

10-0-1773

(Do Not Write Above This Line)

AN ORDINANCE BY ZONING COMMITTEE

Z-10-30

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE ATLANTA ZONING ORDINANCE FOR THE PURPOSE OF DEFINING FARMERS' MARKETS AS A PERMITTED USE; TO PROVIDE WHERE AND UNDER WHAT CONDITIONS SUCH USES SHALL BE PERMITTED; AND FOR OTHER PURPOSES

substitute

ADOPTED BY

SEP 06 2011

COUNCIL

- CONSENT REFER
REGULAR REPORT REFER
ADVERTISE & REFER
1st ADOPT 2nd READ & REFER
PERSONAL PAPER REFER

Date Referred 10/18/10

Referred To: ZRB/Zoning

Date Referred

Referred To:

Date Referred

Referred To:

Committee
Date
Chair
Referred To
First Reading

Committee
Date
Chair
Action
Members
Refer To

FINAL COUNCIL ACTION
2nd
1st & 2nd
3rd
Consent
V Vote
RC Vote

CERTIFIED
SEP 06 2011
COUNCIL PRESIDENT PROTEM

CERTIFIED
SEP 03 2011
Municipal Clerk

MAYOR'S ACTION
APPROVED
SEP 15 2011
BY OPERATION OF LAW



**SUBSTITUTE ORDINANCE  
ZONING COMMITTEE**

**10-O-1773  
Z-10-30**

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE ATLANTA ZONING ORDINANCE FOR THE PURPOSE OF DEFINING FARMERS' MARKETS AS A PERMITTED USE; TO PROVIDE WHERE AND UNDER WHAT CONDITIONS SUCH USES SHALL BE PERMITTED; AND FOR OTHER PURPOSES.**

**WHEREAS**, within the City there is an increased interest and demand for access to locally grown and raised food; and

**WHEREAS**, the Mayor's Office of Sustainability seeks to promote policies for a sustainable future growing, developing and consuming with the least possible impact on nature; and

**WHEREAS**, the City desires to increase access to healthy, local, and affordable foods; encourage community-building; and support local agriculture and economic development; and

**WHEREAS**, such goals can be accomplished by providing producers of locally grown and raised food the ability to directly reach residents without requiring that such products be sold in fixed location storefronts; and

**WHEREAS**, if locations where local food producers are allowed to sell directly to residents are permitted in locations that are zoned residential, close regulation of the use is necessary to prevent the sale of other types of goods that could change the character of the use into a type of commercial venture that is inappropriate for residential neighborhoods; and

**WHEREAS**, if such use is permitted in residential neighborhoods, its character is unlikely to have detrimental effects in zoning districts that allow other types of uses; and

**WHEREAS**, the City finds it to be in the public health, safety and general welfare to adopt zoning regulations governing the definition, location and operation of farmers' markets within the various zoning districts of the Atlanta Zoning Ordinance.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:**

**SECTION 1.** That Section 16-29.001 of the Atlanta Zoning Ordinance be amended by **striking** the language which reads:

(32) Reserved.

And **replacing** it with the following:

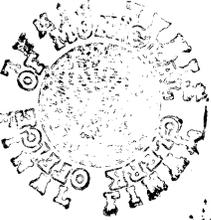
(32) **Farmers' Market:** A market whereby vending activity is conducted outdoors in an open-air environment and accessible to the general public and which meets the following standard:



- (a) At least 75 percent of the displayed inventory of the products sold in each Farmers' Market is Farm Products or Value-Added Farm Products; and
- (b) At least 75 percent of the vendors participating during the market's hours of operation are either Producers, family members, employees or agents of Producers; and
- (c) If a booth sells Farm Products or Value-Added Farm Products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least 2 inches tall and visible to the consumer.
- (d) As used herein the following terms shall have the following meaning:
  1. Producer means
    - a. A person or entity that raises or farm products on land that the person or entity farms and owns, rents or leases; or
    - b. A person or entity that creates (by cooking, canning, baking, preserving, roasting, etc.) Value-added Farm Products; and whose method of production has been verified by the Office of Sustainability based on the standards set forth in their internal operating regulation.
  2. Farm Products means fruits, vegetables (including soy-based), mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.
  3. Value-Added Farm Product means any product processed by a Producer from a Farm Product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.
  4. Vending structure means a temporary, movable booth, stall, table, tent or other structure used for the sale of goods or for display purposes at a farmers' market.
  5. Vendor means any person who sells any goods, wares, merchandise, food or drink at a farmers' market.
- (e) Farmers markets may vend on vacant land that is zoned commercial.

**SECTION 2:** That Section 16-25.002 of the Atlanta Zoning Ordinance entitled "Special Permits" is hereby amended by adding a new item (4) as follows:

- (4) Special Administrative Permit (SAP) Requirements for Farmers' Markets: Unless otherwise expressly noted in the district regulations, issuance of a special administrative permit, in the manner prescribed herein, is required to operate a Farmers' Market. Notwithstanding any previous issuance of an SAP for a use that would hereafter qualify as a Farmers' Market, said permit shall expire 12 months from issuance and such use shall thereafter only operate



upon issuance of a new SAP in the manner prescribed herein. In addition to the requirements set forth in Section 16-25.004 or elsewhere in the Atlanta Zoning Ordinance, as part of the Farmers' Market SAP application, the following items (a) through (g) shall be submitted:

- a. Name and current address of the applicant.
- b. A notarized letter signed by the property owner(s) or authorized property manager or agent, consenting to the placement of the Farmers' Market on the property.
- c. A site plan drawn to-scale showing:
  - i. Property lines, street curbs, street names, adjacent sidewalks as applicable.
  - ii. Plan layout and dimensions showing the on-site market area including the number, arrangement, and size of the vending structures to be located in the market.
  - iii. Automobile and bicycle parking space layout and the amount of spaces provided, as applicable.
- d. Site photographs showing the location of the proposed market area on the property.
- e. Photographs, drawings, or manufacturers' brochures fully describing the appearance of all vending tables, tents or booth.
- f. And other documents or information deemed by the Director of the Office of Planning as applicable to the specific application.
- g. In addition, the applicant shall submit documentation showing (as opposed to merely stating) that it shall comply with the following standards:
  - i. *Hours of Operation:* Market hours shall be between 7 am to 9 pm but shall not operate more than six (6) hours per day nor more than three (3) days per week. Set-up of market operations shall begin no earlier than 6 a.m. and take-down and clean-up shall end no later than 10 p.m.
  - ii. *Market Manager:* On-site presence of a Market Manager during all hours of operation who shall direct the operations of all vendors participating in the market and verify that the requisite number of individual vending structures are operated by Producers.
  - iii. *Market Operating Rules and Regulations:* An established set of operating rules addressing the governance structure of the market, hours of operation, maintenance, security requirements, and the appointment of a Market Manager.
  - iv. *Noise Ordinance:* Farmer's Markets shall comply with the noise ordinance requirements of Article IV of Chapter 74 titled "Noise Control".
  - v. *Parking Requirements:* in zoning districts where there is no minimum parking requirement, and or Farmers' Markets with less than 10 vendors, there shall be no parking required. Farmers' markets with more than 10 vendors shall provide parking during the hours of operation at a rate of a minimum of one (1) space per vendor, in any one or combination of the following means:
    1. *On-site parking:* shall be applicable toward meeting the required parking provided that a written document, signed by both the property owner and the market Manager, establishes that there will be no conflicting parking demand associated with the use of the host property during the Farmers' Market hours of operation.
    2. *Off-site parking:* shall be allowed within 500 feet toward meeting the required parking provided that there will be no conflicting parking demand



during the Farmers' Market hours of operation and that a deed, lease or other legal instrument with the applicable off-site property owner is submitted with the SAP application.

3. *On-street parking*: shall be allowed within 500 feet toward meeting not more than 75% of the required parking provided that such on-street spaces shall be indicated on a plan submitted with the SAP application.
- vi. *Producer Certification/vendor list*: Certification as a Producer by the Office of Sustainability for at least one (1) vendor in the Market shall be required before the Director of the Office of Planning may approve an application for a Farmers' Market special administrative permit. The applicant shall also submit a list of vendors to the Office of Sustainability for documentation.
- vii. *Temporary movable vending structures*: Tents, tables, booths or other market structures shall have a maximum combined square footage of 100 square feet per vendor. Said structures shall be in good repair at all times and shall not be left unattended or stored at any time on the open vending site during hours of operation.
- viii. *Waste Removal*: Provision for recycling and waste removal in accordance with all applicable codes.
- h. *Permit transfer*: Applications to transfer the SAP permit to another owner or business establishment shall include items (a) through (g) above and a notarized letter indicating no site layout changes to the originally approved SAP permit.
- i. *Duration of SAP Permit*: A special administrative permit for a Farmers' Market shall expire 365 days from the date of issuance. The permit for a Farmers' Market may be renewed upon a showing in the same manner as required for initial issuance. An SAP for a Farmers' Market may be transferred in the same manner as provided for in Section 16-25.002(2)(c) or as said subsection may hereafter be amended. Failure to comply with these standards or otherwise meet the definition of a Farmers' Market after issuance of an SAP may result in the revocation of the special administrative permit by the Office of Planning.
- j. *Denial, revocation or suspension of SAP permit*:
  - i. An SAP application shall be denied if all relevant project information is not submitted or is not in compliance with the requirements of either Section 16-29.001(32), Section 16-25.002(4) or any other applicable Code provision.
  - ii. The SAP permit is conditional at all times and may be revoked by the Director of the Office of Planning if the permittee has been found guilty in Atlanta Municipal Court for violation of the zoning ordinance provisions regulating farmers' markets. If revoked, the permittee may not apply for a farmers' market SAP for six (6) months from the date of revocation.

**SECTION 3.** That Farmers' Markets be permitted in various zoning districts as follows:

**Subsection 3A.** That the uses permitted in **R-1 zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-03.005(2)(a) of the Atlanta



Zoning Ordinance which reads:

- (a) Repealed;

And **replacing** it with the following:

- (a) Farmers' Markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

**Subsection 3B.** That the uses permitted in **R-2 zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-04.005(2)(a) of the Atlanta Zoning Ordinance which reads:

- (a) Repealed;

And **replacing** it with the following:

- (a) Farmers' Markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

**Subsection 3C.** That the uses permitted in **R-2A zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-04A.005(2)(a) of the Atlanta Zoning Ordinance which reads:

- (a) Repealed;

And **replacing** it with the following:

- (a) Farmers' Markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

**Subsection 3D.** That the uses permitted in **R-2B zoning districts** pursuant to a special administrative permit be amended by the adoption of a new subsection (c) to 16-04B.005(2) of the Atlanta Zoning Ordinance which shall read as follows:

- (c) Farmers' Markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

**Subsection 3E.** That the uses permitted in **R-3 zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-05.005(2)(a) of the Atlanta Zoning Ordinance which reads:



(a) Repealed;

And **replacing** it with the following:

- (a) Farmers' Markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

**Subsection 3F.** That the uses permitted in **R-3A zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-05A.005(2)(a) of the Atlanta Zoning Ordinance which reads:

(a) Repealed;

And **replacing** it with the following:

- (a) Farmers' Markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

**Subsection 3G.** That the uses permitted in **R-4 zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-06.005(2)(a) of the Atlanta Zoning Ordinance which reads:

(a) Repealed;

And **replacing** it with the following:

- (a) Farmers' Markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

**Subsection 3H.** That the uses permitted in **R-4A zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-06A.005(2)(a) of the Atlanta Zoning Ordinance which reads:

(a) Repealed;

And **replacing** it with the following:

- (a) Farmers' Markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

**Subsection 3I.** That the uses permitted in **R-4B zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-06B.005(2)(a) of the Atlanta



ing Ordinance which reads:

- (a) Repealed;

And **replacing** it with the following:

- (a) Farmers' Markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

**Subsection 3J.** That the uses permitted in **R-5 zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-07.005(2)(b) of the Atlanta Zoning Ordinance which reads:

- (b) Repealed;

And **replacing** it with the following:

- (b) Farmers' Markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

**Subsection 3K.** That the uses permitted in **RG zoning district** pursuant to a special administrative permit be amended by **striking** the language 16-08.005(2)(b) of the Atlanta Zoning Ordinance which reads:

- (b) Repealed;

And **replacing** it with the following:

- (b) Farmers' Markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

**Subsection 3L.** That the uses permitted in **R-LC zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-09.005(2)(c) of the Atlanta Zoning Ordinance which reads:

- (c) Repealed.

And **replacing** it with the following:

- (c) Farmers' Markets.

**Subsection 3M.** That the uses permitted in **O-I zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-10.005(2)(c) of the Atlanta



Zoning Ordinance which reads:

(c) Repealed;

And **replacing** it with the following:

(c) Farmers' Markets.

**Subsection 3N.** That the uses permitted in **C-1 zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-11.005(2)(c) of the Atlanta Zoning Ordinance which reads:

(c) Repealed;

And **replacing** it with the following:

(c) Farmers' Markets.

**Subsection 3O.** That the uses permitted in **C-2 zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-12.005(2)(c) of the Atlanta Zoning Ordinance which reads:

(c) Repealed;

And **replacing** it with the following:

(c) Farmers' Markets.

**Subsection 3P.** That the uses permitted in **C-3 zoning districts** pursuant to a special administrative permit be amended by **striking** the language 16-13.005(2)(c) of the Atlanta Zoning Ordinance which reads:

(c) Repealed;

And **replacing** it with the following:

(c) Farmers' Markets.

**Subsection 3Q.** That the uses permitted in **C-4 zoning districts** pursuant to a special administrative permit be amended by the adoption of a new subsection (f) to 16-14.005(2) of the Atlanta Zoning Ordinance which shall read as follows:

(f) Farmers' Markets.

**Subsection 3R.** That the uses permitted in **C-5 zoning districts** pursuant to a special administrative permit be amended by the adoption of a new subsection (e) to 16-15.005(2) of the



Atlanta Zoning Ordinance which shall read as follows:

(e) Farmers' Markets.

**Subsection 3S.** That the uses permitted in **I-1 zoning districts** pursuant to a special administrative permit be amended by the adoption of a new subsection (c) to 16-16.005(2) of the Atlanta Zoning Ordinance which shall read as follows:

(c) Farmers' Markets.

**Subsection 3T.** That the uses permitted in **I-2 zoning districts** pursuant to a special administrative permit be amended by the adoption of a new subsection (c) to 16-17.005(2) of the Atlanta Zoning Ordinance which shall read as follows:

(c) Farmers' Markets.

**Subsection 3U.** That the uses permitted in the **SPI-1 zoning district (Downtown)** be amended by the adoption of new entries in the "Other" portion of the use table which follows Section 16-18A.006 to indicate that Farmers' Market is a permitted use only pursuant to a special administrative permit, as indicated by a "SAP" in subareas 1, 2, 3, 4, 5, 6 and 7.

**Subsection 3V.** That the uses permitted in the **SPI-11 zoning district (Vine City & Ashby Station)** be amended by the adoption of a new entry in the Use Table which follows Section 16-18K.004 to indicate that Farmers' Market is a permitted use only pursuant to a special administrative permit, as indicated by a "SAP" in subareas 1, 2, 3, 9, 10, 11, 12 and shall further indicate that Farmers' Markets is a permitted use only pursuant to a special administrative permit, as indicated by "SAP\*\*" in subareas 4, 5, 6, 7 and 8. The corresponding asterisks beneath the table shall read "\*\*\*Farmers' Market limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools."

**Subsection 3W.** That the uses permitted in **SPI – 15 zoning district (Lindberg Transit Station Area)** be amended by the adoption of a new (b) subsection to 16-18O.028(3) of the Atlanta Zoning Ordinance which shall read as follows:

(b) Special Administrative Permit

i. Farmers' Markets limited to commercial subareas 1, 2, 3 and 4.

**Subsection 3X.** That the uses permitted in **SPI – 16 zoning district (Midtown)** be amended by the adoption of a new subsection (e) to 16-18P.007(2) of the Atlanta Zoning Ordinance which shall read as follows:

(e) Farmers' Markets.

**Subsection 3Y.** That the uses permitted in **SPI - 17 zoning districts (Piedmont Avenue)** be amended by **striking** the language 16-18Q.007(2) of the Atlanta Zoning Ordinance which reads:



- (2) *Special administrative permits.* Outdoor displays of merchandise or sales areas within the supplemental zone.

And **replacing** it with the following:

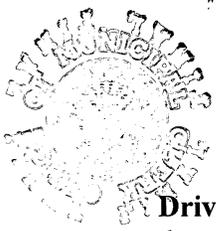
- (2) *Special administrative permits.*
- a. Outdoor displays of merchandise or sales areas within the supplemental zone.
  - b. Farmers' Markets in subareas 2 and 3.
  - c. Farmers' Markets in subareas 1 and 4 limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

**Subsection 3Z.** That the uses permitted in the **SPI-18 zoning district (Mechanicsville Neighborhood)** be amended by the adoption of a new entry in the use table which follows Section 16-18R.005 to indicate that Farmers' Market is a permitted use only pursuant to a special administrative permit, as indicated by a "SAP", in subareas 1, 2, 3, 7, 8, 9 and 10 and shall further indicate that Farmers' Markets is a permitted use only pursuant to a special administrative permit, as indicated by "SAP\*" in subareas 4, 5, and 6. The corresponding asterisk beneath the table shall read "\*Farmers' Market limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools."

**Subsection 3AA.** That the uses permitted in the **SPI-20 zoning district (Greenbriar)** be amended by the adoption of a new entry in the use table which follows Section 16-18T.004 in the subsection labeled "other" to indicate that Farmers' Market is a permitted use only pursuant to a special administrative permit, as indicated by a "SAP", in subareas 1, 2 and 3 and shall further indicate that Farmers' Markets is a permitted use only pursuant to a special administrative permit, as indicated by "SAP<sup>16</sup>" in subareas 4, 5 and 6. The corresponding note beneath the table shall read: "<sup>16</sup>Farmers' Market limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools" and which note shall replace what current reads: "<sup>16</sup>repealed."

**Subsection 3AB.** That the uses permitted in the **SPI-21 zoning district (Historic West End/Adair Park)** be amended by the adoption of a new entry in the use table which follows Section 16-18U.008 in the subsection labeled "other" to indicate that Farmers' Market is a permitted use only pursuant to a special administrative permit, as indicated by a "SAP", in subareas 1, 2, 3, 4, 8, 9 and 10 and shall further indicate that Farmers' Markets is a permitted use only pursuant to a special administrative permit as indicated by "SAP<sup>25</sup>" in subareas 5, 6 and 7. The corresponding note beneath the table shall read: "<sup>25</sup>Farmers' Market limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools".

**Subsection 3AC.** That the uses permitted in the **SPI-22 zoning district (Memorial**



**Drive/Oakland Cemetery)** be amended by the adoption of new entries in the “Other” portion of the use table which follows Section 16-18V.005 to indicate that Farmers’ Market is a permitted use only pursuant to a special administrative permit, as indicated by a “SAP”, in subareas 1, 2, 3, 4, and 5.

**Subsection 3AD.** That the uses permitted in **PD - MU zoning district** be amended by the adoption of a new subsection (19) to 16-19B.003 of the Atlanta Zoning Ordinance which shall read as follows:

(19) Farmers’ Markets with a special administrative permit.

**Subsection 3AE.** That the uses permitted in **PD - OC zoning districts** be amended by the adoption of a new subsection (18) to 16-19C.003 of the Atlanta Zoning Ordinance which shall read as follows:

(18) Farmers’ Markets with a special administrative permit.

**Subsection 3AF.** That the uses permitted in **PD - BP zoning districts** be amended by the adoption of a new subsection (12) to 16-19D.003 of the Atlanta Zoning Ordinance which shall read as follows:

(12) Farmers’ Markets with a special administrative permit.

**Subsection 3AG.** That the uses permitted in **NC zoning districts** by special permit pursuant to Sec. 16-32.007 of the Atlanta Zoning Ordinance and which reads as follows:

The following uses are permissible only by special permits subject to limitations and requirements set forth herein or elsewhere in this part, subject to the procedures and requirements set forth in sections 16-18.005 and 16-25.004.

1. *Special use permits.*

- a) Broadcasting towers and line-of-sight relay devices for telephonic, radio or television communications greater than 70 feet in height, except alternative design mounting structures as contemplated by subsection 16-25.002(3)h(iv),(i).
- b) Buildings taller than the maximum height requirements at a distance of between 150 feet and 300 feet from a single-family residential district boundary.
- c) Commercial recreation uses including bowling alleys, poolrooms, billiard parlors, amusement arcades and game rooms.
- d) Childcare centers, kindergartens and special schools greater than 8,000 square feet.
- e) Grocery stores between 15,000 square feet and 25,000 square feet in floor area. Such grocery store establishments shall be located a minimum distance of 2,000 feet from any other such grocery store establishment as measured in a direct line between the closest point of the two buildings.

- 
- f) Group homes, family care homes and congregate care homes.
  - g) Hotels containing no more than 30 rooms. Further, said hotels shall contain no more than 500 square feet of meeting facilities and no hotels shall be located nearer than 500 feet from the boundaries of any public elementary or secondary school.
  - h) Outdoor amusement enterprises, exhibits, entertainment, meetings, displays or sales areas, or outdoor areas for religious ceremonies of 30 days or more duration.
  - i) Park-for-hire facilities.
  - j) Retail establishments between 8,000 square feet and 15,000 square feet in floor area. Such retail establishments shall be located a minimum distance of 2,000 feet from any other such retail establishment as measured in a direct line between the closest point of the two buildings.
  - k) Rooming houses.
    - 1. *Single room occupancy residence.*
    - 2. *Special administrative permits.* Outdoor amusement enterprises, exhibits, entertainment, music venues, meetings, displays or sales areas, or outdoor areas for religious ceremonies of less than 90 days duration. Outdoor vending is permitted only when included with a special event permit.
    - 3. *Special exceptions.*
      - a. Churches, synagogues, temples, mosques and other religious worship facilities.
      - b. Off-street required parking lots between 200 to 500 feet of primary use and within the same zoning district. An applicant shall submit written consent from property owner of the proposed off-site parking area. All parking spaces shall be clearly marked and signed as reserved during specified hours.
      - c. Transitional yards reduced to zero between this district and any multifamily residential district.

Shall be amended to read as follow:

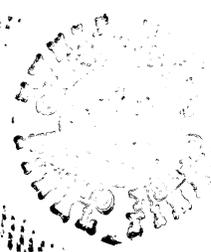
The following uses are permissible only by special permits subject to limitations and requirements set forth herein or elsewhere in this part, subject to the procedures and requirements set forth in sections 16-18.005 and 16-25.004.

- 1. *Special use permits.*

- 
- a) Broadcasting towers and line-of-sight relay devices for telephonic, radio or television communications greater than 70 feet in height, except alternative design mounting structures as contemplated by subsection 16-25.002(3)h(iv),(i).
  - b) Buildings taller than the maximum height requirements at a distance of between 150 feet and 300 feet from a single-family residential district boundary.
  - c) Commercial recreation uses including bowling alleys, poolrooms, billiard parlors, amusement arcades and game rooms.
  - d) Childcare centers, kindergartens and special schools greater than 8,000 square feet.
  - e) Grocery stores between 15,000 square feet and 25,000 square feet in floor area. Such grocery store establishments shall be located a minimum distance of 2,000 feet from any other such grocery store establishment as measured in a direct line between the closest point of the two buildings.
  - f) Group homes, family care homes and congregate care homes.
  - g) Hotels containing no more than 30 rooms. Further, said hotels shall contain no more than 500 square feet of meeting facilities and no hotels shall be located nearer than 500 feet from the boundaries of any public elementary or secondary school.
  - h) Outdoor amusement enterprises, exhibits, entertainment, meetings, displays or sales areas, or outdoor areas for religious ceremonies of 90 days or more duration.
  - i) Park-for-hire facilities.
  - j) Retail establishments between 8,000 square feet and 15,000 square feet in floor area. Such retail establishments shall be located a minimum distance of 2,000 feet from any other such retail establishment as measured in a direct line between the closest point of the two buildings.
  - k) Rooming houses.
  - l) Single room occupancy residence.

2. Special administrative permits.

- a) Outdoor amusement enterprises, exhibits, entertainment, music venues, meetings, displays or sales areas, or outdoor areas for religious ceremonies of less than 90 days duration.
- b) Farmers' Market.



3. Special exceptions.

- a) Churches, synagogues, temples, mosques and other religious worship facilities.
- b) Off-street required parking lots between 200 to 500 feet of primary use and within the same zoning district. An applicant shall submit written consent from property owner of the proposed off-site parking area. All parking spaces shall be clearly marked and signed as reserved during specified hours.
- c) Transitional yards reduced to zero between this district and any multifamily residential district.

**Subsection 3AH.** That the uses permitted in **LW zoning districts** pursuant to a special administrative permit be amended by the adoption of a new subsection (q) to 16-33.006(2) of the Atlanta Zoning Ordinance which shall read as follows:

(q) Farmers' Markets.

**Subsection 3AI.** That the uses permitted in **MRC zoning districts** pursuant to a special administrative permit be amended by the adoption of a new subsection (t) to 16-34.007(2) of the Atlanta Zoning Ordinance which shall read as follows:

(t) Farmers' Markets.

**Subsection 3AJ.** That the uses permitted in **MR zoning districts** pursuant to a special administrative permit be amended by the adoption of a new subsection (p) to 16-35.007(2) of the Atlanta Zoning Ordinance which shall read as follows:

(p) Farmers' Markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

**Subsection 3AK.** That the uses permitted in the **SPI-9 zoning district (Buckhead Village)** be amended by the adoption of new entries in the "Recreation/Entertainment" portion of the use table which follows Section 16-181.007 to indicate that Farmers' Market is a permitted use only pursuant to a special administrative permit, as indicated by a "SAP" in subareas 1, 2, 3, and 4.

A true copy,



Deputy Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

Sept. 6, 2011  
Sept. 15, 2011

RCS# 1380  
9/06/11  
4:10 PM

Atlanta City Council

REGULAR SESSION

10-O-1773

FARMER'S MARKET TEXT AMEND

ADOPT SUB

YEAS: 12  
NAYS: 1  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 1  
ABSENT 1

Y Smith	E Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	N Shook	Y Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	B Mitchell

10-O-1773