

**CITY COUNCIL
ATLANTA, GEORGIA**

21-O-0235

Z-21-41 AN ORDINANCE BY ZONING COMMITTEE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE AS AMENDED, BY AMENDING THE DEFINITION OF URBAN GARDENS TO PERMIT ON-SITE SALES; BY AMENDING THE SPECIAL ADMINISTRATIVE PERMIT REQUIREMENT FOR URBAN GARDENS, SO AS TO EXPAND THE USE OF URBAN GARDENS IN RESIDENTIAL AREAS; AND TO INCREASE THE AVAILABILITY OF LOCALLY GROWN FOOD AND TO STIMULATE NEIGHBORHOOD ECONOMIC ACTIVITY; AND FOR OTHER PURPOSES.

Application File Date	
Zoning Number	Z-21-41
NPU / CD	All NPU's
Staff Recommendation	Approval
NPU Recommendation	Approval
ZRB Recommendation	Approval

AN ORDINANCE

21-O-0235

BY ZONING COMMITTEE

Z-21-41

AN ORDINANCE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, BY AMENDING THE DEFINITION OF URBAN GARDENS TO PERMIT ON-SITE SALES; BY AMENDING THE SPECIAL ADMINISTRATIVE PERMIT REQUIREMENT FOR URBAN GARDENS; SO AS TO EXPAND THE USE OF URBAN GARDENS IN RESIDENTIAL AREAS; AND TO INCREASE THE AVAILABILITY OF LOCALLY GROWN FOOD AND TO STIMULATE NEIGHBORHOOD ECONOMIC ACTIVITY; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 14-O-1092 amended the Atlanta Zoning Ordinance to define urban gardens and market gardens as a permitted use and provided where and under what conditions such uses would be permitted; and

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

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

WHEREAS, the City of Atlanta's goal is to ensure 85% of Atlantans have fresh food access within a half mile by 2022; 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

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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, removing this barrier would enable additional residents who lack a fresh food access point such as a supercenter, grocery store, neighborhood market, or farmers market to be within a half mile to fresh food; and

WHEREAS, on-site sales of locally grown and raised produce is beneficial to communities; and

WHEREAS, the City Charter, at Section 1-102(b), provides that the City shall have all powers necessary and proper to promote the safety, health, peace, and general welfare of the City and its inhabitants; and

WHEREAS, this ordinance is adopted pursuant to Georgia Constitution Article IX, Section II, Paragraph IV which empowers the governing authority of each county and of each municipality to adopt plans and exercise the power of zoning; and

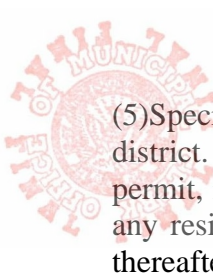
WHEREAS, the City finds it to be in the public health, safety and general welfare to allow the operation of market gardens within more zoning districts of the Atlanta Zoning Ordinance.

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

SECTION 1: City Code Chapter 29 “Definitions” is hereby amended to change the definition of Urban garden as follows, with permanent deletions in ~~striketrough~~ and bold font and permanent additions in underline and bold font:

(83)(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 on-site~~ **On-site** 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 section 16-25.004. In all other zoning districts (nonresidential), 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.

SECTION 2: City Code Chapter 25 “Special Permits” is hereby amended to change the expiration date for the special administrative permit for urban gardens as follows, with permanent deletions in ~~striketrough~~ and bold font and permanent additions in underline and bold font:



(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 3 years ~~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:

SECTION 3: All ordinances or parts or ordinances and sections of the City of Atlanta Code of Ordinances in conflict herewith are waived to the extent of the conflict.



A true copy,

Foris Webb III
Municipal Clerk

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

SEP 07, 2021
SEP 15, 2021