



**AN ORDINANCE**

**BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO CREATE THE NEW CARVER HOMES PHASE III HOUSING ENTERPRISE ZONE AND FOR OTHER PURPOSES**

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS, designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

WHEREAS, types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS, State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS, the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for housing construction and job creation purposes; and

WHEREAS, the conditions and qualifications of the Atlanta Urban Enterprise Zone Act, as amended, have been met relative to the creation of The New Carver Homes Housing Enterprise Zone;



**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS**

**Section 1:** It is found by the Council of the City of Atlanta that the area in and around the Pryor Road Corridor, location of the New Carver Homes Phase III Housing Enterprise Zone is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare and morals. It is further found that these areas, as is the case with New Carver Homes Phase III area, are characterized by no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

**Section 2:** The New Carver Homes Phase III Housing Enterprise Zone is hereby created. The effective date of all exemptions established therein shall be January 1, 2002. The New Carver Homes Phase III Housing Enterprise Zone shall be abolished on December 31, 2011. The New Carver Homes Phase III Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of The New Carver Homes Phase III Housing Enterprise Zone is attached hereto as "Exhibit A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

**Section 3:** Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development and Neighborhood Conservation, indicating the household income of each tenant who executed a lease during the previous year.

**Section 4:** The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of The New Carver Homes Phase III Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

**Section 5:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

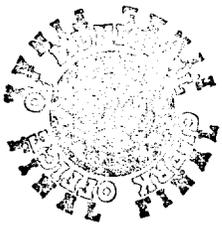
ADOPTED by the Council  
APPROVED by the Mayor

JUN 04, 2001  
JUN 08, 2001

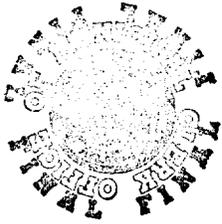
**2000 HUD AFFORDABILITY TABLE  
STANDARD RENT RANGES/MAXIMUM SALE PRICE  
(FAMILY SIZE ADJUSTMENT)**

FAMILY SIZE (% OF BASE)	INCOME ADJUSTMENT	LIVING ACOMODATIONS EXPENSE (<30%)	MAXIMUM RENTS	FOR SALE 3x's RULE
1 PERSON (70%)	\$26,502	\$7,951	\$662	\$79,506
2 PERSONS (80%)	\$30,288	\$9,086	\$757	\$90,864
3 PERSONS (90%)	\$34,704	\$10,411	\$867	\$104,112
4 PERSONS - BASE	\$37,860	\$11,358	\$946	\$113,580
5 PERSONS (108%)	\$40,888	\$12,266	\$1,022	\$122,664
6 PERSONS (116%)	\$43,917	\$13,175	\$1,097	\$131,751
7 PERSONS (124%)	\$46,946	\$14,083.	\$1,173	\$140,838
8 PERSONS (132%)	\$49,975	\$14,992	\$1,249	\$149,925
ASSUMPTIONS:				Maximum Sale Price: (2.2 Rule) \$138,820
<ul style="list-style-type: none"> <li>• Median Income \$63,100 - SMSA</li> <li>• Rent Range Is Determined By The Number Of Rooms Per Unit And The Atlanta Housing Code Maximum Allowable Persons Per Room -2; i.e. A Two-Bedroom Apartment Unit Could Not House More Than A Four Person Household.</li> </ul>				





**PROPOSED NEW CARVER HOMES PHASE III  
HOUSING ENTERPRISE ZONE  
LEGAL DESCRIPTION**



THENCE NORTH 57 DEGREES 31 MINUTES 23 SECONDS EAST, 138.99 FEET TO A POINT  
 THENCE ON AN ARC OF A CURVE TO THE RIGHT 317.47 FEET (SAID CURVE HAVING A RADIUS OF 464.88 FEET AND A CHORD OF NORTH 77 DEGREES 05 MINUTES 14 SECONDS EAST, 317.34 FEET) TO A POINT  
 THENCE SOUTH 83 DEGREES 20 MINUTES 55 SECONDS EAST, 171.27 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET  
 THENCE SOUTH 02 DEGREES 55 MINUTES 02 SECONDS WEST, 119.30 FEET TO A CONCRETE MONUMENT FOUND ON THE NORTHERLY RIGHT OF WAY LINE OF THERKELD AVENUE  
 THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF THERKELD AVENUE, NORTH 83 DEGREES 22 MINUTES 28 SECONDS WEST, 179.99 FEET TO A POINT  
 THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE OF THERKELD AVENUE, ON AN ARC OF A CURVE TO THE LEFT 235.59 FEET (SAID CURVE HAVING A RADIUS OF 345.00 FEET AND A CHORD OF SOUTH 77 DEGREES 03 MINUTES 45 SECONDS WEST, 231.04 FEET) TO A POINT  
 THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE OF THERKELD AVENUE, SOUTH 57 DEGREES 29 MINUTES 58 SECONDS WEST, 265.42 FEET TO THE POINT OF BEGINNING.  
 SAID TRACT OR PARCEL CONTAINING 2.1806 ACRES (94.987 SQUARE FEET);

LAND DESCRIPTION-PARCEL "D"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 72 OF THE 14TH DISTRICT OF FULTON COUNTY, (CITY OF ATLANTA) GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR AND SURVEYOR'S CAP SET AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF BENJAMIN BICKERS DRIVE (A.K.A. CAPITOL AVENUE) (APPARENT 50 FOOT TOTAL RIGHT OF WAY WIDTH) AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE (APPARENT 60 FOOT TOTAL RIGHT OF WAY WIDTH);

THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF BENJAMIN BICKERS DRIVE, SOUTH 03 DEGREES 05 MINUTES 04 SECONDS WEST, 520.71 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF BENJAMIN BICKERS DRIVE AND THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE (APPARENT 60 FOOT TOTAL RIGHT OF WAY WIDTH);

THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE, NORTH 87 DEGREES 35 MINUTES 30 SECONDS WEST, 88.24 FEET TO A POINT.

THENCE CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE, ON AN ARC OF A CURVE TO THE RIGHT 518.27 FEET (SAID CURVE HAVING A RADIUS OF 923.00 FEET AND A CHORD OF NORTH 71 DEGREES 30 MINUTES 20 SECONDS WEST, 511.49 FEET) TO A POINT.

THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE OF MELDON AVENUE, NORTH 55 DEGREES 25 MINUTES 11 SECONDS WEST, 151.18 FEET TO A POINT.

THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE OF MELDON AVENUE, ON AN ARC OF A CURVE TO THE LEFT 304.54 FEET (SAID CURVE HAVING A RADIUS OF 738.50 FEET AND A CHORD OF NORTH 67 DEGREES 14 MINUTES 01 SECONDS WEST, 302.39 FEET) TO A POINT LOCATED AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF MIDDLETON STREET.

THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF MIDDLETON STREET, NORTH 11 DEGREES 51 MINUTES 28 SECONDS EAST, 131.99 FEET TO A POINT.

THENCE CONTINUING ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF MIDDLETON STREET, ON AN ARC OF A CURVE TO THE RIGHT 362.36 FEET (SAID CURVE HAVING A RADIUS OF 447.10 FEET AND A CHORD OF NORTH 35 DEGREES 04 MINUTES 35 SECONDS EAST, 352.53 FEET) TO A POINT.

THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE OF MIDDLETON STREET, NORTH 58 DEGREES 17 MINUTES 42 SECONDS EAST, 71.05 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF MIDDLETON STREET AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE.

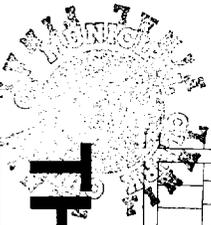
SOUTH STREET

DATE: 01-30-01	NO.	DESCRIPTION	DATE	BY	APPR.
SCALE: HORIZ. 1"=50'					
TITLEBOOK: PROJECT					
VERT: N/A					
PAGE: N/A					
LAND LOT(S): 72, 73					
DISTRICT: 14TH					

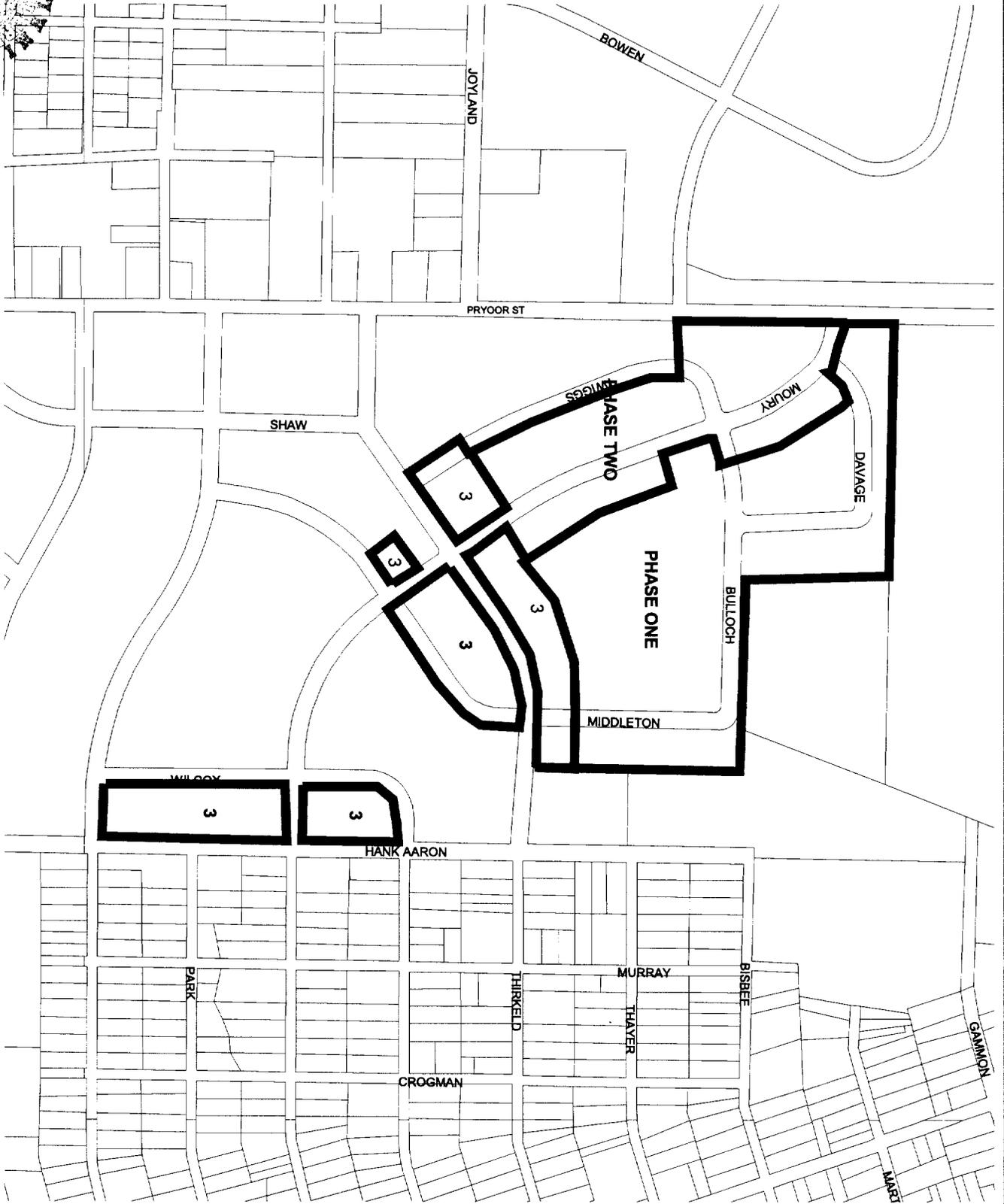
B I H N



**PROPOSED NEW CARVER HOMES PHASE III  
HOUSING ENTERPRISE ZONE  
PROJECT LOCATION MAP**



# THE NEW CARVER HOMES/PHASE THREE



□ New streets s/p  
▣ New parcels s/p



## EVALUATION OF PROPOSED NEW CARVER HOMES PHASE III HOUSING ENTERPRISE ZONE

Criterion	Required	Proposed	Compliance
1. Census Tract Eligibility	One of designated Census Tract block groups	Census Tract 55.02 (B.G. 2)	√
2. Acreage	NONE	15 - 20 acres	√
3. CDP Consistency	CDP Land Use Classification: Low Density Residential F.A.R. 0.0 - .349	Residential F.A.R. .269	√
4. Zoning Compliance	Current Zoning Classification: RG-2	RG-2	√
5. Project Specificity	Project Specific Zone or ≥ 50% of Areawide Zone	Areawide Zone	√
6. Project Readiness	≥ 30% of Units to be Initiated in Year 1	50% (108 units) are to be completed in Year 1	√
7. Non-Displacement	Minimum Displacement	None	√
8. Affordability (Housing and Mixed-Use Residential/Commercial Enterprise Zones)	20% of total units and 10% of each housing type is affordable to households whose income does not exceed 60% of the median for the Atlanta MSA (low income). 20% must bear monthly rents ≤ 30% of low income level, adjusted by family size. 20% must bear purchase prices ≤ \$120,340 or 2.2 median income for the Atlanta MSA.	50% - public housing residents; 20% reserved for households with incomes that do not exceed 60% of the median for the Atlanta MSA	√
9. Provision for Atlanta police officers and families (Housing and Mixed-Use Residential/Commercial Enterprise Zones)	5% of available units to be offered to Atlanta police officers and their families at purchase prices or monthly rents which do not exceed the low-income level of affordability	Proposes to comply	√
10. Financial Feasibility	<u>sales</u> - affordable units ≥ 20% of total without exemption, or <u>rental</u> (cumulative basis over the 1 <sup>st</sup> five years) - a. negative cash flow, or b. debt coverage ratio < 1.20, or c. a variable-ratio DCR equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified	TBD	TBD

RCS# 2911  
6/04/01  
2:52 PM

Atlanta City Council

Regular Session

01-O-0494

Create new Carver Homes Enterprise  
Zone  
ADOPT

YEAS: 11  
NAYS: 1  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 3

Y McCarty	B Dorsey	N Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

01-O-0494

RCS# 2910  
6/04/01  
2:48 PM

Atlanta City Council

Regular Session

01-O-0494

Remove from Table  
Carver Homes Enterprise Zone  
PROCEDURE

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 0  
ABSENT 0

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	NV Emmons
Y Bond	NV Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	NV Boazman	NV Pitts

01-O-0494

01-0-0494

(Do Not Write Above This Line)

AN ORDINANCE BY COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO CREATE THE NEW CARVER HOMES PHASE III HOUSING ENTERPRISE ZONE AND FOR OTHER PURPOSES

5/21/01 - Motion to Table  
 CARRIED without  
 Objection  
 6/4/01 - Removed from Table  
 by Councilwoman Thomas  
 Mys Onays

ADOPTED BY  
 JUN 04 2001  
 COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER

Date Referred 4/2/01

Referred To Community Development / Human Resources

Committee CD/HR

Date 3/28/01  
 Chair Table Mable Thomas

Committee CD/HR

Date 4/11/01  
 Chair

Action: Hold (see rev. side)  
 Other: 5/8/01 p.11

Members

Refer To

Committee CD/HR

Date  
 Chair Table Mable Thomas

Action: Hold (see rev. side)  
 Other:

Members

Refer To

First Reading CD/HR

Committee

Date

Chair

Action: Hold (see rev. side)  
 Other:

Members

Refer To

Committee

Date

Chair

Action: Hold (see rev. side)  
 Other:

Members

Refer To

COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd

- Consent
- V Vote
- RC Vote

CERTIFIED

**CERTIFIED**  
 JUN 4 2001  
 ATLANTA CITY COUNCIL PRESIDENT  
Robert W. Parker

**CERTIFIED**  
 JUN 04 2001  
Paula Bowsher Johnson  
 MUNICIPAL CLERK

**MAYOR'S ACTION**  
 JUN 08 2001  
Mayor