



Memorandum

TO: Planning Commission

FROM: Ryan Sellers, Senior Planner

DATE: July 7, 2020

SUBJECT: Planning Commission Agenda Packet

The following item is scheduled for consideration at the special called meeting of the Planning Commission on **Tuesday, July 14, 2020** at 7:00 p.m. in the City Commission Meeting Room, at Decatur City Hall at 509 North McDonough Street:

- The City of Decatur has requested text amendments to Article 6 and Article 12 of the Unified Development Ordinance related to inclusionary housing.

The following documents are included in the agenda packet:

1. Agenda
2. Draft minutes of the Planning Commission meeting held December 10, 2019
3. Memorandum introducing the proposed text amendments
4. Redlined version of proposed text amendments to Article 6
5. Draft Inclusionary Housing Plan Guidelines
6. Draft ordinance O-20-AA

Let me know in advance of the meeting if there is additional information necessary to assist the Planning Commission in making a recommendation on the above item(s).

Items that receive a recommendation from the Planning Commission are then forwarded to the City Commission for consideration on Monday, July 20, at 7:30 p.m.

**City of Decatur
Planning Commission**

**July 14, 2020 Special Called Meeting
AGENDA
7:00 PM**

Due to the Public Health State of Emergency this meeting will be held remotely*

I. Call to Order

II. Old Business:

- a. Approval of Minutes from December 10, 2019 regularly scheduled meeting.

III. New Business:

- a. The City of Decatur has requested text amendments to Article 6 and Article 12 of the Unified Development Ordinance related to inclusionary housing.

IV. Other Business

V. Adjournment

Consistent with requirements of O.C.G.A. §50-14-1(e)(1) this agenda was posted by Tues., June 30, 2020. This draft agenda may be updated.

*Due to the Public Health State of Emergency this meeting will be held remotely. There will not be a physical location for members of the public to attend. Members of the public may access the meeting in one of two ways: 1) View the live broadcasts of the Decatur Planning Commission at <https://www.decaturga.com/citycommission/page/streaming-video> or 2) Register in advance to participate during the “Public Comment” portion of the Planning Commission hearing at <https://www.decaturga.com/bc-pc> . After registering, you will receive a confirmation email containing information about joining the meeting.

**City of Decatur
Planning Commission**

**December 10, 2019 Meeting
MINUTES (draft)**

Members present: Harold Buckley, Jr. (Chair), Gregory Chilik, Rachel Cogburn, Scott Doyon, Lori Leland-Kirk, Todd Ohlandt

Members absent: Mike Travis

The City of Decatur Planning Commission met on December 10, 2019 in a regular meeting at the Decatur City Hall City Commission Room, 509 North McDonough Street, Decatur, Georgia. At 7:00 p.m., a quorum was present and Chair Buckley, Jr. called the meeting to order. He provided introductions and an overview of the procedures of the meeting.

AGENDA ITEM NO. 1

Consider approval of the October 8, 2019 meeting minutes.

Chair Buckley, Jr. read the first item of the agenda to approve the October 8, 2019 regularly scheduled meeting minutes. Commissioner Leland-Kirk moved and Commissioner Doyon seconded to approve the minutes as presented. Motion carried, 6-0.

AGENDA ITEM NO. 2

Presentation of the final draft of the Legacy Park Master Plan supplemental housing study for recommendation of adoption.

Chair Buckley, Jr. read the second item into the record. Angela Threadgill, Planning and Economic Development Director, provided a preface to the presentation. During this preface, Ms. Threadgill stated that Cooper Carry provided the original 10 month-long master planning services that resulted in the Decatur Legacy Park Master Plan, which was adopted by the City Commission on December 3, 2019. She stated that this master plan listed 39 recommendations that included adaptive reuse of existing historic buildings and housing villages on the north and south ends of the property to provide affordable housing. She stated that the City Commission authorized the City Manager to execute a “Contract for Additional Services” with Cooper Carry to provide planning services that would assist the City in further defining affordable housing options on the property.

Another important date that Ms. Threadgill referenced July 2019, when Decatur Legacy Park was annexed into the City through state legislative act and became effective. Upon annexation, the property was assigned a land use and zoning of Institutional. She noted that the Master Plan serves as the comprehensive development plan.

The Housing Addendum report explored existing buildings, new construction locations, building scale and types, and the financial feasibility related to implementing affordable housing for the North and South Housing Villages identified in the Master Plan. In an effort to re-engage the community in this topic and shape the parameters of future housing developments on the

property, a Housing Stakeholders group, a half- day charrette, a neighborhood meeting, and a presentation at the City Commission work session were held.

Ms. Threadgill stated that the Housing Addendum may be used by the City of Decatur in its request for qualifications and request for proposals (RFQ/RFP) process when seeking future development partners. She also stated that this document should be used as a framework by potential development partners as it sets forth a certain level of expectations for how the housing villages would be implemented to further the goals of affordable housing within the City.

Allison Bickers, Cooper Carry, was present to provide details of the Housing Addendum report.

Several Commissioners had questions about the Area Median Income (AMI) levels within the City. In response, Ms. Bickers explains how AMI levels work. She indicated that the income level was not equated to affordability. She goes on to explain that within that 100% AMI there is a percentage that is also cost burden.

In response to a question from Mr. Buckley, Jr., Ms. Bickers stated that based on the analysis of proforma models, subsidies will be needed not only for the land costs but for the infrastructure costs as well to provide affordable housing and workforce housing at 80% AMI.

In response to a question from Ms. Leland-Kirk, Ms. Threadgill explained that the land trust would hold ownership of the land and that each individual cottage would be for sale. She explained that there would be a land lease that would be paid by each owner however, the land trust would maintain ownership of the land. She also noted that there are deed restrictions to help maintain affordability.

Chair Buckley, Jr. opened the public hearing. No one came forward to speak in favor or opposition, and the public hearing was closed.

On a motion by Mr. Doyon, seconded by Mr. Chilik, the supplemental housing study to the Legacy Park Master Plan was unanimously recommended for approval as presented.

The recommendation is to be forwarded to the City Commission for public hearing on December 16, 7:30 p.m.

AGENDA ITEM NO. 3

Other Business:

- A. Ms. Threadgill introduced and the Planning Commission welcomed Mr. Ryan Sellers as the City's new Senior Planner. Mr. Sellers will become the primary staff to the Planning Commission beginning at their next meeting in 2020.
- B. Mr. Sellers presented the draft list of 2020 meeting dates.

On a motion by Mr. Ohlandt, seconded by Ms. Cogburn, the 2020 Meeting Dates were unanimously approved as presented.

C. Ms. Threadgill stated Mr. Mark Ethun, the City’s Building Official, has prepared a memo describing requested updates to Article 10 of the UDO – Building and Fire Codes, that would adopt the International Existing Building Code (IEBC) in an effort to help preserve existing buildings and provide the ability for property owners to incrementally upgrade existing buildings. Without the IEBC, existing buildings would be required to be fully upgraded during even a small renovation, possibly disincentivizing the preservation of historic buildings, increasing demolitions and new construction, because of the financial burden of full upgrades.

Ms. Threadgill stated that amendments to Article 10 are not subject to zoning procedures law and therefore do not require a public hearing before the Planning Commission. She stated that she shares this as an information-only agenda item, and that action will be taken by the City Commission.

D. Ms. Threadgill stated that the 2020 Strategic Plan will get underway January 23, 2020 at the Conference Center for the public kick-off meeting and citizen roundtables, beginning at 7:00 p.m.

There being no other business, the meeting adjourned at 8:17 p.m.

Consistent with the requirements of O.C.G.A. §50-14-1(e)(2)(B) these minutes were approved at the next regularly scheduled meeting on January 14, 2020 and made part of the record.

(draft)

Ryan Sellers, Senior Planner
Acting Secretary to the Planning Commission



July 7, 2020

MEMORANDUM

TO: Decatur Planning Commission

FROM: Angela Threadgill, Planning & Economic Development Director
Ryan Sellers, Senior Planner

SUBJECT: Proposed Text Amendments to the Unified Development Ordinance for Mandatory Inclusionary Housing

The purpose of the memorandum is to provide an overview of current regulatory codes related to inclusionary housing and a summary of the proposed amendments to the City of Decatur Code of Ordinances to strengthen the inclusionary housing program within the City. The proposed text amendments require approval by the City Commission with recommendation from the Planning Commission. The Planning Commission is requested to provide a recommendation at their July 14, 2020 meeting, which will be forwarded to the City Commission.

Background

Inclusionary housing is a means of using the planning system to create affordable housing and foster social inclusion by capturing resources created through the marketplace. Nearly two decades ago, the City Commission adopted a strategy that took the form of a voluntary inclusionary housing program, known as the lifecycle dwelling density bonus program. However, only five completed projects have taken advantage of the program, resulting in very few lifecycle dwellings. Three of the four projects with lifecycle ownership dwelling units were not in perpetuity but rather tied to mortgages. Therefore, they no longer exist as a result of resale or full payment of mortgages. The creation of lifecycle rental units have been unsuccessful as well, with just one project using the lifecycle density bonus resulting in 21 lifecycle rental units. A 2017 Affordable Housing Policy Analysis reported on the issues of the existing program and provided recommendations of different strategies, including a mandatory inclusionary housing policy.

As a follow-up in 2019, the City Commission created the Affordable Housing Task Force and appointed 26 volunteer community members to serve on the task force. The charge of the task force was to research and develop recommendations for new policies, programs and initiatives for the creation of new workforce and affordable housing and preservation of existing workforce and affordable housing units already in the City of Decatur. The task force convened over the period of nine months with the final report given in February 2020. The task force's findings showed that new private development within the city limits excluded low- and moderate-income households from all areas of the city to the public's detriment, often causing the destruction and replacement of existing affordable housing. Of the 23 recommendations, mandatory inclusionary zoning was listed as a high priority to be implemented immediately in response to these issues.

Proposed Policy at a Glance

Name:	Inclusionary Housing Ordinance
Policy type:	Mandatory
Geographic scope:	Citywide
Required set-aside:	10%
Incomes targeted:	≤80% of area median income for rental units; ≤120% of area median income for for-sale units; area median income determined by Atlanta-Sandy Springs-Marietta, Georgia, HUD MSA
Applicability:	Developments creating 5 or more new residential units
Incentives:	20% density bonus, parking reduction, development fee waivers
Alternatives:	Payment in lieu, off-site development
Legal Mechanism:	Land Use Restriction Agreement (LURA)

Homeownership Inclusionary Program

Administrator:	In-house, in partnership with Decatur Land Trust (DLT)
Legal mechanism:	Deed covenant (ground lease agreement)
Homebuyer education:	Prospective homebuyers are required to attend a pre-purchase counseling session with a partner organization (DLT).
Marketing and homebuyer selection:	DLT administers an eligibility process, whereby household incomes are verified to ensure that they meet the program requirements. The developer is required to market the inclusionary housing properties similar to the marketing provided for the market rate homes.
Post-purchase support:	DLT offers post-purchase education and financial counseling to owners.
Resale process:	Once notified of intent to sell, DLT will identify income-eligible households who might be interested in purchasing inclusionary units that are for sale. The DLT also has the right of first refusal to purchase the home, which has been exercised once in order to avoid a foreclosure. If the seller cannot find an eligible household, s/he can sell to a household with an income that exceeds the affordability requirement. The home is still sold at the restricted price and the deed restrictions remain with the property.
Resale formula:	Appraisal method. The resale price includes the original purchase price plus the following: closing costs; costs of sale initially paid by the seller; real estate commission costs; capital improvement costs; and an inflationary factor equal to the percentage increase in the area median income over the term of ownership.

Rental Inclusionary Program

Marketing and tenant selection:	Rental properties are advertised on the City website and property management website. All applicants must have income verification and background checks.
Income verification:	Handled by property managers. Lease agreements with eligible households are verified by affidavit are subject to review upon request by City.

1 **Sec. 6.2. - Allowed Use Table**

	R-85	R-60	R-50	RS-17	RM-18	RM-22	RM-43	PO	NMU	C-1	C-2	C-3	MU	I	Def./Stds
Residential Uses															
All household living, as listed below:															
Single-family detached dwelling	P	P	P	P	P	P	P	P	—	—	—	—	—	C	6.3.1.
Accessory dwelling unit (ADU)	L	L	L	—	L	L	L	L	—	—	—	—	—	—	6.3.1.
Single-family attached dwelling	—	—	—	P	P	P	P	P	—	C	C	—	P	—	6.3.1.
Two-family dwelling	—	—	—	—	P	P	P	P	—	—	—	—	—	C	6.3.1.
Multiple-family dwelling	—	—	—	—	P	P	P	P	L	C	L	C	P	C	6.3.1.
Downtown multiple dwelling	—	—	—	—	—	—	—	—	—	—	L	—	—	—	6.3.1.
Home occupation	L	L	L	L	L	L	L	L	L	L	L	L	L	L	6.8.3.
Live-work	—	—	—	—	—	—	—	L	L	L	L	L	L	—	6.3.1.
Lifecycle dwelling	—	€	€	€	—	6.3.1.									
<u>Inclusionary dwelling</u>	<u>L</u>	<u>6.3.1</u>													
Key: P = Permitted Use L = Limited Use C = Conditional Use — = Not a Permitted Use															

2 **Sec. 6.3. – Residential Uses**

3 **6.3.1. - Household Living**

4 **A. Defined**

5 Residential occupancy of a dwelling unit by a house-hold. Household living includes the following:

- 6 1. Single-family detached dwelling.
- 7 2. Accessory dwelling unit (ADU).
- 8 3. Single-family attached dwelling.
- 9 4. Two-family dwelling.
- 10 5. Multiple-family dwelling.
- 11 6. Home occupation.

- 12 7. Live-work.
- 13 8. Lifecycle dwelling
- 14 9. Inclusionary dwelling.

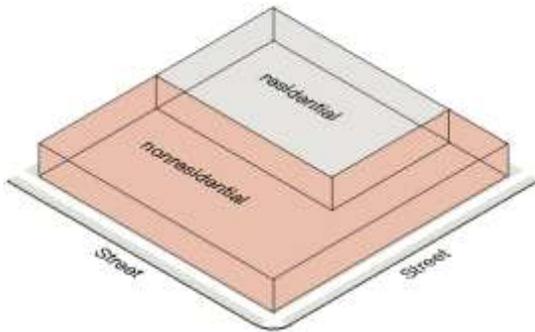
15 **B. Single-Family Attached, Multiple-Family Dwelling**

16 1. **NMU**

17 Where a multiple-family dwelling is allowed as a limited use, it is allowed only in the upper
18 stories of a mixed use building. A lobby or other entrance is allowed on the ground floor.

19 2. **C-1**

20 Where a single-family attached or multiple-family dwelling is allowed as a limited or conditional
21 use in C-1, ground floor residential cannot be visible from a public street and must be located
22 behind space constructed for nonresidential occupancy. There are no restrictions on upper
23 floors.



24 3. **C-2**

25 Where a single-family attached or multiple-family dwelling is allowed as a limited or conditional
26 use in C-2, ground floor residential cannot be visible along the following streets and must be
27 located behind space constructed for nonresidential occupancy.

- 28 a. Ponce de Leon Avenue (entire portion);
- 29 b. Church Street (from Trinity Place to Commerce Drive);
- 30 c. East Courthouse Square (entire portion); and
- 31 d. Sycamore Street (from McDonough Street to Church Street).

32 **C. Downtown Multiple Dwelling**

33 1. **Development Standards**

- 34 a. Minimum lot area: One acre—Exceptions to the minimum lot area may be approved after
35 public hearing by the Planning Commission and approval of the City Commission.
- 36 b. Minimum lot area per family: 1,000 square feet for buildings of three or less stories; 620
37 square feet for buildings of four or more stories.

38 2. **Supplemental Standards for Approval**

- 40 a. Open space. The proposed development shall provide a minimum of 5% outdoor amenity
- 41 space for residents and other tenants.
- 42 b. Parking. Parked vehicles shall be screened from view from the public right-of-way. Vehicular
- 43 parking for the proposed development shall be:
- 44 i. Underground;
- 45 ii. Effectively screened by retail or residential space;
- 46 iii. Effectively screened by a combination of architectural and landscape features (a
- 47 minimum of 60% of the parking facility wall area must be screened); or
- 48 iv. Effectively screened by landscape treatment (a minimum of 60% of the parking facility
- 49 wall area must be screened).
- 50 c. Ingress and egress. The proposed points of vehicular ingress and egress must maintain or
- 51 improve existing traffic patterns and provide safe and convenient access for bicyclists and
- 52 pedestrians.
- 53 d. Site utilities. All utilities for the proposed development shall be underground.

54 **D. Live-Work**

55 1. **Defined**

56 Nonresidential activity conducted wholly within a residential dwelling that allows employees,
57 customers, clients or patrons to visit.

58 2. **Standards**

59 Where a live-work is allowed as a limited use, it is subject to the following:

- 60 a. Live-work is only permitted in units with street level access.
- 61 b. A minimum of one person must occupy the live-work unit as their primary place of residence.
- 62 c. The live-work unit may employ no more than two persons not living on the premises at any
- 63 one time.
- 64 d. No business storage or warehousing of material, supplies or equipment is permitted outside
- 65 of the live-work unit.
- 66 e. The nonresidential use of the unit is limited to the use allowed in the zoning district.
- 67 f. No equipment or process may be used in connection with the live-work unit that creates noise,
- 68 vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off
- 69 the premises.
- 70 g. No more than 5 customers are permitted on the premises at any one time.

71 **E. Residential Conditional Use Permit**

72 When a residential use is allowed as a conditional use, the following items shall be considered in
73 determining whether the residential use shall be approved:

- 74 1. The suitability of the proposed residential use in view of the use and development of adjacent and
75 nearby properties.
- 76 2. The impact that the proposed residential use will have on the public safety, traffic on the public
77 streets, transportation facilities, utilities, and other public services.
- 78 3. The impact that the proposed residential use will have on established property values and on the
79 health, safety, comfort and general welfare of the residents of the City.
- 80 4. The use standards of Sec. 6.3.1.C. apply.

81 **F. Lifecycle Dwelling**

82 ~~Where a lifecycle dwelling requires a conditional use permit, it is subject to the following:~~

- 83 ~~1. The maximum number of dwellings permitted may be increased by up to 20% if dwellings in the~~
84 ~~development are designated as lifecycle dwellings.~~
- 85 ~~2. A minimum of 75% of the additional dwellings permitted under this Section shall be designated~~
86 ~~as lifecycle dwellings. The following standards shall be considered in determining whether the~~
87 ~~density increase shall be approved:~~
 - 88 ~~a. The suitability of the proposed increase in view of the use and development of adjacent and~~
89 ~~nearby properties.~~
 - 90 ~~b. The impact that the proposed increase will have on the existing use or usability of adjacent~~
91 ~~or nearby properties.~~
 - 92 ~~c. The impact that the proposed increase will have on the public safety, traffic on the public~~
93 ~~streets, transportation facilities, utilities and other public services.~~
 - 94 ~~d. The impact that the proposed increase will have on established property values and on the~~
95 ~~health, safety, comfort and general welfare of the residents of the City.~~
 - 96 ~~e. The impact that the proposed increase will have in providing housing opportunities for~~
97 ~~persons and families of moderate income, the elderly, employees of public agencies and~~
98 ~~local business and similar classes.~~

99 **F. Inclusionary Dwelling**

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

103 **1. Applicability and Minimum Project Size**

- 104 a. Any new development that includes at least five (5) single-family dwelling units, attached or
105 detached;
- 106 b. Any new development that includes at least five (5) single-family lots;
- 107 c. Any new development that creates at least five (5) multiple-family dwelling units;

108 d. Any renovation or reconstruction of existing multiple-family dwelling units that increases the
109 number of dwelling units by at least five (5) dwelling units; or

110 e. Any change in use of all or part of an existing development of one or more buildings from a
111 nonresidential use to a residential use that has at least five (5) dwelling units.

112 **2. Standards**

113 a. A development that is subject to this Section shall designate a minimum of 10% of the total
114 number of dwelling units or lots to be developed as inclusionary dwelling units. To calculate
115 the number of inclusionary dwelling units or lots, the total number of proposed units shall be
116 multiplied by 10%. If the product contains a fraction, a fraction of 0.5 or more shall be rounded
117 up to the next higher integer, and fraction of less than 0.5 shall be rounded down to the next
118 lower integer.

119 b. The inclusionary dwelling units in the proposed development shall be:

120 i. designed to have a number of bedrooms in the same proportion as the market rate
121 dwelling units;

122 ii. interspersed among the market rate dwelling units within the development;

123 iii. built concurrently with the market rate dwelling units; and

124 iv. designed to be functionally equivalent in style and quality with the market rate
125 dwelling units in the development.

126 c. A development that is subject to this Section may incorporate a density bonus to accompany
127 and support the inclusionary dwelling requirements.

128 i. To calculate the density bonus for multi-family developments, the maximum
129 number of dwelling units approved in the applicable zoning district shall be
130 multiplied by 20%. If the product contains a fraction, a fraction of 0.5 or more shall
131 be rounded up to the next higher integer, and fraction of less than 0.5 shall be
132 rounded down to the next lower integer.

133 ii. For single-family detached dwellings, the minimum lot size and minimum lot width
134 required by the applicable zoning district may be reduced by up to 25% to
135 accommodate the additional lots.

136 d. A multiple-family development that provides on-site inclusionary dwelling units may reduce
137 the total number of off-street parking required per Section 7.1.3. by 10% without a special
138 exception.

139 e. The inclusionary dwelling units and lots, as applicable, shall be located within the
140 development, except in accordance with the following alternatives to on-site development,
141 which shall be included in the Inclusionary Housing Plan:

Zoning Administrator confirming that household eligibility requirements have been met. Any lease or rental agreement shall be in writing and provided to the City upon request.

iii. A non-eligible household may occupy an inclusionary dwelling unit if, despite active marketing, 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, as described in the Inclusionary Housing Plan, 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.

Decatur, Georgia

Inclusionary Housing Plan Guidelines

DRAFT July 14, 2020



INCLUSIONARY HOUSING PLAN GUIDELINES

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1.0 Introduction

Inclusionary housing policies are local land use policies that link approvals for market-rate housing to the creation of affordable homes for low- and moderate-income households. The primary goals of inclusionary housing programs are to expand the supply of affordable housing and promote social and economic integration. The ability to not only produce affordable homes, but also to ensure their long-term affordability, is critical for meeting the housing needs of the low and moderate income families and individuals that inclusionary housing programs aim to serve.

The City of Decatur's 2010 Strategic Plan establishes key housing goals to expand the variety of high quality housing options to meet the needs of a diverse community. The 2020 Decatur Affordable Housing Task Force Report, as well as the 2017 Decatur Affordable Housing Study, encourage the use of inclusionary housing in order achieve a long-term commitment to provide quality housing for all stages of life.

An Inclusionary Housing Plan (IHP) is a critical component of the administrative development review process. The purpose of an IHP is to help the City's plan review staff identify how the proposed development will meet the requirements of the inclusionary housing ordinance and determine if partnerships with housing partners will help achieve requirements.

These guidelines are periodically updated to reflect changes in City policies, the regulatory environment, and affordable housing best practices.

For additional information contact:

Planning and Zoning Division
Community and Economic Development Department
Decatur City Hall, 509 North McDonough Street
Decatur, Georgia 30030
tel: 404-371-8386

2.0 Applicability

During a pre-application conference or when a development application is submitted, the City of Decatur Planning and Zoning Division will determine whether or not an Inclusionary Housing Plan is required based on the following criteria. If an Inclusionary Housing Plan is required, the City notifies the applicant of the requirement as part of comments on an application. Depending on the density of a project, an Inclusionary Housing Plan may be required at any of the following stages of development:

- A. Application for a land use plan amendment
- B. Application for a rezoning
- C. Application for a subdivision
- D. Application for a planned unit development
- E. Application for a master site plan amendment
- F. Application for a building permit.

The requirement for an Inclusionary Housing Plan may be considered by application for a special exception.

2.1 Criteria

An Inclusionary Housing Plan is required in any development which meets the following criteria:

- 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.

3.0 Minimum Standards for Inclusionary Dwelling Units

Inclusionary dwelling units shall be “functionally equivalent” to market rate dwelling units. This means that when features are included in market rate dwelling units, such as kitchen cabinets, countertops, dishwasher, etc., then equivalent features must be included in the permanently affordable units. This does not mean that the features need to be identical. The City may consider variations that result in an equivalent livability outcome.

3.1 Eligible Household Standards

Inclusionary dwelling units must be sold or rented only to eligible households.

1. Eligible households are households whose income is a percentage of the area median income (AMI) for families in the Atlanta-Sandy Springs-Marietta, Georgia Metropolitan Statistical Area, as published by the U.S. Department of Housing and Urban Development (HUD).
2. An eligible household renting an inclusionary dwelling unit must not have an income which exceeds 80% of the AMI, and whose housing and utility costs must not exceed 30 percent of the household’s annual gross income.
3. An eligible household purchasing an inclusionary dwelling unit must not have an income which exceeds 120% of the AMI, and whose total cost of mortgage principal and interest, property taxes, homeowners and condominium association fees, any mandatory maintenance fees, and homeowner's insurance must not exceed 30 percent of the household’s annual gross income.
4. The owner must provide a notice of availability of its intent to rent or sell an inclusionary dwelling unit to the Zoning Administrator.
5. An affidavit must be provided to the City’s Zoning Administrator confirming that household eligibility requirements have been met.
6. Any lease or rental agreement must be in writing and provided to the City upon request.
7. 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 the 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 the 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.

3.2 Household Size Standards

1. The following relationship between unit size and maximum household size should be used to calculate pricing of inclusionary dwelling units:
 - Efficiency units: 1-person household
 - One-bedroom units: 2-person household
 - Two bedroom units: 3-person household
 - Three bedroom units: 4-person household
 - Four bedroom and larger units: 5-person or more household

3.3 Affordability Standards

Inclusionary dwelling units are subject to the following affordability standards:

1. The developer may offer an option to the City of Decatur, or a not-for-profit agency designated by the City, to purchase each of the for-sale inclusionary dwelling units prior to any sale of any such unit. If the City, or the designated not-for-profit, exercises the option and purchases the inclusionary dwelling unit, the inclusionary dwelling unit shall be subject to such documents, agreements, and/or instruments deemed necessary by the City, including without limitation, land use restriction agreement and other related instruments, to ensure the continued affordability of the inclusionary dwelling unit.
2. In all other sales of for-sale inclusionary dwelling units, the parties to the transaction shall execute and record a land use restriction agreement and other related instruments to ensure the continuous maintenance of the inclusionary dwelling unit to eligible households.
3. For developments that contain rental inclusionary dwelling units, the owner of the development shall execute and record a land use restriction agreement and other related instruments to ensure the provision and continuous maintenance of the inclusionary dwelling units. The rental inclusionary dwelling units must be leased and occupied by eligible households.
4. Subleasing of any leased inclusionary dwelling unit is not permitted. Similarly, leasing or rental of any owner-occupied inclusionary dwelling unit is not permitted.

4.0 Content of an Inclusionary Housing Plan

The developer must provide an Inclusionary Housing Plan, whether the construction is self-performed or as a contract with an approved affordable housing provider. Neither the Inclusionary Housing Plan nor the contract with an affordable housing provider shall be accepted by the City's Zoning Administrator unless it contains all of the information that is necessary for the City to determine whether or not the development, if completed as proposed, will comply with all of the requirements of Section 6.3.1. The Inclusionary Housing Plan must include at a minimum:

- a. Proposed Development
 - i. Site location
 - ii. Land use(s)
 - iii. Site plan
 - iv. Description of whether the development will contain rental units or owner-occupied units, or both.
 - v. Total number of market rate dwelling units and inclusionary dwelling units
 - vi. Number of bedrooms in each inclusionary dwelling unit. The bedroom mix of inclusionary dwelling units shall be in equal proportion to the bedroom mix of the market rate dwelling units.
 - vii. Floor area of each inclusionary dwelling unit. The floor area of inclusionary dwelling units shall be equivalent to the floor area of the market rate dwelling units per bedroom count (i.e., studio, one-bedroom, two-bedroom, three-bedroom).
 - viii. Location within any multiple-family development and any single-family residential development of each market rate dwelling unit and each inclusionary dwelling unit (Inclusionary dwelling units shall be interspersed among the market rate dwelling units throughout the development).
- b. Development Phasing and Timing
 - i. Schedule for construction of each market rate and inclusionary dwelling unit.
 - ii. Phasing of the inclusionary dwelling units should be constructed proportional to the market rate dwelling units. Certificates of occupancy (CO) for the last 20% of the market rate units will not be issued until the CO's have been issued for all the inclusionary dwelling units.
 - iii. Marketing plan to promote the sale or rental of the inclusionary dwelling units within the development.

- c. Pricing Schedule
 - i. The proposed pricing for each inclusionary dwelling unit or lot. At the time of availability for lease or purchase, pricing may be adjusted if there has been a change in the area median income or change in the calculation formulas.
 - ii. Total amount of the payment in lieu, if any, and the estimated date the payment will be made, provided it is prior to issuance of a building permit.
- d. Deed Restrictions
 - i. Draft of land use restriction agreement that ensures that the inclusionary dwelling units are and will remain available for occupancy to eligible households.
- e. Contract with Approved Affordable Housing Provider (if applicable)
 - i. Agreement that the approved affordable housing provider agrees to assume the obligations of Section 6.3.1. of the UDO and of the IHP.
 - ii. The terms of the financial arrangement shall be disclosed to ensure that the developer will adequately compensate the approved affordable housing provider to be able to meet those obligations including but not limited to property acquisition, dwelling unit construction, dwelling unit subsidy, marketing expenses, and homeowner education.
 - iii. The City of Decatur has the right to deny issuance of or revoke building permits and/or revoke certificates of occupancy for any unoccupied dwelling units upon determination that the developer has failed to fulfill the agreement with the approved affordable housing provider.

5.0 Approved Affordable Housing Providers

An affordable housing provider is deemed to be approved when in compliance with the following provisions:

- A. Shall be a non-profit organization under section 501(c)(3) of the US Tax Code or shall be a directly funded agency of a unit of government; and
- B. Shall have a mission to develop and/or protect affordable or workforce housing; and
- C. On an annual basis, it shall submit a report to the City Manager their progress in meeting the Inclusionary Housing Plan above as well as its progress in fulfilling the obligations it has undertaken under contracts with developers.

6.0 Alternatives to On-Site Development

While the primary purpose of inclusionary housing policies is to create affordable housing in mixed-income, market-driven developments, this outcome may not always address community goals, infrastructure capacity, or locations for affordable housing. Therefore, developers are offered alternatives to on-site development of inclusionary dwelling units.

Inclusionary Housing Alternatives		
	On-Site	Off-Site
Construction By Developer	Developer builds inclusionary dwelling units as part of development project	Developer builds inclusionary dwelling units on separate site in the City of Decatur
Construction By Another Entity	Developer dedicates portion of site to be developed by another entity	Developer dedicates separate site in the City of Decatur for inclusionary dwelling units to be developed by another entity
Payment in Lieu	n/a	Developer makes contribution to Housing Trust Fund for development or improvement of inclusionary dwelling units in the City of Decatur

6.1 Off-Site Development

Inclusionary dwelling units may be built on a separate approved site within the City of Decatur as an alternative to on-site development. Off-site construction of inclusionary dwelling units should be located in proximity to public transit, if at all possible, and outside environmentally sensitive areas such as wetlands, steep slopes, and landscapes of significant wildlife or historical value. Off-site development of inclusionary dwelling units may be constructed by the developer or by another entity on a separate site elsewhere within the City of Decatur.

If off-site development is chosen as an alternative, all arrangements and agreements shall be made a part of the Inclusionary Housing Plan.

6.2 Payment In Lieu

Payment in lieu may be made, in part or in entirety, as an alternative to on-site development of inclusionary dwelling units. Payment in lieu shall be made to the Housing Trust Fund for development of new inclusionary dwelling units or improvement of existing inclusionary dwelling units in the City of Decatur prior to issuance of final plat, temporary or final certificate of occupancy, whichever is to be issued first. The amount of the payment in lieu is commensurate with the price per square foot of construction costs to develop the inclusionary unit based on building construction type: garden style, wrap construction, podium/deck construction, and attached/detached single-family. The Decatur City Commission annually establishes the per square foot payment amount in its schedule of fees.

7.0 Inclusionary Housing Incentives

Incentives are public sector actions that compensate developers for the costs associated with meeting inclusionary requirements, either by reducing the cost or increasing the return to the developer. The Inclusionary Housing Ordinance offers several such incentives.

7.1. Density Bonus

This incentive provides a density bonus for inclusionary housing, under which the City permits an additional number of market rate dwelling units in return for the developer’s provision of inclusionary dwelling units. A development that is subject to the inclusionary dwelling requirements may incorporate a density bonus. The density bonus may only be used if the development provides on-site inclusionary dwelling units. To calculate the density bonus, the base density of dwelling units 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, and fraction of less than 0.5 shall be rounded down.

Density Bonus Per Zoning District		
Zoning District	Base Density Per Acre	Base Density Bonus
RS-17	17	3
RM-18, PO	18	4
RM-22	22	4
NMU	9	2
RM-43, C-1	43	9
C-2, C-3, MU	70	14
Special districts, such as Institutional and Planned Unit Developments, are subject to individual development review.		

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 lot(s).

7.2 Parking Reduction

A multi-family development that provides on-site inclusionary dwelling units may reduce the total number of off-street parking required per UDO Section 7.1.3. by 10% without approval of a special exception.

7.3 Development Fee Waivers

The City will waive certain development-related fees for developments with on-site inclusionary dwelling units. Certain application fees, building permit fees, plan review fees, inspection fees, and such other development fees and costs which would otherwise be due shall be waived for the inclusionary dwelling units component of the application. If application fees are paid for a proposed development that subsequently adds additional inclusionary dwelling units to the development plan, a pro rata refund of such fees shall be provided to the applicant upon approval of the development to reflect the additional inclusionary dwelling units. This waiver shall not apply to any market rate dwelling units, or to any fees associated with water, wastewater, or storm water permits.

City of Decatur Inclusionary Housing Income Limits and Pricing Guide

2020 HUD Income Limits Atlanta-Sandy Springs-Roswell, GA Metropolitan Statistical Area (MSA)

Area Median Income (AMI)	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person
120% AMI	\$ 69,480	79,440	89,400	99,240	107,280	115,200
115% AMI	\$ 66,585	76,130	85,675	95,105	102,810	110,400
100% AMI	\$ 57,900	66,200	74,500	82,700	89,400	96,000
80% AMI	\$ 46,320	52,960	59,600	66,160	71,520	76,800
60% AMI	\$ 34,740	39,720	44,700	49,620	53,640	57,600
50% AMI	\$ 28,950	33,100	37,250	41,350	44,700	48,000
30% AMI	\$ 17,370	17,370	22,350	24,810	26,820	28,800

2020 Inclusionary Dwelling – Rental Pricing Guide

Max Rent at:	Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
100% AMI	\$ 1,448	1,655	1,863	2,068	2,235
80% AMI	\$ 1,158	1,241	1,490	1,721	1,920
60% AMI	\$ 868	\$930	1,117	1,290	1,440

2020 Inclusionary Dwelling – Ownership Pricing Guide

Max Sales Price at:	Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
120% AMI	\$ 208,440	223,380	268,200	309,780	345,600
100% AMI	\$ 173,700	186,150	223,500	258,150	288,000
80% AMI	\$ 138,960	148,920	178,800	206,520	230,400
60% AMI	\$ 104,220	111,690	134,100	154,890	172,800

**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 section 501(c)(3) of 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 day of , 2020.

Signed: _____
Patti Garrett
Mayor

Attest: _____
Meredith Roark
City Clerk