



**CITY OF LITHONIA**  
**MINUTES – ZONING PUBLIC HEARING**  
**Tuesday, January 28, 2020 @ 6:00 PM**

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**I. Call to Order and Roll Call**

The Zoning Public Hearing was called to order at 6:37 PM by Mayor Shameka S. Reynolds. A roll call was taken and the following Council Members were present: Diane Howard, Darold Honore, and Ric Dodd. Lenny Felgin with the City Attorney's Office was present as well. Vanneriah Wynn and Amelia Inman were absent.

**II. Change to the Zoning Ordinance Text Amendments 2020-TA-001**

**A. Report from Bill Johnston, Zoning Administrator**

Bill Johnston, Zoning Administrator provided findings and recommendations concluding that the attorney will additionally include his findings in ordinance form for adoption during the next scheduled meeting on February 3, 2020.

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

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

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

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

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

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

(a) No person shall conduct business as a special events facility or maintain an establishment for the purpose of conducting business as a special events facility until an occupation tax certificate has been obtained from the City Clerk upon granting of a Special Land Use Permit by the Mayor and City Council.

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

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

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

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to

the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

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

**B. Presentation by Persons Opposed to the change (10 minutes allotted)**

No-one opposed was present.

**C. Presentation by Persons In-Favor to the change (10 minutes allotted)**

No-one in favor was present.

**D. Closing of Public Hearing**

The public hearing closed at 7:11 PM.

**E. Deliberation by Council on Zoning Administrator's Recommendations and Presentations**

Councilman Honore proposed that the amendments proposed by Bill Johnston are adopted to the form based code, and the attorney provide the ordinance in final format to place as an action item for the Feb 3, 2020 city council meeting.

**F. Decision**

Councilman Dodd motioned to extend Moratorium Resolution 19-12-01 set to expire January 31, 2020, an additional 30-day's thru February 29, 2020, unless otherwise earlier terminated; Councilman Honore seconded the motion; and the motion was approved by a vote of 3-0.

**III. Adjournment of Zoning Hearing**

Councilman Howard motioned to adjourn the Zoning Public Hearing; the motion was seconded by Councilman Honore; and the motion was approved by a vote of 3-0. The meeting was adjourned at 7:20 PM.