

CITY OF LITHONIA

STATE OF GEORGIA

ORDINANCE NO. ZO- 19-02-01

1 AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF LITHONIA,
2 GEORGIA TO REZONE A CERTAIN PARCEL OF REAL PROPERTY LOCATED ON
3 BRUCE STREET; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR
4 CODIFICATION; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING
5 ORDINANCES; AND FOR OTHER LAWFUL PURPOSES.

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

8 **WHEREAS**, the Mayor and Council, desire to rezone the parcel of real property located
9 at 2449 Bruce Street, Lithonia, DeKalb County, Georgia 30058 (DeKalb County Tax Parcel
10 Identification Number: 16 153 07 038) from R-60 (Single Family Residential) to O-I (Office-
11 Institution District) zoning designation, subject to certain conditions; and

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

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

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

18 **Section 1.** The parcel of real property located at 2449 Bruce Street, Lithonia, DeKalb
19 County, Georgia 30058 (DeKalb County Tax Parcel Identification Number: 16 153 07 038), is

20 hereby rezoned to O-I (Office-Institution) zoning designation, subject to the following
21 conditions:

- 22 A. Grading of the site as required for development will be accomplished, including
23 the area encompassed within the planned transitional buffers.
- 24 B. Transitional buffers along the side property lines shall have a minimum width of
25 25 feet as depicted on the submitted site plan and shall feature a berm having a
26 minimum average height of three (3) feet to enhance the screening function of
27 these buffers. The transitional buffer along the rear property line shall have a
28 minimum width of 50 feet in compliance with the Ordinance.
- 29 C. Trees will be removed from the site, including from transitional buffer areas; the
30 buffers shall be replanted with a 50 percent mix of evergreen trees and evergreen
31 tree form shrubs. Remaining trees and shrubs may be deciduous species. Certain
32 portions of the buffers will be grassed or stabilized using other ground covers and
33 mulches. All trees and tree form shrubs shall yield transitional buffers having a
34 minimum height of six (6) feet at the time of planting and sufficiently dense to
35 produce a virtually opaque screen at maturity of the plant materials.
- 36 D. No fencing shall be required.
- 37 E. No detention pond shall be located within a transitional buffer.
- 38 F. The parking requirement established in Sec. 27-496. *Off-street parking*
39 *requirement*, subsection (j) of the O-I District which provides “Public swimming
40 pool, golf course, neighborhood recreation center, or similar use: Twenty (20)
41 spaces except that an eighteen-hole golf course shall have forty (40) spaces” shall
42 apply to the property.
- 43 G. The site plan and remaining elements of the site plan shall not be construed to be
44 conditions of the rezoning.

45
46 **Section 2.** The rezoning of said property is indicated on the map attached hereto as
47 Exhibit “A” and is incorporated herein by reference. The rezoning indicated in Section 1 herein
48 and in Exhibit A attached hereto is to be noted on the Official City of Lithonia Zoning Map
49 approved by the Mayor and Council as soon as reasonably possible following adoption of this
50 Ordinance.

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

54 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
55 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
56 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
57 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
58 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
59 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
60 of this Ordinance.

61 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
62 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
63 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
64 express intent of the Mayor and Council that such invalidity, unconstitutionality or
65 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
66 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
67 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
68 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
69 enforceable, and of full force and effect.

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

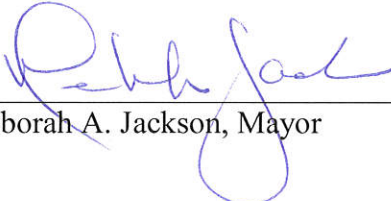
72 **Section 5.** Penalties in effect for violations of the Code of Ordinances, City of Lithonia,
73 Georgia at the time of the effective date of this Ordinance shall be and are hereby made
74 applicable to this Ordinance and shall remain in full force and effect.

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

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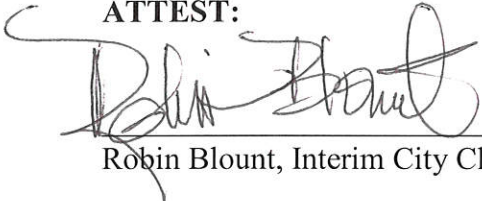
ORDAINED this 4th day of March, 2019.

CITY OF LITHONIA, GEORGIA



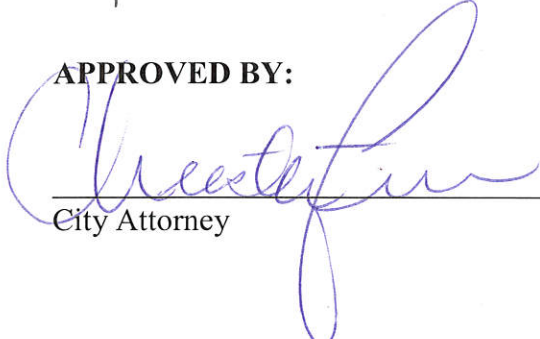
Deborah A. Jackson, Mayor

ATTEST:



Robin Blount, Interim City Clerk

APPROVED BY:



City Attorney