14-O-1092

(Do Not Write Above This Line)

Z-14-05

AN ORDINANCE BY ZONING COMMITTEE.

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

As Amended

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1ST ADOPT 2ND READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred 2/3/14

Referred To: ZRB & ZONING

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred To

Committee	Committee
Zoning	
Date 5/28/14	Date
Chair	Chair
Action (Fav) Adv, Hold (See rev.side)	Action Fav, Adv, Hold (See rev.side)
Other as amended	Other
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action Fav, Adv, Hold (See rev.side)	Action Fav, Adv, Hold (See rev.side)
Other	Other
Members	Members
ADOPTED BY JUN 02 2014 COUNCIL	
Refer To	Refer To

FINAL COUNCIL ACTION

☐ 2ND ☐ 1ST & 2ND ☐ 3RD

Readings

☐ Consent ☐ V Vote ☑ RC Vote

CERTIFIED

JUN 02 2014

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED

JUN 02 2014

Rhonda Dauphin Johnson

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 11 2014

WITHOUT SIGNATURE BY OPERATION OF LAW

City Council
Atlanta, Georgia

14-O-1092
Z-14-05

AN AMENDED ORDINANCE
BY ZONING COMMITTEE.

AN AMENDED ORDINANCE TO AMEND VARIOUS SECTIONS OF THE ATLANTA ZONING ORDINANCE FOR THE PURPOSE OF DEFINING URBAN GARDENS AND MARKET GARDENS 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 City desires to increase access to healthy, local, and affordable foods; encourage community-building; and support local agriculture and economic development; 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, 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 urban gardens and market gardens 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 adding a new item (80) as follows:

(80) (a) *Urban Garden*: A lot, or any portion thereof, managed and maintained by a person or group of persons, for growing and harvesting, farming, community gardening, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community use, consumption, off-site sale, or off-site donation. No onsite sales are permitted. In residential zoning districts, Urban Gardens are permitted as an accessory use to any structure that serves as a permitted principal use, and Urban Gardens may be allowed as a principal use on undeveloped lots by a Special Administrative Permit (SAP) in accordance with Sec. 16-25.004. In all other zoning districts (non-residential), Urban Gardens are allowed as a principal or accessory use without an SAP, unless otherwise expressly stated by that particular zoning district's regulations. The term Urban Garden does not include gardens located on lots with residential structures and grown for personal use of the residents of those lots.

1. *Scope of Provisions*: Urban Gardens must comply with all requirements set forth in the Atlanta City Code, unless otherwise expressly set forth herein.

2. *Urban Garden Structures*: Notwithstanding any provision in the Atlanta Zoning Ordinances to the contrary, hoop-houses, greenhouses, trellises, raised beds, tool sheds, and any other structure used by the Urban Garden for the purposes set forth in Section 16-29.001 (80)(a) are expressly allowed.

3. *Machinery and Equipment*: Notwithstanding any provision in the Atlanta Zoning Ordinances to the contrary, machinery and equipment used by the Urban Garden for the purposes set forth in Section 16-29.001 (80)(a) are expressly allowed. When not in use, all such machinery and equipment (with the exception of machinery and equipment that is (i) intended for ordinary household use, (ii) borrowed or rented for a period not to exceed seven (7) days, or (iii) located in an Urban Garden in I-1 Light Industrial District or I-2 Heavy Industrial District) shall be stored so as not to be visible from any public street, sidewalk, or right-of-way.

(b) *Market Garden*: A lot, or any portion thereof, managed and maintained by a person or group of persons for growing and harvesting, farming, community gardening, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for community supported agriculture or on-site sales. All products sold on-site must be grown on-site. In residential districts, a Market Garden is permitted as an accessory use on certain institutional lots. A Market Garden is permitted as a principal or accessory use in all other zoning districts.

1. *Scope of Provisions*: Market Gardens must comply with all requirements set forth in the Atlanta City Code, unless otherwise expressly set forth herein.

2. *Market Garden Structures*: Notwithstanding any provision in the Atlanta Zoning Ordinances to the contrary, hoop-houses, greenhouses, trellises, raised beds, tool sheds, and any other structure used by the Market Garden for the purposes set forth in Section 16-29.001 (80)(b) are expressly allowed.

3. *Machinery and equipment*: Notwithstanding any provision in the Atlanta Zoning Ordinances to the contrary, machinery and equipment used by the Market Garden for the purposes set forth in Section 16-29.001 (80)(b) are expressly allowed. When not in use, all such machinery and equipment (with the exception of machinery and equipment that is (i) intended for ordinary household use, (ii) borrowed or rented for a period not to exceed seven (7) days, or (iii) located in a Market Garden in I-1 Light Industrial District or I-2 Heavy Industrial District) shall be stored so as not to be visible from any public street, sidewalk, or right-of-way.

4. *Parking Requirements*: In zoning districts where there is no minimum parking requirement, there shall be no parking required. In all other districts, the Market Garden shall provide parking during the hours of operation at a rate of a minimum of two (2) customer parking spaces, and a minimum of one (1) garden personnel parking space, in any one or combination of the following means:

i. On-site parking(existing) shall be applicable toward meeting the required parking.
ii. Off-site parking within 500 feet shall be applicable toward meeting the required parking. Legal on-street parking spaces shall also be eligible as off-site parking.

5. *Sales Hours*: Market Garden sales hours shall be between 7 a.m. to 9 p.m. Set up of sales operations shall begin no earlier than 6 a.m. and take-down and clean-up shall end no later than 10 p.m. Community Supported Agriculture (CSA) pickups are allowed at any time during the sales hours.

SECTION 2: That Urban Gardens and Market Gardens be permitted in various zoning districts as follows:

Subsection 2-A-i. That the accessory uses and structures permitted in **R-1 zoning districts** be amended by the adoption of new subsections (9) and (10) to 16-03.004 which reads:

(9) Urban Gardens
(10) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-A-ii. That the uses requiring special administrative permits in **R-1 zoning districts** set forth in Section 16-03.005(2) be amended by adoption of a new subsection (2)(c) so that the amended provisions shall read:

(c) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-B-i. That the accessory uses and structures permitted in **R-2 zoning districts** be amended by the adoption of new subsections (9) and (10) to 16-04.004 which read:

(9) Urban Gardens.
(10) Market Gardens are limited to parcels that are used as schools, churches, synagogues,

temples, mosques and other religious worship facilities.

Subsection 2-B-ii. That the uses requiring special permits in **R-2 zoning districts** set forth in Section 16-04.005 be amended by adoption of a new subsection (2)(c) and renumbering current subsection (2)(c) so that the amended provisions shall read:

(c) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-C-i. That the accessory uses and structures permitted in **R-2A zoning districts** be amended by the adoption of new subsections (8) and (9) to 16-04A.004 which reads:

(8) Urban Gardens.
(9) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-C-ii. That the uses requiring special permits in **R-2A zoning districts** set forth in Section 16-04A.005 be amended by adoption of a new subsection (2)(c) so that the amended provisions shall read:

(c) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-D-i. That the accessory uses and structures permitted in **R-2B zoning districts** be amended by the adoption of new subsections (8) and (9) to 16-04B.004 which reads:

(8) Urban Gardens
(9) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-D-ii. That the uses requiring special permits in **R-2B zoning districts** set forth in Section 16-04B.005(2) be amended by adoption of a new subsection (c) so that the amended provisions shall read:

(c) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-E-i. That the accessory uses and structures permitted in **R-3 zoning districts** be amended by the adoption of new subsections (9) and (10) to 16-05.004 which reads:

(9) Urban Gardens
(10) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-E-ii. That the uses requiring special permits in **R-3 zoning districts** set forth in Section 16-05.005(2) be amended by adoption of a new subsection (c) so that the amended provisions shall read:

(c) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-F-i. That the accessory uses and structures permitted in **R-3A zoning districts** be amended by the adoption of new subsections (8) and (9) to 16-05A.004 which reads:

(8) Urban Gardens
(9) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-F-ii. That the uses requiring special permits in **R-3A zoning districts** set forth in Section 16-05A.005 be amended by adoption of a new subsection (2)(c) so that the amended provisions shall read:

(c) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-G-i. That the accessory uses and structures permitted in **R-4 zoning districts** be amended by the adoption of a new subsection (9) and (10) to 16-06.004 which reads:

(9) Urban Gardens
(10) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-G-ii. That the uses requiring special permits in **R-4 zoning districts** set forth in Section 16-06.005(2) be amended by adoption of a new subsection (d) so that the amended provisions shall read:

(d) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-H-i. That the accessory uses and structures permitted in **R-4A zoning districts** be amended by the adoption of new subsections (8) and (9) to 16-06A.004 which reads:

(8) Urban Gardens
(9) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-H-ii. That the uses requiring special permits in **R-4A zoning districts** set forth in Section 16-06A.005(2) be amended by adoption of a new subsection (c) so that the amended provisions shall read:

(c) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-I-i. That the accessory uses and structures permitted in **R-4B zoning districts** be amended by the adoption of new subsections (7) and (8) to 16-06B.004 which reads:

(7) Urban Gardens
(8) Market Gardens are limited to parcels that are used as schools, churches, synagogues,

temples, mosques and other religious worship facilities.

Subsection 2-I-ii. That the uses requiring special permits in **R-4B zoning districts** set forth in Section 16-06B.005(2) be amended by adoption of a new subsection (c) so that the amended provisions shall read

(c) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-J-i. That the accessory uses and structures permitted in **R-5 zoning districts** be amended by the adoption of a new subsection (9) and (10) to 16-07.004 which reads:

(9) Urban Gardens
(10) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-J-ii. That the uses requiring special permits in **R-5 zoning districts** set forth in Section 16-07.005(2) be amended by adoption of a new subsection (d) so that the amended provisions shall read:

(d) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-K-i. That the accessory uses and structures permitted in **R-G zoning districts** be amended by the adoption of new subsection s (8) and (9) to 16-08.004 which reads:

(8) Urban Gardens.
(9) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-K-ii. That the uses requiring special permits in **R-G zoning districts** set forth in Section 16-08.005(2) be amended by adoption of a new subsection (d) so that the amended provisions shall read

(d) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-L. That the principal uses and structures permitted in **R-LC zoning districts** be amended by the adoption of new subsections (14) and (15) to 16-09.003 which read:

(14) Urban Gardens.
(15) Market Gardens.

Subsection 2-M. That the principal uses and structures permitted in **O-I zoning districts** be amended by the adoption of new subsections (18) and (19) to 16-10.003 which read:

(18) Urban Gardens.
(19) Market Gardens.

The first sentence of the second paragraph of section 16-10.003 be amended to read: "Except for off-street parking, *Market Gardens,* and other authorized outdoor uses, all commercial, sales and service activities shall be within completely enclosed buildings, and there shall be no unenclosed displays of merchandise."

Subsection 2-N. That the principal uses and structures permitted in **C-1 zoning districts** be amended by the adoption of new subsections (30) and (31) to 16-11.003 which read:

(30) Urban Gardens.
(31) Market Gardens.

The first sentence of the second paragraph of section 16-11.003 be amended to read: "Except for off-street parking, automobile sales lots, *Market Gardens,* and necessary activities at commercial greenhouses and service stations, or as authorized by special permit, all commercial sales and service activities shall be conducted within completely enclosed buildings, and there shall be no unenclosed displays of merchandise."

Subsection 2-O That the principal uses and structures permitted in **C-2 zoning districts** be amended by the adoption of new subsections (36) and (37) to 16-12.003 which read:

(36) Urban Gardens.
(37) Market Gardens.

Subsection 2-P That the principal uses and structures permitted in **C-3 zoning districts** be amended by the adoption of new subsections (36) and (37) to 16-13.003 which read:

(36) Urban Gardens.
(37) Market Gardens.

Subsection 2-Q That the principal uses and structures permitted in **C-4 zoning districts** be amended by the adoption of new subsections (36) and (37) to 16-14.003 which read:

(36) Urban Gardens.
(37) Market Gardens.

Subsection 2-R That the principal uses and structures permitted in **C-5 zoning districts** be amended by the adoption of new subsections (38) and (39) to 16-15.003 which read:

(38) Urban Gardens.
(39) Market Gardens.

Subsection 2-S That the principal uses and structures permitted in **I-1 zoning districts** be amended by the adoption of new subsections (25) and (26) to 16-16.003 which read:

(25) Urban Gardens.
(26) Market Gardens.

Subsection 2-T That the principle uses and structures permitted in **I-2 zoning districts** be amended by the adoption of new subsections (24) and (25) to 16-17.003 which read:

(24) Urban Gardens.
(25) Market Gardens.

Subsection 2-U. That the **SPI-1 Downtown zoning districts** regulations be amended by the adoption of new entries in the "Other" portion of the table which follows Section 16-18A.006 to provide that Urban Gardens are a permitted use, as indicated by a "P" for Urban Gardens in Subareas 1, 2, 3, 4, 5, 6, and 7. An additional table entry will provide that Market Gardens are a permitted use, as indicated by a "P" for Market Gardens in Subareas 1, 2, 3, 4, 5, 6, and 7.

Subsection 2-V-i. That the principal uses and structures permitted in **SPI-5 Inman Park** be amended by the adoption of a new subsection (4) to 16-18E.007 which reads:

(4) Urban Gardens.

Subsection 2-V-ii. That the accessory uses and structures permitted in **SPI-5 Inman Park** be amended by the adoption of a new subsection (8) to 16-18E.008 which reads:

(8) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-W-i. That the uses permitted in **SPI-6 Poncey-Highland (Subarea 1) zoning districts** be amended by the adoption of a new subsection (d) to 16-18F.005(1) which reads:

(d) Urban Gardens.

Subsection 2-W-ii. That the accessory uses and structures permitted in **SPI-6 Poncey-Highland (Subarea 1) zoning districts** be amended by the adoption of a new subsection (c) in Section 16-18F.005(2) which reads:

(c) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-W-iii. That the uses permitted in **SPI-6 Poncey-Highland (Subarea 2) zoning districts** be amended by the adoption of a new subsection (e) to 16-18F.006(1) which reads:

(e) Urban Gardens.

Subsection 2-W-iv. That the accessory uses and structures permitted in **SPI-6 Poncey-Highland (Subarea 2) zoning districts** be amended by the adoption of a new subsection (c) to 16-18F.006(2) which reads:

(c) Market Gardens are limited to parcels that are used as schools, churches, synagogues,

temples, mosques and other religious worship facilities.

Subsection 2-W-v. That the uses permitted in **SPI-6 Poncey-Highland (Subarea 3) zoning districts** be amended by the adoption of a new subsection (e) to 16-18F.007(1) which reads:

(e) Urban Gardens.

Subsection 2-W-vi. That the accessory uses and structures permitted in **SPI-6 Poncey-Highland (Subarea 3) zoning districts** be amended by the adoption of a new subsection (c) to 16-18F.007(2) which reads:

(c) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-W-vii. That the uses permitted in **SPI-6 Poncey-Highland (Subarea 4) zoning districts** be amended by the adoption of a new subsection (f) to 16-18F.008(1) which reads:

(f) Urban Gardens.

Subsection 2-W-viii. That the accessory uses and structures permitted in **SPI-6 Poncey-Highland (Subarea 4) zoning districts** be amended by the adoption of a new subsection (g) to 16-18F.008(2) which reads:

(g) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-X-i. That the principal uses and structures permitted in **SPI-7 Candler Park (Subareas 2 and 3) zoning districts** in 16-18G.007 be amended to read:

(1) *Subarea 2*: A building or premise shall be used only for a single-family detached dwelling *or an Urban Garden*. In no case shall there be more than one main building and one main use on a lot.

(2) *Subarea 3*: A building or premise shall be used for two-family, multi-family attached dwellings, supportive housing, *or an Urban Garden.*

Subsection 2-X-ii. That subsection (a) of the accessory and structures permitted in **SPI-7 Candler Park (Subareas 2 and 3) zoning districts** section 16-18G.008(7) be amended to read:

(a) Except in the case of home occupation *and Market Gardens*, no accessory use shall be of a commercial nature.

Subsection 2-X-iii. That the accessory uses and structures permitted in **SPI-7 Candler Park (Subareas 2 and 3) zoning districts** be amended by the adoption of a new subsection (8) to 16-18G.008 which reads:

(8) *Market Gardens are limited to parcels which are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.*

Subsection 2-Y. That the **SPI-9 Buckhead Village zoning districts** be amended by the adoption of new entries in the "Recreation/Entertainment" portion of the table which follows Section 16-18I.007 to provide that Urban Gardens are a permitted use, as indicated by a "P" for Urban Gardens, and a "P" for Market Gardens in Subareas 1, 2, 3, and 4.

Subsection 2-Z. That the **SPI-11 Vine City & Ashby Station District Regulations** be amended by the adoption of new entries in the table which follows Section 16-18K.004 to provide that notwithstanding anything in this Chapter to the contrary, Urban Gardens are a permitted principal use, as indicated by a "P" for Urban Gardens in Subareas 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12. Market Gardens are a permitted principal use, as indicated by a "P" for Market Gardens in Subareas 1, 2, 3, 9, 10, 11, and 12, and shall further indicate that Market Gardens are a conditional permitted accessory use indicated by a "PA[1] " in Subareas 4, 5, 6, 7, and 8. The corresponding note beneath the table shall read: "[1]Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities ".

Subsection 2-AA-i. That the accessory uses and structures permitted in **SPI-12 Buckhead/Lenox Stations zoning districts** in Sec. 16-18L.006(5) be amended to read:

"Accessory uses and structures shall be permitted in this district and shall include those customarily accessory and clearly incidental to permitted principal uses and structures, including accessory parking to serve authorized uses within the district as well as repair garages, service stations, paint and body shops car washes, *Urban Gardens, and Market Gardens limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities in subareas 2 and 3,* all subject to the restrictions set forth in this Chapter."

Subsection 2-AA-ii. That the **SPI-12 Buckhead/Lenox Stations zoning districts** be amended by the adoption of new entries in the table which follows Section 16-18L.006 under "NON-RESIDENTIAL USES (ALL OTHER USES)" to provide that notwithstanding anything in this Chapter to the contrary, Urban Gardens are a permitted principal use, as indicated by a "P" for Urban Gardens in Subareas 1, 2, and 3. Market Gardens are a permitted principal use, as indicated by a "P" in Subarea 1.

Subsection 2-BB-i. That the principal uses and structures permitted in **SPI-15 Lindbergh Transit Station Area zoning districts** be amended by the adoption of new subsections (x) and (y) to Sec. 16-18O.028(1) which reads:

(x) Urban Gardens.
(y) Market Gardens.

Subsection 2-BB-ii. That the principal uses and structures permitted in **SPI-15 Lindbergh Transit Station Area zoning districts** be amended by the adoption of a new subsection (c) to Sec. 16-18O.029(2) which reads:

(c) Market Gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Subsection 2-BB-iii. That the principal uses and structures permitted in **SPI-15 Lindbergh Transit Station Area zoning districts** be amended by the adoption of a new subsection (9)(a)(1) to Sec. 16-18O.029 which reads:

(9) The following uses are permissible only by special permit:
(a) Special Administrative Permit:
(1) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-CC. That the principal uses and structures permitted in **SPI-16 Midtown zoning districts** be amended by the adoption of new subsections (21) and (22) to 16-18P.005 which read:

(21) Urban Gardens.
(22) Market Gardens.

Subsection 2-DD-i. That the special permits uses permitted in **SPI-17 Piedmont Avenue zoning districts** be amended by the addition of a new subsection (d) to 16-18Q.005(7)(2) which reads:

(d) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-DD-ii. That the accessory uses and structures permitted in **SPI-17 Piedmont Avenue zoning districts** in 16-18Q.006 be amended to read:

"Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically include, *Urban Gardens, Market Gardens limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities in subareas 1 and 4*, clubhouses, pools, and other recreation amenities, and parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained in Section 16-18Q.021 and elsewhere in this Chapter.

Subsection 2-DD-iii. That the permitted uses permitted in **SPI-17 Piedmont Avenue zoning districts** be amended by the addition of a new subsection (d) to 16-18Q.026(1) which reads:

(d) Market Gardens,

and that Section 16-18Q.026(1)(c) be amended to read:

"All commercial sales and service shall be conducted within enclosed permanent structures and there shall be no unenclosed displays of merchandise with the exception of *Market Gardens,* off-street parking and outdoor dining. Unenclosed outdoor sales or displays are permissible only by special permit as set forth below."

Subsection 2-DD-iv. That the permitted uses permitted in **SPI-17 Piedmont Avenue zoning districts** be amended by the addition of a new subsection (e) to 16-18Q.027(1) which reads:

(e) Market Gardens.

and that Section 16-18Q.027(1)(d) be amended to read:

"All commercial sales and service shall be conducted within enclosed permanent structures and there shall be no unenclosed displays of merchandise with the exception of *Market Gardens,* off-street parking and outdoor dining. Unenclosed outdoor sales or displays are permissible only by special permit as set forth below."

Subsection 2-EE. That the permitted principal uses and structures, permitted accessory uses and structures, and special permits in **SPI-18 Mechanicsville Neighborhood zoning districts** be amended by the adoption of new entries in the table which follows 16-18R.005 to provide that notwithstanding anything in this Chapter to the contrary, Urban Gardens are a permitted principal use as indicated by a "P" for Urban Gardens as a principal use on an undeveloped lot in Subareas 1, 2, 3, 7, 8, 9 and 10, and a special permit use as indicated by an "SAP" in Subareas 4, 5, and 6. Market Gardens are a permitted use indicated by a "P" for Market Gardens in Subareas 1, 2, 3, 7, 8, 9 and 10, and Market Gardens are an accessory use, as indicated by a "PA[1]" in subareas 4, 5, and 6. The corresponding note beneath the table shall read: "[1]Market Gardens are limited to parcels which are used as churches, synagogues, temples, mosques and other religious worship facilities or schools."

Subsection 2-FF. That the principal uses and structures in **SPI-20 Greenbriar zoning districts** be amended by the adoption of new entries in the "Other" portion of the table which follows 16-18T.005 to provide that Urban Gardens are a permitted use, as indicated by a "P" for Urban Gardens as a principal use on an undeveloped lot in Subareas 1, 2, and 3, and a special permit use as indicated by an "SAP" in Subareas 4, 5, and 6, Market Gardens are a permitted use indicated by a "P" for Market Gardens in Subareas 1, 2, and 3, and as indicated by a "P[17]" in subareas 4, 5, and 6. The corresponding note beneath the table shall read: "[17]Market Gardens are limited to parcels which are used as churches, synagogues, temples, mosques and other religious worship facilities or schools."

Subsection 2-GG. That the permitted principal uses and structures, permitted accessory uses and structures, and special permits in **SPI-21 Historic West End/Adair Park zoning districts** be amended by the adoption of new entries in the "Other" portion of the table which follows 16-18U.008 to indicate that Urban Gardens are a permitted use as indicated by a "P" for Urban Gardens as a principal use on an undeveloped lot in Subareas 1, 2, 3, 4, 5, 8, 9, and 10, and a special permit use as indicated by an "SAP" in Subareas 6 and 7, that Market Gardens are a permitted use as indicated by a "P" for Market Gardens in Subareas 1, 2, 3, 4, 5, 6, 8, 9, and 10, and shall further indicate that Market Gardens are a conditional permitted use as indicated by a "P[26] " in Subareas 6 and 7. The corresponding note beneath the table shall read: "[26]Market Gardens are limited to parcels which are used as churches, synagogues, temples, mosques and other religious worship facilities or schools."

Subsection 2-HH. That the permitted principal uses and structures, permitted accessory uses and structures, and special permits in **SPI-22 Memorial Drive/Oakland Cemetery zoning districts** be amended by the adoption of new entries in the "Other" portion of the use table which follows Section 16-18V.005 to provide that Urban Gardens are a permitted use, as indicated by a "P" for Urban Gardens in Subareas 1, 2, 3, and 4, and Market Gardens are a permitted use, as indicated by a "P" for Market Gardens in Subareas 1, 2, 3, and 4.

Subsection 2-II. That the principal uses and structures permitted in **PD-H Planned Development zoning districts** be amended by the addition of a new subsection (5)(a) to 16-19A.003 which reads:

(5) Urban Gardens, as defined in Section 16-29.001(80) provided that such a use is a part of a PD-H consisting of at least 3 single-family houses. Such facility must also meet all requirements that would otherwise be required for a special administrative permit per Section 16-25.002(5) and the satisfaction of those requirements shall be a condition of the zoning. When not otherwise approved as a part of the original PD-H, an Urban Gardens as a principal use on an undeveloped lot component may be permitted by special administrative permit, subject to the limitations and requirement set forth herein and elsewhere in this part.

Subsection 2-JJ. That the principal uses and structures permitted in **PD-MU Planned Development zoning districts** be amended by the adoption of new subsections (21), and (22) to 16-19B.003 which read:

(21) Urban Gardens.
(22) Market Gardens.

Subsection 2-KK. That the principal uses and structures permitted in **PD-OC Planned Development zoning districts** be amended by the adoption of new subsections (19) and (20) to 16-19C.003 which read:

(19) Urban Gardens.
(20) Market Gardens.

Subsection 2-LL. That the principal uses and structures permitted in **PD-BP zoning districts** be amended by the adoption of new subsections (13) and (14) to 16-19D.003 which read:

(13) Urban Gardens.
(14) Market Gardens.

Subsection 2-MM. That the principal uses and structures permitted in **PD-CS Planned Development zoning districts** be amended by the adoption of a new subsection (3), to 16-19E.003 which reads:

(3) Urban Gardens.

Subsection 2-NN-i. That the principal uses and structures permitted in **Cabbagetown**

Landmark (Subarea 1) zoning districts be amended by the addition of new subsections (i), (j) and (k) to 16-20A.007(1) which read:

(i) Urban Gardens.
(j) Market Gardens.

Subsection 2-NN-ii. That the uses requiring special permits in **Cabbagetown Landmark (Subarea 2) zoning districts** be amended by the adoption of a new subsection (b) to 16-20A.008(2) which reads:

(b) Special administrative permits: Urban Gardens as a principal use on an undeveloped lot shall require a special administrative permit to be granted by the director of the commission with the applicable provisions of Chapter 25 of this part.

Subsection 2-NN-iii. That the principal uses and structures permitted in **Cabbagetown Landmark (Subarea 3) zoning districts** be amended by the adoption of new subsections (b)(1) to 16-20A.009(5) which reads:

(b) Special administrative permits: The following uses shall require a special administrative permit to be granted by the director of the commission with the applicable provisions of Chapter 25 of this part

(1) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-NN-iv. That the principal uses and structures permitted in **Cabbagetown Landmark (Subarea 4) zoning districts** be amended by the adoption of new subsections (d) and (e) to 16-20A.010(1) which read:

(d) Urban Gardens.
(e) Market Gardens.

Subsection 2-NN-v. That the principal uses and structures permitted in **Cabbagetown Landmark (Subarea 5) zoning districts** be amended by the adoption of new subsections (e) and (f) to 16-20A.011(1) which read:

(e) Urban Gardens.
(f) Market Gardens.

Subsection 2-OO-i. That the **Druid Hills (Ponce de Leon Corridor) zoning districts** be amended by the adoption of a new subsection (7)(a) to 16-20B.004 which reads:

(7) Special administrative permits: The following uses shall require a special administrative permit to be granted by the director of the commission with the applicable provisions of Chapter 25 of this part

(a) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-OO-ii. That the **Druid Hills (Fairview Road Subarea) zoning districts** be amended by the adoption of a new subsection (7)(a) to 16-20B.005 which reads:

(7) Special administrative permits: The following uses shall require a special administrative permit to be granted by the director of the commission with the applicable provisions of Chapter 25 of this part

(a) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-OO-ii-a. That the accessory uses in **Druid Hills (Fairview Road Subarea) zoning districts** be amended by the adoption of new subsection (e) and (f) to 16-20B.005(2) which read:

(e) Urban Gardens
(f) Market Gardens are limited to parcels which are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2-OO-iii. That the **Druid Hills (Springdale/Oakdale/Lullwater subarea) zoning districts** be amended by the adoption of a new subsection (6)(a) to 16-20B.006 which reads:

(6) Special administrative permits: The following uses shall require a special administrative permit to be granted by the director of the commission with the applicable provisions of Chapter 25 of this part

(a) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-OO-iii-a. That the accessory uses in **Druid Hills (Springdale/Oakdale/Lullwater subarea) zoning districts** be amended by the adoption of new subsections (e) and (f) to 16-20B.006(2) which reads:

(e) Urban Gardens
(f) Market Gardens are limited to parcels which are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2-PP-i. That the **Martin Luther King, Jr. (Subarea 1) Landmark zoning districts** be amended by the adoption of a new subsection (9)(a)(1) to 16-20C.004 which reads:

(9) *Special permits:* The following uses shall require a special permit of the type indicated to be granted by the director of the commission with the applicable provisions of Chapter 25 of this part.

(a) Special administrative permits:

(1) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-PP-ii. That the accessory uses and structures permitted in **Martin Luther King, Jr. (Subarea 1) Landmark zoning districts** be amended by the adoption of new subsections (c) and (d) to 16-20C.004(2) which reads:

(c) Urban Gardens.
(d) Market Gardens are limited to parcels which are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2-PP-iii. That the **Martin Luther King, Jr. (Subarea 2) Landmark zoning districts** be amended by the adoption of a new subsection (4)(a)(1) to 16-20C.005 which reads:

(4) *Special permits:* The following uses shall require a special permit of the type indicated to be granted by the director of the commission with the applicable provisions of Chapter 25 of this part.

(a) Special administrative permits:

(1) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-PP-iv. That the accessory uses and structures permitted in **Martin Luther King, Jr. (Subarea 2) Landmark zoning districts** be amended by the adoption of new subsections (f) and (g) to 16-20C.005(2) which reads:

(f) Urban Gardens.
(g) Market Gardens are limited to parcels which are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2-PP-v. That the principal uses permitted in **Martin Luther King, Jr. (Subarea 3) Landmark zoning districts** be amended by the adoption of new subsections (k) and (l) to 16-20C.006(1) which read:

(k) Urban Gardens.
(l) Market Gardens.

Subsection 2-PP-vi. That the principal uses permitted in **Martin Luther King, Jr. (Subarea 4) Landmark zoning districts** be amended by the adoption of new subsections (x) and (y) to 16-20C.007(1) which read:

(x) Urban Gardens.
(y) Market Gardens.

Subsection 2-PP-vii. That the principal uses permitted in **Martin Luther King, Jr. (Subarea 5) Landmark zoning districts** be amended by the adoption of a new subsections (w) and (x) to 16-20C.008(1) which read:
(w) Urban Gardens.
(x) Market Gardens.

Subsection 2-PP-viii. That the Transitional Zone in **Martin Luther King, Jr. (Subarea 6) Landmark zoning districts** in 16-20C.009(1) be amended by the adoption of a new subsection (c) which reads:

(c) Notwithstanding anything to the contrary in the Atlanta Zoning Ordinance, Urban Gardens and Market Gardens are permitted primary uses and accessory uses within the Transitional Zone (Subarea 6).

Subsection 2-QQ. That the principal uses permitted in **Baltimore Block Landmark zoning districts** be amended by the adoption of new subsections (f) and (g) to 16-20F.004(1) which read:

(f) Urban Gardens.
(g) Market Gardens.

Subsection 2-RR-i. That the principal uses and structures permitted in **Castleberry Hill (Subarea 1) zoning districts** be amended by the adoption of new subsections (i) and (j) to 16-20N.007(2) which read:

(i) Urban Gardens.
(j) Market Gardens.

Subsection 2-RR-ii. That the principal uses and structures permitted in **Castleberry Hill (Subarea 2) zoning districts** be amended by the adoption of new subsections (p) and (q) to 16-20N.008 (10) which read:

(p) Urban Gardens.
(q) Market Gardens.

Subsection 2-SS. That the principal uses and structures permitted in **NC Neighborhood Commercial zoning districts** be amended by the adoption of new subsections (10) and (11) to 16-32.005 which read:

(10) Urban Gardens.
(11) Market Gardens.

Subsection 2-TT. That the principal uses and structures permitted in **LW zoning districts** be amended by the adoption of a new subsection (e) to 16-33.004(1) which reads:

(e) Urban Gardens.

and a new subsection (w) to 16-33.004(2) which reads:

(w) Market Gardens.

Subsection 2-UU. That the principal uses and structures permitted in **MRC zoning districts** be amended by the adoption of new subsections (31) and (32) to 16-34.005 which read:

(31) Urban Gardens.
(32) Market Gardens.

Subsection 2-VV-i. That the uses requiring special permits in **MR zoning districts** be amended by the adoption of new subsection (q) to 16-35.007(2) so that the amended provisions shall read:

(q) Urban Gardens as a principal use on an undeveloped lot.

Subsection 2-VV-ii. That the first paragraph of Section 16-35.006 be amended to read:

"*Market Gardens shall be allowed as an accessory use, but limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.* All other accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures, shall be limited to use by residents, and specifically include home occupation subject to limitations set forth in subsection 16-29.001(17), clubhouses, pools, and other recreation amenities, and parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained elsewhere in this Chapter."

SECTION THREE: That Section 16-25.002 of the Atlanta Zoning Ordinance be amended by adding a new item (5) as follows:

(5) *Special Administrative Permit (SAP) requirements for urban garden as principal use in a residential district.* Unless otherwise expressly noted in the district regulations, issuance of a special administrative permit, in the manner prescribed herein, is required to operate an urban garden as a principal use within any residential district. 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 urban garden SAP application, the following items shall be submitted, and/or apply:

(a) Site plan, showing the following:

i) exact lot dimensions,
ii) adjoining street(s),
iii) location and dimensions of structures,
iv) the specific use/purpose of each structure, and
v) any changes to be made to the site.

(b) *Management Plan/Impact Analysis.* The applicant shall provide a proposed Urban Garden management plan that addresses any probable impacts of the type described in this subsection and includes any proposed mitigation measures. The plan shall include, without limitation:

(i) Description of the type of equipment necessary or intended for use and the frequency and duration of anticipated use. How and where will this equipment be stored?

(ii) Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for.

(iii) Proposed sediment and erosion control plan.

(iv) Hours and days of the week during which the facility will be open.

(v) Number of gardeners that will be growing at the site.

(vi) Describe the existing or proposed buffering and screening for adjoining properties from any noise or odor-generating activities that might be generated from the facility. Where will composting activities be located and how will they be handled?

(vii) Any special programs offered at the facility; if so, will they cause vehicles to park at or near the site?

(c) *Permit transfer:* Applications to transfer the SAP permit to another owner or business establishment shall include items (a) and (b) above and a notarized letter indicating no site layout changes to the originally approved SAP permit.

(d) *Duration of SAP permit:* A special administrative permit for an Urban Garden shall expire 365 days from the date of issuance. The permit for an Urban Garden may be renewed upon a showing in the same manner as required for initial issuance. An SAP for an Urban Garden 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 an Urban Garden after issuance of an SAP may result in the revocation of the special administrative permit by the office of planning.

(e) *Removal of structures:* Upon expiration and non-renewal or revocation of an Urban Garden SAP, all structures must be removed within ninety (90) days from the date of expiration or revocation.

(f) *Denial, revocation or suspension of SAP permit:*

(1) 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.

(2) 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 urban gardens. If revoked, the permittee may not apply for an urban garden SAP for six months from the date of revocation.