

**CITY OF LITHONIA
STATE OF GEORGIA**

ORDINANCE NO. 2020-TA-001

1 AN ORDINANCE TO AMEND PROVISIONS OF THE ZONING CODE OF THE
2 CITY OF LITHONIA, GEORGIA TO ADOPT ADDITIONAL REGULATIONS FOR
3 OPERATION OF SPECIAL EVENTS FACILITIES WITHIN THE CITY; TO PROVIDE FOR
4 SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE AN EFFECTIVE
5 DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER LAWFUL
6 PURPOSES.

7
8 **WHEREAS**, the duly elected governing authority of the City of Lithonia, Georgia
9 (“City”) are the Mayor and Council thereof; and

10 **WHEREAS**, the governing body is authorized by Article IX, Section II, Paragraph IV of
11 the Georgia Constitution and O.C.G.A. § 36-66-61 *et seq.* to exercise its police power to enact
12 zoning ordinances and regulations as to the use of property within the City; and

13 **WHEREAS**, the Mayor and Council find that the City’s dedicated downtown area is
14 designed to support future commercial development of a variety of business entities; and

15 **WHEREAS**, the Mayor and Council find that the relative size of the downtown area
16 requires limitations on certain businesses whose location may provide less space for the
17 emerging market pressure for new consumer goods and services as is designated by the
18 Comprehensive Plan; and

19 **WHEREAS**, the Mayor and Council find that that proliferation of event facilities in such
20 a small commercial corridor has a deleterious effect on future commercial development as
21 envisioned by the Comprehensive Plan and, therefore, determine the need to further regulate said
22 uses; and

23 **WHEREAS**, the Mayor and Council have held a properly advertised public hearing
24 pursuant to the Zoning Procedures Act prior to adoption of this Ordinance; and

25 **WHEREAS**, the revisions to these regulations will protect the public health, safety and
26 general welfare of the City of Lithonia and all its citizens.

27 **NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE**
28 **COUNCIL OF THE CITY OF LITHONIA, GEORGIA**, and by the authority thereof:

29 **Section 1.** **The City of Lithonia Zoning Ordinance, Article II (Zoning**
30 **Categories), Division 25 (C-1 Local Commercial), Section 27-588 (Form Based Code) is**
31 **hereby revised to amend Section 7 of the Form Based Code (“Scheduled of Uses”),**
32 **subsection “C” to read as follows:**

33 “C. Special Land Use (S): Land and/or buildings may be permitted only if a Special
34 Land Use Permit is granted upon a finding that all applicable requirements as specified in
35 Sec. 27-873 are met.”
36

37 **Section 7 of the Form Based Code is further revised by amending Table 10-2,**
38 **Entertainment and Hospitality Use, Special Events Facility sub-use, to change allotted use**
39 **in all Form Based Code districts from “P” (permitted) to “S” (Special Land Use).**

40
41 **Section 2.** **The City of Lithonia Zoning Ordinance is hereby further revised by**
42 **amending Article IV (Supplemental Regulations) by adding new Section 27-802**
43 **(Regulation of Special Events Facilities) to read as follows:**

44 Sec. 27-802. Regulation of Special Events Facilities.

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46 The following regulations shall apply to all special events facilities within the City of
47 Lithonia:
48

49 (a) No person shall conduct business as a special events facility or maintain an
50 establishment for the purpose of conducting business as a special events
51 facility until an occupation tax certificate has been obtained from the City

52 Clerk upon granting of a Special Land Use Permit by the Mayor and City
53 Council.

54
55 (b) There shall be allowed a total of one (1) Special Events Facility for every one
56 thousand (1,000) persons residing within the City of Lithonia. It is the intent
57 of this provision to authorize a maximum of one (1) special events facility if
58 the population of the City of Lithonia as determined by the most recent
59 decennial census is 0 – 1,999; a maximum of two (2) special events facilities
60 if the population is 2,000 – 2,999, etc.

61
62 (c) In the event a permittee that is otherwise legally nonconforming with the
63 provisions of subsection (b) ceases operations for at least six (6) months, does
64 not obtain a valid occupation tax certificate for any tax year, or otherwise
65 abandons the use on the property, and the number of such other legally
66 operating special events facilities continues to meet or exceed the limit
67 prescribed in subsection (b) above, no further occupation tax certificates for
68 another special events facility shall be granted on the abandoned property or
69 any other property in the City until the number of such validly permitted
70 facilities decreases below the limit established herein.

71
72 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
73 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
74 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

75 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
76 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
77 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
78 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
79 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
80 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
81 of this Ordinance.

82 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
83 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
84 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the

85 express intent of the Mayor and Council that such invalidity, unconstitutionality or
86 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
87 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
88 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
89 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
90 enforceable, and of full force and effect.

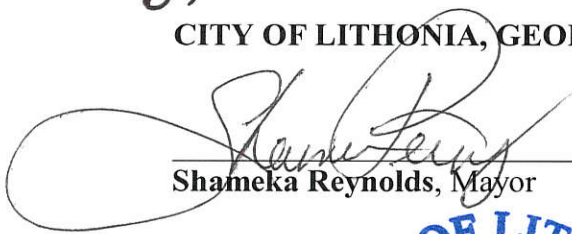
91 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby
92 expressly repealed.

93 **Section 5.** Penalties in effect for violations of the Code of Ordinances, City of Lithonia,
94 Georgia at the time of the effective date of this Ordinance shall be and are hereby made
95 applicable to this Ordinance and shall remain in full force and effect.

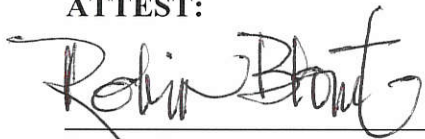
96 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless
97 otherwise specified herein.

ORDAINED this 3rd day of February, 2020.

CITY OF LITHONIA, GEORGIA


Shameka Reynolds, Mayor

ATTEST:


Robin Blount, Interim City Clerk

APPROVED BY:


City Attorney

