

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 305

AN ORDINANCE to amend the City of Lookout Mountain, Georgia's Ordinance No. 292 (the Amended and Restated Zoning Ordinance), to add Home Sharing as herein defined to the list of permitted uses within the City's Single Family District, to establish terms, conditions and limitations under which Home Sharing may take place, and for other purposes.

WHEREAS, the Municipal Planning Commission of the City of Lookout Mountain (the "Planning Commission"), after careful study and deliberation, has determined that the Home Sharing as herein defined and subject to the express terms, conditions and limitations set forth herein, is a suitable use of property within the City's Single Family District, that such use does not adversely affect the economic value or uses of adjacent and nearby properties, and that such use is in furtherance of the general welfare and economic interests of the City of Lookout Mountain and its citizens; and

WHEREAS, the Planning Commission, after proper notice, has conducted a public hearing on this proposed zoning amendment in accordance with the City's Zoning Procedures and Standards Ordinance (Ordinance No. 289) and has fully considered all standards set forth in said Ordinance; and

WHEREAS, the Planning Commission, in accordance with Section 9 of the Zoning Procedures and Standards Ordinance, has prepared its report on this proposed zoning amendment, evaluating the standards set forth in the Zoning Procedures and Standards Ordinance and recommending that the City Council approve and adopt this zoning amendment; and

WHEREAS, after careful study and deliberation, the City Council has concurred in the Planning Commission's findings and recommendations;

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

SECTION 1. Section 10-1 of Ordinance No. 292 (DEFINITIONS), as heretofore amended, is hereby amended by the addition of the following new definitions to be inserted alphabetically in Section 10-1 and numbered in sequence with the existing definitions in that section:

"Home Share" means a Single Family Dwelling at which Home Sharing, as defined herein, takes place.

"Home Sharing" means an activity whereby an Owner of a Single Family Dwelling hosts guests in his or her home, for compensation, for periods of seven (7) consecutive days or less, while at least one of the Owners lives onsite and is present throughout the guests' stay. For purposes of this definition, "Owner" means and is expressly limited to (a) the holder of fee simple title to the dwelling and the property on which it is located, who (b) maintains the dwelling as his or her residence and abode, and (c) who is a legal resident of the City of Lookout Mountain, Georgia. An "Owner" does include a tenant, representative, or a relative who does not hold fee simple title to the dwelling and property. Home Sharing does not include short term vacation rentals, and the City Council expressly reaffirms that short term vacation rentals are not permitted uses in the City of Lookout Mountain's Single Family District.

"Hosting Platform" means a marketplace in whatever form or format which facilitates home sharing or vacation rental, through advertising, matchmaking or any

other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

() “Short term vacation rental” means the rental of any dwelling unit in the City of Lookout Mountain’s Single Family District to any persons for exclusive transient use of 30 consecutive days or less, whereby the guest enjoys the exclusive private use of the unit.

The remaining paragraphs of Section 10-1 shall be renumbered in alphabetical sequence.

SECTION 2. Section 10-3(A) of Ordinance No. 292 (Single Family District, Uses Permitted) is hereby amended by the addition of the following new Paragraph (9):

(9) Home Sharing but only in strict and continued compliance with all of the following terms, conditions and limitations:

(a) All Owners of any Single Family Dwelling where Home Sharing is to take place must join in a written application made to the City Council for a business license and for a separate Home Sharing permit. The application for a Home Sharing permit shall be made under oath and shall include, but not be limited to, each Owner’s agreement to comply on an ongoing basis with all terms, conditions and limitations applicable to Home Sharing, not to serve food or alcohol to guests during any part of their stay, and to pay all applicable taxes and fees as the City Council may from time to time prescribe.

(b) No person or entity may operate more than one Home Share in the City of Lookout Mountain. No more than fifteen (15) Home Sharing permits will be issued by the City Council for any one-year period. Each Home Sharing permit will be issued for a

calendar year and will be renewable, but not transferable, by the holder(s) of the permit. Should the holder(s) of the permit fail to renew it by January 15 of the year following the year for which it is issued, the permit shall automatically be terminated, and the City Council may issue a permit to the next qualified Owner on a list of interested parties awaiting a permit.

(c) At least one of the Owners of the Single Family Dwelling where Home Sharing takes place must live on site and be present throughout the stay of each and every guest. No guests are to be scheduled during any period when the Owners know that they will be out of town or otherwise not present in the dwelling.

(d) No guest may stay at a Home Share for a period in excess of seven (7) consecutive days. The Owner may rent one (1) or up to two (2) bedrooms in the dwelling. The maximum guest occupancy at any one time shall be six (6) persons, not to exceed three (3) persons per bedroom.

(e) The dwelling in which Home Sharing takes place must be in compliance with all applicable zoning, building, health and safety codes and regulations. Home Sharing may only be offered in space intended for human habitation that constitutes one or more of the dwelling's bedrooms. For example, an Owner may not rent space in an accessory building such as a storage shed or garage.

(f) On hosting platforms, the Owner must clearly advertise the unit as shared space, unless the advertised Home Share rental is a separate structure fit and intended for human habitation, in which case the structure may be advertised as a separate unit (for example, "separate apartment").

(g) No dwelling used as a Home Share may have any exterior signage or any lighting not otherwise permitted in the Single Family District. Home Share guests may have a maximum of two (2) vehicles on site. There must be adequate parking on site, not to include the lawn, and the Owner and all guests will be subject to all parking ordinances and regulations applicable in the City of Lookout Mountain's Single Family District.

(h) No retail sales or other commercial activity shall be permitted on property at which Home Sharing takes place.

SECTION 3. Sunset Provision. This Ordinance shall be effective only for a period of two (2) years from the date of its approval and adoption on second reading. If before the expiration of said two-year period this Ordinance is not renewed and continued by the affirmative action of the City Council of Lookout Mountain, this Ordinance shall be of no force and effect and shall be considered repealed. At such time, if this Ordinance has not been renewed and continued by the affirmative action of the City Council, Home Sharing shall no longer be permitted in the City's Single Family District. Nothing in this Sunset Provision shall limit the right of the City Council to repeal this ordinance prior to the expiration of said two-year period if the City Council determines that such repeal is in the best interest and public welfare of the City of Lookout Mountain.

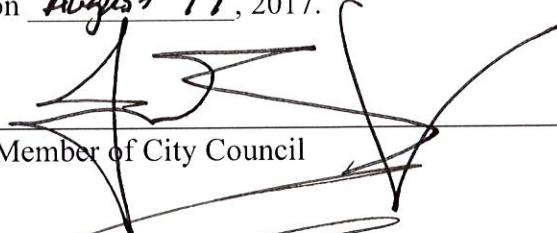
SECTION 4. Savings Clause. If any of the sections, subsections, sentences, clauses or phrases of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be thereby affected since it is the express intent of the Council of the City to pass each section, phrase, paragraph and word separately.

SECTION 5. Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 6. Part of Code of Ordinances. It is the intention of the Council of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City, and the Sections of this Ordinance may be renumbered to accomplish such intention.

SECTION 7. Effective Date. This Ordinance shall be effective ten (10) days after its adoption and approval by at least three (3) members of the Council for the City of Lookout Mountain, Georgia, after two (2) readings at least one (1) week apart.

APPROVED on first reading on August 17, 2017.



Member of City Council



Member of City Council




Member of City Council



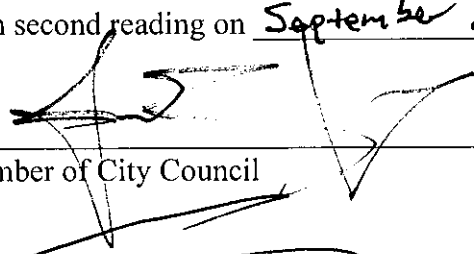
Member of City Council

Member of City Council



Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on September 21, 2017.



Member of City Council



Member of City Council




Member of City Council



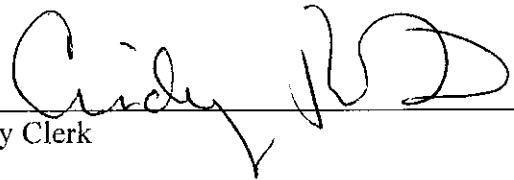
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Mayor of Lookout Mountain, Georgia

ATTEST:



City Clerk