



**CITY COUNCIL
ATLANTA, GEORGIA**

22-O-1209

Z-22-25 AN ORDINANCE BY COUNCILMEMBER DUSTIN HILLIS, MATT WESTMORELAND, ANDREA L. BOONE, HOWARD SHOOK, BYRON D. AMOS, AMIR FAROKHI AND JASON DOZIER AS SUBSTITUTED BY ZONING COMMITTEE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, BY AMENDING VARIOUS PROVISIONS OF THE TEXT, INCLUDING CREATING DEFINITIONS OF “COMMERCIAL FOOD PREPARATION” AND “DELIVERY-BASED COMMERCIAL KITCHEN” BY AMENDING CHAPTER 29; AND BY AMENDING THE REGULATIONS OF THE LIGHT INDUSTRIAL DISTRICT IN CHAPTER 16, THE COMMUNITY BUSINESS DISTRICT (C-1) IN CHAPTER 11 BY MODIFYING THE PERMISSIBLE USES AND THE PARKING REQUIREMENTS AND THE LOADING REQUIREMENTS, THE COMMERCIAL SERVICE DISTRICT (C-2) REGULATIONS IN CHAPTER 12 BY MODIFYING THE PERMISSIBLE USES AND THE PARKING REQUIREMENTS AND THE LOADING REQUIREMENTS, THE OFFICE-INSTITUTIONAL DISTRICT (O-I) IN CHAPTER 10 BY MODIFYING THE PERMISSIBLE USES AND THE PARKING REQUIREMENTS AND THE LOADING REQUIREMENTS, THE INDUSTRIAL MIXED USE DISTRICT (I-MIX) REGULATIONS IN CHAPTER 16A BY MODIFYING THE PERMISSIBLE USES AND THE PARKING REQUIREMENTS AND THE LOADING REQUIREMENTS; AND FOR OTHER PURPOSES.

WHEREAS, uses encompassed in the commercial kitchen and delivery-based food industries are becoming more prevalent in Atlanta; and

WHEREAS, eating and drinking establishments have adopted new ways to sell food and drinks given the rules and regulations implemented during the COVID-19 pandemic; and

WHEREAS, the current Atlanta City Code does not account for the externalities of these uses or these new ways of retailing food and drinks; and

WHEREAS, the Atlanta City Code should be modified to ensure these uses do not negatively impact the residential neighborhoods of Atlanta; 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 Council finds that these text amendments are in the best interest of the public health, safety, and welfare.

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

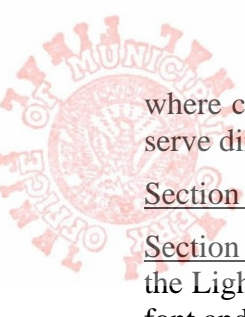
Section 1: So as to add a new definition to Atlanta City Code Sec. 16-29.001 entitled “Commercial Food Preparation.” Section 16-29.001 is hereby amended to add:

(89) *Commercial food preparation:* A facility in which food is prepared, processed, canned, or packaged, for off-site consumption and/or sales where character of operations, emissions and by-products do not create adverse effects beyond the boundaries of the property. These facilities may be shared among various food preparers, processors, or producers.

Section 2: So as to add a new definition to Atlanta City Code Sec. 16-29.001 entitled “Delivery-based Commercial Kitchen.” Section 16-29.001 is hereby amended to add:

(90) *Delivery-based commercial kitchen:* A commercial establishment that provides kitchen and operating space to two or more businesses that prepare and sell food for same-day pickup and delivery

2023-01(22-O-1209)



where customers order the food using online and telephone sales and where the establishment does not serve dine-in customers or walk-up customers.

Section 3: Light Industrial District

Section 3.a: Atlanta City Code Sec. 16-16.003, providing the permitted principal uses and structures in the Light Industrial District (I-1), is amended as follows with permanent additions in underline and bold font and deleted text in ~~striketrough~~ font:

A building or premises shall be used only for the following principal purposes:

...

(8) Manufacturing, wholesaling, repairing, compounding, assembly, processing, preparation, packaging or treatment of articles, ~~foods~~, components, products, clothing, machines and appliances and the like, where character of operations, emissions and by-products do not create adverse effects beyond the boundaries of the property. This use does not include the preparation, processing, canning or packaging of food products as contemplated by the definitions of commercial food preparation or delivery-based commercial kitchens. Use of heavy drop hammers, punch presses or other machinery; or processing methods creating excessive noise or vibration is prohibited in this district.

Section 3.b: Atlanta City Code Sec. 16-16.003, providing the permitted principal uses and structures in the Light Industrial District (I-1), is amended as follows with permanent additions in underline and bold font:

A building or premises shall be used only for the following principal purposes:

...

(29) Commercial food preparation. Provided, however, that use of heavy drop hammers, punch presses or other machinery; or processing methods creating excessive noise or vibration is prohibited in this district.

Section 3.c: Atlanta City Code Sec. 16-16.009, providing the off-street parking minimum requirements in the Light Industrial District (I-1) is amended as follows with permanent additions in underline and bold font:

The following parking requirements shall apply to all uses approved by special permits as well as permitted uses (see section 16-28.014 and also section 16-28.015 for loading requirements):

...

(22) Commercial food preparation: One space per 600 square feet or each two employees on the peak working shift whichever is greater.

Section 4: Community Business District

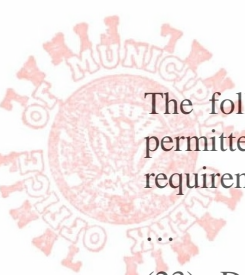
Section 4.a: Atlanta City Code Sec. 16-11.003, providing the permitted principal uses and structures in the Community Business District (C-1), is amended as follows with permanent additions in underline and bold font:

A building or premises shall be used only for the following principal purposes:

...

(35) Delivery-based commercial kitchen.

Section 4.b: Atlanta City Code Sec. 16-11.010, providing the off-street parking minimum requirements in the Community Business District (C-1) is amended as follows with permanent additions in underline and bold font:



The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see use listed below or see section 16-28.014 and also section 16-28.015 for loading requirements):

....

(23) Delivery-based commercial kitchen: One space for 250 square feet of floor area. The off-street loading requirements for this use are as shown in table of loading requirements, Chapter 28, Section 16-28.015, except when the subject property is within 100 feet of a property zoned for any residential use (R-1, R-2, R-3, R-3A, R-4, R-4A, R-4B, Fulton County R-3, R-5, R-G, or R-LC and including PD-H) then at least one (1) off-street loading space is required for each subject property.

Section 5: Commercial Service District

Section 5.a: Atlanta City Code Sec. 16-12.003, providing the permitted principal uses and structures in the Commercial Service District (C-2), is amended as follows with permanent additions in underline and bold font:

A building or premises shall be used only for the following principal purposes:

...

(40) Delivery-based commercial kitchen.

Section 5.b: Atlanta City Code Sec. 16-12.009, providing the off-street parking minimum requirements in the Commercial Service District (C-2) is amended as follows with permanent additions in underline and bold font:

The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see use listed below or see section 16-28.014. See also section 16-28.015 for loading requirements):

...

(22) Delivery-based commercial kitchen: One space for 250 square feet of floor area. The off-street loading requirements for this use are as shown in table of loading requirements, Chapter 28, Section 16-28.015, except when the subject property is within 100 feet of a property zoned for any residential use (R-1, R-2, R-3, R-3A, R-4, R-4A, R-4B, Fulton County R-3, R-5, R-G, or R-LC and including PD-H) then at least one (1) off-street loading space is required for each subject property.

Section 6: Office-Institutional District

Section 6.a: Atlanta City Code Sec. 16-10.003, providing the permitted principal uses and structures in the Office-Institutional District (O-I), is amended as follows with permanent additions in underline and bold font:

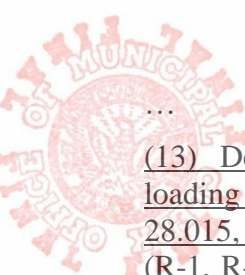
A building or premises shall be used only for the following principal purposes:

...

(23) Delivery-based commercial kitchen.

Section 6.b: Atlanta City Code Sec. 16-10.009, providing the off-street parking minimum requirements in the Office-Institutional District (O-I) is amended as follows with permanent additions in underline and bold font:

The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see use listed below or see section 16-28.014 and see also section 16-28.015 for off-street loading requirements):



(13) Delivery-based commercial kitchen: One space for 250 square feet of floor area. The off-street loading requirements for this use are as shown in table of loading requirements, Chapter 28, Section 16-28.015, except when the subject property is within 100 feet of a property zoned for any residential use (R-1, R-2, R-3, R-3A, R-4, R-4A, R-4B, Fulton County R-3, R-5, R-G, or R-LC and including PD-H) then at least one (1) off-street loading space is required for each subject property.

Section 7: Industrial Mixed Use District

Section 7.a: Atlanta City Code Sec. 16-16A.004, providing the permitted principal uses and structures in the Industrial Mixed Use District (I-MIX), is amended as follows with permanent additions in underline and bold font:

(3) Other non-residential uses: A building or premises shall be used for the following non-industrial non-residential uses and structure:

...

(s) Delivery-based commercial kitchen.

Section 7.b: Atlanta City Code Sec. 16-16A.009, providing the off-street parking minimum requirements in the Industrial Mixed Use District (I-MIX) is amended as follows with permanent additions in underline and bold font:

In addition to the provisions of section 16-28.008(7), section 16-28.013 and section 16-28.014, the vehicular parking requirements set forth in Table 2: I-MIX Vehicular Off-Street Parking Requirements shall apply and are further subject to the subsections below:

Table 2: I-MIX Vehicular Off-Street Parking Requirements		
Use	Minimum Spaces	Maximum Spaces
All Industrial Uses:	None	3.5 per 1,000 square feet
Other Non-Residential Uses:		
Hotels and Motels:	None	1.0 per lodging unit
Eating and drinking establishments:	None	9.0 per 1,000 square feet
Accessory Outdoor Dining:	None	None
Offices, clinics, studios, and computer, data analysis:	None	3.5 per 1,000 square feet
<u>Delivery-based commercial kitchen</u>	<u>One space for 250 square feet of floor area.</u>	

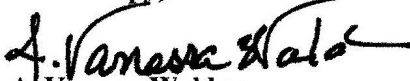
Section 7.c: Atlanta City Code Sec. 16-16A.010, providing the Off-street loading requirements in the Industrial Mixed Use District (I-MIX) is amended as follows with permanent additions in underline and bold font:

(3) Delivery-based commercial kitchen: The off-street loading requirements for this use are as shown in table of loading requirements, Chapter 28, Section 16-28.015, except when the subject property is within 100 feet of a property zoned for any residential use (R-1, R-2, R-3, R-3A, R-4, R-4A, R-4B, Fulton County R-3, R-5, R-G, or R-LC and including PD-H) then at least one (1) off-street loading space is required for each subject property.

2023-01(22-O-1209)

PAGE 4 OF 4

A true copy,


A. Vanessa Waldon
Deputy Municipal Clerk

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

JAN 17, 2023
JAN 26, 2023