

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 323

AN ORDINANCE to amend the City of Lookout Mountain, Georgia's Zoning Ordinance (Ordinance No. 292, as amended, Appendix A to Lookout Mountain City Code), to create an additional zoning district in the City of Lookout Mountain to be designated as the Town Center District, to delineate uses of property permitted in the district as well as certain nonconforming uses, to establish regulations for buildings and structures located in the district, to provide for compliance with design guidelines, and for other purposes.

WHEREAS, the Municipal Planning Commission of the City of Lookout Mountain (the "Planning Commission"), following a referral from the City Council of Lookout Mountain in accordance with the City's Zoning Procedures and Standards Ordinance (Ordinance No. 289), has carefully considered potential amendments to the City's Zoning Ordinance which would, among other things, create an additional zoning district in the City of Lookout Mountain to be designated as the Town Center District, delineate uses of property permitted in the district as well as certain nonconforming uses, establish regulations for buildings and structures located in the district, and provide for compliance with design guidelines established by the City; and

WHEREAS, the Planning Commission, after proper notice, has conducted a public hearing on the proposed zoning amendments in accordance with the Zoning Procedures and Standards Ordinance 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 the proposed zoning amendments, evaluating the standards set forth in the Zoning Procedures and Standards

Ordinance and recommending that the City Council approve and adopt the zoning amendments as set forth in this ordinance; 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. Article III, Section 10-2 of Ordinance No. 292 is amended by adding to the first full paragraph of that section (which paragraph includes a listing of the City of Lookout Mountain's current zoning districts set forth as subparagraphs (A) through (H)) a new Subparagraph (I) which shall read as follows:

(I) Town Center District

Section 2. Article III, Section 10-2 of Ordinance No. 292 is further amended by adding to that section's boundary descriptions a new paragraph (I), establishing the boundaries of the Town Center District, as follows:

(I) Town Center District. The boundaries of the Town Center District shall be as set forth on **Exhibit 1** to this ordinance. Exhibit 1 shall be filed with and is hereby adopted as part of the official map of the City which shows the boundaries of the various districts described in the Zoning Ordinance.

Section 3. Article III, Section 10-2 of Ordinance No. 292 is further amended by deleting from that section's description of the boundaries of the Community Convenience Commercial District, as set forth in paragraph (C) thereof, the property to be included in the Town Center District as set forth in new paragraph (I) thereof.

Section 4. Article IV of Ordinance No. 292 is amended by adding thereto a new section, to be designated as Section 10-11, setting forth the uses permitted in the Town Center District, as follows:

Section 10-11 – Town Center District.

(A) Uses Permitted:

- (1) Retail grocery stores
- (2) Non-grocery retail sales and service establishments
- (3) Restaurants
- (4) Bakeries and delicatessens
- (5) Professional offices (e.g., physicians, accountants, attorneys, etc.)
- (6) Business offices
- (7) Pharmacies
- (8) Barber shops and hair salons
- (9) Banks
- (10) Municipal buildings, including city halls, fire stations, police stations
- (11) Public parks, pavilions and green space
- (12) Open air markets
- (13) Retail liquor and wine stores (subject to the owners' compliance with Chapter 4 of the Lookout Mountain City Code, regulating sales of alcoholic beverages)
- (14) Second story loft style residences
- (15) Special events expressly authorized by the ordinances of the City of Lookout Mountain

The remaining sections of Article IV of Ordinance No. 292 shall be appropriately renumbered in sequence.

Section 5. The first sentence of the seventh (final) paragraph of current Section 10-11 of Article IV of Ordinance No. 292 (said section being titled "Nonconforming Uses") is amended

by the addition thereto of the following nonconforming uses: pawn shops, tattoo parlors and shops, cigar and smoke shops, vape shops, and game and amusement arcades. That sentence, as amended, shall now in its entirety read as follows:

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, pawn shops, tattoo parlors and shops, cigar and smoke shops, vape shops, and game and amusement arcades are specifically designated herein as being nonconforming uses within all districts or zones of the City of Lookout Mountain and are specifically prohibited in all such districts or zones.

Section 6. Article IV of Ordinance No. 292 is further amended by adding thereto a new section, to follow immediately after the section titled "Regulations of Multiple-Family Dwelling District." The new section shall be appropriately numbered in sequence and shall read as follows:

Sec. ____. **Height, area, parking and setback regulations – Town Center District.**

The building height, area, parking and setback regulations for the Town Center District 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.**
 - 1. At least one parking space at least nine (9) feet wide and eighteen (18) feet long must exist for every four hundred (400) square feet of gross floor area (exclusive of storage area and areas used to house municipal vehicles) of any building hereafter erected.
 - 2. When buildings are located within 35 feet of a dedicated public street, the areas between the buildings and the public street shall be devoted to a front sidewalk of at least 8 feet in width and on-street perpendicular parking meeting the requirements set forth above.

3. Off-street parking shall not be permitted between buildings in the Town Center District and shall be located to the rear and side of the buildings.
4. If the Municipal Planning Commission determines that any new business or building requires more or less parking space than the minimum prescribed herein, such amount of parking space as may be specified by the Municipal Planning Commission shall be provided. The Municipal Planning Commission may allocate available parking spaces among new and existing businesses so long as a sufficient number of spaces is available for the total square footage of all buildings.
5. Parking lot lighting shall be equipped with full cut offs to direct light downward and to minimize glare, shadows, night sky pollution and excessive light levels.
6. The maximum mounting height of light fixtures in parking areas shall be twenty (20) feet.

(C) Building Setbacks.

1. Buildings located within 35 feet of a dedicated public street shall have no (zero) space between the front of the building and the required public sidewalk.
2. Side Yard Building Setback: Twenty five (25) feet where permitted use adjoins a residential zone. Five (5) feet where permitted use adjoins another permitted commercial or governmental use.
3. Rear Yard Building Setback: Twenty five (25) feet where permitted use adjoins a residential zone. Five (5) feet where permitted use adjoins another permitted commercial or governmental use.
4. Canopies attached to the structure and that extend over public sidewalks are allowed to project across setback lines.

Section 7. Article IV of Ordinance No. 292 is further amended by adding thereto a new section, to follow immediately after the section titled "Height, area, parking and setback regulations – Town Center District." The new section shall be appropriately numbered in sequence and shall read as follows:

Sec. ____. **Design Guidelines – Town Center District.**

Plans and specifications for buildings and accessory uses in the Town Center District shall be submitted to the Municipal Planning Commission for review and approval before a building permit is issued. The issuance of building permits for construction in the Town Center District shall be contingent on the applicant's compliance with all conditions set forth in (a) the contract or agreement for the owner's acquisition of the property and (b) Design Guidelines for the Town Center District as adopted and approved by the City Council following review by the Municipal Planning Commission. The Design Guidelines may be amended from time to time by the City Council. The Design Guidelines applicable to an application for a building permit shall be those which are in effect when the application is submitted to the City Clerk. The currently effective Design Guidelines shall be published on the City website and available for review at the Office of the City Clerk. In the event of any conflict between Design Guidelines as published on the City website and as made available by the City Clerk, the Design Guidelines on file with the Office of the City Clerk shall control and take precedence.


Section 8. 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 9. Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 10. 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 the City of Lookout Mountain, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 11. 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.

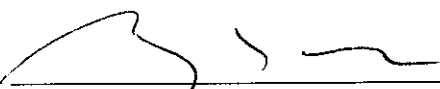
APPROVED on first reading on October 9, 2019.



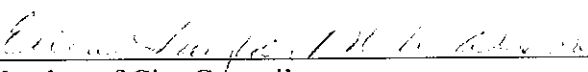
Member of City Council



Member of City Council

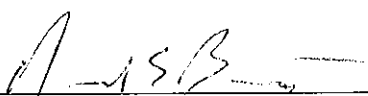


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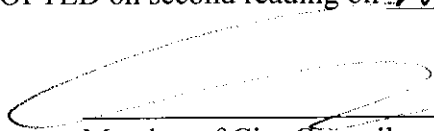
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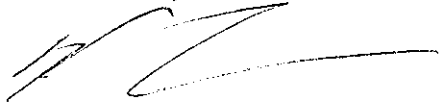


Mayor of Lookout Mountain, Georgia

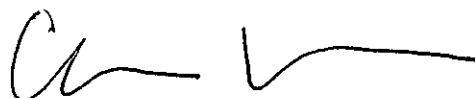
APPROVED AND ADOPTED on second reading on November 14, 2019.




Member of City Council



Member of City Council



Member of City Council



Member of City Council

Ellen Taylor M. Nelson
Member of City Council

1/15/13
Mayor of Lookout Mountain, Georgia

ATTEST:

Andy Roberts
City Clerk