

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 337

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 Office Residential District, to delineate uses of property permitted in the district, to establish regulations for buildings, structures and property located in the district, 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 Office Residential District, delineate uses of property permitted in the district, and establish regulations for buildings, structures and property located in the district; 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, 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 (I)) a new Subparagraph (J) which shall read as follows:

(J) Office Residential District

The boundaries of the Office Residential District shall be established by the City Council through the adoption of one or more ordinances amending this Zoning Ordinance.

Section 2. Article IV of Ordinance No. 292 is amended by adding thereto a new section, to be designated as Section 10-12, setting forth the uses permitted in the Office Residential District, as follows:

Sec. 10-12 – Office Residential District.

(A) Uses Permitted:

(1) Single-Family Dwellings

(2) Business offices

(3) Home occupations

(4) Accessory buildings and uses customarily incident to the above uses, such as garages, but not involving the conduct of business in the accessory building. Any such accessory building is permitted in the space herein provided for minimum rear yards provided that not more than 25 per cent of the minimum rear yard required is used for the accessory building. For any new construction, accessory buildings and uses are not permitted in the spaces provided herein for minimum front and side yards. For both new and existing construction, accessory buildings and uses are not permitted in the space required herein for buffers.

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

Section 3. Article IV of Ordinance No. 292 is further amended by adding thereto a new section, to follow immediately after the section titled "Regulations of Town Center District." The new section shall be appropriately numbered in sequence and shall read as follows:

Sec. ____. **Office Residential District – Characteristics and height, area, setback, buffer, parking and lighting regulations.**

The Office Residential District is generally characterized by low-traffic commercial uses, limited to those permitted in the district, oriented to local streets where residential uses are predominant. A limited mix of residential and commercial uses is allowed, but the commercial uses are intended to be significantly less intensive and of smaller scale than the uses found in the City's commercial zones. Maintaining residential facades is important to the integrity of the district. New construction and exterior renovations of existing buildings are subject to complete design review by the Municipal Planning Commission including architectural style, scale, and construction materials, in relation to lot size and shape, and existing on-site vegetation. The property owner or developer must also submit and obtain approval of a site development plan and plat as provided herein.

The building height, area, setback, buffer, parking and lighting regulations for the Office Residential District shall be as set forth below and shall supersede and take precedence over any conflicting regulations of general applicability appearing elsewhere in this ordinance. No new development in the Office Residential District and no rezoning of property for the Office Residential District may take place unless and until the City of Lookout Mountain determines that all of the requirements set forth below have been met.

(A) Building Height Limit. No building or structure hereafter erected or structurally altered shall exceed two and a half (2½) stories or thirty-five (35) feet in height.

(B) Area Regulations, Setbacks, and Buffers.

1. Minimum Building Site Area. The minimum building site area in the Office Residential District shall be one lot or parcel of 25,000 square feet in area for each building, excluding accessory buildings. Such parcels or lots shall have a minimum width of at least one hundred fifty (150) feet.

2. Maximum Density. No more than one (1) building per full acre or lot (whichever is less), excluding accessory buildings, shall be permitted in the Office Residential District.

3. Minimum Square Footage. The minimum floor area for each building, other than accessory buildings, located in the Office Residential District shall be 1,200 square feet.

4. Maximum Square Footage. The maximum floor area for each building in the Office Residential District shall be 5,000 square feet or fifteen percent (15%) of the square footage of the lot or parcel upon which the building is located, whichever is less.

5. Front, Side and Rear Yards Required. All lots or parcels in the Office Residential District shall have front, side and rear yards each having a depth of not less than thirty-five (35) feet.

6. Site Plan and Plat. Prior to any new development or to any rezoning of property for the Office Residential District, the property owner or developer must submit to the Municipal Planning Commission for its review and approval a professionally prepared site development plan showing (a) the exact boundaries of the property and of all lots or parcels contained in it (along with the bearings and distances of all boundary, lot and parcel lines), (b) the dimensions and locations of all buildings or structures located or to be located on the property, (c) the distances of all existing and proposed buildings and structures from lot lines and any other information necessary to establish compliance with setback requirements, (d) the size and locations of all existing and proposed driveways and parking areas and spaces on the property, (e) the types and locations of all plantings and earthen berms for required buffers, and (f) any other information needed to establish compliance with the regulations and requirements applicable to the Office Residential District. Following the Municipal Planning Commission's approval of the site plan, the property owner or developer must submit to the Municipal Planning Commission, for its review and approval and for recording with the Office of the Clerk of the Superior Court of Walker County, a plat of the property to be included in the Office Residential District, prepared by a professional engineer or surveyor licensed in the State of Georgia. The plat shall include all information specified above for the site plan, other than information regarding buffers and the dimensions of parking spaces, and shall eliminate all interior lot lines. The preparation of the site plan and plat, and the recording of the plat, shall be at the sole expense of the property owner or developer.

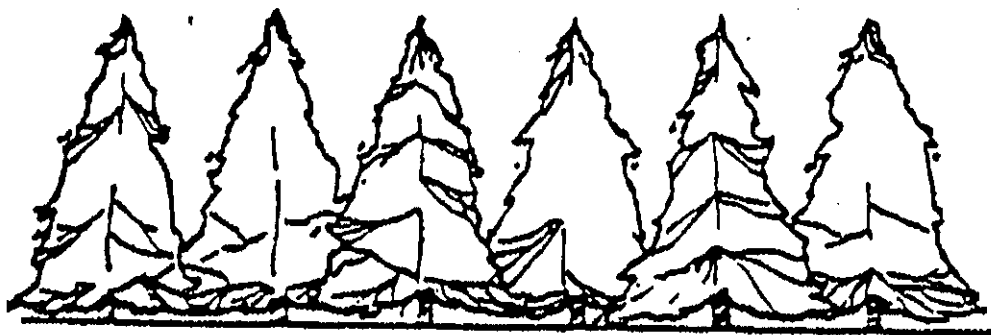
7. Buffers. When the lot or parcel upon which a building in the Office Residential District is constructed or already exists adjoins or is directly across the street from property in a residential district, a twenty (20) foot buffer measured from all lot lines adjoining or across the street from the residential zone(s) shall be required. Buffers shall meet the following requirements:

(a) The required buffer shall consist of plantings or earthen berms which meet the screening standards set forth below.

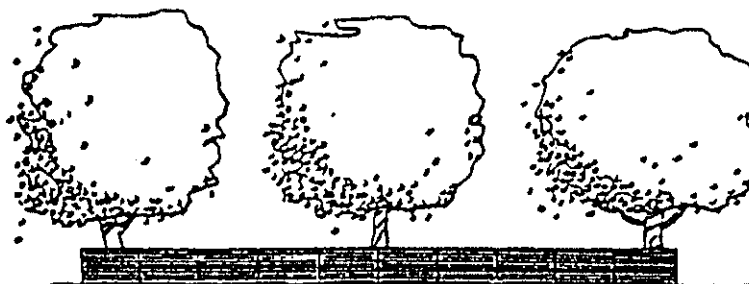
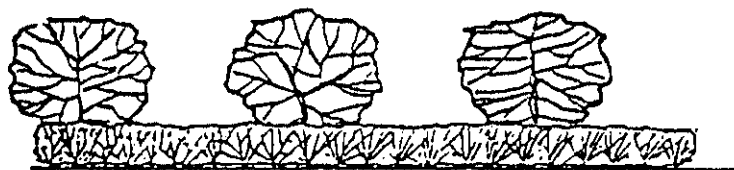
(b) Screening Standards. Screening is a method of visually shielding or obscuring one use from another by densely planted vegetation or earthen berms.

Plantings. Plantings shall consist of either trees or shrubs or any combination of both. Planted areas shall be located along the abutting property lines or in areas that will provide the best screening effectiveness.

If trees or large shrubs are used solely as the screening device, they shall be any evergreen species from the list provided by the Municipal Planning Commission which, under normal growing conditions, will attain a minimum height of eight (8) feet and a canopy spread of ten (10) feet within four (4) years. They shall be planted a minimum twenty (20) feet on center as shown in the following illustration.



If trees are used in combination with shrubs, small trees shall be planted thirty (30) foot on center, and large trees forty (40) foot on center. Shrubs shall be any evergreen species from the list provided by the Municipal Planning Commission (or satisfying local horticultural requirements") planted four (4) feet on center as shown in illustrations below. Shrubs shall initially be of any size, which would normally attain a minimum height of six (6) feet within three (3) years after planting.



Berms. Earthen berms may only be used as buffers in conjunction with landscaping and shall not be the sole screening device used.

(c) Buffer Design. All buffers required by this section shall conform to the following specifications:

(i) Prior to any new development or to any rezoning of property for the Office Residential District, a buffer plan shall be required to show the types and locations of all plantings and earthen berms (if any) within a required buffer. The buffer plan shall be incorporated as part of the site development plan required for the Office Residential District.

(ii) Landscaping within buffer areas shall be used to screen objectionable views or nuisances, such as parking and service areas, refuse containers, air conditioning units and transformers.

(iii) Existing on-site trees may be credited as meeting the requirements of this section if the Municipal Planning Commission determines that such plant materials achieve the purposes of this section.

(d) Location of Buffers. Buffers shall be located on the outer perimeter of a lot or parcel along all lot lines adjoining or directly across the street from property in a residential district. The Municipal Planning Commission may require adjustments or modifications to buffers and/or their locations in order to provide the best screening effectiveness. Buffers shall not be located on any portion of existing, dedicated, or reserved public or private street right-of-way.

(e) Buffer Installation and Maintenance. Buffer areas shall be established and maintained by the property owner under the following provisions:

(i) A buffer shall be maintained as a planted area, using existing vegetation or, when required, additional plantings.

(ii) A buffer shall be landscaped with trees, shrubs, flowers, grass, stone, rocks and other landscaping materials. To preserve the intended mitigation purpose of the buffer relative to adjacent properties, regularly scheduled maintenance of the buffer is required, including but not limited to possible replacement of a dead or diseased plant(s), fertilization, mowing grass, pruning, replenishing ground cover, and general care.

(iii) A buffer shall not be used for parking or a structure other than drainage improvements required by the City. However, a buffer may be used as utility easement and for drainage improvements or storm water retention as required by the City.

(iv) Except as provided above, the natural topography of the land shall be preserved and natural vegetation shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin vegetation where it is too dense for normal growth, or to remove diseased, misshapen or dangerous and decayed timbers. The latter sentence shall not be construed to provide an exemption from the general care and maintenance of the buffer as required above. However, a slope easement may be cleared and graded where required to prevent soil erosion upon approval by the Municipal Planning Commission; such easement may cover no more than twenty percent (20%) of the required buffer area, and shall be immediately replanted upon the completion of easement improvements.

(v) Where the conditions described in the preceding subparagraph cannot be met by reason of topography, or the prior approval of or lack of timber and foliage, the owner of said buffer area shall erect a screen of evergreen plantings, so designed and developed to provide visual screening between the properties as described in the other provisions of Paragraphs 6(b) and 6(c) above.

(vi) All buffers shall be designated on plats and recorded as permanent easements.

(f) Surety for Buffer Installation. Prior to the issuance of a certificate of occupancy for a building in the Office Residential District (including a certificate of occupancy for a new building or for a change in use of an existing building), the owner or developer shall provide a surety for all required buffer materials such that the owner or developer shall guarantee any required work for a period of at least one (1) year after the date of issuance of the certificate of occupancy or the installation of plantings for the buffer, whichever is later. No certificate of occupancy shall be issued for any use until the required buffer is either fully installed and approved or guaranteed for installation in accordance with the following paragraphs.

When the date for issuing the certificate of occupancy does not coincide with the planting season that is necessary to install the required buffer, the Municipal Planning Commission shall accept a letter of credit or other acceptable surety in the name of the City of Lookout Mountain for the buffer installation. Such surety shall be in an amount and form satisfactory to the Municipal Planning Commission and shall certify the following:

(i) That the creditor does guarantee funds in an amount to cover the cost of installing the required buffer as estimated by the owner or developer and approved by the Municipal Planning Commission. The guaranteed amount accepted by the Municipal Planning Commission shall equal the actual buffer costs (plants plus installation), plus fifteen (15) percent in the event of default.

(ii) That in the case of failure on the part of the owner or developer to complete the specified improvements within six (6) months of the issue date of the credit,

the creditor shall pay to the City of Lookout Mountain immediately and without further action such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

(iii) That the letter of credit or other acceptable surety may not be withdrawn or reduced in amount until released by the Municipal Planning Commission after the installed buffer has received a final inspection of approval.

(iv) Prior to the end of the first year after the buffer installation, the Municipal Planning Commission or City Building Official shall make an inspection and notify the owner or developer of any required replacement or restoration.

(C) Parking and Lighting Regulations.

1. Minimum and Maximum Number of Parking Spaces. At least one (1) but no more than two (2) parking spaces must exist for every one thousand (1,000) square feet of gross floor area of any building (excluding accessory buildings) now existing or hereafter erected in the Office Residential District. If the forgoing computations result in fractional minimum or maximum spaces, the spaces so computed shall be rounded up to the next whole number. Parking spaces in the Office Residential District shall be at least nine (9) feet wide and eighteen (18) feet long. Notwithstanding the foregoing, if the Municipal Planning Commission determines that any new building requires more or less parking space than the minimum and maximums prescribed herein, such amount of parking space as may be specified by the Municipal Planning Commission shall be provided. The Municipal Planning Commission may, in its discretion, require that parking areas in the Office Residential District be either paved or unpaved and may specify whether the parking areas are to be asphalt, concrete, gravel or other materials, taking into consideration such factors as the preservation of the residential character of the neighborhood, noise reduction, drainage, and stormwater runoff. Parking provided in the Office Residential District shall satisfy applicable requirements and standards of the Americans with Disabilities Act and other laws and regulations establishing accessibility standards for the benefit of individuals with disabilities.
2. Any outdoor lighting shall be equipped with full cut offs to direct light downward and to minimize glare, shadows, night sky pollution and excessive light levels.
3. The maximum mounting height of freestanding outdoor light fixtures in the Office Residential District shall be six (6) feet.

(D) Additional Restrictions

1. Business offices located in the Office Residential District may only be used by the owner of the property, its employees, and applicants for employment and shall not be open to the general public.
2. There shall be no exterior evidence that a building located in the Office Commercial District is being used for office or nonresidential purposes, other than a non-illuminated identification sign having an area of not more than two (2) square feet which shall be attached wholly to the building.
3. No commodities, equipment, or commercial materials may be stored outside any building located in the Office Commercial District.
4. No retail sales of any item may take place in the Office Commercial District.

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 the City of Lookout Mountain, Georgia, 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 January 13, 2022.



Member of City Council



Member of City Council

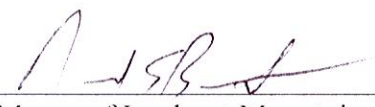


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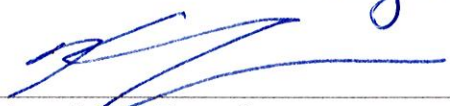
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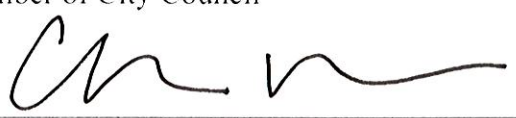


Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on February 10, 2022.



Member of City Council



Member of City Council

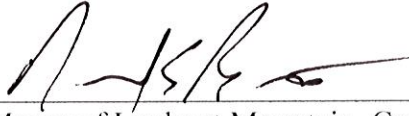


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Mayor of Lookout Mountain, Georgia

ATTEST:



City Clerk

