

ORDINANCE NO. (2021) 5075

**AN ORDINANCE TO AMEND ORDINANCE NO. (2003) 3250 ENTITLED
 “THE GARNER UNIFIED DEVELOPMENT ORDINANCE FOR THE TOWN OF
 GARNER AND ITS EXTRATERRITORIAL JURISDICTION” BY AMENDING THE
 UNIFIED DEVELOPMENT ORDINANCE TO ADD AND MODIFY REGULATIONS RELATED TO
 COMMUNITY GARDENS**

Section One. Amend Article 5.1. entitled “Use tables.” to read as follows for the Agriculture use category of the table:

5.1. Use tables.

...

| USE | | RESIDENTIAL DISTRICTS | | | | | | | | NONRESIDENTIAL DISTRICTS | | | | | | | | |
|-----------------------------|----------------------------------|-------------------------------------|------|------|------|-----|------|------|------|---------------------------------|----|-----|----|----|----|-----|-----|----------|
| P = Permitted by right | | P* = Permitted subject to standards | | | | | | | | S = Special use permit required | | | | | | | | |
| Use Category | Specific Use | R-40 | R-20 | R-15 | R-12 | R-9 | R-MH | MF-1 | MF-2 | NO | NC | CBD | OI | CR | SB | I-1 | I-2 | Notes |
| OTHER | | | | | | | | | | | | | | | | | | |
| Agriculture (see 5.2H.1) | Agriculture or Silviculture | P | P | | | | | | | | | | | | | | | 5.3.E.1. |
| | Community Garden | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | | | | | | | 5.3.E.2. |
| | Greenhouse, Nursery (Commercial) | | | | | | | | | | | | | | | P | P | P |

Section Two. Insert a new Article 5.3.E.2. entitled “Community Garden.” to read as follows:

5.3. Specific Use Standards.

E. Other Uses.

2. Community Garden.

- a. All materials used in the operation of the garden shall be stored within a building or screened outdoor storage area when not in active use.
- b. All outdoor storage areas shall be screened from view from any public right-of-way or adjacent property with a six-foot opaque fence such as black vinyl coated chain link fencing with slats, wood fencing, or composite fencing.
- c. All storage buildings and outdoor storage areas shall meet the primary structure setback requirements for the district.

Section Three. Amend Article 7.1.K.6. entitled "Land use buffer classifications." to read as follows for Class 2 land uses:

7.1. Landscaping and tree protection.

K. Buffers.

6. Land use buffer classifications.

| Class | Uses Included |
|-------|---|
| ... | ... |
| 2 | Townhomes, condominiums (less than 12 units in project), two-family dwelling, apartments (12 units or less per acre), multiplex units, manufactured home parks, family care homes, group care homes, intermediate care homes, library, museum, art gallery, art center, day care facility, continuing care facility, group care facility, handicapped institution, intermediate care institution, nursing home, child care home, adult care, bank, community center (less than 5,000 sq. ft.), community garden |
| ... | ... |

Section Four. Amend Article 11.2. entitled "Defined terms." to add a new term listed alphabetically as follows:

11.2. Defined terms.

Community Garden. Areas of land managed and maintained by a responsible entity (person, non-profit, etc.) to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption, or donation. The land may be divided into separate plots for cultivation by one or more persons or may be farmed collectively by members of the responsible entity and may include common areas maintained by said members.

Section Five. All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Duly adopted this 1st day of November 2021.



Ken Marshburn, Mayor

ATTEST: 

Stella Gibson, Town Clerk

APPROVED AS TO FORM: 

Terri Jones, Town Attorney