



**CITY COUNCIL
ATLANTA, GEORGIA**

24-O-1586

Z-24-82 AN ORDINANCE BY COUNCILMEMBER JASON H. WINSTON AS SUBSTITUTED BY ZONING COMMITTEE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, CITY OF ATLANTA CODE OF ORDINANCES PART 16, CHAPTER 34, SECTION 16-34.010 AND SECTION 16-34.028 SO AS TO MODIFY THE PROVISIONS OF THE VOLUNTARY DENSITY BONUS PROGRAM IN MRC-3 ZONING; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the “City”) is facing an unprecedented housing affordability crisis, as evidenced by estimates from the Census Bureau’s latest American Community Survey, which suggest that over half of Atlanta renters are “rent-burdened,” spending over 30% of their household income on rent; and

WHEREAS, the City under Mayor Andre Dickens has adopted an ambitious goal to build and preserve 20,000 units of affordable housing by 2030; and

WHEREAS, escalating construction costs have contributed to rising housing costs in the City and broader Atlanta metro area; and

WHEREAS, the City's Comprehensive Development Plan recognizes that certain areas of the City, including neighborhoods around Upper Westside and the Beltline’s Eastside Trail, have experienced significant residential and mixed-use development in recent years, and are poised to accommodate further growth; and

WHEREAS, the Downtown, Midtown, and Buckhead Special Public Interest (SPI) zoning districts currently allow for denser residential development than permitted by right in the Mixed Residential Commercial (MRC) zoning district, specifically MRC-3, which is the principal vehicle for growth and densification around the Beltline and in Upper Westside neighborhoods; and

WHEREAS, the City recognizes the dwindling availability of land and rising land acquisition costs in high-opportunity neighborhoods and the need for innovative development mechanisms on smaller lot sizes to meet the housing demand; and

WHEREAS, it has been identified through data, research, and consultations with industry professionals across the City of Atlanta, that the current zoning and development control provisions for the MRC-3 zoning category should be revised to better suit the types of residential development the category is intended to facilitate; and

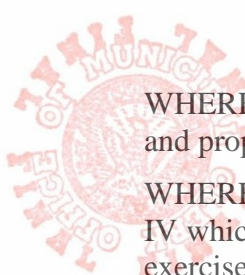
WHEREAS, voluntary affordable housing density bonuses are a critical tool for promoting affordable housing in high-opportunity growth areas in the city - areas where only market-rate housing would be economically feasible otherwise - by making development more economically efficient; and

WHEREAS, best practices implemented in markets across the country have demonstrated that voluntary affordable housing density bonuses that are paired with an “in-lieu fee” option offer the dual benefits of on-site affordability and funding for affordable housing off-site; and

WHEREAS, in-lieu fees would be collected into a City trust fund and deployed to drive affordable housing creation and preservation in the City; and

WHEREAS, the City desires to encourage and incentivize the acceptance of Housing Choice Vouchers in high-opportunity areas, particularly in new, high-quality housing developments; 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 housing for the City 's workforce to live within the City; 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 Atlanta City Council finds this amendment to the affected zoning district regulations will serve the public health, safety, and general welfare of the community.

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

SECTION 1: MRC-3 AFFORDABLE HOUSING DENSITY BONUS

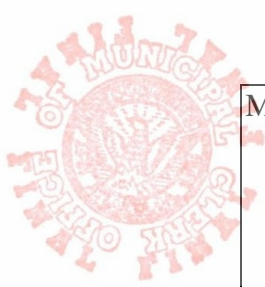
Section 1.A: Section 16-34.010 governing development controls in the MRC Mixed Residential Commercial district is amended as follows with permanent deletions in ~~strike through~~ and bold format and permanent additions in underline and bold format.

1. *Bulk limitations.* See specific regulations at sections 16-34.026 through 16-34.028, (Table A provides a summary of the density and open space requirements for each district). Bulk limitations: For purposes of this chapter, and notwithstanding the provisions of Code section 16-29.001(24), mixed-use development is defined as any development which contains as principal uses both residential and nonresidential uses on the same development site, and in which both of such uses are at least 20 percent of the total floor area, excluding accessory uses.

Table A: Summary of Density and Open Space Requirements

MRC District	Base FAR* (net lot area)		
	Nonresidential	Residential	Combined
MRC-1	1.0	0.696	1.696
MRC-2	2.5	1.49	3.196
MRC-3	4.0	3.2	7.20

MRC District	Bonus FAR* (net lot area)				Max. FAR with Bonuses
	Residential (Open Space & Streets)	Residential (Affordable Housing [^])	Residential (Ground Floor Commercial [^])	Residential (Civic)	
MRC-1	Two sq. ft. of residential floor area for every one sq. ft. of open space	1.0	None	One sq. ft. of residential floor area for every one sq. ft. of civic space	2.696
MRC-2	Two sq. ft. of residential floor area for every one sq. ft. of open space	0.5	One sq. ft. of residential floor area for every two sq. ft. of commercial space	One sq. ft. of residential floor area for every one sq. ft. of civic space	3.696



MRC-3	Two sq. ft. of residential floor area for every one sq. ft. of open space	1.0 3.0	One sq. ft. of residential floor area for every three sq. ft. of commercial space	One sq. ft. of residential floor area for every one sq. ft. of civic space	8.20
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Min. Open Space Requirements		
Public Space**	TOSR	UOSR
10% or 20%	None	LUI
10% or 20%	None	LUI
10% or 20%	None	LUI

* Residential floor area may be calculated utilizing gross lot area.

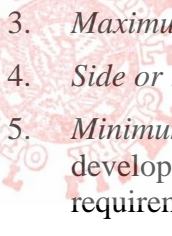
** Public space requirements: 10% for lots less than or equal to one acre, 20% for lots greater than one acre.

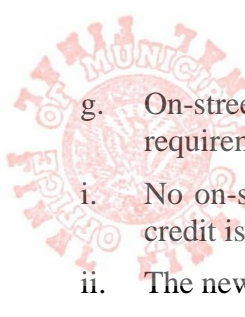
[^] ~~Affordable Housing Bbonus residential FARs~~ requires a minimum of 120% of the ~~bonus residential FAR granted~~ to be devoted to rental housing that is affordable at 60% AMI or 15% of bonus residential FAR be affordable at 80% AMI, and a minimum of 20% of the building footprint must provide sidewalk level, street-fronting retail and dining uses.

Sq. ft. = Square feet.

2. ~~Affordable new sales housing units or rental housing units requirements.~~

- a. See specific regulations at sections 16-34.026 through 16-34.028.
- b. Affordable housing shall have the meaning set forth in part 19, chapter 1, section 19-1006., for the purposes of this chapter, shall mean an affordable rental unit that is 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 AMI or 80 percent AMI, as applicable, adjusted for household size, 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 be no more than 30 percent of the household's monthly gross income as published periodically by HUD; or
- c. Affordable requirements shall be in place for a minimum of 20 years 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.
- d. No housing unit associated with a development project for which bonus FAR calculations were applied shall be issued ~~a~~ temporary or final certificate of occupancy permit until such time as 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 documentation is provided to the bureau of buildings establishing that the affordable housing requirements have been met and have been instituted as part of the warranty deed as an allowable exception to title for each affordable unit that is a part of said development project

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3. *Maximum building coverage.* 85 percent of the net lot area.
 4. *Side or rear yard.* No requirement.
 5. *Minimum open space requirements.* When either the residential or nonresidential component of the development is a minor use of less than 20 percent of the total floor area minimum open space requirements do not apply to such minor use.
 - a. For residential uses, including all residential components of mixed-use developments: Open space requirements as indicated on Table I, "Land use intensity ratios" shall be required for useable open space (UOSR) only. For developments greater than 6.40 FAR, the UOSR for 6.40 FAR shall apply.
 - b. For nonresidential uses, including all nonresidential components of mixed-use developments:
 - i. *Developments of less than or equal to one-half acre:* A minimum of ten percent of the net lot area shall be public space.
 - ii. *Developments greater than one-half acre:* A minimum of 20 percent of the net lot area shall be public space. (See section 16-28.012 for definitions and measurements. Required yards and requirements for sidewalk and supplemental zone widths which are constructed on private property may be counted towards this requirement. Such public space may include planted areas, fountains, community gardens, parks plazas, hardscape elements related to sidewalks and plazas, and similar features which are located on private property.)
 - c. For mixed-uses. The sum of minimum open space requirements specified in subsections a. and b. above for nonresidential and residential shall be met.
 - d. Residential balconies. Balconies for residential units, which are enclosed on not more than three sides, may be counted towards UOSR for a maximum depth of six feet.
 - e. New streets incentive. New public streets, or private streets which function as public streets may be counted towards UOSR and public space requirements provided the following criteria are met:
 - i. Connects two other public streets or private streets which meet the requirements of items ii, iii, and iv below; and
 - ii. Meets the requirements of section 16-34.012; and
 - iii. The maximum width shall be 36 feet which shall include, two on-street parallel parking lanes, two travel lanes and sidewalk extensions at intersections and shall have granite curbs; and
 - iv. When adjacent to a park area, new streets shall meet all above requirements along each park edge.
 - v. Gates shall not be permitted across said streets.
 - f. Connectivity incentive. Developments which provide connectivity across public rights-of-way which do not provide pedestrian access, such as railroads and freeways, may be permitted by the Director of the bureau of planning to be counted towards UOSR or public space requirements subject to the following criteria:
 - i. Said connectivity shall be achieved through the use of public streets, private streets which function as public streets, pedestrian walkways or bike and jog paths; and
 - ii. Meets the requirements of section 16-34.012; and
 - iii. Pedestrian walkways shall be a minimum width of six feet and bike and jog paths shall be a minimum width of ten feet.
 - iv. Streets, pedestrian walkways and bike and jog paths shall connect to other public streets, pedestrian walkways, bike and jog paths or parks.



g. On-street parking incentive. New on-street parking may be counted towards UOSR or public space requirements provided the following criteria are met:

i. No on-street parking currently exists in the public right-of-way adjacent to the project area for which credit is sought; and

ii. The new on-street parking is located where there is no existing street lane; and

iii. The on-street parking occupies an entire block face or a minimum distance of 200 feet; and

iv. Sidewalk extensions are provided at street intersections; and

v. All other sidewalk requirements of this chapter are met.

6. *Showering facilities.* All office buildings containing over 50,000 square feet of gross office space shall provide showering facilities, which shall include showers and lockers, in a ratio of at least two showering facilities for every 50,000 square feet of gross office space, which facilities shall be available to all building tenants and their employees, provided that no office building shall be required to exceed a maximum of four showering facilities.

7. Mixed-use storage facilities shall meet the following requirements:

(i) Non-storage use(s) required on site: At least ten percent of the total floor area of the site shall be used for one or more of the following non-storage permitted uses: Personal service establishments; Commercial recreation establishments, Eating and drinking establishments and similar uses; Retail establishments; Sales and repair establishments, Tailoring and similar establishments; or residential uses as specified in section 16-34.005.

(ii) Non-storage uses in the same structure: If the non-storage use(s) are within the same structure as the storage use, the non-storage use(s) shall occupy a minimum depth of 20 feet of any street fronting façade with a minimum floor to ceiling height of 12 feet along any ground level except for perpendicular vehicular ingress and egress at a maximum width of 30 feet.

(iii) Non-storage uses in separate structures: If the storage use and the non storage use(s) are in separate structures, the storage use shall be no closer to a public street than the non-storage use(s) and must occupy the greater of either: 25 percent of the overall façade(s) length along any street frontage or 20 feet in façade length along any street frontage.

(iv) Architectural detailing: Building floors shall be delineated above the ground floor to have the appearance of a horizontal storied structure on all levels executed through windows, belt courses, cornice lines or similar architectural detailing.

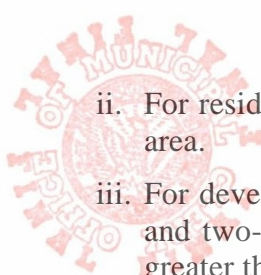
(v) Loading entrances: Loading entrances visible from any public or private street shall be screened with automatic doors so that loading related activities are not visible from such public or private street(s) unless in active use.

Section 1.B: Section 16-34.028 governing specific regulations for the MRC-3 District is hereby amended, with permanent deletions in ~~strike through~~ and bold format and permanent additions in underline and bold format.

1. *Development controls.*

a. Maximum permitted floor areas without bonuses:

i. For nonresidential uses, floor area shall not exceed an amount equal to four times net lot area.

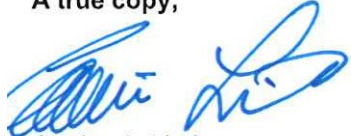
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- ii. For residential uses, floor area shall not exceed an amount equal to three and two-tenths times net lot area.
- iii. For developments that combine residential and nonresidential uses, floor area shall not exceed seven and two-tenths times net lot area [the sum of the nonresidential i. and residential ii. above], but not greater than the maximum floor areas permitted for each (see subsection 16-29.001(24)).
- b. Maximum permitted floor area with bonuses: Under no circumstances shall the floor area of any development with bonuses exceed an amount equal to eight and two-tenths times gross lot area.
- i. *Open space and streets bonus:* Developments shall be permitted a bonus equal to two additional square feet of residential floor area for each one square feet of open space provided above the minimum required herein without the bonus. Said bonus shall be permitted provided that the following regulations are met:
- a) Open space shall meet the requirements of subsection 16-34.006(2)(g)(iv).
- b) Streets shall meet the requirements of section 16-34.011 and subsection 16-34.010(5)(e).
- ii. *Affordable housing bonus:* Developments containing residential uses shall be permitted a floor area bonus ~~of one times net lot area, provided that a minimum of 20 percent of the total floor area developed shall be used for affordable sales housing units or affordable rental housing, as set forth in Table A, provided that a minimum of 10 percent at 60 percent AMI or 15 percent at 80 percent AMI~~ of the bonus square footage shall be used for on-site affordable rental housing units. The percentage mix of affordable studio, one bedroom, two bedroom, and three-bedroom units shall be proportionally similar to the percentage mix in the overall development.
- a) Applicant may elect to partially satisfy the requirements of this compliance option by leasing any or all of the 80 percent AMI range set-aside units to Housing Choice Voucher recipient households, regardless of their household income. Each unit leased to a Housing Choice Voucher recipient household shall count as one unit provided at the 80 percent AMI range unit set-aside. Units occupied by Housing Choice Voucher households may not be used to satisfy the 60 percent AMI range unit set-aside.
- b) Affordable housing bonus 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 prior to issuance of a certificate of occupancy. 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 fee plus administrative costs are based on the approximate cost of construction of replacement affordable workforce housing units that were not built on site. Fees collected shall be deposited into a trust fund to support the production and preservation of affordable housing.
- iii. *Ground-floor commercial bonus:* Developments which provide street-fronting, sidewalk level retail establishments or eating and drinking establishments which comprise a minimum of 20 percent of the building foot print and meet all of the requirements of subsection 16-34.014(6) shall be permitted a residential floor area bonus for every one square foot of said space built, up to three additional square feet of buildings are permitted.
- iv. *Civic bonus:* Developments which provide recreational centers; community centers and community service facilities which are available to the general public during normal city recreational center, community center or community service hours shall be permitted a residential floor area bonus equal to the total recreational center, community center or community service facility floor area.
- v. *Open space bonus:* Residential uses shall be permitted to calculate any of the above floor areas in subsection 16-34.028(1) utilizing gross lot area, for purposes of providing additional density based on

such calculation. Developments utilizing the open space bonus shall not be permitted any reduction in open space requirements.

2. *Site limitations.*

- a. Minimum building façade heights: Buildings shall have a minimum façade height of 24 feet along each façade adjacent to any sidewalk or supplemental zone.
- b. Maximum building heights: Structures or portions of structures shall have a maximum height of 225 feet.

A true copy,



Corrine A. Lindo

Municipal Clerk

ADOPTED by the Atlanta City Council

JUN 2 2025

APPROVED per City Charter Section 2-403

JUN 11, 2025