

## **CITY OF LOOKOUT MOUNTAIN, GEORGIA**

### **ORDINANCE NO. 328**

AN ORDINANCE to amend Chapter 30 of the Code of the City of Lookout Mountain, Georgia (the "City Code"), to amend the definition of "subdivision," to create new definitions of "major" and "minor" subdivisions, to streamline the process for approval of "minor" subdivisions, and for other purposes.

BE IT ORDAINED by the Council of the City of Lookout Mountain, Georgia, and it is hereby ordained:

**SECTION 1.** The definition of "subdivision" set forth in Chapter 30, Article I, Section 30-3 of the City Code is hereby deleted in its entirety and is replaced with the following:

*Subdivision* means any division of a tract or parcel of land into two or more lots, building sites, parcels, or other division for the purpose of sale or building development, whether immediate or future, including but not limited to all divisions of land involving the dedication of a new street or a change in existing streets. The word "subdivision" includes re-subdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided. Notwithstanding the foregoing, "subdivision" does *not* include any of the following:

- (1) The combination or recombination of portions of lots shown on subdivision plats previously recorded in the Office of the Clerk of the Superior Court of Walker County Georgia, where the total number of lots is not increased and the resultant lots meet all requirements and standards of the Zoning Ordinance of the City of Lookout Mountain; *provided, however*, that if the previously recorded plat was subject to approval by the planning commission under the provisions of this Chapter 30 of the City Code and any of the resultant lots do not meet the requirements of this Chapter 30, those lots must be clearly designated as "NOT LEGAL FOR BUILDING" on the new plat;
- (2) The division of land into parcels of five (5) acres or more where no new street is involved; or
- (3) The sale of all portions of a single, existing lot or parcel to an adjoining landowner for combination into one or more adjacent lots or parcels owned by the adjoining landowner, where the total number of lots or parcels is not increased and the resultant lots or parcels meet all requirements and standards of the Zoning Ordinance of the City of Lookout Mountain; *provided, however*, that if any of the lots are part of a subdivision that

was subject to approval by the planning commission under the provisions of this Chapter 30 of the City Code and any of the resultant lots do not meet the requirements of this Chapter 30, those lots must be clearly designated as "NOT LEGAL FOR BUILDING" on the new plat.

SECTION 2. Chapter 30, Article I, Section 30-3 of the City Code is further amended by the addition thereto of definitions of "major subdivision" and "minor subdivision" which shall read as follows:

*Major subdivision* means are all "subdivisions" that are not minor subdivisions (as defined in this section), including those that include any division of a tract or parcel of land into four (4) or more lots or parcels, which may or may not involve the construction of a new public or private street. Major subdivision also includes any subdivision, regardless of the number of lots or parcels, that involves the construction of a new public or private street, public water extensions, sewer service extensions, or other utility extensions.

*Minor subdivision* means any division of a lot or parcel into four (4) or fewer building sites, parcels, or other divisions (or redivision of the same parcel which alters lot lines) where the current lot and all resulting lots front upon an existing public road, which does not require any new or improved road, public water, sewer service, or other utility extensions, and which is not otherwise in conflict with any applicable provision of this chapter or the requirements and standards of the Zoning Ordinance of the City of Lookout Mountain. Such a minor subdivision may be approved by the planning commission following review and recommendation of the Building and Land Use Administrator.

SECTION 3. Chapter 30, Article V of the City Code is amended by the addition thereto of a new Section 30-113 which shall read as follows:

Sec. 30-113. The provisions of this Article V shall be applicable to all major subdivisions but shall not apply to minor subdivisions. Minor subdivisions may be approved by the planning commission following review and recommendation of the Building and Land Use Administrator. The subdivision plat shall be in such form and content as is from time to time determined by the planning commission.

SECTION 4. Chapter 30, Article VII of the City Code is amended by the addition thereto of a new Section 30-165 which shall read as follows:

Sec. 30-165. The provisions of this Article VII shall be applicable to all major subdivisions but shall not apply to minor subdivisions, except that the final plat of a minor subdivision must contain the engineer's or surveyor's certification, owner's

certification, certificate of approval for recording, and certificate of approval by the planning commission (all as set forth above) and such other information and certifications as the planning commission may require. Minor subdivisions may be approved by the planning commission following review and recommendation of the Building and Land Use Administrator. The subdivision plat shall be in such form and content as is from time to time determined by the planning commission.

SECTION 5. Chapter 30, Article IX of the City Code is amended by the addition thereto of a new Section 30-215 which shall read as follows:

Sec. 30-215. The provisions of this Article IX shall be applicable to all major subdivisions but shall not apply to minor subdivisions.

SECTION 6. Chapter 30, Article X of the City Code is amended by the addition thereto of a new Section 30-245 which shall read as follows:

Sec. 30-245. The provisions of this Article X shall be applicable to all major subdivisions but shall not apply to minor subdivisions.

SECTION 7. Chapter 30, Article XI of the City Code is amended by the addition thereto of a new Section 30-273 which shall read as follows:

Sec. 30-273. The provisions of this Article XI shall be applicable to all major subdivisions but with the exception of Section 30-268 (lot sizes for residential subdivisions), shall not apply to minor subdivisions.

SECTION 8. Chapter 30, Article XII of the City Code is amended by the addition thereto of a new Section 30-296 which shall read as follows:

Sec. 296. Notwithstanding the foregoing, the requirements of Sections 30-293 and 30-294 of this Article XII ("Enumerated" and "Drainage") shall only be applicable to major subdivisions and shall not apply to minor subdivisions.

SECTION 9. 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 10. Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 11. 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 12. Effective Date. This Ordinance shall be effective ten (10) days after its adoption and approval by at least three (3) members of the Council of the City of Lookout Mountain, Georgia, after two (2) readings at least one (1) week apart.

APPROVED on first reading on June 17, 2020.

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Member of City Council

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Member of City Council

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Member of City Council

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Member of City Council

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Member of City Council

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Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on June 25, 2020.

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Member of City Council

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Member of City Council

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Member of City Council

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Member of City Council

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Member of City Council

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Mayor of Lookout Mountain, Georgia

ATTEST:

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City Clerk