

**AN ORDINANCE
BY ZONING COMMITTEE**

**10-O-1773
Z-10-030**

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 Division 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*: An outdoor market open to the public, operated by a governmental agency, a nonprofit corporation, or one or more producers where:

- (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.
- (b) At least 75 percent of the booths open during the market's hours of operation are Producers, or family members or 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.

As used herein the following terms shall have the following meaning:

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 Division of Sustainability based on the standards set forth in their internal operating regulation. Certification as a Producer by the Division of Sustainability for at least one participant 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.

Farm Products means fruits, vegetables, 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.

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.

Special Administrative Permit Requirements: 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 a special administrative permit for a use that would hereafter qualify as a Farmers' Market, said permit shall expire twelve months from issuance and such use shall thereafter only operate upon issuance of a new special administrative permit in the manner prescribed herein. In addition to the requirements set forth in Sec. 16-25.004 or elsewhere in the Atlanta Zoning Ordinance, as part of the application for special administrative permit a Farmers' Market shall submit documentation showing (as opposed to merely stating) that it will comply with the following standards:

- (a) 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 booth are operated by Producers;

- (b) Assignment of booths and registration of Producers;
- (c) 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; and
- (d) Provision for recycling and waste removal in accordance with all applicable codes.
- (e) Hours of operation shall be during a window between 7 a.m. and 9 p.m. but in no event may a market operate more than three (3) days per week and for more than six (6) hours per day. Set-up of market operations shall begin no earlier than 6 a.m. and take-down shall end no later than 10 p.m.
- (f) During the hours of operation, dedicated and exclusive parking shall be provided at the rate of a minimum of 1 space per booth. Notwithstanding the foregoing, in zoning districts where there is no minimum parking requirement, there shall be no parking required for a Farmers' market.
 - (1) Except as provided in subparagraph (2) below, all required parking spaces must be provided on-site. For the purposes of Farmers' Markets only, required on-site parking spaces of the host property may apply towards meeting the number of required parking spaces required for the Farmers' Market and without rendering the host property deficient in its parking requirement so long as a written document, signed by both the property owner and the Market Manager, establishes that there will be no parking demand associated with the use of the host property for the same parking space(s) during the hours of the Farmers' Market operation.
 - (2) Off-site parking up to five hundred (500) feet away may apply to the number of parking spaces required by the Farmers' Market, provided that:
 - (a) Such facilities shall be under the same ownership or control as the host property or Farmers' market. Such ownership or control shall be evidenced either by deed or by lease, which shall be filed and recorded in the Office of Planning; and
 - (b) All commercial vehicles or vehicles necessary for the operation of the Farmers' Market shall be maintained on-site.

A special administrative permit for a Farmers' Market shall expire 365 days from the date of issuance. A special administrative permit for a Farmers' Market may be renewed upon a showing in the same manner as required for initial issuance. A special administrative permit for a Farmers' Market may be transferred in the same manner as provided for in Sec. 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 a special administrative

permit may result in the revocation of the special administrative permit by the Office of Planning.

Section 2. That Farmers' Markets be permitted in various zoning districts as follows:

Subsection 2A. 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 used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2B. 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 used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2C. 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 used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2D. 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:

(a) Farmers' Markets limited to parcels used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2E. 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 used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2F. 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 used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2G. 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 used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2H. 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 used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2I. 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

Zoning Ordinance which reads:

- (a) Repealed;

And **replacing** it with the following:

- (a) Farmers' Markets limited to parcels used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2J. 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 used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2K. 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 used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2L. 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 2M. 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 2N. 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 2O. 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 2P. 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 2Q. 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 2R. 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 2S. 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 2T. 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 2U. 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 2V. 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 used as churches, synagogues, temples, mosques and other religious worship facilities or schools."

Subsection 2W. 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 2X. 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 2Y. 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 limited in subareas 1 and 4 limited to parcels used as churches, synagogues, temples, mosques and other religious worship facilities or schools.

Subsection 2Z. 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 used as churches, synagogues, temples, mosques and other religious worship facilities or schools."

Subsection 2AA. 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 "SAP¹⁶" in subareas 4, 5 and 6. The corresponding note beneath the table shall read: "¹⁶Farmers' Market limited to parcels used as churches, synagogues, temples, mosques and other religious worship facilities or schools" and which note shall replace what current reads: "¹⁶repealed."

Subsection 2AB. 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 "SAP²⁵" in subareas 5, 6 and 7. The corresponding note beneath the table shall read: "²⁵Farmers' Market limited to parcels used as churches, synagogues, temples, mosques and other religious worship facilities or schools".

Subsection 2AC. 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 2AD. 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 2AE. 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 2AF. 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 2AG. 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. Outdoor vending is permitted only when included with a special event permit.

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 2AH. 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 2AI. 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 2AJ. 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 used as churches, synagogues, temples, mosques and other religious worship facilities or schools.