

PART I. MAJOR DEVELOPMENT PROJECTS: PLAN REVIEW AND APPROVAL PROCEDURES

Overview: The purpose of these procedures is to clarify requirements and process by which major development projects are reviewed and approved by the City of Lookout Mountain, Georgia. Construction, development, zoning, environmental and other requirements are set forth in the ordinances of the City of Lookout Mountain and applicable state laws and regulations, all of which are binding on property owners, contractors and developers. *Major development is defined as projects that are subject to the Soil Erosion Sedimentation and Pollution Control Ordinance (land disturbance within 200 feet of a state water or greater than one acre) or Post Development Stormwater Management Ordinances (greater than or equal to 5000 square feet impervious surface or identified as an area of concern due to downstream flooding) and require a Building Permit.* These procedures may be modified at any time to ensure compliance with current local regulations and community goals.

CONCEPT PLANNING AND ZONING

- Step 1. Meeting with City Manager or his designee** – The Applicant will meet with the City Manager or his designee to officially notify the City of his/her intentions to modify a specific property within the City limits and obtain guidance on development procedures and requirements.
- Step 2. Concept Plan** – The complexity of the project determines the level of detail required in the concept plan to be submitted for review. In general, a concept plan should illustrate the layout of the project, adjacent land uses, current zoning, location of nearby streams, steep slopes, etc. as appropriate. Building plans should include items identified in the notes section on the last page of this document. The City Manager or his designee will meet with the applicant to review the Concept Plan and identify any potential environmental, engineering and/or zoning issues of concern that should be addressed to ensure project success. A site visit may be included in this meeting to better illustrate the proposed project. If the City Manager determines that the proposed project does not have sewer or water capacity, additional engineering measures may need to be considered. Based on the complexity of the project, the City Manager or his designee, review of the architectural drawings and associated plumbing and electrical plans may also be completed at this time or more likely later after approval of the site development plan. **If the project requires rezoning, approval cannot be given until the rezoning is obtained.** Requests to rezone property require detailed review by the City of Lookout Mountain’s Municipal Planning Commission which may hold a public hearing and which makes a report and recommendation to the City Council. The City Council must then hold a public hearing on any rezoning request. If the request is approved by the City Council, the rezoning is effected by the adoption of a City ordinance after two readings. Variances from certain zoning requirements may be requested only under very limited circumstances described in Step 4. *This step requires submittal of a concept plan and payment of concept plan review fees.*
- Step 3. Planning Commission Review and Approval** – The applicant will prepare and submit a minimum of two copies of the Concept Plan to the City for use by the Municipal Planning Commission. If there are no identified issues of concern, architectural drawings that include items listed in the notes section of this guidance may also be submitted at this time. Materials should be submitted at least 7 days prior to the scheduled meeting to allow time for plan review by Commission Members and public notification. All application fees and property taxes must be paid prior to scheduling on the Planning Commission meeting calendar. The applicant will present the Concept Plan to the Planning Commission which will evaluate the project including but not limited to: dimensions; setbacks, topography, the natural features

of the site; proper erosion and sediment control provisions; and a determination of the proposed use in accordance with local laws and regulations (including zoning). The Planning Commission will vote for approval/denial (with or without conditions), and results will be noted in meeting minutes. Minor plans that are determined not to meet City requirements may be modified and resubmitted. *The applicant must submit a minimum of two copies of the Concept Plan and pay the appropriate fees. All approvals or denials shall be documented in the minutes of the Planning Commission meeting.*

Step 4. Appeal to Board of Zoning Appeals (if needed) - Under limited circumstances described in the City of Lookout Mountain's Ordinance No. 116, the applicant may appeal the decision of the Planning Commission to the City of Lookout Mountain's Board of Zoning Appeals. In general, such appeals are only permitted in individual cases of unnecessary hardship when (a) there are extraordinary and exceptional conditions pertaining to the particular piece of property because of its size, shape or topography; (b) the application of the zoning ordinance to particular piece of property would create an unnecessary hardship; (c) such conditions are peculiar to the particular piece of property involved; and (d) relief if granted would not cause substantial detriment to the public good or impair the purposes and intent of the zoning ordinance. Appeals to the Board of Zoning Appeals are also permitted if there is an alleged error in the Planning Commission's interpretation or enforcement of the zoning ordinance and in other limited cases where the Board of Zoning Appeals is required to make determinations under the zoning ordinance. **Variations may not be granted for uses which are prohibited by the zoning ordinance.**

The Concept Plan should be submitted at least 7 days prior to the scheduled meeting of the Board of Zoning Appeals to allow time for plan review and for public notification. All application fees and property taxes must be paid prior to scheduling on the meeting calendar. The applicant will present the Concept Plan to the Board of Zoning Appeals for consideration and must demonstrate that special circumstances justifying a variance exist. Any variances granted shall not establish a precedent for any future case. Applicants are encouraged to seek support from neighbors for variance requests. Letters written by adjacent property may be considered by the Board of Zoning Appeals but are not determinative. Variations may only be granted if the applicant demonstrates that the conditions and requirements set forth in Ordinance No. 116 exist and have been satisfied. *Applicant to submit minimum of two copies of the Concept Plan and pay appropriate fees. All approvals or denials shall be made in writing, stating the specific reasons therefore.*

Step 5. Site Development/Construction Plan Submittal – After approval of the Concept Plan by the Planning Commission, the applicant will prepare and submit up to six (6) copies of detailed construction plans, hydrology studies (2 copies only), architectural drawings, etc., and pay appropriate fees to the City. Incomplete applications or completed applications without full payment of application fees and property taxes will not be accepted for processing. The City Manager or his designee and City Engineer, Building Official, and Chief of Fire and Police will evaluate the site development/construction plans and hydrology report to determine if the project is in accordance with local laws and regulations. All resulting approvals or denials shall be made in writing, stating the specific reasons therefor. The City's approval in no way affects the authority of external agencies to issue their own permits for any aspect of the land development process which are within their respective jurisdiction. Final plans that are determined not to meet City requirements may be modified and resubmitted. *Applicant to submit up to six (6) copies of site development/construction plans and pay appropriate plan review fees.*

Step 6. External Construction Plan Review – Once preliminary approval of the plans is obtained from the City Manager, the applicant shall send additional plans to appropriate agencies such as the: Georgia

Environmental Protection Division; Georgia Department of Transportation (GDOT), and/or Walker County Board of Health (as appropriate) for review. External review should not be initiated without approval by the City to avoid resubmittal of plans to external agencies due to non-approval by the City of Lookout Mountain. The City's approval in no way affects the authority of external agencies to issue their own permits for any aspect of the land development process within their respective jurisdiction. *City Manager to send email or letter to applicant approving initiation of external review of development plans with a copy of the email or letter in the project file.*

Step 7. Final Major Construction Plan Approval/Denial – If the City Manager or his designee is satisfied that the final construction plans meet all jurisdictional requirements, then the applicant will present the project to the Planning Commission for final consideration. If approved, the City Manager or his designee will issue a Conditional Land Disturbance Permit Letter to the applicant listing any remaining construction requirements such as: submittal of a signed stormwater facility maintenance agreement; erosion and sediment control bond; and final fees. If final construction plans are denied, the applicant can appeal the decision to the City Council. All approvals or denials shall be made in writing, stating the specific reasons therefor. *If approved, the City issues a conditional land disturbance approval letter listing all items to be submitted prior to issuance of land disturbance permit.*

Step 8. Issue Conditional Project Approval Letter – Once the Planning Commission approves the Concept Plan/Construction Drawings, the City Manager or his designee will issue the Conditional Project Approval Letter that lists all requirements with respect to demolition, stormwater best management practices, building inspections, permits, fees, and any other requirements related to the project. If the project involves land disturbance, a Preconstruction Meeting will be held at which a Land Disturbance Permit may be issued giving the applicant approval to begin work. If the project includes construction of a structure(s), all building fees must be paid prior to issuance of a building permit. *City issues a Conditional Project Approval Letter and then a Land Disturbance Permit and Building Permit after payment of applicable fees, as appropriate.*

PART II. MAJOR DEVELOPMENT PROJECTS: CONSTRUCTION SITE INSPECTION AND APPROVAL PROCEDURES

Please refer to the Construction Site Plan Review and Approval Process flowchart for a schematic of the following process.

LAND DISTURBANCE/BUILDING ACTIVITIES

Step 9. Site Development/Building Construction – The applicant is required to install and maintain all erosion and sediment control best management practices (BMPs) prior to and during all phases of construction. The applicant is encouraged to develop the site in phases in order to minimize exposure of soils and potential sediment runoff during rain events. The City Manager or his designee will conduct regular inspections at the site throughout project. If the City Manager or his designee observes poor installation, inadequate maintenance, mud in the road or stream, and/or if the erosion and sediment plan is not being followed, the City will issue a Notice to Comply, Notice of Violation, Stop Work Order and/or refer the problem to the Environmental Protection Division (EPD), as appropriate. *City will document all site inspections and results using approved form and photograph problem issues.*

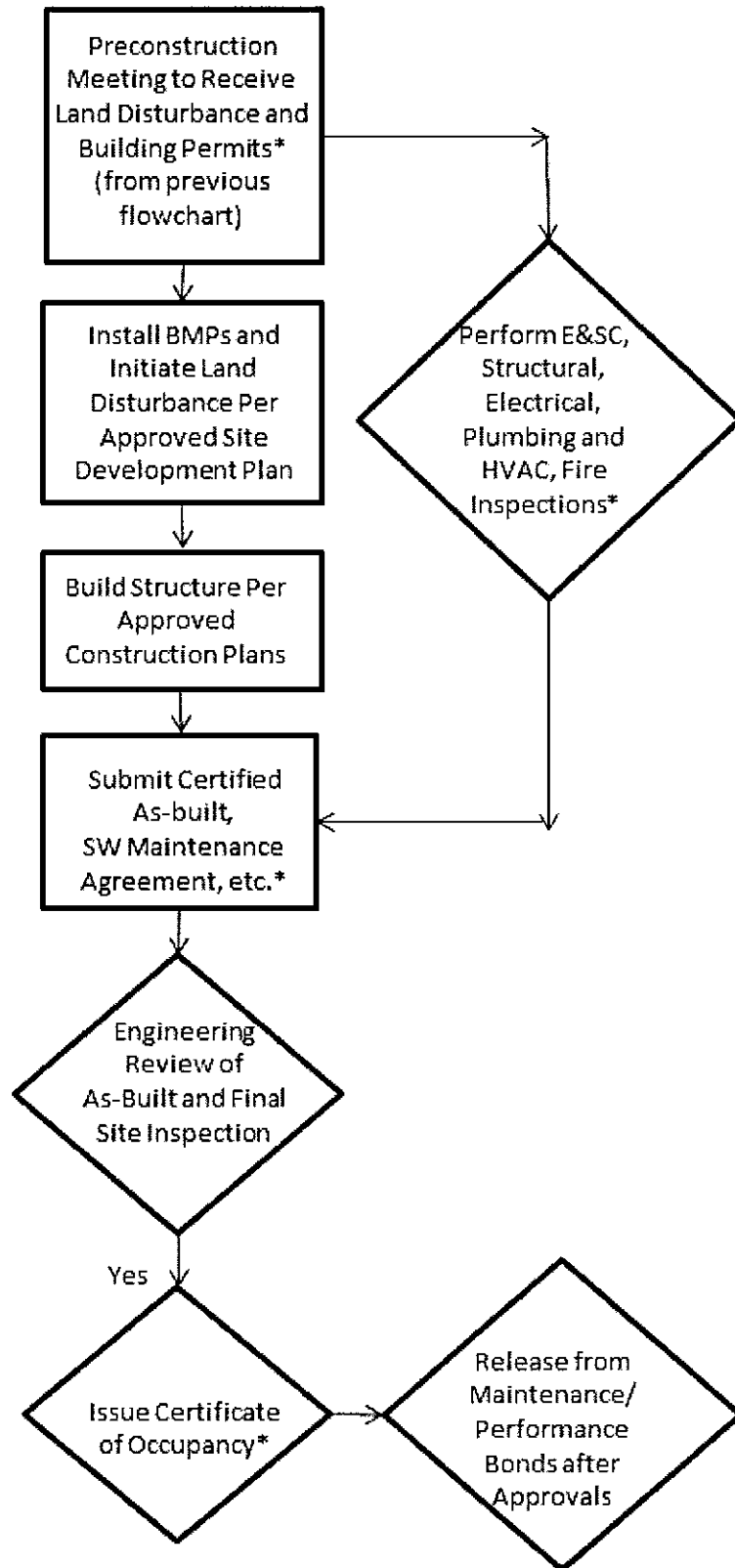
- Step 10. Building Inspections** – After the building permit is issued, the City Manager or his designee will conduct regular inspections during all phases of the project to ensure compliance with the latest edition of the Building Codes and other local, state and federal laws. Required inspections include, but are not limited to: temporary electrical power; footing; dry-in; electrical; plumbing; HVAC; insulation; and final inspection. *City will document all building inspections and results.*
- Step 11. “As Built” Plan Review and Final Inspection** – Up to three copies of the as-built plan (in hard copy, pdf and AutoCAD format) prepared and certified by a registered land surveyor or professional engineer shall be submitted to the City at the time final inspections are conducted. The as-built plans will be reviewed by the City Manager, City Engineer, and/or Building Official, as appropriate. Maintenance agreements for all stormwater management facilities (SWMF) must be signed by both the developer and City and recorded at the Office of the Walker County Superior Court Clerk. The acceptance of as-built plan and recorded maintenance agreements shall be a prerequisite to final construction acceptance, erosion bond release, and the issuance of a final Certificate of Occupancy. All approvals or denials shall be made in writing, stating the specific reasons therefor. *Applicant to submit digital as-built, signed and recorded maintenance agreement and pay appropriate fees.*
- Step 12. Site/Subdivision Performance Bond** – The applicant is responsible for ensuring that all infrastructure (e.g., stormwater detention ponds, streets, etc.) is functioning effectively for a period of two years from the date at which the site/subdivision is registered at the Office of the Walker County Superior Court Clerk. *Applicant to submit completed Performance Bond Application and Fee (only applicable to subdivisions)*

Step 13. Obtain Occupancy Permit – A Certificate of Occupancy will be issued by the City Manager or his designee after all final site and building inspections have been completed, approval of the as-builts have been issued, as well as performance bonds submitted and all fees have been paid. A performance bond, supported by an acceptable form of guarantee, shall be required on all projects that require public infrastructure including, but not limited to, streets, sidewalks, water, sewer, drainage facilities and improvements, parks and open space, and any other improvements that become the property of the City of Lookout Mountain for future maintenance purposes.

Step 14. Release from Maintenance/Performance Bonds – The Erosion and Sediment Control Maintenance Bond will be released after final stabilization of the site and submittal of NPDES Permit Notice of Termination (NOT) and approval by the City Manager or his designee. At approximately 22 months, the City Manager or his designee will conduct a final inspection of the subdivision to make sure the infrastructure is meeting all local and state regulations. If so, the applicant will be released from the Performance Bond or other form of security by written notice from the City Manager or his designee in consultation with the City Attorney. *The City to issue a letter releasing the ESC Bond after site stabilization and submittal of NOT, and a second letter releasing the Performance Bond after approval of 24-month infrastructure inspection.*

MAJOR DEVELOPMENT SITE INSPECTION AND APPROVAL FLOW CHART

* PAYMENT OF FEES REQUIRED



Version: 4/10/15

ADDITIONAL NOTES ON MAJOR DEVELOPMENT/CONSTRUCTION PROJECTS

Land Development Permit Requirements

- a. All federal, state permit requirements must be met and are the responsibility of the developer/builder/property owner and not the City of Lookout Mountain).
- b. An NPDES Soil Erosion-, Sedimentation and Pollution Control Permit is required for any subdivision or commercial project located within 200 feet of a state waters or a project with one acre or more land disturbance. A local Land Disturbance Permit is required for any project disturbing greater than 400 square feet.
- c. Post Development Stormwater Management Plan approval for projects resulting in greater than or equal to 5000 square feet impervious surface or identified as an area of concern due to downstream flooding.
- d. Stream buffers may not be disturbed within 25 feet of state waters (perennial and intermittent streams) unless a variance is issued by GA EPD and the City of Lookout Mountain.
- e. An Erosion and Sedimentation Control Maintenance Bond, Performance Bond and/or Stormwater Control Structure Maintenance Agreement may be required depending upon the specifics of the project.

All development/construction projects regardless of size must ensure that no pollutants and/or trash enters the City's storm sewer system, roads or nearby streams.

Concept Plan Requirements

- a. The Property Owner shall provide a minimum of two sets of all of the following information: Owner's name, address and phone number; address of the proposed project; General Contractor's name, address, phone number, Georgia Contractor's license number and expiration number; and proof of insurance coverage by the Contractor for this specific project.
- b. Unless required by law, it is not necessary for drawings to be provided by a registered Architect. However, the drawings must be to scale, clearly legible, and complete enough for the Building Official and the Planning Commission members to make an educated assessment of compliance with Zoning and Building Code regulations.
- c. Unclear or incomplete drawings will not be accepted. The Property Owner will be required to resubmit drawings that meet acceptable standards.
- d. At the very minimum a site plan, floor plans, exterior elevations, a foundation and framing plans for each level, a roof plan, and a clear description of exterior materials to be used must be submitted as follows.
- e. A site plan showing the location of the proposed project in reference to all property lines and indicating compliance with City Building Setback requirements. All existing and new structures and fences shall be shown and located by dimension in reference to existing property lines. This drawing may be a plat from the Owner's deed documents, with notes as needed to clearly and convincingly show compliance with setback requirements. In cases where the Owner is proposing a structure that is very close to or in violation of required setbacks, a boundary survey by a registered Surveyor should be provided.
- f. Floor plans of each level showing new and existing work, dimensions, and notes needed to clearly describe the scope of the work to be performed, the materials used, and the appearance of finishes.

- g. Exterior Elevations showing existing and new work. Indicate materials to be used.
- h. A Foundation Plan showing location of all footings around and within the structure. In most cases it must be prepared by a Registered Structural Engineer, especially in cases where retaining walls are required due to site conditions. (Please contact the Building Official for verification).
- i. Typical Wall Sections showing materials, structural members, heights, etc. as needed to describe the work being performed.
- j. Where plans are purchased through a Plan Service or Magazine or other generic source are used to construct a structure, the Property Owner is required to provide "Site Specific" information, including a Site Plan, Engineered Specific Foundation Plan, and other documents that may be necessary to show to adaptability of the stock plan to the specific location. Absence of such information will require rejection by the Building Official.
- k. One set of this information shall be returned to the Owner for his records, and one set retained by the Building Official for the City's records.

Building Setback Requirements

- a. No structure may be located closer to the property line than indicated below. In many cases lots are large enough that there is no real concern with building over the setback line. In these cases, it is not necessary for the Owner to provide a survey of the property, or stake the corners for verification. However, in those cases where the new work may encroach, the Owner shall, at the Building Official's discretion, provide proof that the setback lines are not violated.
- b. The total amount of impervious surfaces on a given property shall not exceed 25% of the property area.
- c. Accessory buildings. Pools, storage buildings and any other structures (as defined in the Zoning Ordinance), shall not encroach over the building setback lines.
- d. Building setback lines shall be as follows (proof may be required):
 - Front Setback: 30 feet.
 - Rear Setback: 25 feet.
 - Side Setbacks: 15 feet.
 - Corner lot Front Setbacks: 35 feet on each street.
 - Through Lots: 35 feet at each end facing a street.

Fence Requirements

- a. All proposed fences require a Building Permit, regardless of location on the property, type, or size.
- b. Property Owners are encouraged to seek support from neighbors for proposed fences. Letters written by adjacent property owners in support of or in opposition to proposed fences are given significant consideration by the Planning Commission but are not determinative.
- c. Property Owners are required to obtain a copy of the City's fence ordinance prior to submittal of documents for approval.
- d. Property Owners must prove that the proposed fence does not pose a public nuisance by blocking sight lines to oncoming traffic, etc.
- e. All swimming pools shall be enclosed with a fence that is a minimum of four feet tall with an automatic latch. There are other specifics to pool fences that must be met. Regulations are available on the City's web site or at City Hall.