

**AN ORDINANCE TO AMEND ARTICLE 6
AND ARTICLE 12 OF PART IV OF THE CODE OF
ORDINANCES OF THE CITY OF DECATUR, GEORGIA**

WHEREAS, the City Commission adopted Ordinance O-14-Z-26 in November 2014, known as the Unified Development Ordinance, which required changes in the City of Decatur's zoning and development regulations to implement the 2010 Strategic Plan; and

WHEREAS, the Unified Development Ordinance was codified as Part IV of the 1967 City Code; and

WHEREAS, the Unified Development Ordinance allowed for a variety of building types and developments according to standards that reinforce the existing character and scale of the City.

WHEREAS, based upon the review and consideration of reports and analyses of the housing supply in the City of Decatur, the City Commission recognizes that land is a finite resource to accommodate residential growth, that the diversity of its housing stock has declined for many reasons including increasing property values and construction costs, and that there has been a substantial decrease in affordable workforce housing development within the City of Decatur; and

WHEREAS, the City Commission recognizes that without intervention, the trend toward rising household costs will result in an increasingly inadequate supply of affordable housing for City residents and local employees, which will have a negative impact upon the ability of local employers to maintain an adequate local work force; 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 and restaurant workers, and city and county employees; and

WHEREAS, since the remaining land appropriate for new residential development within the City of Decatur is limited, it is essential that a reasonable proportion of such land use be development with dwelling units affordable to low- and moderate-income households; and

WHEREAS, the City Commission finds that additional market rate residential development would displace and eliminate opportunities for additional affordable dwelling units in the City unless certain restrictions on land use are established; and

WHEREAS, the City Commission wishes to approve proposed amendments to Articles 6 and 12 of Part IV of the Code of Ordinances of the City of Decatur in order to increase the stock of high quality affordable housing located in neighborhoods throughout the City for households of a variety of income levels, ages and sizes in order to meet the City's goal of preserving and promoting a culturally and economically diverse population in the City; and

WHEREAS, the proposed amendments will further the goals of the 2010 Strategic Plan, the City's 2015 Better Together Community Action Plan, the 2016 Comprehensive Development

Plan, and the 2020 Affordable Housing Task Force Report to make Decatur a more welcoming, diverse, and inclusive place to live; and

WHEREAS, the proposed amendments will implement further one of the high-priority recommendations of the 2020 Affordable Housing Task Force Report, to increase the supply of affordable workforce housing by requiring residential developments to set aside a certain percentage of units as affordable to households within defined income ranges; and

WHEREAS, said amendments will promote the health, sanitation, cleanliness, safety, morals, good order, security, prosperity and the general welfare of present and future inhabitants of the City of Decatur; and

WHEREAS, required public hearings were held by the Planning Commission of the City of Decatur and the City Commission for the proposed changes to the text of the Unified Development Ordinance of the City of Decatur, all in compliance with the Zoning Procedures Law as well as the applicable provisions of the Unified Development Ordinance; and

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Decatur, Georgia, and it is hereby ordained by the authority of the same, as follows:

SECTION 1.

Article 6 of Part IV, Section 6.2. Allowed Use Table is amended as follows:

Item 1.

Delete the row for “Lifecycle dwelling” in its entirety.

Item 2.

Add a new row for “Inclusionary dwelling” as a limited use, indicated as an “L” in each of the zoning district columns, and with reference to Section 6.3.1. in the Reference and Standards column.

SECTION 2.

Article 6 of Part IV, Section 6.3.1. Residential Uses, Household Living is amended as follows:

Item 1

Amend subsection A. Defined, to add a new household living type after Item 8 to read as follows:

“9. Inclusionary Dwelling.”

Item 2

Delete subsection “F. Lifecycle Dwelling” in its entirety and add a new subsection “**F. Inclusionary Dwelling**” to read as follows:

“Where single-family detached dwelling, single-family attached dwelling, two-family dwelling, multiple-family dwelling, or downtown multiple dwelling is permitted, or allowed as a limited use or as a conditional use, it is subject to the following:

1. **Applicability and Minimum Project Size**

- a. Any new development that includes at least five (5) single-family dwelling units, attached or detached;
- b. Any new development that includes at least five (5) single-family lots;
- c. Any new development that creates at least five (5) multiple-family dwelling units;
- d. Any renovation or reconstruction of existing multiple-family dwelling units that increases the number of dwelling units by at least five (5) dwelling units; or
- e. Any change in use of all or part of an existing development of one or more buildings from a nonresidential use to a residential use that has at least five (5) dwelling units.

2. **Standards**

- a. A development that is subject to this Section shall designate a minimum of 10% of the total number of dwelling units or lots to be developed as inclusionary dwelling units. To calculate the number of inclusionary dwelling units or lots, the total number of proposed units shall be multiplied by 10%. If the product contains a fraction, a fraction of 0.5 or more shall be rounded up to the next higher integer, and fraction of less than 0.5 shall be rounded down to the next lower integer.
- b. The inclusionary dwelling units in the proposed development shall be:
 - i. Designed to have a number of bedrooms in the same proportion as the market rate dwelling units;
 - ii. Interspersed and among the market rate dwelling units within the development;
 - iii. Built concurrently with the market rate dwelling units; and
 - iv. Designed to be functionally equivalent in style and quality with the market rate dwelling units in the development.
- c. A development that is subject to this Section may incorporate a density bonus to accompany and support the inclusionary dwelling requirements.
 - i. To calculate the density bonus for multiple-family developments, the maximum number of dwelling units approved in the applicable zoning district shall be multiplied by 20%. If the product contains a fraction, a fraction of 0.5 or more shall be rounded up to the next higher integer, and fraction of less than 0.5 shall be rounded down to the next lower integer.
 - ii. For single-family detached dwellings, the minimum lot size and minimum lot width required by the applicable zoning district may be reduced by up to 25% to accommodate the additional lots.

- d. A multiple-family development that provides on-site inclusionary dwelling units may reduce the total number of off-street parking required per Section 7.1.3. by 10% without a special exception.
- e. The inclusionary dwelling units and lots, as applicable, shall be located within the development, except in accordance with the following alternatives to on-site development, which shall be included in the Inclusionary Housing Plan:
 - i. Inclusionary dwelling units are built on a separate site within the City of Decatur appropriately zoned for the residential use.
 - ii. Payment in lieu is made to the City of Decatur Housing Trust Fund for development of inclusionary dwelling units or improvement of existing affordable housing in the City of Decatur prior to issuance of building permit of the development. The Decatur City Commission shall annually establish the per dwelling unit payment amount in its schedule of fees.
- f. Inclusionary dwelling units or lots that will be owner-occupied shall be:
 - i. Restricted to households having an income that does not exceed 120% of the area median income for the family size having the same number of persons as the subject household for the Atlanta-Sandy Springs-Marietta, Georgia, Metropolitan Statistical Area, as published by the U.S. Department of Housing and Urban Development as of the date of the household's application, and whose housing and utility costs do not exceed 30 percent of the household's annual gross income; and
 - ii. Maintained as inclusionary dwelling units through a land use restriction agreement with the City of Decatur and by a ground lease agreement with the Decatur Land Trust for a period no less than permissible by Georgia state law.
- g. Inclusionary dwelling units that will be leased or rented shall be:
 - i. Restricted to households having an income that does not exceed 80% of the area median income for the family size having the same number of persons as the subject household for the Atlanta-Sandy Springs-Marietta, Georgia, Metropolitan Statistical Area, as published by the U.S. Department of Housing and Urban Development as of the date of the household's application, and whose housing and utility costs do not exceed 30 percent of the household's annual gross income; and
 - ii. Maintained as inclusionary dwelling units through a land use restriction agreement with the City of Decatur for a period no less than permissible by Georgia state law.
- h. Subleasing of any leased inclusionary dwelling unit is not permitted. Leasing of any owner-occupied inclusionary dwelling unit is not permitted.
- i. The owner must provide a notice of availability to the City's Zoning Administrator of its intent to rent or sell an inclusionary dwelling unit.
- j. An affidavit must be provided to the City's Zoning Administrator confirming that household eligibility requirements have been met. Any agreement must be in writing and provided to the City upon request.

- k. A non-eligible household may occupy an inclusionary dwelling unit if an eligible household is not available to purchase or rent the dwelling unit. If an inclusionary dwelling unit is being offered for lease, a non-eligible household may occupy it on the date 90 days after the City's receipt of a notice of availability. If an inclusionary dwelling unit is being sold, a non-eligible household may occupy it on the date 120 days after the City's receipt of a notice of availability.

3. **Supplemental Standards for Approval**

- a. Prior to issuance of any development approvals, the developer shall submit an Inclusionary Housing Plan in accordance with the adopted Inclusionary Housing Plan Guidelines.
- b. The Zoning Administrator shall certify in writing that the development for which approval is sought is consistent with all applicable requirements of this Section and the Inclusionary Housing Plan Guidelines.
- c. Prior to the submittal of any development application, a pre-application conference between the developer and the Zoning Administrator is required to discuss the application and relevant requirements of the Inclusionary Housing Plan.
- d. A land use restriction agreement shall be executed between the City Manager and the developer, in a form promulgated by the City and approved by the City Attorney, based on the Inclusionary Housing Plan, which land use restriction agreement sets forth the land use restrictions required by this Section, as further provided for in the Inclusionary Housing Plan Guidelines.
- e. Prior to issuance of the certificate of occupancy for a development subject to this Section, the developer shall provide the UDO Administrator with a fully executed copy of the land use restriction agreement providing sufficient indicia that it has been recorded in the real property records maintained by the Clerk of the Superior Court of DeKalb County.”

SECTION 3.

Article 12 of Part IV, Section 12.1. - Defined Terms, is amended as follows:

Item 1

Amend definition of Multiple-family dwelling unit residential properties, to read as follows:

“Multiple-family dwelling unit residential properties. Multiple-family dwelling unit residential properties shall mean developed land whereon three or more residential dwelling units are located, and shall include, but not be limited to apartment houses, structures containing multiple residential condominiums located on a single parcel, boarding houses, group homes, personal care homes, homes for the elderly, retirement and nursing homes, and other structures in which more than 1 family group commonly and normally reside or could reside. In the application of storm water service fees, multiple-family dwelling unit residential properties shall be treated as other developed lands as defined in this article.”

Item 2

Amend definition of Owner, to read as follows:

“Owner. The legal or beneficial owner of a parcel or structure thereon, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of said parcel or structure.”

Item 3

Amend definition of Parcel, to read as follows:

“Parcel. Any plot, lot or acreage shown as a unit on the latest county tax assessment records.”

Item 4

Add new definitions, listed alphabetically within current definitions:

Affordable Housing Provider. A non-profit organization, which is exempt from federal income tax under the Internal Revenue Code of 1986 or a directly funded agency of a unit of government having a mission to develop and/or protect affordable or workforce housing, including inclusionary dwelling units.

Eligible household. A family occupying an inclusionary dwelling unit having an income that does not exceed the maximum area median as defined in Section 6.3.1. for the Atlanta-Sandy Springs-Marietta, Georgia, Metropolitan Statistical Area, as published by the U.S. Department of Housing and Urban Development as of the date of the household’s application, and whose housing and utility costs do not exceed 30 percent of the household’s annual gross income. The published income limits will be adjusted by household size. The income limits will be adjusted annually according to the HUD published limits.

Housing Trust Fund. A distinct fund established by the City of Decatur that receives ongoing dedicated sources of funding to support the preservation of affordable housing and development and preservation of inclusionary dwelling units and increase opportunities for families and individuals to access quality affordable homes.

Inclusionary dwelling(s). A residential dwelling in the City of Decatur that complies with the affordability requirement in Section 6.3.1.

Inclusionary dwelling unit(s). A residential dwelling unit in the City of Decatur that complies with the affordability requirement in Section 6.3.1.

Inclusionary Housing Plan. A development plan, which consists of information establishing the development’s compliance with Section 6.3.1., including a site plan, development land uses, total number of market rate dwelling units and inclusionary dwelling units, unit bedroom mix, average floor area, location of inclusionary dwelling units within the development, development phasing and timing, pricing schedule, draft land use restriction agreement, and a contract with an affordable housing provider, if applicable.

Land use restriction agreement (LURA). A land use restriction agreement between the City and the developer that encumbers a parcel in a manner that will require compliance with the Inclusionary Dwelling provisions in Section 6.3.1., including the development and active marketing of a percentage of dwelling units as inclusionary dwelling units.

Market rate dwelling unit(s). A residential unit that is not an inclusionary dwelling unit.

SECTION 4.

Amend the City of Decatur FY20-21 consolidated fee schedule adopted by the City Commission on June 15, 2020 to include an inclusionary dwelling payment in lieu as follows:

<u>Construction Type</u>	<u>Fee</u>
Single-Family, attached/detached	\$170 per square foot
Multiple family, garden/walk-up flats	\$160 per square foot
Multiple family, wrap	\$230 per square foot
Multiple family, podium/deck	\$270 per square foot

SECTION 5.

This ordinance shall take effect immediately upon its adoption.

SECTION 6.

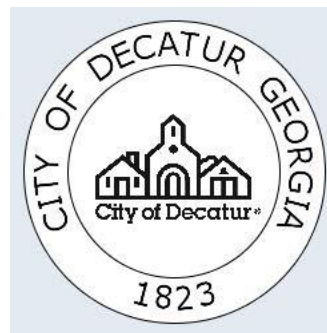
Should any ordinance or part thereof be found to conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

SO ORDAINED, this 20th day of July, 2020.

Patricia M. Garrett

Signed: _____

Patti Garrett
Mayor



mRoark

Attest: _____

Meredith Roark
City Clerk