



**CITY COUNCIL
ATLANTA, GEORGIA**

20-O-1729

Z-20-81 AN ORDINANCE BY COUNCILMEMBER DUSTIN HILLIS AS SUBSTITUTED BY ZONING COMMITTEE AND AMENDED BY THE ATLANTA CITY COUNCIL TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, CITY OF ATLANTA CODE OF ORDINANCES PART 16, SO AS TO ADD A NEW CHAPTER 41 ENTITLED “WESTSIDE PARK AFFORDABLE WORKFORCE HOUSING DISTRICT”; TO DEFINE CERTAIN TERMS; TO PROVIDE FOR RELATED REQUIREMENTS, PROCEDURES AND INCENTIVES; TO AMEND THE OFFICIAL ZONING MAP; TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, CITY OF ATLANTA CODE OF ORDINANCES PART 16, CHAPTER 28, SECTION 16-28.023, SO AS TO ALLOW TRANSFER OF DEVELOPMENT RIGHTS FOR UNUSED DENSITY BONUS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") continually welcomes new persons to live and work in the City, and as a result the City's Comprehensive Development Plan (the “Comprehensive Plan”) the City recognizes that many developed areas of the City, including the Westside and in particular the Westside neighborhoods surrounding the Westside Park at Bellwood Quarry, are experiencing or are anticipated to experience residential development and redevelopment on scattered tracts of land; and

WHEREAS, consistent with the 2016 Comprehensive Plan, there is an insufficient supply of affordable housing to meet the needs of middle and low income households; and

WHEREAS, consistent with the 2016 Comprehensive Plan, many low and moderate income households face barriers that prevent them from becoming homeowners; and

WHEREAS, the 2016 Comprehensive Plan calls for the City to create and implement an inclusionary housing policy to require all new residential developments to have affordable workforce housing; and

WHEREAS, the 2016 Comprehensive Plan calls for the City to promote alternate forms of ownership such as land trusts to provide long term affordable housing; and

WHEREAS, it is in the best interest of the City that its workforce be able to afford to live in the City and have a full range of housing options; and

WHEREAS, among the current policy goals expressed in the City's Comprehensive Development Plan is the creation of an affordable and walkable city, to retain, grow and attract middle-income residents by promoting the development of middle-income housing within the context of mixed-income neighborhoods, promoting housing affordability in order to minimize the number of households that must pay more than 30 percent of their income in rent or to purchase a home, and increasing the availability of affordable workforce housing; and

WHEREAS, the neighborhoods in the proposed Westside Park Affordable Workforce Housing Overlay District are experiencing significant public and private investment and are adjacent to the developing Westside Park at Bellwood Quarry; and

WHEREAS, the City's Comprehensive Development Plan's recommendations include providing development incentives to builders and developers to assist them in the construction of new, low- and moderate-income housing; and

WHEREAS, affordable workforce housing benefits a diverse group of individuals, seniors, and families



including police officers, fire fighters, teachers, EMTs, medical assistants, bank tellers, administrative assistants, retail workers, city and county employees; 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, the City Charter, at Section 1-102(c)(42), authorizes the City to regulate land use by the adoption of zoning ordinances, planning ordinances, and other regulatory ordinances; and

WHEREAS, increased development and the finite supply of developable land within the Westside has caused concerns about affordability of housing for low- and moderate-income citizens of the City; and

WHEREAS, a zoning ordinance with incentives for providing affordable workforce housing will aid the City in its goal to maintain a diverse population for persons of various income levels and ensure the availability of affordable workforce housing for the City's workforce to live within the City, including, the Westside neighborhoods surrounding the Westside Park at Bellwood Quarry; and

WHEREAS, land trusts are nonprofit organizations that work closely with communities to hold land in long-term stewardship and create and preserve affordable housing; and

WHEREAS, the City will leverage strategic partnerships with land trusts to secure affordable housing and encourage developers to partner with land trusts to assist them in meeting the requirements of this ordinance; 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, such zoning powers include, among other things, the power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such districts and for the regulation of development and the improvement of real estate within such districts in accordance with the uses of property for which such districts were established.

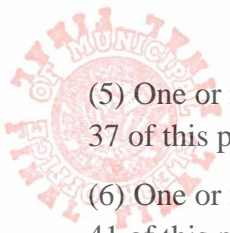
THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: The Atlanta Zoning Ordinance, City Code of Ordinances, Part 16 (Zoning), is hereby amended by adding a new Chapter 41 entitled "Westside Park Affordable Workforce Housing Overlay District", which shall read as shown on Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2: The Official Zoning Map, as amended, is hereby further amended as shown on Exhibit "B", attached hereto and incorporated herein by this reference.

Section 3: The initial in-lieu fee rates referenced in Section 16-37.007 are attached hereto as Exhibit "C".

Section 4: The City Code of Ordinances, Part 16, Chapter 28, Section 16-28.023(2)(c), which sets forth eligible "sending areas" for transfer of development rights, is hereby amended by adding new subparagraphs 5 and 6 which shall read as follows:



(5) One or more lots or parcels providing affordable workforce housing units in compliance with chapter 37 of this part.

(6) One or more lots or parcels providing affordable workforce housing units in compliance with chapter 41 of this part.

Section 5: This ordinance shall take effect **immediately** up adoption by the City Council and approval by the Mayor.

Section 6: All ordinances or parts of ordinances in conflict with this ordinance are waived to the extent of any conflict.

Section 7: It is declared the intention of the City of Atlanta that the provisions of any part of this ordinance are severable. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in the judgment. If a court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, development, building or structure, such judgment shall not affect the application of said provision to any other property, development, building or structure not specifically included in said judgment.

A true copy,

Foris Webb III
Municipal Clerk

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

MAR 15, 2021
MAR 24, 2021



Exhibit "A"

CHAPTER 41 – WESTSIDE PARK AFFORDABLE WORKFORCE HOUSING OVERLAY DISTRICT

Sec. 16-41.001. - Scope of regulations.

The scope of the regulations set forth in this chapter are the regulations in the Westside Park Affordable Workforce Housing Overlay District. These regulations are as follows:

1. The existing zoning map and underlying zoning regulations governing all properties within the Westside Park Affordable Workforce Housing Overlay District shall remain in full force and effect. The regulations contained within this chapter shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with said existing underlying zoning regulations, the regulations of this chapter shall apply.
2. The provisions of this chapter shall apply to all residential developments of ten or more new residential rental and/or residential for sale dwelling units in the Westside Park Affordable Workforce Housing Overlay District, except those residential rental developments governed by City Code Section 54-1(c) (publicly-subsidized multi-family residential property), in which case said code section shall govern the provision of affordable housing.
3. Whenever the following regulations are at variance with historic district regulations of Part 16, Chapter 20, the more stringent regulations shall apply whereas not to impact designated historic structures or buildings.

Sec. 16-41.002. - Findings and statement of intent.

Providing a range of affordable housing choices in the Westside Park Affordable Workforce Housing Overlay District is a difficult but vital objective. Housing shortages for persons of various income levels are detrimental to the public health, safety and welfare, causing detrimental transportation, environmental, business and social consequences. Furthermore, the creation of both rental and homeownership housing is desirable, and the use of qualified administrators to administer homeownership units lessens the cost and administrative burden for developers and the public alike. The purpose of this chapter is to increase the availability of housing choices for individuals and families earning at or below 60 percent or at or below 80 percent of the area median income ("AMI") as calculated and published annually by the U.S. Department of Housing and Urban Development for the Atlanta - Sandy Springs - Marietta metropolitan area.

Therefore, City policies that promote these objectives will serve to:

1. Implement the goals, policies, and objectives contained in the City's Comprehensive Development Plan;
2. Ensure diverse housing options continue to be available for persons and/or households at or below AMI;



3. Maintain a balanced community by encouraging the finite supply of developable land to provide housing opportunities appropriate to meet various needs and income levels;
4. Ensure the availability of housing with better access to jobs in the City and thereby promoting household economic mobility through increased access to MARTA and other public transit;
5. Improve the opportunity for working people to elevate their economic status;
6. Encourage the construction of affordable workforce housing by offering zoning incentives for the provision of affordable workforce housing as a portion of residential development to address both existing and anticipated future housing needs in the Westside Park Affordable Workforce Housing Overlay District;
7. Afford developers of residential development the flexibility to meet the broad objectives of the City's policies to assist in providing a percentage of affordable workforce housing units as a portion of development; and
8. Provide opportunities to have on-site, privately produced, owned and managed, long-term affordable units.

Sec. 16-41.003. - Definitions.

As used in this chapter, unless specifically stated otherwise, the following terms shall have the meanings set forth below:

1. *Actively marketed*: Applicant shall market the residential rental units and the residential for sale units, respectively, as follows:

- (a) Rental Units. Applicant shall coordinate with the City of Atlanta Office of Housing and Community Development or its program designee(s) to locate and place Workforce Residents in available affordable workforce housing units. If Applicant coordinates in writing and in a commercially reasonable manner with the City of Atlanta Office of Housing and Community Development for a period of 60 days with respect to any affordable workforce housing unit from the completion of such units or the vacation of any such unit by any Workforce Resident, and despite such coordination, such unit has not been leased to Workforce Resident then such units shall be counted towards the affordable workforce housing unit requirement if so certified by the City of Atlanta Office of Housing and Community Development.

- (b) Home Ownership Units. Applicant shall exercise its best efforts, in coordination with the City of Atlanta Office of Housing and Community Development, for a period of six months following the issuance of the Certificate of Occupancy, to market the units at the levels set forth in Sec. 16-41.004(b) to a qualified administrator as defined in this chapter, unless no qualified administrator can be identified, in which case



the Applicant may market to income-qualified buyers at the levels set forth in Sec. 16-41.004(b), and provide documentation for approval by the City of Atlanta Office of Housing and Community Development of the proposed buyer's income eligibility prior to the closing. Upon the expiration date of the six-month period, the developer will have a right to sell any remaining units at a market price provided the developer has provided 1) notice to the City of Atlanta Office of Housing and Community Development of the intent to sell Workforce Owner Housing units at market rate, and 2) documentation to support the failure to sell the Workforce Owner Housing units as evidenced by sales offers declined by the developer and/or buyer's requests to terminate sales contracts at the Workforce Housing Maximum prices, or any other documentation satisfactory to the City of Atlanta Office of Housing and Community Development. In the event the developer obtains the right from the City of Atlanta's Office of Housing and Community Development to sell a unit at a market price pursuant to this section, any obligation to the City of Atlanta created by a land use restrictive agreement with respect that particular unit shall be deemed to be extinguished.

Affordable workforce housing unit(s): A residential rental unit in the Westside Park Affordable Workforce Housing Overlay District that complies with the affordability requirement in section 16-41.004(a), or a residential for sale unit in the Westside Park Affordable Workforce Housing Overlay District that complies with the affordability requirement in section 16-41.004(b), as applicable.

3. *Applicant:* Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities or affiliated entities and any transferee of all or part of the real property at one location, which after this chapter takes effect develops a total of ten (10) or more new residential rental dwelling units and/or residential for sale units at one location as part of one planned subdivision in the Westside Park Affordable Workforce Housing Overlay District.

4. *At one location:* All real property of the Applicant in the Westside Park Affordable Workforce Housing Overlay District if:

- a. Such properties are contiguous at any point;
- b. Such properties are separated only by a public or private right-of-way or utility corridor right-of-way, at any point; or
- c. Such properties are separated only by other real property of the Applicant which is not subject to this chapter at the time of any building permit, site plan, and development or subdivision application by the Applicant.

5. *LURA:* A Land Use Restrictive Agreement between the City and the Applicant that shall encumber the property in a manner that will require the development and active marketing of a percentage of residential rental units as affordable workforce housing units.



6. *Land Use Declaration*: A Land Use Restrictive Covenant that shall encumber property in a manner that will require the development and active marketing of a percentage of homeownership units as affordable workforce housing units.
7. *Market rate unit(s)*: A residential rental dwelling unit or a homeownership dwelling unit that is not an affordable workforce housing unit.
8. *Qualified administrator*: an organization identified by the City of Atlanta Office of Housing and Community Development demonstrating the necessary capacity to provide long term stewardship of affordable homeownership units by identifying purchasers that meet income requirements, and administering ongoing compliance.
9. *Workforce Resident*: The person or persons occupying an affordable workforce housing unit earning in the aggregate no more than 80 percent or 120 percent of the AMI for the Atlanta-Sandy Springs-Marietta area, as published by the United States Department of Housing and Urban Development ("HUD") or no more than 80 percent AMI, 60 percent AMI, or 30 percent AMI depending on the applicable affordability requirement below. The published income limits will be adjusted by household size. The income limits and the rent limits, with respect to market rate units, will be adjusted annually according to the HUD published limits.

Sec. 16-41.004. - On-site affordability requirement.

(a) Rental Units. All improvement of real property in the Westside Park Affordable Workforce Housing Overlay District, regardless of the number of parcels, upon which ten or more new residential rental dwelling units will be constructed at one location, shall comply with the applicable affordability requirement set forth below. The affordability requirement shall apply for the greater of 20 years from the date of the issuance of the certificate of occupancy; or such longer period from the date of the issuance of the certificate of occupancy, as permitted by state law at the time of the issuance of the building permit. The affordable workforce housing units shall be substantially similar in construction and appearance (e.g., square footage, type and brand of appliances, materials used for countertops, flooring, etc.) to the market rate units, and shall not be in isolated areas in the development, but shall be interspersed among market rate units. The number of bedrooms in the Affordable Workforce Housing Units (e.g. 1 bedroom, 2 bedroom, 3 bedroom) shall be proportionate to the number of bedrooms in the market rate units.

1. At least 15 percent of the total residential rental units shall be actively marketed for lease to households having an income, as certified by the prospective tenant(s) at the time of execution of the applicable lease agreement, that does not exceed 80 percent of the AMI limits as published by the City of Atlanta Office of Housing and Community Development on an annual basis. The AMI limits will account for household size based on AMI data for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair



Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit shall not exceed the limits published by the City of Atlanta Office of Housing and Community Development on an annual basis. The rental limits will be based on AMI data published periodically by HUD to ensure that tenant households at 80 percent of the AMI pay no more than 30 percent of their household's monthly gross income, adjusting for the number of bedrooms in the units; or

2. At least 10 percent of the total residential rental units shall be actively marketed for lease to households having an income, as certified by the prospective tenant(s) at the time of execution of the applicable lease agreement, that does not exceed 60 percent of the AMI limits as published by the City of Atlanta Office of Housing and Community Development on an annual basis. The AMI limits will account for household size based on AMI data for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit shall not exceed the limits published by the City of Atlanta Office of Housing and Community Development on an annual basis. The rental limits will be based on AMI data published periodically by HUD to ensure that tenant households at 60 percent of the AMI pay no more than 30 percent of their household's monthly gross income, adjusting for the number of bedrooms in the units.

3. At least 5 percent of the total residential rental units shall be actively marketed for lease to households having an income, as certified by the prospective tenant(s) at the time of execution of the applicable lease agreement, that does not exceed 30 percent of the AMI limits as published by the City of Atlanta Office of Housing and Community Development on an annual basis. The AMI limits will account for household size based on AMI data for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit shall not exceed the limits published by the City of Atlanta Office of Housing and Community Development on an annual basis. The rental limits will be based on AMI data published periodically by HUD to ensure that tenant households at 30 percent of the AMI pay no more than 30 percent of their household's monthly gross income, adjusting for the number of bedrooms in the units.

Units actively marketed for lease in accordance with the terms of the LURA shall be considered in compliance with the requirements of this Chapter 41.

(b) Homeownership units. All improvement of real property in the Westside Park Affordable Workforce Housing Overlay District, regardless of the number of parcels, upon which ten or more new residential homeownership dwelling units will be constructed at one location, shall comply with the applicable affordability requirement set forth below. The affordability requirement shall apply for the greater of 20 years from the date of the issuance of the certificate of occupancy; or such longer period from the date of the issuance of the certificate of occupancy, as permitted by state law at the time of the issuance of the building permit. The affordable workforce housing units shall be substantially similar in construction and appearance (e.g., square footage, type and brand of appliances, materials used for countertops, flooring, etc.) to the market rate units, and shall not be in isolated areas in the development, but shall be interspersed among market rate units. The number of bedrooms in the Affordable Workforce Home



Ownership Units (e.g. 1 bedroom, 2 bedroom, 3 bedroom, 4 bedroom or greater) shall be proportionate to the number of bedrooms in the market rate units.

1. The developer will ensure that at least 10 percent of the total dwelling units shall be made available for sale to qualified administrators as defined in this section, or, in the event no qualified administrator can be identified, to households having an income as certified by the buyer or buyer's lender and verified by the City of Atlanta Office of Housing and Community Development that does not exceed either 80 percent of AMI or 120 percent of AMI, as applicable, adjusted for household size, for the Atlanta-Sandy Springs-Marietta Metropolitan Statistical Area published annually by the United States' Department of Housing and Urban Development ("HUD AMI"). The maximum sales price cannot exceed the Workforce Owner Housing Maximums established by the City of Atlanta Office of Housing and Community Development (based on 80 percent and 120 percent of the HUD AMI, respectively), adjusted by household size. The percentage of units at 80 percent of AMI and the percentage of units at 120 percent of AMI shall be equal. In the event there is an odd number of required Affordable Workforce Home Ownership Units, the developer may choose whether the last unit will be at either 80 percent of AMI or at 120 percent of AMI.
2. In the event the unit is sold to an income-qualified buyer and not a qualified administrator, the developer will ensure that the Affordable Workforce Home Ownership Units sold in accordance with this section shall be deed restricted such that only households having an income as certified by the buyer or buyer's lender and verified by the City of Atlanta Office of Housing and Community Development that does not exceed either 80 percent of AMI or 120 percent of AMI, as applicable, adjusted for household size, for the Atlanta-Sandy Springs-Marietta Metropolitan Statistical Area published annually by the United States' Department of Housing and Urban Development ("HUD AMI"), may purchase the unit. The deed restriction shall also indicate the original AMI designation for the unit and establish that the maximum sales price cannot exceed the updated Workforce Owner Housing Maximums for the original AMI designation at the time of the sale as established by the City of Atlanta Office of Housing and Community Development (based on 80 percent and 120 percent of the HUD AMI, respectively), adjusted by household size.

Units actively marketed for sale in accordance with the terms of the Land Use Declaration shall be considered to be in compliance with the requirements of this Chapter 41.

Sec. 16-41.005. - Plans to conform.

Upon the face of the permit plans, and as a condition of the special administrative permit and/or building permit for improvement of real property subject to the affordability requirement, the Applicant shall acknowledge by signature, for itself its successors and assigns on the permit plans, that it will satisfy the requirements of 16.41.004 or 16-41.007 and, unless Applicant acknowledges it will satisfy the requirements of 16.41.007, will certify which floorplans to be built within the property will be the affordable units and the number of units to be designated affordable within each floorplan type.

Sec. 16-41.006. - Certificate of occupancy.



unless Applicant satisfies the requirements of 16-41.007, the following requirements shall apply:

1. *Concurrency.* Applicant shall use best efforts to develop affordable workforce housing unit(s) concurrently with market rate units; and
2. *LURA.* No temporary or final certificate of occupancy shall be issued until a LURA or Land Use Declaration, as applicable, in the form provided by the City, is recorded in the county real estate records where the property lies and a recorded copy is affixed to the application for certificate of occupancy.

Sec. 16-41.007. - In-lieu option.

In lieu of compliance with the on-site affordability requirement, the Applicant may elect to pay an in-lieu fee to the City to be deposited into the Westside Park Affordable Workforce Housing In-Lieu Fee Trust Fund prior to issuance of a building permit. In-lieu fees are a public record and calculated yearly to reflect the current market. Rates will be published and made available on the City of Atlanta Department of City Planning website no later than June 1 of each year and will be effective July 1 of that same year. The in-lieu fees for Affordable Workforce Housing Units are based on the approximate cost of construction of replacement Affordable Workforce Housing Units not built on-site. The in-lieu fees for Affordable Workforce Home Ownership Units are based on the difference between the average home value for the area and the affordable purchase price for households at 80 percent of AMI for the Atlanta-Sandy Springs-Marietta Metropolitan Statistical Area published annually by the United States' Department of Housing and Urban Development. The in-lieu fee for a rental project shall be equivalent to the total cost per unit in Exhibit C multiplied by 15% of the total rental units at the project. The in-lieu fee for a for-sale project shall be equivalent to the applicable in-lieu fee category in Exhibit C multiplied by 10% of the total for-sale units at the project.

Sec. 16-41.008. - Density bonus.

A development in compliance with the affordability requirement shall be entitled to a 15 percent floor-area ratio increase above the floor-area ratio set by the current zoning for the development ("density bonus"). In the event the Applicant chooses not to use any or all of the density bonus on-site, such density bonus may be severed in the form of development rights, pursuant to the procedures set forth in section 16-28.023 (Transfer of development rights). In the event construction of all or a portion of the density bonus would exceed the maximum floor area ratio set forth in the City's comprehensive development plan, if any, Applicant shall only be entitled to apply for transfer of development rights for such excess portion.

Evidence of a development exercising the density bonus on-site shall be entitled to an increase of the maximum parking requirements of 16-36.020(2), if necessary, but only commensurate with the number of spaces required in accordance with the density bonus granted. Evidence of a development exercising the option to increase the density on-site will only be obligated to comply with the minimum open space requirements set by the underlying zoning district for the development.

Sec. 16-41.009. - Parking incentives.



A development in compliance with the affordability requirement shall be entitled to a reduction in the minimum parking requirement set by the underlying zoning district for the development.

1. **Minimum Parking for Residential Uses:** There will be no minimum parking requirement for a residential development within the Westside Park Affordable Workforce Housing Overlay District.
2. **Minimum Parking for Non-Residential Uses in a Mixed Residential Commercial Development:** The minimum parking requirement set by the underlying zoning for the development will be reduced by 25 percent.

Sec. 16-41.010. - Application review.

1. *Priority Application Review:* A development that will meet the on-site affordability requirement shall be entitled to an expedited administrative review of the special administrative permit ("SAP"). The SAP will be given priority and be reviewed within 21 days.
2. *Major Projects Meeting:* A development in compliance with the on-site affordability requirement shall be given major project status and will be afforded a "Major Projects Meeting" in which representatives from all departments that will review the development for permitting will meet with the applicant to identify potential issues and articulate expectations and requirements for permitting.

Sec. 16-41.011. - Monitoring and enforcement.

The City of Atlanta's Office of Buildings shall enforce the affordability requirement prior to issuance of the certificate of occupancy. The Office of Housing and Community Development shall enforce the affordability requirement after issuance of the certificate of occupancy and oversee compliance of qualified administrators.

1. *Compliance report.* Each development shall comply with reporting requirements set forth in the LURA or the Land Use Declaration, as applicable, as described in section 16-41.006.
2. *Non-compliance.* No development shall maintain its eligibility for incentives under this chapter unless a valid LURA or Land Use Declaration, as applicable, remains in effect and unless the development continuously meets the affordability requirement during the entire period of the LURA or Land Use Declaration, as applicable. The City may take any other legal remedies allowed under the LURA or Land Use Declaration, as applicable, including but not limited to seeking an injunction to prevent the leasing or sale of units that would cause the project to exceed the number of Market Rate units to be leased under the LURA or sold under the Land Use Declaration, as applicable.
3. *Enforcement.* Violations of the requirements in this chapter shall be subject to the penalties outlined in Atlanta City Code Section 16-30.002.

Sec. 16-41.012. - Reporting.

The Office of Housing and Community Development will provide an update on the program every two years that will include the number of affordable units created pursuant to this chapter, the dollar amount of in lieu fees collected, and the dollar amount of in lieu fees expended.



20-O-1729
Z-20-80

Sec. 16-41.013. - Severability.

It is declared the intention of the City of Atlanta that the provisions of any part of this chapter are severable. If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provision of this chapter not specifically included in the judgment. If a court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, development, building or structure, such judgment shall not affect the application of said provision to any other property, development, building or structure not specifically included in said judgment.



WESTSIDE PARK AFFORDABLE WORKFORCE HOUSING OVERLAY DISTRICT

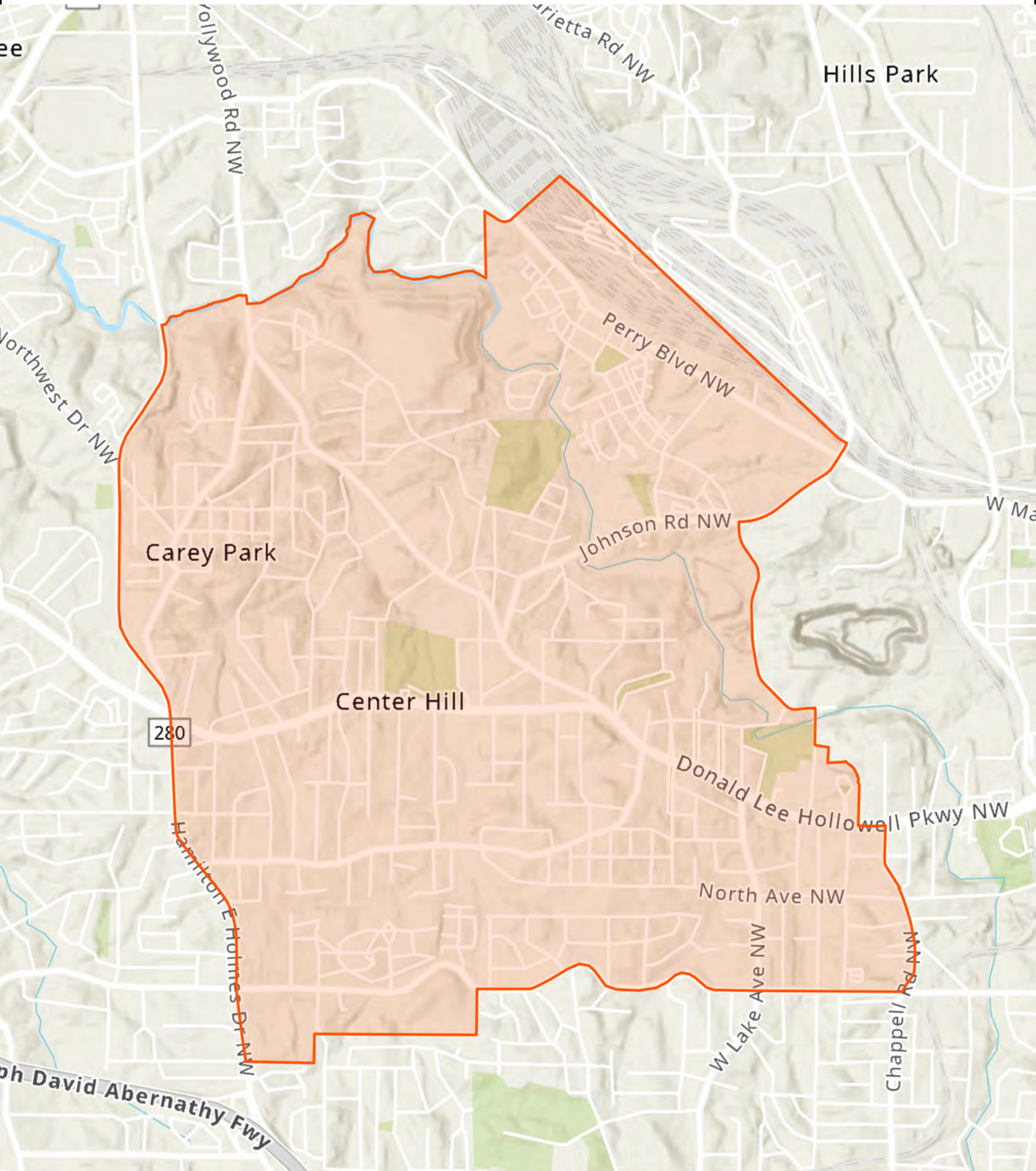




Exhibit "C"

"IN-LIEU FEE RATES"

Westside Park Workforce Housing Overlay District In-Lieu Fees (Rental Units)

Construction Costs/Unit	Land Costs/Unit	Total/Unit
\$133,218	\$17,667	\$150,885

Westside Park Workforce Housing Overlay District In-Lieu Fees (Home Ownership Units)

Category	Range	Median Square Footage Rate	Construction Cost (ICC Building Valuation Data, R3 Group VB, Feb 2020)	Median ZHVI for 30318, 2019	Land Cost (20% of median ZHVI for 30318, 2019)	Construction Cost	In-Lieu Fee
1	<1500 sqft	1,250	\$122.46	\$255,758.00	\$51,151.60	\$153,075.00	\$204,226.60
2	1500-1999 sqft	1,750	\$122.46	\$255,758.00	\$51,151.60	\$214,305.00	\$265,456.60
3	2000-2499 sqft	2,250	\$122.46	\$255,758.00	\$51,151.60	\$275,535.00	\$326,686.60
4	>2500 sqft	2,750	\$122.46	\$255,758.00	\$51,151.60	\$336,765.00	\$387,916.60



CITY COUNCIL
ATLANTA, GEORGIA

20-O-1729

SPONSOR SIGNATURES

Duane Hanks, Councilmember, District 9



CITY COUNCIL
ATLANTA, GEORGIA

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Z-20-81 AN ORDINANCE BY COUNCILMEMBER DUSTIN HILLIS AS SUBSTITUTED BY ZONING COMMITTEE AND AMENDED BY THE ATLANTA CITY COUNCIL TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, CITY OF ATLANTA CODE OF ORDINANCES PART 16, SO AS TO ADD A NEW CHAPTER 41 ENTITLED “WESTSIDE PARK AFFORDABLE WORKFORCE HOUSING DISTRICT”; TO DEFINE CERTAIN TERMS; TO PROVIDE FOR RELATED REQUIREMENTS, PROCEDURES AND INCENTIVES; TO AMEND THE OFFICIAL ZONING MAP; TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, CITY OF ATLANTA CODE OF ORDINANCES PART 16, CHAPTER 28, SECTION 16-28.023, SO AS TO ALLOW TRANSFER OF DEVELOPMENT RIGHTS FOR UNUSED DENSITY BONUS; AND FOR OTHER PURPOSES.

Workflow List:

Atlanta City Council	Completed	11/16/2020 1:00 PM
Zoning Review Board Staff	Completed	03/04/2021 9:42 PM
Zoning Committee	Completed	03/08/2021 11:00 AM
Atlanta City Council	Completed	03/15/2021 1:00 PM

HISTORY:

11/16/20 Atlanta City Council REFERRED WITHOUT OBJECTION

REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	
03/08/21	Zoning Committee	FAVORABLE ON SUBSTITUTE

RESULT:	FAVORABLE ON SUBSTITUTE [UNANIMOUS]	
MOVER:	Andre Dickens, Post 3 At-Large	
SECONDER:	Marci Collier Overstreet, District 11	
AYES:	Farokhi, Dickens, Shook, Smith, Boone, Overstreet	
ABSENT:	Cleta Winslow	

03/15/2021 Atlanta City Council ADOPTED SUBSTITUTE AS AMENDED



RESULT: ADOPTED SUBSTITUTE AS AMENDED [13 TO 0]
MOVER: Dustin Hillis, Councilmember, District 9
SECONDER: Amir R Farokhi, Councilmember, District 2
AYES: Bond, Westmoreland, Dickens, Smith, Farokhi, Winslow, Archibong, Ide,
Matzigkeit, Hillis, Boone, Overstreet, Sheperd
ABSENT: Antonio Brown
AWAY: Howard Shook

Z-20-81 AN ORDINANCE BY COUNCILMEMBER DUSTIN HILLIS AS SUBSTITUTED BY ZONING COMMITTEE AND AMENDED BY THE ATLANTA CITY COUNCIL TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, CITY OF ATLANTA CODE OF ORDINANCES PART 16, SO AS TO ADD A NEW CHAPTER 41 ENTITLED “WESTSIDE PARK AFFORDABLE WORKFORCE HOUSING DISTRICT”; TO DEFINE CERTAIN TERMS; TO PROVIDE FOR RELATED REQUIREMENTS, PROCEDURES AND INCENTIVES; TO AMEND THE OFFICIAL ZONING MAP; TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, CITY OF ATLANTA CODE OF ORDINANCES PART 16, CHAPTER 28, SECTION 16-28.023, SO AS TO ALLOW TRANSFER OF DEVELOPMENT RIGHTS FOR UNUSED DENSITY BONUS; AND FOR OTHER PURPOSES.

VOTE RECORD - ORDINANCE 20-O-1729						
<input type="checkbox"/> ADOPTED <input type="checkbox"/> ADVERSED <input type="checkbox"/> FAVORABLE <input type="checkbox"/> ACCEPTED AND FILED <input type="checkbox"/> FIRST READING <input type="checkbox"/> SECOND READING <input type="checkbox"/> THIRD READING <input type="checkbox"/> FOURTH READING <input type="checkbox"/> FIFTH READING <input type="checkbox"/> REFERRED TO COMMITTEE <input type="checkbox"/> HELD IN COMMITTEE <input type="checkbox"/> TABLED <input type="checkbox"/> DEFERRED <input type="checkbox"/> RECONSIDERED <input type="checkbox"/> FILED <input type="checkbox"/> ADOPTED AS AMENDED <input type="checkbox"/> AMENDED <input type="checkbox"/> ACCEPTED <input type="checkbox"/> SUBSTITUTED <input type="checkbox"/> AMENDED SUBSTITUTE <input type="checkbox"/> FILED BY COMMITTEE <input type="checkbox"/> REFERRED TO ZRB AND ZC <input type="checkbox"/> REFERRED WITHOUT OBJECTION <input type="checkbox"/> ADOPTED ON SUBSTITUTE <input checked="" type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED <input type="checkbox"/> FORWARDED WITH NO RECOMMENDATI <input type="checkbox"/> REFERRED TO SC <input type="checkbox"/> FILED WITHOUT OBJECTION <input type="checkbox"/> FAILED <input type="checkbox"/> FORWARDED TO FC/NQ						
			YES/AYE	NO/NAY	ABSTAIN	ABSENT
	MICHAEL JULIAN BOND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MATT WESTMORELAND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDRE DICKENS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CARLA SMITH	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	AMIR R FAROKHI	SECONDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANTONIO BROWN	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	CLETA WINSLOW	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NATALYN MOSBY ARCHIBONG	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JENNIFER N. IDE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	HOWARD SHOOK	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AWAY
	J. P. MATZIGKEIT	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DUSTIN HILLIS	MOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDREA L. BOONE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARCI COLLIER OVERSTREET	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
JOYCE M SHEPERD	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<input type="checkbox"/> FAVORABLE ON SUBSTITUTE <input type="checkbox"/> FAVORABLE/SUB/AMENDED <input type="checkbox"/> FAVORABLE/SUB/AMND/COND <input type="checkbox"/> FAVORABLE/AMND/COND <input type="checkbox"/> FAVORABLE AS AMENDED <input type="checkbox"/> RETURNED AS HELD <input type="checkbox"/> FAVORABLE ON CONDITION <input type="checkbox"/> FAVORABLE/SUB/CONDITION <input type="checkbox"/> QUADRENNIALY TERMINATED <input type="checkbox"/> QUESTION CALLED <input type="checkbox"/> ROUTED TO COW <input type="checkbox"/> SUSTAINED <input type="checkbox"/> OVERRIDDEN <input type="checkbox"/> NOT ACCEPTED BY COMMITTEE <input type="checkbox"/> SUSTAINED W/O OBJECTION <input type="checkbox"/> TABLED W/O OBJECTION <input type="checkbox"/> HELD IN COW <input type="checkbox"/> POSTPONED <input type="checkbox"/> RETAINED AS HELD <input type="checkbox"/> REFER TO ZRB AND ZC W/O OBJECTION <input type="checkbox"/> AUTOMATICALLY TERMINATED (FILED)	
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[Unanimous]

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">3/15/2021</p> <p style="text-align: center;">ATLANTA CITY COUNCIL PRESIDENT</p> <p style="text-align: center;"></p>	<p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">3/15/2021</p> <p style="text-align: center;">MUNICIPAL CLERK</p> <p style="text-align: center;"></p>
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

ADOPTED BY COUNCIL

03/15/2021