

**CITY OF LITHONIA  
STATE OF GEORGIA**

**ORDINANCE NO. ZO-19 02-03**

1 AN ORDINANCE TO AMEND SECTION 27-731 (ACCESSORY BUILDINGS,  
2 STRUCTURES, AND USES), ARTICLE IV (SUPPLEMENTAL REGULATIONS), OF THE  
3 ZONING CODE OF THE CITY OF LITHONIA, GEORGIA TO PERMIT ACCESSORY  
4 DWELLING UNITS FOR CERTAIN SINGLE FAMILY RESIDENTIAL DISTRICTS; TO  
5 PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE AN  
6 EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER  
7 LAWFUL PURPOSES.

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

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

14 **WHEREAS**, the Mayor and Council, upon review of the provisions of the Zoning  
15 Ordinance determined it necessary to revise said provisions to increase residential density in an  
16 effort to assist with housing affordability; and

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

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

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

23           **Section 1.**     The City of Lithonia Zoning Ordinance, Article IV (Supplemental  
24 Regulations), Section 27-731 (Accessory buildings, structures, and uses) is hereby amended to  
25 strike the former subsection (e) in its entirety and replace said subsection with the following  
26 language:

27           “(e) Except as otherwise provided for accessory dwelling units, accessory buildings in  
28 each single family residential zoning district, other than R-85, R-60, and R-50, shall not  
29 be used as separate dwelling units, shall not be connected to the public water or sanitary  
30 sewer system, and shall not contain a bathroom or a bedroom, or kitchen or other food  
31 preparation facility of any kind. Further, no such accessory building shall be rented or  
32 occupied for gain, and no accessory structure or building shall be used for a home  
33 occupation.”

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36           **Section 2.**     The City of Lithonia Zoning Ordinance, Article IV (Supplemental  
37 Regulations), Section 27-731 (Accessory buildings, structures, and uses) is hereby further  
38 amended to include the following language immediately following after the tablet inlet in  
39 subsection (j):

40           “(k) *Accessory Dwelling Units.* An accessory dwelling unit (“ADU”) may be established  
41 on any lot occupied by a single family dwelling or zoned in the R-85, R-60, and R-50,  
42 single-family zoning districts, subject to the following conditions and development  
43 standards:

- 44                     (1) *Minimum lot size.* The minimum lot size for establishment of an ADU  
45 shall be 6,000 square feet.
- 46                     (2) *Styles.* The architectural styles of ADUs shall reflect one of the City of  
47 Lithonia’s historic dwelling types.
- 48                     (3) *Floor Area.* ADUs shall have a minimum heated floor area of 384 square  
49 feet and a maximum heated floor area of 864 square feet. The area of a  
50 garage that is integral to an ADU shall not be used in calculating heated  
51 floor area; however, the combined heated and unheated floor area of an  
52 ADU shall not exceed the heated floor area of the principal dwelling.
- 53                     (4) *Maximum Height.* The height of an ADU as measured from the average  
54 adjacent grade along the front facing facade of the ADU to the peak or  
55 ridgeline of the roof of the ADU shall not exceed 24 feet or the height of  
56 the principal dwelling as measured from the average adjacent grade along  
57 the front facade to the peak or ridgeline of the roof of the principal  
58 dwelling, whichever is less.

59 (5) *Placement.* ADUs shall be limited to a maximum of one (1) ADU per lot,  
60 and shall be located to the rear of, and a minimum distance of twenty (20)  
61 feet from the principal dwelling on the lot and any principal dwelling on a  
62 neighboring lot. This distance shall be measured from outside wall to  
63 outside wall. The minimum setback for an ADU shall be 10 feet; however,  
64 where an ADU in a rear yard of a property abuts the side yard of an  
65 adjacent lot occupied by or zoned for a residential use, the minimum  
66 setback shall be 25 feet. This 25-foot setback shall not be required when  
67 the adjoining yard is a rear yard.

68 (6) *Parking.* One (1) parking space shall be provided to serve an ADU in  
69 addition to the four (4) parking spaces required to serve the principal  
70 dwelling.

71 (7) *Roof Specifications.* Roof type shall be gable or hip. Minimum roof pitch  
72 shall be 8:12. Roof dimension measured from the height of the eave to the  
73 height of the peak or ridgeline of the roof of the ADU shall not exceed the  
74 wall height of the ADU. Roofing materials shall consist of asphalt  
75 shingles, cedar shakes, tile, or metal roofing fabricated for roofing.

76 (8) *Architectural Character and Exterior Finish.* The architectural character  
77 and exterior finish materials of the ADU shall be consistent with that of  
78 the principal dwelling, except that the exterior finish materials of an ADU  
79 established on a lot containing a principal dwelling finished in brick may  
80 be consistent with the exterior trim work of the principal dwelling.

81 (9) *Standards for "Attached" Accessory Dwellings.* When an ADU is attached  
82 to the principal dwelling by a breezeway, passageway or similar means,  
83 the ADU shall comply with the setback of the principal dwelling to which  
84 it is an accessory. In order to qualify as an attached ADU, the ADU must  
85 share a common wall with the principal dwelling that is a minimum of 50  
86 percent of the wall length of the accessory dwelling or 12 feet, whichever  
87 is greater. Such common wall shall be an integral part of the principal  
88 dwelling. An attached ADU shall comply in all respects with the standards  
89 applicable to the principal dwelling.

90 (10) *Second Story Access.* Where applicable, access to the second story of an  
91 ADU shall be located within the interior of the ground floor area of the  
92 ADU.

93 (11) *Construction Standards.*

94 a. Building anchoring. Any ADU having a gross floor area  
95 greater than 288 square feet shall be secured to the ground  
96 with a full perimeter foundation adequate to prevent the  
97 structure from being moved or damaged by high winds.

98 b. Life safety codes apply. ADUs shall comply with all life safety  
99 and building code regulations adopted by the City of Lithonia.

100 (12) *Prohibited Accessory Dwelling Building Types.* Manufactured homes,  
101 mobile homes, shipping containers, freight trailers, box cars, trailers

102 or any other structure or vehicle not originally fabricated for use as an  
103 ADU shall be prohibited.

104 (13) *Principal Dwelling Pre-requisite to ADU.* No ADU shall be erected or  
105 placed on a lot that does not contain a principal dwelling. Building  
106 permits for a principal dwelling and an accessory dwelling may be  
107 issued concurrently. However, no certificate of occupancy for an ADU  
108 shall be issued prior to issuance of a certificate of occupancy for the  
109 principal dwelling.

110 (14) *Existing ADUs.* Any ADUs in existence prior to the adoption of this  
111 ordinance shall not be subject to the above conditions and standards,  
112 and shall not become nonconforming uses or buildings.

113  
114 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
115 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
116 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

117 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
118 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
119 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
120 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the  
121 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this  
122 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase  
123 of this Ordinance.

124 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
125 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise  
126 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the  
127 express intent of the Mayor and Council that such invalidity, unconstitutionality or  
128 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional  
129 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or  
130 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,

131 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,  
132 enforceable, and of full force and effect.

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

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

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

ORDAINED this 18<sup>th</sup> day of March, 2019.

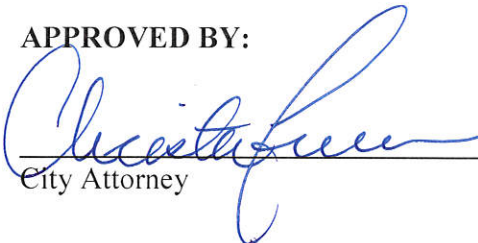
CITY OF LITHONIA, GEORGIA

  
\_\_\_\_\_  
Deborah A. Jackson, Mayor

ATTEST:

  
\_\_\_\_\_  
Robin Blount, Interim City Clerk

APPROVED BY:

  
\_\_\_\_\_  
City Attorney