

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 201

AN ORDINANCE

To amend Ordinance No. 25 prescribing a zoning plan for the territory within the corporate limits of the City of Lookout Mountain and to add thereto a Single Family/Neighborhood Commercial District, to delineate the initial boundaries of said district, to set forth the uses permitted in said district, and for other purposes.

WHEREAS, the Council of the City of Lookout Mountain, Georgia, has determined that the creation of an additional district within the City in which offices and small businesses will be allowed is desirable, is in the best interest of the City, and will promote the prosperity and general welfare of the City; and

WHEREAS, the land identified below is appropriate for said uses and will constitute the initial boundaries of the new district, it being understood that additional land may be added to said district pursuant to amendment of the City's zoning ordinance initiated under the provisions of that ordinance;

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

Section 1. Article III, Section 10-2, on page 7 of Ordinance No. 25 is amended by deleting the first seven lines of said section (excluding the heading of the section) and substituting in lieu thereof the following:

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

- Single Family District
- 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

Section 2. Section 10-2 of Ordinance No. 25, as heretofore amended, is further amended by the addition thereto of a new paragraph (G), setting forth the boundaries of the Single Family/Neighborhood Commercial District, as follows:

(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 (9th) District and Fourth (4th) Section 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 Northwest 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.

Section 3. Section 10-2 of Ordinance No. 25 is further amended by deleting from paragraph (A) thereof the property described in new paragraph (G) above.

Section 4. Article IV of Ordinance No. 25 is amended by adding thereto a new Section 10-5.4, setting forth the uses permitted in the Single Family/Business Conference District, as follows:

Section 10-5.4--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.
- (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.

(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.

(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 Section 10-10.2 of the City's Zoning Ordinance (as amended by Ordinance No. 165), shall be fully applicable to the Single Family/Neighborhood Commercial District.

Section 5. 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 10-7 of Ordinance No. 25, as amended), as amended or supplemented by Section 10-10.1 of Ordinance No. 25.

Section 6. 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.

Section 7. 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.

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

Section 9. 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 March 21, 2002.

William P. Slawson
Member of City Council

Ken J. Hoff
Member of City Council

Samuel R. Pittman
Member of City Council

David L. Chandler
Member of City Council

Member of City Council

James L. Encision
Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED ON SECOND READING ON April 18, 2002.

D. Encision
Member of City Council

William P. Slawson
Member of City Council

Ken J. Hoff
Member of City Council

Member of City Council

Member of City Council

James L. Encision
Mayor of Lookout Mountain, Georgia

ATTEST:

Mary Kathie Herz
City Clerk