

State of Georgia

City of Harlem

Ordinance No. 2404

An Ordinance to Amend the Code of the City of Harlem, Georgia; Part III Land Development Code; Chapter 108 Land Use; Article I – In General; Sec 108-3 Definitions; Article II – Zoning Districts; Sec 108-45 Table of Uses; Residential; Article IV – Regulations for Specific Uses; Sec 108-133 Community Garden to Provide Regulations for a Conditional Use of a Community Garden in a Residential District.

WHEREAS, the review of the Code of Ordinances is beneficial to maintain clear and accurate operating procedures; and,

WHEREAS, Staff is requesting an amendment to Chapter 108 Land Use to provide for a Conditional Use for a Community Garden in a Residential District; to provide for the definition and regulations on specific criteria, location and distances.

THEREFORE, the following amendments to Chapter 108 Land Use, Article I – In General, Article II – Zoning Districts, and Article IV – Regulations for Specific Uses shall be as follows:

Sec. 108-3. - Definitions.

Community garden means a lot, or any portion thereof, managed and maintained by a person or group of persons, for growing and harvesting, 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.

Sec. 108-45. - Table of uses; residential.

Add *community garden* to use table as follows: Conditional Use (CU) in R-1A, R-1B, R-2, R-3, R-4; Permitted Use (P) in A-1:

Use	R-1A	R-1B	R-2	R-3	R-4	A-1
<u>Community Garden</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>P</u>

Sec. 108-133. Community Garden.

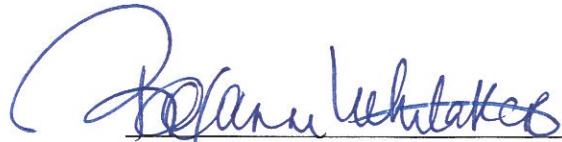
The following provisions apply to a “Community Garden”:

- (a) Size. A community garden may not be greater than one acre in size, measured as the area enclosing the garden and all ancillary uses.

- (b) Setbacks. All structures and/or planted crops shall comply with the underlying zoning regulations.
- (c) Accessory Structures. No more than three buildings and/or structures are permitted, which may not exceed a combined 200-square feet in floor area.
- (d) Storage and screening. Trash storage areas, mechanical equipment, compost and mulch piles, and similar areas shall be screened so that they are not visible from the street or from adjacent properties.
- (e) Maintenance. A community garden shall be maintained in a manner that provides regular maintenance of all plants, groundcovers and turf; removal of the exposed parts of dead plant material from the property on which a community garden is located, or to on-site compost areas after the harvesting of edible, ornamental, plantable, or otherwise useful materials; and proper maintenance of all structures and parking areas.
- (f) Refuse. Any refuse from the garden shall be disposed of by the owner at their own expense; no refuse shall be placed on the city Right-of-Way for curbside pickup.
- (g) Parking. The applicant shall demonstrate that sufficient parking spaces and loading spaces will be available or provided for all uses proposed.
 - (1) Off-street parking areas may be unpaved or surfaced with gravel or other loose material.
 - (2) Off-street parking shall be limited in size to 10% of the lot area.
 - (3) The ingress/egress shall be improved with a dustless surface.
- (h) Operations. The hours of operation shall be developed at the discretion of the governing body and protect neighbors from light, noise, disturbance, or interruption.
 - (1) The site must be designed and maintained so that water and fertilizer will not drain onto adjacent property.
 - (2) All seed and fertilizer shall be stored in sealed, rodent-proof containers.
 - (3) A community garden shall be conducted in such a way that no traffic congestion, noise, glare, odor, smoke, vibration, fire hazards, or otherwise, shall be noticeable at or beyond the property line.
 - (4) In the event that the owner of the property relies upon any other person, entity, or group to operate the community garden, such operation shall be pursuant to a written agreement that shall be filed with the Community Development Director (attached to any application for conditional use) and shall include, at a minimum, rules and/or regulations concerning the operation of the community garden that will include a requirement that all minors present be supervised by an adult. In the event there is a change in operator of the community garden allowed by conditional use, the owner shall reapply for the conditional use with amended agreement to include the new operator.
 - (5) Each operator shall designate an agent who has access and authority to assume management of the community garden and shall be a resident of the City.
- (i) The Community Development Director and/or the building official shall inspect the garden before a Land Use permit is issued.

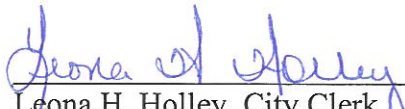
Secs. 108-134 – 108-148. Reserved.

NOW, THEREFORE, this Ordinance is approved by the City Council of the City of Harlem, Georgia on this 28th day of October, 2024 and shall become effective upon adoption.



Roxanne Whitaker, Mayor

ATTEST:



Leona H. Holley, City Clerk

July 22, 2024
1st Reading

October 28, 2024
2nd Reading