



**CITY COUNCIL
ATLANTA, GEORGIA**

24-O-1581

Z-24-83 AN ORDINANCE BY COUNCILMEMBER ALEX WAN AS SUBSTITUTED BY ZONING COMMITTEE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, CITY OF ATLANTA CODE OF ORDINANCES PART 16, CHAPTER 16-18P, SO AS TO ALLOW FOR A REVISED VOLUNTARY DENSITY BONUS PROGRAM IN MIDTOWN 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, population data indicates that Midtown Atlanta has experienced a sixfold increase in population from 6,000 residents to 24,000 residents over the last twenty years; and

WHEREAS, the City's Comprehensive Development Plan recognizes Midtown Atlanta’s vital role in the City’s sustainable growth, as a regional activity center that will continue to densify as it accommodates new residents and a diverse mix of land uses; and

WHEREAS, Midtown’s job density, amenities, walkability, and high-quality transit access have made Midtown an attractive option for development, these assets have also produced some of the highest inflationary pressures on housing in the City, with rents consistently increasing at higher rates than other neighborhoods; and

WHEREAS, the provision of affordable housing options close to amenities, jobs and schools, and transit is critical to providing opportunity for all Atlantans; and

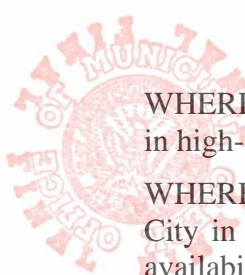
WHEREAS, the City recognizes the dwindling availability of land and rising land acquisition costs in high-opportunity neighborhoods like those in and around Midtown, and the need for innovative development mechanisms on smaller lot sizes to meet the housing demand; and

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 neighborhoods in the SPI-16 Midtown Special Public Interest District 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 Midtown; 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: SPI-16 MIDTOWN SPECIAL PUBLIC INTEREST DISTRICT AFFORDABLE HOUSING DENSITY BONUS

Section 1.A: Section 16-18P.010 of the Atlanta City Code of Ordinances governing development controls within the SPI-16 Midtown Special Public Interest (SPI) District is hereby amended, with permanent deletions in ~~strike through~~ and bold format and permanent additions in underline and bold format.

Section 16-18P.010 - Development controls.

Development shall comply with Table 2A entitled "SPI-16 Development Controls Table" and with subsections 1 through 7. Development ~~within Sub-areas 1 & 3~~ shall be eligible for incentive(s) upon meeting the corresponding criteria set forth in Table 2B entitled "Bonus Incentives ~~in Sub-area 1 & 3~~".

Table 2A: SPI-16 Development Control Table

	Midtown Mixed Use (SA #1)			Midtown Residential (SA #2)				Juniper East (SA #3)		
				Juniper St. Transition Area		Non-Juniper St. Transition Area				
	FAR (by right)	Max FAR Bonus (es) See below	Max FAR (with Bonus(es)) ¹	<u>FAR (by right)</u>	<u>Max FAR (with Bonus)⁴</u>	<u>FAR (by right)</u>	<u>Max FAR (with Bonus)⁴</u>	FAR (by right)	Max FAR Bonus	Max. FAR (with Bonus)
Non-Residential FAR (times gross lot area)	5.0	5.2	10.2	On street level & street frontage		On street level & street frontage 2,500 sf, max 5% residential floor area		2.0	0	2.0
Residential FAR (times gross lot)	3.2	7.0	10.2	6.4	<u>9.4</u>	3.2	<u>6.2</u>	3.2	3.8	7.0



area)									
Max FAR	8.2		10.2	6.4	9.4	3.2	6.2	5.2	7.0
Minimum Façade Height	24'		24'					24'	
Maximum Height	None, except for transitional height plane ² adjacent to R districts, PH-D or SPI 17-SA 4		250' (400' in Juniper St. Transition Area)		250'		100' (60' East of Piedmont Ave.)		
Side Yard Setback (Alleys permitted to 10' wide)	None ³ , except min. 10' for on-site residential uses with windows facing the side yard.		15' (of which 5' shall be landscaped)				None ² , except 20' with windows adj. to residential		
Rear Yard Setback (Alleys permitted to 10' wide)	None ³ , except min. 10' for on-site residential uses with windows facing the rear yard		15'				20'		

¹The only exception to the Max FAR is via the provision of certain bonuses described below for either: 'Affordable Housing'; 'Buried Parking'; or 'Public Park'; or via a special use permit for the transfer of development rights per [section 16-18P.005](https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIICOORANDECO_PT16ZO_CH16-18PSPMISPPUINDIRE_S16-18P.005PEPRUSST) <https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIICOORANDECO_PT16ZO_CH16-18PSPMISPPUINDIRE_S16-18P.005PEPRUSST>(3.b).

²Transitional height plane begins 35' above the buildable area boundary and extends at a 45-degree angle away. See [section 16-18P.009](https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIICOORANDECO_PT16ZO_CH16-18PSPMISPPUINDIRE_S16-18P.009TRHEPLYAFEWA) <https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIICOORANDECO_PT16ZO_CH16-18PSPMISPPUINDIRE_S16-18P.009TRHEPLYAFEWA>(1).

³Subject to building code requirements.

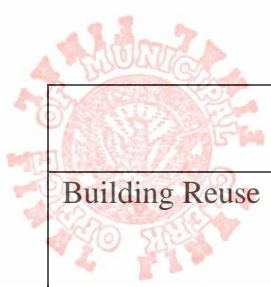
⁴ In Subarea 2, the Max FAR (with Bonus) can only be achieved via the "Affordable Housing" bonus incentive described in Table 2B and further described in [section 16-18P.010](https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIICOORANDECO_PT16ZO_CH16-18PSPMISPPUINDIRE_S16-18P.010DECO) <https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIICOORANDECO_PT16ZO_CH16-18PSPMISPPUINDIRE_S16-18P.010DECO>(3.b).

Table 2B: Bonus Incentives in Subarea 1 & 3

Type	Bonus All-uses (unless specified otherwise)	Criteria
Retail	2.0 FAR	-New street-fronting, sidewalk level retail or eating and drinking establishment(s) with a minimum cumulative 2000 sq. ft. fronting

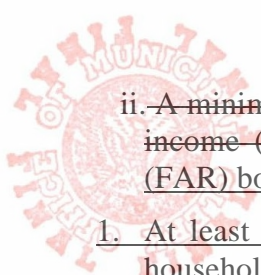


		on a type A street for a min. of 50% length of said façade.
Affordable Housing	Residential: 3.0 FAR	See Sec. 16-18P.010(3.b) below. <u>This is the only Bonus Incentive applicable in Subarea 2.</u>
Buried Parking	3.0 FAR	- All on-site parking is located completely below sidewalk level(s) grade on all type A and B streets.
Transit Station Area	3.2 FAR	- When located within a transit station area as identified on Attachment D Midtown Bonus Map, which by this reference is incorporated into and made a part of this chapter.
Public Parking	2.0 FAR	-New parking structures with 400 or more spaces that are not used to satisfy the parking requirements for any on-site or off-site uses. -Limited to one (1) such location for each eligible area on Attachment D Midtown Bonus Map. -Meets the active use requirements of Section 16-18P.014(3). - Provides standard signage indicating public parking. -Shall be located a minimum distance of 1,000 feet from any other site utilizing this bonus.
Reduced Parking	0.8 FAR	-On-site parking provided less than 50% of the maximum parking allowed. -May only be applied to parking spaces provided for on-site uses and may not be allowed to be applied to park-for-hire parking spaces.
Green Building	0.5 FAR	-Professional documentation that all existing and new buildings in the project would achieve a minimum level of LEED Gold or equivalent. -Utilizes non-potable water sources for 100% of outdoor water use. -Demonstrates a 10% reduction of energy use in comparison to the City Energy Code requirements.
Connectivity	2.0 FAR	- New infrastructure meeting the requirements of Sec. 16-18P.010(3.c). - Documented perpetual easement or dedication recorded in the office of Superior Court, referenced to deed book with copy



		provided to the Office of Zoning and Development.
Building Reuse	1 s.f. reused = 2 s.f. bonus; and Reused building does not count toward floor area	-Eligible for either City Landmark, Historic or National Register of Historic Places designation.
Public Park	1 s.f. public park = 8 s.f. bonus to a maximum 2.0 FAR	-Min. area of 20,000 square feet. -Limited to one (1) such location for each eligible area on Attachment D Midtown Bonus Map. -Meeting the design criteria in Sec. 16-18P.010(3.d). -Shall be located a minimum distance of 1,000 feet from any other site utilizing this bonus.

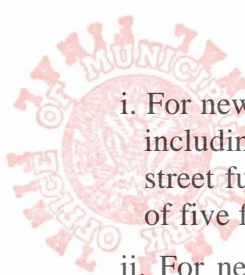
1. Residential uses with more than 50 dwelling units shall: Provide a minimum of five percent of such total dwelling units as units having three or more bedrooms.
2. Attachment B Conventional Streets and Pedestrian Ways shall govern the following:
 - a. New conventional streets and new pedestrian ways shall be constructed as shown in Attachment B in order to create pedestrian and vehicular connectivity.
 - b. New conventional streets created per Section 16-18P.010(2.a) above, shall meet the requirements of Section 16-18P.010(3.c) below.
 - c. All other regulations within this district applicable to streets and street frontages shall be applied to the new conventional streets and new pedestrian ways required in Attachment B.
 - d. The area of any such new conventional streets or new pedestrian ways shall be allowed to be included in the net or gross area calculation for density purposes and shall be afforded a density bonus as specified in section 16-18P.010(3.c) below.
3. *Density bonus opportunities.*
 - a. Whenever the affordable housing provisions of this district are in conflict with affordable housing established in section 19-1016 https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIICOORANDECO_P T19FEPELICH_CH1DEIMFE_S19-1016EX (a.1), the regulations of this district shall apply.
 - b. Affordable housing, ~~(new sales housing units or rental housing units)~~ for the purposes of this chapter, shall mean ~~residential units that are solely and actually provided to individuals and/or families as specified by the following measures:~~
 - i. ~~A minimum of ten percent of the total number of units provided at or below 60 percent of area median income (AMI); or~~ 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



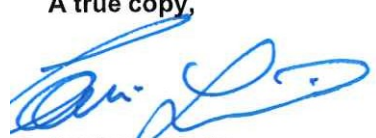
- ii. A minimum of 15 percent of the total number of units provided at or below 80 percent of area median income (AMI). Developments containing residential uses shall be eligible for the floor area ratio (FAR) bonus set forth in Table 2B for its respective subarea, provided that either:
1. At least 10 percent of the bonus FAR shall be devoted to on-site affordable housing provided for households at 60 percent of area median income (AMI); or
 2. At least 15 percent of the bonus FAR shall be devoted to on-site affordable housing provided for households at 80 percent of area median income (AMI).
 3. In-lieu of compliance with the on-site affordability requirement, the Applicant elects to pay an in-lieu fee to the City calculated as set forth in subsection 16-18P.010(3)(b)(vii).

In addition to the above each of the following criteria shall be met, where applicable:

- iii. Affordable requirements shall be in place for a minimum of 30 years from the date of issuance of the occupancy permit and shall include deed restrictions governing the resale value or rental rate placed on the affordable units.
 - iv. Parking for all such affordable dwelling units shall be leased or sold separately from the rental or purchase price for such units for the life of the unit such that the renter or purchaser has an option to have the unit priced lower than if the price of the unit and parking space were combined.
 - v. No ~~temporary or final~~ certificate of occupancy shall be issued until such time as: ~~a recorded land use restrictive covenant is provided to the city establishing that the affordable housing requirements are met.~~
1. A recorded land use restrictive covenant (LURA) or land use declaration, as applicable, in the form provided by the City, is recorded in the Fulton County real estate records, establishing that the affordable housing requirements are met.; or
 2. The Office of Buildings has verified that the full in-lieu fee has been collected.
- vi. Applicant may elect to partially or fully satisfy the criterion set forth in subsection 16-18P.010(3)(b)(2)(ii) by leasing affordable 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.
 - vii. Applicant may elect to satisfy subsection 16-18P.010(3)(b)(ii) by paying a fee to the City in lieu of compliance with the on-site affordability requirement. 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 within the Midtown Special Public Interest District.
 - viii. 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.
- c. Connectivity: Shall only be established via new conventional streets, shared streets, mid-block passages, or alleys, and shall be designed to meet the following criteria:



- i. For new public or private conventional streets: A minimum 40' width without gates or similar barriers including a minimum of two travel lanes and along both sides of the street: granite curbing, sidewalk street furniture zones at a minimum width of three feet and sidewalk clear zones at a minimum width of five feet.
 - ii. For new public or private shared streets: A minimum 20-foot width paved surface for pedestrians and/or vehicles without gates or similar barriers.
 - iii. For new public or private pedestrian ways: A minimum 20-foot width including a minimum 10-foot-wide pedestrian-only pathway.
 - iv. For new public or private service streets: A minimum 20-foot width utilized for vehicles only.
- d. Public park space. Shall be designed to meet the following criteria:
- i. Shall provide active and/or passive recreational amenities visible and accessible from any point along 90 percent of any adjacent sidewalk.
 - ii. Shall permit and encourage pedestrians to walk on a minimum of 80 percent of the surface of the parcel excluding fountains, pedestrian furniture, public art and similar elements.
 - iii. Shall be designed in accordance with the requirements for supplemental zones in section 16-18P.013.
 - iv. Shall be open to the public during all daylight hours.
 - v. Shall be continuously well maintained by a designated agent for such maintenance.
4. Façade materials. Exterior Insulation Finishing System (EIFS) is not allowed.
5. Roofing. All building and structural roofs shall be constructed of a heat-reflective material to achieve a minimum initial Solar SRI of 78 for a low-sloped roof (less than or equal to 2:12) and a minimum initial SRI of 29 for a steep-sloped roof (more than 2:12) except for those portions of roofing designated for vegetation.
6. Bridges and tunnels prohibition. Pedestrian bridges and tunnels are prohibited when located above public streets or private streets which function as public streets.
7. Utility location. Along existing and new type A and B streets shown on attachment B utilities within a sidewalk or supplemental zone shall be located below ground, provided that such utility is not in violation of the policies of utility regulated by the public service commission or otherwise regulated by state law and/or franchise agreement.

A true copy,

 Corrine A. Lindo
 Municipal Clerk

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

JUL 07, 2025
JUL 16, 2025