

## **CHAPTER 20I. ADAIR PARK HISTORIC DISTRICT**

### **Sec. 16-20I.001. Statement of intent.**

The intent of the regulations for the Adair Park Historic District is as follows:

1. To enhance and integrate land use regulations, tailored to the historic character of this district, with existing land use regulations;
2. To continue the single- and two-family residential uses in the district;
3. To preserve and protect the historic attributes of the built environment of the district;
4. To preserve existing landscape features that exhibit or will assist in maintaining significant historic elements;
5. To maintain the spatial relationships that now exist between buildings, and between buildings and streets;
6. To require that additions and modifications to existing structures reinforce the historic qualities and features of the district;
7. To ensure that new development is consistent with the historic character of the district;
8. To encourage economic development, neighborhood revitalization and prevention of displacement of residents; and
9. To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare.

### **Sec. 16-20I.002. Scope of regulations.**

- (a) The existing zoning map and regulations governing all properties within the Adair Park Historic District shall remain in full force and effect. The following zoning regulations shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (chapter 20I) shall apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply; and any variance between said other regulations and these overlay district regulations (chapter 20I) shall be governed by the interpretation provision set forth in section 16-20.011(c) of the code of ordinances.
- (b) Except when otherwise explicitly provided, the provisions of chapter 20 of this part shall apply to this district.

### **Sec. 16-20I.003. Boundaries.**

The boundaries of the Adair Park Historic District shall be as shown on the official zoning map adopted herewith entitled the "Adair Park Historic District." The district is divided into three (3) subareas, as shown on said official zoning map, which shall be known as:

1. The Residential Subarea;
2. The Transitional Commercial Subarea; and
3. The Transitional Industrial Subarea.

### **Sec. 16-20I.004. Organization.**

The overlay zoning regulations for the Adair Park Historic District are composed of two (2) parts. The first part consists of general regulations which apply to all property located within this district. The second part consists of specific regulations that apply to each of the subareas.

**Sec. 16-20I.005. General regulations.**

The following regulations shall apply to all properties within the Adair Park Historic District.

1. *The Compatibility Rule:* The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor heights, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."
2. *Variances:* The urban design commission shall have the power to hear, grant and deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16, which provisions are hereby incorporated herein.
3. *Signs:* General advertising signs shall not be permitted in the historic district.

**Sec. 16-20I.006. Specific regulations--Residential Subarea I.**

In addition to the general regulations set forth in section 16-20I.005, and any other applicable regulations, the following regulations shall apply to all properties located within Residential Subarea I:

1. *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:
  - (a) *When required:*
    1. To change the exterior appearance of any portion of a structure within the subarea, when said change can be seen from the public right-of-way;
    2. To erect a new structure or to make an addition to any structure within the subarea, when said new structure or addition can be seen from the public right-of-way; and
    3. To demolish or move any contributing structure, in whole or in part, within the subarea.
  - (b) *Type required:*
    1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).
    2. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate required under subsection 16-20I.006(1)a. above shall be those specified in section 16-20.008 of the zoning code, provided, however, that a partial demolition shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

2. *Financial Hardship Exemptions:*

- (a) These regulations set forth a minimum standard of architectural compatibility within the subarea. However, in order to balance this concern with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the urban design commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner. The burden of proof that the regulations and guidelines pose such a hardship shall be on the property owner.
- (b) In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purpose.
- (c) If the urban design commission finds that this requirement of subsection 16-20I.006(2)b. herein is satisfied, they shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
  - 1. The present and future income of the property owner(s) and those occupying the property;
  - 2. The availability, at present or in the future of other sources of income of revenue, including loans, grants, and tax abatements;
  - 3. The cost associated with adherence to the subarea regulations;
  - 4. The degree of existing architectural importance and integrity of the structure; and
  - 5. The purpose and intent of this chapter.
- (d) The urban design commission shall balance these factors as applied to the applicant for said exemption and shall grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.

3. *Lot Size:* In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this chapter 20I shall apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.

4. *Architectural Standards:*

(a) *Building facades:*

- 1. All new construction shall conform to the existing building orientation (setbacks) by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main facade shall face the principal street whenever possible.
- 2. At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distances from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
- 3. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
- 4. Siding repair or replacement shall match the original materials in scale and direction. Wood clapboard, if original is preferred; however, aluminum, masonite vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.

5. Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
6. No structure shall exceed that height established by the compatibility rule, with a permitted differential of ten (10) percent.

(b) *Windows and Doors:*

1. Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
2. Original window and door openings shall not be blocked or enclosed, in whole or in part.
3. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size with no more than a one-inch width or height difference from the original size.
4. Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
5. New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
6. The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a permitted differential of ten (10) percent.
7. The scale, size, and proportion of all openings in new construction shall be established by the compatibility rule with a permitted differential of ten (10) percent.
8. New windows or doors added to existing structures shall be located on sides or to the rear of buildings, rather than on the front.

(c) *Foundations:*

1. Foundation materials, including infill materials, shall replicate the original materials in size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.
2. New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials, and style with adjacent and surrounding buildings.
3. Slab on grade is not permitted.
4. Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.

(d) *Storm doors, storm windows, shutters and awnings:*

1. Shutters shall be operable or appear operable, and shall fit the size of the window.
2. Replacement shutters shall match the original shutters in design, materials and configuration.
3. Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
4. Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.

(e) *Chimneys:*

1. Chimneys shall match original materials, mortar, color and pattern whenever possible.
2. New chimneys shall be faced with brick or stucco.
3. Siding on chimneys is prohibited.

(f) *Roofs:*

1. Roofing materials shall be of the same size, texture and materials as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
2. Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
3. The shape and pitch of roofs for new construction shall be subject to the compatibility rules.
4. Decks, skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations are permitted on roofs of buildings provided they cannot be seen from the public right of way.

(g) *Porches:*

1. Architecturally significant porches, steps and stoops shall be retained.
2. Replacement porches, steps and stoops shall match the original in size, style and materials.
3. Porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
4. Porches shall contain balustrades, columns and other features consistent with porches in that block.

(h) *Accessory structures:* Accessory structures, such as carriage houses, smoke houses, greenhouses, tenant and alley houses, private garages, carports, air conditioners and heating units, can be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structure. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the public right-of-way.

(i) *Fences:* Fences shall be fabricated of brick, cast iron, wrought iron, stone and wood pickets. Fence lines shall follow the property line. Fences shall not obscure the front facade of the building. Chain link type of fencing shall be located to the rear of the lot and shall not extend beyond the front facade of the main structure into the front yard.

(j) *Walls:* Concrete block may be used in retaining walls, but stone or brick facing material is required.

(k) *Ornaments:*

1. Architecturally significant ornaments, such as corner boards, cornice, brackets, downspouts, railings, columns, steps, doors and windows moldings, shall be retained.
2. Replacement ornaments shall be permitted only when originals cannot be rehabilitated.

3. Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.

5. *Paved Surfaces:*

- (a) The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.
- (b) Resurfacing or new installation of paved areas, other than those specified in subsection 16-20I.006(5)a. above, including driveways, walkways, and patios, or portions thereof, shall match the color and materials of the original surface whenever possible.

6. *Off-Street Parking Requirements:*

- (a) Off-street parking shall not be permitted in the front yard.
- (b) Carports and garages shall be behind the rear of the main structure. If the main structure is located on a corner lot, the front yard setback for that side of the street shall apply to the construction of a carport or garage.

7. *Signs:*

- (a) Identification signs for home occupations shall not exceed two (2) square feet in area.
- (b) Identification signs for institutional uses shall not exceed 30 square feet in area.

**Sec. 16-20I.007. Specific regulations--Transitional Commercial Subarea II.**

- (a) The following regulations shall apply to all properties located within the Transitional Commercial Subarea II. These regulations are intended to mitigate any nocuous effects that the commercial subarea may have on adjoining residential uses within the Adair Park Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

1. *Development Controls:*

- (a) *Setbacks:* The compatibility rule shall apply only to front yard setbacks. A variance of up to five (5) percent shall be permitted. Other setbacks shall be regulated by the applicable commercial district regulations.
- (b) *Bulk Limitations:* Floor area ratio shall not exceed an amount equal to one times the net lot area.

2. *Maximum Height:* The compatibility rule shall apply to the height of all structures, additions and alterations. A variance of up to 10 percent shall be permitted.

3. *Screening:* In addition to the screening required for any lot in this subarea which abuts a residential use on the rear lot line, without an intervening street, there must also be a five-foot-wide buffer planted with tree and/or shrub materials.

- (b) In addition to the above regulations, all contributing structures in the Transitional Commercial Subarea I shall comply with the following regulations.

1. *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:

- (a) *When required:*

1. To change the exterior appearance of any portion of a contributing structure within the subarea, when said change can be seen from the public right-of-way;
2. To make an addition to any contributing structure within the subarea, when said addition can be seen from the public right-of-way; and
3. To demolish or move any contributing structure, in whole or in part, within the subarea.

(b) *Type required:*

1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).
  2. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate shall be those specified in the zoning code, provided, however, that a partial demolition shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
2. *Architectural Standards:* All contributing structures shall comply with the architectural standards as set out in section 16-20I.006(4)a through k.

**Sec. 16-20I.008. Specific regulations--Transitional Industrial Subarea III.**

The following regulations shall apply to all properties located within the Transitional Industrial Subarea III. These regulations are intended to mitigate any nocuous effects that the industrial subarea may have on adjoining residential uses within the Adair Park Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

1. *Certificates of Appropriateness:* Certificates of appropriateness are not required in the Transitional Industrial Subarea III, but all new construction and development shall conform to the following regulations.
2. *Development controls:*
  - (a) *Setbacks:* The compatibility rule shall apply only to front yard setbacks. A variance of up to five (5) percent shall be permitted. Other setbacks shall be as regulated by the applicable industrial district regulations.
  - (b) *Bulk Limitations:* Floor area ratio shall not exceed an amount equal to one (1) times the net lot area.
3. *Maximum Height:* No new structures, additions or alterations shall exceed two (2) stories in height.
4. *Screening:* In addition to the screening required for any lot in this subarea which abuts a residential use on the rear lot line, without an intervening street, there must also be a five-foot-wide buffer planted with tree and/or shrub materials.

## **CHAPTER 20K. Grant Park Historic District Regulations**

### **Section 16-20K.001. Statement of Intent.**

The intent of the regulations for the Grant Park Historic District is as follows:

- (1) To promote the educational, cultural, economic and general welfare of the City by preserving the district's architectural integrity, streetscape patterns, and cultural heritage.
- (2) To preserve the district's historic pattern and distribution of building types that are characterized primarily by single family residences, institutions, and neighborhood commercial buildings, many of which were constructed during the late 19th century and early 20th century.
- (3) To ensure harmony and compatibility of visual qualities and spatial relationships that exist between buildings, and between buildings and the street, throughout the district.
- (4) To preserve the residential character of all streets and thoroughfares in the district.
- (5) To preserve the historic street and lot pattern, and design that are significant elements of the district.
- (6) To encourage and ensure development that is complementary to and compatible with the existing historic structures in the district.
- (7) To encourage the use of existing alleys, reinforcing the streetscape patterns and general physical character of the district.
- (8) To encourage economic development and a variety of housing opportunities; foster neighborhood revitalization, and discourage displacement of residents.

### **Section 16-20K.002. Scope of Regulations.**

- (1) The existing zoning map and regulations governing all properties within the Grant Park Historic District shall remain in full force and effect. The following zoning regulations (Chapter 20K) shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following regulations conflict with said existing zoning regulations, the following regulations (Chapter 20K) shall apply.
- (2) Except when otherwise explicitly provided, the provisions of chapter 20 of this part shall apply to this district. Whenever the regulations of Chapter 20K conflict with the provisions of Chapter 20, the regulations of Chapter 20K shall apply.
- (3) All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply. In the event of any conflict between said other regulations and the following regulations (Chapter 20K) the interpretation provision set forth in section 16-20.011( c) of the Code of Ordinances shall govern.

### **Section 16-20K.003. Boundaries.**

The boundaries for the Grant Park Historic District constitute an overlay Historic District (HD) zoning district, which district shall be as shown on the official zoning map adopted herewith entitled the "Grant Park Historic District." The district is divided into three (3) subareas, as shown on said official zoning map, which shall be known as:

- (1) Residential Subarea I;

- (2) Commercial Subarea II; and
- (3) Transitional Industrial Subarea III

**Section 16-20K.004. Organization.**

The overlay zoning regulations for the Grant Park Historic District are composed of two (2) parts. The first part consists of general regulations, which apply to all properties located within this district. The second part consists of specific regulations that apply to the identified subareas.

**Section 16-20K.005. Definitions.**

For the purposes of interpreting this Chapter 20K, the following definitions shall apply:

- a. *Balcony* means a finished platform that projects from the wall of a building and is enclosed by a finished railing or parapet, generally cantilevered or supported by brackets.
- b. *Deck* means a roofless platform adjoining a house, generally made of unfinished wood and supported by posts.
- c. *District* means the Grant Park Historic District, as shown on the official zoning map adopted herewith entitled the “Grant Park Historic District.”
- d. *Fenestration* means the arrangement, proportion, and design of windows and doors in a building.
- e. *New construction* means construction of new principal structures.
- f. *Principal structure* means the main habitable structure on a property, exclusive of detached accessory structures.
- g. *Public street* means publicly dedicated streets or roads and specifically excludes alleys in the District.
- h. *Upper level terrace* means non-roofed space within the foot print of the structure and accessible from a habitable portion of an upper floor of the structure.

**Section 16-20K.006 General Regulations.**

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (1) *General Criteria.*
  - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
  - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
  - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be

required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.

- b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
- c. Type III Certificates of Appropriateness shall be required for:
  - 1. All new principal structures
  - 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
- d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

(3) *Variances.* Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

(4) *Financial Hardship Exemptions.*

- a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the ground of economic hardship to the property owner.
- b. The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.
- c. The commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
  - 1. The present income of the property owner(s) and those occupying the property;
  - 2. The age of the property owner;
  - 3. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
  - 4. The availability of other sources of funds that are appropriate to the circumstances of the

- applicant, including loans, grants, and tax abatements;
5. The costs associated with adherence to these regulations;
  6. The degree of existing architectural significance and integrity of the structure; and
  7. The purpose and intent of this chapter.
- d. The commission shall consider these factors and shall grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.
- (5) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
- (6) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.
- (7) *Paved surfaces.* The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

#### **Section 16-20K.007. Specific Regulations - Residential Subarea I**

- (1) *Development Controls.*
- a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
  - b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
  - c. *Rear Yard:* Rear yard setback shall be seven (7) feet.
  - d. *Off-street parking and driveway requirements:*
    1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
    2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
    3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.
- (2) *Architectural Standards.*
- A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the

existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

*B. Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front facade and a minimum of seven (7) feet in depth. Side porches shall be a minimum of four (4) feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed thirty-five (35) feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two (2) entrance step risers each of which shall be no less than six (6) inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front facade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
9. Decks, Balconies and Upper Level Terraces:
  - a. Decks shall be permitted only when located to the rear of the principal structure.
  - b. Decks shall be permitted at any level.
  - c. Balconies and upper level terraces shall be permitted.

10. Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
11. Any facades that face a public street shall consist of fenestration that is either:
  - 1)substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15% and no greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed twenty-eight (28) square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed sixteen (16) square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding “bubble” skylights are prohibited.
13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
  - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
  - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
  - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
  - d. The finish side or front side of one-sided fences shall face the public street.
15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
  - a. Paving materials for walks and drives: Black asphalt is prohibited.
  - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
  - c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
  - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished

metal panels shall be permitted.

- e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
- f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.

C. *Design Standards and Criteria for Alterations and Additions to Non-contributing Structures.* Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.

D. *Design Criteria for Alterations and Additions to Contributing Structures.* Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

- 1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
- 2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

#### **Section 16-20K.008. Specific Regulations – Commercial Subarea II.**

In addition to the general regulations set forth in section 16-20K.006, the following regulations shall apply to all properties located within Commercial Subarea II.

- (1) *The intent of the regulations for the Commercial Subarea II is as follows:*
  - a. To mitigate any negative effects that existing and proposed commercial properties may have on adjoining residential properties in the district.
  - b. To ensure harmony between existing and future uses of the properties in this subarea and the overall residential character of the district.
  - c. To discourage displacement of residents, to allow for a variety of housing opportunities that are compatible with and complementary to the architectural character of the neighborhood and to ensure the health, safety and welfare of the residents of the neighborhood.
- (2) *Single and Two Family Residential Uses.* For single and two family residential uses the regulations set forth in section 16-20K.007 shall apply.
- (3) *Multifamily Residential Uses.* For multifamily uses the following controls and requirements shall apply:
  - a. Development Controls:

1. *Setbacks.* The front yard setback shall not be less than five (5) feet nor greater than fifteen (15) feet. Other setbacks shall be regulated by the applicable commercial district regulations.
  2. *Bulk Limitations.* Floor area ratio shall not exceed an amount equal to (.696) times net lot area.
- b. Height:
1. *Maximum building heights.* Buildings which are within one-hundred-fifty (150) feet of a single-family or a two-family residential district boundary shall have a maximum height of thirty-five (35) feet. Buildings that are between one hundred-fifty (150) feet and three hundred (300) feet from a single-family or a two-family residential district boundary shall have a maximum height of fifty-two (52) feet.
  2. *Transitional height planes.* Where this use adjoins a district in R-1 through RG classification without an intervening street, height within the subarea shall be limited as follows: No portion of any structure shall protrude through a height limiting plane beginning thirty-five (35) feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the commercial subarea at an angle of forty-five (45) degrees.
- c. Off-street parking requirements. Off-street parking shall not be permitted between the principal structure and any public street.
- d. Architectural Standards. The standards outlined in section 16-20.009 shall apply as applicable.
- (4) *Commercial Uses.* For commercial uses the following controls and requirements shall apply as applicable:
- a. Development Controls:
1. *Setbacks.* The front yard setback shall not be less than five (5) feet nor greater than fifteen (15) feet. Other setbacks shall be regulated by the applicable commercial district regulations.
  2. *Bulk Limitations.* Floor area ratio shall not exceed an amount equal to one (1.0) times net lot area.
- b. Height:
1. *Maximum building heights.* Buildings which are within one-hundred and fifty (150) feet of a single-family or a two-family residential district boundary shall have a maximum height of thirty-five (35) feet. Buildings that are between one hundred-fifty (150) feet and three hundred (300) feet from a single-family or a two-family residential district boundary shall have a maximum height of fifty-two (52) feet.
  2. *Transitional height planes.* Where this use adjoins a district in R-1 through RG classification without an intervening street, height within the subarea shall be limited as follows: No portion of any structure shall protrude through a height limiting plane beginning thirty-five (35) feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the commercial subarea at an angle of forty-five (45) degrees.
- c. Off-street parking requirements. Off-street parking shall not be permitted between the

principal structure and any public street.

- d. Architectural Standards. The standards outlined in section 16-20.009 shall apply as applicable.

### **Section 16-20K.009. Specific Regulations -Transitional Industrial Subarea III.**

In addition to the general regulations set forth in section 16-20K.006, subsections (3), (4), & (6), the following regulations shall apply to all properties located within Transitional Industrial Subarea III.

- (1) *The intent of the regulations for Transitional Industrial Subarea III is as follows:*
  - a. To mitigate any negative effects that existing and proposed transitional industrial properties may have on adjoining residential properties in the district.
  - b. To ensure harmony between existing and future uses of the properties in this subarea and the overall residential character of the district.
  - c. To ensure the health, safety and welfare of the residents of the neighborhood and to discourage displacement of residents and to allow for a variety of housing opportunities that are compatible with and complementary to the architectural character of the neighborhood.
- (2) *Industrial Uses.* For industrial uses, the following controls and requirements shall apply:
  - a. **Certificates of Appropriateness:** Certificates of Appropriateness are not required, but all applications for building permits, zoning amendments, special use permits, special exceptions and variances within this subarea shall be submitted to the commission for review and comment prior to any final action on such application.
  - b. *Height:*
    1. *Maximum building heights.* Buildings which are within one-hundred and fifty (150) feet of a single-family or a two-family residential district boundary shall have a maximum height of thirty-five (35) feet. Buildings that are between one hundred-fifty (150) feet and three hundred (300) feet from a single-family or a two-family residential district boundary shall have a maximum height of fifty-two (52) feet.
    2. *Transitional height planes:* Where this use adjoins a district in R-1 through RG classification without an intervening street, height within the subarea shall be limited as follows: No portion of any structure shall protrude through a height limiting plane beginning thirty-five (35) feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the industrial subarea at an angle of forty-five (45) degrees.
  - c. **Screening.** Within the 20 foot transitional setback required by Sec. 16-16.006(3)(a and b), there shall be at least a five (5) foot wide buffer planted with tree and/or shrub materials approved by the City Arborist and maintained in a slightly condition.
  - d. **Fencing.** Any opaque fencing erected in compliance with the requirements of 16-16.006(c), shall be erected so that the planted buffering required above shall be visible from the adjacent properties or a public street.
- (3) *Other Uses.* For uses other than industrial uses, the controls and requirements set forth in section 16-20K.008 shall apply.

**Section 16-20K.010. Further Provisions**

Any time the provision 16-20.011(b) of the Land Development Code is enforced in this district, the director of the commission shall notify the Grant Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the association.

(Chapter 20L)

# INMAN PARK HISTORIC DISTRICT REGULATIONS

## Section 16-20L.001. Statement of Intent.

The intent of the regulations for the Inman Park Historic District is as follows:

1. To preserve the historic physical pattern of the district, including curvilinear streets and parks, the spatial relationships between buildings, and the spatial relationship between buildings and the street;
2. To preserve the architectural history of the district including residential, institutional, commercial, and industrial buildings that were constructed from the 1860's to 1945, including the largest concentration of High Victorian residences in the City;
3. To preserve the diversity of housing types that exists within the district and preserve the historic platting pattern of the residential areas as it existed in 1945;
4. To ensure that new development is compatible with present architectural and spatial characteristics that are characteristic of the district;
5. To ensure that new construction is consistent with the character of the subarea of the district within which it is to be built and that such new construction blends harmoniously with the historic character of the entire district;
6. To preserve the residential character of the district and to ensure that new construction reflects and reinforces the exceptional design features that were established in the original plan for Inman Park;
7. To ensure that new construction observes the general setbacks and height restrictions of the original development and is in harmony with the historic character of the district;
8. To recognize the importance of parks, open space, and institutional buildings in the development of one of Atlanta's earliest garden suburbs;
9. To ensure that new development that uses contemporary design and materials is compatible with and sensitive to the historic character of the Inman Park Historic District;
10. To encourage containment of existing commercial areas and discourage encroachment of the commercial areas into the historic residential area;
11. To ensure that the original design characteristics of commercial and industrial buildings serve as the basis on which plans for new construction, additions and rehabilitation of commercial and industrial buildings will be judged by the Urban Design Commission for harmony, compatibility and appropriateness to the Inman Park Historic District; and
12. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

## Section 16-20L.002. Scope of Regulations.

The scope of these regulations for the Inman Park Historic District is as follows:

1. The existing zoning map and all regulations governing all properties within the Inman Park Historic District shall remain in full force and effect. The regulations

contained within this Chapter 20L shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations of Chapter 20L shall apply.

2. Except where it is otherwise explicitly provided, the provisions of Chapter 20 of this part shall apply to this district. Whenever the regulations of Chapter 20L conflict with the provisions of Chapter 20, the regulations of Chapter 20L shall apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Inman Park Historic District shall continue to apply. In the event of any conflict between said other regulations and the following regulations of this Chapter 20L, the interpretation provision set forth in Section 16-20.011 of the Code of Ordinances shall govern.

### **Section 16-20L.003. Boundaries.**

The boundaries of the Inman Park Historic District constitute an overlay Historic District (HD) zoning district, which district shall be as shown on the official zoning map adopted herewith entitled "Inman Park Historic District." The district is divided into three (3) subareas, as follows:

1. Inman Park Core District, Subarea 1.
2. DeKalb Avenue Corridor Transitional District, Subarea 2.
3. Railroad Corridor Commercial and Industrial Transitional District, Subarea 3.

### **Section 16-20L.004. Organization.**

The overlay zoning regulations for the Inman Park Historic District consist of two (2) parts. The first part consists of general regulations that apply to all properties located within this district. The second part consists of specific regulations that apply to the identified subareas.

### **Section 16-20L.005 General Regulations.**

The following general regulations shall apply to all properties located within the Inman Park Historic District.

1. General Criteria.
  - a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
  - b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
    - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

- ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
  - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
  - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
  - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
  - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
  - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
  - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
  - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
  - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- c. New construction in Subarea 2 and in Subarea 3: Contemporary design for new construction and for additions to existing properties shall not be discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy Section 16-20L.007 or Section 16-20L.008, as applicable.
- d. *Compatibility Rule:* The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in

question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.

- e. Initial plan review for proposed improvements in Subareas 2 and 3. Prior to submission of any development plans involving new construction including any addition to any existing building that otherwise requires review by the Commission, such plans shall first be submitted to and reviewed by the Bureau of Planning for conformance with the zoning requirements of Subarea 2 or 3 as applies. The Director of the Bureau of Planning shall review said plans and shall transmit to the director of the Urban Design Commission in writing within thirty days of receipt of such plans a written statement as to whether or not in the Planning Director's opinion, such plans are in conformance with the zoning requirements imposed within Subarea 2 or within Subarea 3, as is applicable.

2. Certificates of Appropriateness.

- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- b. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this District. Painting or repainting of any structure or portion thereof does not require a Certificate of Appropriateness.
- c. Type II Certificates of Appropriateness. Unless Certificates of Appropriateness are specifically exempted in the Subarea regulations, Type II Certificates of Appropriateness shall be required for any of the following to the extent they are visible from a public street or park: any minor alteration to any façade of any principal structure, fences, walls, accessory structures, and decks, and paving. If a Type II Certificate of Appropriateness is required and the proposed alteration meets the requirements of Section 16-20L.006, Section 16-20L.007, or Section 16-20L.008, as applicable, the Director of the Commission shall issue Type II Certificate within 14 days of the application. If a Type II Certificate of Appropriateness is required and the proposed alteration does not meet the requirements of Section 16-20L.006, Section 16-20L.007, or Section 16-20L.008, as applicable, the Director of the Commission shall deny the application with notice to the applicant within 14 days of the application. Appeals from any such decision of the Director regarding the approval and/or denial of Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
- d. Type III Certificates of Appropriateness shall be required for:
  - i. All new principal structures.
  - ii. All major alterations and additions to existing structures where visible

from a public street or park, unless such alterations or additions are specifically exempted from Certificates of Appropriateness in the Subarea regulations.

- e. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.
3. Variances, Special Exceptions, and Appeals.  
Variance applications, applications for Special Exceptions, and appeals from these Regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in Chapter 26 of this Part 16. The Commission shall have the authority to grant or deny applications for Special Exceptions pursuant to the standards in Chapter 25. The Commission shall have the authority to grant or deny applications for appeal pursuant to the standards in Section 16-30.010 and the appeal provisions for said decision, set forth in Section 16-30.010(e), shall also apply to the Commission's decision.
  4. Financial Hardship Exemptions.
    - a. These Regulations set forth a minimum standard of architectural compatibility with the rest of the District. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations for Type II Certificates of Appropriateness for repair only to a property owner's principal residence on the ground of economic hardship to the property owner.
    - b. The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.
    - c. The Commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
      - i. The present income of the property owner(s) and those occupying the property;
      - ii. The age of the property owner;
      - iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
      - iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
      - v. The costs associated with adherence to these regulations;
      - vi. The degree of existing architectural significance and integrity of the structure; and
      - vii. The purpose and intent of this Chapter.

- d. The Commission shall consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it shall grant an exemption, in whole or in part, as appropriate.
5. Subdivisions or Aggregation.  
The platting pattern of the Inman Park historic District is an integral part of the historic character of the District. No subdivision shall be approved unless it can be shown that the proposed subdivision is substantially consistent with the historic character of the District. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to Sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the Inman Park Historic District with regard to lot size, dimensions, and configurations. The Compatibility Rule shall apply, and no subdivision shall be approved unless and until the Urban Design Commission has made a finding that it is consistent with this provision or with the platting pattern of the neighborhood, as it existed in 1945.
6. Tree Preservation and Replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Section 158-26, shall apply to this District.
7. Any time the provision 16-20.011(b) of this part is enforced in this District, the Director of the Commission shall notify the Inman Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the Association. Further, the Director shall regularly send to the Inman Park Neighborhood Association the agenda for each regular meeting and for any special meeting of the Commission in which there is any agenda item for property located within the Inman Park Historic District.

#### **Section 16-20L.006. Specific Regulations for Inman Park Core District, Subarea 1.**

In the Inman Park Core District, Subarea 1, the Commission shall apply the standards referenced in Section 16-20L.005(1)(b) only if the standards set forth below in this Chapter 20L do not specifically address the application:

1. Design Standards and other criteria for construction of and for additions to one- and two-family residential structures.
  - a. No individual house design shall be substantially repeated on the same side of a street block.
  - b. An unpaved planting strip adjacent and parallel to the public street shall be provided. The Compatibility Rule shall apply to the dimensions and location of planting strips.
  - c. A sidewalk between the planting strip and the required front yard and parallel to the public street shall be provided. The Compatibility Rule shall apply to sidewalks. The sidewalk shall be the same width as the sidewalk on abutting properties or it shall be the width required by law, whichever is greater. If no sidewalk exists in the block, the new sidewalk shall not be less than six feet wide. If no sidewalk paving material predominates in the block, the sidewalk shall be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or brick.
  - d. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.

- e. All front facades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the Compatibility Rule shall apply.
- f. The Compatibility Rule shall apply to the form and pitch of the primary roof of the principal structure.
- g. The Compatibility Rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)
- h. Height of the first floor of the front façade above grade shall be subject to the Compatibility Rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than 7 inches in height. Slab-on-grade construction is not permitted.
- i. Front porches on principal structures shall be required. The Compatibility Rule shall apply to the design and size of said front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the front façade, whichever is greater, and a minimum of 8 feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to 10 feet into the required front yard. All front porch steps shall have closed risers and ends.
- j. Decks are permitted only when located to the rear of the principal structure and such decks shall be no wider than the width of the house.
- k. The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street or park as a façade element, the chimney shall originate at grade.
- l. Fences and walls, excluding retaining walls, visible from a public street or park upon completion, subject to the provisions of Section 16-28.008(5) and the following limitations, may occupy required yards:
  - i. Fences not exceeding 4 feet in height may be erected in the front yard or half-depth front yard. Walls, excluding retaining walls, are not permitted in the front yard or in other yards adjacent to public streets.
  - ii. Fences and walls not exceeding 6 feet in height may be erected in side or rear yards.
  - iii. The Compatibility Rule shall apply to all fences located in a required front yard adjacent to a street. Such fences shall be constructed of brick, stone, ornamental iron, or wood pickets. Chain link fencing is not permitted in front yards or in other yards adjacent to public streets.
- m. The Compatibility Rule shall apply to portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The Compatibility Rule notwithstanding, no single section of such retaining wall shall exceed 4 feet in height.
- n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
  - i. The style of the individual window.

- (1) Windows in the front façade shall be predominantly vertical in proportion.
      - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
      - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
    - ii. The size and shape of individual window openings.
    - iii. The overall pattern of fenestration as it relates to the building façade.
  - o. Mechanical equipment shall be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.
  - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
  - q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
    - i. The dimensions of the exposed face of lap siding and wood shingles.
    - ii. The type of brick and pattern of brickwork.
    - iii. The type of stone and pattern of stonework.
    - iv. The material and texture of stucco.
    - v. The size and type of doors.
      - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
    - vi. The materials and pattern of roofing.
    - vii. Paving materials for walks and drives.
      - (1) Asphalt is not permitted.
    - viii. Visible foundation materials.
      - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
    - ix. Visible portions of chimneys.
      - (1) Chimneys shall be faced with masonry. Siding on chimneys is not permitted.
    - x. Skylights are permitted where not visible from a public street or park wherever possible. Protruding bubble skylights are prohibited.
2. *Minimum Yard Requirements.* The following minimum yard requirements and maximum floor area ratio shall apply to all permitted uses of new construction and to additions to existing structures: Front, side, and rear setbacks shall be subject to the Compatibility Rule.
3. *Off-street parking and driveways.* In addition to the provisions of Section 16-28.008(7),

which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses:

- a. Off-street parking shall not be permitted between the principal structure and any public street.
- b. Parking shall not be permitted on walkways that are located between the street and the façade of the principal structure.
- c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley.
- d. Driveways shall not exceed a width of 10 feet not including the flare at the street.
- e. Side by side driveways are not permitted except upon approval of the Urban Design Commission.

4. *Principal uses and structures:*

- a. Properties that have an underlying zoning designation of R-5 shall be used only for the following principal purposes subject to the following provisions:
  - i. Single-family detached dwelling.
  - ii. Two-family dwelling, subject to the limitations and requirements set forth herein.
  - iii. In no case shall there be more than one principal building and one principal use on a lot.
  - iv. A lot shall not be used for more than two dwelling units.
  - v. Floor area ratio shall not exceed 0.50.
- b. Properties that have an underlying zoning designation of RG-1 shall be used as is otherwise permitted pursuant to the provisions of Chapter 8 of this Part and shall comply with all applicable provisions of this Chapter 20L.
- c. Properties that have an underlying zoning designation of RG-2 shall be used as is otherwise permitted pursuant to the provisions of Chapter 8 of this Part and shall comply with all applicable provisions of this Chapter 20L.
- d. Properties that have an underlying zoning designation of RG-3 (Residential General, Sector 3) District shall be used as is otherwise permitted pursuant to the provisions of Chapter 8 of this Part and shall comply with all applicable provisions of this Chapter 20L.
- e. Properties that have an underlying zoning designation of RG-3-C (Residential General, Sector 3-Conditional) District shall be used as is otherwise permitted pursuant to the provisions of Chapter 8 of this Part and to the conditions imposed by the City Council and Mayor and shall comply with all applicable provisions of this Chapter 20L.
- f. Properties that have an underlying zoning designation of NC-1 (Neighborhood Commercial-1) District shall be used as is otherwise permitted pursuant to the provisions of Chapter 32 of this Part and shall comply with all applicable provisions of this Chapter 20L.
- g. Properties that have an underlying zoning designation of R-LC (Residential-Limited Commercial) District shall be used as is otherwise permitted pursuant to the provisions of Chapter 9 of this Part and shall comply with all applicable provisions of this Chapter 20L.
- h. Properties that have an underlying zoning designation of R-LC-C (Residential-Limited Commercial-Conditional) District shall be used as is otherwise permitted

pursuant to the provisions of Chapter 9 of this Part and to the conditions imposed by the City Council and Mayor and with all applicable provisions of this Chapter 20L.

- i. Properties that have an underlying zoning designation of C-1 (Commercial) District shall be used as is otherwise permitted pursuant to the provisions of Chapter 11 of this Part and shall comply with all applicable provisions of this Chapter 20L.
  - j. Properties that have an underlying zoning designation of C-2 (Commercial Service) District shall be used as is otherwise permitted pursuant to the provisions of Chapter 12 of this Part and shall comply with all applicable provisions of this Chapter 20L.
  - k. Properties that have an underlying zoning designation of C-2-C (Commercial Service-Conditional) District shall be used as is otherwise permitted pursuant to the provisions of Chapter 12 of this Part and to the conditions imposed by the City Council and Mayor and shall comply with all applicable provisions of this Chapter 20L.
  - l. Properties that have an underlying zoning designation of I-1 (Light Industrial) District shall be used as is otherwise permitted pursuant to the provisions of Chapter 16 of this Part and shall comply with all applicable provisions of this Chapter 20L.
  - m. Properties that have an underlying zoning designation of SPI-5 (Inman Park Special Public Interest) District shall be used as is otherwise permitted pursuant to the provisions of Chapter 18E of this Part and shall comply with all applicable provisions of this Chapter 20L.
  - n. Properties that have an underlying zoning designation of PD-MU (Planned Development-Mixed Use) District shall be used as is otherwise permitted pursuant to the provisions of Chapter 19B of this Part and to the conditions imposed by the City Council and Mayor and shall comply with all applicable provisions of this Chapter 20L.
5. *Limits on two-family development.*  
In order to preserve the character of single-family pattern of development and to preserve the historic pattern of development in which accessory buildings are visually subordinate to principal residential buildings, the following regulations shall apply:
- a. Principal buildings that are designed as two-family dwellings shall conform to the historic pattern in which the two dwelling units are attached and are either side by side or one unit is located above the ground floor unit. The Compatibility Rule shall apply to the configuration of the duplex structure.
  - b. Where an accessory building is used as a detached single-family dwelling, the following limits shall apply:
    - i. The accessory dwelling unit shall not exceed 1,200 square feet or 40 percent of the area of the principal building, whichever is less.
    - ii. For the purposes of Subsection 6.g.v below, which limits the total allowable area of the accessory building to 30 percent of the principal building, the square footage of the accessory dwelling unit shall not be included when calculating the total area of the accessory building.
6. *Permitted accessory uses and structures:*

These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- a. Greenhouses, garden sheds, private garages, and similar structures. When a private garage is part of a principal structure, the garage door may not be located on the front façade of the principal structure, nor the side façade if visible from a public street or park.
- b. Swimming pools, tennis courts, and similar active recreation facilities subject to the following limitations:
  - i. Such active recreation facilities in any yard, required or other, adjacent to a street shall require a Special Exception from the Urban Design Commission, which special exception shall be granted only upon finding that:
    - (1) The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic, and
    - (2) The area for such activity could not reasonably be located elsewhere on the lot.
  - ii. The Urban Design Commission may condition any Special Exception for such facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.
- c. Home occupations, subject to limitation set forth in Section 16-29.001(17).
- d. Structures necessary for active construction projects.
- e. Devices for the generation of energy, such as solar panels, wind generators and similar devices, but not located in or to the front of the principal structure.
- f. The following regulations shall apply to all permitted accessory uses and structures:
  - i. Except in the case of home occupation, no accessory use shall be of a commercial nature.
  - ii. No accessory structure shall be constructed until construction of the principal structure has actually begun, and no accessory structure shall be used or occupied until the principal structure is completed and in use.
  - iii. Accessory structures shall not cover more than 25 percent of the rear yard.
  - iv. Accessory structures shall be placed behind the principal structure within the buildable area of the lot.
  - v. Accessory structures shall not exceed 25 feet in height or the height of the principal structure, whichever is less, and shall not contain a total floor area greater than 30 percent of the floor area of the principal structure.

## **Section 16-20L.007. Specific Regulations for Subarea 2, DeKalb Avenue Corridor Transitional District.**

The DeKalb Avenue Corridor Transitional District, Subarea 2, consists of properties that are zoned C-1, C-2, C-2-C, I-1, and other zoning classifications. The following regulations shall apply to all properties located within this Subarea 2.

1. The intent of the regulations for the DeKalb Avenue Corridor Transitional District, Subarea 2, is as follows:
  - a. To mitigate any negative effects that existing and proposed commercial properties may have on adjoining residential properties in the Inman Park Historic District.
  - b. To ensure harmony between existing and future uses of the properties in this subarea and the overall residential character of the district.
  - c. To discourage displacement of residents, to allow for a variety of housing opportunities compatible with and complementary to the architectural character of the neighborhood, and to ensure the health, safety, and welfare of the neighborhood residents.
2. Single and Two-family Residential Uses.  
For single and two-family residential uses the regulations set forth in Section 16-20L.006 shall apply.
3. Multifamily Residential Uses.  
For multifamily uses the following controls and requirements shall apply:
  - a. *Development Controls:*
    - i. *Setbacks:* The front yard setback shall not be less than five (5) feet nor greater than fifteen (15) feet. Other setbacks shall be regulated by the applicable commercial district regulations.
    - ii. *Bulk Limitations:* Floor area ratio shall not exceed an amount equal to 0.696 times (69.6%) net lot area.
  - b. *Height:*
    - i. *Maximum building heights:* Buildings located within one-hundred-fifty (150) feet of a single-family or a two-family residential district boundary shall have a maximum height of thirty-five (35) feet. Buildings located between one hundred-fifty (150) feet and three hundred (300) feet from a single-family or a two-family residential district boundary shall have a maximum height of fifty-two (52) feet.
    - ii. *Transitional height planes:* Where this use adjoins a district in R-1 through RG, PD-H, or any other exclusively residential zoning classification without an intervening street, height within the subarea shall be limited as follows: No portion of any structure shall protrude through a height-limiting plane beginning thirty-five (35) feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the commercial subarea at an angle of forty-five (45) degrees.
  - c. *Off-street parking requirements:* Off-street parking shall not be permitted between the principal structure and any public street.
  - d. *Architectural Standards:* The standards contained in Section 16-20L.005(1)(b) and Section 16-20L.005(1)(c) shall apply.

4. Nonresidential Uses.  
For nonresidential uses the following controls and requirements shall apply:
  - a. *Development Controls:*
    - i. *Setbacks:* The front yard setback shall not be less than five (5) feet nor greater than fifteen (15) feet. Other setbacks shall be regulated by the applicable commercial district regulations.
    - ii. *Bulk Limitations:* Floor area ratio shall not exceed an amount equal to one (1.0) times (100%) net lot area.
  - b. *Height:*
    - i. *Maximum building heights:* Buildings located within one-hundred and fifty (150) feet of a single-family or a two-family residential district boundary shall have a maximum height of thirty-five (35) feet. Buildings located between one hundred-fifty (150) feet and three hundred (300) feet from a single-family or a two-family residential district boundary shall have a maximum height of fifty-two (52) feet.
    - ii. *Transitional height planes:* Where this use adjoins a district in R-1 through RG, PD-H, or any other exclusively residential zoning classification without an intervening street, height within the subarea shall be limited as follows: No portion of any structure shall protrude through a height-limiting plane beginning thirty-five (35) feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the commercial subarea at an angle of forty-five (45) degrees.
  - c. *Off-street parking requirements:* Off-street parking shall not be permitted between the principal structure and any public street.
  - d. *Architectural Standards:* The standards contained in Section 16-20L.005(1)(b) and Section 16-20L.005(1)(c) shall apply.
5. Zoning variances granted prior to enactment of this chapter. Any owner of property who obtained, on or after January 1, 1982, and prior to the effective date of this Chapter, a variance from the city board of zoning adjustment to construct all or a portion of a project within the boundaries of this district, shall be entitled to construct said project in accordance with the plans presented in said application, the provisions of Section 16-20L.007 notwithstanding.

**Section 16-20L.008. Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3.**

The following regulations shall apply to all properties located within Railroad Corridor Commercial and Industrial District, Subarea 3:

1. Statement of intent. The intent of the regulations for the Railroad Commercial and Industrial Corridor, Subarea 3, is as follows:
  - a. Create a diversified urban environment where people can live, work, and play.
  - b. Assure that uses and building forms are compatible with the scale and character of Subarea 1
  - c. Create new commercial nodes in areas so indicated in the comprehensive

- development plan that are pedestrian-oriented and provide uses that primarily serve adjacent neighborhoods.
- d. Promote a balance of retail, service, office, dining, and residential uses that serve the subarea and adjacent neighborhoods.
  - e. Prohibit the development of larger scale highway-oriented retail, service, office, and dining uses intended to serve larger areas of the city than a single neighborhood or a small group of neighborhoods.
  - f. Encourage a grid of connected streets to improve access and reduce congestion.
  - g. Facilitate safe, attractive, and convenient pedestrian circulation and minimize conflicts between pedestrians and vehicles.
  - h. Encourage pedestrian flow through the design of buildings with sidewalk-level uses opening directly onto sidewalks adjacent to public streets.
  - i. Improve pedestrian access within the subarea and to and from the surrounding neighborhoods.
  - j. Establish building facade lines and sidewalk requirements and reserve the space between buildings and the street for pedestrian functions.
  - k. Provide sufficient, safe and accessible open space for active and passive enjoyment by residents and workers.
  - l. Encourage the rehabilitation or development of industrial areas to include proportionately significant residential uses.
  - m. Minimize the use of adjacent neighborhood streets for commercial area parking by establishing adequate parking requirements and encouraging shared parking arrangements.
2. Open space.
- a. For residential uses. If residential use is 20 percent or more of the floor area of the development of a lot, the residential component of the development shall provide the amount of open space required by Table 1, subsection 16-08.007(3). No open space requirement shall apply to residential use in a development if less than 20 percent of the floor area of the development is residential use.
  - b. For nonresidential uses. For developments of less than 40,000 square feet of nonresidential development, no open space or public space is required per this section (although the sidewalk requirements in subsection 16-20L.008(6) shall be applicable). For developments of at least 40,000 square feet of nonresidential development and no more than 75,000 square feet of nonresidential development, a minimum of five percent of the lot shall be reserved for public space. For developments of at least 75,000 square feet of nonresidential development and no more than 125,000 square feet of nonresidential development, a minimum of ten percent of the lot shall be reserved for public space. For developments exceeding 125,000 square feet of nonresidential development, a minimum of 20 percent of the lot shall be reserved for public space. Public space shall have the meaning set forth in section 16-28.012.
  - c. For mixed uses. The sum of minimum open space requirements specified for nonresidential and residential above shall be met; provided, however, that no open space or public space requirements shall apply to either the residential or the nonresidential component of a development if such component comprises less than 20 percent of the floor area developed on the lot.

- d. New streets. May be counted towards total open space, usable open space, or public space requirements provided the following criteria are met:
        - i. Connects two other public streets.
        - ii. All other sidewalk requirements are met.
        - iii. Has a maximum width of 40 feet, measured from back of curb to back of curb, including two on-street parallel parking lanes, two travel lanes, and sidewalk extensions at intersections and granite curbs.
        - iv. When adjacent to a park, new streets shall meet all of the above requirements along each park edge.
3. New on-street parking. Parallel parking may be counted towards total open space, usable open space, or public space requirements provided the following criteria are met:
  - a. No on-street parking currently exists in the public right-of-way.
  - b. The new on-street parking is located where there is no existing street lane.
  - c. The on-street parking occupies an entire block face or a minimum distance of 100 feet.
  - d. Sidewalk extensions are provided at street intersections.
  - e. All other sidewalk requirements are met.
4. Relocation of minimum open space requirements. A maximum of 50 percent of a development's required total open space, usable open space, or public space may be relocated to an offsite parcel within one-fourth mile of the principal site, provided that the following criteria are met:
  - a. The receiving parcel is identified in the City of Atlanta Comprehensive Development Plan as being a designated recipient parcel.
  - b. The receiving parcel contains the required amount of open space and said open space in the receiving parcel is located adjacent to and visible from a public street and is accessible to the public during normal city park hours.
  - c. All of the open space in the receiving parcel meets the definition of "usable open space" except that no portion of any public right-of-way shall be included.
  - d. The open space in the receiving parcel provides active or passive recreational amenities.
  - e. The applicant submits a plan, acceptable to the commission, that provides for the permanent protection of and maintenance of the open space.
5. Properties adjacent to the railroad. Shall have a minimum of a 20 feet continuous buffer adjacent to the railroad corridor. Said buffer may not be required to exceed 20 percent of the total property area and shall be completely landscaped except for trails, paved walkways, benches and other such recreational features as approved by the director of the bureau of planning. A development may count this buffer area as part of the required open space or public space for the lot, even if such buffer area is dedicated to the city or other governmental entity for recreation use or such buffer area is conveyed to a conservation group. To the extent a development is required to provide a buffer in excess of 100 feet in length, such excess buffer shall entitle the development to the floor area bonus provided in section 16-20L.008(14)c.i. of these regulations.
6. Sidewalk regulations. Sidewalks and street trees and all related improvements shall be provided as is described in this subsection 6. Sidewalks may be counted toward total open space, usable open space, or public space requirements provided the following requirements are met.

- a. Public sidewalks shall be located along all public streets and shall have minimum width of 12 feet.
- b. Sidewalks consist of two zones:
  - i. A street furniture and tree-planting zone;
  - ii. A clear zone.
- c. The street furniture and tree-planting zone shall have a minimum width of five feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. Trees are required, and this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
- d. Street trees are required and shall be planted in the ground a maximum of 40 feet on center within the street furniture and tree-planting zone and spaced an equal distance between street lights. All newly planted trees shall be a minimum of four inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall have a minimum planting area of 25 square feet. All plantings, planting replacement, and planting removal must be approved by the city arborist. The area between required plantings shall be planted with evergreen ground cover such as mondo grass or *liriope spicata*.
- e. Tree grates are not required where all sidewalk width requirements are met. Where tree grates are installed, they shall be a minimum of four feet by eight feet, shall be a type specified by the director of planning in accordance with uniform design standards utilized by the director of planning for placement of such objects in the public right-of-way, and shall be placed within the street furniture and tree-planting zone.
- f. Nothing may be erected, placed, planted, or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade.
- g. No awning or canopy may encroach more than five feet over the required sidewalk.
- h. Where property within this district abuts an R, RG, or PD-H district without an intervening street, the sidewalk area within 20 feet of such districts shall taper as necessary to provide a smooth transition to the existing R, RG, or PD-H districts sidewalk. In the event that the abutting R, RG, or PD-H district has no existing sidewalk, the sidewalk shall taper to a width of six feet.
- i. Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equal distance between required trees along all streets. Where installed, said lights shall be located within either the street furniture and tree-planting zone or the supplemental zone. All said lights shall be Atlanta Type "C" as approved by the planning bureau.
- j. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
- k. Trash receptacles, where installed, shall be a type specified by the director of

planning in accordance with uniform design standards utilized by the director of planning for placement of such objects in the public right-of-way and shall be placed within the street furniture and tree-planting zone.

1. The clear zone shall be a minimum width of seven feet along all streets. Said zone shall be located adjacent to the street furniture and tree-planting zone and shall be continuous. Said zone shall be hardscape and shall be unobstructed for a minimum width of seven feet and a minimum height of eight feet by any permanent or nonpermanent element.
7. Block sizes.
  - a. New development proposing to contain an entire block face greater than 600 feet in length shall be traversed by streets which create block faces no more than 400 feet in length. Such streets shall function as public streets and shall connect two other public streets.
8. Building heights.
  - a. *Minimum building facade heights.* Buildings shall have a minimum facade height of 18 feet along each facade visible from any public street or park.
  - b. *Maximum building heights.* Structures within 150 feet of the boundary of any R-1 through R-5 residential districts shall not exceed a maximum height of 35 feet, except, however, that mixed-use structures shall be a maximum height of 28 feet--40 feet with the specific height to be determined by the urban design commission, considering the height of surrounding structures or buildings provided that such approval, if granted, shall not have substantive detriment to the public good nor impair the purposes and intent of this chapter.

The commission may approve, by variance, an addition to the above range of heights, to accommodate unusual topographic conditions, so that the UDC approved height is above the grade of the street on which said building faces. Structures that are located 150 feet or more from the boundary of any R1--R5 residential district shall not exceed a maximum height of 52 feet. The commission may approve, by variance, a building height not exceeding 76 feet where the building is located 150 feet or more from the boundary of any R-1 through R-5 residential district and where there are unusual topographic conditions and where the height of any such building does not exceed 52 feet above the grade of the street on which said building faces.
9. Building setbacks.
  - a. *Side or rear yard.*
    - i. For residential uses: A minimum 20 feet side and rear yard setback is required.
    - ii. For nonresidential uses: No requirement.
  - b. *Front yard.* For residential uses, a minimum ten-foot front yard, measured from the front property line, is required. For nonresidential uses, no front yard is required.
10. Parking, curb cuts, and parking structures.
  - a. Sidewalk paving materials shall be continued across intervening driveways.
  - b. Driveways shall have a band of textured concrete adjacent to the street in line with and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the sidewalk in line with the supplemental zone and a minimum width of five feet from the sidewalk. No more than one curb cut is permitted for each frontage of a lot,

provided that lots with more than 300 feet of frontage on any single street may have two curb cuts on such street in addition to one curb cut for each other street frontage.

c. One-way driveways and curb cuts are limited to a maximum width of 12 feet and two-way driveways and curb cuts are limited to a maximum width of 24 feet.

d. No circular drives may be located between any building and any public street.

e. Curb cuts and driveways are not permitted on any arterial street when access may be provided from a side or rear street or from an alley.

f. Parking areas or driveways are not permitted between the sidewalk and a building, except as follows: Driveways to reach the side yard or rear yard of a lot are permitted; driveways to reach an on-site parking facility are permitted, and, for lots with three or more frontages, parking spaces and/or loading areas may be located between a building and the street on one side of the building.

g. Entrances to garages that serve residential units shall be located in a side or rear yard that is not visible from a public street or park.

h. All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages and parking areas.

i. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that is open to the general public, and shall have the appearance of a horizontal storied building.

j. Parking decks along the street frontage shall have:

i. Ground floor storefronts; or

ii. Ground floor residential uses.

k. A common or joint driveway may be authorized by the director of the bureau of planning when adjacent lots have direct vehicular access to a street. A driveway from a private street that functions as a public street may be authorized by the director of the bureau of planning when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such recorded agreement is provided to the bureau of planning.

l. All developments shall have sidewalks a minimum width of four feet connecting ground level parking to the public sidewalks and to all building entrances.

m. No drop-off lanes are permitted along public streets.

11. Lighting, security, and maintenance requirements for parking structures and surface parking lots.

a. Lighting shall be provided throughout all parking facilities at a minimum of one-half foot candle of light.

b. Parking deck lighting fixtures may not be visible from any public street or park or from any private street.

c. Parking facilities shall be maintained in a clean, safe, and sanitary condition. Parking spaces and driving lanes shall be clearly defined and maintained.

12. Minimum landscaping requirements for surface parking lots. All parking lots containing five or more parking spaces shall comply with all of the requirements of section 16-14.012.

13. Permitted uses. The regulations of C-2, I-1, and I-2 notwithstanding, within the Railroad Commercial and Industrial Corridor, Subarea 3, a building or premises shall be used only for the following principal purposes, except that only properties that: (1) are zoned I-1 or I-2 or (2) that are used as legal nonconforming uses on the date of enactment of this chapter, may be used for subsection 13.i. below:

- a. Bakeries and catering establishments not exceeding 5,000 square feet of floor area.
  - b. Banks and similar financial institutions not exceeding 8,000 square feet of floor area and having a footprint no greater than 4,000 square feet.
  - c. Barber shops, beauty shops, and similar personal service establishments not exceeding 4,000 square feet.
  - d. Child care centers, kindergartens, and special schools not exceeding 8,000 square feet.
  - e. Commercial greenhouses not exceeding 12,000 square feet.
  - f. Commercial recreation establishments including theaters and similar uses, all within fully enclosed buildings, and not exceeding 8,000 square feet of floor area.
  - g. Eating and drinking establishments not exceeding 12,000 square feet of floor area.
  - h. Laundry and dry cleaning collection stations not exceeding 2,000 square feet and laundry and dry cleaning establishments where equipment is operated by customers, not exceeding 2,000 square feet of floor area.
  - i. Manufacturing, wholesaling, repairing, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machine, and appliances, where floor area does not exceed 15,000 square feet and subject to noise limitation standards set forth in paragraph 19 below.
  - j. One- and two-family dwellings, subject to the requirements of section 16-20L.006 for new construction.
  - k. Multifamily dwellings, not to exceed residential general, sector 3.
  - l. Museums, art galleries, and studios, and similar cultural facilities.
  - m. Nursing homes and convalescent centers.
  - n. Offices and clinics, including veterinary clinics, laboratories, studios, and similar uses. Veterinary clinics shall be located within soundproof buildings when located within 300 feet of any residential use.
  - o. Printing establishments not exceeding 13,000 square feet of floor area.
  - p. Professional services establishments not exceeding 12,000 square feet of floor area.
  - q. Repair garages.
  - r. Retail establishments not exceeding 12,000 square feet of floor area.
  - s. Service and repair establishments not exceeding 8,000 square feet of floor area.
  - t. Structures and uses required for operation of MARTA or a public utility but not including uses involving storage, parking, train yards, warehousing, switching, or maintenance shops as the primary use.
  - u. Supermarkets not exceeding 20,000 square feet of floor area.
  - v. Tailoring and similar establishments not exceeding 2,000 square feet of floor area.
14. Development controls.
- a. Bulk limitations. For purposes of this chapter, and notwithstanding the provisions of Code section 16-29.001(24), mixed-use development is defined as any development which contains as principle uses both residential and nonresidential uses on the same development site, and in which both of such uses are at least 20 percent of the total floor area, excluding accessory uses.
  - b. Maximum permitted floor area ratios without bonuses:
    - i. For nonresidential uses, floor area shall not exceed an amount equal to 1.0 times net lot area.

- ii. For residential uses, floor area shall not exceed an amount equal to 0.696 times gross lot area.
- iii. For mixed use, floor area ratio shall not exceed 1.196 times net lot area, but not greater than the maximum ratios permitted for each and not greater than a total of 1.196 (See section 16-29.001(24)).
- c. Maximum permitted floor area with bonuses: Under no circumstances shall the floor area of any development with bonuses exceed an amount equal to 1.49 times net lot area. Floor area bonuses are as follows:
  - i. Open space and streets bonus. Subject to the maximum permitted floor area of 1.49 times net lot area set forth above, a development shall be entitled to a floor area bonus such that for every one square foot by which the total of open space and/or public space provided on a lot (including new streets that satisfy the standards of subsection 16-20L.008(2)) exceeds the requirements of subsections 16-20L.008(2)(a) [residential open space], 16-20L.008(2)(b) [nonresidential public space] and 16-20L.008(2)(c) [mixed use public space], as applicable, up to two additional square feet of floor area is permitted on such lot. Such bonus shall apply regardless of whether such excess open space and/or public space is provided pursuant to any other requirements of this chapter (e.g., railroad buffer, new streets, and/or sidewalks).
  - ii. Affordable housing bonus. Residential uses shall be permitted a floor area bonus of 0.500 times gross lot area, provided that 30 percent or more affordable sales housing units or rental housing units are provided for that portion of residential units resulting from the bonus.
  - iii. Ground-floor commercial office or retail bonus. Developments which provide street-fronting, sidewalk level retail office or retail establishments or eating and drinking establishments which together comprise a minimum of 20 percent of the building foot print and meet all of the requirements of subsection 16-18X.012(7) shall entitle the development a floor area bonus equal to the square footage of such establishments, which bonus may be used for residential or nonresidential development subject to the maximum floor area ratio with bonuses of 1.49.
  - iv. Civic bonus. Developments which provide recreational centers, community centers and community service facilities which are available to the general public during normal city recreational center, community center or community service hours shall be permitted a floor area bonus equal to the total recreational center, community center or community service facility floor area.
  - v. Affordable new sales housing units or rental housing units requirements.
    - (1) Affordable housing shall have the meaning set forth in chapter 19, section 19-1006 of the Code of Ordinances of the City of Atlanta.
- d. Affordable housing requirements shall be in place for a minimum of 20.
- e. No housing unit associated with a development project for which bonus FAR calculations were applied shall be issued an occupancy permit until such time as documentation is provided to the bureau of buildings establishing that the affordable housing requirements have been met and have been instituted as part of the warranty deed as an allowable exception to title for each affordable unit that is a part of said development project.

15. Off-street parking requirements.
  - a. Off-street parking shall not be located between the principal structure and the street except that one parking area between the street and one side of a building shall be allowed for lots with three or more frontages. Off-street parking shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours.
  - b. Electric vehicle charging stations. All automobile parking facilities shall include electric vehicle charging stations in a ratio of at least one station for every 100 automobile parking spaces. No development is required to exceed a maximum of 12 electric vehicle-charging stations.
  - c. For residential uses: As required by subsection 16-08.010(4).
  - d. All other uses shall provide parking as is required by the underlying zoning classification.
  - e. Variations in parking requirements. The director of the bureau of planning may reduce parking requirements, provided the character or use of the building is such as to make unnecessary the full provisions of parking facilities, or where such regulations would impose an unreasonable hardship on the use of the lot; or provided there is a shared parking arrangement. Said shared parking arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access. Additionally, all shared parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following:
    - i. A to-scale map indicating location of all proposed parking spaces;
    - ii. Hours of business operation(s);
    - iii. Written consent of all property owners agreeing to the shared parking arrangement;
    - iv. Copies of parking leases.
  - f. Notwithstanding any provision of the City of Atlanta Code of Ordinances to the contrary, park-for-hire surface parking lots and park-for-hire parking decks are permitted only as an accessory use. Said accessory spaces in park-for-hire decks may be authorized to be used only as part of a shared parking arrangement after normal business hours.
16. Minimum bicycle parking requirements.
  - a. All nonresidential developments that provide automobile parking facilities shall provide bicycle/moped parking facilities at a ratio of at least one bicycle/moped parking space per 20 automobile parking spaces. Multi-family developments shall provide said facilities at a ratio of a minimum one bicycle/moped parking space per five multi-family units. No development, except a one or two-family development, may have fewer than three bicycle/moped parking spaces nor be required to exceed a maximum of 50 spaces. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of 100 feet of the building entrance, or located at least as close as the closest automobile space, except for handicapped parking spaces. Each space shall include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user-supplied lock.
17. Other general requirements for uses permitted within subarea 3.
  - a. Repair garages shall not have entrances to service bays and/or vehicle storage areas that are open to and visible from a public street or park.

b. One and two-family residences shall comply with the requirements of section 16-20L.006.

18. The standards contained in subsection 16-20L.005(1)(b) and subsection 16-20L.005(1)(c) shall apply.

19. Noise limitation standards. The Atlanta Noise Ordinance, Atlanta Code section 74-129 et seq., as it may be amended from time to time, shall apply to this district.

20. Zoning variances granted prior to enactment of this chapter. Any owner of property who obtained, on or after January 1, 1982, and prior to the effective date of this chapter, a variance from the city board of zoning adjustment to construct all or a portion of a project within the boundaries of this district, shall be entitled to construct said project in accordance with the plans presented in said application, the provisions of section 16-20L.008 notwithstanding.

21. Any building existing at the time of enactment of this chapter that is subsequently destroyed either in whole or in part by fire, other act of nature, or by other casualty that is not the fault of the owner, shall be permitted to be rebuilt as it previously existed except, and without any requirement for a certificate of appropriateness, provided that the owner in the process of rebuilding remedies any nonconforming characteristics of the structure that were nonconforming due to the underlying zoning classification (e.g. C-2 or I-1, and provided that any such rebuilding commences no later than 24 months from the date on which said fire, act of nature, or other casualty occurred.

22. Minor alterations may be made to structures and improvements existing at the time of enactment of this chapter and additions may be made to structures existing at the time of enactment of this chapter in the amount of 30 percent of the floor area of such existing structure or 5,000 square feet, whichever is greater, all without the need of obtaining a certificate of appropriateness from the urban design commission, so long as such alterations and additions meet the requirements of the underlying zoning classification (e.g., C-2 or I-2).  
(Ord. No. 2002-28, § 3, 4-10-02; Ord. No. 2002-38, § 1, 5-28-02)

(Chapter 20M)

## Oakland City Historic District Regulations

### **Section 16-20M.001. Statement of Intent.**

The intent of the regulations for the Oakland City Historic District is as follows:

- (1) To promote the educational, cultural, economic and general welfare of the City by preserving the district's architectural integrity, streetscape patterns, and cultural heritage.
- (2) To preserve the district's historic pattern and distribution of building types that are characterized primarily by single family residences, institutions, and neighborhood commercial buildings, many of which were constructed during the early to mid- 20th century.
- (3) To ensure harmony and compatibility of visual qualities and spatial relationships that exist between buildings, and between buildings and the street, throughout the district.
- (4) To preserve the residential character of all the streets and thoroughfares in the district.
- (5) To preserve the historic street and lot patterns that are significant elements of the district.
- (6) To ensure development that is complementary to and compatible with the existing historic structures in the district.
- (7) To encourage the use of existing alleys, reinforcing the streetscape patterns and general physical character of the district.
- (8) To encourage economic development and a variety of housing opportunities; foster neighborhood revitalization, and discourage displacement of residents.

### **Section 16-20M.002. Scope of Regulations.**

- (1) The existing zoning map and regulations governing all properties within the Oakland City Historic District shall remain in full force and effect. The following zoning regulations (Chapter 20M) shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following regulations conflict with said existing zoning regulations, the following regulations (Chapter 20M) shall apply.
- (2) Except when otherwise explicitly provided, the provisions of Chapter 20 of this part shall apply to this district. Whenever the regulations of Chapter 20M conflict with the provisions of Chapter 20, the regulations of Chapter 20M shall apply.
- (3) All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply. In the event of any conflict between said other regulations and the following regulations (Chapter 20M) the interpretation provision set forth in section 16-20.011( c) of the Code of Ordinances shall govern.

### **Section 16-20M.003. Boundaries.**

The boundaries for the Oakland City Historic District constitute an overlay Historic District (HD) zoning district, which district shall be as shown on the official zoning map adopted herewith entitled the "Oakland City Historic District."

### **Section 16-20M.004. Definitions.**

For the purposes of interpreting this Chapter 20M, the following definitions shall apply:

- (1) "Deck" means a roofless platform adjoining a house, generally made of unfinished wood and supported by posts.

- (2) "District" means the Oakland City Historic District, as shown on the official zoning map adopted herewith entitled the "Oakland City Historic District."
- (3) "Fenestration" means the arrangement, proportion, and design of windows and doors in a building.
- (4) "Principal Structure" means the main habitable structure on a property, exclusive of detached accessory structures.
- (5) "Public Street" means publicly dedicated streets or roads and specifically excludes alleys in the District.

#### **Section 16-20M.005. Compatibility Rule**

The intent of the Mayor and Council in establishing the regulations of the Oakland City Historic District is to ensure that all work requiring a Certificate of Appropriateness is compatible with the historic design, scale, and general character of the entire district and of the contributing structures in the immediately adjacent environment of a particular block face. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.), the element or building characteristic in question shall be compatible with that which predominates in such like contributing structures on that block face and shall be internally consistent with the historic design of the structure.

#### **Section 16-20M.006 General Criteria.**

- (1) Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- (2) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
- (3) The commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20M do not specifically address the application.

#### **Section 16-20M.007. Certificates of Appropriateness.**

- (1) Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
- (2) Type II Certificates of Appropriateness shall be required for: minor alterations to any principal structure when the alterations are visible from a public streets; and the construction of fences, walls, accessory structures, decks, and paving. If the proposed alteration meets the requirements of section 16-20M.007, then the director of the commission shall issue the Type II Certificate of Appropriateness within 14 days of application for such certificate. If the proposed alteration does not meet the requirements of section 16-20M.012 and .013, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates of Appropriateness may be taken by any aggrieved

person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates of Appropriateness.

- (3) Type III Certificates of Appropriateness shall be required for:
  - a).Construction of all new principal structures
  - b).All major alterations and additions to an existing structure, when the alterations or additions are visible from a public street.
- (4) Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features, which destroys the structure's historic interpretability or importance.

#### **Section 16-20M.008. Variances.**

Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

#### **Section 16-20M.009. Financial Hardship Exemptions.**

- (1) These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the grounds of economic hardship to the property owner.
- (2) The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.
- (3) The commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
  - a) The present income of the property owner(s) and those occupying the property;
  - b) The age of the property owner;
  - c) The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
  - d) The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
  - e) The costs associated with adherence to these regulations;
  - f) The degree of existing architectural significance and integrity of the structure; and
  - g) The purpose and intent of this chapter.
- (4) The commission shall consider these factors and shall grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.

#### **Section 16-20M.010. Subdivisions.**

In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district established during the period of significance from 1867 to 1955 with regard to lot size, dimensions, and configurations.

**Section 16-20M.011. Tree Preservation and Replacement.**

The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.

**Section 16-20M.012. Development Controls**

- (1) Front Yards: Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) comply with the compatibility rule.
- (2) Side Yards: Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
- (3) Rear Yard: Rear yard setback shall be seven (7) feet.
- (4) Off-street parking and driveway requirements:
  - (a) Off-street parking shall not be permitted in the front yard or half-depth front yard.
  - (b) The commission shall have the authority to vary Section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
  - (c) If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.
  - (d) The compatibility rule shall apply to the construction of side-by-side driveways and, if permitted, the design thereof.
- (5) Floor area ratio shall not exceed 0.50.

**Section 16-20M.013. Architectural Standards.**

**(1) Statement of Intent.**

The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Minimal Traditional Cottages.

**(2) Design Standards and Criteria for New Principal Structures.**

- (a) No individual house design shall substantially repeat a design of a new principal structure on the block face that was approved by the commission since the adoption of this District.
- (b) An unpaved planting strip adjacent and parallel to the public street shall be provided. The compatibility rule shall apply to the dimensions and design of planting strips.
- (c) A sidewalk between the planting strip and the required front yard and parallel to the public street shall be provided. The sidewalk shall be the same width as the sidewalk on abutting properties or it shall be the width otherwise required by City ordinance, whichever is greater. If no sidewalk exists in the block, the new sidewalk shall not be less than six-feet wide. The compatibility rule shall apply to sidewalks paving materials. If no sidewalk paving material predominates in the block, the sidewalk shall be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or brick.
- (d) A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
- (e) All front facades, front porches, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the compatibility rule shall apply.
- (f) The compatibility rule shall apply to the form and pitch of the primary roof of the primary structure.
- (g) The compatibility rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a structure exceed 35 feet.
- (h) The maximum height of the first floor of the front façade above grade shall be subject to the compatibility rule. At a minimum, the first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall not be less than seven inches in height. Slab-on-grade construction is not permitted.
- (i) The compatibility rule shall apply to the design and size of front porches, and the placement and orientation of front steps. Front porches shall contain roofs, balustrades, columns, steps, and other features as determined by the compatibility rule. Front porches may extend up to ten feet into the required front yard. All front porch steps shall have closed risers and ends.
- (j) Decks are permitted only when located to the rear of the principal structure and such decks shall be no wider than the width of the principal structure.
- (k) The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street as a façade element, the chimney shall originate at grade.
- (l) Fences and walls, excluding retaining walls, visible from a public street upon completion, subject to provisions of section 16-28.008(5) and the following limitations, may occupy required yards:
  - 1. Fences not exceeding four feet in height may be erected in the front yard or half-depth front yard. Walls, excluding retaining walls, are not permitted in the front yard or half-depth front yard.
  - 2. Fences and walls, excluding retaining walls, not exceeding six feet in height may be erected in side or rear yards.

3. The compatibility rule shall apply to the design of all fences located in a front yard or half-depth front yard. Fences located in the front yard or half-depth front yard shall be constructed of brick, stone, ornamental iron, or wood. Chain link fencing is not permitted in front yards or half-depth front yard.
- (m) The compatibility rule shall apply to the design and height of portions of retaining walls located in a front yard or half-depth front yard that are visible from a public street. Such retaining walls shall be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, at no point of such retaining wall shall exceed four feet in height.
- (n) Fenestration, if visible from a public street upon completion, shall meet the following requirements:
1. Windows in the front façade shall be predominantly vertical in proportion.
  2. If muntins or mullions are used, such muntins or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
  3. Window and door casing widths and depths:
  4. Replacement windows units shall maintain the size and shape of the original window opening.
  5. The compatibility rule shall apply to the following aspects of fenestration:
    - a. The size and shape of individual window openings.
    - b. The overall pattern of fenestration as it relates to the building façade.
    - c. The style of the individual window.
- (o) Mechanical and communication equipment shall be located to the side or rear of the principal structure and in the location least visible from a public street. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street.
- (p) Subject to the compatibility rule, wood or smooth-finish cementitious lap siding, wood shingles, brick, stone, and true stucco are permissible building materials for the façades of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- (q) In addition to all other applicable regulations, the compatibility rule shall apply to the following building materials and design elements, if visible from a public street upon completion:
1. The dimensions of the exposed face of lap siding and wood shingles.
  2. The type of brick and pattern of brickwork.
  3. The type of stone and pattern of stonework.
  4. The material and texture of stucco.
  5. The size and type of exterior doors. Notwithstanding the compatibility rule, exterior doors shall be wood panel or fixed glass panel in wood frame.
  6. The materials and pattern of roofing.
  7. Gables and gable returns.
  8. Dormers
  9. Paving materials for walks and drives.
  10. Above-grade foundation materials. Notwithstanding the compatibility rule, foundations shall constitute a distinct building design element and shall contrast with the primary façade's exterior material and exposed concrete or concrete masonry unit (CMU) foundation walls are prohibited as a finished surface.

11. Exterior portions of chimneys. Notwithstanding the compatibility rule, chimneys shall be faced with masonry and siding on chimneys is not permitted.
12. The location and design of skylights. Notwithstanding the compatibility rule, when practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding “bubble” skylights are prohibited.

**Section 16-20M.014. Limits on two-family development.** In order to preserve the character of the predominant single-family and two-family pattern of development in the District, for new principal buildings that are designed as two-family dwellings, the following design elements shall be subject to the compatibility rule:

- (1) Number, location, and orientation of the front entry into each dwelling unit;
- (2) Number, location, and orientation of the front porch and front porch steps; and
- (3) Number, location, and orientation of walkways from the principal structure to the public sidewalk.

**Section 16-20M.015. Permitted accessory uses and structures.**

These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These uses and structures include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part.

- (1) Greenhouses, garden sheds, private garages, and similar structures. When a private garage is part of a principal structure, the garage door may not be located on the front façade of the principal structure, or the side façade if visible from a public street.
- (2) Home occupations, subject to limitation set forth in section 16-29-001(17).
- (3) Structures necessary for active construction projects.
- (4) Devices for the generation of energy, such as solar panels, wind generators, and similar devices, but not located in front of the principal structure.
- (5) The following regulations shall apply to all permitted accessory uses and structures:
  - (a) Exception in the case of home occupation, no accessory use shall be of a commercial nature.
  - (b) No accessory structure shall be constructed until construction of the principal structure has actually begun, and no accessory structure shall be used or occupied until the principal structure is completed and in use.
  - (c) Accessory structures shall not cover more than 25 percent of the rear yard.
  - (d) Accessory structures shall be placed behind the principal structure within the buildable area of the lot.
  - (e) Accessory structures shall not exceed 25 feet in height or the height of the principal structure, whichever is less, and shall not contain a total floor area greater than 30 percent of the floor area of the principal structure.

**Section 16-20M.016. Design Standards and Criteria for Alterations and Additions to Non-contributing Structures**

Alterations and additions to non-contributing structures requiring a Certificate of Appropriateness, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20M.013 (2)

above.

**Section 16-20M.017. Design Criteria for Alterations and Additions to Contributing Structures.**

- (1) Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following:
  - (a) Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations set forth in subsection 16-20M.013 (2) above; or
  - (b) Alterations and additions shall not destroy historic materials that characterize the property. The new building elements and materials may differentiate from the old. To protect the historic integrity of the property and its environment, the compatibility rule shall apply to any new work regarding the massing, size, scale, and architectural features of the property and environment.
- (2) An increase in floor area otherwise authorized in the district shall not constitute grounds for denial of a Certificate of Appropriateness.

**Section 16-20M.018. Further Provisions**

Any time the provision 16-20.011(b) of the Land Development Code is enforced in this district, the director of the commission shall notify the Oakland City Neighborhood Association within 10 days and a 30-day period for comment be allowed for the association.

**Sign Ordinance (Chapter 28): Oakland City Historic District**

**Sec. 16-28A.010. District regulations.**

- (37) Oakland City Historic District. The following regulations shall apply to the Oakland City Historic District.
- (1) Except when otherwise explicitly provided, the provisions of chapter 28A of this part shall apply to this district.
  - (2) The regulations for this District shall be the same as the regulations in section 16-28A.010(1), provided that:
    - (a) No permit shall be issued for the erection of any sign prior to the issuance of a Certificate of Appropriateness by the commission pursuant to chapter 20; and
    - (b) The location of the sign, unless otherwise specified within this subsection (37), shall be subject to the approval of the commission simultaneously with the request for a Certificate of Appropriateness by the commission pursuant to chapter 20.
  - (3) No general advertising signs shall be permitted in the Oakland City Historic District.
  - (4) No animated, changing, or flashing signs shall be permitted in the Oakland City Historic District.
  - (5) No internally illuminated signs shall be permitted in the Oakland City Historic District.

## **CHAPTER 20G. WEST END HISTORIC DISTRICT**

### **Sec. 16-20G.001. Statement of intent.**

The intent of the regulations for the West End Historic District is as follows:

- (1) To preserve the integrity of the neighborhood, which includes residential and educational buildings, constructed during the late 19th century and early 20th century;
- (2) To preserve the environment, character and physical appearance of the area;
- (3) To ensure harmony and compatibility of visual qualities and spatial relationships throughout the district;
- (4) To encourage and ensure development compatible with the existing character of the district;
- (5) To ensure that new development which utilizes contemporary design and materials is compatible with and sensitive to the character of the district;
- (6) To preserve and encourage the residential character of the district;
- (7) To encourage containment of existing commercial areas and discourage encroachment of the commercial areas into the residential areas;
- (8) To ensure that existing design characteristics in the residential area, serve as a base line description against which plans for rehabilitation and new construction will be judged for harmony, compatibility and appropriateness;
- (9) To preserve the residential character of all streets and thoroughfares in the district;
- (10) To encourage economic development, neighborhood revitalization, and prevention of displacement of residents; and
- (11) To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare.

### **Sec. 16-20G.002. Scope of regulations.**

- (1) The existing zoning map and regulations governing all properties within the West End historic District shall remain in full force and effect. The following zoning regulations shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (chapter 20G) shall apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply; and any variance between said other regulations and these overlay district regulations (chapter 20G) shall be governed by the interpretation provision set forth in section 16-20.011(c) of the Code of Ordinances.
- (2) Except when otherwise explicitly provided, the provisions of chapter 20 of this part shall apply to this district.

### **Sec. 16-20G.003. Boundaries.**

The boundaries for the West End Historic District constitute an overlay Historic District (HD) zoning district, which district shall be reflected in the official zoning maps of the City of Atlanta. For convenience in referencing, the district is denoted into two (2) subareas, Subarea I, lying to the north of Ralph David Abernathy, Jr. Boulevard, and Subarea II, lying to the south of said street. All of the regulations contained in this chapter shall apply to both subareas.

**Sec. 16-20G.004. Organization.**

The overlay zoning regulations for the West End Historic District are composed of two (2) parts. The first part consists of general regulations. The second part consists of specific regulations. Both parts shall apply to all property located within this district.

**Sec. 16-20G.005. General regulations.**

The following general regulations shall apply to the West End Historic District.

- (1) *Certificates of Appropriateness:* Certificates of appropriateness within this district shall be required as follows:
  - (a) *When required:*
    - (i) To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;
    - (ii) To erect a new structure or to make an addition to any structure within the district, when said addition can be seen from public right-of-way; and
    - (iii) To demolish or move any contributing structure, in whole or in part, within the district.
  - (b) *Type required:*
    - (i) Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (type II), major alterations (type III) and demolitions (type IV, except partial demolitions) as set forth in chapter 20 of this part 16.
    - (ii) When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition shall require a type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
- (2) *The Compatibility Rule:* The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor height, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
- (3) *Variances:* The urban design commission shall have the power to hear, grant and deny variances from the provisions of this chapter (20G) when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16, which provisions are hereby incorporated herein.
- (4) *Financial Hardship Exemptions:*

- (a) These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the urban design commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
- (b) In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.
- (c) If the urban design commission finds that the requirement of subsection (ii) herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with the following factors, standards and criteria;
  - (i) The burden of proof that the regulations and guidelines pose such a hardship shall be on the property owner.
  - (ii) The urban design commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
    - a. The present and future income of the property owner(s) and those occupying the property;
    - b. The availability, at present or in the future, or other sources of income of revenue, including loans, grants, and tax abatements;
    - c. The costs associated with adherence to the district regulations;
    - d. The degree of existing architectural importance and integrity of the structure; and
    - e. The purpose and intent of this chapter.
  - (iii) The urban design commission shall balance these factors as applied to the applicant for said exemption and shall grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.
- (5) *Lot size:* In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this chapter 20G shall apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.

**Sec. 16-20G.006. Specific regulations.**

In addition to the general regulations set forth in section 16-20G.005, and any other applicable regulations, the following regulations shall apply to all rehabilitations, new construction, alterations, and other changes:

- (1) *Generally:* The following building elements and architectural features shall be considered when applying section 16-20.009 of this chapter to the West End Historic District: doors, windows, foundations, roofs, roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvres, walls, fences, and gates.
- (2) *Building Facades:*

- (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main facade shall face the principal street whenever possible.
- (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
- (c) All building materials, which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the district.
- (d) Siding repair or replacement shall match the original materials in scale and direction, wood clapboard, if original, is preferred; however, aluminum, masonite, vinyl or other horizontal siding is permitted if window trim, cornerboards and fascia/bargeboards are left in place or replaced with new material match the original.
- (e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
- (f) No structure shall exceed that height established by the compatibility rule, with a permitted differential of 10%.

(3) *Windows and Doors:*

- (a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
- (b) Original window and door openings shall not be blocked or enclosed, in whole or in part.
- (c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size with no more than a one-inch width or height difference from the original size.
- (d) Flat "snap-in" muntins and muntins sandwiched between layers of glass are prohibited.
- (e) Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
- (f) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
- (g) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a permitted differential of 10%.
- (h) The scale, size and proportion of all openings in new construction shall be established by the compatibility rule with a permitted differential of 10%.
- (i) New windows or doors added to existing structures shall be located on sides or to the rear of buildings, rather than on the front.

(4) *Storm Doors, Storm Windows, Shutters and Awnings:*

- (a) Shutters shall not be added to the building if they were not a part of the original structures.
- (b) Shutters shall be operable or appear operable, and shall fit the size of the window.

- (c) Replacement shutters shall match the original shutters in design, materials and configuration.
- (d) Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
- (e) Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.

(5) *Foundations:*

- (a) Foundation materials, including infill materials, shall replicate the original materials in size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.
- (b) New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials and style with adjacent and surrounding buildings.
- (c) Slab on grade is not permitted.
- (d) Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.

(6) *Chimneys:*

- (a) Chimneys shall match original materials, mortar, color and pattern whenever possible.
- (b) New chimneys shall be faced with brick or stucco.
- (c) Siding on chimneys is prohibited.

(7) *Roofs:*

- (a) Roofing materials shall be of the same size, texture and material as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
- (b) Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
- (c) The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
- (d) Decks, skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are permitted on roofs of buildings provided they are not visible from any public right-of-way.

(8) *Porches:*

- (a) Architecturally significant porches, steps and stoops shall be retained.
- (b) Replacement porches, steps and stoops shall match the original in size, style and materials.
- (c) Porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
- (d) Porches shall contain balustrades, columns and other features consistent with porches in that block.

- (9) *Accessory Structures:* Accessory structures, such as carriage houses, smoke houses, greenhouses, tenant and alley houses, private garages, carports, air conditioners and heating units, shall be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structures. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the public right-of-way.
- (10) *Landscaping:* The Tree Ordinance of the City of Atlanta shall apply to the West End Historic District.
- (11) *Paved Surfaces:*
- (a) The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.
  - (b) Resurfacing or new installation of paved areas, other than those specified in subsection (a) above, including driveways, walkways, and patios, or portions thereof, shall match the color and material of the original surface whenever possible.
- (12) *Off-Street Parking Requirements:*
- (a) Off-street parking shall not be permitted in the front yard.
  - (b) Carports and garages shall be behind the rear of the main structure. If the main structure is located on a corner lot, the front yard setback for that side street shall apply to the construction of a carport or garage.
- (13) *Fences:* Fences shall be fabricated of brick, cast iron, wrought iron, stone and wood pickets. Fence lines shall follow the property line. Fences shall not obscure the front facade of the building.
- (14) *Walls:* Concrete block may be used in retaining walls, but stone or brick facing material is required.
- (15) *Ornaments:*
- (a) Architecturally significant ornaments, such as corner boards, cornices, brackets, downspouts, railings, columns, steps, doors and window moldings, shall be retained.
  - (b) Replacement ornaments shall be permitted only when originals cannot be rehabilitated.
  - (c) Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.

## **CHAPTER 20J. WHITTIER MILL HISTORIC DISTRICT**

### **Sec. 16-20J.001. Statement of intent.**

The intent of the regulations for the Whittier Mill Historic District is as follows:

- (1) To enhance and integrate land use regulations, tailored to the historic character of this district, with existing land use regulations;
- (2) To continue and encourage residential uses in the district;
- (3) To preserve and protect the historic attributes of the built environment of the district, particularly, those houses, buildings and structures constructed prior to 1930; the existing street patterns; and limited access/egress which contributes to the village;
- (4) To preserve existing landscape and topographical features of the district that exhibit or will assist in maintaining significant historic elements of the village;
- (5) To maintain the spatial relationships that now exist between buildings, and between buildings and streets;
- (6) To ensure that additions and modifications to existing structures reinforce the historic qualities and features of the district;
- (7) To ensure that new development is consistent with the historic character of the district;
- (8) To balance the need to regulate exterior changes to the structures in the district with the unique layout, landscaping and topography of the district that results in a high percentage of visibility from the public right-of-ways so as to exercise greater regulatory control over principal facades than other facades;
- (9) To encourage economic development, neighborhood revitalization and prevention of displacement of residents; and
- (10) To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare.

### **Sec. 16-20J.002. Scope of regulations.**

- (a) The existing zoning map and regulations governing all properties within the Whittier Mill Historic District shall remain in full force and effect. The following zoning regulations shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (chapter 20J) shall apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply; and any variance between said other regulations and these overlay district regulations (chapter 20J) shall be governed by the interpretation provision set forth in section 16-20.011(c) of the code of ordinances.
- (b) Except when otherwise explicitly provided, the provisions of chapter 20 of this part shall apply to this district.

### **Sec. 16-20J.003. Boundaries.**

The boundaries of the Whittier Mill Historic District shall be as shown on the official zoning map adopted herewith entitled the "Whittier Mill Historic District." The district is divided into two (2) subareas, as shown on said official zoning map, which shall be known as:

- (1) The Residential Subarea; and
- (2) The Transitional Subarea.

**Sec. 16-20J.004. Organization.**

The overlay zoning regulations for the Whittier Mill Historic District are composed of two (2) parts. The first part consists of general regulations which apply to all property located within this district. The second part consists of specific regulations that apply to each of the subareas.

**Sec. 16-20J.005. General regulations.**

The following regulations shall apply to all properties within the Whittier Mill Historic District:

- (1) *The Compatibility Rule:* The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor heights, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."
- (2) *Variances:* The urban design commission shall have the power to hear, grant and deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16, which provisions are hereby incorporated herein.

**Sec. 16-20J.006. Specific regulations--Residential Subarea I.**

In addition to the general regulations set forth in section 16-20J.005, and any other applicable regulations, the following regulations shall apply to all properties located within Residential Subarea I:

- (1) *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:
  - a. *When required:*
    1. To change the exterior appearance of the following elements of a structure within the subarea, when said changes can be seen from the public right-of-way: foundations, siding, chimneys and roofs;
    2. To change the exterior appearance of the following elements of the front facade of a structure: windows, doors, architectural details and porches. For the purpose of this chapter, front facade means the elevation of the building which faces the front yard as defined in code of ordinances section 16-28.007(3) and (4).
    3. To erect a new structure; and
    4. To demolish or move any contributing structure, in whole or in part, within the subarea.
  - b. *Type required:*
    1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).

2. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate required under subsection 16-20J.006(1)a. above shall be those specified in section 16-20.008 of the zoning code, provided, however, that a partial demolition shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance of the front facade.

(2) *Financial Hardship Exemptions:*

- a. These regulations set forth a minimum standard of architectural compatibility within the subarea. However, in order to balance this concern with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the urban design commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner. The burden of proof that the regulations and guidelines pose such a hardship shall be on the property owner.
- b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purpose.
- c. If the urban design commission finds that this requirement of subsection (b) herein is satisfied, they shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
  1. The present and future income of the property owner(s) and those occupying the property;
  2. The availability, at present or in the future of other sources of income of revenue, including loans, grants, and tax abatements;
  3. The cost associated with adherence to the subarea regulations;
  4. The degree of existing architectural importance and integrity of the structure; and
  5. The purpose and intent of this chapter.
- d. The urban design commission shall balance these factors as applied to the applicant for said exemption and shall grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.

(3) *Lot Size, Dimensions and Configurations:* In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this chapter 20J shall apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.

(4) *Duplexes:* Notwithstanding any contrary provisions in part 16 of the code of ordinances, new construction of a new two-family or duplex dwelling shall be permitted within this district only as a single building.

(5) *Grading:*

- a. Grading shall not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the structural integrity of a structure.
- b. New grades shall meet existing topography in a smooth transition.

(6) *Architectural Standards:*

a. *Building facades:*

1. All new construction shall conform to the existing building orientation by having porches and front doors facing the front yard.
2. At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule.
3. There shall be two (2) side yards, one (1) on each side of the principal building, each having a width of not less than the width of the side yards for the block as established by the compatibility rule.
4. There shall be a rear yard of not less than 10 feet.
5. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
6. Siding repair or replacement shall match the original materials in scale and direction. Wood clapboard, if original, is preferred; however, aluminum, masonite, vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/argeboards are left in place or replaced with new material to match the original.
7. No new construction of additions shall exceed the height of the existing structure on the site or, for new construction, that of the tallest structure of like use on the block.

b. *Windows and doors:*

1. Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
2. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in design, materials, shape and size with no more than a one-inch width or height difference from the original size.
3. New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and design to existing windows and doors.
4. The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a permitted differential of ten (10) percent.
5. Windows in the front facade of new construction shall be predominantly vertical in proportion and must not be constructed in combination of more than two (2) windows.
6. Replacement exterior doors shall match the original openings and conform to the original door in material and design.
7. New exterior doors shall be wood panel or fixed glass panel in wood frame. In the alternative, metal doors may be used if their design matches that of an original door.

c. *Foundations:*

1. Foundations shall be of brick, painted concrete block or stuccoed.
2. Foundations shall be of masonry pier or continuous wall construction closed with solid or screen infill wall.

3. Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
  4. Slab on grade is not permitted.
- d. *Storm doors and storm windows:* Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
- e. *Chimneys:*
1. Chimneys shall be retained whenever possible.
  2. If extending or repairing a chimney, the original materials, mortar, color and pattern shall be matched whenever possible.
  3. The construction of new chimneys shall not be permitted on the front facade.
  4. New chimneys shall be faced with brick or stucco.
  5. Siding on chimneys is prohibited.
- f. *Roof::*
1. Replacement roofs shall match the original roof in material, pitch and shape as well as ridge, overhang and soffit construction.
  2. Cold-rolled roofing is permitted only on flat roofs.
  3. Corrugated metal and corrugated fiberglass roofs are not permitted.
  4. The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
  5. Dormers shall not be permitted on the roof over the front facade of any structure.
  6. Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are not permitted on the roof over the front facade of any structure.
- g. *Porches:*
1. Architecturally significant front porches, steps and stoops shall be retained, whenever possible.
  2. Replacement front porches, steps and stoops shall match the original in size, design and materials.
  3. Front porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
  4. Front porches shall be required for the development of new homes and the compatibility rule shall apply or columns shall be six-inch by six-inch posts; the top and bottom rails of the balustrade shall be constructed of two-inch by four-inch lumber or the equivalent; the top rail shall not be higher than 36 inches above the porch floor; the bottom rail of the balustrade shall be three (3) to four (4) inches above the porch floor; and the individual balusters shall be constructed of two-inch by two-inch lumber and shall not be more than four (4) inches apart.
  5. Front porches shall contain balustrades, columns and other characteristics including floor dimension, height, roof pitch and overhang consistent with historic features for porches in that block, although standard lumber is permitted.

- 6. New decks shall be permitted to the rear of the house.
  - h. *Accessory structures:* Accessory structures, such as carriage houses, smoke houses, tool sheds, greenhouses, tenant and alley houses, air conditioners and heating units, shall be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structure. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the public right-of-way.
  - i. *Walls and fences:*
    - 1. Front yard closure walls are not permitted.
    - 2. Fences in the front yard of any structure shall be of wood picket type construction.
    - 3. Retaining walls which are located in the front yard shall have a finished masonry surface constructed of materials compatible with the exterior finish of the principal dwelling. Retaining walls shall be integrated into the landscape.
  - j. *Architectural details:*
    - 1. Exterior architectural details, such as brackets, decorative trim, corner boards, windows moldings, railings, columns, steps and doors, which contribute to the character of the buildings and appear on the front facade, shall be retained, restored or replaced to match the original in dimension and design.
- (7) *Paved Surfaces:*
- a. The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.
  - b. Where no sidewalks existed historically, no new sidewalks shall be installed.
- (8) *Off-Street Parking Requirements:*
- a. Off-street parking shall not be permitted in the front yard.
  - b. Carports and garages shall be behind the rear of the main structure. If the main structure is located on a corner lot, the front yard setback for that side of the street shall apply to the construction of a carport or garage.

**Sec. 16-20J.007. Specific regulations--Transitional Subarea II.**

The following regulations shall apply to all properties located within the Transitional Industrial Subarea II. These regulations are intended to mitigate any noxious effects that the industrial subarea may have on adjoining residential uses within the Whittier Mill Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

- (1) *Certificates of Appropriateness:* Certificates of appropriateness are not required in the Transitional Industrial Subarea II, but all new construction and development shall conform to the following regulations.
- (2) *Development controls:*
  - a. *Setbacks:* The setback from the southern boundary of the subarea shall be 50 feet. This setback shall be undisturbed and no development of any kind, including surface parking, shall be permitted. Other setbacks shall be as regulated by the applicable industrial district regulations.

- b. *Screening:* For any lot in this subarea which abuts a residential use, without an intervening street, there must also be a wall no less than six (6) feet in height and a 5-foot wide buffer planted with tree and/or shrub materials.