

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 311

AN ORDINANCE to amend the City of Lookout Mountain, Georgia's Ordinance No. 292 (the Amended and Restated Zoning Ordinance), to add the keeping and raising of chickens to the list of permitted uses within the City's Single Family District, to establish terms, conditions and limitations under which the keeping and raising of chickens 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 keeping and raising of chickens, under 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 10-3(A) of Ordinance No. 292 (Single Family District, Uses Permitted) is hereby amended by the addition of the following new Paragraph (10):

(10) The keeping and raising of chickens (hens only as set forth below) but only in strict and continued compliance with all of the following terms, conditions and limitations:

(a) All owners of any Single Family Dwelling located on property where chickens are to be kept or raised must join in a written application made to the City Council for a special permit to do so. The application for the 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 set forth in this ordinance and to pay all applicable fees as the City Council may from time to time prescribe. The City Council will designate one or more individuals to determine whether the applicant is in compliance with the provisions of this ordinance before a permit is issued.

(b) No more than fifteen (15) permits for the keeping or raising of chickens will be issued by the City Council for any one-year period. Each 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 30 of the year following the year for which it is issued, the City Clerk or City Manager will send the permit holder(s) notice by email or regular U.S. Mail advising the holder(s) that the permit will be terminated if not renewed by February 28 of the same year. If the

holder(s) of the permit still fails to renew the permit by February 28, the permit will 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) The property where the keeping or raising of chickens takes place and the Single Family Dwelling located on that property must be in compliance with all applicable zoning, building, health and safety codes and regulations.

(d) This ordinance only permits the keeping and raising of hens in the City's Single Family District. Under no circumstances shall the keeping or raising of roosters be permitted in any zoning district of the City, and under no circumstances shall the keeping or raising of chickens of any type or gender be permitted in any zoning district of the City other than the Single Family District.

(e) Chickens may only be kept and raised in Rear Yards as defined in the City's Zoning Ordinance, as amended, and shall not be allowed to be kept or to run free in any portion of a Front Yard or Side Yard. On corner lots, the yards on both street sides shall be considered Front Yards for purposes of this section. The Rear Yard where chickens are kept or raised shall be fully enclosed with fencing which has been duly approved and constructed in full compliance with the City's Zoning Ordinance, as amended.

(f) The number of chickens which may be kept or raised on the property of any resident and the setback requirements for coops will be based on the size of the resident's lot or property. Limitations on the number of chickens allowed and the setback requirements for coops are as follows:

<u>Lot Size</u>	<u>Maximum No. of Chickens</u>	<u>Minimum Setback</u>
Less than .5 acre	None Permitted	N/A

.5 to .8 acre	6	25 feet from any property line, 50 feet from any stream
Greater than .8 acre and up to 3 acres	12	35 feet from any property line, 60 feet from any stream
Greater than 3 acres and up to 5 acres	12	45 feet from any property line, 70 feet from any stream
Greater than 5 acres	18	55 feet from any property line, 80 feet from any stream

(g) Coops for chickens must be constructed on the property where they are kept or raised, and coops must be approved by the City Manager of Lookout Mountain or his designee before any permit for the keeping and raising of chickens is issued and before any use occurs. Coops must meet all of the following requirements both at the time the permit is issued and on an ongoing basis: (i) coops shall be minimum size of 10 square feet with a minimum of 2 square feet for each chicken kept or raised on the property; (ii) coops may not exceed a height of 12 feet above finished grade; (iii) coops shall be well ventilated and shall protect the chickens from the weather and predators; (iv) chicken feed must be kept in a rodent-proof container; (v) power or plumbing supplied to any coop must be installed in accordance with applicable codes, with no temporary power to be supplied by extension cords; and (vi) no scrap, waste board, sheet metal, or similar materials may be used in the construction of a coop; and (vi) coops must be cleaned on a regular basis and maintained in a neat and sanitary condition at all times to prevent offensive odors, attraction of flies or vermin, or the creation of an environment otherwise injurious to the public health and safety or that would interfere with the

comfortable enjoyment of life or property by residents of the neighborhood or City as a whole.

(h) Chickens must be kept inside their coops, secure from predators, from sunset to sunrise.

(i) No chickens may be slaughtered within the City limits.

(j) No chickens or the eggs which they produce may be sold or bartered on the property of any permit holder.

SECTION 2. Penalties. A violation of any provision of this Ordinance is hereby declared to be unlawful and shall be punishable as provided in the General Penalty provisions of the Code of Ordinances of the City of Lookout Mountain. The permit of any permit holder who is found guilty of, pleads guilty to, or pleads no contest to two (2) or more separate violations of this Ordinance shall immediately be revoked, and the City Council may, in its sole discretion thereafter decline to issue a subsequent permit to the same permit holder(s) or to any other person residing on the same property.

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, the keeping and raising of chickens 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.

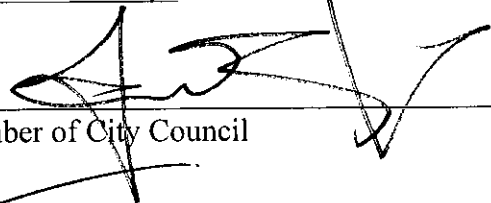
SECTION 4. Savings Clause. If any of the sections, subsections, sentences, clauses or phrases of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be thereby affected since it is the express intent of the Council 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, except that the provisions of the City of Lookout Mountain's Ordinance No. 130 which prohibit livestock other than chickens on lots of less than five (5) acres shall remain in full force and effect.

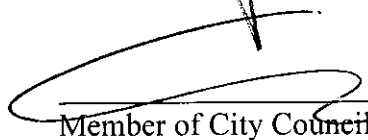
SECTION 6. Part of Code of Ordinances. It is the intention of the Council of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City, and the Sections of this Ordinance may be renumbered to accomplish such intention.

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 June 14, 2018.



Member of City Council



Member of City Council



Member of City Council

Ellen Taylor & K Watson
Member of City Council

Member of City Council

A. J. Smith
Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on July 12, 2018.

[Signature]
Member of City Council

[Signature]
Member of City Council

Ellen Taylor & K Watson
Member of City Council

Member of City Council

Member of City Council

[Signature]
Mayor of Lookout Mountain, Georgia

ATTEST:

Cindy Roberts
City Clerk