

CITY COUNCIL  
ATLANTA, GEORGIA

Municipal Clerk  
Atlanta, Georgia

04-O-0649  
UEZ-04-09

**A SUBSTITUTE ORDINANCE**

**BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO CREATE THE "HIGHBURY COURT APARTMENTS HOUSING ENTERPRISE ZONE", TO BE LOCATED ON TWO PARCELS AT 50 MOUNT ZION ROAD, S.W.; AND FOR OTHER PURPOSES.**

**NPU "Z"**

**COUNCIL DISTRICT 12**

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**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 the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

**WHEREAS** the 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 that is exempted by the City; and

**WHEREAS** certain 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 commercial construction and job creation purposes; and

**WHEREAS** the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the proposed “Highbury Court Apartments Housing Enterprise Zone”;

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

**Section 1:** It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the “Highbury Court Apartments 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 the property that would be designated as the “Highbury Court Apartments Housing Enterprise Zone”, are characterized by having 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 “Highbury Court Apartments Housing Enterprise Zone” is hereby created for the subject property on two parcels at 50 Mount Zion Road, SW, where the “Highbury Court Apartments” are currently located. **The property contains 11.158 acres of land and includes Tax Parcel Code Numbers (PCNs) 14-0067-0005-083 & 14-0067-0005-085. The effective date of all exemptions established therein shall be January 1, 2004. “The Highbury Court Apartments Housing Enterprise Zone” shall be abolished on December 31, 2013.** The “Highbury Court Apartments Housing Enterprise Zone” shall otherwise not be abolished except as provided in State law. A legal description and map of the “Highbury Court Apartments Housing Enterprise Zone” are attached hereto as Exhibit “A”, are made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

**Section 3.** The “Highbury Court Apartments Housing Enterprise Zone” shall be developed as a residential development project, which shall consist of the rehabilitation of 128 existing apartment units within 16 buildings. The project shall be developed in one phase and shall contain 137,824 total square feet of building space. In accordance with the requirements for housing enterprise zones, all 128 (100 percent) of the total 128 housing units would be designated as being “affordable” (for moderate-income residents), which would exceed the required minimum of 20 percent.

**Section 4.** The development of the “Highbury Court Apartments Housing Enterprise Zone” shall meet or exceed the “housing affordability requirements” for urban enterprise zone designation that are defined in City Code Sections 146-52(2)a.1, 146-52(2)a.2, and 146-52(2)a.3 (per approved Ordinance #03-O-1695), which are provided below. The “Highbury Court Apartments Housing Enterprise Zone” shall consist of 128 total units within 16 buildings, of which 16 units shall be one-bedroom units (12.5%), 96 units shall be two-bedroom units (75%), and 16 units shall be three-bedroom units (12.5%). The “Highbury Court Apartments Housing Enterprise Zone” shall designate all 128 of the existing 128 total units (100%) as being “affordable”, which exceeds the required minimum housing affordability provision of 20 percent of the 128 total units (26 units). Compared to the minimum housing affordability requirement of 26 total units, to which the ratios of 12.5 percent for one-bedroom units (3 units), 75 percent for two-bedroom units (20 units), and 12.5 percent for three-bedroom units (3 units) are applied, the “Highbury Court Apartments Housing Enterprise Zone” shall designate 16 one-bedroom units, 96 two-bedroom units, and



16 three-bedroom units as being “affordable”, which exceed the housing affordability requirements by bedroom composition.

City Code Section 146-52(2)a.1. Twenty percent of the total units to be provided shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall be within the ability to pay of those households whose annual income does not exceed 60 percent 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.

City Code Section 146-52(2)a.2. Twenty percent of the units for sale shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear purchase prices which do not exceed two and one-fifth times the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development.

City Code Section 146-52(2)a.3. Twenty percent of the units for rent, if any, shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear monthly rents which do not exceed 30 percent of the low-income level defined in section 146-52(2)a.1 or, in the case of rental housing units that are being financed through federal low-income housing tax credits, said units shall bear monthly rents which do not exceed the maximum rents prescribed in Section 42, internal Revenue Service Code, based upon the low-income level defined in section 146-52(2)a.1.

**Section 5:** The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the “Highbury Court Apartments 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 the approval by the Mayor of the City of Atlanta.

**Section 6:** That all ordinances and parts of ordinances that are in conflict herewith are hereby waived for the purposes of this ordinance only.

A true copy,  
  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

DEC 06, 2004  
DEC 10, 2004

# HIGHBURY COURT APARTMENTS HOUSING ENTERPRISE ZONE

TO BE LOCATED ON TWO PARCELS  
AT 50 MOUNT ZION ROAD, SW. DISTRICT 14 LAND LOT 67.  
COUNCIL DISTRICT 12 , NPU - "Z" .



UEZ - 04 - 09



 Npu-z-parcels  
Npu-z-streets

**PROJECT CHECKLIST FOR UEZ-04-09:**  
**Proposed "Highbury Court Apartments Housing Enterprise Zone"**  
**To be Located on two Parcels**  
**At 50 Mount Zion Road, SW**

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
<b>1. Eligibility Criteria:</b>	<b>Must Meet 3 of the 4 Criteria:</b>		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of 31.6% for Census Block Group 2 of Census Tract 73 (per the 2000 Census), which is more than the required minimum of 20%.	√
b. Unemployment	b. Unemployment:  (1) Census Tract having at least 10% higher than the State Average;  OR  (2) Significant Job Loss, to be documented by the applicant.	b. Unemployment:  (1) Census Tract 73 has an unemployment rate of 8.4%, which is more than 10% higher than the State Average of 5.1%.  (2)	√
c. General Distress	c. General Distress:  (1) Police Beat crime rate of $\geq 20\%$ compared to the Police Zone;  OR  (2) Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	c. General Distress:  (1) Police beat 310 has a crime rate of 18% of the crime rate of police zone 3, thus it does not meet the high crime requirement.  (2)	
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole for the proposed type of development.	d. Underdevelopment: NPU "Z" had 2% of development activity within the City for residential development, which meets the requirement of $\leq 20\%$ .	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
2. Acreage	None.	Contains 11.158 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Designated as "Low-Density Residential. Allowed F.A.R.: 0.348.	Proposed FAR: 0.303.	√
4. Zoning Compliance	Zoned "RG-2."	Proposed uses are allowed within "RG-2." The development would have a residential FAR of 0.303.	√
5. Project Specificity	Project-Specific Zone or Areawide Zone.	Project-Specific.	√
6. Project Readiness	≥ 30% of housing units to be initiated in Year 1 of the UEZ.	Applicant certifies that construction of at least 30% of the total units (38) would be initiated in Year 1.	√
7. Non-Displacement	Minimum Displacement	Applicant certifies that relocations of existing residents who occupy the site would be relocated in accordance with the Uniform Relocation Act (URA) and all applicable regulations of the Urban Residential Finance Authority. A tenant relocation plan has been submitted.	√
8. Affordability	<p>City Code Section 146-52(2)a.1. Twenty percent of the total units to be provided shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall be within the ability to pay of those households whose annual income does not exceed 60 percent 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.</p> <p>City Code Section 146-52(2)a.2. Twenty percent of the units for sale shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear purchase prices which do not exceed two and one-fifth times the median family income for the</p>	Project would include the following breakdown of affordable housing units, which meets the requirements for urban enterprise zone designation: 128 total units, of which all 128 units (100%) would be designated as being "affordable." The project would include 16 one-bedroom units, 96 two-bedroom units, and 16 three-bedroom units. The affordability breakdown by bedroom composition would be as follows: 16 one-bedroom units, 96 two-bedroom units, and 16 three-bedroom units, which exceed the requirements.	√

	<p>Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development. <u>City Code Section 146-52(2)a.3.</u> Twenty percent of the units for rent, if any, shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear monthly rents which do not exceed 30 percent of the low-income level defined in section 146-52(2)a.1 or, in the case of rental housing units that are being financed through federal low-income housing tax credits, said units shall bear monthly rents which do not exceed the maximum rents prescribed in Section 42, internal Revenue Service Code, based upon the low-income level defined in section 146-52(2)a.1.</p>		
<b>CRITERION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>10. Job Creation</b>	First Source Jobs Policy	Would not create any new, fulltime jobs.	Not applicable.
<b>11. Financial Feasibility</b>	<p><u>Chief Financial Officer's Statement of Fiscal Impact:</u>  a. Negative cash flow; OR  b. Debt coverage ratio &lt;1.20; OR  c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.</p>	To be determined by the Bureau of Financial Analysis.	√

RCS# 6311  
12/06/04  
5:21 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 5-25 EXCEPT 04-O-2102  
04-R-2231 04-R-2224 04-R-2203  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

			12-06-04 Council Meeting
ITEMS ADOPTED ON CONSENT			
1. 04-O-2043	42. 04-R-2128	83. 04-R-2186	104. 04-O-1989
2. 04-O-2044	43. 04-R-2129	84. 04-R-2187	105. 04-O-1990
3. 04-O-2045	44. 04-R-2130	85. 04-R-2188	106. 04-O-1991
4. 04-O-2046	45. 04-R-2131	86. 04-R-2189	107. 04-O-1992
5. 04-O-2098	46. 04-R-2132	87. 04-R-2199	108. 04-O-1993
6. 04-O-2099	47. 04-R-2209	88. 04-R-2200	109. 04-O-1994
7. 04-O-2100	48. 04-R-2210	89. 04-R-2201	110. 04-O-1995
8. 04-O-2110	49. 04-R-2211	<b>Items</b>	111. 04-O-1996
9. 04-O-2115	50. 04-R-2212	<b>Adversed on</b>	112. 04-O-1997
10. 04-O-1434	51. 04-R-2214	<b>Consent</b>	113. 04-O-2054
11. 04-O-1927	52. 04-R-2215	90. 04-R-2178	114. 04-O-2055
12. 04-O-1120	53. 04-R-2084	91. 04-R-2179	115. 04-O-2057
13. 04-O-1972	54. 04-R-2150	92. 04-R-2180	116. 04-O-2059
14. 04-O-2047	55. 04-R-2151	93. 04-R-2181	117. 04-O-2116
15. 04-O-0649	56. 04-R-2152	94. 04-R-2182	118. 03-R-1387
16. 04-O-1753	57. 04-R-2155	95. 04-R-2183	119. 04-R-2120
17. 04-O-1802	58. 04-R-2133	96. 04-R-2184	120. 04-R-2136
18. 04-O-1823	59. 04-R-2134	97. 04-R-2190	121. 04-R-2137
19. 04-O-2050	60. 04-R-2202	98. 04-R-2191	122. 04-R-2140
20. 04-O-2051	61. 04-R-2205	99. 04-R-2192	123. 04-R-2141
21. 04-O-2052	62. 04-R-2206	100. 04-R-2193	124. 04-R-2142
22. 04-O-2053	63. 04-R-2158	101. 04-R-2194	125. 04-R-2143
23. 04-O-2061	64. 04-R-2159	102. 04-R-2195	126. 04-R-2144
24. 04-O-2086	65. 04-R-2160	103. 04-R-2196	127. 04-R-2216
25. 04-O-2087	66. 04-R-2161		128. 04-R-2220
26. 04-O-2021	67. 04-R-2162		129. 04-R-2221
27. 04-O-2049	68. 04-R-2163		
28. 04-R-2145	69. 04-R-2164		
29. 04-R-2146	70. 04-R-2165		
30. 04-R-2147	71. 04-R-2166		
31. 04-R-2148	72. 04-R-2167		
32. 04-R-2149	73. 04-R-2168		
33. 04-R-2204	74. 04-R-2169		
34. 04-R-1970	75. 04-R-2170		
35. 04-R-2121	76. 04-R-2171		
36. 04-R-2122	77. 04-R-2172		
37. 04-R-2123	78. 04-R-2173		
38. 04-R-2124	79. 04-R-2174		
39. 04-R-2125	80. 04-R-2175		
40. 04-R-2126	81. 04-R-2176		
41. 04-R-2127	82. 04-R-2177		

04-0-0649

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AN ORDINANCE UEZ-04-09 BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO CREATE THE "HIGHBURY COURT APARTMENTS HOUSING ENTERPRISE ZONE", TO BE LOCATED ON TWO EXISTING PARCELS WITH THE SAME ADDRESS AT 50 MOUNT ZION ROAD, S.W.; AND FOR OTHER PURPOSES.

NPU "Z" COUNCIL DISTRICT 12

ADOPTED BY

DEC 06 2004

COUNCIL

ADOPTED BY

DEC 06 2004

COUNCIL

- CONSENT REFER 5/3/04
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER

Date Referred 5/3/2004 Referred to Community Development / Human Resources

First Reading

Committee Date Chair

Committee Date Chair Actions Fav, Adv, Held (see rev. side) Other Members Refer To

Committee Date Chair Actions Fav, Adv, Held (see rev. side) Other Members Refer To

COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED

DEC 06 2004

CERTIFIED DEC 07 2004

Richard D. ... Municipal Clerk

MAYOR'S ACTION

APPROVED Andy ... Mayor

MAYOR