to provide safe ingress and egress onto the public streets to and from the multiple family dwelling project.

In the event of a finding by the City Engineer, which in the opinion of the applicant is adverse, the applicant for a driveway entrance or exit may petition the City Council for a hearing and the action of the City Council by resolution by a majority of the Council at a meeting at which a quorum are present shall be final and binding upon the applicant.

(n) Water Mains and Fire Hydrants. The location, size, direction and quantity of flow, length and points of connection of all water mains and fire hydrants shall be subject to the following requirements: Except for multiple family dwellings containing no more than two (2) family dwelling units, at least eight inch mains shall be required to service multiple family dwellings; the size of mains and number and location of hydrants shall be such as to provide a cumulative flow of 1500 gallons of water per minute to each part of every building. In calculating the flow of gallons per minute, only those hydrants which are within 500 feet of each part of every building and which flow not less than 500 gallons of water per minute shall be used. Each hydrant shall be valved so as to permit its shutdown without interference with the water main.

(o) Fire Protection. Each multiple dwelling unit shall be initially equipped with at least one portable fire extinguisher of ABC rating of no less than 2.3 pounds located so that it is accessible for kitchen use.

Sec. 10-16. Application and Issuance of Multiple Family Building Permit.

(a) Construction or use for multiple family dwellings shall be allowed only after issuance by the Municipal Planning Commission of the City of Lookout Mountain, Georgia of a building permit.

(b) The procedure to secure a building permit is as follows:

- (1) Any person desiring a permit for property owned by him shall apply, in writing, to the Municipal Planning Commission for the City of Lookout Mountain, Georgia. Such written application shall contain the following information:
  - (i) The names and addresses of all persons owning or occupying property within Seven Hundred and Fifty (750) feet from any portion of the property in question;
  - (ii) The location of the proposed development in relation to the surrounding areas;
  - (iii) The existing zoning;
  - (iv) The property lines of the site;
  - (v) The size of the site;
  - (vi) The accessibility to the site;
  - (vii) The surrounding type of development and land use and names of adjoining property owners and/or subdivisions;
  - (viii) The topography of the site with contour intervals not more than ten (10) feet;
  - (ix) The type of the development proposed;
  - (x) The density of the development on the proposed plan;
  - (xi) The location and size of proposed buildings, showing number of units therein;
  - (xii) The location of streets, parking areas and internal pedestrian circulation walkways and their dimensions;
  - (xiii) The location and type of open space and recreation facilities;

- (xiv) The location and size of existing public utilities and easements;
  - (xv) The proposed development's name, the name and address of owner, name and address of the designer of the proposed development;
  - (xvii) Statement relating to ownership or control;
  - (xviii) Existing drainage easements and proposed on site drainage facilities, showing acreage drained and direction of flow;
  - (xviii) Delineation of any areas to be dedicated;
  - (xix) Proposed landscaping and screening;
  - (x) Proposed size and location of water mains and fire plugs;
  - (xi) Other such pertinent data as may be deemed necessary by the Municipal Planning Commission. The Municipal Planning Commission may require supplemental data in order to determine if the proposal meets the requirements of the Multiple Family Dwelling regulation and the Southern Standard Building Code, in addition to that described above before issuing a permit.
- (2) In the event a permit is granted under the provisions of this ordinance, if the construction authorized by such permit is not undertaken within one (1) year from the date of the granting of such permit, such permit shall be deemed automatically revoked. For the purposes of this section of the ordinance, construction shall be considered as being undertaken if there is visible evidence upon the land or structure involved that substantial continuing steps have been taken toward construction or erection of the structure in the manner authorized by the permit.

Sec. 10-17. 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 building 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. 10-18. 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) Single Family District. No signs of any nature whatsoever, except for Real Estate Signs and Temporary Signs as described in the following subparagraphs (D) and (E), shall be permitted in the City's Single Family District.

(D) 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.

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

Sec. 10-19. 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, walls, screens, or fence-like garden structures shall be erected or placed on any property within the City without the prior approval of the Municipal Planning Commission obtained as hereinafter provided.

(4) No fences shall be constructed of exposed concrete or concrete masonry unless they are coated on all exposed surfaces with cement plaster or other approved materials. EIFS coatings are not approved or acceptable.

(5) No fences shall be constructed of any type of wire mesh or “chicken wire.”

(6) No fences shall be constructed of scrap materials.

(B) Limited Exceptions to General Fence Prohibitions.

Notwithstanding the foregoing:

(1) The prohibitions set forth in subparagraphs (1), (2) and (5) of Sec. 10-19(A) above shall not apply to fences erected on property of five (5) acres or more, so long as the purpose of such fencing is the enclosure of large animals which may legally be kept on such property; and

(2) Seasonal and temporary wire mesh fencing shall be permitted for the protection of garden plants, provided that (a) no such fencing may be erected within the applicable set back requirements for the lot in question, (b) such fencing cannot at any point be more than three (3) feet from the plants being protected, and (c) the plants being protected must occupy at least eighty percent (80%) of the area enclosed by the fencing.

(C) Acceptable Materials for the Construction of Fences.

(1) Fences may be constructed with brick, stone, manufactured, stone, and tile.

(2) Fences may be constructed with wood in pickets, planks, grids, etc. “Split rail” style wood fences are also allowed.

(3) Fences may be constructed with PVC or Vinyl materials, so long as they meet the criteria listed below.

(4) Fences may be constructed of wrought iron or other decorative metal materials such as steel or aluminum, so long as they meet the criteria listed below.

(5) Chain link fences may only be approved for side or rear yards and must meet the criteria listed below.

(6) Other materials not expressly prohibited may be approved in the discretion of the Municipal Planning Commission, but only upon unanimous vote of the members present and only after the Commission has had at least thirty (30) days to research the quality and suitability of the materials proposed.

(D) Location and Height of New Fences.

(1) Side yard and rear yard fences shall not be in excess of 6 feet in height from ground level when located in any area less than fifteen (15) feet from any side lot line in any side yard or less than twenty-five (25) feet from any rear lot line in any rear yard.

(2) Front yard fences shall not under any circumstances exceed 42 inches in height from ground level.

(3) Front and side yard fences may not be constructed in such a way as to limit visibility of oncoming traffic at either street intersections or driveways, and the burden will be on the property owner proposed to demonstrate to the Municipal Planning Commission that any fence proposed will not obstruct the view of oncoming traffic.

(4) The Municipal Planning Commission may review submitted drawings and onsite conditions and place appropriate limitations on fences to prevent obstruction of vision. If a fence is not built as approved and presents a concern regarding safety, the Municipal Planning Commission will require that it be removed, modified or relocated.

(E) Maintenance of fences, walls, etc.

(1) Property owners shall have the responsibility of maintaining fences, walls, screens and fence-like garden structures in good repair and condition for the life of the structure. This standard shall be followed regardless of whether the structure is new or is in existence at the time of the adoption of this Ordinance.

(2) Portions of fences and other structures regulated by this Ordinance that are not in good repair or are in substandard condition shall be replaced. Any portion of a fence or other structure that has missing or damaged members, is leaning out of plumb, or has become unsightly due to lack of paint or other finish shall be considered to be in substandard condition.

(3) Any property owner who does not maintain a fence or other structure regulated by this Ordinance in good repair and condition shall be required to make such reasonable modifications and/or repairs as are directed by the City Building Official and/or Municipal Planning Commission.

(4) The property owner's application for a permit to erect or place a fence, wall, screen or fence-like garden structure within the City of Lookout Mountain, as required by this Ordinance, shall constitute the property owner's approval, consent and permission for the Building Official to enter onto the property, either before or after the fence or other structure is erected, to review the condition of fences and other structures regulated by this Ordinance. If the property owner has not made application for a permit to erect the fence or other structure as required by this Ordinance, the Building Official may nevertheless enter onto the property for the aforesaid purpose, if (a) the property owner gives his or her written or verbal consent, or (b) the City gives the property owner ten (10) days advance written notice of the Building Official's intent to enter onto the property.

(5) If, in his judgment, the Building Official believes a fence or other structure regulated by this Ordinance is not in compliance with this or other applicable Ordinances, he will

report his findings to the Municipal Planning Commission which will then determine if the property owner is to be cited for noncompliance.

(F) Criteria for Accepted Fences.

(1) Brick, stone, manufactured stone and tile fences shall have a continuous concrete foundation that is a minimum of 30 inches wide and 12 inches thick with two # 4 continuous reinforcing bars. Such fences shall also have vertical reinforcing consisting of a minimum # 4 reinforcing bar at 32 inches on center. Vertical reinforcing shall be tied to the horizontal reinforcing.

(2) Wood fences with vertical posts shall have the posts spaced at not greater than eight feet on center. Posts shall have a 12 inch diameter concrete foundation around them and shall be set a minimum 30 inches deep.

(3) Vinyl or PVC fences shall have posts spaced not greater than eight feet on center. Posts shall be set a minimum two feet deep into a 12 inch diameter footing. All posts and horizontal rails shall have a steel inner sleeve for added strength. A manufacturer's non-prorated lifetime warranty must be provided to the Municipal Planning Commission if the fence is to be approved.

(4) Steel, decorative metal or aluminum fences shall have posts spaced not greater than eight feet on center, set a minimum two feet deep into a 12 inch diameter footing.

(5) Chain link fences are not allowed in front yards and may only be approved for rear and side yards if they do not exceed three (3) feet in height and are planted with sufficient shrubbery, bushes, hedges, plants, trees or other natural foliage which will grow to sufficient height and density to substantially cover and screen the outside of the fence from view within three to five years.

(G) 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.

(H) 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 such fences shall be maintained in good repair and condition as provided in this Ordinance, and no such fence shall be extended, enlarged or replaced except in full conformity and compliance with the terms hereof.

(I) Municipal Planning Commission Approval.

(1) Applications for permits to erect or place fences, walls, screens or fence-like garden structures within the City of Lookout Mountain must be made in writing to the



Municipal Planning Commission. The Commission may require as a condition to considering the application such plans, drawings, photographs, maps, manufacturers' brochures, and other data as it may deem material and may conduct such investigations and inquiries as it may deem necessary or expedient. All such plans, drawings, etc. shall be submitted to the Commission at least ten (10) calendar days before the meeting at which the application is to be considered. The applicant shall have the burden of showing to the satisfaction of the Commission that the proposed fence will not adversely affect motor vehicle and traffic safety, 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 may 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.

(2) Except for the fences and other structures authorized by the limited exceptions set forth in Sec. 10-19(B) of this Ordinance, any fence, wall, screen or fence-like garden structure erected without the prior approval of the Municipal Planning Commission may be ordered removed by the City Building Official or the Municipal Planning Commission; provided, however, that if the property owner proves to the Commission that an illegally erected fence is in full compliance with the requirements of this Ordinance and pays a building permit fee twice the amount of the fee that would have otherwise been charged for the fence, the Commission may, in its discretion, allow the fence to remain.

(3) If a property owner fails to remove an illegally erected fence, wall, screen, or fence-like garden structure within thirty (30) days of notification from the City Building Official or Municipal Planning Commission, the City may, at its option, remove the fence at the property owner's expense. The cost of such removal shall constitute a lien on the property and may be collected by levy and sale of the property or by any other lawful means.

(4) In the event any property owner or other interested party is aggrieved by any decision of the Commission either granting or denying an application for the approval of a fence, or by any other action of the City Building Official or Municipal Planning Commission under this Ordinance, 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 property owner or other interested party.

## ARTICLE V: INTERPRETATION, AMENDMENT

### Sec. 10-20. 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. 10-20.1. 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. No such change initiated or requested by the property owner may be considered unless all ad valorem taxes and any other taxes or charges owing either to the City of Lookout Mountain or to Walker County with respect to the property are current. Before the City Council or the Municipal Planning Commission considers any such change in the classification of the property or the regulations applying thereto, the City Council and/or Municipal Planning Commission may require the property owner to provide written verification from the City of Lookout Mountain and/or Walker County that all taxes, interest, penalties, attorneys' fees and other charges due and owing with respect to the property have been paid in full.

As used in this Sec. 10-20.1, 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. 10-20.2. Same - Public Hearing.

Public hearings relating to any such change shall be conducted in accordance with the provisions of the City of Lookout Mountain's Zoning Procedures and Standards Ordinance (Ordinance No. 289 as the same may from time to time be amended) and shall, at a minimum, include all notice and hearing requirements now or hereafter established by Georgia law, including but not limited to the notice and hearing requirements of the Georgia Zoning Procedures Law, Official Code of Georgia Annotated Section 36-66-1, et seq.

Sec. 10-20.3. Same – Standards.

The standards governing the exercise of the zoning power of the City of Lookout Mountain are as set forth in the City of Lookout Mountain's Zoning Procedures and Standards Ordinance (Ordinance No. 289 as the same may from time to time be amended). Those standards govern all "Zoning Decisions" as that term is defined in the Georgia Zoning Procedures Law, including but not limited to amendments to the City of Lookout Mountain's zoning ordinances.

Sec. 10-20.4. Same - Fees for Administrative Costs.

Fees for the processing of proposed amendments to this chapter or to any other zoning ordinance shall be set from time to time by the City Council and charged in accordance with the City of Lookout Mountain's Zoning Procedures and Standards Ordinance (Ordinance No. 289 as the same may from time to time be amended).

Sec. 10-20.4. 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. 10-21. 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 Sec. 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.

ARTICLE VI: GENERAL PROVISIONS

Sec. 10-22. 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.

Sec. 10-22.1. 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.

Sec. 10-22.2. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 10-22.3. 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 January 21, 2016.

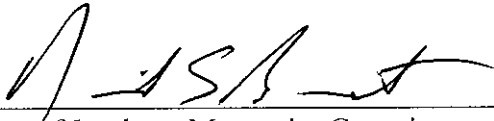
  
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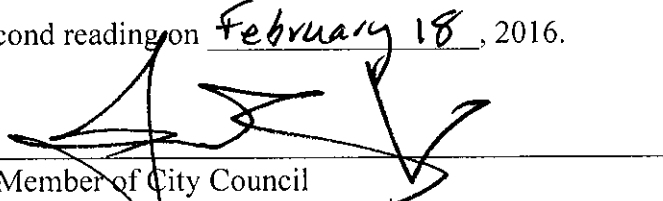


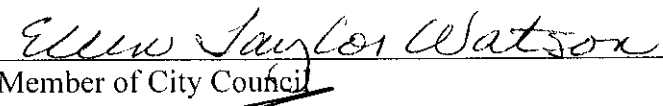
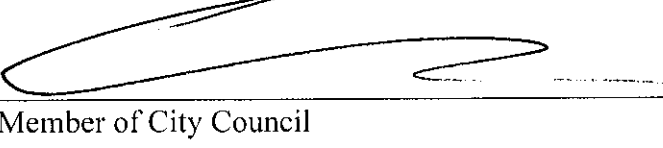
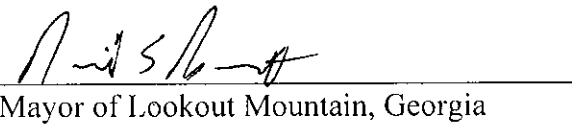
  
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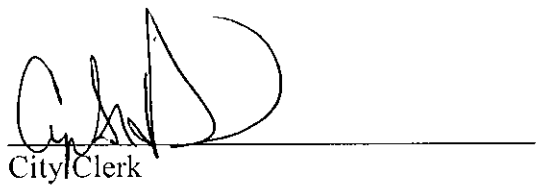


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Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on February 18, 2016.

  
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Mayor of Lookout Mountain, Georgia

ATTEST:

  
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City Clerk