

CHAPTER 6.

HISTORIC & LANDMARK DISTRICTS

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DIVISION 6.1. **GENERAL**

A. Statement of Intent

Within zoning districts now existing or hereafter created, it is the intent of this Chapter to permit in general areas of substantial historic, architectural, or cultural significance, or for individual buildings or sites designated as having such significance, the continuation, creation, and regulation of the following categories of zoning protection:

1. Landmark Buildings and Sites;
2. Historic Buildings and Sites;
3. Landmark Districts;
4. Historic Districts; and
5. Conservation Districts.

The council finds that many buildings, sites and districts as herein defined, having a special character or a special historic or aesthetic interest or value, or representing the finest architectural products of distinct periods in the history of the city, have been destroyed or uprooted, notwithstanding the feasibility of preserving and continuing the use of such buildings, sites and districts, and without adequate consideration of the irreplaceable loss to the people of the city of aesthetic, educational, economic and historic values represented by such buildings, sites and districts. In addition, distinct areas may be similarly uprooted or may have their distinctiveness destroyed, although the preservation thereof may be both feasible and desirable. It is the finding of the council that the standing of this city as the capital of government, culture, business and education and as a major tourist and convention center must be maintained and enhanced by preserving the historical and architectural heritage of the city and by preventing the destruction of such cultural assets.

It is hereby declared as a matter of public policy that the identification, protection, enhancement, perpetuation and use of buildings, sites and districts of special character or of a special historic or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, education and general welfare of the people. Accordingly, the public policy objectives of this Chapter are as follows:

1. To effect and accomplish the protection, enhancement and perpetuation of such buildings, sites and districts which represent or reflect special elements of the city's cultural, social, economic, and architectural history;
2. To safeguard the city's historic, cultural heritage, as embodied and reflected in such buildings, sites and districts;
3. To stabilize and improve property values in such buildings, sites and districts;
4. To foster civic pride in the beauty and noble accomplishments of the past;
5. To protect and enhance the city's attractions to tourists and visitors and thereby support and stimulate business and industry;
6. To strengthen the economy of the city;

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7. To promote the use of buildings, sites and districts for the education, pleasure and general welfare of the people of the city;
8. To promote attention to sound design principles in areas of new development and redevelopment;
9. To raise the level of community understanding and expectation for quality in the built environment; and
10. To implement the Comprehensive Development Plan of the City of Atlanta.

B. Definitions

As used in this Chapter, unless specifically stated otherwise, the following terms shall mean and include:

Alteration. Any change of any kind whatsoever to the exterior of a building, structure or site, or any change of any kind whatsoever to a designated interior of a building, structure or site, or any change of any kind whatsoever to a nondesignated interior of a building, structure or site which is visible from the public way, except ordinary repair and maintenance, and except demolitions. An alteration shall be deemed to be a “minor alteration” if it is an alteration which does not significantly affect the historic, cultural or architectural integrity, interpretability or character of a building, structure, site or district. In general, minor alterations would include the kind of work which is normally done without the aid of a professional drafter or professional quality plans. An alteration shall be deemed to be a “major alteration” if it is an alteration which does affect the historic, cultural, or architectural integrity, interpretability, or character of a building, structure, site or district. In general, major alterations would include the kind of work which is normally done with the aid of a professional drafter or professional quality plans. All variances as defined herein shall be deemed to be “major alterations.”

Archaeological. Relating to the science or study of the material remains of past life or activities and the physical site, location or context in which they are found, as delineated in the Department of the Interior’s Archaeological Resources Protection Act of 1979.

Area. Any geographic Division of real property.

AUDC. The Atlanta Urban Design Commission (the Commission).

Building. Any structure.

Commission. The Atlanta Urban Design Commission.

Contributing Building, Structure or Site. A building, structure or site which reinforces the visual integrity or historic interpretability of a district, historic area or historic zone.

Demolition. An act or process that destroys or razes in whole or in part a building, structure or site, including an interior space within a district, or permanently impairs its structural integrity.

Designated Interior. An interior, or portion of an interior, of a Landmark Building or Site which is accessible to the public and which meets the criteria for nomination and designation to a Landmark Building or Site provided for in this Chapter.

Director (of the Commisison). The Executive Director of the Atlanta Urban Design Commission.

District. A combination or combinations of a building, structure or site whose boundaries are specifically delineated and which have a unifying theme.

Economic Return. A profit, capital or other appreciation that accrues from investment or labor from use or ownership of a building, structure, site or district.

Historic Area. An historic zone, as defined herein.

Historic Zone. Any structure, site, building or district which, individually or collectively, meets the criteria for nomination and designation to any category of historic protection provided for in this Chapter.

Integrity. A characteristic of a building, structure, site or district in which a sufficient amount of the character-defining materials and design features survives in a manner that allows the observer to interpret how the building, structure, site or district looked during its significant period of history.

Interpretability. The ability to recognize or visualize, through appearance, the historic significance or character of an historic resource.

Inventory. A systematic listing of cultural, historical, architectural or archaeological resources following standards for inclusion on said listing set forth in this Chapter.

Noncontributing Building, Structure or Site. A building, structure or site which detracts from the visual integrity or the historic interpretability of an historic district, area or historic zone.

Ordinary Repair and Maintenance. Any work, the purpose or effect of which is to correct any deterioration or decay of, or damage to, a building, structure or site, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials, or, where the same materials are not available, those materials available which are as similar as possible to the original.

Person. Any individual, firm, association, authority, organization, club, partnership, trust, company, corporation, owner, or authorized agent.

Property. Any building, structure, site, district or other real estate of any kind.

Public Way. Any public right-of-way, or other place, whether privately or publicly owned, upon which the public is regularly allowed or invited to be.

Site. Real property upon which is or was located a significant event, a park, an open space, a landscaped area, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains an historical or archaeological value and integrity, regardless of the value of any existing structures.

Structure. Anything existing, constructed or erected with a fixed location in or on the ground or attached to something having a fixed location in or on the ground.

Variance. Any nonuse change to the requirements contained in this Chapter except for those changes which otherwise require a certificate of appropriateness. Provided, however, that for regulatory purposes and not definitional purposes, all variances from this Chapter shall require a type III certificate of appropriateness.

C. Miscellaneous Provisions

1. All Landmark Buildings or Sites (LBS-), Historic Buildings or Sites (HBS-), Landmark Districts (LD-), Historic Districts (HD-), and Conservation Districts (CD-) in existence at the effective date of this Ordinance will continue in force and effect. Original land descriptions and other definite data previously applicable to said Landmark Buildings or Sites (LBS-), Historic Buildings or Sites (HBS-), Landmark Districts (LD-), Historic Districts (HD-), and Conservation Districts (CD-) will remain the same and will continue to apply.
2. **Relationship to Zoning.** The adoption of an ordinance enacting the designation of a building, site or district as a Landmark Building or Site, and Historic Building or Site, Landmark District, or Historic District, pursuant to article D of Chapter 4 of part 6 of the Code of Ordinances, including designated transitional areas, if any, may either:
 - a. Supplant zoning districts or portions of zoning districts existing at the time of creation of a particular building, site or district designation; or
 - b. Supplement existing zoning district regulations which remain in force and effect, except to the extent that the particular amendment may modify such existing regulations.
3. **Preparation of Ordinances.** Ordinances for Landmark Buildings or Sites, Historic Buildings or Sites, Landmark Districts, or Historic Districts shall be prepared as is provided in Sec. 6-4047(A) of the Code of Ordinances.
4. **Variances.** Matters which would typically be considered variances shall, for Landmark Buildings and Sites, Historic Buildings and Sites, Landmark Districts, and Historic Districts, be deemed to require certificates of appropriateness in areas having such designations. All such variances shall be heard and decided by the commission pursuant to the standards and procedures for variances generally as are provided in *Div. 9.6, Quasi-Judicial Review*.
5. **Other Procedures.** Applications for zoning amendments and special use permits regarding any property designated for historic protection under any category of protection contained in this Chapter, shall be submitted to the Commission for review before any final action is taken on such matters. No action resulting from such applications shall have the effect of eliminating the requirement for certificates of appropriateness which are otherwise required by this Chapter.
6. **Variances for the preservation of mature trees.** Variances to reduce or increase any required side yard setback governed by a historic or landmark district may be granted by the Commission for the sole purpose of preserving mature trees as defined by Chapter 158 of this Code upon making the following findings:
 - a. That variance is necessary in order to preserve a mature tree (or trees) with a caliper diameter of 6 inches or more which would be lost if the setback requirements were strictly applied. Such a variance may only be granted if the city arborist certifies to the Commission in writing that such tree(s) will be lost either by necessary removal for construction or as a consequence of adjacent construction having an adverse impact on the survivability of the tree by virtue of damage to the root system of the tree(s) or similar dysfunction.
 - b. Any variance granted under the provisions of this Section shall include a condition that should the subject tree(s) die as a consequence, direct or indirect, of construction despite the granting of the variance, they shall be replaced, at the property owner's or applicant's

expense, in accordance with a tree replacement plan prepared by the city arborist. The property owner or applicant shall be required to notify the city arborist of the death of the tree(s) within 30 days.

- c. Variances granted under the provisions of this Section may be granted by the Commission only upon its finding that relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.
- d. Variances granted under these provisions are specifically exempt from the provisions of **Sec. XX, Criteria for Review and Decision, Variance, General.**

D. Categories of Protection

1. **Establishment of Categories.** There shall be five (5) categories of protection for historic properties in the City of Atlanta, as follows:
 - a. Landmark Building or Site (LBS-);
 - b. Historic Building or Site (HBS-);
 - c. Landmark District (LD-);
 - d. Historic District (HD-); and
 - e. Conservation District (CD-).
2. **Criteria.** The criteria to be applied to determine whether any building, site or district qualifies for inclusion into a category of protection for historic properties established by this part shall be as follows:
 - a. **Minimum eligibility criteria.** At a minimum, all Landmark Buildings, Sites and Districts, Historic Buildings, Sites and Districts, and Conservation Districts shall be determined by the commission to be architecturally, historically or culturally significant and eligible for protection if they possess integrity of location, design, setting, materials, workmanship, feeling and association, and:
 - i. Are associated with events that have made a significant contribution to the broad patterns of our history; or
 - ii. Are associated with the lives of persons significant in our past; or
 - iii. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - iv. Have yielded, or may be likely to yield, information important in prehistory or history.
 - b. **Individual category criteria.** A building, site or district shall additionally meet the following criteria for that category of protection to which it is nominated:
 - i. **Landmark Building or Site.** A Landmark Building or Site is one of exceptional importance to the city, state or nation and whose demolition would represent an irreparable loss to

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the city. A Landmark Building or Site shall meet the criteria specified within at least one (1) of the following three (3) groups:

- a) Group I: Historic significance: Each Landmark Building or Site qualifying under this group must meet at least one (1) of the following criteria:
 - 1) A building or site closely associated with the life or work of a person of exceptionally high significance to the city, the state or the nation.
 - 2) A building or site associated with an extremely important historical event, or trend of national, state or local significance.
 - 3) A building or site associated with an extremely important cultural pattern or social, economic or ethnic group in the history of the city, the state or the nation.
- b) Group II: Architectural significance: Each Landmark Building or Site qualifying must meet at least five (5) of the following criteria:
 - 1) A building or site that clearly dominates or is strongly identified with a street scene or the urban landscape.
 - 2) A building or site which is the work of an exceptionally important master architect or builder.
 - 3) A building or site which is an exceptionally fine example of a style or period of construction that is typical of the City of Atlanta.
 - 4) A building or site which is an example of a style that is extremely rare in the City of Atlanta.
 - 5) A building or site which is an example of an exceptionally fine unique style or building type.
 - 6) A building or site whose design possesses exceptionally high artistic values.
 - 7) A building or site whose design exhibits exceptionally high quality craftsmanship.
 - 8) A building or site associated with an exceptionally significant technology or method of construction, including the use of materials in a significant way.
 - 9) A building or site which has an exceptionally high degree of integrity.
 - 10) A building or site which has virtually all character-defining elements intact.
 - 11) A building or site whose original site orientation is maintained.
- c) Group III: Cultural significance: Each Landmark Building or Site qualifying under this group must meet at least one (1) of the following criteria and at least three (3) other individual criteria from group I or II above:
 - 1) A building or site that has served at a major, city-wide scale as a focus of activity, a gathering spot, or other specific point of reference in the urban fabric of the city.

- 2) A building or site by its location is broadly known or recognized by residents throughout the city.
 - 3) A building or site which clearly conveys a sense of time and place and about which one has an exceptionally good ability to interpret the historic character of the resource.
- ii. **Historic Building or Site.** An Historic Building or Site is one that is close to a Landmark Building or Site in importance, but lacks some of the exceptional qualities of a Landmark. An Historic Building or Site shall meet the criteria specified within at least one (1) of the following three (3) groups:
- a) Group I: Historic significance: Each Historic Building or Site qualifying under this group must meet at least one (1) of the following criteria:
 - 1) A building or site associated with the life or work of a person of moderately high significance to the city, the state or the nation.
 - 2) A building or site associated with a moderately important historical event or trend of national, state or local significance.
 - 3) A building or site associated with a moderately important cultural pattern or social, economic or ethnic group in the history of the city, the state or the nation.
 - b) Group II: Architectural significance:
 - 1) A building or site that strongly influences or is identified with a street scene or the urban landscape.
 - 2) A building or site which is the work of a recognized master architect or builder.
 - 3) A building or site which is a very good example of a style or period of construction that is typical of the City of Atlanta.
 - 4) A building or site which is an example of a style that is rare in the City of Atlanta.
 - 5) A building or site which is an example of a very good unique style or building type.
 - 6) A building or site whose design possesses very high artistic values.
 - 7) A building or site whose design exhibits very high quality craftsmanship.
 - 8) A building or site associated with a very significant technology or method of construction, including the use of materials in a very significant way.
 - 9) A building or site which has a moderately high degree of integrity.
 - 10) A building or site which has major character-defining elements intact and in which basic form and materials survive. Original materials may be covered, but evidence indicates they are intact. Although some minor alterations may have occurred, they are generally reversible.
 - 11) A building or site whose original site orientation is maintained.

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- c) Group III: Cultural significance: Each Historic Building or Site qualifying under this group must meet at least one (1) of the following criteria and at least three (3) other individual criteria from group I or II above:
 - 1) A building or site that has served at a major neighborhood-wide scale as a focus of activity, a gathering spot, or other specific point of reference in the community.
 - 2) A building or site that by its location is broadly known or recognized by residents throughout a neighborhood.
 - 3) A building or site which clearly conveys a sense of time and place and about which one has a good ability to interpret the historic character of the resource.

- iii. **Landmark Districts.** A Landmark District is one of exceptional importance to the city, the state or the nation, having exceptionally strong associations with the criteria for district designation. A Landmark District shall meet the criteria specified within at least one (1) of the following three (3) groups:
 - a) Group I: Historic significance: Each Landmark District qualifying under this group must meet at least one (1) of the following criteria:
 - 1) A district that includes structures and spaces closely associated with the lives or works of persons of exceptionally high significance in the history of the city, the state or the nation.
 - 2) A district that includes structures and spaces closely associated with extremely important historical events, or trends of national, state or local significance.
 - 3) A district that includes structures and spaces closely associated with an extremely important cultural pattern or social, economic, or ethnic group in the history of the city, the state or the nation.

 - b) Group II: Architectural significance: Each Landmark District qualifying under this group must meet at least five (5) of the following criteria:
 - 1) A district that includes structures and spaces which are exceptionally strongly related, either functionally or aesthetically.
 - 2) A district that includes exceptionally important elements of the streetscape which are functionally or aesthetically related.
 - 3) A district that includes structures and spaces which are the works of exceptionally important master architects or builders.
 - 4) A district that includes an exceptionally fine collection of buildings which express a unity of architectural style.
 - 5) A district that includes an exceptionally fine collection of buildings which express a variety of architectural styles.
 - 6) A district that includes exceptionally fine examples of a style or period of construction which is typical of the City of Atlanta.

- 7) A district that includes exceptionally fine examples of a style that is rare in the City of Atlanta.
 - 8) A district that includes a collection of structures and spaces which possess exceptionally high artistic values.
 - 9) A district that includes a collection of structures and spaces which exhibit exceptionally high quality craftsmanship.
 - 10) A district that includes a collection of structures associated with an exceptionally significant technology or method of construction, including the use of materials in a significant way.
 - 11) A district that includes a collection of structures and open spaces with an exceptionally high degree of visual integrity.
 - 12) A district that includes a collection of structures in which virtually all retain their character-defining design elements.
 - 13) A district that includes a collection of structures in which virtually all retain their original site orientation.
 - 14) A district that includes relatively few intrusions or noncontributing structures that detract from the visual integrity of the area.
- c) Group III: Cultural significance: Each Landmark District qualifying under this group must meet at least one (1) of the following criteria and at least three (3) other criteria from group I or II above:
- 1) A district that is readily definable by manmade or natural boundaries that are recognized throughout the city. These may include distinct land forms, views, vistas, "edges," or focal points.
 - 2) The district clearly conveys a sense of time and place and about which one has an exceptionally good ability to interpret the historic character of the district.
 - 3) The district has very few intrusions or noncontributing structures that detract from the sense of time and place.
- iv. **Historic Districts.** An Historic District is one of importance to the city, the state, or the nation, or to a neighborhood in the city, having strong associations with the criteria for district designation. Each Historic District shall meet the following criteria specified within at least one (1) of the following three (3) groups:
- a) Group I: Historic significance: Each Historic District qualifying under this group must meet at least one (1) of the following criteria:
 - 1) A district that includes structures and spaces closely associated with the lives and works of persons of moderately high significance to the history of the city, the state or the nation.
 - 2) A district that includes structures and spaces closely associated with important historical events or trends of national, state or local significance.

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- 3) A district that includes structures and spaces closely associated with an important cultural pattern or social, economic or ethnic group in the history of the city.
- b) Group II: Architectural significance: Each Historic District qualifying under this group must meet at least five (5) of the following criteria:
- 1) A district that includes structures and spaces which are very strongly related, either functionally or aesthetically.
 - 2) A district that includes very important elements of the streetscape which are functionally or aesthetically related.
 - 3) A district that includes structures and spaces which are the works of important master architects or builders.
 - 4) A district that includes a very good collection of structures that express a unity of architectural style.
 - 5) A district that includes a very good collection of structures that express a variety of architectural styles.
 - 6) A district that includes very good examples of a style or period of construction that is typical of the City of Atlanta.
 - 7) A district that includes very good examples of a style that is rare in the City of Atlanta.
 - 8) A district that includes a collection of structures and spaces which possess very high artistic values.
 - 9) A district that includes a collection of structures which exhibit very high quality craftsmanship.
 - 10) A district that includes a collection of structures associated with a very significant technology or method of construction, including the use of materials in a significant way.
 - 11) A district that includes a collection of structures and spaces with a high degree of visual integrity.
 - 12) A district that includes a collection of structures in which most retain their character-defining design elements, although some alterations have occurred.
 - 13) A district that includes a collection of structures in which most retain their original site orientation.
 - 14) A district that includes moderately few intrusions which detract from the visual integrity of the area.
- c) Group III: Cultural significance: Each Landmark District qualifying under this group must meet at least one (1) of the following criteria and at least three (3) other criteria from group I or II above:

- 1) A district that is readily definable by manmade or natural boundaries that are recognized throughout the city or neighborhood.
 - 2) The district conveys a sense of time and place and about which one has a good ability to interpret the historic character of the district.
 - 3) The district has moderately few noncontributing structures that detract from the sense of time and place for the area.
- v. **Conservation Districts.** A Conservation District is one that has retained an adequate amount of its historic character for interpretation, although some alterations may have occurred. A Conservation District shall meet the criteria specified within at least one (1) of the following three (3) groups:
- a) Group I: Historic significance: Each Conservation District qualifying under this group must meet at least one (1) of the following criteria:
 - 1) A district that includes a number of structures and spaces moderately associated with the lives or works of persons of general significance in the history of the city, the state or the nation.
 - 2) A district that includes structures and spaces associated with moderately important historical events or trends of national, state or local significance.
 - 3) A district that includes structures and spaces associated with a moderately important cultural pattern or social, economic or ethnic group in the history of the city.
 - b) Group II: Architectural significance: Each Conservation District qualifying under this group must meet at least five (5) of the following criteria:
 - 1) A district that includes structures and spaces which are moderately related, either functionally or aesthetically.
 - 2) A district that includes elements of the streetscape which are functionally or aesthetically related.
 - 3) A district that includes structures and spaces which are the works of recognized master architects or builders.
 - 4) A district that includes a good collection of structures that express a unity of architectural styles.
 - 5) A district that includes a good collection of structures that express a variety of architectural styles.
 - 6) A district that includes good examples of a style or period of construction which is typical of the City of Atlanta and for which other examples also exist.
 - 7) A district that includes a collection of good surviving examples of styles that are moderately rare in the neighborhood.

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- 8) A district that includes a collection of structures and spaces which possess generally high artistic values.
 - 9) A district that includes a collection of structures and spaces which exhibit generally high quality craftsmanship.
 - 10) A district that includes a collection of structures associated with a generally significant technology or method of construction or for which materials are used in a moderately significant way and for which other examples exist.
 - 11) A district that includes a collection of structures and spaces with a moderate degree of visual integrity.
 - 12) A district that includes a collection of structures in which major character-defining elements are intact and in which basic form and materials survive, although some alterations have occurred. Original materials may be covered, but evidence indicates they are intact.
 - 13) A district that includes structures to which alterations may have occurred to significant ornament and detail and even some openings.
 - 14) A district that includes a collection of buildings in which many retain their original site orientation, however some may have been relocated from their original positions.
 - 15) A district that includes only a moderate number of intrusions which detract from the visual integrity of the area.
- c) Group III: Cultural significance: Each Conservation District qualifying under this group must meet at least one (1) of the following criteria and at least three (3) other criteria from group I or II above:
- 1) A district that is readily definable by manmade or natural boundaries that are recognized throughout the neighborhood.
 - 2) A district that conveys a sense of time and place and about which one has a moderate ability to interpret the historic character of the district.
 - 3) A district that has few noncontributing structures that detract from the sense of time and place of the district. Although these structures are noticeable as intrusions, the historic character of the area is generally interpretable.

E. Nominations**1. Applications**

- a. **Authority to apply.** Nominations initiated by the Director do not require an application. Except for nominations initiated by the Director, an application shall be required to begin the nomination process set forth in this Section. The following persons are empowered to file an application with the Director for the nomination of a building, site or district to any category of protection provided by this part: the Atlanta City Council; for buildings or sites, the owner(s) of the building or site to be nominated, or an authorized agent; for districts, the

owners of at least 10 properties, or the owners of 10% of the total number of properties within the proposed district, whichever is less, for each proposed district. Applications required by this Section shall not be construed as zoning amendment applications required in *Div. 9.2, Legislative Review* of the Zoning Ordinance.

- b. **Form of application.** When required as set forth above, applications for nominations shall be in the following form: Applications by the City Council shall be in the form of a resolution requesting that the Director initiate a nomination. Applications by property owners shall be made on forms prescribed by the Director and available to the public. No such owner application shall be deemed to be complete until all supporting documentation required in the nomination process has been provided in a form prescribed by the Director. Further, all owner applications shall be verified by each owner or each owner's authorized agent.
- c. **Processing of application.** After an application is received in proper form, the Director shall begin the nomination procedures set forth in this part within a reasonable time after receipt based upon the availability of the research and information necessary for the nomination and the availability of staff resources.

2. Initiation of Nomination Process

The process of nomination is initiated by a written notice of intent to nominate a building, site or district to any category of protection provided by this Chapter. Said notice, which shall be prepared and mailed by the Director, shall be sent by first class mail to the owner or owners of each such building or site, or in the case of districts to each individual owner of property within such district. Said notice shall describe the building, site or district proposed for nomination, including its location or boundaries; shall specify the category of protection to which it is proposed for nomination; shall specify the existing zoning classification, or boundaries, and historic protection, if any; shall state that the property could be nominated to another category of protection during the nomination process; shall announce the time, date and place of the public hearing by the commission to consider said nomination; shall include a statement notifying the property owner(s) of the automatic interim controls provided for in *Subsection (3)* below; and shall include a copy of the interim control ordinance. In addition to the written notice of intent to nominate which initiates the nomination process, the Director shall also, at least 15 but not more than 45 days prior to the hearing before the commission, cause to be published a notice within a newspaper of general circulation within the territorial boundaries of the city. This published notice shall state the time, date, place and purpose of the hearing. This published notice shall also include the location or boundaries of the property or properties, the existing zoning classification and historic protection, if any, the category of protection proposed, and a statement that the property could be nominated to another category of protection during the nomination process.

3. Interim Control

- a. **Findings and purpose.** The governing body finds that immediate but temporary interim controls prohibiting any alteration or demolition of any building or site for which a notice of intent to nominate has been mailed are required in furtherance of the city's comprehensive historic preservation program. Temporary preservation of the status quo is essential to effectively evaluate each proposed nomination and to allow consideration of appropriate designations of all proposed landmark or historic districts, buildings or sites, and to prevent circumvention of the intent of this part.

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- b. **Control regulations.** Therefore, any property or properties for which a notice of intent to nominate has been mailed shall receive the full legislative protection of, and be controlled by, the regulations governing that category of protection to which said property is proposed to be nominated, as specified in this Section and *Ch. 6. Historic and Landmark Districts* of the Zoning Ordinance governing protection and treatment of properties so categorized. Said protection shall become automatically effective without further action of any kind immediately upon the date and time that the Director of the Urban Design Commission mails the notice of intent to nominate required by subsection (b) above. Except as provided below, the period of this mandatory interim protection shall not exceed 120 days commencing on the date and time of the mailing of said notice of intent to nominate. This interim control period allows and is based upon approximately 45 days for public hearing, evaluation of, and action on the proposed nomination by the commission and approximately 75 days for public hearing and review by the zoning review board, action by the zoning committee, and final action by the City Council and the mayor as specified in this part. This 120-day period may be extended by resolution of council only if said extension is due to delay in the legislative process and only for a period of time equal to any such delay, but in no event shall the total interim control period permitted by this Section exceed a maximum of 180 days.
- c. **Enforcement.** The Director of the commission shall deliver a copy of each notice of intent to nominate to the Director of the Office of Buildings at or before the time and date each notice is mailed by the Director of the commission. The Director, Office of Buildings shall immediately take all steps necessary to accomplish the requirements of this Section, and is prohibited from accepting any application or issuing any permit of any kind for any building, site or district specified in each notice of intent of nominate, unless the Director of the Office of Buildings certifies that such permits are necessary due solely to unanticipated emergency public safety reasons or are approved pursuant to a valid certificate of appropriateness as provided for in this Section and in *Ch. 6, Historic and Landmark Districts* of the Zoning Ordinance of the Code of Ordinances. Violations of this Section shall be punishable as provided for in *Sec. XX, Penalties* of the Code of Ordinances, as amended.

4. Preparation of Report

Prior to the commission's public hearing to consider any nomination(s) to any category of protection, the Director shall conduct research and compile a written report in the nature of findings and recommendations regarding the historic, architectural or cultural significance of each proposed nomination. This report shall include a statement on each of the following to the extent that they apply to the proposed nomination(s):

- a. The criteria upon which the nomination of the building, site or district and its boundaries is based, including a finding that the proposed nomination either does or does not meet the minimum criteria required for nomination and designation;
- b. A description of the building(s) or site(s), as well as features of significance, including date of construction, architect or builder, and architectural style and materials used;
- c. A description of the boundaries of each building, site or district, including any proposed transition zone, which may be in the form of either a metes and bounds description or a plat or map. For all district nominations, the proposed boundaries shall be drawn to include all contributing properties reasonably contiguous within an area. Where reasonably feasible in relation to the purpose of each district, boundaries shall include frontage on both sides

of streets, and shall divide the proposed district from other districts at rear lot lines, side lot lines, or at other points where divisions will create minimum inter-district friction. Internal boundaries may subdivide the district into subareas and transition areas for regulatory purposes. All descriptions shall be attached to the written report;

- d. If the proposed district is visually related to surrounding areas in such a way that actions in the surrounding area might have potentially adverse environmental influences on the district, proposed boundaries for such transitional areas shall be shown, and shall be called transitional zones;
- e. The existing zoning classification of the proposed designation;
- f. A reference to that Section of the Zoning Ordinance of the City of Atlanta which permits the transfer of development rights of Landmark Buildings or Sites, or Historic Buildings or Sites; and
- g. All economic incentives which may be available to assist in the preservation of each Landmark Building or Site, or Historic Building or Site.

5. Commission Action

- a. **Public hearing.** The commission shall hold a public hearing to consider the nomination of each building, site or district proposed as a Landmark Building or Site, Historic Building or Site, Landmark District, Historic District, or Conservation District. Notice of the hearing shall be given as provided in subsection E.2 of this Section. The commission shall review and consider the staff report prepared pursuant to subsection E.4 of this Section as well as any other relevant information or documentation presented to it. The commission may solicit expert testimony regarding the historic, architectural or cultural importance of the building, site or district under consideration for nomination.
- b. The commission shall afford to the owner or agent of any property which is being considered for nomination or any interested member of the public a reasonable opportunity to present testimony and documentation regarding the historic, architectural or cultural importance of the building, site or district proposed for nomination.
- c. **Successive nominations.** A two-year waiting period shall be required before a building or site can be renominated for designation to the same category from which it was disapproved by the council.
- d. **Decision and transmittal.** The commission shall make a decision in public with respect to each proposed nomination in the form of a written resolution within fifteen (15) days after the initial public hearing date. The resolution of nomination by the commission shall set forth those findings of fact which constitute the basis for the nomination and shall affirmatively state that the building, site or district meets or exceeds the criteria required for nomination. Upon adoption of the resolution of nomination by the commission, the Director of the commission shall promptly transmit such resolution, including all supporting documentation, to the chair of the zoning committee of the City Council and to the commissioner of the Department of City Planning. The Director shall also notify by first class mail the owner or owners of the property or properties which are the subject of said resolution of nomination of the decision of the commission.

F. Designations

1. **Preparation of Designation Ordinance.** Upon the nomination by the commission of any building, site or district to any category of protection provided by this part, the Director of the Urban Design Commission, in consultation with the Office of Zoning and Development, shall prepare a proposed zoning designation amendment accomplishing the intent of the resolution of nomination. For proposed Landmark or Historic District(s) the ordinance shall include proposed detailed regulations to be applied and which may be designed to supplant or to modify any existing regulations, including regulations pertaining to the use of land, buildings or structures within the districts, including any and all subareas of the districts according to *Sec. XX, Nominations* of the Code of Ordinances. Such regulations may be drafted to require, for a particular district or its subareas, if any, certificates of appropriateness in addition to those required in *Sec. XX, Certificates of Appropriateness; Generally* of the Code of Ordinances. Such regulations may be prepared with the advice and assistance of the owner or owners of all such properties within the district, neighborhood groups, historic preservation groups, or other organizations or individuals qualified by interest, training and experience in achieving the objectives set forth in this Chapter. The Director shall present this proposed ordinance to the chair of the zoning committee for consideration.
2. **Zoning Committee Action.** Upon receipt of a resolution of nomination and proposed designation legislation, the zoning committee shall proceed at or before its next regular meeting to act upon the proposed designation ordinance.

The zoning committee may, by majority vote, modify any nomination by the Urban Design Commission to another category provided that the reasons for such modification by the zoning committee shall be made a part of the record of the committee proceedings. The proposed designation ordinance, along with supporting documentation, shall then be presented by the chair of the zoning committee at the next regular meeting of the City Council at which time said proposed ordinance shall be referred to the zoning review board for public hearing.

3. Public Hearing.
 - a. A public hearing on each proposed designation ordinance, except for Conservation Districts, shall be held by the zoning review board. Since the adoption by the City Council and approval by the mayor of an ordinance that designates a building, site or district to any category of protection provided in this part except Conservation Districts is a zoning action which establishes either (1) an overlay zoning district with accompanying district regulations and map or (2) an overlay zoning regulation, notice as is provided in this Chapter shall be followed for all such designation actions; provided however, that designation of Conservation Districts, and interim protection(s) afforded any property or properties pursuant to *Sec. XX, Nominations* of the Code of Ordinances are not zoning actions and does not require the above-referenced notice and hearing procedures.
 - b. In addition to the requirements of *Div. 9.6, Quasi-Judicial Review* of the Zoning Ordinance of the Code of Ordinances relating to amendments to the zoning ordinance, and prior to action by the zoning review board on any proposed designation of a building, site or district to any category of protection permitted by the Chapter, except Conservation Districts, the Department of City Planning, through the Office of Zoning and Development, shall evaluate each such proposed designation and shall also consider the following matters:

- i. City goals and policies as are contained in the comprehensive development plan;
- ii. Impact of proposal on transportation, urban design, other planning and development goals and objectives of the city;
- iii. Potential impacts of tax abatements and other financial incentives which may be available to the property owner to assist in preservation; and
- iv. Potential impacts of tax abatements and other financial incentives on the city budget.

In conducting such evaluation, the department of city planning shall request assistance and information from other city departments and agencies, including the department of finance, as may be appropriate to the specific proposal under construction.

4. **Final Action.** After public hearing by the zoning review board, each proposed designation ordinance shall be returned to the zoning committee for action and then reported to the City Council for final action.
5. Post-Adoption Actions.
 - a. Within 20 days after any designation ordinance becomes law, the Director of the commission shall send to the owner or owners of record of each such property so designated, by first class mail, a copy of the ordinance, a statement of the regulations governing their property, and a statement of the economic incentive which may be available for their property.
 - b. Within 20 days after any designation ordinance becomes law, the Director of the commission shall send notice of such action to the following officials and agencies:
 - i. Commissioner of the Department of City Planning;
 - ii. Commissioner of the Department of Transportation;
 - iii. Commissioner of the Department of Parks and Recreation;
 - iv. Commissioner of the Department of Watershed Management;
 - v. Director, Office of Zoning and Development;
 - vi. Director, Office of Buildings;
 - vii. Commissioner, Department of Grants and Community Development;
 - viii. Police chief;
 - ix. Fire chief; and
 - x. State historic preservation officer.
 - c. Within 20 days of any designation ordinance becomes law, except designations of conservation districts, the Director of the commission shall file in the office of the clerk of the Superior Court of Fulton County or in the office of the Clerk of the Superior Court of DeKalb County, as is appropriate to said property, a certificate of notification that such property has such designation, and said certificate of notification shall be maintained on the public records until such time as the designation may be withdrawn by the City Council and mayor.

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- d. The Director of the commission may cause to be created a suitable plaque appropriately identifying each designated building, site or district. Such plaques shall be affixed to private property only with the written consent of the owner or owners of said property.

G. Certificates of Appropriateness; Generally

1. **When Required, Generally.** In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in the Zoning Ordinance, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in *Sec. XX, Designations*, be required for any of the following actions within each of the following categories:
 - a. Landmark buildings and sites:
 - i. To change the exterior appearance of any Landmark Building or Site;
 - ii. To change the interior appearance of any Landmark Building or Site which has a designated interior;
 - iii. To erect a new structure or to make an addition to any Landmark Building or Site;
 - iv. To demolish or move any Landmark Building or Site in whole or in part; or
 - v. To vary any applicable regulation.
 - b. Historic buildings and sites:
 - i. To change the exterior appearance of any Historic Building or Site;
 - ii. To erect a new structure other than a replacement structure referred to in *Sec. XX, Same; Types and Procedures*, or to make an addition to any Historic Building or Site which is visible from the public way; or
 - iii. To vary any applicable regulation.
 - c. Landmark Districts:
 - i. To change the exterior appearance of any structure within any Landmark District;
 - ii. To erect any new structure or to make an addition to any structure within a Landmark District;
 - iii. To demolish or move any structure, in whole or in part, within a Landmark District; or
 - iv. To vary any applicable regulation.
 - d. Historic Districts:
 - i. To change the exterior appearance of any structure within an Historic District;
 - ii. To erect a new structure or to make an addition to any structure within an Historic District;

- iii. To demolish or move any contributing structure in whole or in part, within an Historic District; or
 - iv. To vary any applicable regulation.
2. **Conservation Districts Exempted.** Certificates of appropriateness are not required for Conservation Districts. However, no person shall construct, alter, demolish or move, in whole or in part, any building, structure or site located within a Conservation District until the commission shall have reviewed the proposed action(s) and made written recommendations regarding any such action to the owner(s) of the property. Upon application of the owner of any property within any such Conservation District for a building or other development permit, the Director, Office of Buildings shall promptly refer such applicant to the Urban Design Commission. The applicant shall provide the Director of the commission with complete plans regarding the permit for which application has been made, and the Director of the commission shall present the plans at the next regular meeting of the Urban Design Commission. At said meeting, the commission shall review the subject plans and shall transmit, through the Director, the written recommendations of the commission regarding such permit application to the applicant, with a copy to the Office of Buildings. The recommendations shall be sent by first class mail to the owner within five days following the date of the commission review. Such recommendations constitute an advisory review only, and the owner may elect to modify plans in order to incorporate said recommendations, or may elect to proceed with the original plans for the permit application. If the commission fails to provide said written advisory comments to the owner(s) within 30 days of the owner(s) initial application to the Office of Buildings, the Office of Buildings shall issue the permit(s) at the request of the owner without compliance with this subsection.
3. **Demolition or Moving of Historic Building and Sites Exempted.** A certificate of appropriateness is not required to demolish or move any Historic Building or Site. However, prior to the demolition or moving of any historic building or site, an application shall be required in accordance with the following procedures:
- a. Each applicant shall submit on the same day to both the Office of Buildings and the Director of the Urban Design Commission all applications, plans and information required by the Office of Buildings to obtain such a permit.
 - b. In addition, the applicant shall submit, at the same time and in the same manner, a site plan and drawings, including elevations, indicating the floor area and height of the proposed new building and the impact of the proposed building or alteration on the historic site, as the term "building" is defined in *Ch. 10, Definitions*, and provided that such building has a total square footage at least equal to the square footage of the footprint of the building or site proposed to be demolished or moved.
 - c. The Urban Design Commission shall have 45 days following the receipt of all materials required in *3.a* and *3.b* above to review the application and provide to the applicant written comments advising the applicant about actions which could be taken to maintain the integrity of the Historic Site.
 - d. During the 45-day commission review, the Office of Buildings shall process and review the application in accordance with its usual procedures, but shall issue no permit prior to the expiration of said 45-day period.

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- e. Immediately after the expiration of said 45-day commission review period of an alteration or demolition permit application, and whether or not the commission's comments are favorable, but providing that the application otherwise meets existing regulations generally applicable to such permits, the Director of the Office of Buildings shall issue to the applicant a written certificate stating that the demolition permit application is in order; and a demolition permit will be issued when the applicant is issued a foundation permit for the building which is to be placed on the site, and further stating that the certificate shall remain in force for period of 18 months or until the City of Atlanta enacts legislation designating the site as a Landmark Building or Site, whichever occurs sooner.
- f. The requirements of this Section are intended to ensure that no Historic Building and Site be demolished unless the owner(s) has the intent and financial ability to construct a new building replacing the Historic Building or Site proposed to be demolished.

H. Same; Types and Procedures

There shall be four (4) types of certificates of appropriateness. When a certificate of appropriateness is required under the provisions of *Sec. XX, Certificates of Appropriateness: Generally*, general requirements for certificates of appropriateness, or under the regulations of a particular Landmark or Historic Building or Site, or under the regulations of a particular Landmark or Historic District, the following procedures shall govern, according to the type of certificate of appropriateness required to obtain the result(s) desired by the applicant, as follows:

1. **Type I: Certificates of Appropriateness for Ordinary Repairs and Maintenance.** Ordinary repair and maintenance of a Landmark Building or Site, Historic Building or Site, or property located in Landmark or Historic Districts, shall require a type I certificate of appropriateness. Said type I certificates may be approved by the Director. Applications for said certificates shall be submitted to the Director on forms provided by the Director and in accordance with the following requirements.
 - a. Those activities which constitute ordinary repair and maintenance include but are not restricted to:
 - i. Repair using the same material and design as the original;
 - ii. Repainting, using the same color;
 - iii. Reroofing, using the same type and color of material; and
 - iv. Repair of streetscapes and driveways using the same type and color of materials.
 - b. A clear photograph of the building, object or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, or structure must be furnished with the application.
 - c. Appeals from the decision of the Director regarding the issuance of type I certificates may be taken by any aggrieved person by filing with the Director a notice of appeal specifying the grounds thereof within five (5) days after the action appealed from was taken. An appeal stays all legal proceedings in furtherance of the action appealed from. The commission shall fix a reasonable time for the hearing of the appeal and give notice thereof as well as due notice to the parties of record in interest. Upon the hearing any party may appear in person or by

agent or by an attorney. The commission shall decide the appeal within a reasonable time. An appeal shall be sustained upon an expressed finding by the commission that the Director's action was based on an erroneous finding of a material fact, or that the Director acted in an arbitrary manner. In exercising its powers the commission may reverse or affirm, wholly or partly, or may remand to the Director with discretion.

2. **Type II: Certificates of Appropriateness for Minor Alterations.** Minor alterations to Landmark or Historic Buildings or Sites, or buildings or sites within Landmark or Historic Districts, shall require a type II certificate of appropriateness. Said certificate shall be granted according to the following procedures and standards:
 - a. **Application.** Applications shall be filed with the Director of the commission on forms which the Director shall promulgate for application purposes. All such applications shall be accompanied by detailed plans, designs, photographs, reports and other exhibits required by the Director. No application shall be deemed to be filed until it is made on forms promulgated by the Director and contains all required supporting plans, designs, photographs, reports and other exhibits required by the Director.
 - b. **Acceptance of applications and timing of hearings.** The Director shall publish a calendar of the regular meetings of the commission and shall establish reasonable deadlines for the receipt of applications for each such meeting. All applications shall be scheduled for hearing before the commission no later than 30 days after receipt by the Director of such application, except where a longer period is established in writing and by mutual agreement of the Director and the applicant. The applicant shall be notified of the hearing date at the time the application is filed.
 - c. **Meetings of the commission.** All meetings at which the commission shall consider applications for said certificates of appropriateness shall be held in the City Hall building. The Director shall prepare and the commission shall adopt an annual schedule of the regular meeting dates of the commission, which schedule shall be made available to the public on request. The chair of the commission may call special meetings of the commission. However, at any meeting, whether a regular or special meeting of the commission, at which an application for said certificate of appropriateness is to be considered, notice of said meeting shall conform to the notice requirements established by this Section.
 - d. **Notice of hearings.** Prior to any meeting of the commission at which an application for a type II certificate of appropriateness shall be considered, the following forms of notice are all required:
 - i. The Director shall mail written notice to the applicant, and the property owner, if different, at least 30 days prior to a hearing at which the commission shall consider said application. Such written notice shall be sent by first class mail and shall contain the date, time, place, and purpose of the hearing which will be held by the commission to consider said application for a certificate of appropriateness.
 - ii. Notice of all applications for certificates of appropriateness shall be published on the official City of Atlanta web site and in a newspaper of general circulation at least 30 days prior to such meeting. Said notice shall state the date, time, place and purpose of said hearing. The notice shall include the location of the property and the present zoning classification of the property.

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- iii. A sign shall be posted on each property for which an application for certificate of appropriateness is made to the commission. Such sign shall be posted in a conspicuous place on the property, shall be at least six square feet in area, and shall be posted at least one week prior to the meeting of the commission at which the application will be considered. Said sign shall state the date, time, place and purpose of the hearing which will be held by the commission.
- e. **Time limit on decision of commission.** Decisions of the commission on said applications shall be made within 45 days from the date on which the Director receives a complete application from the applicant.
- f. **Failure to decide in due form within time limits.** Failure by the commission to decide said application within the 45-day time limit described above shall be deemed to be approval of the application for said certificate of appropriateness; and upon request of the applicant, the Director, Office of Buildings shall issue any permit dependent upon such application for certificate of appropriateness, if otherwise lawful, and shall record as authorization for such action the provisions of this paragraph.
- g. **Testimony.** At any meeting at which an application for said certificate of appropriateness is considered, the commission shall provide the applicant, collectively with anyone else speaking in support of the application, no fewer than ten minutes for the presentation of data, evidence, and opinion. Collectively, those speaking in opposition to the application shall also have no fewer than ten minutes for the presentation of data, evidence, and opinion, and such time provided shall be equal to that of the collective duration of time provided to the applicant and those speaking in support of the same application.
- h. **Records of meetings and maintenance of files.** Records of the proceedings of all meetings of the commission shall be made and maintained as is provided in article D of Chapter 4 of part 6 of the Code of Ordinances of the City of Atlanta. Copies of all certificates of appropriateness granted, together with all pertinent exhibits and reports of the commission, shall be maintained by the Director. Copies of such documents shall be made available to the Director, Office of Buildings as are necessary for the inspection and enforcement of the terms and conditions contained therein.
- i. **Decisions.** The commission may grant the application for certificate of appropriateness, grant it with specified conditions, or deny it. The applicant shall be deemed to have effective notice of the decision of the commission on the date on which the commission enters such decision. The Director shall reduce said decision of the commission to writing and shall include all findings of fact and reasons for approval, conditional approval, or denial of said application. A copy of this written confirmation of the decision of the commission shall be transmitted to the applicant and to the Director, Office of Buildings within five working days after such decision is made.
- j. **Conditional approval of applications.** Where the commission grants conditional approval of an application for a certificate of appropriateness, the Director, Office of Buildings shall issue permits for developments only in strict compliance with such conditions as have been imposed by the commission.
- k. **Standards of review.** The commission, in reviewing all applications for type II certificates of appropriateness, shall apply the standards specified in *Sec. XX, Same; Further Standards*.

The burden of proof is on the applicant to establish before the commission that the required standards have been met. If the commission finds that said standards are satisfied, after said public hearings, the commission shall issue the appropriate type II certificate of appropriateness conditionally or otherwise. If the commission finds that the applicant has failed to present sufficient evidence that the standards are satisfied, the type II certificate of appropriateness shall be denied.

3. **Type III: Certificates of Appropriateness for Major Alterations.** Major alterations to Landmark or Historic Buildings or Sites, or buildings or sites within Landmark or Historic Districts, shall require a type III certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:

- a. **Applications, timing of hearings, meetings of the commission, etc..** Requirements (a), (b), (c), (g), (h), (i) and (j) contained within and required for type II certificates of appropriateness above, subsection (2), shall also be required for all type III certificates of appropriateness, and are hereby incorporated into this subsection.
- b. **Notice of hearings.** Prior to any meeting of the commission of which an application for a type III certificate of appropriateness shall be considered, the following forms of notice are required:
 - i. Notice of all applications for certificates of appropriateness shall be published on the official City of Atlanta web site and in a newspaper of general circulation at least 30 days prior to such meeting. Said notice shall state the date, time, place and purpose of said hearing. The notice shall include the location of the property and the present zoning classification of the property.
 - ii. **Posting the property.** In addition to the published notice above, the Director shall cause the property involved in the proposed change to be posted at least 15 days prior to the hearing. Such posting shall be in a conspicuous place on the property by a sign or signs (as provided below) not less than six square feet in area, bearing information as to the time, date and place of the hearing and the nature of the proposed change.

One such sign shall be placed adjacent to each street the property abuts, as described in the application for changes in zoning status, for each 600 feet for which the property abuts such street, provided that not less than one sign shall be erected, that where there are intersections with another street or streets at least one sign shall be placed between such intersections, and that if there is a remainder from multiples of 600 feet, an additional sign shall be erected.

Notwithstanding the above requirements, if the property under consideration does not abut a street and is not a part or parts of property abutting a street, no posting is required. If said property is part or parts of properties abutting a street, posting shall be required above, with the notice indicating the relation of the parts proposed for hearing to the parts abutting streets.

- iii. **Notice by regular mail.** The Director shall also cause notice of the time, date, place, and purpose of the hearing to be given by regular mail, with mailing at least 30 days prior to the hearing. Such mail shall be addressed to the property owner and to property owners

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(as ownership and address appears on the tax records of Fulton/DeKalb County) of all property within 300 feet of the property involved in the proposed change.

- c. **Time limits on hearings of the commission.** Hearings of the commission on type III applications shall be held within 90 days from the date on which the Director receives in due form a complete application from the applicant. The commission shall make a decision on said applications within 21 days of the date of the final public hearing held on said application.
 - d. **Standards of review.** The commission, in reviewing all applications for type III certificates of appropriateness, shall apply the standards specified in *Sec. XX, Same; Further Standards*. The burden of proof is on the applicant to establish before the commission that the required standards have been met. If the commission finds that said standards are satisfied, after said public hearings, the commission shall issue the appropriate type III certificate of appropriateness, conditionally or otherwise. If the commission finds that the applicant has failed to present sufficient evidence that the standards are satisfied, the type III certificate of appropriateness shall be denied.
 - e. **Exemption for condition of unreasonable economic return or public health and safety.** In any case in which the commission has denied a type III certificate of appropriateness because of the applicant's failure to meet the standards required in subsection (3.d.) above, the applicant may, within 30 days of the date of said denial, apply to the commission for a condition of unreasonable economic return or public safety exemption. Said application(s) for exemption shall follow all the procedures and standards set forth in subsection (4) below, governing type IV certificates of appropriateness.
 - f. **Failure to decide in due form within time limits.** Failure of the commission to decide said application within the time limits set forth in *Subsection 3.c* above will be deemed to be approval of the application for said certificate of appropriateness, and upon request of the applicant, the Director, Office of Buildings shall issue any permit dependent upon such application for certificate of appropriateness, if otherwise lawful, and shall record as authorization for such action the provisions of this paragraph.
4. **Type IV: Demolitions.** Demolition of a Landmark Building or Site, a building or site in a Landmark District, or a contributing building or site in an Historic District, constitutes an irreplaceable loss to the quality and character of the City of Atlanta. Therefore, all demolitions of said specified buildings or sites shall require a type IV certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:
 - a. **Conditions.** Type IV certificates of appropriateness shall be issued by the commission only when one (1) or both of the following two (2) conditions have been established pursuant to the standards and criteria required below:
 - i. The demolition is required to alleviate a threat to public health and safety; or
 - ii. The demolition is required to rectify a condition of unreasonable economic return.
 - b. **Standards and criteria.** The standards and criteria required to be shown in order to establish the existence of the conditions specified in *Subsection 4.a* above shall be as follows:
 - i. **Threats to public health and safety.** To prove the existence of a threat to public health and safety, the applicant must establish, and the commission must find, the following:

- a) Demonstrate through independent analyses and supporting information that a major and imminent threat to public safety exists;
 - b) Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives; and
 - c) Demonstrate that the costs associated with rectifying the threat would create a condition whereby the investments in the project are incapable of earning a reasonable economic return as described in *Subsection 4.b.ii* below.
- ii. **Unreasonable economic return.** To prove the existence of a condition of unreasonable economic return, the applicant must establish, and the commission must find, both of the following:
- a) That the building or site is incapable of earning a reasonable economic return. This finding shall be made by considering, and the applicant shall submit to the commission evidence establishing, each of the following factors:
 - 1) The applicant's knowledge of the landmark designation at the time of acquisition, or whether the property was designated subsequent to acquisition.
 - 2) The current level of economic return on the property as considered in relation to the following:
 - i) The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased.
 - i) The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 - i) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the prior three (3) years.
 - i) Real estate taxes for the previous four (4) years and assessed value of the property according to the two (2) most recent assessed valuations.
 - i) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 - i) The fair market value of the property immediately prior to its designation and the fair market value of the property (in its protected status as a designated building or site) at the time the application is filed.
 - i) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or both.

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- i) Any state or federal income tax returns on or relating to the property for the past two (2) years.
- 3) That the property is not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two (2) years, including testimony and relevant documents regarding:
 - i) Any real estate broker or firm engaged to sell or lease the property.
 - i) Reasonableness of the price or rent sought by the applicant.
 - i) Any advertisements placed for the sale or rent of the property.
- 4) The infeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:
 - i) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 - i) Estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of proposed alterations.
 - i) Estimated market value of the property in the current condition; after completion of the proposed construction, alteration, demolition, or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
 - i) In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 - i) The infeasibility of new construction around, above or below the existing protected building or site, and the infeasibility of a transfer of development rights, including an assessment of the monetary value that could be derived from such a transfer, pursuant to *Div.XX. Transfer of Development Rights*.
- 5) Economic incentives or funding available to the applicant through federal, state, city or private programs.
- b) That the applicant has the present intent and the secured financial ability, demonstrated by documentary evidence and by those plans and materials which would otherwise be required in order to secure a foundation permit from the Office of Buildings, to replace the Landmark Building or Site with a replacement building, as the term "building" is defined in *Ch. 10. Definitions*, which has a total square footage at least equal to the square footage of the footprint of the building or site proposed to be demolished or moved.

c. **Procedures.** The following procedures shall be followed for all type IV certificates of appropriateness:

i. **Application.** Applications for type IV certificates of appropriateness shall be filed with the Director of the commission on forms which the Director shall promulgate for application purposes.

The applicant shall be required to present documentation or other evidence at the time of application on each standard and criteria listed in subsection 4.b above sufficient to permit the commission to adequately analyze the application in relation to said standards.

The Director shall be required to notify the applicant of any deficiencies in the documentation or other evidence provided. Failure of the applicant to submit said required documentation or evidence shall be construed as a failure on the part of the applicant to meet that standard for which the documentation or evidence is lacking.

After receipt of a completed application in which all required information is attached, the commission shall make a determination on said application in accordance with the time frames set forth herein.

For type IV applications based upon a purported condition of a threat to public health and safety, a copy of the application and all supporting documents shall be delivered within five (5) days of receipt of a complete application by the Director of the commission to the Director, Office of Buildings.

The Office of Buildings shall evaluate each such application in accordance with the standards contained in this Section and will prepare a written evaluation and report. Said report shall be presented to the commission at or before the commission's initial public hearing on the application.

ii. **Notice of public hearing.** Notice of the public hearings required for type IV certificates shall be as is provided for in *Sec. 6.1.H.3.b* above.

iii. **Hearings on certificates.** The commission shall hold an initial public hearing on every type IV certificate of appropriateness application within 45 days of receipt of the completed application required in subsection c.i above. Such hearing shall be subject to the same testimony requirements set forth in *Sec. 6.1.H.2.g* above. Records of the hearing(s) shall be maintained as is required by *Sec. 6.1.H.2* above. At said hearing, one of the following procedural courses shall be followed:

a) For type IV applications based on a condition of a threat to public health and safety, the commission, after hearing from all interested persons, including the Office of Buildings, shall determine whether a certificate shall be granted based upon the standards for said applications set forth in this Section.

Said decision shall be made in public within 21 days from the date the commission holds its initial public hearing and shall be made as is required by *Sec. 6.1.H.2.i* above.

b) For type IV applications based on a condition of unreasonable economic return, the applicant shall have the burden of showing that the property in question is incapable of earning a reasonable economic return in the absence of such a demolition in

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accordance with the standards and criteria set forth in subsection 4.b.ii above. As a part of the showing, the commission shall cause to be established a three-person economic review panel. Said economic review panel shall be comprised of three (3) real estate and redevelopment experts knowledgeable in real estate economics in general, and more specifically, in the economics of renovation, redevelopment and other aspects of rehabilitation.

The panel shall consist of one (1) person selected by the commission, one (1) person selected by the applicant and one (1) person selected by the first two (2) appointees. If the first two (2) appointees cannot agree on a third person within 30 days of the date of the initial public hearing, the third appointee shall be selected by the commissioner of the department of community development within five (5) days after the expiration of the 30-day period; and the commissioner shall notify the Director in writing of their selection.

All of the evidence and documentation presented at the initial public hearing shall be made available to and reviewed by the economic review panel. Further, the commission shall announce at the initial public hearing that further evidence or documentation from any interested party may be made a part of the record by submitting such evidence or documentation to the Director by a date certain, and the Director shall transmit said materials to the economic review panel. The economic review panel shall convene at its discretion and shall review the evidence of unreasonable economic return in relation to the standards and criteria set forth in subsection 4.b.ii. The economic review panel may, in its discretion, convene a meeting to hear testimony or oral argument by any interested party, provided that notice for such meeting shall be as is provided for in subsection 3.b above. Within 45 days after the economic review panel is established, the panel shall complete an evaluation of unreasonable economic return, applying the standards and criteria set forth in subsection 4.b.ii and shall complete and forward a written report on this evaluation to the commission.

At the next regular commission hearing following receipt of the report from the economic review panel, the commission shall reconvene its public hearing to take final action on the application. If, after reviewing all of the evidence, the commission finds that said standards and criteria set forth in subsection 4.b.ii are satisfied, the commission shall issue the appropriate type IV certificate of appropriateness, conditionally or otherwise. If the commission finds that the applicant has failed to present sufficient evidence that the standards and criteria are not satisfied, said certificate shall be denied. Provided, however, that the commission's decision shall be consistent with the conclusions reached in the economic review panel's report unless, based on all of the evidence and documentation presented to the commission, the commission finds by a vote of a three-fourths majority of a quorum present that the economic review panel acted in an arbitrary manner, or that their report was based on an erroneous finding of a material fact. Provided, further, however, that if the report of the economic review panel is that an economic hardship exists, then the commission may defer action on the certificate for a period of 90 days while the commission prepares or causes to be prepared a plan to save the building from demolition pursuant to subsection 4.c.iii.d immediately below.

- d. **Preservation plan.** After a finding by the commission that the conditions for either a threat to public health and safety or an unreasonable economic return have been met, the commission may, within 60 days, prepare or cause to be prepared a plan under which the subject building or site (1) is preserved in a manner to effectuate the purposes of this Chapter, and (2) is capable of providing a reasonable economic return to the property owner(s). The plan may include complete or partial tax abatements, tax credits, authority for alteration or construction not inconsistent with the purposes of this Chapter and other actions allowable by law.

This plan will be reviewed by the economic review panel to determine if the plan is capable of providing a reasonable economic return. If the commission does not produce a plan within 60 days, the commission shall issue a certificate of appropriateness for demolition. If the commission develops a plan which is judged by the panel as capable of earning a reasonable economic return, the commission may deny the certificate of appropriateness for demolition.

If a plan is developed, but the plan is deemed by the economic review panel as incapable of earning a reasonable economic return, the commission may, within 30 days of the decision of the panel, recommend to the mayor that the city or a willing private buyer acquire a specified appropriate protective interest, including obtaining title or easements in the building or site involved. If, within an additional 15 days, the city does not initiate eminent domain proceedings to obtain ownership of the appropriate protective interest and neither the city nor a private buyer has made a firm offer to enter into a contract with the owner to acquire such interest, the commission shall issue a certificate of appropriateness for demolition. The commission shall also issue a certificate of appropriateness if an offer is forthcoming but is not equal to or greater than the fair market value of the property immediately prior to designation adjusted for inflation between the time of designation and the time of application for a demolition permit.

The owner may reject any offer for purchase. However, the commission may deny a certificate of appropriateness if the owner rejects an offer which is equal to or greater than the fair market value of the property immediately prior to designation adjusted for inflation between the time of designation and the time of application for a demolition permit.

- e. **Salvage plan.** In connection with any type IV certificate of appropriateness, the commission may prepare and submit to the applicant, at or before the issuance of any said permit, a salvage plan. Said plan may suggest salvage and preservation, for reuse in restoration elsewhere, specified classes of building materials, architectural details and ornaments, fixtures and the like. Also, in connection with any type IV certificate, the commission may require the preservation of trees, shrubs and other landscaping of substantial significance.

I. Same; Further Standards

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in *Sec. XX, Statement of Intent*, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in Article D of Chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

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1. Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
2. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
4. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
5. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
6. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
7. Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
8. Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural or cultural character.

J. Judicial Review Of Decisions On Certificates Of Appropriateness

Any person aggrieved by a final decision of the commission on a certificate of appropriateness, or any officer, department or board of the city, may appeal from such decision in the manner prescribed in O.C.G.A. § 36-66-5.1. The executive Director of the commission shall have the authority prescribed in O.C.G.A. § 36-66-5.1(c)(1) and the City of Atlanta Department of Law shall have the authority prescribed in (c)(2). "Any person aggrieved" shall have the same meaning as set forth in *Sec. XX, Appeals from Decisions of the Board of Zoning Adjustment*.

K. Further Provisions

1. **Inspections.** The Director shall from time to time inspect, in cooperation with a designee of the Director, Office of Buildings, work undertaken pursuant to decisions of the commission. The Director shall take all necessary and legal steps to assure conformity to the requirements thereof.

In any cases where the Director of the commission becomes aware of work being undertaken on any designated property without or in violation of a certificate of appropriateness, the Director of the commission shall immediately notify the Director, Office of Buildings, who shall issue an immediate stop-work order. Further, the Director, Office of Buildings shall furnish the Director of the commission a quarterly report concerning all designated properties, number and nature of inspections made, number of correction notices issued, and steps being taken to remedy violations.

2. **Maintenance and Enforcement.** The owner or owners, or the owner's agent, of each building or site designated to a category of protection pursuant to this Chapter shall keep in good repair all of the exterior portions of such building or site and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portion of such building or site to deteriorate, decay, or become damaged or otherwise to fall into a state of disrepair. Further, said owner or owners shall keep in good repair all portions of the building or site which, if not so maintained, may cause or tend to cause such portions to deteriorate, decay, or become damaged or otherwise fall into a state of disrepair. The provisions of this Section shall be in addition to all other provisions of law requiring any such building or site to be kept in good repair. The Director, Office of Buildings shall be responsible for the enforcement of the maintenance provisions contained within this Section.
3. **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be construed to be the minimum requirements or maximum limitations, as the case may be, commensurate with promotion of the purpose of historic preservation. Whenever the requirements of these regulations are at a variance with the requirements of any other governmentally adopted statute, rule, regulations, ordinance or code, the most restrictive or that imposing the higher standard shall govern.
4. **Penalties.** Any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in **Sec. 1-8** of the Code of Ordinances of the City of Atlanta, as amended. Each day's continuance of a violation may be considered a separate offense. The owner of any building, structure or site, or part thereof, where anything in violation of this Chapter exists, and any architect, builder, contractor or agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense.
5. **Separability of Provisions.** Should any Section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Chapter as a whole or any Section thereof other than the Section or provision specifically declared to be invalid.

DIVISION 6.2. **CABBAGETOWN (LD1)**

A. Statement of Intent

The intent of the Cabbagetown Landmark Districts is as follows:

1. To preserve the environmental and physical appearance of the area, including industrial, commercial and residential structures, created from the late 19th century to the mid-20th century, and existing spatial relationships between buildings and streets; and to ensure that any new development is compatible with existing historic architectural and spatial characteristics that prevail.
2. To preserve the unique historical relationship between commercial and residential uses, that evolved in the late 19th century and early 20th century, and to ensure that ensuing development reflects and maintains this unique relationship.
3. To ensure that additions, alterations, renovations, and new construction observe the characteristics of each subarea of the district and maintain a continuing harmony with the historic character of the entire district.
4. To continue and encourage residential uses in the district.
5. To preserve the existing landscape and topographical features which exhibit or will assist in maintaining significant historic elements of the village.
6. To enhance changes to principal façades and protect the historic appearance of the Cabbagetown mill village development.
7. To encourage compatible economic development and neighborhood revitalization.
8. To prevent the displacement of residents and to encourage affordable housing.
9. To preserve and enhance the important aesthetic appearance of the district.
10. To substantially promote the public health, safety, and welfare.
11. To promote, encourage, and enhance the interaction of residents in the district with applicants seeking review and approval as directed by these regulations.

B. Scope of Regulations

1. Except when otherwise explicitly provided, the provisions of *Division 6.1* of this part will apply to this district. Whenever the regulations of *Division 6.2* conflict with the provisions of *Division 6.1*, the regulations of *Division 6.2* will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply. In the event of any conflict between said other regulations and the following regulations (*Div. 6.2, Cabbagetown*), the interpretation provision set forth in *Sec. XX, Further Provisions* of the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Cabbagetown Landmark District are as shown on the official zoning map. The district is divided into 5 subareas, as shown on said official zoning map, which will be known as:

1. The Mill (SA1).
2. Mill housing (SA2).
3. Shotgun and Cottage housing (SA3).
4. Neighborhood commercial/services (SA4).
5. Transitional commercial/industrial area (SA5).

D. Organization

The regulations are composed of two parts. The first part includes those general regulations that apply to more than one subarea in the Cabbagetown Landmark District. The second part includes those specific regulations that are unique to each subarea.

E. Certificates of Appropriateness.

Certificates of appropriateness within this district are required as follows:

1. When required:

- a. To change the exterior appearance of any portion of a structure within the district;
- b. To erect a new structure or to make an addition to any structure within the district;
- c. To demolish or move any contributing structure, in whole or in part, within the district;
- d. To construct on-site or off-site parking; and
- e. To erect a new building that replaces a non-contributing building, provided that the applicant, prior to the demolition of said non-contributing building, must have complied with the requirements of *Sec. XX, Certificates of Appropriateness; Generally*.

2. Type required:

- a. When a Certificate of Appropriateness is required under the provisions of subsection E.1 above, the procedures for determining the appropriate type of certificate will be those specified in *Sec. XX, Same; Types and Procedures* of the Zoning Ordinance. Provided, however, that a partial demolition of a contributing building requires 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.
- b. If the proposed alteration for minor facade alterations, fences, walls, accessory structures, decks, paving and satellite dishes meets the requirements of *Sec. XX, General Regulations, Sec. XX, The Mill (Subarea 1), Sec. XX, The Mill (Subarea 2), Sec. XX, Shotgun and Cottage Housing (Subarea 3), Sec. XX, Neighborhood Commercial and Services (Subarea 4), and Sec. XX, Transitional Commercial (Subarea 5)*, as applicable, then the Director of the Commission will issue the Type II certificate. If the proposed alteration does not meet said requirements,

the Executive Director of the Atlanta Urban Design Commission will deny the application. Appeals from any such decision of the Director regarding the approval 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 Sec. *XX, Same; Types and Procedures(a)* for Type I Certificates.

F. General Regulations

The following regulations apply to more than one subarea in the Cabbagetown Landmark District, which includes all five subareas. Certificates of appropriateness required above must be obtained from the Commission or the Director, as applicable, in accordance with the following regulations:

1. **Minimum Standards.** These regulations constitute the minimum standards that must be followed and will be applied by the Commission and Director. The Commission will apply the standards in *Sec. XX, Same; Further Standards* only if the standards set forth elsewhere in this Division 6.2 do not specifically address the application.
2. **Applications.** Materials necessary for complete review of an application will be submitted with the application as set forth by the Director. In addition, a scaled site plan showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements will be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application must also include a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.
3. **Additional Notification.** The applicant will be given contact information for interested Cabbagetown community organizations and will be directed to provide the organization with a copy of the submitted application and attachments within three days of submission to the Commission.
4. **Cabbagetown Design Guidelines.** The Commission will adopt and maintain guidelines, referred to herein as the Cabbagetown Design Guidelines. These guidelines will: further the intent of these regulations; further define elements of architectural style and applicability; provide important additional detailed information regarding the construction and renovation of historic buildings; and be used as a guide to ensure the compatibility of future development in the Cabbagetown Landmark District.
5. **The Compatibility Rule:**
 - a. In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing building in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) must match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."

- b. For the purposes of the compatibility rule, height and width must be measured at the front façade.
 - c. In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure must be eliminated in the application of the compatibility rule.
 - d. Those elements to which the rule applies are noted in the regulations by a reference to the “compatibility rule.”
6. **Variiances.** Variance requests will be heard by the Commission which will have the authority to grant or deny variances from the provisions of this Division 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 must be the same as those specified in *Div. 9.6, Quasi-Judicial Review* of this Part 16.
7. **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 will be on the applicant.
 - c. The Commission will 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 Division.
 - d. The Commission will consider these factors and will 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.
8. **Minimum Lot Requirements.** There must be front, rear, and side yard setbacks. The distance of said setbacks must be determined by the compatibility rule.

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9. **Subdivision of Lots.** The subdivision of any lot within this district will be subject to review and approval by the Commission. No subdivision of lots will be approved by the Director of the Office of Zoning and Development unless said matter has first been submitted to and approved by the Commission. No subdivision of lots will be approved unless the Commission will make a finding that the resulting lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The Commission will further find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, may be reasonably situated and constructed upon such lots. The compatibility rule will apply.
10. **Subdivision of Lots Other than Lots for One- and Two-unit Dwellings.** No new lots for multi-unit, commercial, or industrial uses allowed within the Cabbagetown District may be created except upon approval of the Commission. Applications will be made to the Commission, and the Commission will not approve the creation of any new lot unless the Commission will make a finding that the resulting lot or lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The Commission will further find that the resulting lot or lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, may be reasonably situated and constructed upon such lot or lots. The compatibility rule will apply.
11. **Consolidation of Lots.** No lots may be consolidated except upon approval of the Commission. Applications will be made to the Commission, and the Commission will not approve any consolidation of lots unless the Commission will make a finding that the resulting lot or lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The Commission will further find that the resulting lot or lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, block, subarea, and the district as a whole, may be reasonably situated and constructed upon such lot or lots. The compatibility rule will apply.
12. **Design Standards and Criteria for New Principal Buildings.** The following regulations will apply to new construction of principal buildings.
 - a. **General Criteria:**
 - i. All new construction must be one of the house styles of a contributing building that appears on the block face of the street on which the new construction must occur.
 - ii. The general façade organization and proportions will be subject to the compatibility rule. All of the following building elements must be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a) Roofs, chimneys, and roofing materials;
 - b) Siding;
 - c) Eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d) Corner boards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e) Doors and door transoms;
 - f) Windows and window transoms;

- g) Porches, including supports, columns, balustrades, steps, and roofs; and
 - h) Foundation walls, foundation piers, and water tables.
 - i) All the elements listed above must be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
- iii. Streetscapes, front yards, porches, and front doors facing and parallel to the street must be provided.
- b. **Facades:**
- i. Wood, smooth-surface cementitious siding or Masonite siding are allowed. Siding must exhibit a horizontal, clapboard profile. Siding must have no less than a four-inch reveal and no more than a six-inch reveal.
 - ii. The height of the ground story above street level must meet the compatibility rule. The foundation must be a minimum of 14 inches and a maximum of 4 feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are allowed as foundation facing materials.
 - iii. Windows must be predominantly vertical in proportion, may not be constructed in combination of more than two units, and must be double-hung wood sash with true divided lights. Window organization and glazing patterns must meet the compatibility rule.
 - iv. Exterior doors visible from any public right-of-way must be solid wood panel or single-pane fixed glass and must be composed of no more than 50% glass.
 - v. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, must be shown on the submitted plans, and must be subject to the compatibility rule.
- c. **Roofs:**
- i. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction must meet the compatibility rule.
 - ii. Skylight and solar panels are not allowed on the front façade of any structure. “Bubble type” skylights are not allowed anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights or solar panels, where allowed, must minimize their ability to be seen from public rights-of-way and is subject to approval by the Commission.
 - iii. When chimneys are included, chimneys must be faced in brick, originate at grade and are subject to approval by the Commission.
 - iv. Boxed gable returns are not allowed.
 - v. Roofing material must be asphalt shingles. Fiberglass roofs are not allowed. Flat-roofed structures or structures not visible from any public right-of-way may use any roof covering that conforms to standard architectural specifications.

- d. **Dormers.** When allowed, dormers will be subject to design review by the Commission and must meet the following requirements:
 - i. Must be gable or shed design as appropriate to the architectural style of the building and must maintain the siding, roof materials, and trim consistent with the main portion of the building.
 - ii. Must not engage the ridgeline of the main roof structure.
 - iii. The front edge of the dormer will not interrupt the primary fascia or soffit line.
 - iv. May not occupy less than 15% nor more than 35% of the total surface area of the roof pitch on which it is constructed.
 - e. **Porches:**
 - i. Front porches must contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
 - ii. Decorative metal, resin, fiberglass and plastic columns are not allowed.
 - iii. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
 - iv. Front porch steps must be made of wood, brick, or concrete. Metal steps are not allowed.
 - f. **Site Development, Streetscapes and Curbs:**
 - i. The streetscapes must be the same width as the streetscapes on abutting properties. If no streetscapes exists on abutting properties, the new streetscapes must match streetscapes widths on the block. If no streetscapes exists on the block, the new streetscapes must be 6 feet wide.
 - ii. Streetscapes must be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
 - iii. Curbing must be granite; poured concrete must not be used.
 - iv. A paved walkway from the front streetscapes to the front entry of the principal building must be provided.
13. **Design Standards for Alterations and Additions to Contributing Buildings.** Alterations and additions to contributing buildings will be subject to design review by the Commission and must be consistent with and reinforce the historic architectural character of the existing building, must comply with the appropriate regulations for new construction specified in *Sec. XX, General Regulations(13)*, and must comply with the following requirements:
- a. All repair work must match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.

- b. All replacement materials or building elements must match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
- c. Alterations may not introduce materials or building elements that do not reinforce the architectural character of the building and may not destroy historic materials that characterize the property.
- d. The height or width of any alteration or addition may not exceed the height or width of the existing building.
- e. Any alterations or additions must be compatible with the massing, scale and architectural features of the property.

14. **Alterations and Additions to Non-contributing Buildings.** Alterations and additions to non-contributing buildings must comply with one of the following:

- a. Alterations and additions must be consistent with the architectural style of the existing building and the height or width of any alteration or addition may not exceed the height or width of the existing building, or:
- b. Alterations and additions must be representative of a single architectural style chosen from those represented by contributing buildings on the block face where the existing non-contributing buildings is located, must comply, as applicable, with Design Standards and Criteria for New Principal Buildings, *Sec. XX, General Regulations(13)*, and the height or width of any alteration or addition may not exceed the height or width of the existing building.

15. **Accessory Structures and Uses.** Accessory structures and uses that are customarily incidental and subordinate to permitted principal structures and uses are allowed. These include the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- a. Carriage houses, tool and garden sheds, greenhouses, private garages and similar structures must be unattached, located to the rear of the principal building within the buildable area of the lot, and may not project beyond the front of the principal building. In addition, they must be located in the least visible location within permissible areas. The Commission may require screening with appropriate plant or fence materials if said structure is visible from the public right-of-way;
- b. Satellite dishes, devices for the generation of energy, such as solar panels, must be attached to a building and may not be visible from any public right-of-way;
- c. Home occupations; and
- d. Electric vehicle charging stations equipped with Level 1 or Level 2 EVSE.

16. **Grading and Landscaping:**

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

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- c. Approval of an application for a Certificate of Appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the Cabbagetown Landmark District.

17. Fences, Walls, and Retaining Walls:

- a. Fencing, walls, and retaining walls are subject to design review by the Commission.
- b. Fences may not exceed 4 feet in the front or the side street yards.
- c. Fences and walls may not exceed 6 feet in the side or rear yards.
- d. Fences must be constructed of wood or chain link. Barbed wire and razor wire are not allowed.
- e. Retaining Walls. Retaining walls located adjacent to a public right-of-way must have a maximum height of 2 feet from streetscape grade and must be faced with either stone, brick, or smooth stucco, whichever predominates on that block face. Stacked stone is not allowed. The combined height of a fence and retaining wall adjacent to a streetscape may not be greater than 4 feet from streetscape grade. The combined height of a fence and retaining wall in a side or rear yard may not exceed 6 feet.

18. Parking. The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified as in this Division or as follows:

- a. On-site parking is not allowed between the principal building and the street.
- b. On-site parking may be located in a rear or side yard.
- c. The driveway of a lot used for residential purposes must extend at least 20 feet behind the front façade of the house.
- d. Carports or garages that serve a single dwelling unit are allowed if detached from and located to the rear of the main structure. If the structure is located on a corner lot, the front yard setback for that side street must apply to the construction of a carport or garage.
- e. The design of carports and garages will be reviewed and approved by the Commission.
- f. Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are allowed paving materials for driveways and surface parking. Asphalt is not allowed.
- g. Use of shared driveways or alleys is encouraged.

19. Screening:

- a. Frontages must be screened as specified in Sec. 8.4.3.
- b. Site elements must be screened as specified in Sec. 8.4.4.

G. The Mill (Subarea 1)

In addition to the general regulations required in *Sec. XX, General Regulations*, the following

regulations apply to any new development or the conversion of any existing structures to permitted uses within the Mill Subarea. The regulations are intended to preserve the environmental character and physical appearance of the Mill Subarea and encourage reuse of the existing structures for mixed use where feasible and to assure that any other use that may be allowed for preservation purposes is compatible with the historic character of the district as a whole.

1. **Permitted Principal Uses and Structures.** A building or premises must be used only for the following principal purposes; and any new development, or conversion of existing structure to uses allowed within the Mill Subarea, requires the granting of a Certificate of Appropriateness by the Commission before the issuance of a building permit.
 - a. Retail banks.
 - b. Private clubs.
 - c. All food and beverage uses, except drive-throughs are not allowed.
 - d. General office, general medical.
 - e. Research and development.
 - f. All personal services, except funeral homes.
 - g. General indoor entertainment and recreation, general outdoor entertainment and recreation, convention hall or event facility.
 - h. Religious assembly.
 - i. Single-unit, two-unit, and multi-unit residential uses. Residential use of Mill structures will require a Certificate of Appropriateness, which will be granted upon determination that such use is compatible with the overall utilization of the Mill and maintains the integrity of the Mill as a support for the surrounding community.
 - j. Urban gardens.
 - k. Market gardens.
 - l. Short-term rentals, subject to the regulations in *Div. XX. Specific Use Standards*.
 - m. No wholesaling is allowed. No use or manner of operation is allowed that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relation to adjoining residential subareas.
2. Building Standards:
 - a. All alterations must follow the Secretary of Interior's Standards for rehabilitation and must match the original as closely as possible.
 - b. New construction must be of red brick exterior in keeping with the scale and character of 19th-century mill construction.

- c. The height of any new construction must be limited to the highest point of the existing complex, excluding chimneys.

H. Mill Housing (Subarea 2)

In addition to the general regulations required in *Sec. XX, General Regulations*, the following regulations apply to any new development in Subarea 2. These regulations are intended to preserve the typical 19th-century mill housing character of this subarea and to encourage the continued use of the existing structures for compatible multi-unit use.

1. **Permitted Principal Uses and Structures.** A building or premises must be used only for the following principal purposes:
 - a. Single-unit, two-unit, and multi-unit dwellings of the mill housing quadruplex type now existing in the subarea or as must be constructed in the future to be compatible with existing structures as is provided for in this subarea of the Cabbagetown Landmark District regulations.
 - b. Parks, playgrounds, and community structures owned and operated by a government agency or Cabbagetown-based non-profit community organization.
 - c. Religious assembly.
 - d. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.
2. **Maximum Building Height and Width.** The height or width of any alteration or addition may not exceed the height or width of the existing building or roofline.
3. **Façades:**
 - a. Exterior doors must be solid panel wood.
 - b. All siding must be wood clapboard and must have a reveal of 4 inches.
4. **Roofs:**
 - a. New roofing must be asphalt shingles or modified bitumen membrane.
 - b. Chimneys must be included in new construction of principal buildings.
 - c. Dormers are not allowed in this subarea.
5. **Porches:**
 - a. Front porches are required.
 - b. Front porch steps must be repaired or replaced to match the original wood steps. Steps in other locations may be of wood, brick, or cast in place concrete. Metal steps are not allowed.
6. **Fences and Walls.** No walls are allowed in this subarea.

I. Shotgun and Cottage Housing (Subarea 3)

In addition to the general regulations required in *Sec. XX, General Regulations*, the following regulations apply to any new development or the conversion of any existing structures to permitted uses within the Shotgun and Cottage Housing Subarea. These regulations are intended to set forth

basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

1. **Shotgun Housing.** Shotgun housing is a style typified by simple structures whose width is no more than that of one room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing Type Is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.
2. **Cottage Housing.** Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker’s cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and façade features, and consistent structure massing.
3. **Permitted Principal Uses and Structures.** A building or premises must be used only for the following principal purposes:
 - a. Single-unit detached dwellings.
 - b. Two-unit dwellings existing at the time of the original adoption of these regulations. Two-unit dwellings, originally built as duplexes, will be allowed even if the use has lapsed for more than a year.
 - c. Parks, playgrounds, and community buildings owned and operated by a government agency or Cabbagetown-based non-profit community organization.
 - d. Religious assembly.
 - e. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.
4. **Permitted Accessory Uses and Structures.** In addition to the uses and structures listed in Sec. XX, *General Regulations(16)*, the following are allowed, subject to limitations and requirements set forth herein or elsewhere in this part:
 - a. In-ground swimming pools and similar active recreation facilities subject to the following limitations. Such active recreation facilities in any yard, required or other, adjacent to a street will require a variance from the Commission, which variance will be granted only upon finding that:
 - i. 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 the applicant will contact the adjoining neighbors about the special exception and provide written letters to the Commission from the adjoining neighbors regarding the propriety of the special exception.
 - ii. The area for such activity could not reasonably be located elsewhere on the lot.
 - iii. The Commission may condition any variance for such facilities based on concerns regarding visibility from public right-of-way, fencing, screening, or other buffering,

existence or location of lighting, hours of use, and such other matters as are reasonably required to mitigate any potential negative impacts of the proposed facility on adjoining property owners.

5. **Special Permits.** The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein and in *Sec. XX, Special Permits, General(3)*.
 - a. **Special Use Permits.** Private education uses, provided that they do not exceed a maximum floor area of 5,000 square feet. As a condition of the permit one parking space be provided for each 600 square feet of floor area and the site must provide safe and convenient facilities for loading and unloading children which will be approved by the Director of the Atlanta Department of Transportation.
6. **Minimum Lot Size Requirements.** In addition to the setback requirements in *Sec. XX, General Regulations(9)*, in no case will any portion of a building be closer to a public streetscape than any portion of any contributing building of like use on the block face.
7. **Maximum Building Height and Width.** The compatibility rule will apply.
8. **Floor Area Ratio.** The floor area ratio may not exceed 0.50.
9. **Roofs:**
 - a. Roofing materials must be asphalt shingles or batten seamed metal.
 - b. Metal shingles are allowed if they are appropriate to the house style.
10. **Dormers:**
 - a. Dormers are not allowed on shotgun houses.
 - b. Dormers are not allowed on the front façade of cottage housing unless original to the structure.
 - c. A single dormer is allowed on one secondary elevation of cottage housing if it is placed to minimize its visibility from the public rights-of-way.
11. **Reserved.**
12. **Porches:**
 - a. Decks are allowed on the side or rear of the house if not visible from the street.
 - b. Rear decks must be no wider than the house.
 - c. Side and rear porches are allowed if appropriate to the house style.
13. **Fences and Walls:**
 - a. Walls are not allowed in a front yard, or a side yard adjacent to a public right-of-way.
 - b. Variances for the height of fences or walls may be granted by the Commission.
 - c. Walls must be constructed of wood.

14. Driveways and Surface Parking Lots:

- a. Driveways must not exceed 10 feet in width and must have a curb cut no more than 10 feet, exclusive of flair.
- b. At least one-third of any driveway or surface parking lot must be pervious.
- c. Poured concrete paving for driveways must consist of two ribbons for tire tracks separated by a planting strip.
- d. Alternate paving materials may be approved upon review by the Commission if such materials are pervious and do not detract from the historic character of the landmark district.

J. Neighborhood Commercial/Services (Subarea 4)

In addition to the general regulations required in *Sec. XX, General Regulations*, the following regulations apply to any new development or the conversion of any existing structures to permitted uses within the neighborhood commercial/services subarea. These regulations are intended to preserve the neighborhood commercial/services subarea and to encourage the continued use of the existing structures for commercial and service use in combination with residential uses and in support of the residential community within the Cabbagetown Landmark District. These regulations further intend to ensure that any conversion in use, which may be allowed for preservation purposes in existing structures, is compatible with the overall character of the district as a whole.

1. **Permitted Principal Uses and Structures.** A building or premises may be used only for the following principal purposes:
 - a. Multi-unit dwellings, if a minimum of 25% of the total heated floor area of each structure is constructed and used for non-residential uses as allowed in *Sec. XX, Neighborhood Commercial and Services (Subarea 4)(1), (2), or (3)*.
 - b. Any of the following uses provided that they do not exceed 2,000 square feet of floor area:
 - i. All food and beverage uses.
 - ii. Laundry services.
 - iii. General personal service.
 - iv. General retail, artisan workshop, grocery store.
 - v. Hair or nail salon, body art studio.
 - c. Any of the following uses provided that they do not exceed 5,000 square feet of floor area:
 - i. Private clubs
 - ii. Private library or museum, private community center.
 - iii. Religious assembly.
 - iv. General offices.
 - v. Research and development.

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- vi. All personal services, except funeral homes or as specified above.
 - vii. Urban gardens.
 - viii. Market gardens.
 - ix. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.
- d. Drive-thru and drive-in services, windows, and facilities are not allowed. Hiring halls are not allowed. Blood donor stations are not allowed. No wholesaling is allowed within the Cabbagetown Landmark District. No use or manner of operation is allowed that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relationship to adjoining residential subareas.
2. **Permitted Accessory Uses and Structures.** The uses and structures that are customarily incidental and subordinate to permitted uses and structures are authorized, subject to the following restrictions:
- a. Except as otherwise herein provided, no merchandise may be stored other than that to be sold at retail on the premises and such merchandise may occupy no more than 25% of the total floor area on the premises.
 - b. No storage is allowed in any portion of a structure adjacent to any public streetscape, public park or plaza.
 - c. No off-premises storage of merchandise is allowed in this subarea either as a principal or accessory use.
3. **Special Use Permits.** The following uses are permissible only by special use permit, subject to limitations and requirements set forth herein and in *Sec. XX, Special Permits, General(3)*.
- a. Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious assemblies of 14 days or more duration.
 - b. Childcare centers, kindergartens, and special schools provided that they do not exceed a maximum floor area of 5,000 square feet.
 - c. Retail establishments provided that they do not exceed a maximum floor area of 5,000 square feet, and in the case of small discount variety stores, not to be located within 5,280 feet of another small discount variety store.
4. **Temporary Uses.** Temporary uses less than 14 days in duration are allowed.
5. **Minimum Lot Requirements.** In addition to the building setback requirements in *Sec. XX, General Regulations(9)*, in the case of new construction between two contributing buildings, the side yard setbacks must be at least 3 feet from the lot line.
6. **Maximum Building Height:**
- a. The compatibility rule will apply, but in no case may the height of a building or structure exceed 28 feet.

- b. Additionally, no portion of any building will protrude through a transitional height plane beginning 24 feet above the buildable area boundary, as determined by the application of the compatibility rule, which is nearest to the common residential subarea boundary and extending inward over Subarea 4 at an angle of 45 degrees.

7. Transitions and Transition Screens:

- a. **Side Yards.** Adjacent to residential use without an intervening street, 10 feet is required, that may not be used for parking, paving or loading or servicing. For a side yard adjacent to a side street, half the required front must be provided.
- b. **Rear Yard.** There must be a rear yard of 10 feet when adjacent to a residential use district that may not be used for parking, paving or loading or servicing.
- c. **Screening.** Where a lot in this subarea abuts a residential use on the rear lot line without an intervening street, landscaping, opaque fencing or screening not less than 6 feet in height must be provided and maintained in sightly condition (see *Sec. XX, Signs not Requiring a Permit*).

8. Lot Coverage. The lot coverage may not exceed 80%.

9. Storefront Glazing:

- a. All street-facing ground story development, with the exception of religious institutions and fire stations, must provide at least 75% glazing, measured as specified in Sec. 3.13.1.
- b. Variances in glazing requirements may be approved by the Commission.
- c. Ground story development without glazing may not exceed a maximum length of 10 feet of facade.

10. Lot Standards:

- a. The primary pedestrian entry feature to all uses and business establishments with ground story street frontage must:
 - i. Face and be visible from the street;
 - ii. Be directly accessible, visible, and adjacent to the streetscape, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street;
 - iii. Remain unlocked during normal business hours for nonresidential uses; and
 - iv. Face and be visible to an arterial street when located adjacent to such arterial streets.
- b. Buildings must provide continuous street-facing ground story commercial, office, or residential uses.
- c. A street address number must be located above the principal building entry feature, must be clearly visible from the streetscape, and must be a minimum of 6 inches in height.

11. Storefront Lighting and Security Features:

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- a. Security, decorative, and other lighting adjacent to residential uses must minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.
 - b. Any security, decorative, or other lighting luminaries must be located a minimum height of 8 feet above the streetscape, driveway, or pedestrian area.
12. **Roofs.** Roofing materials must be asphalt shingles or batten seamed metal.
13. **Dormers.** Dormers are not allowed unless original to the structure.
14. **Porches.** Front porches are allowed.
15. **Fences and Walls:**
- a. Chain link or similar elements may not be visible from any public plaza, outdoor dining area, or public right-of-way. Chain link fencing, where allowed, must be clad in either black or dark green coating. Canopies and associated service areas may not be located between a building and the street.
 - b. No fences are allowed between the principal building and the streetscape.
 - c. Walls must be wood, smooth finish stucco or brick.
 - d. No walls, except retaining walls, are allowed between a building and the streetscape, with the exception of walls that screen commercial dumpsters and loading areas, which must have a maximum height of 6 feet.
 - e. The Commission may by variance permit retaining walls that are greater than 2 feet in height between the building façade line and the street.
16. **Curb Cuts, Driveways, and Parking Lots.** The standards of *Division 8.3*, except *Sec. 8.3.3*, apply unless otherwise specified as follows:
- a. At least one-third of any driveway or surface parking lot must be pervious.
 - b. Alternate paving materials may be approved upon review by the Commission if such materials are pervious and do not detract from the historic character of the landmark district.
 - c. All streetscape-paving and curbing materials must be continued across any intervening driveway.
 - d. Required driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
 - e. Circular drives must not be located between any buildings and any public street.
 - f. Except as authorized above in this subsection, parking lots or driveways are not allowed between the streetscape and a building, and must be perpendicular to any adjacent street, except for a driveway to reach the side or rear yard or an on-site parking facility. Driveways for childcare centers, kindergartens, and special schools may be located between the streetscape and the building if approved by the Commission.
 - g. No drop-off lanes are allowed along public streets.

17. **Lighting, Security, and Maintenance Requirements for Surface Parking Lots.** All surface parking lots must have the following minimum requirements:
 - a. Parking facilities must be lit as specified in Div. 8.5.
 - b. Parking facilities must be maintained in a clean, safe, sanitary, and attractive condition. Parking spaces and driving lanes must be clearly defined and maintained as such. Parking lots may not be operated when any damage impairs the drivability of the parking lot.
18. **Minimum Landscaping for Parking Lot and Barrier Requirements.** Each of the provisions of the Code of Ordinances, Chapter 158 Vegetation, Article II Tree Protection, and Section 30 Parking Lot Requirements will apply to all lots of ten spaces or more in this subarea. In addition to these regulations, the following requirements will apply:
 - a. All landscaped areas must be planted with evergreen ground cover or shrubs with a maximum mature height of 30 inches.

K. Transitional Commercial (Subarea 5)

In addition to the general regulations required in *Sec. XX, General Regulations*, the following regulations will apply to any new development or the conversion of any existing structures to permitted uses within the subarea. These regulations are intended to mitigate any noxious effects that the abutting commercial uses may have on adjoining residential uses within the remainder of the Cabbagetown Landmark District. These regulations further intend to maintain compatibility between the existing and future uses of the area and the overall character of the district as a whole.

1. **Permitted Principal Uses and Structures.** A building or premises must be used only for the following principal purposes:
 - a. A building or premises must be used for the principal uses specified within *Sec. XX, Permitted Principal Uses and Structures* of this part, with the exception of Paragraph 1 allowing adult establishment and Paragraph 17 allowing signs, general advertising.
 - b. Multi-unit Dwelling Units. Multi-unit dwellings are permissible if a minimum of 25% of the total heated floor area of each building is constructed and used for non-residential uses as allowed in *Sec. XX, Transitional Commercial (Subarea 5)(1), (2) or (3)*.
 - c. Any of the following uses provided they do not exceed 4,000 square feet of floor area:
 - i. All food and beverage uses.
 - ii. Laundry services.
 - iii. General personal service.
 - iv. General retail, artisan workshop, grocery store.
 - v. Hair or nail salon, body art studio..
 - d. Any of the following uses provided that they do not exceed 10,000 square feet of floor area:
 - i. Private clubs
 - ii. Private library or museum, private community center.

- iii. Religious assembly.
 - iv. General offices.
 - v. Research and development.
 - vi. All personal services, except funeral homes or as specified above.
- e. Urban gardens.
 - f. Market gardens.
 - g. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.
 - h. Drive-thru and drive-in services, windows, and facilities are not allowed. Hiring halls are not allowed. Service stations are not allowed. Secured-storage facilities are not allowed. Car washes are not allowed. Body shops and Sales lots for automobiles are not allowed. Blood donor stations are not allowed. No wholesaling is allowed within the Cabbagetown Landmark District. No use or manner of operation is allowed that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relationship to adjoining residential subareas.
2. **Permitted Accessory Uses and Structures.** The uses and structures that are customarily incidental and subordinate to permitted uses and structures are authorized, subject to the following restrictions:
- a. Except as otherwise herein provided, no merchandise may be stored other than that to be sold at retail on the premises and such merchandise may occupy no more than 25% of the total floor area on the premises.
 - b. No storage is allowed in any portion of a structure adjacent to any streetscape, public park or plaza.
 - c. No off-premises storage of merchandise is allowed in this subarea either as a principal or accessory use.
3. **Special Permits.** The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein and in *Sec. XX, Special Permits, General(3)*.
- a. Special Use Permits:
 - i. General indoor entertainment and recreation, general outdoor entertainment and recreation, convention hall or event facility.
 - ii. General warehouse and distribution, freight terminal, micro-distribution hub.
 - iii. Temporary events of 14 days or more duration.
 - iv. Private education uses, provided that they do not exceed 10,000 square feet of floor area.
 - v. General retail, artisan workshop, provided that they do not exceed 10,000 square feet of floor area.

- vi. Grocery stores provided that they do not exceed 10,000 square feet of floor area.
 - vii. Small discount variety stores, provided they do not exceed 10,000 square feet and provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.
 - viii. Structures and uses required for operation of a public utility except uses involving storage, train yards, warehousing, switching, or maintenance shops as a primary purpose.
4. **Temporary Uses.** Temporary uses less than 14 days in duration are allowed.
 5. **Residential.** For alterations to any residential structure in Subarea 5, the General Regulations and the specific regulations for Subarea 3 will apply.
 6. **Site Limitations:**
 - a. **Minimum Building Façade Height.** Buildings must have a minimum façade height of 18 feet along each façade visible from any public right-of-way.
 - b. **Maximum Building Height.** Buildings that are between 0 and 50 feet of a Subarea 3 boundary must have a maximum height of 28 feet. Buildings that are within 51 and 150 feet of a Subarea 3 boundary must have a maximum height of 35 feet. Buildings that are more than 150 feet from Subarea 3 boundary must have a maximum height of 52 feet. Mezzanines and lofts will be considered a story.
 - c. Transitions and Transition Screens:
 - i. **Transitional Height Planes.** Where this district adjoins Subarea 3 without an intervening street, heights within this district must be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the nonresidential district at an angle of 45 degrees.
 - ii. **Transitions.** Where commercial or industrial uses in this subarea abut residential uses, 100 feet of the lot devoted to such commercial or industrial use and nearest to the residential use, may not be used for any drive-in facility, sales lot for automobiles, or general advertising signs.
 - a) **Side Yards.** Adjacent to residential use without an intervening street, 20 feet is required, that may not be used for parking, paving or loading or servicing. For a side yard adjacent to a side street, half the required front set-back must be provided.
 - b) **Rear Yard.** There must be a rear yard of 20 feet when adjacent to a residential use district that may not be used for parking, paving or loading or servicing.
 - iii. **Transition Screens:**
 - a) **Screening.** Where a lot in this subarea abuts a residential use on the rear lot line without an intervening street, landscaping, opaque fencing or screening not less than 6 feet in height must be provided and maintained in slightly condition (see *Sec. XX, Signs not Requiring a Permit*).
 7. **Lot Coverage.** The lot coverage may not exceed 80%.

8. Relationship of Buildings to Street:

- a. The delineation of building stories at the second story above the ground story must be executed through windows, belt course, cornice lines, or similar architectural detailing.
- b. The primary pedestrian entry features to all uses and business establishments with the street-facing ground story must:
 - i. Face and be visible from the street.
 - ii. Face and be visible to an arterial street when located adjacent to such arterial streets.
 - iii. Be directly accessible, visible, and adjacent to the streetscape, street setback, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
 - iv. Remain unlocked during normal business hours for nonresidential uses.
- c. Buildings must provide continuous street-facing ground story commercial, office, or residential uses.

9. Building Façade Lines:

- i. **On Arterial Streets.** Must be no less than 20 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas and the provision of on-street parking.
 - ii. **On All Other Streets.** Must be no less than 15 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas.
- a. A street address number must be located above the principal building entrance, must be clearly visible from the streetscape, and must be a minimum of 6 inches in height.

10. Storefront Glazing:

- a. All street-facing ground story development, with the exception of religious institutions and fire stations, must provide at least 75% glazing, measured as specified in Sec. 3.13.1.
- b. Variances in glazing requirements may be approved by the Commission.
- c. Ground story development without glazing may not exceed a maximum length of 10 feet of facade.

11. Storefront Lighting and Security Features:

- a. Security, decorative, parking deck, and other lighting adjacent to residential uses must minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.
- b. Any security, decorative, parking deck, or other lighting luminaries must be located a minimum height of 8 feet above the streetscape, driveway, or pedestrian area.

12. Fences and Walls:

- a. Chain link fencing or similar elements may not be visible from any public plaza, outdoor dining area, or public right-of-way. Chain link, where allowed, must be clad in either black or dark green coating. Canopies and associated service areas may not be located between a building and the street.
- b. Fences and walls that are not located between the principal building and the streetscape must have a maximum height of 6 feet.
- c. No fences are allowed between the principal building and the streetscape.
- d. No walls, except retaining walls, are allowed between a building and the streetscape.
- e. Walls must be faced with stone, brick, or smooth stucco.
- f. The Commission may by variance permit retaining walls that are greater than 2 feet in height between the building façade line and the street.

13. Streetscapes:

- a. Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.
- b. No awning or canopy may encroach more than a maximum of 5 feet over the streetscape.
- c. Pedestrian street lights must be placed a maximum distance of 40 feet on center, spaced equal distance between required trees along all streets within either the amenity zone or the street setback.
- d. Streetscapes in this subarea within 20 feet of Subarea 3 must taper when necessary to provide a smooth transition to the existing streetscape in an adjacent subarea. In the event that the abutting subarea has no existing streetscape, the streetscape must taper to the width required by that subareas regulations, a width of 6 feet (measured from the street curb), or as approved by the Commission.
- e. Every effort must be made to place utilities underground or to the rear of structures to allow for the unobstructed use of the streetscapes.
- f. Trash receptacles, where installed, must be the Victor Stanley Model S-42 or similar looking standard trash receptacle and must be placed within the amenity zone.

14. Street Setbacks:

- a. Any area between the street-facing building façade line and the required streetscape is a street setback. Street setbacks:
 - i. Are allowed between the required streetscape and the building façade.
 - ii. Are required along arterial streets at a minimum width of 5 feet, unless on-street parking is provided where there currently is none.
 - iii. May not exceed a width of 15 feet.
 - iv. Must be hardscaped.

- b. The following elements may be located within the street setback so long as any proposed element is approved by the Commission:
 - i. Accessory outdoor dining that may be separated from the streetscape only with planters, shrubs, or fencing which must have a maximum height of 36 inches.
 - ii. Balconies, streetscapes, porches, ramps for accessibility, and stoops.
 - iii. Terraces must have a maximum ground story elevation of 24 inches above the streetscape elevation and must be surrounded by permanent safety fencing with a maximum height of 42 inches. See *Subsection XX, Application(25)b.*
 - iv. Landscaping and water features.
 - v. Lighting.

15. Curb Cuts and Parking Structures: The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified as follows:

- a. All streetscape-paving and curbing materials must be continued across any intervening driveway.
- b. Required driveways may be located outside the lot boundaries provided they directly connect to a public street, subject to approval by the Commission.
- c. Circular drives must not be located between any buildings and any public street.
- d. Except as authorized above in this subsection parking lots or driveways are not allowed between the streetscape and a building, and must be perpendicular to any adjacent street, except for a driveway to reach the side or rear yard or an on-site parking facility. Driveways for childcare centers, kindergartens and special schools may be located between the streetscape and the building if approved by the Commission.
- e. One-third of all surface parking lots must be constructed of pervious materials.
- f. Garages and carports that serve a single or two-unit residential structure must be to the rear of the principal building. Garages that serve a multi-unit structure may be attached to the principal building, but entry features to garages may not be on the front façade or the half-depth façade of the principal building.
- g. Parking deck façades must conceal automobiles from visibility and must have the appearance of a horizontal storied building.
- h. Parking decks must provide either continuous street frontage with ground story commercial, office, or residential uses, or a minimum five-foot landscaped buffer strips between the structure and the pedestrian zone, except at ingress and egress points into the structure. The landscaped buffer strips must be planted with street trees spaced a maximum distance of 20 feet on center, which must also meet the tree requirements set out in *Sec. XX, Transitional Commercial (Subarea 5)(16)*. The landscaped buffer strips must also be planted with evergreen ground cover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches. All plantings, planting replacement, and planting removal must be approved by the City Arborist. All landscaping must be kept in a sightly manner.

- i. All developments must have walkways with a minimum width of 4 feet provided along the edge of all ground story parking and drive areas and must be linked to the pedestrian zone.
- j. No drop-off lanes are allowed along public streets.

16. Lighting, Security, and Maintenance Requirements for Parking Structures and Surface Parking Lots. All surface parking lots and structures must have the following minimum requirements:

- a. Parking facilities must be lit as specified in Div. 8.5.
- b. Parking deck lighting must be a maximum of 7 feet high and may not be visible from any public right-of-way.
- c. Parking facilities must be maintained in a clean, safe, sanitary, and attractive condition. Parking spaces and driving lanes must be clearly defined and maintained as such. Parking lots may not be operated when any damage impairs the drivability of the parking lot.

17. Minimum Landscaping for Parking Lots and Barrier Requirements. The provisions of the Code of Ordinances, Chapter 158 Vegetation, Article II Tree Protection, and Section 158-61 Parking lot planting requirements will apply to all lots of ten spaces or more in this subarea. In addition to these regulations, the following requirements will apply:

- a. All landscaped areas will be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches.

18. Electric Vehicle Charging Stations. A building, commercial establishment, or other property, which provides automobile parking facilities must provide parking facilities in the ratio of at least one station for every 50 automobile parking spaces. No more than five such stations are required for a parking facility

DIVISION 6.3. **DRUID HILLS (LD2)**

A. **Statement of Intent**

The intent of the Druid Hills Landmark District is as follows:

1. To recognize the masterpiece of design that is the 1893 plan for Druid Hills created for Joel Hurt's "ideal residential suburb" by Frederick Law Olmsted, the father of American landscape architecture. A plan subsequently formalized by his sons, the Olmsted Brothers, and completed by the Druid Hills Corporation.
2. To preserve the environmental character and physical appearance of the area, including parkways, houses and buildings created during the 1895 to 1941 period of development; existing general landscaping features; and existing spatial relationships between the buildings and streets and to ensure that any new development is compatible with the present architectural and spatial attributes that prevail.
3. To preserve the residential character of the area except when nonresidential uses may be required to preserve houses and buildings built during the historically significant period of development and to ensure that redevelopment reflects and reinforces the exceptional features established in the original planning.
4. To ensure that new construction observes the general setback and height restrictions of the original development and is in harmony with the historic character of the district.
5. To ascribe special recognition to the manner in which the several churches contribute so substantially to the beauty of the district.

B. **Division into Subareas**

The Druid Hills Landmark District is divided into four subareas for regulatory purposes. The four subareas are as follows:

1. The Ponce de Leon Corridor (SA1).
2. Fairview Road (SA2).
3. Springdale Road/Oakdale Road/Lullwater Road/Lullwater Parkway (SA3).
4. Emory University (SA4).

C. **General regulations.**

The following general regulations will apply to the entire district which includes the following subareas: (1) the Ponce de Leon Corridor; (2) Fairview Road; (3) Springdale Road/Oakdale Road/Lullwater Road/Lullwater Parkway and (4) Emory University. Any proposed development, new construction, addition, alteration, or demolition will require a Certificate of Appropriateness as noted below and must conform to the following regulations:

1. **General Standards.** In the Druid Hills Landmark District, the Commission will apply the following general standards only if the standards set forth elsewhere in this Div. 6.3 do not specifically address the application:

- a. A property must 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.
- b. The historic character of a property must be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property must be avoided.
- c. Each property must be recognized as a physical record of its time, place, and use. Changes may not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
- d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
- e. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.
- f. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, and, where possible, materials.
- g. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used.
- h. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.
- i. New additions, exterior alterations, or related new construction, may not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- j. New additions and adjacent or related new construction must 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.

2. **Certificates of Appropriateness:**

- a. Except as otherwise provided herein, the procedures for determining the correct type of Certificate of Appropriateness will be those specified in *Sec. XX, Same; Types and Procedures* of the Zoning Ordinance.
- b. Notwithstanding any other provision herein, no Certificate of Appropriateness will be required unless, at a minimum, the work would otherwise require a building permit.
- c. No Certificate of Appropriateness is required for the removal of dead, dying, or hazardous tree as defined in the City of Atlanta Tree Ordinance or a tree with a diameter breast height of less than 6 inches.
- d. Type I certificates of appropriateness will be reviewed and decided by the Director of the Commission and are required for the following:

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- i. In-kind repair or replacement of roofing material, and in-kind repair of driveways, walkways, other similar paving, windows, and exterior doors.
- e. The following Type II certificates of appropriateness will be reviewed and decided by the Director of the Commission and are required for new paving not visible from the public right-of-way, fences, walls, and retaining walls.

If a Type II Certificate of Appropriateness is required and the proposed alteration meets the requirements of this Chapter, as applicable, and other criteria applicable to Type II certificates, the Director of the Commission will issue the Type II certificate within 14 days of receipt of the completed application. If a Type II Certificate of Appropriateness is required and the proposed alteration does not meet the requirements of this Chapter, as applicable, the Director of the Commission will deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval 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 Sec. *XX, Same; Types and Procedures(a)* for Type I certificates.

- f. The following Type II certificates of appropriateness will be reviewed and decided by the Commission and are required for the following:
 - i. Any alteration to any façade of any principal structure or accessory structure and all site work, except as noted in *Sec. XX, General Regulations(2)(b), (c), (d), and (e)* above.
 - ii. Clearance or removal of any tree with a diameter breast height of 6 inches or greater, except as noted in *Subsection (2)(c)* above, and shrub massings or hedges over 3 feet high.
 - iii. Any major alteration in the landscape or topography which is visible from the public right-of-way.
- g. Type III certificates of appropriateness will be reviewed and decided by the Commission and are required for:
 - i. All new principal structures.
 - ii. All additions to existing principal structures and accessory buildings, including decks.
 - iii. All new accessory structures.
 - iv. Subdivision, consolidation or replatting of lots.
 - v. The conversion of any existing building to a nonresidential permitted principal use or use permitted by special use permit.
- h. Type IV certificates of appropriateness will be reviewed and decided by the Commission and are required for the demolition or moving of any contributing principal structure or contributing accessory building. A partial demolition of a contributing principal structure or contributing accessory building will 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 or buildings historic interpretability or importance.

3. Parking. The standards of Div. 8.3 apply, unless otherwise specified as follows:

- a. On-site parking spaces are not allowed in any front yard or within 50 feet of the public right-of-way in any side street yard, except for yards adjacent to Moreland Avenue, where a 60-foot limit will apply. For the purpose of this regulation, the front yard will be that area between the public right-of-way and the forward line of the principal structure.
 - b. No on-site parking is allowed within 20 feet of any lot line.
4. **Minimum Landscape Requirements.** The overall quality of the landscaped area visible from public right-of-ways should be preserved as an integral part of the historic character of the District. Any major alteration to the landscape or topography visible from the public right-of-way in the District must maintain the general landscaping scale and character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the District. Any major alteration to the landscape or topography visible from the public right-of-way must:
- a. Follow the standards set forth in *Sec. XX, General Regulations(1)*;
 - b. Be consistent and compatible with the overall landscape plan and design on the property and block;
 - c. Maintain the spatial organization of an open space in front of the house, asymmetrical plantings on the sides of the principal structure and a rear tree canopy;
 - d. Not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure;
 - e. Ensure that any new grades will meet the existing topography in a smooth transition;
 - f. Retain any existing historic mobility systems, including driveways, walkways and paths;
 - g. Ensure that any new mobility systems and substantial reconstruction of existing mobility systems is consistent and compatible with the existing mobility systems on the property and block with respect to layout, scale, materials, and topographic siting;
 - h. Ensure that any on-site parking be constructed of a material which will assure a surface resistant to erosion, have adequate access to a public street and have adequate mobility space; and
 - i. Comply with the provisions of the City of Atlanta Tree Ordinance with the following exceptions:
 - i. When the removal of trees is permitted by the Commission, each tree removed must be replaced with a tree of an appropriate species having a minimum caliper of two-and-one-half inches; and
 - ii. Taking into account the site density and tree spacing regulations of the City of Atlanta Tree Ordinance, any replacement trees and placement of said trees must comply with (a)–(g) above.
 - iii. Compliance with (i) above does not eliminate any additional recompense or tree replacement that otherwise may be required by the City of Atlanta Tree Ordinance.

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5. **Minimum Drainage Standards.** Structures must be located so as to preserve the natural terrain of the district. Proper drainageways must be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department transportation.
 - a. No structure is allowed within any 100-year floodplain.
 - b. No single-unit structure is allowed on natural slopes greater than 25%.
 - c. No structure, other than single-unit, is allowed on slopes greater than 15%.
6. **Minimum Architectural Standards.** Any new construction, additions, renovations or alterations in the District must maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district and must follow the standards set forth by *Sec. XX, General Regulations(1)*.
7. **Fences, Walls and Retaining Walls.** Subject to the provisions of *Sec. XX, Signs not Requiring a Permit(5)* and the following limitations:
 - a. Fences and walls are not allowed in the front yard, yards adjacent to public streets, or between any principal structure and a public street.
 - b. Fences and walls not exceeding 6 feet in height may be erected in the side or rear yard.
 - c. Fences and walls must be constructed of vertical iron pickets, brick, stucco, vertical wood pickets, or coated chain link.
 - d. The front facing portion of fences must be no less than 40% open.
 - e. Retaining walls are allowed if existing on the block face. Such retaining walls must be no taller than the existing retaining walls on the block face or the minimum height required to retain the adjacent grades. All retaining walls must be faced with brick, stone or stucco.
8. **Subdivisions, Consolidations and Replats.** The platting pattern of the Druid Hills Landmark District is an integral, defining, and essential part of the historic character of the District. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to *Sec. XX, Streets(a)(2)* and *Sec. XX, Lots(d)(6)*, no subdivision, consolidation or replat will be approved unless the Commission finds:
 - a. The proposed subdivision, consolidation, or replat conforms to the platting pattern in the Druid Hills Landmark District with regard to lot size, dimensions, orientation, and configurations as it existed in 1982, as documented in maps attached to the 1982 designation of the Druid Hills Landmark District, and maps attached to the 2001 Druid Hills Landmark District expansion; and
 - b. The resulting lot(s) are so laid out that any existing structures meet the District regulations and that any new structures can be situated and constructed upon such lots to meet the District regulations.
9. **Contributing/Non-contributing Property List:**
 - a. All contributing buildings, structures or sites within the District will be shown on the List adopted herewith entitled "Druid Hills Landmark District—Street Address Range and C/NC Property Determination List" (List). Said List will identify each building, structure or site within

the District that meets the definition of “Contributing Building, Structure or Site” set forth in *Sec. XX, Definitions*.

- b. The Director will periodically review said List to correct errors or omissions to said List, or to reflect any changed conditions relevant to the contributing status of buildings, structures or sites within the district, consistent with the requirements of *Div. 6.2, Druid Hills* and *Div. 6.1, General* of the Zoning Ordinance, and must maintain public records of said List and all such errors, omissions or updates. An action by the Director to correct such errors or omissions, or to make updates, must be initiated by execution of a signed and dated form promulgated by the Director specifying the action initiated, the reason(s) for such action, and the identification of all property subject to said action. Said form must be mailed by first class mail to the owner or owners of the affected property within 5 calendar days of the initiation of the action by the Director.
- c. An action by the Director to correct errors or omissions, or to update, the List as authorized in *Subsection XX, General Regulations(9)(a)* above will result in the immediate prohibition of any new or amended applications of any kind affecting such property, including but not limited to demolition requests, building permits or land disturbance permits, and including acceptance of any such application or request by any City of Atlanta department, agency, official, employee or agent. Said prohibitions will become automatically effective without further action of any kind immediately upon the date and time that the Director takes an action authorized in *Subsection XX, General Regulations(9)(b)* above. The purpose and intent of this provision is to maintain the status quo regarding any such affected property until the Director’s action is reviewed and affirmed or reversed by the Commission in the manner specified in *Subsection XX, General Regulations(9)(d)* below. The period of this mandatory interim protection will be 90 days or until a final decision reviewing such action is made by the Commission, whichever first occurs, commencing on the date and time of the Director’s decision. This interim control period allows and is based upon approximately 30 days for the initial scheduling of the public hearing following the Director’s action and approximately 60 days for completion of the public hearing and a final decision by the Commission.
- d. All actions by the Director to correct errors or omissions, or to update, said List must be reviewed and approved by the Commission using the notice and procedures required for Type III certificates of appropriateness with the following modifications:
 - i. Hearings on such review and approval by the Commission must be scheduled by the Director within 30 days of the Director’s action on such correction(s) or update(s) and must be decided by the Commission within a reasonable time; and
 - ii. The Commission will affirm the action(s) of the Director upon an expressed finding by the Commission that the Director’s action(s) correctly applied the definitions and requirements for determining the contributing status of the properties in question in *Div. 6.2, Druid Hills* and *Div. 6.1, General* of the Zoning Ordinance.

In exercising its review, the Commission may reverse or affirm the action(s) of the Director, wholly or partly. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

D. Ponce de Leon Corridor Regulations

In addition to the general regulations required in *Sec. XX, General Regulations*, the following regulations apply to any new development or the conversion of any existing structures to permitted uses within the Ponce de Leon Corridor.

These regulations are intended to preserve the environmental character and the physical appearance of the corridor in order to encourage the continued use of the existing structures for residential use where feasible, and to assure that any nonresidential use which may be permitted for preservation purposes in existing structures is compatible with the historic character of the district as a whole.

1. Permitted Principal Uses and Structures:

- a. Single-unit dwelling and two-unit dwelling.
- b. Multi-unit dwellings as follows.
 - i. The conversion of existing structures containing at least 1,600 square feet of total floor area and conformance with the following criteria:
 - a) Each dwelling unit contained within the existing structure must have at least 750 square feet of floor area.
 - b) Such conversion may be made on a lot with yards or other open space of lesser dimensions than required herein for any new construction, but such conversion may not increase the degree of nonconformity existing.
 - ii. The construction of new structures on either vacant parcels or as additional structures where the existing structure is proposed to remain, such additional construction must conform to the lot and building standards as so specified above and all other regulations of the District.
- c. Maternity supportive housing.
- d. Private education through the secondary level.
- e. General civic, parks and playgrounds.
- f. The following nonresidential uses upon a finding by the Commission that such use of the existing structure is not incompatible with or detrimental to the residential character of the district. The conversion of any existing building for any permitted nonresidential use, where located adjacent to a residential use, may be conditioned upon the requirement of a suitable buffer by the Commission.
 - i. Religious assembly
 - ii. Private libraries and museums, private education.
 - iii. Private clubs on lots of 10 acres or greater.
- g. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.

2. **Permitted Accessory Uses and Structures.** Uses and structures are allowed which are customarily incidental and subordinate to permitted uses and structures. These include but are not limited

to the following, subject to limitations and requirements set forth herein or elsewhere in this Division:

- a. Greenhouses, garden sheds, private garages and similar structures.
 - b. Accessory dwelling unit, accessory residential structure
 - c. Swimming pools, tennis courts and similar facilities.
 - d. Home occupation, subject to limitations set forth in *Sec. XX, Application(17)*.
 - e. Structures necessary to support active construction projects on the same property.
 - f. Except in the case of home occupation, no accessory use may be of a commercial nature.
 - g. Such structures must be located to the rear of the principal structure and not within any required side or rear yards.
3. **Special Use Permits.** The following nonresidential uses may be granted a special use permit by the City Council only upon a finding of the City Council that: (a) such nonresidential use of the existing structure is not incompatible with or detrimental to the residential character of the district; and (b) that the structure, as it exists or as it is allowed to be modified under this Chapter and the district regulations, can no longer feasibly be used as a residence; provided, however, the burden of proving that the structure can no longer feasibly be used as a residence will be upon the applicant. The Council considerations as to the feasibility of residential use will include, but not be limited to, the original purchase price of the property, the year it was purchased, the asking price for the property, the length of time the property has been on the residential market, the efforts which have been made by the applicant to sell the property for residential use, the number of persons expressing an interest in purchasing the property, any repairs that may be necessary to the structure, and recent sales of similar properties in the vicinity.
- a. General offices with no more than one person for each 300 square feet of floor area within an existing or altered structure.
4. **Area Regulations; Subdivision of Lots.** The minimum size lot resulting from subdivision may be not less than 20,000 square feet except for zero-lot-line subdivisions.
- a. **Minimum Lot Width.** Each lot must have a minimum width of 135 feet as measured along its frontage.
 - b. Lot Size:
 - i. **Single-Unit Dwellings.** Each lot must contain a lot area of not less than 20,000 square feet.
 - ii. **Two-Unit Dwellings.** Each lot must contain a lot area of not less than 25,000 square feet.
 - iii. **Multi-unit Dwelling.** Each lot must contain a minimum lot area of not less than 3,600 square feet per dwelling unit.
5. **Lot Coverage:**
- a. **For Single-Unit and Two-Unit Dwellings.** No more than 35% of the lot may be covered by structures, parking and driveways.

- b. **For Multi-unit Uses.** Must be computed as for R-G, Chapter 8, Table 1, Land Use Intensity Ratios as it existed in the 1982 Zoning Ordinance on [insert adoption date], and which is incorporated into this Division by reference.
- c. **For all Other Permitted Uses.** No more than 45% of the lot may be covered by structures, parking and driveways.

6. Minimum Setback Requirements:

a. Building Setbacks:

- i. South side of Ponce de Leon beginning at the east side of Moreland Avenue to the Springdale intersection, except for gateway property at the east corner of Ponce de Leon and Moreland, which must maintain its existing setbacks:

Front yard:	80 feet
Side yards:	
Single-unit:	20 feet.
Two-unit:	25 feet.
Multi-unit:	30 feet.
Other use:	30 feet.
At public street:	
At Moreland:	60 feet.
At Springdale:	50 feet.
Rear yard:	35 feet.

- ii. South side of Ponce de Leon beginning at west side of Springdale intersection to the Oakdale intersection:

Front yard:	83 feet
Side yards:	
Single-unit:	20 feet.
Two-unit:	25 feet.
Multi-unit:	30 feet.
Other use:	30 feet.
At public street:	50 feet.
Rear yard:	35 feet.

- iii. South side of Ponce de Leon beginning west side of Oakdale intersection to the Fairview intersection:

Front yard:	79 feet
Side yards:	
Single-unit:	20 feet.
Two-unit:	25 feet.
Multi-unit:	30 feet.
Other use:	30 feet.

At public street:	50 feet.
Rear yard:	35 feet.

- iv. South side of Ponce de Leon, Fairview Road NE to Atlanta city limits:

Front yard:	168 feet
Side yards:	
Single-unit:	20 feet.
Two-unit:	25 feet.
Multi-unit:	30 feet.
Other use:	50 feet.
At public street:	50 feet.
Rear yard:	35 feet.

- v. North side of Ponce de Leon; Briarcliff Road, NE, to Springdale intersection except for gateway property at northeast corner of Briarcliff which must maintain its existing setbacks:

Front yard:	132 feet
Side yards:	30 feet plus 5 feet for each additional story above two. At public street intersections, side yard setback must be 50 feet.
Rear yard:	35 feet.

- vi. North side of Ponce de Leon; Springdale Road, to Oakdale:

Front yard:	119 feet
Side yards:	30 feet plus 5 feet for each additional story above two. At public street intersections, side yard setback must be 50 feet.
Rear yard:	35 feet.

- vii. North side of Ponce de Leon; Oakdale Road, NE, to Lullwater intersection:

Front yard:	149 feet
Side yards:	30 feet plus 5 feet for each additional story above two. At public street intersections, side yard setback must be 50 feet.
Rear yard:	35 feet.

- viii. North side of Ponce de Leon; Lullwater Road NE to Atlanta city limits:

Front yard:	129 feet
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Side yards:	30 feet plus 5 feet for each additional story above two. At public street intersections, side yard setback must be 50 feet.
Rear yard:	35 feet.

- b. **Open Space and Space between Buildings.** Must be computed as for R-G, Chapter 8, Table 1, Land Use Intensity Ratios as it existed in the 1982 Zoning Ordinance on [insert adoption date], and which is incorporated into this Division by reference.
- c. **Maximum Building Height.** No building may exceed 45 feet in height.
- d. On-site parking is allowed within 10 feet of side and rear yard lines upon approval of the Commission. Such approval will be conditioned upon adequate buffering and screening. No parking is allowed in required yards that adjoin public rights-of-way.

E. Fairview Road Regulations

The following regulations apply to any proposed development on any property located on Fairview Road:

1. Permitted Principal Uses and Structures:

- a. Single-unit dwellings.
- b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
- c. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.
- d. Maternity supportive housing.

2. Permitted Accessory Uses and Structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this Chapter:

- a. Accessory dwelling unit, accessory residential structure
- b. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
- c. Home occupations.

3. Minimum Lot Size Requirements:

- a. **Lot Width.** Each lot must have a minimum lot width of 100 feet as measured along its frontage.
- b. **Lot Area.** Each lot must contain a minimum lot area of 18,000 square feet.

4. Lot Coverage.

Lot coverage for all structures, parking and driveways may not exceed 35% of the lot area.

5. Minimum Setback Requirements:

a. Building Setbacks:

i. North side, Moreland Avenue to Springdale Road, NE:

Front yard:	65 feet
Side yards:	20 feet.
Rear yard:	50 feet.

ii. North side, Springdale Road to Oakdale Road, NE:

Front yard:	90 feet
Side yards:	25 feet.
Rear yard:	100 feet.

iii. North side, Oakdale Road to the east end of Fairview Road, NE:

Front yard:	73 feet
Side yards:	25 feet.
Rear yard:	40 feet.

iv. South side, Moreland Avenue to the eastern side lot line of 1281 Fairview Road, NE:

Front yard:	59 feet
Side yards:	20 feet.
Rear yard:	35 feet.

v. South side, eastern side lot line of 1281 Fairview Road, NE:

Front yard:	59 feet
Side yards:	20 feet.
Rear yard:	100 feet.

vi. South side, Oakdale road to east end of Fairview Road, NE:

Front yard:	50 feet
Side yards:	25 feet.
Rear yard:	100 feet.

6. **Maximum Building Height.** No building may exceed a height of 35 feet.

F. Springdale Road/Oakdale Road/Lullwater Road/Lullwater Parkway

The following regulations apply to any proposed development on any property located on Springdale Road, Oakdale Road, Lullwater Road or Lullwater Parkway:

1. **Permitted Principal Uses and Structures:**

- a. Single-unit dwellings.
- b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
- c. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.

- d. Maternity supportive housing.
- 2. **Permitted Accessory Uses and Structures.** Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this Chapter:
 - a. Accessory dwelling unit, accessory residential structure
 - b. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
 - c. Home occupations.
- 3. **Minimum Lot Size Requirements:**
 - a. **Lot Width.** Each lot must have a minimum lot width of 100 feet as measured along its frontage.
 - b. **Lot Area.** Each lot must contain a minimum lot area of 38,000 square feet.
- 4. **Lot Coverage.** Lot coverage for all structures, parking and driveways may not exceed 35% of the lot area.
- 5. **Minimum Setback Requirements:**
 - a. Building Setbacks:

- i. West side of Springdale Road, Ponce de Leon Avenue to city limit:

Front yard:	120 feet.
Side yards:	25 feet.
Rear yard:	50 feet.

- ii. East side of Springdale Road, Ponce de Leon Avenue to city limit:

Front yard:	100 feet.
Side yards:	25 feet.
Rear yard:	100 feet.

- iii. West side of Oakdale Road, Ponce de Leon Avenue to city limit:

Front yard:	110 feet.
Side yards:	20 feet.
Rear yard:	100 feet.

- iv. East side of Oakdale Road, Ponce de Leon Avenue to city limit:

Front yard:	110 feet.
Side yards:	20 feet.
Rear yard:	100 feet.

- v. West side of Lullwater Road, Ponce de Leon Avenue to city limit:

Front yard:	125 feet
Side yards:	25 feet.
Rear yard:	100 feet.

vi. East side of Lullwater Road, Ponce de Leon Avenue to city limit:

Front yard:	75 feet.
Side yards:	20 feet.
Rear yard:	50 feet.

vii. East side of Lullwater Parkway, to city limit:

Front yard:	140 feet.
Side yards:	25 feet.
Rear yard:	100 feet.

viii. East side of Lullwater Parkway, to city limit:

Lullwater Conservation Garden

6. **Maximum Building Height.** No building may exceed a height of 35 feet.

G. Emory University

The following regulations will apply to any proposed development on any property located in the Emory University Subarea:

1. **Permitted Principal Uses and Structures:**

- a. Parks, playgrounds, active and passive recreation facilities, and associated buildings owned and operated by a governmental agency or private university.
- b. Single-unit residence consistent with the N1-R2 zoning district standards.
- c. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.
- d. Maternity supportive housing.

2. **Permitted Accessory Uses and Structures.** Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures.

3. Minimum Lot Size Requirements:

- a. Lot width: 70 feet.
- b. Lot area: 9,000 square feet.

4. **Lot Coverage.** Lot coverage for all structures, parking and driveways may not exceed 35% of the lot area.

5. **Minimum Setback Requirements:**

- a. Distance to public street frontage: 35 feet.

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- b. Side yards: 7 feet.
 - c. Rear yard: 15 feet.
6. **Maximum Building Height.** No building may exceed a height of 35 feet.

DIVISION 6.4. **MARTIN LUTHER KING, JR. (LD3)**

A. Statement of Intent

The intent of the Martin Luther King, Jr. Landmark Districts is as follows:

1. To ensure that redevelopment and rehabilitation of the Landmark District will contribute to and enhance the particular significance of the area in which one of Atlanta's most renowned citizens, Martin Luther King, Jr., was born and grew to international prominence;
2. To ensure that those individual buildings of particular significance to the life and legacy of Martin Luther King, Jr. will be preserved and enhanced within the landmark district;
3. To preserve the environmental character and physical appearance of the area, including residential, commercial and institutional structures that were built during the late 19th Century and that were present during the life of Martin Luther King, Jr.;
4. To preserve the existing spatial relationships where significant and to ensure that any new development within the landmark district is compatible with the historic architectural and spatial attributes that prevail;
5. To encourage the preservation of the Martin Luther King, Jr. Landmark District in such a way as to reflect and reinforce the historic neighborhood character and the unique historical relationship between the surrounding residential uses and the commercial uses, and the unique historical relationship between the commercial uses and the rest of the city;
6. To provide for review of changes to street and lot patterns so as to achieve substantial consistency with the historic character of the landmark district while encouraging compatible new development;
7. To ensure that new development is complementary to and compatible with the existing historic structures in the landmark district;
8. To encourage compatible economic development, neighborhood revitalization, and promote the health, safety, and welfare of the landmark district's residents;
9. To promote pedestrian safety by ensuring and revitalizing pedestrian-oriented buildings which create a sense of activity and liveliness along their ground story façades;
10. To facilitate safe, pleasant and convenient ground story pedestrian mobility that minimizes impediments by vehicles;
11. To prevent the displacement of residents and to encourage affordable and equitable housing; and
12. To encourage the use of the Atlanta Streetcar, MARTA and other public transit facilities.

B. Scope of Regulations

The scope of the regulations for the Martin Luther King, Jr. Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of *Div. 6.1* of this part will apply to this district. Whenever the regulations of *Div. 6.4* conflict with the provisions of *Div. 6.1*, the regulations of *Div. 6.4* will apply.

2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within the Martin Luther King, Jr. Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of *Div. 6.4*, the interpretation provision set forth in *Sec. XX, Further Provisions(c)* of the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Martin Luther King, Jr. Landmark District are as shown on the official zoning map. The district is divided into five subareas, delineated on said map, as follows:

1. Auburn Avenue Residential District, Subarea 1 (SA1).
2. Residential District, Subarea 2 (SA2).
3. Institutional District, Subarea 3 (SA3).
4. Auburn and Edgewood Avenues Commercial District, Subarea 4 (SA4).
5. Transitional Zone, Subarea 5 (SA5).

D. General Regulations

The following general regulations will apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. **General Criteria.** The Commission will apply the standards set forth below only when the standards set forth elsewhere in *Div. 6.4* do not specifically address the application in whole or in part:
 - a. A property must be used for its historic purpose or be placed in a new use authorized in *Sec. XX, Permitted Principal Uses and Structures* using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property must be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property must be avoided.
 - c. Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, may not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.
 - f. Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials may not be used. The surface cleaning of structures, if appropriate, must be undertaken using the gentlest means possible.
- h. Significant archaeological resources affected by a project must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.
- i. New additions, exterior alterations, or related new construction may not destroy historic materials that characterize the property. The new work must be differentiated from the old and must be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- j. New additions and adjacent or related new construction must 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.

2. The Compatibility Rule:

- a. **Block Definitions.** The following words and terms, when used in this Division, must have the meanings ascribed to them in this Section:
 - i. **Block.** An area of land located within a continuous perimeter of public streets. An individual block begins at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, is allowed to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. **Block Face.** One side of a block, located between two consecutive street intersections.
- b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, must match that which predominates:
 - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
 - ii. On contributing buildings on the same block in Subareas 3 and 4.
- c. Where quantifiable, such as building height or floor height, the element must be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
- d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
- e. Building height must be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
- f. For new construction of single-unit or two-unit dwellings, the final average finished grade of the lot must be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard lot line adjacent to the public right-

of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.

- g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face must be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage must be utilized.
- h. Urban Gardens:
 - i. Market gardens are limited to parcels which are used for religious assembly or schools.

3. **Certificates of Appropriateness:**

a. **General Provisions:**

- i. The procedures for determining the correct type of Certificate of Appropriateness will be those specified in *Sec. XX, Same; Types and Procedures*, except as otherwise provided herein.
- ii. No Certificate of Appropriateness is required unless, at a minimum, the work would otherwise require a building permit.
- iii. No Certificate of Appropriateness is required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials.
- iv. No certificates of appropriateness is required for demolition or moving of non-contributing structures.

b. **Type II Certificates of Appropriateness.** Type II certificates of appropriateness reviewed by the Director. The following require a Type II Certificate of Appropriateness, and will be reviewed by the Director of the Commission:

- i. Fences, walls and retaining walls;
- ii. Decks, skylights, solar panels, mechanical equipment and where authorized, antennas and related equipment;
- iii. New accessory structures and alterations to existing accessory structures;
- iv. Shutters and awnings;
- v. Security doors and window grates;
- vi. Replacement of elements that otherwise meet the regulations including but not limited to siding, windows, porch railings, porch columns, porch flooring, and exterior doors; and
- vii. Paving intended for pedestrians including streetscapes, walkways, paths and porches.

If such Type II certificates of appropriateness meet the requirements of this Chapter and other criteria applicable to Type II certificates the Director will issue the Type II certificate within 14 days of receipt of the completed application. If such Type II certificates of appropriateness do not meet the requirements of this Chapter and such other criteria, the

Director will deny the application, with notice to the applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of *Sec. XX, Same; Types and Procedures(a)* for Type I certificates.

- c. **Type II Certificates Reviewed by the Commission.** All required Type II certificates of appropriateness not listed above will be reviewed by the Commission. In addition, the following will be reviewed by the Commission as a Type II Certificate of Appropriateness:
 - i. Alterations to any façade of any principal structure; and
 - ii. All site work, except as noted in *Sec. XX, General Regulations(3)(b)(i)(7)*.
- d. **Type III Certificates of Appropriateness.** The following Type III certificates of appropriateness will be reviewed by the Commission and are required for:
 - i. All new principal structures;
 - ii. Additions;
 - iii. Height or building footprint revisions to previously approved plans that are yet to be constructed;
 - iv. Lot consolidations, subdivisions and replatting; and
 - v. Variances and administrative appeals.
- e. **Type IV Certificates of Appropriateness:**
 - i. Type IV certificates of appropriateness will be reviewed by the Commission and are required for the demolition or moving of any contributing structure.
 - ii. A partial demolition of a contributing structure will 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 or cultural interpretability or importance.

4. **Contributing Buildings List:**

- a. All contributing buildings, structures or sites within the district will be shown on the list adopted herewith entitled "Martin Luther King, Jr. Landmark district contributing buildings list." Said contributing buildings list will identify each building, structure or site within Subareas 1, 2, 3, 4 and 5 of the district that meets the definition of "contributing building, structure or site" set forth in *Sec. XX, Definitions*.
- b. The Director will periodically review said contributing buildings list to correct errors or omissions to said list, or to reflect any changed conditions relevant to the contributing status of buildings, structures or sites within the district, consistent with the requirements of *Div. 6.4* and *Div. 6.1*, and must maintain public records of said list and all such errors, omissions or updates. An action by the Director to correct such errors or omissions, or to make updates, will be initiated by execution of a signed and dated form promulgated by the Director specifying the action initiated, the reason(s) for such action, and the identification of

all property subject to said action. Said form will be mailed by first class mail to the owner or owners of the effected property within five calendar days of the initiation of the action by the Director.

- c. An action by the Director to correct errors or omissions, or to update, the contributing buildings list as authorized in *Subsection General Regulations(4)(b)* above will result in the immediate prohibition of any new or amended applications of any kind effecting such property, including but not limited to demolition requests, building permits or land disturbance permits, and including acceptance of any such application or request by any City of Atlanta bureau, agency, official, employee or agent. Said prohibitions will become automatically effective without further action of any kind immediately upon the date and time that the Director takes an action authorized in *Subsection General Regulations(4)(b)* above. The purpose and intent of this provision is to maintain the status quo regarding any such effected property until the Director's action is reviewed and affirmed or reversed by the Commission in the manner specified in *Subsection General Regulations(4)(d)* below. The period of this mandatory interim protection will be 90 days or until a final decision reviewing such action is made by the Commission, whichever first occurs, commencing on the date and time of the Director's decision. This interim control period allows and is based upon approximately 30 days for the initial scheduling of the public hearing following the Director's action and approximately 60 days for completion of the public hearing and a final decision by the Commission.
- d. All actions by the Director to correct errors or omissions, or to update, said list will be reviewed and approved by the Commission using the notice and procedures required for Type III certificates of appropriateness with the following modifications:
 - i. Hearings on such review and approval by the Commission will be scheduled by the Director within 30 days of the Director's action on such correction(s) or update(s) and will be decided by the Commission within a reasonable time; and
 - ii. The Commission will affirm the action(s) of the Director upon an expressed finding by the Commission that the Director's action(s) correctly applied the definitions and requirements for determining the contributing status of the properties in question in *Div. 6.4* and *Div. 6.1, General* of the Zoning Ordinance.

In exercising its review, the Commission may reverse or affirm the action(s) of the Director, wholly or partly. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

5. **Transitional Zone: Subarea 5.**

- a. The existing zoning map and regulations governing all properties within the Transitional Zone (Subarea 5) of the district will remain in full force and effect. The regulations set forth herein and in *Sec. XX, District Regulations* that pertain to the Transitional Zone (Subarea 5) will be overlaid upon, and will be imposed in addition to, said existing zoning regulations.
- b. Applications for rezonings and special use permits within the Transitional Zone (Subarea 5) will be reviewed and commented upon by the Commission. Applications for building permits,

variances, subdivisions, replats or lot consolidations within the Transitional Zone (Subarea 5) will be reviewed and commented upon by the Director.

- c. These regulations are intended to control through a review and comment procedure the potential for adverse impact resulting from development and redevelopment in the periphery of Subareas 1, 2, 3 and 4 of the district.

6. 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 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 Commission finds that the requirement of *Subsection (6)(b)* herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with each of the following factors, standards and criteria:
 - i. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.
 - ii. The Commission will 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 in comparison to the costs associated with achieving the same proposal without the district regulations;
 - d) The degree of existing architectural importance and integrity of the structure; and
 - e) The purpose and intent of this Division.
 - iii. The Commission must balance these factors as applied to the applicant for said exemption and will 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. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

7. **Lot Consolidations, Subdivisions and Replatting.** No subdivision, consolidation or replatting of parcels or lots will be approved unless the applicant establishes:

MARTIN LUTHER KING, JR. (LD3)

- a. That the proposed subdivision, consolidation or replat is substantially consistent with the historic character of the district and meets all lot requirements set forth in *Div. 6.4*; and
- b. That the proposed subdivision, consolidation or replat will facilitate development that furthers the historic qualities and regulations of the district. In addition, within Subareas 1 and 2, all subdivisions, consolidations or replats of parcels or lots must conform to the historic platting pattern in these subareas with regard to lot size, dimensions, and configurations.

8. Variances and Administrative Appeals:

- a. Variance applications and applications for administrative appeals from these regulations will be heard by the Commission. The Commission will have the authority to grant or deny variances from the provisions of this Division pursuant to the procedures, standards, and criteria specified in *Sec. XX, Intent* through *Sec. XX, Special Exceptions*. The Commission will have the authority to grant or deny applications for administrative appeal pursuant to the standards in *Sec. XX, Appeals from Decisions of Administrative Official (a) through (d)*.
- b. Appeals from final decisions of the Commission regarding variances and administrative appeals will be as provided for in *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

9. **Prohibited Variances.** Notwithstanding any provision in this Division or part to the contrary, no variance from this Division maximum building height requirements will be permitted or authorized by the Commission, commission staff or any other board, official or entity.

10. **Time Period of Historical Significance.** Where referenced in this Division, the time period of historical significance for the district will be the lifetime of Martin Luther King, Jr. (1929–1968).

E. Use Standards

1. **Permitted Principal Uses and Structures.** The following permitted uses and restrictions apply to all Subareas within this District, except Subarea 5:
 - a. The permitted principal uses and special permit uses set forth in Table 1: Martin Luther King Jr. Landmark District Table of Uses will be allowed only as listed within each Subarea within said table of uses and only in the manner so listed.
 - b. **Permitted Principal Uses.** A building or premises must be used only for the principal uses indicated with a “P” in Table 1: Martin Luther King Jr. Landmark District Table of Uses, subject to further restrictions where noted.
 - c. **Special Use Permits:**
 - i. Uses permissible only by special use permit are subject to limitations and requirements set forth herein or elsewhere in this part, and are also subject to the applicable procedures and requirements set forth in *Sec. XX, Intent, Classes of Special Permits*, et seq. Special use permits will be required as indicated with “SUP” and will be heard and decided by the City Council.
 - ii. The Commission may recommend conditions for special use permits regarding fencing, screening or other buffering, existence or location of lighting, hours of use, vehicular

traffic congestion and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.

- d. **Nonconforming Uses.** This Section addresses permitted principal uses and structures within each subarea. Lawful nonconforming uses and structures must be regulated pursuant to *Div. 9.7, Nonconformities* of the Zoning Ordinance. Any alteration or addition to nonconforming uses or structures will require an appropriate Certificate of Appropriateness by the Commission.
- e. **Prohibited Uses:**
 - i. All uses marked with an "--" in Table 1: Martin Luther King Jr. Landmark District Table of Uses are not allowed in the subarea(s) identified unless otherwise authorized in *Subsection XX, Permitted Principal Uses and Structures(2)* or *(3)* below. All uses not listed in Table 1: Martin Luther King Jr. Landmark District Table of Uses are not allowed in all subareas unless otherwise authorized in *Subsection XX, Permitted Principal Uses and Structures(2)* or *(3)* below.
 - ii. No use or manner of operation is allowed which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.
 - iii. Use of heavy drop hammers, punch presses or other machinery, or processing methods creating an excessive noise or vibration is not allowed in this district, subject to the provisions in *Chapter 74, Article IV*, noise control.

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES

	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
RESIDENTIAL USES					
Household Living					
General household living as follows:					<i>Sec. 4.3.2.A.</i>
1 dwelling per lot	P	P	P	P	
2 dwellings per lot	--	P	P	P	
<u>3 or more dwellings per lot</u>	--	--	P	P	
Live-work	--	--	P	P	<i>Sec. 4.3.2.A.</i>
Purpose-built student housing	--	--	P	P	
Group Living					
General supervised group living	--	--	S	S	<i>Sec. 4.3.2.B.</i>

KEY: P = Use allowed S = Use allowed by Special Use Permit * = Use standards apply, See *Div. 4.3 - Specific Use Standards* - = Use not allowed

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES

	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
General unsupervised group living	P	P	P	P	Sec. 4.3.2.B.
Dormitory, fraternity, or sorority	--	--	--	P	
Emergency shelter	--	--	S	S	Sec. 4.3.2.B.
Maternity supportive housing	P	P	P	P	
PUBLIC AND INSTITUTIONAL USES					
Civic					
General civic	P	P	P	P	
Community center, private	--	<u>P (1)</u>	<u>P</u>	<u>P</u>	
Library or museum, private					
Up to 2,000 SF	--	<u>P (1)</u>	<u>P</u>	<u>P</u>	
<u>Above 2,000 SF</u>	--	--	<u>P</u>	<u>P</u>	
Religious assembly	--	P	P	P	
Private Education					
General private education	--	--	P	--	
College or university, private	--	--	--	--	
Commercial school	--	--	--	P	
Day care, private	--	--	--	P	
Parks and Open Space					
General parks and open space	--	--	P	P	
Cemetery	--	--	--	--	
Utility					
General utility	P	P	P	P	
Commercial wind or solar	--	--	--	--	
Wireless Telecommunication					
Type I: Modification (6)	--	--	P*	P*	Sec. 4.3.3.A
Type II: Small wireless collocation (6)	--	--	P*	P*	Sec. 4.3.3.A
Type III: Non-small wireless collocation (6)	--	--	P*	P*	Sec. 4.3.3.A
Type IV: Small wireless structure	--	--	--	--	Sec. 4.3.3.A
Type V: Non-small wireless structure	--	--	--	--	Sec. 4.3.3.A
COMMERCIAL USES					
Adult Establishment					
Adult Establishment	--	--	--	--	Sec. 4.3.4.A.
Agriculture					

KEY: P = Use allowed S = Use allowed by Special Use Permit * = Use standards apply, See *Div. 4.3 - Specific Use Standards* - = Use not allowed

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES

	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
Farmers market	--	--	P*	P*	Sec. 4.3.4.B.
Indoor growing system	--	--	--	--	
Urban garden	P*	P*	P*	P*	Sec. 4.3.4.A.
Entertainment and Recreation					
General indoor entertainment and recreation	--	--	P	P	
General outdoor entertainment and recreation	--	--	--	--	
ATV park	--	--	--	--	Sec. 4.3.4.C.
Club, private	--	--	P	P	
Convention hall or event facility	--	--	P	P	
Golf course	--	--	--	--	
Lounge or nightclub	--	--	--	S	Sec. 4.3.4.C.
Party house	--	--	--	--	Sec. 4.3.4.C.
Sports arena, stadium, or field	--	--	--	--	Sec. 4.3.4.C.
Food and Beverage					
General food and beverage					
Up to 2,000 SF	--	<u>P (1)</u>	<u>P</u>	<u>P</u>	
<u>Above 2,000 SF</u>	--	--	<u>P</u>	<u>P</u>	
Bakery, wholesale					Sec. 4.3.4.D.
Up to 2,000 SF	--	<u>P (1)</u>	--	<u>P</u>	
<u>Above 2,000 SF</u>	--	--	--	<u>P</u>	
Bar					Sec. 4.3.4.D.
Up to 2,000 SF	--	<u>P (1)</u>	<u>P</u>	<u>P</u>	
<u>Above 2,000 SF</u>	--	--	<u>P</u>	<u>P</u>	
Catering establishment	--	--	P	P	Sec. 4.3.4.D.
Delivery-based commercial kitchen	--	--	--	--	Sec. 4.3.4.D.
Microbrewery, microdistillery, or winery	--	--	P	P	Sec. 4.3.4.D.
Lodging					
General lodging	--	--	P	P	Sec. 4.3.4.E.
Bed and breakfast	--	P* (5)	P*	P*	Sec. 4.3.4.E.
Short-term rental	P*	P*	P*	P*	Sec. 4.3.4.E.
Medical					
General medical	--	--	-	P	

KEY: P = Use allowed S = Use allowed by Special Use Permit * = Use standards apply, See *Div. 4.3 - Specific Use Standards* - = Use not allowed

**TABLE 1: MARTIN LUTHER KING JR.
 LANDMARK DISTRICT TABLE OF USES**

	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
Hospital	--	--	--	P	
Medical laboratory	--	--	--	--	
Office					
General office					
Up to 2,000 SF	--	P (1)	P	P	
Above 2,000 SF	--	--	P	P	
Sound recording studio					
Up to 2,000 SF	--	P (1)	--	P	
Above 2,000 SF	--	--	--	P	
Parking					
Commercial parking lot (6)	--	--	S	S	
Commercial parking structure	--	--	P	P	
Personal Service					
General personal service					Sec. 4.3.4.F.
Up to 2,000 SF	--	<u>P (1)</u>	--	<u>P</u>	
<u>Above 2,000 SF</u>	--	--	--	<u>P</u>	
Animal care, indoor	--	--	--	P	Sec. 4.3.4.F.
Animal care, outdoor	--	--	--	P	
Body art studio	--	--	--	P	Sec. 4.3.4.F.
Funeral home	--	--	--	S	Sec. 4.3.4.F.
Hair or nail salon					Sec. 4.3.4.F.
Up to 2,000 SF	--	<u>P (1)</u>	--	<u>P</u>	
<u>Above 2,000 SF</u>	--	--	--	<u>P</u>	
Laundry service					Sec. 4.3.4.F.
Up to to 5,000 SF	--	--	--	P	
Retail					
General retail					
Up to 2,000 SF	--	<u>P (1)</u>	--	<u>P</u>	
<u>Above 2,000 SF</u>	--	--	--	<u>P</u>	
Alternative financial service	--	--	--	--	Sec. 4.3.4.G.
Artisan workshop	--	--	--	P	
Grocery store					
Up to 4,000 SF	--	P (2)	--	P	

KEY: P = Use allowed S = Use allowed by Special Use Permit * = Use standards apply, See *Div. 4.3 - Specific Use Standards* - = Use not allowed

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES

	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
Above 4,000 SF	--	--	--	P	
Hookah or vape store	--	--	--	P	Sec. 4.3.4.G.
Package store	--	--	--	P	Sec. 4.3.4.G.
Retail bank	--	--	--	P	Sec. 4.3.4.G.
Small discount variety store	--	P*	--	P*	Sec. 4.3.4.G.
Transportation					
Passenger terminal	--	--	--	--	
Helipad	--	--	--	--	
Truck stop	--	--	--	--	Sec. 4.3.4.H.
Vehicle Sale and Service					
Vehicle sale and rental, light	--	--	--	--	Sec. 4.3.4.I.
Vehicle sale and rental, heavy	--	--	--	--	Sec. 4.3.4.I.
Vehicle service and repair, light	--	--	--	P	Sec. 4.3.4.I.
Vehicle service and repair, heavy	--	--	--	--	Sec. 4.3.4.I.
Car wash	--	--	--	--	Sec. 4.3.4.I.
Fuel sales	--	--	--	P	Sec. 4.3.4.I.
Wholesale Trade					
General wholesale trade	--	--	--	P	
Showroom	--	--	--	P	
Wholesale trade mart	--	--	--	--	
INDUSTRIAL USES					
Industrial and Manufacturing					
Low-impact industrial and manufacturing					Sec. 4.3.5.A.
Up to 2,000 SF	--	P (1)	--	P	
Above 2,000 SF	--	--	--	P	
High-impact industrial and manufacturing	--	--	--	--	Sec. 4.3.5.A.
Crematorium	--	--	--	--	
Research and development	--	--	P	P	Sec. 4.3.5.A.
Warehouse and Distribution					
General warehouse and distribution	--	--	--	--	
Data Center	--	--	--	--	Sec. 4.3.5.B.
Freight terminal	--	--	--	--	
Micro-distribution hub					

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TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES

	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
Up to 2,000 SF	--	--	--	P	
2,000 - 8,000 SF	--	--	--	--	
Self-storage	--	--	--	--	Sec. 4.3.5.B.
Storage yard	--	--	--	--	Sec. 4.3.5.B.
Waste-Related Service					
General waste-related service	--	--	--	--	Sec. 4.3.5.C.
Green waste	--	--	--	--	Sec. 4.3.5.C.
Recycling drop-off center	--	--	--	--	Sec. 4.3.5.C.
ACCESSORY USES					
Accessory dwelling unit					Sec. 4.5.2.A.
1 accessory dwelling unit	P	P	P	P	
Up to 2 accessory dwelling units	--	--	--	--	
Up to 4 accessory dwelling units	--	--	--	--	
Accessory residential structure	P*	P*	P*	P*	Sec. 4.5.2.B.
Drive-thru, enclosed	--	--	--	--	Sec. 4.5.2.C.
Drive-thru, unenclosed	--	--	--	--	Sec. 4.5.2.D.
EV charging station, levels 1 and 2	P	P	P	P	
EV charging station, level 3	--	--	P	P	
Home art studio and gallery	P*	P*	P*	P*	Sec. 4.5.2.G.
Home occupation	P*	P*	P*	P*	Sec. 4.5.2.H.
Hookah or vapor consumption	--	--	P	P	
Outdoor amplified sound	--	--	P	P	Sec. 4.5.2.J.
Outdoor dining	--	--	P*	P*	Sec. 4.5.2.K.
Outdoor display	--	--	P*	P*	Sec. 4.5.2.L.
Outdoor pet area	--	--	P	P	
Outdoor storage, minor	--	--	P*	P*	Sec. 4.5.2.N.
Outdoor storage, major	--	--	--	--	Sec. 4.5.2.O.
Pedestrian bridge or tunnel	--	--	--	--	Sec. 4.5.2.P.
Public Art	S*	S*	S*	S*	Sec. 4.5.2.Q.
Renewable energy device	P	P	P	P	
TEMPORARY USES					
General temporary event					
Up to 90 days	--	--	P	P	

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TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES

	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
Beyond 90 days	--	--	S	S	
Active construction structure	P	P	P	P	
Temporary outdoor sales	--	--	P*	P*	Sec. 4.6.2.C.

Notes:

- (1) Limited to location set forth in *Sec. XX. Use Standards*
- (2) On an undeveloped lots.
- (3) Bed and breakfast uses in Subarea 2 must comply with the use restrictions of *Sec. XX. Use Standards*
- (4) Park-for-hire surface parking lots must comply with the use restrictions of *Sec. XX. Use Standards*
- (5) Use must comply with the use restrictions of *Sec. XX. Use Standards*

KEY: P = Use allowed S = Use allowed by Special Use Permit * = Use standards apply, See *Div. 4.3 - Specific Use Standards* - = Use not allowed

2. The following additional permitted principal use and structures provisions apply to Subareas 1 and 2:
 - a. **Previously-Existing Uses.** Prohibited uses will be permissible when granted a Certificate of Appropriateness by the Commission upon its finding that such use can be shown by archived evidence or sworn affidavit(s) to either previously or currently exist on the proposed site and that such use will be of an intensity and type that is no greater than that which previously or currently existed and otherwise meets the district regulations.
 - b. **Bed and Breakfast Inns.** Bed and breakfast inns as defined in *Sec. XX, Application* are allowed, provided they meet the following modifications when located in Subarea 2:
 - i. The bed and breakfast use must be within a contributing building within Subarea 2 of this Landmark District.
 - ii. Up to three rooms must be available for guest stays.
 - iii. The maximum length of stay may not exceed ten consecutive days.
 - iv. No independent kitchen facilities are allowed.
 - v. No more than three such uses are allowed within the entire Subarea 2.
 - vi. All bed and breakfast uses will require a Type Iii Certificate of Appropriateness from the Commission. The Commission will allow such use only after determining that each of the above criteria have been met, that all other applicable requirements of this district and Subarea 2 have been met, and that satisfactory provisions and arrangements have been made by the applicant for each of the following criteria, as applicable to each application:

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- a) Ingress and egress to the property and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
 - b) On-site parking and loading areas where required, with particular attention to the items in 1 above.
 - c) Refuse and service areas.
 - d) Appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.
 - e) Hours and manner of operations.
 - f) Length of time regarding the duration of such certificate, if any, including any requirement that the Certificate of Appropriateness cease upon a change in ownership of the bed and breakfast.
- c. **Irwin Street and Boulevard Non-Residential Uses.** The identified non-residential uses listed in Table 1: Martin Luther King Jr. Landmark District Table of Uses within Subarea 2 will be allowed only when located within the Subarea 2 Limited Commercial Area as demarcated on Regulating Map B. Subarea 2 Limited Commercial Area and provided they meet each of the following restrictions:
- i. Individual non-residential uses are limited to one such use per building, except that two or more non-residential uses may be located in a single building when the total floor area of the non-residential uses is 50% or less of all uses in the building.
 - ii. Individual non-residential uses are further limited as follows:
 - a) Hair salons are limited to a total number of two such establishments within the entire Subarea 2. Nail salons are not allowed as part of such uses.
 - b) Bars, private clubs, and nightclubs are not allowed.
 - c) Alternative financial service and body art studios are not allowed.
 - d) New construction within which such uses are located must maintain the residential character and scale of the subarea as determined by the Commission.
- d. **Urban Gardens.**
- i. Market gardens are limited to parcels which are used for religious assembly or education uses.
3. The following additional permitted principal use and structures provisions apply to Subareas 3 and 4:
- a. Except as otherwise herein provided, no merchandise may be stored other than that to be sold at retail on the premises; and no storage for such merchandise may occupy more than 40% of the floor area on the premises. No off-premises storage of such merchandise is allowed in the district as either a principal or accessory use.

- b. **Animal Care.** Animal care must keep animals in sound-proofed buildings (allowed in Subarea 4 only).
 - c. **Commercial Parking Lots.** All commercial parking lots require a special use permit that meets all of the following requirements:
 - i. All requirements of *Sec. XX, Off-street Parking, Parking Structures, Driveways, Driveways and Curb Cuts(1)*;
 - ii. All requirements of *Sec. XX, Intent, Classes of Special Permits* et seq.;
 - iii. All special use permits granted for such use will expire 3 years after the issuance of said permit. No property interests of any kind related to such use may extend beyond said 3-year permit period. All infrastructure related to the use, such as pay structures, attendant stands, pavement and parking striping, lot signs and so forth, must be removed by the former SUP holder or owner within 30 days of the expiration of said SUP.
 - iv. Properties that have been granted a special use permit for commercial parking lots are prohibited from obtaining additional subsequent special use permits for such use following the expiration of the initial permit.
 - v. Applicants must submit an area parking analysis to document the need for such use. The area parking analysis must demonstrate that the current inventory of publicly-accessible parking supply located within 2,000 linear feet of the proposed parking lot is insufficient for the active commercial uses located within the same area.
 - d. **Wireless Telecommunication.** Only Type I, Type II, and Type III wireless telecommunication facilities are allowed in Subareas 3 and 4, subject to all applicable use standards of *Chapter 4* and the following:
 - i. Wireless telecommunications are authorized as noted in Subareas 3 and 4, provided a Type II Certificate of Appropriateness is granted and, as part of said certificate, the applicant demonstrates compliance with the criteria set forth in *Chapter 4*.
 - e. **Active Depth Uses.** Active depth uses are further regulated in this district for the purposes of creating vibrant and pedestrian-oriented streetscapes and streets. Active depth uses, where provided, must be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in Table 1: Martin Luther King Jr. Landmark District Table of Uses, except that the following non-residential uses are not considered active depth uses:
 - i. Drive-in and drive-through facilities.
 - ii. Parking and driveways.
 - iii. Accessory non-residential storage areas.
4. **Accessory Uses and Structures:**
- a. The following accessory uses and structures provisions apply to Subareas 1 through 4:
 - i. Accessory uses and structures will be permitted in this district and will include those customarily accessory and clearly incidental to permitted principal uses and structures,

- including accessory parking to serve authorized uses within the district and including devices for the generation of energy such as solar panels, and similar devices.
- ii. Active recreation facilities in any yard, required or other, adjacent to a street will require a special exception from the Commission, which special exception will be granted only upon finding that:
 - a) 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;
 - b) The area for such activity could not reasonably be located elsewhere on the lot; and
 - c) The Commission may further condition any special exception for such facilities based on concerns regarding fencing, screening or other buffering, existence or location of lighting, hours of use, and such other matters as are reasonably required to mitigate any potential negative impacts of the proposed facility on adjoining property owners.
 - b. The following additional accessory uses and structures provisions apply to Subareas 1 and 2:
 - i. Accessory buildings and uses will be permitted as specified in *Sec. XX, Permitted Accessory Uses and Structures* for single-unit, two-unit and authorized multiple-unit property, subject to limitations and requirements set forth in this Division or elsewhere in this part.
 - ii. Requirements for accessory buildings:
 - a) Accessory buildings must be constructed concurrent with or after construction of principal buildings.
 - b) Carports or garages serving a single-unit or two-unit dwelling unit must be detached from and located to the rear of the principal structure.
 - c) The height of accessory buildings must be a maximum of 20 feet, as measured from existing grade at such building's location.
 - d) Accessory buildings may not cover more than 25% of the area of the rear yard.
 - e) Accessory buildings may not contain a total floor area greater than 30% of the principal structure.
 - f) The minimum rear yard setback for accessory structures must be 5 feet.
 - g) The minimum side yard setback for accessory structures must be 5 feet.
 - h) The compatibility rule will apply regarding all other elements not specified in *Subsections 3(b)(iii)(3) through (7)*.
 - c. Satellite dishes, devices for the generation of energy such as solar panels, and similar devices are only allowed upon the rear-facing roof pitches of buildings. "Bubble-type" skylights are not allowed.
 - d. Urban gardens will be permitted as an accessory use. Market gardens are only allowed as an accessory use on parcels which are used for religious assembly or schools.

- e. The following additional accessory uses and structures provisions apply to Subareas 3 and 4. Satellite dishes, devices for the generation of energy such as solar panels, and similar devices are only allowed upon the rooftop of buildings that have flat roof surfaces.

F. Lot Standards and Building Heights

- 1. The following lot standards and building heights provisions apply to Subareas 1 and 2:

- a. **Lot Standards:**

- i. The compatibility rule will apply for the purposes of determining allowed lot coverage.
- ii. The lot provisions of *Sec. XX, General Regulations(7)* will apply to lot consolidations, subdivisions and replatting, except that:
 - a) For those lots fronting along the northern side of Auburn Avenue and the southern side of Old Wheat Street, the minimum lot area must be 5,300 square feet.
 - b) For those lots fronting along the south side of Auburn Avenue, the minimum lot area must be 10,000 square feet.

- b. **Building Heights:**

- i. Within the portion of this Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the maximum height of any alteration, addition, or new construction is 32 feet.
- ii. Within the portion of this Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the maximum height of any alteration, addition, or new construction is 32 feet.
- iii. For all other areas, the height of any alteration, addition, or new construction will be established through the compatibility rule.
- iv. Notwithstanding the building height requirements of this district, previously existing building in existence before 1967 but no longer in existence may be reconstructed to their original footprints and height where the applicant shows by archived evidence or sworn affidavit(s), and the Commission finds, that such structural dimensions previously existed on the proposed site.

- 2. The following lot standards and building heights provisions apply to Subareas 3 and 4:

- a. **Building Heights:**

- i. Maximum building heights will be allowed up to a maximum of one and one-half times the height allowed utilizing the compatibility rule, provided that:
 - a) East of Interstate 75/85, no building may exceed a height of 55 feet.
 - b) West of Interstate 75/85, no building may exceed a height of 68 feet.
- ii. The building heights allowed in this subsection are intended to be the maximums authorized but are subject to further compatibility restrictions under other provisions of this district relative to building form, scale, massing and materials.

- iii. Notwithstanding the height requirements of these subareas, previously existing buildings in existence before 1967 but no longer in existence may be reconstructed to their original footprints and height where the applicant shows by archived evidence or sworn affidavit(s), and the Commission finds, that such structural dimensions previously existed on the proposed site.

G. Streetscapes, Yards, and Outdoor Amenity Space

1. The following streetscapes, yards and outdoor amenity spaces provisions apply to Subareas 1 through 4:
 - a. **Streetscapes.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.
 - i. New streetscapes and their corresponding zones must be the same width as the streetscapes on abutting properties. If no streetscapes exists on abutting properties, the new streetscape must match streetscape widths on the block. If no streetscape exists on the block, the new amenity zone must be a minimum of 2 feet wide and the new pedestrian zone must be a minimum of 5 feet wide.
 - ii. Any existing decorative hardscape treatment of streetscapes, including amenity zone or pedestrian zone areas, must be retained as part of any new development or replaced with materials that match in size, shape and color.
 - iii. Changes or additions of planters, trash containers, street lighting, and similar elements, will require a Certificate of Appropriateness by the Commission.
 - iv. Upon redevelopment of a parcel reasonable efforts must be made to place utilities underground or to the rear of structures to allow for unobstructed use of streetscapes.
 - b. **Yards.** Notwithstanding the building setback requirements of these subareas, previously existing contributing structures may be reconstructed to their original footprints and setbacks upon a submittal of finding that such structural dimensions have been shown by archived evidence or sworn affidavit(s) to have previously existed on the proposed site, and as subsequently approved by the Commission.
 - c. **Outdoor Amenity Space:**
 - i. Outdoor amenity space is only required for multi-unit uses. All other uses have no outdoor amenity space requirements.
 - ii. Outdoor amenity space must equal to 5% of the total floor area dedicated to multi-unit use.
2. The following additional yards provisions apply to Subareas 1 and 2:
 - a. **Subarea 1:**
 - i. The compatibility rule for front yards applies.
 - ii. For side yard and rear yard building setbacks, a minimum of 7 feet is required.

- iii. Parcels on the south side of Old Wheat Street between Hogue Street and Bradley Street may treat the Old Wheat Street frontage as the rear yard. Said parcels must locate their front yard fronting Auburn Avenue.

b. Subarea 2:

- i. Except as provided below, all front, side and rear yard building setbacks must be established using the compatibility rule. All new construction must maintain a minimum of 10 feet for rear yard building setbacks where the compatibility rule would permit a smaller rear yard building setback, except as otherwise provided for accessory structures.
- ii. Within the portion of Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the following lot standards apply:

Front yard:	7 feet.
Side yards:	3 feet.
Rear yard:	25 feet.

- iii. Within the portion of Subarea 2 lying along the southern side of Irwin Street and the eastern side of boulevard, the following lot standards apply:

Front yard:	12 feet.
Side yards:	3 feet.
Rear yard:	6 feet.

3. The following additional yards provisions apply to Subareas 3 and 4:

- a. **Front, Rear and Side Yards.** All front, rear and side yards for this subarea will be established through the compatibility rule, except that zero-lot-line side yards will be allowed as a minimum side yard allowance regardless of the compatibility rule application.

H. Design standards.

1. The following Design Standards provisions apply to Subareas 1 through 4:

a. Building Compatibility:

- i. All elements of new construction must be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
- ii. The compatibility rule will apply to a principal structure’s general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.
- iii. Fiberglass roofs are not allowed.

b. Windows and doors:

- i. The compatibility rule will apply to the following aspects of windows and doors:
 - a) The style and material of the individual window or door.

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- b) The size and shape of individual window and door openings.
 - c) The overall pattern of windows and doors and glazing as it relates to the building facade.
 - d) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
- ii. Painted glass and reflective glass, or other similarly treated glazing, are not allowed.
 - iii. Except as otherwise provided in *Sec. XX, Design Standards(2)*, if muntins or mullions are used, such muntins or mullions must be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- c. **Landscaping:**
- i. A landscape plan may be required by the Commission to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the district.
 - ii. **Tree Preservation and Replacement.** The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158-26 et seq., apply to this district.
- d. **Screening:**
- i. Frontages must be screened as specified in Sec. 8.4.3.
 - ii. Site elements must be screened as specified in Sec. 8.4.4.
2. The following design standards provisions apply to Subareas 1 through 2:
- a. **Windows and Doors:**
- i. Simulated divided light windows or plain sash windows will be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
 - ii. Windows must be predominantly vertical in proportion, may not be constructed in combination of more than two units, and must be double-hung.
 - iii. Front doors facing and parallel to the street will be provided.
 - iv. Front doors must be solid wood panel or single-pane fixed glass and must be composed of no more than 50% glazing.
- b. **Front Yard Porches:**
- i. Front yard porches must be provided.
 - ii. Front yard porches must contain balustrades, columns, floor dimensions, height, roof pitch and overhangs as regulated by the compatibility rule.
 - iii. Decorative metal, resin, fiberglass and plastic columns are not allowed.

- iv. Front yard porches are allowed to be enclosed with recessed screen wire when the primary characteristics of the porch are maintained.
- v. Front yard porch steps must be wood, brick or concrete. Metal steps are not allowed.
- vi. A paved walkway from the front yard porch to the adjacent public streetscape is required.

c. Siding and Foundations:

- i. Due to the close proximity of structures and other characteristics unique to this Landmark District smooth face cementitious siding will be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
- ii. Siding must exhibit a horizontal, clapboard profile. Siding must have no less than a 4-inch reveal and no more than a 6-inch reveal.
- iii. Foundations are only allowed to utilize brick, stone, smooth stucco, and smooth finish concrete as foundation-facing materials.
- iv. When provided, chimneys must be faced in brick and must originate at grade.

d. Fences, Walls, and Retaining Walls:

- i. Fences are allowed within front yards at a maximum height of 4 feet. Barbed wire, razor wire and uncoated chain link or similar elements are not allowed.
- ii. Fences and walls are allowed in side yards and rear yards only to a total combined height of 6 feet.
- iii. Walls are not allowed in front yards except that retaining walls are allowed within front yards only when such retaining walls already exist on a block face based upon the compatibility rule. The allowable setback, height and materials of such fences and walls will be based upon the compatibility rule. Lots with retaining walls must utilize the top of the retaining wall for determining the finished grade level of the lot as established in **Sec. XX, General Regulations(2)(d)**.

3. The following design standards provisions apply to Subareas 3 through 4:

a. Facades:

- i. Building materials for the façades of principal structures will be determined by the compatibility rule. Concrete block and other masonry materials may be used on façades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not allowed on any façade.
- ii. Covering of the original façade is not allowed.
- iii. Painting of unpainted building materials and masonry is not allowed.
- iv. All cleaning of stone, terra cotta, and brick must be done with low-pressure water and mild detergents.

- v. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.
 - vi. Cornice lines must cap all building facades and must consist of sheet metal, brick, cast concrete or terra cotta materials.
- b. **Active Depth Uses (See *Sec. XX, Permitted Principal Uses and Structures(3)(e)*):**
- i. Active depth uses must be provided within buildings and parking structures for the entire length of said building façade except ingress and egress points into parking structures or loading areas.
 - ii. Active depth uses must be provided for a minimum depth of 20 feet, as measured from the ground story building façade.
- c. **Fences and Walls:**
- i. All fences and walls will require a Certificate of Appropriateness by the Director of the Commission. Barbed wire, razor wire and chain link or similar elements are not allowed.
 - ii. Fences and walls are not allowed in front yards or where otherwise visible to public view as determined by the Director of the Commission.
 - iii. Fences and walls will be allowed only to a total combined height of 6 feet.
- d. **Glazing:**
- i. A minimum of 60% of the length of the building façade must contain glazing.
 - ii. Ground story development without glazing may not exceed a maximum length of 10 feet of facade.
 - iii. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.
- e. **Lighting and Security Features:**
- i. Security, decorative, and other lighting must minimize light spillage by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.
 - ii. Any security, decorative, or other lighting luminaries must be located a least 8 feet above the streetscape, driveway, or pedestrian area.
 - iii. External storefront security grilles, gates and security doors must be fully retractable during business hours. Such devices must provide visibility into the interior of protected space when in use, and may not be opaque.
 - iv. Any external security grills, gates and security doors must be compatibly integrated into and concealed by the overall architecture and architectural patterns and elements of the façade on which they are located.
- f. **Awnings and Canopies:**

- i. Original awnings and canopies must be retained.
- ii. Replacement awnings or canopies are allowed only when original awnings or canopies cannot be rehabilitated.
- iii. Awnings and canopies must have a minimum clearance of 8 feet above the ground story, and may not encroach more than 5 feet over the streetscape.
- iv. Installation of new canopies upon contributing structures must be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.
- v. Installation of new canopies upon non-contributing structures must be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the district.
- vi. New awning frames attached to storefronts, doors or windows must replicate the shape of the covered area and fit within that area.
- vii. New awnings must be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
- viii. Multiple awnings on a single building must be similar in shape and configuration.
- ix. Only that portion of the awning used for signage must be illuminated.
- g. **Fuel Sales.** Fuel dispenser structures and associated vehicular services such as air pumps and car washes may not be located between a building and the closest adjacent streetscape.

I. On-site Parking, Parking Structures, Driveways, and Curb Cuts.

1. The standards of Division 8.3 apply, unless otherwise specified in this Section.
2. The following on-site parking regulations apply to Subareas 1 through 4:
 - a. Parking lots:
 - i. When utilized, on-site parking lots are not allowed between a building and an adjacent street without an intervening building.
 - ii. When authorized, commercial parking lots are not allowed within 65 feet of any public street frontage.
 - b. Transitions and transition screens for non-residential and multi-unit uses:
 - i. All surface parking regardless of the number of parking spaces provided, must comply with all of the requirements of Chapter 158, Article II, Sec. 158-30.
 - ii. Screen wall extensions are allowed when surface parking is directly adjacent to a streetscape and additionally must:
 - a) Be located predominantly parallel and congruent with the adjacent building façade ;
 - b) Be a minimum height often 10 feet and a maximum height of 12 feet;

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- c) Be a minimum of 50% permeable or articulated to avoid blank walls; and
 - d) Utilize the adjacent building for purposes of determining allowable materials and architectural features.
 - c. Notwithstanding anything to the contrary in the Atlanta Zoning Ordinance, urban gardens and market gardens are allowed primary uses and accessory uses within the Transitional Zone (Subarea 6).
- 3. The following regulations apply to parking structures within the district:
 - a. In addition to the parking deck regulations of *Sec. XX, Parking Structures*, parking structure façades must have the appearance of a horizontal storied building and must utilize the compatibility rule for the contributing structures of any use on the block for the purposes of determining building materials, building massing, architectural features, building heights and setbacks.
 - b. Parking structures must meet the active use requirements as regulated in *Sec. XX, Permitted Principal Uses and Structures(3)(e)*.
- 4. The following regulations apply to driveways and curb cuts within the district:
 - a. Circular drives and drop-off lanes are not allowed between any principal building and any public street.
 - b. Curb cuts and driveways are not allowed on Edgewood Avenue, Auburn Avenue, Boulevard and Piedmont Road when reasonable access may be provided from a side or rear street or from an alley.
 - c. Streetscape paving materials must be continued across intervening driveways for all non-residential and multi-unit uses.

DIVISION 6.5. **WASHINGTON PARK (LD4)**

A. Statement of intent.

The intent the Washington Park Landmark District is as follows:

1. To recognize the importance of Washington Park in the development of one of Atlanta's earliest black suburban communities, and to recognize and preserve the park as a recreation center important to the development of renowned Atlanta citizens and athletes such as Althea Gibson.
2. To ensure that future development plans are sensitive to and seek to preserve the historic character of Washington Park, the landscape, the park buildings, and the spatial relationships that create the aesthetic environment enjoyed by past and present residents of the area.

B. General regulations.

All proposals for renovation or addition to existing buildings or new construction in this Landmark District require a Certificate of Appropriateness issued by the Commission and must conform to the following regulations:

1. Regulations will be minimum standards which must be followed and will be applied by the Commission (*Sec. XX, Same; Types and Procedures*).
2. Upon a determination by the Commission that an application for renovation or new construction is at broad variance with the intent of these regulations, the Commission will institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment. Notification will include any government or nonprofit community institution that has legitimate interest in the historic integrity of this Landmark District.
3. Landscaping criteria:
 - a. A Certificate of Appropriateness will be required for any alteration to existing streetscape, removal of all trees with a caliper of 4 inches or greater, or the removal of all shrub massings or hedges over 3 feet in height.
 - b. Major site renovation or major alteration or existing planting will be subject to design review by the Commission.
 - c. All trees with a caliper of 4 inches or greater, outside of the building side, which are cleared for any reason must be replaced with trees having a minimum caliper of 1½ inches.
4. It will be mandatory procedure for all parks and recreation personnel charged with maintenance and upkeep of Washington Park to be made aware of the intent and specific content of these regulations. A copy of these regulations must be maintained on the site with the supervisory staff responsible for maintenance of Washington Park.

City personnel anticipating any activity to change the physical appearance or functional character of the landscape, walks, walls and fences, planting or buildings of Washington Park must initiate such activity only upon approval of the Commission as specified in this part.

DIVISION 6.6. **OAKLAND CEMETERY (LD5)**

A. **Statement of intent.**

The intent of the Oakland Cemetery Landmark District is as follows:

1. To preserve Atlanta's oldest municipal cemetery and its unique landscape, handcrafted statuary, and general architectural excellence.
2. To recognize and preserve Oakland Cemetery as a repository of Atlanta's history which includes her Civil War dead, slaves, paupers, and great citizens who include Margaret Mitchell, Bobby Jones and others.
3. To ensure that future development and maintenance considerations are sensitive to and compatible with the unique character of this irreplaceable portion of Atlanta's heritage.
4. To preserve Oakland Cemetery as a parklike oasis for passive recreation in this 19th century sculpture garden.

B. **General regulations.**

The following regulations apply to the entire Landmark District. All rehabilitation, restoration or new construction requires a Certificate of Appropriateness from the Commission. All proposed development must conform to the following regulations:

1. Regulations will be minimum standards which must be followed and will be applied by the Commission (*Sec. XX, Same; Types and Procedures*).
2. The Commission will further adopt and maintain guidelines that will extend the intent of these regulations, further define elements of architectural landscape design and ensure the compatibility of future development and restoration within this Landmark District.
3. The power to hear, grant or deny variances from these regulations will rest with the Commission.
4. **Procedure for Variance.** Upon a determination of the Commission that an application for renovation or new construction is in conflict with the intent of these regulations or the guidelines, the Commission will institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (*Sec. XX, Intent*). Notification will include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.
5. **Secretary's Guidelines.** In addition to specific standards listed herein, the Secretary of the Interior's Standards for Historic Preservation Projects Part 1 will be a part of these regulations and will be applied by the Commission.
6. Landscaping Criteria:
 - a. A Certificate of Appropriateness is required for any alteration to existing walks, walls or drives and the removal of trees or shrubs other than "volunteers" which endanger the movements, mausoleums, walls, paths and steps, or hamper pedestrian and vehicular mobility.

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- b. Repairs to walks, walls and drives must be done with matching materials, style and technique. The final result must be of a quality equal to the original work and contiguous with adjacent masonry.
 - c. Construction materials within the cemetery must be limited to granite, marble, limestone, sandstone, molded concrete and brick.
 - d. The use of gravel, marble chips and granite dust on grave surfaces is not allowed.
 - e. A Certificate of Appropriateness will be required for any alteration to the existing tree or shrub planting within Oakland Cemetery.
 - f. The park-like character of Oakland Cemetery must be maintained by the planting of high branching native hardwood trees, sufficiently spaced apart to maintain a light shade which is conducive to the growth of grass. Tree and shrub species selected for new planting must be consistent with existing species within Oakland Cemetery. Evergreen species must be planted selectively to create contrast and interest. Hybrid and exotic trees and shrub species must be prohibited.
7. Buildings, Mausoleums and Monuments:
- a. Existing buildings in Oakland Cemetery consists of a watchhouse, the tower building, maintenance barns and public toilets. A Certificate of Appropriateness will be required for the demolition or repair of any existing building.
 - b. Repair of existing buildings must be done with matching materials, style and technique. The final result must be of a quality equal to the original work and contiguous with adjacent masonry.
 - c. No additional buildings are allowed.
 - d. All buildings in the Landmark District must be subject to the provisions for demolition or removal of existing structures as specified in *Sec. XX, Certificates of Appropriateness; Generally(3)* of this part.
 - e. The Preservation Briefs #1 prepared by the Technical Preservation Services Division of the Office of Archeology and Historic Preservation and Recreation Service will be adhered to for the cleaning of all buildings and monuments and mausoleums.
8. It will be mandatory for all parks and recreation personnel charged with the maintenance and upkeep of Oakland Cemetery to be made aware of the intent and specific content of these regulations. A copy of these regulations must be maintained on the site with the supervisory staff responsible for the maintenance of Oakland Cemetery.

City personnel anticipating any activity to change the physical appearance or functional character of the landscape, drives, walks, walls, monuments, mausoleums, planting or buildings of Oakland Cemetery will initiate such activity only upon approval of the Commission as specified in this part.

DIVISION 6.7. **BALTIMORE BLOCK (LD6)**

A. **Statement of Intent**

The intent of the Baltimore Block Landmark District is as follows:

1. To preserve and enhance the architectural and historic character of the residential row houses on the north side of Baltimore Place.
2. To preserve and enhance the environmental quality of Baltimore Block and the spatial relationships between the buildings and street.
3. To maintain continuing harmony between new development in the district and the character of Baltimore Block.

B. **Boundaries**

The boundaries of the Baltimore Block Landmark District are as shown on the official zoning map.

C. **General Regulations**

The following regulations apply to the entire Baltimore Block Landmark District. Any proposed development require a Certificate of Appropriateness from the Commission and must conform to the following regulations:

1. **Minimum Standards.** Regulations are the minimum standards which must be followed and will be applied by the Commission. The power to hear, grant or deny variances from these regulations will rest with the Commission. Upon a determination by the Commission that an application for renovation or new construction is at broad variance with the intent of these regulations or guidelines, the Commission will institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (*Sec. XX, Scope of Provisions*). Notification must include any governmental or nonprofit institutions that have legitimate interest in the historic integrity of this historic district.
2. **The Compatibility Rule.** The intent of the regulations is to ensure that alterations to existing structures and new construction are compatible with the design, scale and general character of the existing buildings in the district. All building standards contained in *Sec. XX, Design Controls* are subject to the compatibility rule and to the issuance of a Certificate of Appropriateness by the Commission.
3. **Guidelines.** The Commission will adopt and maintain guidelines that will extend the intent of these regulations, further define elements of architectural style and applicability and will further ensure the compatibility of future development in the Baltimore Block Historic District.
4. **Secretary's Guidelines.** In addition to specific standards listed herein, the General and Specific Standards for Historic Preservation Projects, as put forth by the U.S. Secretary of the Interior for all properties listed on the National Register, must be a part of the regulations for the Baltimore Block Landmark District.
5. **Demolition or Removal of Existing Buildings.** All buildings in the district are subject to the provisions for demolition or removal of existing structures as defined in *Sec. XX, Certificates of Appropriateness; Generally*.

D. Permitted Principal and Accessory Uses

In addition to the general regulations required in *Sec. XX, General Regulations*, the following regulations apply to any new development, rehabilitation or conversion of existing structures to permitted uses within the Baltimore Block Landmark District.

1. **Permitted Principal Uses.** A building or premises may only be used for the following principal purposes:
 - a. Single-unit, two-unit and multi-unit dwellings.
 - b. Maternity supportive housing.
 - c. General offices, home art studio and gallery.
 - d. General food and beverage.
 - e. General lodging.
 - f. General supervised group living, maternity supportive housing.
 - g. Urban gardens.
 - h. Market gardens.
 - i. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.
2. **Permitted Accessory Uses and Structures.** All accessory uses and structures are subject to approval of the Commission and must be located to the rear of the principal structure.

E. Lot Standards

1. **Minimum Setback Requirements.** The existing building setback line must be maintained.
2. **Maximum Height.** The existing building height must be maintained.
3. **Parking Location Requirements:**
 - a. On-site parking is allowed only in rear yards and must be subject to design review and approval by the Commission.

F. Building Standards

1. **Roofs and Cornice:**
 - a. New roofs must match original roof in cornice line, cornice decoration and materials.
 - b. Existing chimneys may not be removed. Repairs to any new chimney must conform as closely as possible to the original brick in color, size, texture and pattern.
2. **Facades:**
 - a. Covering of the existing façade is not allowed.
 - b. Façade repairs or replacement must match original materials. All existing trim must be repaired or replaced, if necessary, by matching original in material, color and dimensions.

- c. Replacement of windows and exterior doors, when required due to deterioration, must match the original openings and conform to the original windows in material and style.
 - d. All exterior window and door trim and other trim pieces must match original in material and dimensions.
 - e. Windows may not be permanently boarded or blocked.
 - f. No window air conditioning units or other obstructions to the original façade are allowed.
 - g. No exterior awnings or shutters may be added.
 - h. Painting of the brick is not allowed.
 - i. All brick cleaning must be done with low-pressure water and mild detergents.
 - j. Trim paint color must be approved by the Commission.
3. **Entry Features:**
- a. Exterior doors which are repaired or replaced must match the original.
 - b. The entry feature must be retained in its original form.
4. **Front Steps and Landings:**
- a. Front steps and landing platforms must be constructed or repaired with the same floor dimensions, height and materials of the same color and size.
 - b. Existing ironwork and other decorations must remain or be replaced to match original material, color, dimensions and style.
5. **Walls and Courtyards.** Walled rear gardens are a characteristic of Baltimore Block. The retention and reconstruction of garden walls is encouraged. Construction of new walls or the renovation of existing walls must require design review and a Certificate of Appropriateness by the Commission.

G. Special Permits

The following uses require a special permit of the Type Indicated to be granted by the Commission in accordance with the applicable provisions of *Div. 9.2, Legislative Review* of this Part.

1. **Special Use Permits:**
- a. Emergency shelter.

DIVISION 6.8. **WEST END (HD1)**

A. Statement of Intent

The intent of 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.

B. Scope of Regulations

1. The official zoning map and regulations governing all properties within the West End Historic District remain in full force and effect. The following zoning regulations are overlaid upon, and must 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 (*Div. 6.8*) will 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 (*Div. 6.8*) shall be governed by the interpretation provision set forth in Sec. *XX, Further Provisions(c)* of the Code of Ordinances.
2. Except when otherwise explicitly provided, the provisions of *Div. 6.1* will apply to this district.

C. Boundaries

The boundaries for the West End Historic District constitute an overlay Historic District (HD) zoning

district as shown on the official zoning map. The district is denoted into two 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 Division will apply to both subareas.

D. Organization

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

E. General Regulations

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

1. **Certificates of Appropriateness.** Certificates of appropriateness within this district are 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. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in Sec. *XX, Same; Types and Procedures*.
 - ii. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.
 - iii. 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 set forth in this Section.
 - iv. The following Type II Certificates of Appropriateness must be reviewed by the Director of the Commission and are required for any of the following:
 - a) fences, walls, retaining walls;
 - b) decks, skylights, solar panels, mechanical and communication equipment if visible from a public street;
 - c) new accessory structures and alterations to existing accessory structures;
 - d) shutters, awnings if visible from a public street;

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- e) replacement of non-original, non-historic or missing elements that otherwise meet the regulations, including but not limited to siding, windows, porch railings, porch columns, porch flooring, exterior doors if visible from a public street, and
 - f) paving.
- v. If a Type II Certificate of Appropriateness is required and the proposed alteration meets the requirements of this Division, as applicable, and other criteria applicable to Type II certificates, the Director of the Commission will issue the Type II Certificate within 14 days of receipt of the completed application. If a Type II Certificate of Appropriateness is required and the proposed alteration does not meet the requirements of this Division, as applicable, the Director of the Commission will deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval 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 Sec. ~~XX, Same Types and Procedures(a)~~ for Type I Certificates.
- vi. The following Type II Certificates of Appropriateness must be reviewed by the Commission and are required for any of the following to the extent they are visible from a public street:
- a) Alterations to any facade of any principal structure; and
 - b) All site work, except as noted in ~~Sec. XX, General Regulations(b)(4)~~.
- vii. The following Type III Certificates of Appropriateness must be reviewed by the Commission and are required for:
- a) All new principal buildings.
 - b) Additions that are visible from a public street or park.
 - c) Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.
 - d) Subdivisions and consolidations.
 - e) Variances.
- viii. Type IV certificates of appropriateness must be reviewed by the Commission and will be required for the demolition or moving of any contributing principal structure. A partial demolition of a contributing structure requires 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.
2. **The Compatibility Rule.** The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) must match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and

width as measured at front facade, floor height, lot dimensions, etc.), must be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

3. **Variations.** The Commission will have the power to hear, grant and deny variations from the provisions of this Division 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 variations shall be the same as those specified in Div. 9.6, Quasi-Judicial Review, 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 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 Commission finds that the requirement of *Subsection (ii)* below 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 will be on the property owner.
 - ii. The Commission must 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 Division.
 - d. The Commission must balance these factors as applied to the applicant for said exemption and will 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 *Div. 6.8* will apply to all subdivisions and consolidations of lots with regard to lot size, dimensions and configurations.

F. Specific Regulations

In addition to the general regulations set forth in Sec. *XX, General Regulations*, and any other applicable regulations, the following regulations apply to all rehabilitations, new construction, alterations, and other changes:

1. Generally, the following building elements and architectural features shall be considered when applying Sec. *XX, Same; Further Standards* of this Division to the West End Historic District: doors, windows, foundations, ground story elevations, 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 must 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 building facade must face the principal street whenever possible.
 - b. At a minimum, the front of all new construction, including any portion thereof, must be placed at the distance from the street determined by the compatibility rule. This requirement must 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, are subject to the compatibility rule.
 - d. Siding repair or replacement must match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is allowed.
 - e. Contemporary design of new construction, compatible with adjacent and surrounding structures, is allowed.
 - f. Height of the ground story front building facade above grade are subject to the compatibility rule. Notwithstanding the compatibility rule, the ground story of the principal structure must be on foundations and must be elevated above grade at the front building facade a minimum of two entrance risers each of which must be not less than 7 inches in height. Slab-on-grade construction is not allowed.
 - g. No structure may exceed that height established by the compatibility rule.
3. Windows and Doors:
 - a. Architecturally significant windows and doors, including details, trimwork, and framing, must be retained.
 - b. Original window and door openings may not be blocked or enclosed, in whole or in part.
 - c. Replacement windows and doors are only allowed when originals cannot be rehabilitated. Replacement windows and doors must match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is allowed.

- d. If muntins or mullions are used, such muntins or mullions must be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - e. The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is allowed.
 - f. Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.
 - g. New doors and windows, when allowed, must be compatible in scale, size, proportion, placement, and style to existing windows and doors.
 - h. The ratio of openings to solid for all new construction (for example, windows to wall) must be established by the compatibility rule.
 - i. The scale, size, proportion, and location of all openings in new construction must be established by the compatibility rule.
 - j. New windows or doors added to existing structures must be located non-street-facing building facades.
 - k. New or replacement doors must be made of wood and must contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.
4. Storm Doors, Storm Windows, Shutters and Awnings:
- a. Shutters may not be added to the building if they were not a part of the original building.
 - b. Shutters must be operable or appear operable, and shall fit the size of the window.
 - c. Replacement shutters must match the original shutters in design, materials and configuration.
 - d. Storm doors, screen doors or storm windows must be of compatible design and may not cover, obscure or dominate significant architectural details.
 - e. Fabric and metal awnings are allowed. All other types of canopies and awnings are not allowed.
5. Foundations:
- a. Foundation materials, including infill materials, must replicate the original materials in size, shape, color, texture and mortar, and must be installed using construction techniques similar to the original.
 - b. New foundations must be of masonry or concrete construction. Other foundation materials are allowed 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 allowed.
 - d. Lattice, painted concrete block, brick or stucco must be used as infill between foundation masonry piers when infill is otherwise required.

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6. Chimneys:
 - a. Chimneys must match original materials, mortar, color and pattern whenever possible.
 - b. New chimneys must be faced with brick or stucco.
 - c. Siding on chimneys is not allowed.
 - d. When any portion of a chimney is visible from a public street as a facade element, the chimney must originate at finished grade.
7. Roofs:
 - a. Replacement roofing materials must 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 only allowed on flat roofs. Corrugated metal and corrugated fiberglass roofs are not allowed.
 - c. The use of synthetic roofing materials is only allowed if not visibly distinguishable from the original as viewed from the public street.
 - d. The shape and pitch of roofs for new construction will be subject to the compatibility rule.
 - e. Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are allowed on roofs of buildings provided they are not visible from any public right-of-way.
8. **Decks.** Decks must be constructed to the rear of the structure and may not extend beyond the sides of the structure. Decks on the corner lots must be screened with fencing or vegetation to reduce visibility from the public street.
9. Porches:
 - a. Architecturally significant porches, including their component features, steps and stoops must be retained.
 - b. Replacement porches, steps and stoops must match the original in size, style and materials. All front porch steps must have closed risers and ends.
 - c. Porches may be enclosed with screen wire or glass provided that the main characteristics of a front porch are maintained.
 - d. New or replacement porches must contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. The height of the top rail may not be more than 33 inches above the finish porch floor, except as required by the City's Building Code.
10. **Accessory Structures.** Accessory structures, such as carriage houses, smoke houses, greenhouses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, air conditioners and heating units, must be located to the side or rear of the main structure within the buildable area of the lot and may not project beyond the front of the main structures. In addition, said structures must 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.

11. **Landscaping.** The Tree Ordinance of the City of Atlanta apply to the West End Historic District.

12. Paved Surfaces:

- a. The original layout, patterns and paving materials of sidewalks, driveways, alleyways, curbs and streets must be retained. The design and material of new replacement paving materials must be subject to the compatibility rule.
- b. The design and material of new paved surfaces areas, other than those specified in subsection (a) above, including driveways, walkways, and patios, or portions thereof, must be subject to the compatibility rule.
- c. New driveways may not exceed a width of 10 feet not including the flare at the street.

13. On-Site Parking Requirements:

- a. On-site parking is not allowed in the front yard or side street yard.
- b. Carports and garages must be behind the rear of the main structure. If the main structure is located on a corner lot, the primary street setback for the side street will apply to the construction of a carport or garage.

14. Fences:

- a. Fences may only be fabricated of brick, iron, wood or metal pickets. Fence lines must follow or run parallel to a lot line in the front and side street yards. Fences may not obscure the street-facing building facade.
- b. Fences located in the front or side street yard may not exceed 4 feet in height. Front yard fences may exceed 4 feet in height provided the height is no more than the height of the adjacent, contiguous fencing on immediately adjacent properties.
- c. Fences may not exceed 6 feet in height when located in the side or rear yards.
- d. Chain link fabric is not allowed in a front yard or side street front yard.
- e. Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence may not exceed 6 feet when located in a front or side street yard.
- f. Walls are only allowed in the rear and side yards only when such yards are not adjacent to a street and when such walls are located behind the rear facade of the principal structure. When such walls are allowed, they must be six 6 feet or less in height.

15. Retaining Walls:

- a. The height of existing retaining walls located adjacent to a right-of-way must be maintained. New or replacement retaining walls must be constructed of or faced with concrete stucco, natural stone or brick.
- b. The height and materials of retaining walls located in the side or rear yards is not restricted. Concrete block may be used, provided a veneer of stone, brick, or concrete stucco is applied.

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16. Ornaments:

- a. Architecturally significant ornaments, such as corner boards, cornices, brackets, downspouts, railings, columns, steps, doors and window moldings, must be retained.
- b. Replacement ornaments are only allowed when originals cannot be rehabilitated.
- c. Installation of new ornaments, where none previously existed, are only allowed when it is in accordance with the architectural style of the original structure.

17. Streetscapes:

- a. Existing public streetscapes and associated topography must be retained.
- b. The public streetscape must be the same width as the sidewalk on abutting properties.
- c. The compatibility rule must apply to public streetscape paving materials.
- d. Where a public streetscape to be replaced is adjacent to poured concrete, original concrete hexagonal pavers or poured concrete with stamped hexagonal motif, the new sidewalk must be poured concrete bordered with brick laid flat.

DIVISION 6.9. **HOTEL ROW (LD7)**

A. Statement of intent.

The intent of the Hotel Row Landmark District is as follows:

1. To preserve the integrity of the district, which consists of a single block of six commercial buildings containing rare examples of Atlanta’s turn-of-the-century commercial architecture and which block contains six commercial buildings which are typical American late-19th- and early-20th-century commercial style structures;
2. To preserve the environment, character and physical appearance of the district;
3. To ensure harmony and compatibility of visual qualities and spatial relationships throughout the district;
4. To ensure new construction is compatible with and sensitive to the existing character of the district;
5. To ensure that original design characteristics of the commercial structures serve as a base line description against which all future plans for rehabilitation and new construction will be judged for harmony, compatibility and appropriateness;
6. To encourage economic revitalization; and
7. To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare of the citizens of the City of Atlanta.

B. Scope of Regulations

The official zoning map and regulations governing all properties with the Hotel Row Landmark District will remain in full force and effect. The following zoning regulations will be overlaid upon, and will 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 (*Div. 6.9*) will apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply, and any variance between said other regulations and these overlay district regulations (*Div. 6.9*) will be governed by the interpretation provision set forth in *Sec. XX, Further Provisions(c)*.

Except when otherwise explicitly provided, the provisions of *Div. 6.1* will apply to this district.

C. Boundaries

The boundaries for the Hotel Row Landmark District constitute an overlay Landmark District (LD) zoning district, as shown on the official zoning map. All of the regulations contained in this Division apply to the entire district.

D. Organization

The overlay zoning regulations for the Hotel Row Landmark District are composed of two parts. The first part consists of general regulations. The second part consists of specific regulations. Both parts apply to all property located within the district.

E. General Regulations

The following general regulations will apply to the Hotel Row Landmark District:

1. Certificates of appropriateness are required as is generally provided in *Div. 6.1*, provided that a partial demolition requires of 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. **Variations.** The Commission will have the power to hear, grant and deny variances from the provisions of this *Div. 6.9* 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 will be the same as those specified in *Div. 9.6, Quasi-Judicial Review*, which provisions are hereby incorporated herein.
3. Notwithstanding any other existing zoning regulation(s), the following uses and structures, whether principal, accessory, permitted, or transitional, are not allowed in this district:
 - a. Type IV: small wireless structures;
 - b. Type V: non-small wireless structures;
 - c. Commercial parking lot and commercial parking structures;
 - d. Light vehicle sales and rental;
 - e. Fuel sales;
 - f. Helipad;
 - g. Residential uses within the front half of the floor area of the ground story; and
 - h. Package stores.

F. Specific Regulations

In addition to the general regulations set forth in *Sec. XX, General Regulations*, and any other applicable regulations, the following regulations apply to all rehabilitations, new construction, alterations, and other changes.

1. Generally, the following building elements and architectural features will be considered when applying *Sec. XX, Same; Further Standards* of the Code of Ordinances to the Hotel Row Landmark District: doors, windows, display windows, transoms, bulkheads, roofs, roof features, gutters, downspouts, cornices, and building materials.
2. Non-display Windows and Doors:
 - a. Original windows and doors, including details, trimwork, and framing, must be retained.
 - b. Original window and door openings may not be blocked or enclosed, in whole or in part.
 - c. Replacement windows and doors are only allowed when originals cannot be rehabilitated. Replacement windows and doors must match the original in style, materials, shape, size,

- scale, proportion, placement, details and trimwork with no more than one-inch width or height difference from the original size.
- d. Flat “snap-in” muntins and muntins sandwiched between layers of glass are not allowed.
 - e. Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.
 - f. New doors and windows, when allowed, must match the style, materials, shape, size, scale, proportion, placement, details, and trimwork of other original windows and doors on the same structure.
3. Display Windows, Transoms, and Bulkheads:
- a. Original display windows, transoms and bulkheads, including details, trimwork and framing, must be retained.
 - b. Original display window and transom openings may not be blocked or enclosed, in whole or in part.
 - c. Replacement display windows, transoms and bulkheads are only allowed when originals cannot be rehabilitated. Replacement display windows, transoms and bulkheads must match the original in style, materials, shape, size, scale, proportion, placement, details and trimwork with not more than one-inch width or height difference from the original size.
 - d. Flat “snap-in” muntins and muntins sandwiched between layers of glass are not allowed.
 - e. Dropped ceilings, when located below the top of the transom or display windows, must be sufficiently recessed from the window opening to maintain the original appearance.
 - f. New display windows, transoms and bulkheads, when allowed, must match the style, materials, shape, size, scale, proportion, placement, details, and trimwork of other original display windows, transoms and bulkheads on the same structure.
4. Façades:
- a. Covering of the original façade is not allowed.
 - b. Façade repairs or replacement must match original material in size, shape, texture, color and mortar and must be installed using construction techniques that are substantially similar to the original construction techniques. All existing trim must be repaired or replaced, if necessary, by matching original in material, color and dimensions.
 - c. Painting of unpainted brick, stone and terra cotta is not allowed.
 - d. All cleaning of brick, terra cotta, and stone must be done with low-pressure water and mild detergents.
 - e. All repairs to original mortar must duplicate existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.
5. **Cornices.** New cornices must match the original in cornice line, width, decoration and materials. Fiberglass is allowed as a substitute material to replace, in whole or part, an original cornice when the original cornice can not be rehabilitated.

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6. Ornaments:
 - a. As used herein, ornaments are details, which may include or be added to cornices, brackets, downspouts, columns, doors, window moldings, and other similar elements of a building, for the purpose of embellishment.
 - b. Original ornaments must be retained.
 - c. Replacement ornaments are only allowed when originals cannot be rehabilitated. Replacement ornaments must match the original in style, materials, shape, size, scale, color and placement.
 - d. Installation of new ornaments, where none previously existed, are only allowed when they adhere to the characteristics of the architectural style of the original structure.
7. Exterior Paving Materials:
 - a. Hexagonal streetscape pavers must be retained.
 - b. Hexagonal streetscape pavers must be used for any streetscape repairs in the Hotel Row Landmark District.
 - c. Decorative tile work in the recessed entry features and edges of storefronts and the alleyway must be retained whenever possible.
 - d. Replacement tile work is only allowed when originals cannot be rehabilitated and must match the original in size, shape, pattern and materials.
8. Security Gates or Grilles:
 - a. Security gates or grilles must be installed in a manner which does not irreparably damage the storefront of the building.
 - b. Security gates or grilles, whether in the open or closed position, may not substantially obscure the storefront of the building.
 - c. Security gates or grilles must fit within the storefront window or door opening. Security gates or grilles must be unobtrusive and fully retractable during business hours.
 - d. Housing for security gates or grilles must be placed under a sign band, awning or canopy whenever possible. When such placement is not possible, housing for security gates or grilles must be painted to match the building façade.
9. Awnings:
 - a. Awning frames attached to storefronts, doors or windows must replicate the shape of the covered area and fit within that area.
 - b. Awnings must be attached to the storefront in that area above the display and transom windows and below the cornice and signboard area, or mounted in that area between the storefront display window and the transom window.
 - c. Awning material must be fire-retardant canvas duck or textured mat finish vinyl or acrylic.

- d. Multiple awnings on a single building must be closely matching in color and style.
- e. Only that portion of the awning used for signage must be illuminated.

10. Canopies:

- a. Original canopies must be retained.
- b. Replacement canopies are allowed only when original canopies cannot be rehabilitated.
- c. Installation of new canopies, where none previously existed, is only allowed when they adhere to the characteristics of the architectural style of the original structure.

11. Special Features:

- a. The eight-foot covered alley between the building located at 211–215 Mitchell Street and the building at 217–221 Mitchell Street, and which connects these two (2) buildings, must be retained.
- b. Replacement materials for the alley are only allowed when originals cannot be rehabilitated and must match the original in size, material, design, pattern, color and texture whenever possible.

12. Lot Standards:

- a. **Minimum Setback Requirements.** The building setback line existing on the date of original adoption of this district must be maintained.
- b. **Maximum Building Height.** The building heights existing on the date of original adoption of this district must be maintained.
- c. **Streetscape.** Compliance with streetscape width standards of *Div. 3.5* is not required in the Hotel Row Landmark District.

DIVISION 6.10. **ADAIR PARK (HD2)**

A. Statement of Intent

The intent of 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-unit 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 architecture, 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.

B. Scope of Regulations

1. The official zoning map and regulations governing all properties within the Adair Park Historic District will remain in full force and effect. The following zoning regulations (*Div. 6.10*) will be overlaid upon, and will be imposed in addition to, said existing zoning regulations. Whenever the following regulations conflict with said existing zoning regulations, the following regulations (*Div. 6.10*) will apply.
2. Except when otherwise explicitly provided, the provisions of *Div. 6.1* of this part will apply to this district. Whenever the regulations of *Div. 6.10* conflict with the provisions of *Div. 6.1*, the regulations of *Div. 6.10* will apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply. In the event of any conflict between said other regulations and the following regulations (*Div. 6.10*) the interpretation provision set forth in Sec. *XX, Further Provisions(c)* will govern.

C. Boundaries

The boundaries of the Adair Park Historic District are shown on the official zoning map. The district is divided into three subareas, as shown on said official zoning map, which known as:

1. The Residential Subarea (SA1);

2. The Transitional Commercial Subarea (SA2); and
3. The Transitional Industrial Subarea (SA3).

D. Organization

The overlay zoning regulations for the Adair Park Historic District are composed of four sections:

1. *Sec. XX, General Regulations and Design Review Procedures*: General regulations and design review procedures that apply to all properties located within the District.
2. *Sec. XX, Specific Regulations - Residential Subarea I*: Specific regulations for properties in the Residential Subarea I.
3. *Sec. XX, Specific Regulations - Transitional Commercial Subarea*: Specific regulations for properties in the Transitional Commercial Subarea II.
4. *Sec. XX, Specific Regulations - Transitional Industrial Subarea III*: Specific regulations for properties in the Transitional Industrial Subarea III.

E. General Regulations and Design Review Procedures

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

1. General criteria:
 - a. Except as otherwise provided herein, the procedures for determining the correct type of certificate of appropriateness will be those specified in *Sec. XX, Same; Types and Procedures* of the Zoning Ordinance.
 - b. The commission will use the following regulations only if the specific subarea regulations do not address the application:
 - i. A property must 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 must be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property must be avoided.
 - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes may 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 must be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.
 - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, and, where possible, materials.

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- vii. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used. Painting of unpainted masonry is not allowed.
 - viii. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.
 - ix. New additions, exterior alterations, or related new construction, may not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and must 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 must 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.
2. **The compatibility rule.** The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: “The elements in question (roof form, architectural trim, etc.) must match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at the front building facade, story height, lot dimensions, etc.), must be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face.” Those elements to which the compatibility rule applies are specified in these regulations by reference to “compatibility rule.”
3. **Certificates of appropriateness.** City of Atlanta applications used to review design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.
- a. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.
 - b. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. Painting or repainting of any structure or portion thereof does not require a certificate of appropriateness, but must comply with Sec. *XX, General Regulations and Design Review Procedures(7)*.
 - c. Type II certificates of appropriateness will be reviewed by the Director of the Urban Design Commission and are required for:
 - i. All alterations 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.
 - ii. Fences, walls, accessory structures, decks, rear porches, and paving.

- iii. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of Sec. XX, *Specific Regulations - Residential Subarea I*, Sec. XX, *Specific Regulations - Transitional Commercial Subarea II*, or Sec. XX, *Specific Regulations - Transitional Industrial Subarea III*, as applicable, the Director of the Commission will issue Type II certificate within 14 days of the application.
 - iv. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of Sec. XX, *Specific Regulations - Residential Subarea I*, Sec. XX, *Specific Regulations - Transitional Commercial Subarea II*, or Sec. XX, *Specific Regulations - Transitional Industrial Subarea III*, as applicable, the Director of the Commission will deny the application with notice to the applicant within 14 days of the application.
 - v. Appeals from any such decision of the Director regarding the approval 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 Sec. XX, *Same; Types and Procedures(a)* for Type I certificates.
- d. Type III certificates of appropriateness must be reviewed by the Commission and are required for:
- i. All new principal structures.
 - ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.
 - iii. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.
 - iv. Subdivisions and consolidations as required per Sec. XX, *General Regulations and Design Review Procedures(6)*.
 - v. Variances.
- e. Type IV certificates of appropriateness are required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure requires 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.
4. **Variances and appeals.** Variance applications and appeals from these regulations will be heard by the Commission. The Commission will have the authority to grant or deny variances from the provisions of this Division 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 will be the same as those specified in Div. 9.6, Quasi-Judicial Review of this Part 16. The Commission will have the authority to grant or deny applications for appeal pursuant to the standards in Sec. XX, *Appeals from Decisions of Administrative Official* and the appeal provisions for said decision, set forth in Sec. XX, *Appeals from Decisions of Administrative Official(e)*, will also apply to the Commission's decision.
5. Financial hardship exemptions:

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- a. These regulations set forth a minimum standard of architectural compatibility. 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 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 will 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 Commission finds that this requirement of *Subsection XX, General Regulations and Design Review Procedures(5)b*. herein is satisfied, they will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present and future income of the property owner(s) and those occupying the property;
 - ii. The availability, at present or in the future of other sources of income of revenue, including loans, grants, and tax abatements;
 - iii. The cost associated with adherence to the subarea regulations;
 - iv. The degree of existing architectural importance and integrity of the structure; and
 - v. The purpose and intent of this Division.
 - d. The Commission must balance these factors as applied to the applicant for said exemption and will 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.
6. **Subdivisions or consolidations.** In Subarea I, the platting pattern of the Adair Park Historic District is an integral part of the historic character of the district. No subdivision or consolidation will be approved unless it can be shown that the proposed subdivision or consolidation is substantially consistent with the historic character of the district. In addition to the requirements of the subdivision and zoning ordinances all subdivisions or consolidations of lots will conform to the historic platting pattern in the Adair Park Historic District with regard to lot size, dimensions, and configurations. The compatibility rule will apply, and no subdivision or consolidation will be approved unless and until the Commission has made a finding that it is consistent with this provision or with the platting pattern of the neighborhood.

F. Specific Regulations—Residential Subarea I

In addition to the general regulations set forth in Sec. *XX, General Regulations and Design Review Procedures*, and any other applicable regulations, the following regulations apply to all properties within Residential Subarea I:

1. Lot Standards:
 - a. Setbacks:

- i. Primary street setbacks: Front yard setbacks of new principal structures must either: i) conform to the setback of the previously existing contributing building of like use; or ii) must 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.
 - ii. Side setbacks: Side setbacks of new principal structures or additions must 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 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 7 feet.
 - iii. Rear setbacks: Rear setbacks of new principal structures or additions must be a distance no less than 15 feet. On through lots, the secondary frontage must be treated as the rear setback.
- b. **Height.** The height of new principal structures must conform to the compatibility rule. Additions to existing structures are not subject to the compatibility rule but may be no higher than the main ridgeline of the existing structure.
2. Architectural standards:
- a. Building facades:
 - i. All building materials which upon completion are visible from the public right-of-way, must be compatible with those which predominate in the subarea.
 - ii. Siding repair or replacement must match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is allowed.
 - iii. Contemporary design of new construction, compatible with adjacent and surrounding structures, is allowed.
 - b. Windows and doors:
 - i. Architecturally significant windows and doors including details, trim, and framing must be retained. Original window and door openings may not be blocked or enclosed in whole or in part.
 - ii. Replacement windows and doors are only allowed when originals cannot be rehabilitated.
 - iii. Replacement windows and windows on new construction must be a wood or wood fiber composite product. Vinyl, PVC, aluminum, or clad windows are not allowed.
 - iv. The use of simulated divided light windows is allowed, provided that the muntins are integral to the sash and permanently affixed to the exterior face of the glass.
 - v. Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.
 - vi. New doors and windows, when allowed, must be placed on the side and rear of the structure and be compatible in scale, size, proportion, placement, and style to existing windows and doors.

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- vii. The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is allowed.
 - viii. New or replacement doors must be made of wood and may contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion, placement, and style.
 - ix. The ratio of openings to solid for all new construction (for example, windows to wall) must be established by the compatibility rule.
 - x. The scale, size, and proportion of all openings in new construction must be established by the compatibility rule.
- c. Foundations:
- i. Foundation materials, including infill materials, must replicate the original materials in size, shape, color, texture and mortar, and must be installed using construction techniques similar to the original.
 - ii. Foundations on new construction must be of masonry or concrete construction. Other foundation materials are allowed provided they are appropriate to the building on which they are located and in scale, materials, and style with adjacent and surrounding buildings.
 - iii. Slab on grade is not allowed.
- d. Storm doors, storm windows, shutters and awnings:
- i. Shutters must be operable or appear operable and shall fit the size of the window.
 - ii. Replacement shutters must match the original shutters in design, materials and configuration.
 - iii. Storm doors, screen doors or storm windows must be of compatible design and may not cover, obscure or dominate significant architectural details.
 - iv. Fabric and metal awnings are allowed. All other types of canopies and awnings are not allowed.
- e. Chimneys:
- i. Original and architecturally significant chimneys must be retained.
 - ii. Chimney repairs must match original materials, mortar, color and pattern whenever possible.
 - iii. New chimneys must be constructed of masonry faced with brick or stucco.
 - iv. Siding on chimneys is not allowed.
 - v. When any portion of a chimney is visible from a public street as a facade element, the chimney must originate at grade.
- f. Roofs:

- i. Replacement roofing materials must be of the same size, texture and materials as the existing materials.
 - ii. On flat roofs, cold rolled and membrane roofing is allowed.
 - iii. The shape and pitch of roofs for new construction must be subject to the compatibility rule.
 - iv. Skylights and communication equipment, when otherwise allowed by these or other regulations are allowed on roofs of buildings provided they cannot be seen from the public right-of-way.
 - v. Solar panels are allowed provided they are placed in the least visible location possible for adequate power production.
 - vi. Dormers are not allowed on the street-facing building facade unless they are original to the structure.
- g. Porches:
- i. Architecturally significant porches, steps and stoops must be retained.
 - ii. Replacement porches, steps, and stoops must match the original in size, style, and materials.
 - iii. Porches may be enclosed with screen wire if the main characteristics of a front porch are maintained.
 - iv. Porch railing must be constructed using a two-part butt joint method. Side nailed and deck style railing are not allowed.
 - v. Porches are required on new construction. New porches must contain balustrades, columns, and other features consistent with the architectural style of the house or other original porches on the block face. The height of any top rail must be set no higher than the bottom sill of the front facade windows. Additional height required to meet building code must be achieved by a simple plane extension.
- h. Fences:
- i. Fence lines must follow or run parallel to the property lines in front and side street yards. Fences shall not obscure the street-facing front building.
 - ii. Fences located in the front or side street yard may not exceed 4 feet in height and shall be brick, iron, wood, or metal vertical pickets. Front yard fences may exceed 4 feet in height provided the height is no more than the height of the adjacent, contiguous fencing on immediately adjacent properties.
 - iii. Fences located in the side and rear yards may not exceed 6 feet in height.
 - iv. Chain link fencing is not allowed in a front yard or side street yard.
 - v. Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence may not exceed 6 feet when located in a front yard or side street yard.

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- vi. Walls are only allowed in the rear and side yards only when such yards are not adjacent to a public street and when such walls are located behind the rear facade of the principle structure. When such walls are allowed, they shall be 6 feet or less in height.
 - i. Retaining walls:
 - i. Retaining walls in the front yard shall be constructed of masonry, stone, or concrete block faced with a parge coat of stucco.
 - j. Ornaments:
 - i. Architecturally significant ornaments, such as corner boards, cornice, brackets, downspouts, railings, columns, steps, doors and windows moldings, must be retained.
 - ii. Replacement ornaments are only allowed when originals cannot be rehabilitated.
 - iii. Installation of new ornaments, where none previously existed, are only allowed when it is in accordance with the architectural style of the original structure.
 - iv. For new construction, ornaments shall be consistent with the architectural style of the home and compatible with the historic homes on the block.
 - k. **Decks.** Decks must be located to the rear of the principle structure.
3. Accessory structures:
- a. Placement:
 - i. All new accessory structures must provide a side setback of at least 3 feet and a rear setback of at least 5 feet.
 - ii. On corner lots, accessory structures must be placed towards the interior side and rear setback.
 - iii. On through lots, excluding corner lots, accessory structures must be placed towards one of the interior lot lines. The secondary frontage must be treated as a rear yard, except that the accessory structure must be at least 15 feet from the lot line.
 - b. The height of accessory structures may not exceed the height of the main ridgeline of the principal structure as measured from grade at the street-facing front facade to the main ridgeline or 20 feet, whichever is less.
 - c. The floor area of accessory structures must be no more than 40% of the principal structure's floor area.
 - d. **Accessory dwelling unit (ADUs).** Where an accessory building is used as a detached ADU, the following limits apply:
 - i. The ADU may not exceed 750 sf.
 - ii. For the purposes of *Sec. XX, Specific Regulations - Residential Subarea I(3)(c)* above, which limits the total allowable area of the accessory building to 40% of the principal building, the square footage of the accessory dwelling unit is not included when calculating the total area of the accessory building.

- iii. When an accessory structure is used as an accessory dwelling unit, it must be placed to the rear of the principal structure, within the buildable area of the lot.
4. Paved surfaces:
 - a. The original layout, patterns and paving materials of sidewalks, curbs and streets must be retained. The design and material of new replacement paving materials must match the original or be subject to the compatibility rule.
 - b. The design and materials of new paved surfaces other than those specified in *Subsection (a)* above, including driveways, walkways, and patios must be subject to the compatibility rule.
 - c. New driveways may not exceed a width of 10 feet not including the flare at the street.
 5. On-site parking requirements.
 - a. On-site parking is not allowed in the front yard.
 - b. Carports and garages must be behind the rear of the main structure. If the main structure is located on a corner lot, the front setback for that side of the street must apply to the construction of a carport or garage.
 6. Signs:
 - a. Identification signs for home occupations may not exceed 2 square feet in area.
 - b. Identification signs for institutional and commercial uses may not exceed 30 square feet in area.
 7. Alternative building materials:
 - a. Alternative building materials to those listed above may be used if sufficient evidence is provided to establish that the proposed alternative material is identical in form, function, and appearance to historically compatible materials.
 - b. Alternative building materials that violate specific material prohibitions listed elsewhere in Sec. *XX, Specific Regulations - Residential Subarea I* will not qualify for consideration.

G. Specific Regulations—Transitional Commercial Subarea II

1. The following regulations apply to all properties located within Transitional Commercial Subarea II. These regulations are intended to mitigate any noxious 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.
 - a. Lot standards:
 - i. **Setbacks.** The compatibility rule must apply to front, side and rear setbacks.
 - ii. **Bulk limitations.** Floor area ratio may not exceed an amount equal to one times the net lot area.

- b. **Maximum height.** The compatibility rule must apply to the height of all structures, additions and alterations.
 - c. **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 5-foot-wide buffer planted with tree or shrub materials.
2. In addition to the above regulations, all contributing structures in the Transitional Commercial Subarea II must comply with the following regulations.
- a. **Certificates of appropriateness.** Certificates of appropriateness are required as follows:
 - i. To change the exterior appearance of any portion of a contributing structure or property within the subarea, when said change can be seen from the public right-of-way;
 - ii. To make an addition to any contributing structure or property within the subarea, when said addition can be seen from the public right-of-way; and
 - iii. To demolish or move any contributing structure, in whole or in part, within the subarea.
 - b. **Architectural standards.** All contributing structures must comply with the architectural standards as set out in Sec. *XX, Specific Regulations - Residential Subarea I*.

H. Specific Regulations— Transitional Industrial Subarea III

The following regulations apply to all properties located within 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 must conform to the following regulations.
2. Lot standards:
 - a. **Setbacks.** The compatibility rule will apply only to front yard setbacks, where an administrative modification of up to 5% is allowed. Other setbacks will be as regulated by the applicable zoning district regulations.
 - b. **Bulk limitations.** Floor area ratio may not exceed an amount equal to one times the net lot area.
3. **Maximum height.** No new structures, additions or alterations may exceed 2 stories in height.
4. **Transition Screens.** 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 5-foot-wide buffer planted with tree or shrub materials.

DIVISION 6.11. **WHITTIER MILL (HD3)**

A. Statement of Intent

The intent of 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 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.

B. Scope of Regulations

1. The official zoning map and regulations governing all properties within the Whittier Mill Historic District will remain in full force and effect. The following zoning regulations will 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 (*Div. 6.11*) will apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply; and any variance between said other regulations and these overlay district regulations (*Div. 6.11*) will be governed by the interpretation provision set forth in Sec. *XX, Further Provisions(c)*.
2. Except when otherwise explicitly provided, the provisions of *Div. 6.1* of this part will apply to this district.

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C. Boundaries

The boundaries of the Whittier Mill Historic District are as shown on the official zoning map. The district is divided into two subareas, as shown on said official zoning map, which will be known as:

1. The Residential Subarea I (SA1); and
2. The Transitional Subarea II (SA2).

D. Organization

The overlay zoning regulations for the Whittier Mill Historic District are composed of two 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.

E. General Regulations

The following regulations 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, must substantially match that which predominates on that block. When elements are quantifiable, such as building height or story heights, they must 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 Commission will have the power to hear, grant and deny variances from the provisions of this Division 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 *Div. 9.6, Quasi-Judicial Review*.

F. Specific Regulations—Residential Subarea I

In addition to the general regulations set forth in Sec. XX, *General Regulations*, and any other applicable regulations, the following regulations apply to all properties located in Residential Subarea I:

1. **Certificates of Appropriateness.** Certificates of appropriateness within this subarea is required as follows:
 - a. When required:
 - i. To change the exterior appearance of the following elements of a structure within the subarea, when said changes can be seen from the right-of-way: foundations, siding, chimneys and roofs;
 - ii. To change the exterior appearance of the following elements of the street-facing front facade of a structure: windows, doors, architectural details and porches. For the purpose

of this Division, street-facing front facade means the elevation of the building which faces the front yard as defined in Code of Ordinances Sec. *XX, Regular Lots(3) and (4)*.

- iii. To erect a new structure; and
 - iv. To demolish or move any contributing structure, in whole or in part, within the subarea.
- b. Type required:
- i. 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).
 - ii. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate required under *Subsection XX, Specific Regulations - Residential Subarea I(1)a* above will be those specified in Sec. *XX, Same; Types and Procedures* of the zoning ordinance, provided, however, that a partial demolition requires 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 street-facing 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 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 will 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 Commission finds that this requirement of *Subsection (b)* herein is satisfied, they will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present and future income of the property owner(s) and those occupying the property;
 - ii. The availability, at present or in the future of other sources of income of revenue, including loans, grants, and tax abatements;
 - iii. The cost associated with adherence to the subarea regulations;
 - iv. The degree of existing architectural importance and integrity of the structure; and
 - v. The purpose and intent of this Division.
 - d. The Commission must balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding

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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 *Div. 6.11* will apply to all subdivisions and consolidations of lots with regard to lot size, dimensions and configurations.
4. **Duplexes.** Notwithstanding any contrary provisions in the Zoning Ordinance, new construction of a new two-unit or duplex dwelling will be allowed within this district only as a single building.
5. Grading:
 - a. Grading may 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 must meet existing topography in a smooth transition.
 - c. Architectural Standards:
 - i. Building facades:
 - a) All new construction must conform to the existing building orientation by having porches and front doors facing the front yard.
 - b) At a minimum, the front of all new construction, including any portion thereof, must be placed at the distance from the street determined by the compatibility rule.
 - c) There shall be 2 side yards, 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.
 - d) There must be a rear yard of not less than 10 feet.
 - e) All building materials which upon completion are visible from the right-of-way, must be compatible with those which predominate in the subarea.
 - f) Siding repair or replacement must match the original materials in scale and direction. Wood clapboard, if original, is preferred; however, aluminum, masonite, vinyl or other horizontal siding is allowed if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.
 - g) No new construction of additions may 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.
 - ii. Windows and doors:
 - a) Architecturally significant windows and doors, including details, trimwork, and framing, must be retained.
 - b) Replacement windows and doors are only allowed when originals cannot be rehabilitated. Replacement windows and doors must match the original in design, materials, shape and size with no more than a one-inch width or height difference from the original size.

- c) New doors and windows, when allowed, must be compatible in scale, size, proportion, placement, and design to existing windows and doors.
 - d) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a allowed differential of 10%.
 - e) Windows in the street-facing front facade of new construction must be predominantly vertical in proportion and may not be constructed in combination of more than 2 windows.
 - f) Replacement exterior doors must match the original openings and conform to the original door in material and design.
 - g) New exterior doors must 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.
- iii. Foundations:
- a) Foundations must be of brick, painted concrete block or stuccoed.
 - b) Foundations must be of masonry pier or continuous wall construction closed with solid or screen infill wall.
 - c) Lattice, painted concrete block, brick or stucco must be used as infill between foundation masonry piers when infill is otherwise required.
 - d) Slab on grade is not allowed.
- iv. **Storm doors and storm windows.** Storm doors, screen doors or storm windows must be of compatible design and may not cover, obscure or dominate significant architectural details.
- v. Chimneys:
- a) Chimneys must be retained whenever possible.
 - b) If extending or repairing a chimney, the original materials, mortar, color and pattern must be matched whenever possible.
 - c) The construction of new chimneys is not allowed on the street-facing front facade.
 - d) New chimneys must be faced with brick or stucco.
 - e) Siding on chimneys is not allowed.
- vi. Roofs:
- a) Replacement roofs must match the original roof in material, pitch and shape as well as ridge, overhang and soffit construction.
 - b) Cold-rolled roofing is only allowed on flat roofs.
 - c) Corrugated metal and corrugated fiberglass roofs are not allowed.

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- d) The shape and pitch of roofs for new construction must be subject to the compatibility rule.
 - e) Dormers are not allowed on the roof over the front facade of any structure.
 - f) Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are not allowed on the roof over the front facade of any structure.
- vii. Porches:
- a) Architecturally significant front porches, steps and stoops must be retained, whenever possible.
 - b) Replacement front porches, steps and stoops must match the original in size, design and materials.
 - c) Front porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
 - d) Front porches are required for the development of new homes and the compatibility rule must 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 may not be higher than 36 inches above the porch floor; the bottom rail of the balustrade must be 3 to 4 inches above the porch floor; and the individual balusters must be constructed of 2-inch by 2-inch lumber and may not be more than 4 inches apart.
 - e) Front porches must 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 allowed.
 - f) New decks are allowed to the rear of the house.
- viii. **Accessory structures.** Accessory structures, such as carriage houses, smoke houses, tool sheds, greenhouses, tenant and alley houses, electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, air conditioners and heating units, must be located to the side or rear of the main structure within the buildable area of the lot and may not project beyond the front of the main structure. In addition, said structures must 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 right-of-way.
- ix. Walls and fences:
- a) Front yard closure walls are not allowed.
 - b) Fences in the front yard of any structure must be of wood picket type construction.
 - c) Retaining walls which are located in the front yard must have a finished masonry surface constructed of materials compatible with the exterior finish of the principal dwelling. Retaining walls must be integrated into the landscape.
- x. Architectural details:

- a) 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 street-facing front facade, must be retained, restored or replaced to match the original in dimension and design.
6. Paved Surfaces:
 - a. The original layout, patterns and paving materials of sidewalks, curbs and streets must be retained.
 - b. Where no sidewalks existed historically, no new sidewalks must be installed.
 7. On-site Parking Requirements:
 - a. On-site parking is not allowed in the front yard.
 - b. Carports and garages must be behind the rear of the main structure. If the main structure is located on a corner lot, the front setback for that side of the street must apply to the construction of a carport or garage.

G. Specific regulations— Transitional Subarea II

The following regulations apply to all properties located in 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 must conform to the following regulations.
2. Lot standards:
 - a. **Setbacks.** The setback from the southern boundary of the subarea must be at least 50 feet. This setback must be undisturbed and no development of any kind, including surface parking, is allowed. Other setbacks must 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 6 feet in height and a 5-foot wide buffer planted with tree or shrub materials.

DIVISION 6.12. **GRANT PARK (HD4)**

A. Statement of Intent

The intent of 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-unit 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.

B. Scope of Regulations

1. The official zoning map and regulations governing all properties within the Grant Park Historic District shall remain in full force and effect. The following zoning regulations (*Div. 6.12*) must be overlaid upon, and must be imposed in addition to, said existing zoning regulations. Whenever the following regulations conflict with said existing zoning regulations, the following regulations (*Div. 6.12*) must apply.
2. Except when otherwise explicitly provided, the provisions of *Div. 6.1* of this part must apply to this district. Whenever the regulations of *Div. 6.12* conflict with the provisions of *Div. 6.1*, the regulations of *Div. 6.12* must apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district must continue to apply. In the event of any conflict between said other regulations and the following regulations (*Div. 6.12*) the interpretation provision set forth in Sec. *XX, Further Provisions(c)* of the Code of Ordinances must govern.

C. Boundaries

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

1. Residential Subarea I (SA1);
2. Commercial Subarea II (SA2); and
3. Transitional Industrial Subarea III (SA3)

D. Organization

The overlay zoning regulations for the Grant Park Historic District are composed of 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.

E. Definitions

For the purposes of interpreting this *Div. 6.12*, the following definitions will apply:

1. 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.
2. Deck means a roofless platform adjoining a house, generally made of unfinished wood and supported by posts.
3. District means the Grant Park Historic District, as shown on the official zoning map adopted herewith entitled the "Grant Park Historic District."
4. Fenestration means the arrangement, proportion, and design of windows and doors in a building.
5. New construction means construction of new principal structures.
6. Principal structure means the main habitable structure on a property, exclusive of detached accessory structures.
7. Public street means publicly dedicated streets or roads and specifically excludes alleys in the District.
8. 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.

F. General Regulations

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

1. General Criteria:
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness is 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 must be those specified in Sec. *XX, Same; Types and Procedures* of the Zoning Ordinance.

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- c. In Residential Subarea I, the Commission will apply the standards referenced in *Sec. XX, Same; Further Standards* only if the standards set forth in this *Div. 6.12* do not specifically address the application.

2. Certificates of Appropriateness:

- a. Type I Certificates of Appropriateness for ordinary repairs and maintenance are not 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 are 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 *Sec. XX, Specific Regulations: Residential Subarea I*, then the Director of the Commission will issue the Type II Certificate. If the proposed alteration does not meet the requirements of *Sec. XX, Specific Regulations: Residential Subarea I*, the Director of the Commission will deny the application. Appeals from said decision of the Director regarding the issuance 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 *Sec. XX, Same; Types and Procedures(a)* for Type I Certificates.
- c. Type III Certificates of Appropriateness are required for:
 - i. All new principal structures;
 - ii. All major alterations and additions to existing structure, with respect to any facade that faces a public street.
- d. Type IV Certificates of Appropriateness are required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure requires 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 will be heard by the Commission which will have the authority to grant or deny variances from the provisions of this Division 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 will be the same as those specified in *Div. 9.6, Quasi-Judicial Review*.

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 will be on the applicant.

- c. The Commission will 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 Division.
 - d. The Commission must consider these factors and will 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 *Sec. XX, Streets(a)(2) and XX, Lots(d)(6)*, all subdivisions of lots must 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 Sec. 158, Article II, must apply to this district.
 7. **Paved surfaces.** The original layout, patterns and paving materials of sidewalks, curbs and streets must be retained.

G. Specific Regulations: Residential Subarea I

1. Lot Standards:
 - a. **Primary Street Setback.** Primary street setbacks must either: i) conform to the setback of the previously existing contributing building of like use; or ii) must 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 Setbacks.** Side setbacks must 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 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 7 feet.
 - c. **Rear Setback.** Rear setback must be 7 feet.
 - d. On-site parking and driveway requirements:
 - i. On-site parking is not allowed in the front yard or side street yard.

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- ii. If constructed, independent driveways within the front yard or side street yard must be a maximum of 10 feet wide and must have a maximum curb cut of 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:

- i. Identified design elements of size, scale, massing and materials of new construction must be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in *Subsection XX, Specific Regulations: Residential Subarea I(15)(c.)*.
- ii. A paved walkway from the front sidewalk to the front entry feature of the principal structure must be provided.
- iii. Front porches on the principal structure are required and must be a minimum of one-third the width of the front facade and a minimum of 7 feet in depth. Side porches must be a minimum of 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.
- iv. All front facades and front porches of the principal structure must face and be parallel to the lot frontage. Wrap around front porches are allowed.
- v. Roof form above the front facade of the principal structure must be gabled or hipped. Roof pitch must be a minimum of 6:12. Roof pitch above porches may not be restricted.
- vi. The height of the principal structure may not exceed 35 feet. (See Sec. XX, *Height; Excluded Portions of Structures* for excluded portions of structures.)
- vii. The first story of the principal structure must be on foundations and elevated above the grade a minimum of 2 entrance step risers each of which must be no less than 6 inches

- in height. All front steps must have closed risers and closed ends. Access ramps shall be allowed.
- viii. Garages entrances are not allowed on the front facade. Single car-width garage entrances are allowed on the half depth front yard facade of the structure. Double car-width garage entrances are allowed at the rear of the structure.
 - ix. Decks, Balconies and Upper Level Terraces:
 - a) Decks are only allowed when located to the rear of the principal structure.
 - b) Decks are allowed at any level.
 - c) Balconies and upper level terraces are allowed.
 - x. Any portion of a chimney that is located on any facade that faces a public street must originate at grade.
 - xi. Any facades that face a public street must consist of glazing that is either: 1) substantially consistent with glazing on contributing structures of like use in the district, or 2) must 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 may exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, must exceed 16 square feet.
 - xii. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass must be tinted to match the surrounding roof area. Protruding "bubble" skylights are not allowed.
 - xiii. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, and mechanical equipment must be located to the side or rear of the principal structure within the buildable area of the lot and may 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.
 - xiv. Fences and walls, adjacent to a public street upon completion, must be subject to the provisions of Sec. XX, *General Requirements Concerning Arrangement and Location of Structures; Landscaping(5)* and the following limitations:
 - a) Fences not exceeding 4 feet in height may be erected in a front yard. Other than retaining walls, walls may not be erected in a front yard or a side street yard.
 - b) Fences and walls not exceeding 6 feet in height may be erected in the side or rear yards.
 - c) In a side street yard, when a fence exceeds 4 feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence must be set back 3 feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or side street yard must 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 must face the public street.

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- xv. On those facades of any structure that face a public street, the following regulations on building materials apply. Alternate materials may be submitted for review by the commission.
 - a) Paving materials for walks and drives: Black asphalt is not allowed.
 - b) Visible foundation materials: Foundations must constitute a distinct building design element and must contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) are allowed. Standard, unfinished concrete block and stacked stone is not allowed.
 - c) Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone are allowed. Stacked stone is not allowed.
 - d) Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels are allowed.
 - e) Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) are allowed. Siding is not allowed.
 - f) Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood are allowed 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 is required, must be consistent with and reinforce the architectural character of the existing structure or must comply with the applicable regulations for new construction set forth in *Subsection XX, Specific Regulations: Residential Subarea I(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:
 - i. Alterations and additions must be consistent with and reinforce the historic architectural character of the entire existing contributing structure and must comply with the applicable regulations for new construction set forth in *Subsection XX, Specific Regulations: Residential Subarea I(2)(B)* above; or
 - ii. 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.
- e. Site development, sidewalks and curbs:
 - i. The sidewalk must be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties the new sidewalk must match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk must be 6 feet wide.

- ii. Repairs or replacement of existing brick sidewalks must be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
- iii. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, must be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
- iv. Sidewalks crossing driveways must be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons may not interfere with the visual field of the pedestrian path.
- v. Curbing must be granite; poured concrete may not be used. Curbing must be at least 6 inches in height from street level.
- vi. Historic materials such as brick, granite, and cobblestones shall be reused where possible.
- vii. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district must be a red brick color.

H. Specific Regulations: Commercial Subarea II

In addition to the general regulations set forth in Sec. XX, *General Regulations*, the following regulations will apply to properties 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-Unit Residential Uses.** For single and two family residential uses the regulations specified in Sec. XX, *Specific Regulations: Residential Subarea I* apply.
3. **Multi-Unit Residential Uses.** For multi-unit uses the following controls and requirements apply:
 - a. Lot Standards:
 - i. **Setbacks.** The primary street setback may not be less than 5 feet nor greater than 15 feet. Other setbacks must be regulated by the applicable commercial district regulations.
 - ii. **Bulk Limitations.** Floor area ratio may not exceed an amount equal to 2.52 times net lot area.
 - b. Height:

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- i. **Maximum building heights.** Buildings which are within 150 feet of a single-unit or a two-unit residential district boundary must have a maximum height of 35 feet. Buildings that are between 150 feet and 300 feet from a single-unit or a two-unit residential district boundary must have a maximum height of 52 feet.
 - ii. **Transitional height planes.** Where this use adjoins a House-Scale or Neighborhood-Scale district without an intervening street, height within the subarea will be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending in ward over the commercial subarea at an angle of 45 degrees.
 - c. **On-site parking requirements.** On-site parking is not allowed between the principal structure and any public street.
 - d. **Architectural Standards.** The standards outlined in *Sec. XX, Same; Further Standards* must apply as applicable.
4. **Commercial Uses.** For commercial uses the following controls and requirements must apply as applicable:
- a. Lot Standards:
 - i. **Setbacks.** The primary street setback may not be less than 5 feet nor greater than 15 feet. Other setbacks must be regulated by the applicable commercial district regulations.
 - ii. **Bulk Limitations.** Floor area ratio may not exceed an amount equal to one times net lot area.
 - b. Height:
 - i. **Maximum building heights.** Buildings which are within 150 feet of a single-unit or a two-unit residential district boundary must have a maximum height of 35 feet. Buildings that are between 150 feet and 300 feet from a single-unit or a two-unit residential district boundary must have a maximum height of 52 feet.
 - ii. **Transitional height planes.** Where this use adjoins a House-Scale or Neighborhood-Scale district without an intervening street, height within the subarea must be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 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 45 degrees.
 - c. **On-site parking requirements.** On-site parking is not allowed between the principal structure and any public street.
 - d. **Architectural Standards.** The standards outlined in *Sec. XX, Same; Further Standards* will apply as applicable.

I. Specific regulations: Transitional Industrial Subarea III

In addition to the general regulations set forth in *Sec. XX, General Regulations, subsections (3), (4), and (6)*, the following regulations must apply to all properties 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 must apply:
- a. **Certificates of Appropriateness.** Certificates of Appropriateness are not required, but all applications for building permits, zoning amendments, special use permits, and variances within this subarea must be submitted to the commission for review and comment prior to any final action on such application.
 - b. Height:
 - i. Maximum building heights. Buildings which are within 150 feet of a single-unit or a two-unit residential district boundary must have a maximum height of 35 feet. Buildings that are between 150 feet and 300 feet from a single-unit or a two-unit residential district boundary must have a maximum height of 52 feet.
 - ii. Transitional height planes. Where this use adjoins a House-Scale or Neighborhood-Scale district without an intervening street, height within the subarea must be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 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 45 degrees.
 - c. **Transitional Screen.** A Type D Transition, as specified in Sec. 8.4.2, is required along all House-Scale and Neighborhood-Scale District boundaries. A Transition Screen - High 1 is required.
 - d. **Fencing.** The Transition Screen - High 1 fence must be erected so the planted area required is visible from the adjacent properties or a public street.
 - e. **Other Uses.** For uses other than industrial uses, the controls and requirements set forth in *Sec. XX, Specific Regulations: Commercial Subarea II* apply, with the exception of *Sec. XX, Specific Regulations: Commercial Subarea II(3)(a)(2)*. Multi-unit residential uses must be limited in the Transitional Industrial Subarea III to a floor area ratio of 1.2 times net lot area.

J. Further Provisions

Any time the *Sec. XX, Further Provisions(b)* of the Land Development Code is enforced in this district, the Director of the Commission must notify the Grant Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the association.

DIVISION 6.13. **INMAN PARK (HD5)**

A. Statement of Intent

The intent of 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 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.

B. Scope of Regulations

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

1. The official zoning map and all regulations governing all properties within the Inman Park Historic District will remain in full force and effect. The regulations contained within this *Div. 6.13* will be overlaid upon, and must 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 *Div. 6.13* will apply.
2. Except where it is otherwise explicitly provided, the provisions of *Div. 6.1* of this part will apply to this district. Whenever the regulations of *Div. 6.13* conflict with the provisions of *Div. 6.1*, the regulations of *Div. 6.13* will apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Inman Park Historic District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this Division 6.13, the interpretation provision set forth in *Sec. XX, Further Provisions* of the Code of Ordinances will govern.

C. Boundaries

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

1. Inman Park Core District, Subarea 1 (SA1).
2. DeKalb Avenue Corridor Transitional District, Subarea 2 (SA2).
3. Railroad Corridor Commercial and Industrial Transitional District, Subarea 3 (SA3).

D. Organization

The overlay zoning regulations for the Inman Park Historic District consist of two 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.

E. General Regulations

The following general regulations 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 *Sec. XX, Same; Types and Procedures* of the Zoning Ordinance.
 - b. In the Inman Park Historic District, the commission must apply the standards referenced below only if the standards set forth elsewhere in this *Div. 6.13* do not specifically address the application including multi-unit residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property must 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.

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- ii. The historic character of a property must 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 must be recognized as a physical record of its time, place, and use. Changes may 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 must be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.
 - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, and, where possible, materials.
 - vii. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used.
 - viii. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.
 - ix. New additions, exterior alterations, or related new construction, may not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and must 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 must 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 is not discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy *Sec. XX, Specific Regulations for Subarea 2, DeKalb Avenue Corridor Transitional District* or *Sec. XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3*, as applicable.
- d. Compatibility rule:
- i. 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.

- ii. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows:
 - a) Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question must 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 must be internally consistent with the historic design of the structure and must 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 must be internally consistent with the historic design of the structure.
 - b) Where not quantifiable (roof form, architectural trim, etc.) it must be compatible with that which predominates in contributing structures on that block face and must 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 must first be submitted to and reviewed by the Department of City Planning for conformance with the zoning requirements of Subarea 2 or 3 as applies. The Director Planning Director must review said plans and must transmit to the Director of the Commission in writing within 30 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.
 - f. Building height must be measured on the ground story elevation from the average grade on the ground story elevation to the highest point of the roof or facade, whichever is higher.
2. Certificates of appropriateness:
- a. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.
 - b. Type I certificates of appropriateness for ordinary repairs and maintenance are not 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 shall be reviewed by the Director of the Commission and are required for:
 - i. All alterations 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.
 - ii. Fences, walls, accessory structures, decks, rear porches, and paving.
 - iii. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of *Sec. XX, Specific regulations for Inman Park Core District, Subarea 1, Sec. XX, Specific Regulations for Subarea 2, DeKalb Avenue Corridor Transitional District, or Sec. XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial*

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District, Subarea 3, as applicable, the Director of the Commission must issue Type II certificate within 14 days of the application.

- iv. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of *Sec. XX, Specific regulations for Inman Park Core District, Subarea 1, Sec. XX, Specific Regulations for Subarea 2, DeKalb Avenue Corridor Transitional District, or Sec. XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3*, as applicable, the Director of the Commission must deny the application with notice to the applicant within 14 days of the application.
 - v. Appeals from any such decision of the Director of the Commission regarding the approval 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 *Sec. XX, Same; Types and Procedures(a)* for Type I certificates.
- d. Type III certificates of appropriateness must be reviewed by the Commission and are required for:
- i. All new principal structures.
 - ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.
 - iii. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.
 - iv. Subdivisions, consolidations, and replats as required per *Sec. XX, General Regulations(5)*.
 - v. Variances.
- e. Type IV certificates of appropriateness are required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure requires 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 and appeals.** Variance applications and appeals from these regulations must be heard by the Commission. The Commission will have the authority to grant or deny variances from the provisions of this Division 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 must be the same as those specified in *Div. 9.6, Quasi-Judicial Review*. The Commission will have the authority to grant or deny applications for appeal pursuant to the standards in *Sec. XX, Appeals from Decisions of Administrative Official* and the appeal provisions for said decision, set forth in *Sec. XX, Appeals from Decisions of Administrative Official(e)*, will 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 will be on the applicant.
 - c. The Commission will 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 Division.
 - d. The Commission must consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it will grant an exemption, in whole or in part, as appropriate.
5. Subdivisions or consolidations:
- a. In Subarea 1, the platting pattern of the Inman Park Historic District is an integral part of the historic character of the district. No subdivision or consolidation may be approved unless it can be shown that the proposed subdivision or consolidation 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 *Sec. XX, Streets(a)(2)* and *XX, Lots(d)(6)*, all subdivisions or consolidations of lots must conform to the historic platting pattern in the Inman Park Historic District with regard to lot size, dimensions, and configurations. The compatibility rule will apply, and no subdivision or consolidation shall be approved unless and until the 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.
 - b. In Subarea II and III, no replat to create additional lots or consolidation may be approved unless and until the Commission has made a finding that the proposed replat or consolidation will result in lots that would allow for future development that would meet the district and subarea regulations without the need for variance. The Commission may make such a finding independent of or concurrently with the review of proposed new construction, alterations, or additions on those same lots.
6. **Tree preservation and replacement.** The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158, Article II, will apply to this district.

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7. Any time the *Sec. XX, Further Provisions (b)* of this part is enforced in this district, the Director of the Commission must notify the Inman Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the association. Further, the Director must 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.

F. Specific Regulations for Inman Park Core District, Subarea 1

In the Inman Park Core District, Subarea 1, the Commission will apply the standards referenced in *Sec. XX, General Regulations(1)(b)* only if the standards set forth below in this *Div. 6.13* do not specifically address the application:

1. Design standards and other criteria for construction of and for additions to one- and two-unit residential structures.
 - a. No individual house design may be substantially repeated on the same side of a street block.
 - b. An unpaved streetscape amenity zone adjacent and parallel to the public street must be provided. The compatibility rule must apply to the dimensions and location of the amenity zone.
 - c. Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified below:
 - i. The compatibility rule applies to the pedestrian zone.
 - ii. The pedestrian zone must be the same width as the pedestrian zone on abutting properties or it must be the width required by law, whichever is greater.
 - iii. If no pedestrian zone exists in the block, the new pedestrian zone must be at least 6 feet wide.
 - iv. If no pedestrian zone paving material predominates in the block, the pedestrian zone must 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 streetscape pedestrian zone to the front entry feature of the principal structure must be provided.
 - e. All front facades, front porches, front steps, and front doors of the principal structure must 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 must apply.
 - f. The compatibility rule must apply to the form and pitch of the primary roof of the principal structure.
 - g. The compatibility rule must apply to the height, scale, and massing of the principal structure, except as noted below. In no case must the height of a structure exceed 35 feet. (See *Sec. XX, Height; Excluded Portions of Structures* for excluded portions of structure.)
 - i. The height of additions is not subject to the compatibility rule, but may be no higher than the existing structure.

- ii. Notwithstanding the compatibility rule, any new roof ridge line may be no higher than the highest roof ridge line of the existing structure.
- h. Height of the ground story of the street-facing front facade above grade must be subject to the compatibility rule. The ground story of the principal structure must be on foundations and must be elevated above grade at the street-facing front facade a minimum of 2 entrance risers each of which must be not less than 7 inches in height. Slab-on-grade construction is not allowed.
- i. Front porches on principal structures are required. The compatibility rule must apply to the design and size of said front porches, provided that such porches must be a minimum of 12 feet wide or one-half of the width of the street-facing front facade, whichever is greater, and a minimum of 8 feet deep. Front porches must 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 must have closed risers and ends.
- j. Decks are allowed only when located to the rear of the principal structure. Such decks must be no wider than the width of the house and may not project beyond the side facade of the existing 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 allowed retaining walls, visible from a public street or park upon completion, subject to the provisions of *Sec. XX, Signs not Requiring a Permit(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 side street yard. Walls, excluding allowed retaining walls, are not allowed 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. Fences located in the required front yard adjacent to a street must be constructed of brick, stone, metal vertical pickets or wood pickets. Chain link fencing is not allowed in front yards or in other yards adjacent to public streets.
- m. The compatibility rule must apply to the height of 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 must be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, no single Section of such retaining wall must exceed 4 feet in height.
- n. The compatibility rule shall apply to the following aspects of windows and doors, if visible from a public street or park upon completion:
 - i. The style of the individual window.
 - a) Windows in the front facade must be predominantly vertical in proportion.

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- b) If muntins or mullions are used, such muntins or mullions must be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - c) 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 windows and doors and glazing as it relates to the building facade.
- o. Mechanical equipment must 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 facade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not allowed.
- q. The compatibility rule must 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.
 - a) Exterior doors must be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - vii. Paving materials for walks and drives.
 - a) Asphalt is not allowed.
 - viii. Visible foundation materials.
 - a) Foundations shall constitute a distinct building design element and shall contrast with the primary facade siding material. Exposed concrete or CMU foundation walls are not allowed as a finished surface.
 - ix. Visible portions of chimneys.
 - a) Chimneys must be faced with masonry. Siding on chimneys is not allowed.
 - x. Skylights are allowed where not visible from a public street or park wherever possible. Protruding bubble skylights are not allowed.

2. Setback requirements:

- a. **New construction.** The following setback requirements and maximum floor area ratio apply to all permitted uses of new construction: Front, side, and rear setbacks are subject to the compatibility rule.
 - b. **New additions to existing structures.** The following setback requirements and maximum floor area ratio apply to all permitted uses of new additions to existing structures: Rear setbacks are subject to the compatibility rule. The compatibility rule will not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition may not be less than the respective setback, at its closest point, of the existing structure.
3. **Off-street parking and driveways.** In addition general parking location restrictions of the underlying zoning districts, which apply and are incorporated herein, the following parking requirements apply to all permitted uses:
- a. Off-street parking is not allowed between the principal structure and any public street.
 - b. Parking is not allowed on walkways that are located between the street and the facade of the principal structure.
 - c. The use of alleys for access to such parking is both allowed and encouraged. No variance is required for driveways coming off of an alley provided however that such driveways may not extend past any facade which faces a public street.
 - d. Driveways and curb cuts must be as specified in [Sec. 8.3.2](#).
4. Principal uses and structures:
- a. Properties that have an underlying zoning district of N2B-R3 may only be used for the following principal purposes, subject to the following provisions:
 - i. One single-unit dwelling with or without one ADU; or
 - ii. One two-unit dwelling with no ADU; or
 - iii. One maternity supportive housing.
 - iv. Floor area ratio may not exceed 0.50.
 - b. Properties than have an underlying zoning district other than N2B-R3 must be used as otherwise allowed by the applicable district regulations, including any zoning conditions, and must also comply with the applicable provisions of this District 6.13.
5. **Limits on two-unit development.** In order to preserve the character of single-unit 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 will apply:
- a. Principal buildings that are designed as two-unit dwellings must 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 story unit. The compatibility rule must apply to the configuration of the duplex structure.

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- b. Where an accessory residential structure is used as a detached accessory dwelling unit (ADU), the following limits apply:
 - i. The ADU may not exceed 1,200 square feet or 40% 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% of the principal building, the square footage of the ADU is not included when calculating the total area of the accessory building.
6. **Other 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. **Accessory residential structures.** When a private garage is part of a principal structure, the garage door may not be located on the street-facing front facade of the principal structure, nor the side facade 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 must require a variance from the Commission, which variance may be granted only upon finding that:
 - a) 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
 - b) The area for such activity could not reasonably be located elsewhere on the lot.
 - ii. The Commission may condition any variance for such facilities based on concerns regarding fencing, screening or other buffering, existence 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 *Sec. XX, Application(17)*.
 - d. Structures necessary for active construction projects.
 - e. Devices for the generation of energy, such as solar panels, wind generators and similar devices, electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, but not located in or to the front of the principal structure.
 - f. The following regulations must apply to all permitted accessory uses and structures:
 - i. Except in the case of home occupation, no accessory use may be of a commercial nature.
 - ii. No accessory structure may be constructed until construction of the principal structure has actually begun, and no accessory structure may be used or occupied until the principal structure is completed and in use.

- iii. Accessory structures may not cover more than 25% of the rear yard.
- iv. Accessory structures must be placed behind the principal structure; side and rear setbacks may not be less than 3 feet.
- v. Accessory structures may not exceed 25 feet in height or the height of the principal structure, whichever is less, and may not contain a total floor area greater than 30% of the floor area of the principal structure.

G. Specific Regulations for Subarea 2, DeKalb Avenue Corridor Transitional District

The DeKalb Avenue Corridor Transitional District, Subarea 2, consists of properties that are zoned Urban General Form Districts and other zoning classifications. The following regulations 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-unit residential uses.** For single and two-unit residential uses the regulations set forth in *Sec. XX, Specific regulations for Inman Park Core District, Subarea 1* shall apply.
3. **Multi-unit residential uses.** For multi-unit uses the following controls and requirements apply:
 - a. **Lot Standards:**
 - i. **Setbacks.** The street-facing front setback may not be less than 5 feet nor greater than 15 feet. Other setbacks must be regulated by the applicable commercial district regulations.
 - ii. **Bulk limitations.** Floor area ratio may not exceed an amount equal to 0.696 times (69.6%) net lot area.
 - b. Height:
 - i. **Maximum building heights.** Buildings located within 150 feet of a single-unit or a two-unit residential district boundary must have a maximum height of 35 feet. Buildings located between 150 feet and 300 feet from a single-unit or a two-unit residential district boundary must have a maximum height of 52 feet.
 - ii. **Transitional height planes.** Where this use adjoins a House-Scale or Neighborhood-Scale, or any other exclusively residential zoning classification without an intervening street, height within the subarea must be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 35 feet above the buildable area

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boundary nearest to the common residential district boundary and extending inward over the commercial subarea at an angle of 45 degrees.

- c. **On-site parking requirements.** On-site parking is not allowed between the principal structure and any public street.
 - d. **Architectural standards.** The standards contained in *Sec. XX, General Regulations(1)(b)* and *Sec. XX, General Regulations(1)(c)* shall apply.
4. **Nonresidential uses.** For nonresidential uses the following controls and requirements apply:
- a. Lot standards:
 - i. **Setbacks.** The street-facing front setback may not be less than 5 feet nor greater than 15 feet. Other setbacks must be regulated by the applicable commercial district regulations.
 - ii. **Bulk limitations.** Floor area ratio may not exceed an amount equal to 1.0 times (100%) net lot area.
 - b. Height:
 - i. **Maximum building heights.** Buildings located within 150 feet of a House-Scale or Neighborhood-Scale district boundary must have a maximum height of 35 feet. Buildings located between 150 feet and 300 feet from a single-unit or a two-unit residential district boundary must have a maximum height of 52 feet.
 - ii. **Transitional height planes.** Where this use adjoins a district in House-Scale or Neighborhood-Scale, or any other exclusively residential zoning classification without an intervening street, height within the subarea must be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 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 45 degrees.
 - c. **On-site parking requirements.** On-site parking is not allowed between the principal structure and any public street.
 - d. **Architectural standards.** The standards contained in *Sec. XX, General Regulations(1)(b)* and *Sec. XX, General Regulations(1)(c)* must apply.
5. **Zoning variances granted prior to enactment of this Ordinance.** Any owner of property who obtained, on or after January 1, 1982, and prior to the effective date of this Ordinance, a variance from the 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 *Sec. XX, Specific Regulations for Subarea 2, DeKalb Avenue Corridor Transitional District* notwithstanding.

H. Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3

The following regulations 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 ground story 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 outdoor amenity 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. **Outdoor Amenity Space:**

Outdoor amenity space must be provided as specified in the underlying zoning district.
3. **Streetscape regulations.** Streetscapes must be provided as specified in *Sec. 3.5.1*, except as otherwise specified in this Section.
 - a. Streetscapes must have a total width of at least 12 feet.
 - b. The pedestrian zone must have a width of at least 7 feet. Said zone must be hardscape and must be unobstructed for a minimum width of 7 feet and a minimum height of 8 feet by any permanent or nonpermanent element.
 - c. No awning or canopy may encroach more than 5 feet over the required streetscape.

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- d. Where property within this district abuts a House-Scale or Neighborhood-Scale district without an intervening street, the streetscape area within 20 feet of such districts must taper as necessary to provide a smooth transition to the existing House-Scale or Neighborhood-Scale Form District streetscape. In the event that the abutting House-Scale or Neighborhood-Scale Form District has no existing streetscape, the streetscape must taper to a width of 6 feet pedestrian zone.
 - e. Every commercially reasonable effort must be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
4. **Block sizes.** New development must incorporate new blocks as specified in Sec. 8.3.1.
5. Building heights.
- a. **Minimum building facade heights.** Buildings must 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 House-Scale or Neighborhood-Scale district may not exceed a maximum height of 35 feet, except, however, that mixed-use structures must be a maximum height of 28 feet-40 feet with the specific height to be determined by the Commission, considering the height of surrounding structures or buildings provided that such approval, if granted, will not have substantive detriment to the public good nor impair the purposes and intent of this Division.
 - c. The Commission may approve, by variance, an addition to the above range of heights, to accommodate unusual topographic conditions, so that the Commission 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 House-Scale or Neighborhood-Scale district may 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 House-Scale or Neighborhood-Scale 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.
6. Building setbacks.
- a. **Side or rear:**
 - i. For residential uses: A minimum 20 feet side and rear setback is required.
 - ii. For nonresidential uses: No requirement.
 - b. **Primary street setback .** For residential uses, a minimum ten-foot front yard, measured from the front lot line, is required. For nonresidential uses, no primary street setback is required.
7. **Parking, curb cuts, and parking structures:** The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified as follows:
- a. Sidewalk paving materials must be continued across intervening driveways.
 - b. Driveways must have a band of textured concrete adjacent to the street in line with and equal in width to the amenity zone and must have a textured band of concrete adjacent to the sidewalk in line with the supplemental zone and a minimum width of 5 feet from the sidewalk.

No more than one curb cut is allowed 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. No circular drives are allowed between any building and any public street.
 - d. Curb cuts and driveways are not allowed on any arterial street when access may be provided from a side or rear street or from an alley.
 - e. Parking areas or driveways are not allowed between the sidewalk and a building, except as follows: Driveways to reach the side yard or rear yard of a lot are allowed; driveways to reach an on-site parking facility are allowed, and, for lots with 3 or more frontages, parking spaces or loading areas may be located between a building and the street on one side of the building.
 - f. Entrances to garages that serve residential units must be located in a side or rear yard that is not visible from a public street or park.
 - g. All contiguous ground-floor residential units must share one common drive, located in rear yards or side yards without street frontage, to serve garages and parking areas.
 - h. In addition to *Sec. XX, Parking Structures*, parking deck facades must have the appearance of a horizontal storied building.
 - i. Parking decks along the street frontage must have:
 - i. Ground story storefronts; or
 - ii. Ground story residential uses.
 - j. A common or joint driveway may be authorized by the Director of the Office of Zoning and Development 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 Office of Zoning and Development when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such recorded agreement is provided to the Department of City Planning.
 - k. All developments must have sidewalks a minimum width of 4 feet connecting ground level parking to the public sidewalks and to all building entry features.
 - l. No drop-off lanes are allowed along public streets.
8. Lighting, security, and maintenance requirements for parking structures and surface parking lots:
- a. Lighting must be provided throughout all parking facilities at a minimum of one-half foot candle of light.
 - b. Parking facilities must be maintained in a clean, safe, and sanitary condition. Parking spaces and driving lanes must be clearly defined and maintained.
9. **Minimum landscaping requirements for surface parking lots.** All parking lots containing 5 or more parking spaces must comply with all of the requirements of *Sec. XX, Surface Parking Lots, Landscaping and Barrier Requirements*.

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10. **Permitted uses.** The regulations of underlying zoning district notwithstanding, within the Railroad Commercial and Industrial Corridor, Subarea 3, a building or premises may be used only for the following principal purposes, except that only properties that: (1) are zoned W2-14 or (2) that are used as legal nonconforming uses on the date of original adoption of this Division, may be used for *Subsection 13.i* below:
- a. Wholesale bakeries and catering establishments not exceeding 5,000 square feet of floor area.
 - b. Retail banks not exceeding 8,000 square feet of floor area and having a footprint no greater than 4,000 square feet.
 - c. Hair and nail salons not exceeding 4,000 square feet.
 - d. Private day care and private education not exceeding 8,000 square feet.
 - e. General indoor recreation and entertainment not exceeding 8,000 square feet of floor area.
 - f. General food and beverage and bars not exceeding 12,000 square feet of floor area.
 - g. Laundry service not exceeding 2,000 square feet of floor area.
 - h. Artisan workshop, low impact manufacturing, and wholesale trade where floor area does not exceed 15,000 square feet and subject to noise limitation standards set forth in *subsection 19* below.
 - i. One- and two-unit dwellings, subject to the requirements of *Sec. XX, Specific regulations for Inman Park Core District, Subarea 1* for new construction.
 - j. Multi-unit dwellings, not to exceed a floor area of 0.696 times net lot area.
 - k. Private library or museum, community center, religious assembly.
 - l. General supervised group living
 - m. General offices, general medical, and indoor animal care. Indoor animal care must be located within soundproof buildings when located within 300 feet of any residential use.
 - n. Research and development.
 - o. General personal services not exceeding 12,000 square feet of floor area.
 - p. Light vehicle service and repair.
 - q. General retail not exceeding 12,000 square feet of floor area.
 - r. Grocery stores not exceeding 20,000 square feet of floor area.
 - s. Small discount variety stores, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.
11. Lot standards:
- a. **Bulk limitations.** For purposes of this Division, and notwithstanding the provisions of Code *Sec. XX, Application(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% of the total floor area, excluding accessory uses.

- b. Maximum allowed floor area ratios without bonuses:
- i. For nonresidential uses, floor area may not exceed an amount equal to 1.0 times net lot area.
 - ii. For residential uses, floor area may not exceed an amount equal to 0.696 times gross lot area.
 - iii. For mixed use, floor area ratio may not exceed 1.196 times net lot area, but not greater than the maximum ratios allowed for each and not greater than a total of 1.196 (See *Sec. XX, Application(24)*).
- c. **Maximum allowed floor area with bonuses.** Under no circumstances may 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. **Outdoor amenity space and streets bonus.** Subject to the maximum allowed floor area of 1.49 times net lot area set forth above, a development is entitled to a floor area bonus such that for every one square foot by which the total of outdoor amenity space or public space provided on a lot (including new streets that satisfy the standards of *Subsection XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3(2)*) exceeds the requirements of *Subsections XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3(2)(a) [residential open space], XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3(2)(b) [nonresidential public space] and XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3(2)(c) [mixed use public space]*, as applicable, up to two additional square feet of floor area is allowed on such lot. Such bonus must apply regardless of whether such excess open space or public space is provided pursuant to any other requirements of this Division (e.g., railroad buffer, new streets, or sidewalks).
 - ii. **Affordable housing bonus.** Residential uses are allowed a floor area bonus of 0.500 times gross lot area, provided that 30% or more affordable sales housing units or rental housing units are provided for that portion of residential units resulting from the bonus.
 - iii. **Ground-story commercial office or retail bonus.** Developments which provide street-facing, ground story retail office or retail establishments or eating and drinking establishments which together comprise a minimum of 20% of the building foot print and meet all of the requirements of **Subsection XX** will 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 providing community centers made available to the general public during the same time period of each day that community centers or recreation centers operated by the City of Atlanta are open, are allowed a floor area bonus equal to the total floor area of the community center provided.

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- v. Affordable new sales housing units or rental housing units requirements:
 - a) Affordable housing shall must have the meaning set forth in Chapter 19, Sec. 19-1006 of the Code of Ordinances of the City of Atlanta.
 - d. Affordable housing requirements must be in place for a minimum of 20 years.
 - e. No housing unit associated with a development project for which bonus FAR calculations were applied may be issued an occupancy permit until such time as documentation is provided to the Office 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.
12. **On-site parking requirements.** The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified as follows:
- a. On-site parking is not allowed between the principal structure and the street except that one parking area between the street and one side of a building must be allowed for lots with three or more frontages. On-site parking must 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 must 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.
13. Other general requirements for uses allowed within Subarea 3:
- a. Light vehicle service and repair may not have entrances to service bays or vehicle storage areas that are open to and visible from a public street or park.
 - b. One and two-unit dwellings must comply with the requirements of *Sec. XX, Specific regulations for Inman Park Core District, Subarea 1.*
 - c. The standards contained in Subsection *XX, Definitions(1)(b) and Subsection XX, Definitions(1)(c)* must apply.
 - d. Noise limitation standards. The Atlanta Noise Ordinance, Atlanta Code Sec. 74-129 et seq., as it may be amended from time to time, must apply to this district.
 - e. **Zoning variances granted prior to enactment of this Ordinance.** Any owner of property who obtained, on or after January 1, 1982, and prior to the effective date of this Ordinance, a variance from the City Board of Zoning Adjustment to construct all or a portion of a project within the boundaries of this district, must be entitled to construct said project in accordance with the plans presented in said application, the provisions of *Sec. XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3* notwithstanding.
 - f. Any building existing at the time of original adoption of this Division 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, is allowed 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, 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.

- g. Minor alterations may be made to structures and improvements existing at the time of original adoption of this Division and additions may be made to structures existing at the time of enactment of this Division in the amount of 30% 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 Commission, so long as such alterations and additions meet the requirements of the underlying zoning classification (e.g., C-2 or I-2).

DIVISION 6.14. **OAKLAND CITY (HD6)**

A. Statement of Intent

The intent of 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-unit 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.

B. Scope of Regulations

1. The official zoning map and regulations governing all properties within the Oakland City Historic District will remain in full force and effect. The following zoning regulations (*Div. 6.14*) will be overlaid upon, and will be imposed in addition to, said existing zoning regulations. Whenever the following regulations conflict with said existing zoning regulations, the following regulations (*Div. 6.14*) will apply.
2. Except when otherwise explicitly provided, the provisions of *Div. 6.1* of this part will apply to this district. Whenever the regulations of *Div. 6.14* conflict with the provisions of Division 6.1, the regulations of *Div. 6.14* shall apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply. In the event of any conflict between said other regulations and the following regulations (*Div. 6.14*) the interpretation provision set forth in *Sec. XX, Further Provisions(c)* of the Code of Ordinances shall govern.

C. Boundaries

The boundaries for the Oakland City Historic District constitute an Overlay Historic District (HD) zoning district, which district is as shown on the official zoning map.

D. Definitions

For the purposes of interpreting this *Div. 6.14*, the following definitions 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. "Glazing" 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.

E. 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 must 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 must 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 must 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 must be compatible with that which predominates in such like contributing structures on that block face and must be internally consistent with the historic design of the structure.

F. General Criteria

1. Notwithstanding any other provision herein, no certificate of appropriateness is 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 will be those specified in *Sec. XX, Same; Types and Procedures* of the Zoning Ordinance.
3. The Commission will apply the standards referenced in *Sec. XX, Same; Further Standards* only if the standards set forth in this *Div. 6.14* do not specifically address the application.

G. Certificates of Appropriateness

1. Type I certificates of appropriateness for ordinary repairs and maintenance are not 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 are required for: minor alterations to any principal structure when the alterations are visible from a public street; and the construction of fences, walls, accessory structures, decks, and paving. If the proposed alteration meets the requirements of *Sec. XX, Certificates of Appropriateness*, then the Director of the Commission will 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 *Sec. XX, Lot Standards* and *Sec. XX, Architectural Standards*, the Director of the Commission will deny the application. Appeals from said decision of the Director regarding the issuance 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 *Sec. XX, Same; Types and Procedures(a)* for Type I certificates of appropriateness.
3. Type III certificates of appropriateness are 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 are required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure requires 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.

H. Variances

Variance requests must 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 must be the same as those specified in *Div. 9.6, Quasi-Judicial Review*.

I. 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 must be on the applicant.
3. The Commission must 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 *Div.*
4. The Commission must consider these factors and must 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.

J. Subdivisions

In addition to the requirements of the subdivision and zoning ordinances, including but not limited to *Sec. XX, Streets(a)(2)* and *XX, Lots(d)(6)*, all subdivisions of lots must 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.

K. Tree Preservation and Replacement

The provisions of City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158, Article II, apply to this district.

L. Lot Standards

1. **Primary street setbacks.** Primary street setbacks must either: i) conform to the setback of the previously existing contributing building of like use; or ii) comply with the compatibility rule.
2. **Side setbacks.** Side setbacks must 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 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 7 feet.
3. **Rear setback.** Rear setback shall be seven 7 feet.
4. On-site parking and driveway requirements:
 - a. On-site parking is not allowed in the front yard or side street yard.
 - b. If constructed, independent driveways within the front yard or side street yard must be a maximum of 10 feet wide and must have a maximum curb cut of 10 feet, exclusive of the flare.
 - c. The compatibility rule must apply to the construction of side-by-side driveways and, if allowed, the design thereof.

- d. Floor area ratio may not exceed 0.50.

M. 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.
2. The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only:
 - a. American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Minimal Traditional Cottages.
3. Building standards and criteria for new principal structures:
 - a. No individual house design may substantially repeat a design of a new principal structure on the block face that was approved by the Commission since the original adoption of this district.
 - b. An unpaved streetscape amenity zone adjacent and parallel to the public street must be provided. The compatibility rule must apply to the dimensions and design of amenity zones.
 - c. A streetscape pedestrian zone between the amenity zone and the required front yard and parallel to the public street must be provided. The pedestrian zone must be the same width as the pedestrian zones on abutting properties or it must be the width otherwise required by city ordinance, whichever is greater. If no sidewalk exists in the block, the new sidewalk may not be less than 6-feet wide. The compatibility rule must apply to pedestrian zone paving materials. If no sidewalk paving material predominates in the block, the pedestrian zone must 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 streetscape pedestrian zone to the front entry feature of the principal structure must be provided.
 - e. All front facades, front porches, and front doors of the principal structure must 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 must apply.
 - f. The compatibility rule must apply to the form and pitch of the primary roof of the primary structure.
 - g. The compatibility rule must apply to the height, scale, and massing of the principal structure. In no case must the height of a structure exceed 35 feet.

- h. The maximum height of the ground story of the front facade above grade must be subject to the compatibility rule. At a minimum, the ground story of the principal structure must be on foundations and must be elevated above grade at the front facade a minimum of two entrance risers each of which may not be less than 7 inches in height. Slab-on-grade construction is not allowed.
- i. The compatibility rule must apply to the design and size of front porches, and the placement and orientation of front steps. Front porches must contain roofs, balustrades, columns, steps, and other features as determined by the compatibility rule. Front porches may extend up to 10 feet into the required front yard. All front porch steps must have closed risers and ends.
- j. Decks are allowed only when located to the rear of the principal structure and such decks may 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 facade element, the chimney must originate at grade.
- l. Fences and walls, excluding retaining walls, visible from a public street upon completion, subject to provisions of *Sec. XX, Signs not Requiring a Permit(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 side street yard. Walls, excluding retaining walls, are not allowed in the front yard or side street yard.
 - ii. Fences and walls, excluding retaining walls, not exceeding 6 feet in height may be erected in side or rear yards.
- m. The compatibility rule must apply to the design of all fences located in a front yard or side street yard. Fences located in the front yard or side street yard must be constructed of brick, stone, ornamental iron, or wood. Chain link fencing is not allowed in front yards or side street yard.
- n. The compatibility rule must apply to the design and height of portions of retaining walls located in a front yard or side street yard that are visible from a public street. Such retaining walls must be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, at no point of such retaining wall must exceed 4 feet in height.
- o. Glazing, if visible from a public street upon completion, must meet the following requirements:
 - i. Windows in the street-facing facade must be predominantly vertical in proportion.
 - ii. If muntins or mullions are used, such muntins or mullions must be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- p. Window and door casing widths and depths:
 - i. Replacement windows units must maintain the size and shape of the original window opening.

- ii. The compatibility rule must apply to the following aspects of windows and doors and glazing:
 - a) The size and shape of individual window openings.
 - b) The overall pattern of windows and doors and glazing as it relates to the building facade.
 - c) The style of the individual window.
- q. Mechanical and communication equipment must 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.
- r. 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 facades of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not allowed.
- s. In addition to all other applicable regulations, the compatibility rule must apply to the following building materials and design elements, if visible from a public street upon completion:
 - 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 exterior doors. Notwithstanding the compatibility rule, exterior doors must be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - vii. Gables and gable returns.
 - viii. Dormers
 - ix. Paving materials for walks and drives.
 - x. **Above-grade foundation materials.** Notwithstanding the compatibility rule, foundations must constitute a distinct building design element and must contrast with the street-facing facade's exterior material and exposed concrete or concrete masonry unit (CMU) foundation walls are not allowed as a finished surface.
 - xi. **Exterior portions of chimneys.** Notwithstanding the compatibility rule, chimneys must be faced with masonry and siding on chimneys is not allowed.
 - xii. **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 must be tinted to match the surrounding roof area. Protruding "bubble" skylights are not allowed.

N. Limits on Two-unit Development

In order to preserve the character of the predominant single-unit and two-unit pattern of development in the district, for new principal buildings that are designed as two-unit dwellings, the following design elements must be subject to the compatibility rule:

1. Number, location, and orientation of the front entry feature 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 pedestrian zone.

O. 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 street-facing facade of the principal structure, or the side facade if visible from a public street.
2. Home occupations, subject to limitation set forth in *Sec. XX, Definitions(17)*.
3. Structures necessary for active construction projects.
4. Devices for the generation of energy, such as solar panels, wind generators electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, and similar devices, but not located in front of the principal structure.
5. The following regulations must apply to all permitted accessory uses and structures:
 - i. Exception in the case of home occupation, no accessory use must be of a commercial nature.
 - ii. No accessory structure may be constructed until construction of the principal structure has actually begun, and no accessory structure may be used or occupied until the principal structure is completed and in use.
 - iii. Accessory structures may not cover more than 25% of the rear yard.
 - iv. Accessory structures must be placed behind the principal structure within the buildable area of the lot.
 - v. Accessory structures may not exceed 25 feet in height or the height of the principal structure, whichever is less, and may not contain a total floor area greater than 30% of the floor area of the principal structure.

P. Design Standards and Criteria for Alterations and Additions to Non-Contributing Structures

Alterations and additions to non-contributing structures requiring a certificate of appropriateness,

must 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 XX, Architectural Standards(2) above.*

Q. Design Criteria for Alterations and Additions to Contributing Structures

Alterations and additions to contributing structures requiring a certificate of appropriateness must comply with one of the following:

- a. Alterations and additions must be consistent with and reinforce the historic architectural character of the entire existing contributing structure and must comply with the applicable regulations set forth in *Subsection XX, Architectural Standards(2) above*; or
 - b. Alterations and additions may 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.
1. An increase in floor area otherwise authorized in the district will not constitute grounds for denial of a certificate of appropriateness.

R. Further Provisions

Any time the *Sec. XX, Further Provisions(b)* of this Ordinance is enforced in this district, the Director of the Commission must notify the Oakland City Neighborhood Association within 10 days and a 30-day period for comment be allowed for the association.

DIVISION 6.15. **CASTLEBERRY HILL (LD8)**

A. Statement of Intent

The intent of the Castleberry Hill Landmark District is as follows:

1. To preserve the historic physical pattern of the district, including the spatial relationships between buildings, and the spatial relationship between buildings and the street;
2. To preserve the architectural history of the district including commercial and industrial buildings that were constructed from the 1890s to 1959, including the largest concentration of historic warehouses in the city;
3. To ensure that new development is complementary to and compatible with the existing historic structures in the district;
4. To ensure that new construction is consistent with the character of the subarea which it is to be built and that such new construction blends harmoniously with the historic character of the entire district;
5. To ensure that new development that uses contemporary design and materials is compatible with and sensitive to the historic character of the Castleberry Hill Landmark District;
6. To encourage compatible economic development and neighborhood revitalization that promote a livable, sustainable neighborhood;
7. To promote pedestrian convenience and connect buildings to the public life of the street; and
8. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. Scope of Regulations

The scope of these regulations for the Castleberry Hill Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of Division 6.1 of this part will apply to this district. Whenever the regulations of Division 6.15 conflict with the provisions of Division 6.1, the regulations of Division 6.15 will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Castleberry Hill Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this Division 6.15, the interpretation provision set forth in *Sec. XX, Further Provisions(c)* will govern.

C. Boundaries

The boundaries of the Castleberry Hill Landmark District are as shown on the official zoning map. The district is divided into two subareas as follows:

1. Historic Core, Subarea 1 (SA1).
2. Transitional Historic Areas, Subarea 2 (SA2).

CASTLEBERRY HILL (LD8)**D. Definitions**

For the purposes of interpreting this Division 6.15, the following definitions apply:

1. "District" means the Castleberry Hill Landmark District, as shown on the official zoning map adopted herewith entitled the "Castleberry Hill Landmark District."
2. "Fenestration" means the arrangement, proportion, and design of windows and doors in a building.
3. "Principal structure" means the main structure on a property, exclusive of any detached accessory structures.
4. "Public street" means publicly dedicated streets and specifically excludes alleys in the District.
5. "Additions to the roof of a principal structure" means any enclosed space that does not meet the definition set out in *Sec. XX, Height; Excluded Portions of Structures(1)*.
6. "Arterial street" means main artery through neighborhood (Peters, Nelson, Walker, Whitehall, McDaniel, Spring, Mitchell and Fair streets; and Northside, M. L. King, Jr. and Centennial Olympic Park drives.)
7. "Off leash dog park" means an outdoor, uncovered open space used by dog owners to exercise and socialize their off leash dogs with the following characteristics:
 - a. the entire off leash area must be turf, other natural ground cover or natural material (not to include stone or masonry products), with exceptions for the entrance gate and water distribution areas as necessary;
 - b. the entire off leash area must be surrounded by perimeter fencing that meets the district regulations;
 - c. the entire off leash area, including the entrance gate areas, must contain at least one acre;
 - d. the off leash area must be divided into at least two separate, fenced areas, with at least one each for large dogs (30 pounds and over) and small dogs (under 30 pounds);
 - e. all off leash areas must have double gate entrance systems with latches;
 - f. all off leash areas must provide for maintenance access for vehicles;
 - g. all off leash areas must provide facilities for proper disposal of dog waste; and
 - h. all off leash areas must provide potable water service for dog drinking and maintenance.

E. Organization

The zoning regulations for the district consist of two 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.

F. Certificates of Appropriateness

1. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness will be those specified in *Sec. XX, Same; Types and Procedures* of the Zoning Ordinance.
2. Type I certificates of appropriateness are not required in this district.
3. Type II certificates of appropriateness are required for: minor alterations to the façade of any principal structure, including but not limited to: exterior stairs, landings, railings, awnings, canopies, and front stoops; and the construction of fences, walls, retaining walls, accessory structures, and paving. If the proposed alteration meets the requirements of *Sec. XX, General Regulations, XX, Specific Regulations for Historic Core, Subarea 1*, and *XX, Specific Regulations for Transitional Historic Areas, Subarea 2*, then the Director of the Commission will 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 *Sec. XX, General Regulations, XX, Specific Regulations for Historic Core, Subarea 1*, and *XX, Specific Regulations for Transitional Historic Areas, Subarea 2*, the Director of the Commission will deny the application. Appeals from said decision of the Director regarding the issuance 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 *Sec. XX, Same; Types and Procedures(a)* for Type I certificates of appropriateness.
4. Type III certificates of appropriateness are required for:
 - a. Construction of all new principal structures;
 - b. All major alterations and additions to an existing principal structure, including all major alterations and additions to the roofs of principal structures.
5. Type IV certificates of appropriateness are required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure requires 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.

G. General Regulations

The following general regulations will apply to all properties located within the district.

1. **Standards.** In the district, the Commission will apply the standards referenced below only if the standards set forth elsewhere in this Division 6.15 do not specifically address the application or any portion of the application:
 - a. The historic character of a property must be retained and preserved.
 - b. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property must be avoided.
 - c. Each property must be recognized as a physical record of its time, place, and use. Changes may not be undertaken that create a false sense of historic development, such as adding conjectural features or elements from other historic properties.

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- d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
 - e. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.
 - f. (Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, and, where possible, materials.
 - g. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used.
 - h. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.
 - i. New additions, exterior alterations, or related new construction, may not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - j. New additions and adjacent or related new construction must 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.
 - k. Contemporary design for new construction and for additions to existing properties is not discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy *Sec. XX, Specific Regulations for Historic Core, Subarea 1* or *Sec. XX, Specific Regulations for Transitional Historic Areas, Subarea 2*, as applicable.
 - l. The height of a structure must be measured on the façade facing the public street and measurement must be taken from the highest point of such grade to the top of the parapet wall.
2. Compatibility Rule:
- a. The intent of the regulations and guidelines is to ensure that alterations and additions to existing structures and new construction are compatible with the design, proportions, scale, and general character of the block face, the entire block, a particular subarea or the district as a whole. To permit flexibility, some regulations are made subject to the compatibility rule, which states: "Where not quantifiable, the element in question (building proportion, roof form, windows and doors, glazing, etc.) must match that which predominates on the contributing building in the subarea. Where quantifiable, the element in question (i.e., distance of ground story above streetscape grade), must be no smaller than the smallest or larger than the largest such dimensions of the contributing buildings in the subarea. Where quantifiable, the element in question (i.e., distance of first floor above sidewalk grade), must be no smaller than the smallest or larger than the largest such dimensions of the contributing buildings in the subarea."

- b. .Those elements to which the rule applies are noted in the regulations by a reference to the “compatibility rule.”
3. **Variations and Appeals.** Variance applications and appeals from these regulations will be heard by the Commission. The Commission will have the authority to grant or deny variances from the provisions of this Division 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 will be the same as those specified in *Div. 9.6, Quasi-Judicial Review*. The Commission has the authority to grant or deny applications for appeal pursuant to the standards in *Sec. XX, Appeals from Decisions of Administrative Official* and the appeal provisions for said decision, set forth in *Sec. XX, Appeals from Decisions of Administrative Official(e)*, will also apply to the Commission’s decision.
 4. Financial Hardship Exemptions:
 - a. These regulations establish 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 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 will be on the applicant.
 - c. The Commission will 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 Division.
 - d. The Commission will consider these factors and will 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 of Lots.** The subdivision of any lot within this district will be subject to review and approval by the Commission. No subdivision of lots may be approved by the Director of the Bureau of Planning unless said matter has first been submitted to and approved by the Commission. The Commission must find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of a particular subarea or the district as a whole, may be reasonably situated and constructed upon such lots.

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6. **Consolidation of Lots.** No lots may be consolidated except upon approval of the Commission. Applications must be made to the Commission. The Commission must find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the subarea, and the district as a whole, may be reasonably situated and constructed upon such lots.
7. **Tree-preservation and Replacement.** The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158, Article II, apply to this district.
8. **Parking:** The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified as follows or in this Division:
 - a. No circular drives are allowed between any principal building and any public street.
 - b. No drop-off lanes are allowed along public streets, except as required by educational and religious facilities.
 - c. Streetscape paving materials must be continued across intervening driveways.
 - d. Entry features to garages that serve residential units must be located in a side or rear yard.
 - e. All contiguous ground-floor residential units must share one common drive, located in rear yards or side yards, to serve garages and parking lots.
 - f. Parking deck façades must have the appearance of a horizontal storied building.
 - g. Parking decks along the arterial street frontage must have:
 - i. Ground story storefronts; or
 - ii. Ground story residential uses.
9. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:
 - a. The distance above the streetscape grade of the ground story of the building will be subject to the compatibility rule. This requirement will only apply to the façade of the building determined by *Subsection XX, Certificates of Appropriateness(1)(I)*.
 - b. Setbacks:
 - i. The façades of principal buildings facing a public street may not be setback from the lot line.
 - ii. Façades of a principal building adjacent to a side lot line may not be setback from the side lot line, except under the following circumstances:
 - a) Façades with windows must meet Sec. 704.8 of the 2000 International Building Code, and may not exceed 6 feet.
 - b) In the case of the installation of a driveway along a side lot line, the façade must be setback 10 feet from the lot line for one-way drives and 20 feet for two-way drives.
 - iii. There must be no rear yard setback requirements.

- c. All street-facing ground story development must provide glazing for a minimum of 60% of the length of the frontage, beginning at a point not more than 3 feet above the public streetscape, for a height no less than 9 feet above the streetscape.
- d. Ground story development without glazing may not exceed a maximum length of 10 feet of façade.
- e. 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 8 feet above grade.
- f. Lot Standards:
 - i. The first 8 feet of all building levels that have ground story arterial street frontage must have a commercial, office, or residential use and may not be used for parking or storage.
 - ii. The primary pedestrian entrance to all uses and business establishments with ground story street frontage must:
 - a) Be visible from the street.
 - b) Be directly accessible, visible, and adjacent to the streetscape, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
 - c) Face and be visible to an arterial street when located adjacent to such arterial streets.
 - iii. A street address number must be located above the principal building entrance, must be clearly visible from the streetscape, must contrast with their background, and must be a minimum of 4 inches in height with a minimum stroke of 0.5 inch.
- g. **Façade Materials.** Brick, stone, and true stucco systems with a smooth finish must be the predominant building materials for the façades of the principle structure. Concrete block and other masonry materials may be used on façades of principal structures that do not face a public street. Aluminum siding and vinyl siding are not allowed on any façade.
- h. Awnings and Canopies:
 - i. Original awnings and canopies must be retained.
 - ii. Replacement awnings or canopies are allowed only when original awnings or canopies cannot be rehabilitated.
 - iii. Awnings and canopies must have a minimum clearance of 8 feet above the ground story, and may not encroach more than 5 feet over the public streetscape.
 - iv. Installation of new canopies, where none previously existed, are only allowed if they are compatible with the original structure.
 - v. New awning frames attached to storefronts, doors or windows must replicate the shape of the covered area and fit within that area.
 - vi. New awnings must be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.

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- vii. Multiple awnings on a single building must be similar in shape and configuration.
 - viii. Only that portion of the awning used for signage must be illuminated.
10. Exterior Stairs and Landings:
- a. Except for the primary pedestrian entrance to a unit or building, all exterior stairs and landings must be on the side or rear of the principle structure and substantially parallel to the structure.
 - b. Stair treads must be equal widths.
 - c. Exterior stairs and landings must be constructed of metal or poured concrete.
11. Structures on the Roofs of Principal Buildings:
- a. All components of a structure or addition on the roof of a principal building visible from a public street must be metal or masonry.
 - b. The enclosed floor area of a habitable structure may not exceed 25% of the roof area above occupied space, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator, and stair landings.
12. Lighting, Security, and Maintenance Requirements for Parking Structures and Surface Parking Lots:
- a. Lighting must be provided throughout all parking facilities at a minimum of one-half foot-candle of light.
 - b. Parking facilities must be maintained in a clean, safe, and sanitary condition. Parking spaces and driving lanes must be clearly defined and maintained.
13. Fences, Walls, and Retaining Walls:
- a. Fences must be no more than 10 feet high.
 - b. Fences between the principal building and the public street must be constructed of metal, brick, stone, ornamental iron or metal, or architectural masonry.
 - c. Fences to the rear or side of the principal building must be constructed of metal, brick stone, ornamental iron or metal, architectural masonry, chain link, or wood.
 - d. Walls are not allowed between the principal building and the public street. Walls must be no more than 10 feet high. Walls, including retaining walls, must be constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.
 - e. Retaining walls adjacent to a public street or streetscape may not exceed 4 feet in height, unless required by existing site topography.
 - f. Adjacent to a public street or streetscape, the total height of any combination of fencing, wall or retaining wall may not exceed 10 feet.
14. **Permitted Accessory Uses and Structures.** The uses and structures that are customarily incidental and subordinate to permitted uses and structures are authorized, subject to the following restrictions:

- a. Except as otherwise herein provided, no merchandise may be stored other than that to be sold at retail on the premises and such merchandise may occupy no more than 25% of the total floor area on the premises.
 - b. No storage may be provided in any portion of a structure adjacent to any streetscape, public park, or plaza.
 - c. No off-premises storage of merchandise is allowed either as a principal or accessory use.
 - d. No accessory structure may be constructed until construction of the principal structure has actually begun, and no accessory structure may be used or occupied until the principal structure is completed and in use.
 - e. Accessory structures must be placed behind the principal structure within the buildable area of the lot.
 - f. Accessory structures may not cover more than 25% of the rear yard.
 - g. Accessory structures may not exceed 25 feet in height or the height of the principal structure, whichever is less.
 - h. Must be located in the least visible location within the permissible area.
 - i. May require screening with the appropriate plant or fence materials.
 - j. Swimming pools, tennis courts, and similar active recreation facilities are allowed subject to the following limitations:
 - i. Such active recreation facilities will require a variance from the Commission, which variance will be granted only upon finding that:
 - a) 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
 - b) The area for such activity could not reasonably be located elsewhere on the lot.
 - ii. The Commission may condition any variance for such facilities based on concerns regarding fencing, screening or other buffering, existence or location of lighting, hours of use, and such other matters as are reasonably required to mitigate any potential negative impacts of the proposed facility on adjoining property owners.
15. **Applications.** Materials necessary for complete review of an application must be submitted with the application as set forth by the Director. In addition, a scaled site plan of the property showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements must be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application must also include a scaled drawing showing setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.
16. Additional Notifications:

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- a. The applicant of Type III (including variances) & IV Certificates of appropriateness must be given contact information for the Castleberry Hill Neighborhood Association by the Commission and must be directed to provide the Association with a copy of the submitted application and attachments within three days of submission to the Commission.
- b. Any time the *Sec. XX, Further Provisions(b)* of this part is enforced in this district, the Director of the Commission must notify the Castleberry Hill Neighborhood Association within ten days and a 30-day period for comment be allowed for the association.
- c. The Director must regularly send to the Castleberry Hill Neighborhood Association the agenda for each meeting of the Commission in which there is any agenda item for property within the District.

17. **Signage.** The provisions of the Atlanta Sign Ordinance apply to this district.

H. Specific Regulations for Historic Core, Subarea 1

In the Castleberry Hill Historic Core, Subarea 1, the Commission will apply the standards referenced in *Sec. XX, General Regulations(1)* only if the standards set forth in *Sec. XX, Specific Regulations for Historic Core, Subarea 1* do not specifically address the application or any portion thereof:

1. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:
 - a. The compatibility rule will apply to the general façade organization, proportion, scale, and roof form of the principal structure.
 - b. The maximum height of a principal structure is 40 feet. Properties with ground story retail space exceeding 12 feet in height are allowed a 10% height bonus, allowing for a maximum height of 44 feet. With the exception of properties north and east of Mangum Street that front Nelson Street, which are allowed a 10-foot height bonus, allowing for a maximum height of 50 feet.
 - c. All building elements must be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements, including but not limited to their: design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the facade:
 - d. Windows and doors:
 - i. The compatibility rule will apply to the following aspects of windows and doors:
 - a) The style and material of the individual window or door.
 - b) The size and shape of individual window and door openings.
 - c) The overall pattern of windows and doors and glazing as it relates to the building façade.
 - d) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated glazing, are not allowed.

- iii. If muntins or mullions are used, such muntins or mullions must be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - iv. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.
- e. Facades:
- i. Brick, stone, and true stucco systems with a smooth finish must be the predominant building materials for the facades of the principal structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not allowed on any facade.
 - ii. Covering of the original facade is not allowed.
 - iii. Painting of unpainted stone, terra cotta, and brick is not allowed.
 - iv. All cleaning of stone, terra cotta, and brick must be done with low-pressure water and mild detergents.
 - v. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.
- f. Storefront Lighting and Security Features:
- i. Security, decorative, and other lighting must minimize light spillage by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.
 - ii. Any security, decorative, or other lighting luminaries must be located a minimum height of 8 feet above the streetscape, driveway, or pedestrian area.
- g. Screening:
- i. Frontages must be screened as specified in Sec. 8.4.3.
 - ii. Site elements must be screened as specified in Sec. 8.4.4.
- h. Excluding the flare at the street, driveways may not exceed 10 feet in width for one-way drives or 20 feet in width for two-way drives. Loose stone or gravel is not allowed as a paving material.
- i. **Streetscapes.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.
- i. Hexagonal streetscape pavers must be retained.
 - ii. Hexagonal streetscape pavers or hexagonally stamped concrete must be used for any new streetscapes or replacement streetscapes on the public streets.
 - iii. Any new or replacement curbing must be granite.

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- iv. A Special G Streetscape matching the existing streetscape is required, but if no streetscape exists on the property or abutting properties, the new streetscape must match streetscape on the block. If no streetscape exists on the block, the streetscape must be as specified in Sec. 3.5.1.
2. **Permitted Principal Uses and Structures.** A building or premises may only be used for the following principle purposes:
- a. Multi-unit dwellings, two-unit dwellings, and single-unit dwellings.
 - b. Maternity supportive housing.
 - c. Residential and nonresidential uses, as otherwise allowed below, on the same site, in which both of such uses are at least 20% of the total floor area, excluding accessory uses.
 - d. Any of the following uses provided they do not exceed 2,000 square feet of floor area:
 - i. General retail, grocery store.
 - ii. General personal service, hair an nail salon.
 - e. Any of the following uses provided they do not exceed 5,000 square feet of public areas:
 - i. General food and beverage, wholesale bakery, bar, lounge or nightclub
 - ii. Private museum and library, private community center, general indoor entertainment and recreation, convention hall or event facility.
 - iii. Religious assembly.
 - f. General civic
 - g. Artist workshop, general office, medical office, and sound recording studio, provided that no such individual business establishment may exceed 15,000 square feet of floor area.
 - h. Off leash dog park.
 - i. Urban gardens.
 - j. Market gardens.
 - k. All lodging, up to 50 guest rooms.
 - l. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.
 - m. Drive-thru and drive-in services, windows, and facilities are not allowed. Hiring halls are not allowed. Blood donor stations are not allowed. No wholesaling or jobbing is allowed within the district. No use or manner of operation is allowed that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the residential character of this subarea.

I. Specific Regulations for Transitional Historic Areas, Subarea 2

The following regulations apply to all properties located within this subarea:

1. **Intent.** The intent of the regulations for the Transitional Historic Areas, Subarea 2, is as follows:
 - a. To encourage neighborhood-oriented development.
 - b. To promote pedestrian safety and connectivity.
 - c. To recognize that Centennial Olympic Park Drive is an important gateway to the Castleberry Hill Landmark District.
2. **Maximum Heights.** The maximum height of a principle structure is 50 feet. Properties with ground story retail space exceeding 12 feet in height are allowed a 10% height bonus, allowing for a maximum height of 55 feet.
3. **Setbacks.** The setback of the principal building façade that faces a public street must be between zero and 40 feet.
4. **Lot Coverage.** Maximum lot coverage may not exceed 80%.
5. **Railroad Right-of-Way.** Properties adjacent to the railroad right-of-way must have a minimum of a 20 feet continuous buffer adjacent to the railroad right-of-way. Said buffer may not be required to exceed 20% of the total property area and must be completely landscaped except for trails, paved walkways, benches and other such recreational features as approved by the Director of the Bureau of Planning. Said buffer must be considered 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.
6. **Screening:**
 - a. Frontages must be screened as specified in Sec. 8.4.3.
 - b. Site elements must be screened as specified in Sec. 8.4.4.
7. **Streetscapes:** Streetscapes must be provided as specified in Sec.3.5.1.
8. **Roof Lines.** Roofs of new construction, additions, or alterations must either be flat or pitched only if such pitched roofs are not visible from a public street due to parapet walls or other façade treatments.
9. **Permitted Principal Uses and Structures.** In addition to those uses allowed in *Sec. XX, Specific Regulations for Historic Core, Subarea 1(2)*, a building or premises may only be used for the following principle purposes:
 - a. Retail bank.
 - b. Religious assembly.
 - c. Private day care, private education.
 - d. Conventional hall or event facility.
 - e. Indoor growing system.
 - f. Private clubs.
 - g. Lodging uses of any size.

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- h. Laundry service.
- i. Low impact manufacturing, wholesale trade.
- j. Funeral home.
- k. Artist workshop, general office, medical office, and sound recording studio.
- l. Research and development.
- m. Indoor animal care.
- n. Commercial parking lot, commercial parking structure.
- o. Urban gardens.
- p. Market gardens.

J. Additional Use Regulations.

In addition to the regulations governing permitted uses set forth in this Chapter, or elsewhere in this Zoning Ordinance the following apply to permitted uses in this district:

1. **Food and Beverage Use.** The following additional regulations apply in Subarea 1 and Subarea 2:
 - a. No food and beverage use with an alcohol license may be located within 250 feet of another food and beverage use with an alcohol license, including an establishment located outside of the Castleberry Hill Landmark District.
 - b. Notwithstanding the location of any other premises with an alcohol license, a food and beverage use where sales of alcoholic beverages by the drink constitute less than 50% of gross sales may be located within a mixed-use development greater than 10,000 square feet provided that all of the licensed establishments located in such mixed-use development constitute in the aggregate no more than 25% of the total square footage of nonresidential floor area in such mixed-use development.
 - c. Accessory outdoor dining area to any food and beverage use which is otherwise allowed by these regulations may not be located within 100 feet of any dwelling except those located in the same structure;
2. **Specifically Prohibited Uses.** Without regard to whether such uses are allowed as a permitted use under the list of typical uses in Chapter 4, the following uses are not allowed either as primary or accessory uses:
 - a. Cinema/movie theatre.
 - b. Bowling alley.
 - c. Skating rink.
 - d. Video game room, amusement gallery or amusement arcade.
 - e. Pool hall.
 - f. Massage parlor or facility.

- g. Body art studio.
 - h. Adult establishment.
 - i. Package stores.
 - j. Alternative financial services.
3. **Hours of Operation.** No business is allowed to operate except during the following hours:
- a. Sunday—Thursday: 6:00 a.m. to 12:00 a.m.
 - b. Friday and Saturday: 6:00 a.m. to 1:00 a.m.

DIVISION 6.16. **ATKINS PARK (HD7)**

A. Statement of Intent

The intent of the Atkins Park Historic District is as follows:

1. To recognize and maintain the original design of the 1909 plan for Atkins Park created by Edwin Wiley Grove, a prominent businessman, pharmacist, real estate developer and philanthropist of the Southeast and Mid-Atlantic regions.
2. To preserve existing landscape and hardscape features that include the gateways, the by-way, alleys, and general physical character of the district.
3. To preserve the historic as-built physical pattern of the district created during the 1909 to 1935 period primarily consisting of single-unit residential development, and including spatial relationships between buildings, and spatial relationships between buildings and the street.
4. To preserve the architectural history of the residences that were constructed in the district from 1909 to 1935 and to ensure that additions, alterations, and renovations to existing structures are consistent with the historic character of the individual structure.
5. To prevent the subdivision or consolidation of existing lots in any manner that would disrupt the historic platting pattern, lot sizes, and spatial relationships established during the 1909-1935 development period, or otherwise detract from the identified historic qualities of the district.
6. To preserve the residential character of the area, and to ensure that redevelopment reflects and reinforces the exceptional features established in the original planning.
7. To ensure that new construction observes the historic characteristics and maintains a continuing harmony with the character of the entire district. Also to ensure that new noncontributing structures of contemporary design and materials are compatible with and sensitive to the historic character of the district.
8. To encourage containment of existing commercial areas and discourage encroachment of the commercial areas into the district.
9. To encourage neighborhood revitalization and prevention of displacement of residents.
10. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. Scope of Regulations

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

1. The official zoning map and all regulations governing all properties within the Atkins Park Historic District will remain in full force and effect. The following zoning regulations will be overlaid upon, and will 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 *Div. 6.16* will apply.

2. Except where it is otherwise explicitly provided, the provisions of *Div. 6.1* will apply to this district. Whenever the regulations of *Div. 6.16* conflict with the provisions of *Div. 6.1*, the regulations of *Div. 6.16* will apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Atkins Park Historic District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this Division 6.16, the interpretation provision set forth in *Sec. XX, Further Provisions of* the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Atkins Park Historic District are as shown on the official zoning map and described as follows, south boundary is the rear (south) property line on St. Augustine Place; west boundary is the east edge of the sidewalk on the west side of North Highland Avenue from the rear (south) property line on St. Augustine Place to the rear (north) property line on St. Louis Place; north boundary is the rear (north) property line on St. Louis Place; east boundary is the west edge of the sidewalk on the east side of Briarcliff Road from the rear (north) property line on St. Louis Place to the rear (south) property line on St. Augustine Place.

D. Organization

The overlay zoning regulations for the Atkins Park Historic District are composed of general regulations that apply to the entire district within the stated boundaries.

E. Definitions

For purposes of interpreting this *Div. 6.16*, the following definitions apply.

1. Alley means a pedestrian or vehicular way providing secondary access to the rear of abutting property.
2. 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.
3. By-way means the walkway located mid-way on the blocks, running north-south between the north side of Ponce de Leon Avenue and the south side of St. Louis Place.
4. Core residential street means St. Augustine Place, St. Charles Place, St. Louis Place, and the one block *Sec.* of Briarcliff Road between St. Charles Place and St. Louis Place, and specifically excludes alleys and by-ways.
5. Deck means a roofless platform and adjoining deck stairs connected to a house, generally made of unfinished wood and supported by posts.
6. District means the Atkins Park Historic District, as shown on the official zoning map adopted herewith entitled the "Atkins Park Historic District."
7. Gateway means the stone pillars and associated wrought iron, stone walls, and stone retaining walls that are at the east and west entrances of St. Augustine Place, St. Charles Place and at the west entrance of St. Louis Place.
8. New construction means construction of new primary structures.

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9. Primary structure means the main habitable structure on a property, exclusive of detached accessory structures.
10. Upper story 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.

F. General Regulations

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

1. Certificates of appropriateness:
 - a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness will be those specified in *Sec. XX, Same; Types and Procedures*.
 - b. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.
 - c. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. For example, painting or repainting of any structure or portion thereof, or roof or driveway repair using same materials, do not require a certificate of appropriateness.
 - d. Type II certificates of appropriateness are required for any of the following to the extent they are visible from a public street: Any minor alteration to any facade of any principal structure, fences, walls, retaining walls, decks, skylights, solar panels, mechanical and communication equipment, shutters, awnings, accessory structures or paving. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this Chapter, as applicable and other criteria applicable to Type II certificates, the Director of the Commission will issue the Type II certificate within 14 days of receipt of the completed application. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of this Division, as applicable, the Director of the Commission will deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval 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 *Sec. XX, Same; Types and Procedures(a)* for Type I certificates.
 - e. Type III certificates of appropriateness are required for:
 - i. All new principal structures.
 - ii. All major alterations and additions to existing structures.
 - iii. Subdivisions or consolidations of lots, and planned developments.
 - f. Type IV certificates of appropriateness are required for demolition, moving, or major alterations or additions to any principal structure, or existing gateway, or portions thereof.
2. **Variances.** Variance applications will be heard by the Commission. The Commission will have the authority to grant or deny variances from the provisions of this Division 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 will be the same as those specified in *Div. 9.6, Quasi-Judicial Review* of this Part 16.

Zoning variances granted prior to original enactment of this District. Any owner of property who obtained, on or after January 1, 1982, and prior to July 5, 2007, 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 will be entitled to construct said project in accordance with the plans presented in said application, the provisions of *Sec. XX, Specific Regulations* notwithstanding.

3. Financial hardship exemptions:
 - a. These regulations establish a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of neighborhood revitalization and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
 - b. The burden of proving economic hardship by a preponderance of the evidence will be on the applicant.
 - c. The commission will 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 Division.
 - d. The Commission will consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it will grant an exemption, in whole or in part, as appropriate.
4. **Subdivisions and consolidation of lots.** The platting pattern of the Atkins Park Historic District is an integral part of the historic character of the district. No subdivision or consolidation may be approved unless it can be shown that the proposal is substantially consistent with the original plan of the district. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to *Sec. XX, Streets(a)(2)* and *XX, Lots(d)(6)*, all subdivisions and consolidations of lots will conform to the historic platting pattern in the Atkins Historic District with regard to area of lot, dimensions, and configurations.
5. **Tree preservation and replacement.** The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158, Article II, apply to this district.

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- a. In addition to the Tree Ordinance, a Type III Certificate of Appropriateness to remove or destroy any tree having a diameter at breast height of 6 inches or greater for safety, landscaping, silviculture, construction, renovation or demolition will be obtained prior to commencement of work. Trees determined to be dead, dying or hazardous are not subject to the certificate of appropriateness procedures. The application will include a tree plan indicating the following:
 - i. Location of all existing trees with type and diameter indicated, including boundary trees;
 - ii. Location of all existing trees to be saved indicated; and
 - iii. Location of all proposed trees located with type and diameter indicated.
6. Alleys and by-ways:
- a. Existing alleys and by-ways must be maintained as part of the historic platting pattern. Alleys shall remain open for pedestrian and vehicular traffic. Byways must remain open for pedestrian traffic only.
7. Compatibility rule:
- a. In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, or the district as a whole. Synthetic materials may be used if visually indistinguishable from the original materials. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) must match that which predominates on the contributing buildings of the same block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face."
 - b. Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
8. Specific Regulations:
- The following regulations apply to all properties located within the Atkins Park Historic District.
- a. Lot standards for primary structures:
 - i. **Primary street setbacks.** The primary street setback of primary structures must meet the compatibility rule.
 - ii. **Side setbacks.** The side setbacks of principal structures must meet the compatibility rule. All new construction and additions must maintain a minimum of 3 feet for side setbacks where the compatibility rule would permit otherwise.
 - iii. **Rear setback.** The rear setback of principal structures must be a minimum of 15 feet.
 - iv. On-site parking and driveway requirements.

- a) On-site parking pad(s) are not allowed in any front yard or side street yard. On-site must be located in a side or rear yard.
 - b) The driveway shall extend at least 20 feet beyond the street-facing facade of the structure and may not exceed a width of 10 feet in the front yard or side street yard, exclusive of the curb flare.
 - c) Use of shared driveways is allowed.
 - d) The use of alleys for access to such parking is allowed. No variance is required for driveways coming off an alley.
 - e) Loose stone or gravel is not allowed as a driveway paving material when visible from a core residential street.
 - f) When garages are attached to the principal structure, the garage entrance(s) may not face a core residential street.
- v. **Streetscapes.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.
- a) Existing pedestrian and amenity zones must be retained and existing topography must be maintained.
 - b) A pedestrian zone between the amenity and the required front yard and parallel to the public street must be provided. The pedestrian zone must be the same width as the pedestrian zone on abutting properties. The compatibility rule must apply to pedestrian zone paving materials.
- vi. Fences and walls:
- a) Fences may not exceed 4 feet in height when located in the front or the side street yards.
 - b) Fences and walls may not exceed 6 feet in height when located in the side or rear yards.
 - c) Fences must be constructed of wood or vinyl picket, wrought iron, cast iron or decorative pre-finished aluminum when located in a front or side street yard. Chain link is not allowed as a fence material when located in a front or side street yard. Materials of fences or walls are not restricted in the side or rear yards.
 - d) Retaining walls located adjacent to a right-of-way must have a maximum height of 2 feet from finished grade and must be constructed of or faced with natural stone or brick. Railroad lumber, wood, architectural concrete masonry units or other simulated material is not a allowed facing material of retaining walls. The height and materials of retaining walls located in the side or rear yards are not restricted.
 - e) Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence may not exceed 6 feet when located in a front or side street yard.

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- b. **Architectural standards for primary structures.** Architectural standards for primary structures apply to front street-facing facades, side facades, and side street-facing facades visible from core residential streets only.
- i. All new construction must be one of the house styles of a contributing building that appears on the block face of the street on which the new construction will occur.
 - ii. **Building height and width.** The compatibility rule will apply to the height and width of the primary structure. In no case may the height of a structure exceed 35 feet from average grade.
 - iii. Foundation:
 - a) The maximum height of the ground story above grade must meet the compatibility rule. The foundation must be a maximum of 4 feet above the surface of the ground adjacent to the street-facing facade, measured at the street-facing front facade.
 - b) Slab on grade is not allowed.
 - c) When masonry, brick or stucco is used as the street-facing facade material, the foundation material must be the same. Otherwise the foundation must be brick or stucco.
 - iv. **Siding.** Siding must be substantially consistent with siding materials found in contributing buildings on the block face and must be consistent with the architectural style. Brick, brick veneer, stucco, shingles, or horizontal lapped wood or cementitious plank siding are permissible building materials for the facades.
 - v. Roofs:
 - a) The shape and pitch of roofs, as well as ridge, overhang, and soffit construction must meet the compatibility rule and be consistent with the architectural style.
 - b) Clay tile, slate, composition asphalt shingles, and fiberglass shingles are the allowed roofing materials.
 - c) Membrane or cold-rolled roofing are allowed only on flat roofs.
 - d) Corrugated roofing materials are not allowed.
 - vi. Chimneys:
 - a) When any portion of a chimney is visible from a public street as a facade element, the chimney must originate average grade.
 - b) Exterior portions of chimneys must be faced with brick, brick veneer or stucco. Siding on chimneys is not allowed.
 - vii. **Skylights and solar panels.** Skylights and solar panels are allowed on roofs of buildings provided they are not visible from any core residential street.
 - viii. Front entry features:

- a) All front entry features, front porches, front steps and front doors must face and be parallel to the street, except in those blocks where the historic pattern is such that front doors and front steps are perpendicular to the street, in which the compatibility rule must apply.
 - b) The main entry feature must be a design element of the facade that faces the district's residential public street.
 - c) The design and dimensions of front porches, front entry features or terraces must be consistent with the architectural style of the house.
 - d) Front porch steps must be made of stone, brick, or poured concrete; metal or wood steps are not allowed.
 - e) Porches may be enclosed with recessed screenwire or recessed glass if the main characteristics of a front porch are maintained.
- ix. **Windows and doors.** Windows and doors, if visible from a core residential street upon completion, must meet the following requirements:
- a) The compatibility rule must apply to the style, size, shape and overall pattern of windows and doors.
 - b) Windows on the front facade must be predominantly vertical.
 - c) Exterior doors and door transoms must be appropriate to the house style, regarding design, size, dimension, and location on the building.
- x. Shutters and awnings:
- a) Shutters and awnings may be added to the building if they are appropriate to the architectural style of the house.
 - b) Shutters must be operable or appear operable, and shall fit the size of the window.
 - c) Replacement shutters must match the original shutters in design, materials, and configuration.
 - d) Fabric and metal awnings are allowed. All other types of canopies and awnings are not allowed.
- xi. Decks, balconies and upper level terraces:
- a) Decks are only allowed when located to the rear of the primary structure and must be no wider than the width of the house. Decks are allowed at any level.
 - b) Balconies and upper story terraces are allowed on any facade, provided it is consistent with the architectural style of the house.
- xii. **Ornamentation.** Installation of architectural ornaments, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, doors, half-timbering, and attic vents, where none previously existed is allowed and will be subject to the compatibility rule.

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- xiii. Mechanical and communication equipment:
 - a) Mechanical equipment, i.e. heating and cooling systems, must be located to the side or rear of the primary 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.
 - b) Communication equipment, i.e. satellite dish, must be located to minimize visibility from the core residential street.
 - xiv. Grading may not excessively or unnecessarily alter the existing topography of the site. New grades must meet existing topography in a smooth transition. Erosion shall be prevented and runoff kept to a minimum.
 - c. **Maximum floor area ratio.** The floor area ratio may not exceed 50% of the net lot area.
 - d. **Maximum lot coverage.** Lot coverage may not exceed 50% of total lot area.
 - e. Lot standards for accessory structures:
 - i. **Side setbacks.** The side setbacks of accessory structures must be a minimum of 3 feet. Where an accessory structure directly abuts an accessory structure on an abutting property, the side setback may be zero feet.
 - ii. **Rear setbacks.** The rear setbacks of accessory structures must be a minimum of 3 feet, measured from the rear property line.
 - iii. Accessory structures are allowed in the side or rear yards within the buildable area of the lot so as to not project beyond the street-facing facade of the primary structure. Placement of accessory structures must conform to the compatibility rule.
 - iv. Accessory structures may not exceed 16 feet in height or the height of the principal structure, whichever is less, measured from slab to ridge pole, and may not contain a floor area greater than 25% of the floor area of the primary structure. Plumbing must be limited to hose bib, and electricity must be limited to 60 amps.
9. Design standards and criteria for alterations and additions to non-contributing structures:
- a. Alterations and additions to non-contributing buildings must comply with one of the following:
 - i. Alterations and additions must be consistent with the architectural style of the existing building and the height or width of any alteration or addition may not exceed the height or width of the existing building; or
 - ii. Alterations and additions must be representative of a single architectural style chosen from those represented by contributing buildings on the block face where the existing non-contributing building is located, must comply, as applicable, with Architectural Standards for Principal Structures., *Sec. XX, Specific Regulations(2)*.
10. Design criteria for alterations and additions to contributing structures:

- a. Alterations and additions to contributing structures requiring a certificate of appropriateness must comply with one of the following provided that the mere increase in floor area otherwise authorized in the district will not constitute a standard for review:
 - i. Alterations and additions must be consistent with and reinforce the historic architectural character of the entire existing contributing structure and must comply with the applicable regulations for architectural standards for principal structures set forth in *Subsection XX, Specific Regulations(2)* above; or
 - ii. 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, materials, and architectural features of the property and environment.

DIVISION 6.17. **SUNSET AVENUE (HD8)**

A. **Statement of Intent**

The intent of the Sunset Avenue 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 preserve the district's historic pattern and distribution of building types that are characterized primarily by single-unit residences, institutions, and neighborhood commercial buildings, which were constructed from the late 19th century to the mid-20th century;
3. To preserve the residential character of the street, including the spatial relationships between buildings, and the spatial relationship between buildings and the street;
4. To preserve the historic street and lot pattern and design, that are significant elements of the district;
5. To ensure that new development is consistent with the historic character of the district;
6. To encourage neighborhood revitalization and prevent the displacement of residents; and
7. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. **Scope of Regulations**

1. The official zoning map and regulations governing all properties within the Sunset Avenue Historic District will remain in full force and effect. The following zoning regulations will be overlaid upon, and will be imposed in addition to, said existing zoning regulations.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply; and any variance between said other regulations and these overlay district regulations (*Div. 6.17*) will be governed by the interpretation provision set forth in *Sec. XX, Further Provisions(c)* of the Code of Ordinances.

C. **Boundaries**

The boundaries of the Sunset Avenue Historic District constitute an overlay *Historic District (HD) zoning district*, which district is as shown on the official zoning map and described as follows: south boundary on the east side of Sunset Avenue is the south property line of 685 Rhodes Street, and on the west side of Sunset Avenue is the south property line of 126 Sunset Avenue; west boundary is the rear property lines of the lots on the west side of Sunset Avenue; north boundary on the west side is north property line of 320 Sunset Avenue; north boundary on the east side is the north property line of 303 Sunset Avenue; east boundary is the rear property lines of the lots on the east side of Sunset Avenue.

D. **Organization**

The overlay zoning regulations for the Sunset Avenue Historic District are composed of two parts. The first part consists of general regulations which apply to all property located within this district.

The second part consists of specific regulations.

E. General Regulations

The following regulations apply to all properties within the Sunset Avenue Historic District.

1. General criteria:

- a. The Commission will apply the standards referenced below if the standards set forth elsewhere in this *Div. 6.17* do not specifically address the application, including but not limited to commercial properties in the district:
 - i. A property must be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features and exterior spatial relationships.
 - ii. The historic character of a property must be retained and preserved. The removal of distinctive materials or alteration of features, and exterior spatial relationships that characterize a property must be avoided.
 - iii. Each property must be recognized as a physical record of its time, place, and use. Changes may not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties or eras.
 - iv. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved. 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.
 - vi. New additions, exterior alterations, or related new construction, may not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old, but must be compatible with the historic materials, features, size, massing, scale and proportion, to protect the integrity of the property and its environment.
 - vii. New additions and adjacent or related new construction must 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.

2. The compatibility rule:

- a. In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of (i) the structure itself, (ii) the contributing buildings in the entire block, and (iii) the contributing buildings in the subarea.
- b. The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "The elements in question (roof form, architectural trim, etc.) must match that which predominates

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on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at street-facing facade, story height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face.”

- c. To permit flexibility, many regulations are made subject to the compatibility rule. Those elements to which the compatibility rule applies are specified in regulations by reference to the “compatibility rule.”
3. Certificates of appropriateness:
 - 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;
 - iii. To demolish or move any contributing primary structure, in whole or in part, within the district; and
 - iv. Site work.
 - b. Type required:
 - i. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness will be those specified in *Sec. XX, Same; Types and Procedures* of the Code of Ordinances.
 - ii. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.
 - iii. 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 set forth in this Section.
 - iv. The following Type II certificates of appropriateness must be reviewed by the Director of the Commission and are required for any of the following:
 - a) Fences, walls, and retaining walls;
 - b) Decks, skylights, solar panels, and mechanical and communication equipment if visible from the public right-of-way;
 - c) New accessory structures and alterations to existing accessory structures;
 - d) Shutters and awnings if visible from the public right-of-way;
 - e) Replacement of non-original, non-historic or missing elements with elements that otherwise meet the regulations, including but not limited to: siding, windows, porch railings, porch columns, porch flooring, exterior doors, if visible from the public right-of-way, and

- f) Paving.
- c. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this Division, as applicable, and other criteria applicable to Type II certificates, the Director of the Commission will issue the Type II certificate within 14 days of receipt of the completed application. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of this Chapter, as applicable, the Director of the Commission will deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval 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 *Sec. XX, Same; Types and Procedures(a)* for Type I certificates.
- d. The following Type II certificates of appropriateness will be reviewed by the Urban Design Commission and are required for any of the following to the extent they are visible from the public right-of-way:
 - i. Alterations to any facade of any primary structure; and
 - ii. All site work, except as noted in *Sec. XX, General Regulations(3)(b)(4)*.
- e. The following Type III certificates of appropriateness will be reviewed by the Commission and are required for:
 - i. All new primary structures;
 - ii. Additions visible from the right-of-way;
 - iii. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint;
 - iv. Subdivisions and consolidations; and
 - v. Variances.
- f. Type IV certificates of appropriateness will be reviewed by the Commission and required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure requires 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 of the front facade.
- 4. **Variances.** The Commission will have the power to hear, grant and deny variances from the provisions of this Division 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 will be the same as those specified in *Div. 9.6, Quasi-Judicial Review*.
- 5. **Subdivision and consolidation of lots.** The subdivision of any lot within this district is subject to review and approval by the Commission. No subdivision of lots may be approved by the Director Planning Director unless said matter has first been submitted to and approved by the commission. No lots may be consolidated except upon approval of the Commission. Applications will be made to the Commission, and the Commission will not approve any subdivision or consolidation of

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lots unless the Commission will make a finding that the resulting lot or lots are compatible with the historic platting pattern of Sunset Avenue as it existed in 1968 and meet the compatibility rule with regard to lot size, dimensions and configuration.

6. Financial hardship exemptions:
 - a. These regulations set forth a minimum standard of architectural compatibility within the district. 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 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 will 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 Commission finds that this requirement of subsection (b) herein is satisfied, they will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present and future income of the property owner(s) and those occupying the property;
 - ii. The availability, at present or in the future of other sources of income of revenue, including loans, grants, and tax abatements;
 - iii. The cost associated with adherence to the subarea regulations;
 - iv. The degree of existing architectural importance and integrity of the structure;
 - v. The purpose and intent of this Division.
 - d. The Commission will balance these factors as applied to the applicant for said exemption and will 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.

F. Specific Regulations

In addition to the general regulations set forth in *Sec. XX, General Regulations*, and any other applicable regulations, the following regulations apply to all properties:

1. **Lot size, dimensions and configurations.** In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this *Div. 6.17* will apply to all subdivisions and consolidations of lots with regard to lot size, dimensions and configurations.
2. Grading:
 - a. Grading may 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 must meet existing topography in a smooth transition.

3. Architectural standards:

a. Building facades:

- i. All new construction must conform to the existing building orientation by having porches and front doors facing the front yard.
- ii. At a minimum, the front of all new construction, including any portion thereof, must be placed at the distance from the street determined by the compatibility rule.
- iii. There must be two side yards, one on each side of the primary structure, established by the compatibility rule.
- iv. There must be a rear yard of not less than 10 feet.
- v. All building materials which upon completion are visible from the public right-of-way, must be compatible with those which predominate in the subarea.
- vi. Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is allowed.
- vii. The height of all new construction will be based on the compatibility rule. Notwithstanding the compatibility rule, the height of new additions shall not exceed the height of the principal structure.

b. Windows and doors:

- i. Architecturally significant windows and doors, including details, trim work, and framing, must be retained.
- ii. Replacement windows and doors are only allowed 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.
- iii. New doors and windows, when allowed, must be compatible in scale, size, proportion, placement, and design to existing windows and doors.
- iv. The ratio of window and door area to wall area for all new construction must be established by the compatibility rule, with a allowed differential of 10%.
- v. Windows in the street-facing facade of new construction must be predominantly vertical in proportion and may not be constructed in combination of more than two windows.
- vi. Replacement exterior doors must match the original openings and conform to the original door in material and design.
- vii. New exterior doors must be wood panel or fixed glass panel in wood frame. Metal doors may be used if their design matches that of an original door.

c. Foundations:

- i. Foundations must be finished with brick, painted concrete block or true stucco.

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- ii. Foundations must be continuous wall construction or masonry piers with closed with solid infill wall.
 - iii. Except for garage and utility additions and freestanding buildings, painted concrete block, brick or true stucco must be used as infill between foundation masonry piers when infill is otherwise required.
 - iv. Slab on grade foundations are not allowed.
- d. **Storm doors and storm windows.** Storm doors, screen doors or storm windows must be of compatible design and may not cover, obscure or dominate significant architectural details.
- e. Chimneys:
- i. Chimneys must be retained whenever possible.
 - ii. If extending or repairing a chimney, the original materials, mortar, color and pattern must be matched whenever possible.
 - iii. The construction of new chimneys is not allowed on the street-facing facade.
 - iv. New chimneys must be faced with brick, stucco or stone and must originate at grade.
 - v. Siding on chimneys is not allowed.
- f. Roofs:
- i. Replacement roofs and roofing must match the original roof in material, pitch and shape as well as ridge, overhang and soffit design.
 - ii. Cold-rolled roofing is allowed only on flat roofs and roofs with a 15-degree or less pitch.
 - iii. Architectural metal roofing, slate, tile, and shingle roofing are allowed; corrugated metal and corrugated fiberglass roofs are not allowed.
 - iv. The shape and pitch of roofs for new construction will be subject to the compatibility rule.
 - v. Dormers are not allowed on the roof over the front facade of any structure.
 - vi. Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are not allowed on the roof over the front facade of any structure.
- g. Porches:
- i. Architecturally significant front porches, steps and stoops must be retained, whenever possible.
 - ii. Replacement front porches, steps and stoops must match the original in size, design and materials.
 - iii. Front porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
 - iv. Front porches are required for new houses and the compatibility rule will apply for all porch elements.

- v. Front porches must contain balustrades, columns and other characteristics including floor dimension, height, roof pitch and overhang that meet the compatibility rule, although standard lumber is allowed.
 - vi. New decks are only allowed to the rear of the house.
 - h. **Accessory structures.** Accessory structures, such as carriage houses, smoke houses, garages, car ports, electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, tool sheds, greenhouses, tenant and alley houses, air conditioners and heating units, must be located to the side or rear of the main structure within the buildable area of the lot and may 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 may be required if said structure is visible from the right-of-way.
 - i. Walls and fences:
 - i. Walls are not allowed in the front yard. Where allowed, walls may be no more than 6 feet in height.
 - ii. Fences in the front yard must be made of wood picket, brick, stone or iron type construction and may be no more than 4 feet in height.
 - iii. Retaining walls which are located in the front yard must have a finished masonry surface constructed of materials compatible with the exterior finish of the primary structure. Retaining walls must be integrated into the landscape.
 - j. Architectural details:
 - i. 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, must be retained, restored or replaced to match the original in dimension and design.
4. Paved surfaces:
- a. The original layout, patterns and paving materials of streetscape pedestrian zones, curbs and streets must be retained. Replacement, when necessary, must be done in kind as to layout, pattern, and paving material.
 - b. New streetscape pedestrian zones must be the same material and width as the pedestrian zone on abutting properties. If no sidewalk exists on abutting properties, the new pedestrian zone must match the material and widths on the block. If no pedestrian zone exists on the block, the new pedestrian zone must be concrete and 6 feet wide.
5. On-site parking requirements:
- a. On-site parking is not allowed in the front yard.
 - b. Carports and garages must be behind the rear of the primary structure. If the primary structure is located on a corner lot, the primary street setback of that side street will apply to the construction of a carport or garage.

DIVISION 6.18. **COLLIER HEIGHTS (HD9)**

A. Statement of Intent

The intent of the Collier Heights Historic District is as follows:

1. To preserve the integrity of the neighborhood, a mid-20th century suburb created for African Americans, by African Americans;
2. To preserve the environment, physical layout, and examples of early and mid-20th century architecture in the district;
3. To encourage and ensure development compatible with the existing character of the district;
4. To ensure that new development using contemporary design and materials is compatible with and sensitive to the character of the district;
5. To preserve the residential character of the district;
6. To prevent the encroachment of commercial areas into the residential areas; and
7. To encourage economic development, neighborhood revitalization, and promote the health, safety, and welfare of the district's residents.

B. Scope of Regulations

1. The official zoning map and regulations governing all properties within the Collier Heights Historic District will remain in full force and effect. The regulations contained in *Div. 6.18* will be overlaid upon, and shall be imposed in addition to, said existing zoning regulations.
2. Except where it is otherwise explicitly provided, the provisions of *Div. 6.1* will apply to this district.
3. Whenever the regulations of *Div. 6.18* conflict with said regulations of *Div. 6.1*, the regulations of *Div. 6.18* will apply.
4. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply; and any variance between said other regulations and these overlay district regulations (*Div. 6.18*) will be governed by the interpretation provision set forth in *Sec. XX, Further Provisions(c)*.

C. Boundaries

The boundaries for the Collier Heights Historic District constitute an overlay Historic District (HD) zoning district, which district are as shown on the official zoning map.

D. Organization

The overlay zoning regulations for the Collier Heights Historic District are composed of two parts. The first part consists of general regulations. The second part consists of specific regulations. Both parts will apply to all property located within this district.

E. General Regulations

The following general regulations apply to the Collier Heights Historic District.

1. General criteria:
 - a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness will be those specified in *Sec. XX, Same; Types and Procedures*.
 - b. In the Collier Heights Historic District, the Commission will apply the standards referenced below only if the standards set forth elsewhere in this *Div. 6.18* do not specifically address the application including but not limited to multi-unit residential, institutional, commercial and mixed use structures:
 - i. A property must 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 must be retained and preserved. Distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property may not be removed.
 - iii. Each property must be recognized as a physical record of its time, place, and use. Changes may 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 must 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 must match the old in design, texture, and materials.
 - vii. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used.
 - viii. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.
 - ix. New additions, exterior alterations, or related new construction, may not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and must 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 must 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.
2. **Certificates of appropriateness.** Certificates of appropriateness within this district are required as follows:
 - a. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.

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- b. Notwithstanding any other provision herein, the following work does not require a certificate of appropriateness:
 - i. To repaint any structure or portion thereof; and
 - ii. To complete ordinary repairs and maintenance, as defined by *Sec. XX, Same; Types and Procedures(a)*; and
- c. The following work requires a certificate of appropriateness:
 - i. To alter the street-facing or side facades and front or side roof planes of a structure;
 - ii. To alter the rear facade or rear roof plane of a structure that is located on a corner lot, as defined by *Sec. XX, Regular Lots(3)*;
 - iii. To erect a new structure;
 - iv. To make an addition to any structure;
 - v. To demolish or move any contributing principal structure, in whole or in part;
 - vi. To request a variance from *Div. 6.18*; and
 - vii. Subdivisions and consolidations of lots.
- d. Type required:
 - i. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness will be those specified in *Sec. XX, Same; Types and Procedures* of the Code of Ordinances.
 - ii. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.
 - iii. 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 set forth in this Section.
 - iv. The following must require a Type II certificates of appropriateness which will be reviewed by the Director of the commission:
 - a) Fences, walls, and retaining walls;
 - b) Rear or side decks, patios, and terraces;
 - c) Skylights, solar panels and mechanical and communication equipment;
 - d) New accessory structures and alterations to existing accessory structures, subject to the limitations for active recreation facilities set forth in *Sec. XX, Specific Regulations(12)(d)*;
 - e) Storm doors and storm windows, security doors and exterior window treatments, shutters and awnings;

- f) Replacement of non-original, non-historic or missing elements with elements that otherwise meet the regulations, including but not limited to siding, windows, porch railings, porch columns, porch flooring and exterior doors;
 - g) Replacement or renovation of the following original or historic elements with elements that otherwise meet the regulations: porch elements, windows, siding and exterior doors; and
 - h) Paving.
- e. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this Division, as applicable, and other criteria applicable to Type II certificates, the Director of the Urban Design Commission will issue the Type II certificate within 14 days of receipt of the completed application. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of this Division, as applicable, the Director of the Urban Design Commission will deny the application with notice to the applicant sent within 14 days of receipt of the completed application. Appeals from any such decision of the Executive Director regarding the approval 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 *Sec. XX, Same; Types and Procedures(a)* for Type I certificates.
- f. The following will require a Type II certificates of appropriateness which will be reviewed by the Commission:
- i. To alter a principal structure, except as noted in *Sec. General Regulations(2)(d)(iv)*;
 - ii. Revisions to Type II certificate of appropriateness applications previously approved, conditionally or otherwise, by the commission; and
 - iii. All site work, except as noted in *Sec. XX, General Regulations(1)(b)(iv)*.
- g. The following shall require a Type III certificates of appropriateness which must be reviewed by the Commission:
- i. All new principal structures;
 - ii. Additions to principal structure;
 - iii. Revisions to Type III certificate of appropriateness applications previously approved by the commission, conditionally or otherwise, including but not limited to changes in floor area ratio, lot coverage, setback, building footprint, or building height;
 - iv. Subdivisions and consolidations of lots; and
 - v. Variances from this *Div. 6.18*.
- h. Type IV certificates of appropriateness will be reviewed by the Commission and will be required for the 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, as determined by the commission.

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3. **The compatibility rule.** In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: “The element in question (i.e. roof form, architectural trim, façade material, window type and material, etc.) must match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height, setbacks, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use on that block face.”
 - a. For the purposes of the compatibility rule, height and width will be measured at the street-facing building facade.
 - b. Those elements to which the rule applies are noted in the regulations by a reference to the “compatibility rule.”
 - c. When no structure exists on a block face that would qualify as a comparable structure under the compatibility rule, the comparisons must all be made to a qualifying structure(s) on the block, and if no such structure exists on the block, the comparison must be made to a qualifying structure(s) on an adjacent block face or block, and if no such structure exists on an adjacent block face or block, the comparison must be made to a qualifying structure(s) located in the district.
4. **Variances.** The Commission will have the power to hear, grant and deny variances from the provisions of this Div. ~~6.18~~ when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship other than financial hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances must be the same as those specified in *Div. 9.6, Quasi-Judicial Review*, which provisions are hereby incorporated herein.
5. 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 Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
 - b. In order to qualify for a financial 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. The burden of proof that the regulations pose such a hardship will be on the property owner. If the Commission finds that the requirement of *Subsection (5)* 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 present and future income of the property owner(s) and those occupying the property;

- ii. The availability, at present or in the future, of other sources of income or revenue, including loans, grants, and tax abatements;
 - iii. The costs associated with adherence to the district regulations;
 - iv. The degree of existing architectural importance and integrity of the structure; and
 - v. The purpose and intent of this Division.
- d. The commission must balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the financial hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.
6. **Subdivision and consolidation.** The platting pattern of the district is an integral part of the historic character of the district. No subdivision or consolidation may be approved unless it can be shown that the proposed subdivision or consolidation is substantially consistent with the historic character or platting pattern of the district. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to *Sec. XX, Streets(a)(2)* and *XX, Lots(d)(6)*, all subdivisions or consolidations of lots must conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations. The compatibility rule will apply, and no subdivision or consolidation must be approved unless and until the commission has made a finding that it is consistent with this provision or with the historic platting pattern of the district and that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, may be reasonably situated and constructed upon such lots.

F. Specific Regulations

In addition to the general regulations set forth in *Sec. XX, General Regulations*, and any other applicable regulations, the following regulations shall apply to all properties in the District:

1. Building facades, materials, and massing:
 - a. All new primary structures must conform to the existing building orientation by having street-facing building facades and front doors facing and parallel to the street, and except in those blocks in which the historic pattern is such that structures are situated at an angle to the street, in which case the compatibility rule will apply. If located on a corner lot, the orientation of the street-facing building facade must be based on the compatibility rule whenever possible.
 - b. Primary street, side and rear setbacks for all new primary structures must be subject to the compatibility rule. The primary street and rear setbacks of additions must be subject to the compatibility rule. The side setbacks of additions will not be subject to the compatibility rule but must be no closer than the side setbacks of the existing primary structure.
 - c. The compatibility rule will apply to the height of all new primary structures and additions. Regardless of the compatibility rule range, the highest ridge line of an addition may not be any higher than the highest ridge line of the existing structure.
 - d. The compatibility rule will apply to the form and pitch of the primary roof of the primary structure and additions.

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- e. The compatibility rule must apply to the overall design, size, scale, massing and width of new primary structures and additions.
 - f. The compatibility rule must apply to the height of the first story above the grade as measured at the street-facing building facade.
 - g. The compatibility rule must apply to all building facade materials on all facades, and in addition to all other applicable regulations, as follows:
 - i. The presence and dimensions of the exposed face of lap siding and wood shingles.
 - ii. The presence and type of brick and pattern of brickwork.
 - iii. The presence and type of stone and pattern of stonework.
 - iv. The presence, material and texture of stucco.
 - v. The materials and pattern of roofing.
2. Windows and doors:
- a. Original or historic windows and exterior doors must be retained.
 - b. Replacement windows or exterior doors are allowed only when the original or historic windows and exterior doors cannot be rehabilitated.
 - c. If original or historic windows or exterior doors cannot be rehabilitated, replacement windows and doors must match the original or historic in light design, function, materials, shape, and size.
 - d. Replacement windows and doors for non-original or non-historic windows and doors must be compatible with the architectural style of the structure or must be subject to the compatibility rule.
 - e. On existing principal structures, new doors and windows in new openings, when allowed, must be compatible in scale, size, proportion, placement and style to existing windows and doors.
 - f. On the primary street and side facades of new principal structures and additions, the ratio of openings to solid; the scale, size, proportion, and location of all openings; and the design, light patterns, and material of windows and doors shall be established by the compatibility rule.
3. Storm doors, storm windows, security doors and exterior window treatments, shutters and awnings:
- a. Shutters and awnings may not be added to the structure if they were not original to the structure.
 - b. Original or historic shutters and awnings must be retained.
 - c. Replacement shutters and awnings are only allowed when original or historic shutters and awnings cannot be rehabilitated.

- d. If original or historic shutters and awnings cannot be rehabilitated, any replacement shutters and awnings must match the original or historic shutters and awnings in design, materials and configuration.
 - e. On the primary street and side facades of new primary structures and additions, storm doors, security doors, storm windows, or security windows may not cover or obscure significant architectural details.
4. Foundations:
- a. Replacement foundation materials must replicate the original or existing materials in size, shape, color, texture and mortar and shall be installed using construction techniques similar to the original or existing.
 - b. On the primary street and side facades of new primary structures and additions, foundations must be of masonry or concrete construction. Other foundation materials are allowed provided if they are compatible with the structure on which they are located and in scale, materials and style with foundations of adjacent and surrounding structures.
5. Chimneys:
- a. Original or historic chimneys must be retained.
 - b. Replacement chimneys are only allowed when original or historic chimneys cannot be rehabilitated.
 - c. If original or historic chimneys cannot be rehabilitated, replacement chimneys must match the original or historic chimney in design, materials and configuration.
 - d. Chimneys that are part of a new principal structure or the primary street or side facades of additions must be faced with brick. No chimneys may be cantilevered from the facade of the structure.
6. Roofs and roof features:
- a. Replacement roofing must be of the same texture and appearance as the existing.
 - b. Rolled or membrane roofing is allowed only on flat roofs. Metal roofs are not allowed.
 - c. The shape and pitch of roofs for new principal structures and additions must be subject to the compatibility rule.
7. Skylights:
- a. Skylights must be placed on the rear roof plane of either the primary or accessory structure.
 - b. If skylights are visible from the public street, the glass must be tinted to match the surrounding roof area. Protruding "bubble" skylights are not allowed.
8. **Solar panels.** Solar panels must be placed on the rear roof plane of either the primary or accessory structure.
9. Decks, patios and terraces:

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- a. Decks, patios and terraces must be constructed to the rear of the structure and may not extend beyond the sides of the structure.
- b. Decks, patios and terraces on corner lots must be screened with vegetation to reduce visibility from the public street.

10. Porches and stoops:

- a. Original or historic porches or stoops, including their component features must be retained.
- b. Replacement porches or stoops or their component features are only allowed when the original or historic porch or stoop or their component feature(s) cannot be rehabilitated.
- c. If the original or historic porch or stoops or their components cannot be rehabilitated, the replacement porch or stoop or their component features must match the original in shape, size, internal proportions, and materials.
- d. Porches or stoops must be a part of new primary structures or additions based on the compatibility rule and if present the primary street or side facade must contain railings and decorative features consistent with the architectural style of the principal structure or must be subject to the compatibility rule.
- e. Porches may be enclosed with screen wire or glass if the character defining features of the porch are maintained.

11. Attached garages and carports:

- a. The presence, location, and design of carports or garages for all new primary structures must be subject to the compatibility rule.
- b. The placement and location of attached, new carports and garages on existing primary structures must meet the compatibility rule.
- c. Existing attached carports may be enclosed with garage doors, provided that the alteration is consistent with the original architectural style of the existing structure.
- d. Existing attached garages or carports may be fully enclosed into conditioned space provided the original character defining features visible from the public street are retained and are identifiable.

12. Accessory structures and active recreation facilities:

- a. No wind turbines or similar, freestanding energy creating devices are allowed in the district.
- b. All other accessory structures, such as, detached garages, detached carports, greenhouses, mechanical or communications equipments, must be located to the side or rear of the primary structure and may not project beyond the front of the primary structure. All accessory structures must have side setbacks of at least 15 feet or must be no closer than the side setback of the existing primary structure and must have rear setbacks of at least 15 feet. Side street setbacks for accessory structure must be established by the compatibility rule. The predominant exterior materials must be metal, siding, or brick.

- c. In addition, all mechanical and communications equipment must be screened with planting or fence materials if said equipment is visible from the public street.
 - d. In addition, swimming pools, tennis courts, and similar active recreation facilities are allowed subject to the following limitations:
 - i. Such active recreation facilities must follow the requirements in *Sec. XX, Specific Regulations(12)(b)*;
 - ii. Such active recreation facilities in any yard, required or other, adjacent to a street or between any primary structure and any public street must require a variance from the Commission, which variance will be granted only upon finding that:
 - a) 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
 - b) The area for such activity could not reasonably be located elsewhere on the lot.
 - iii. The Commission may condition any variance for such active recreation facilities based on concerns regarding fencing, screening or other buffering, existence or location of lighting, hours of use, and such other matters as are reasonably required to minimize any potential negative impacts of the proposed facility on adjoining property owners.
13. Freestanding mailboxes and mailbox structures are allowed in the front yard immediately adjacent to the public street provided the mailbox or mailbox structure does not exceed 4 feet in height, 2 feet in depth, and 2 feet in width. Additional components may be attached to one of both sides of the mailbox or mailbox structure and each individual component shall not exceed 2 feet in height, 2 feet in depth, and 2 feet in width. Freestanding mailboxes and mailbox structures, and any attached components must be brick or metal.
14. Landscaping and grading:
- a. Grading may not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure.
 - b. Approval of a certificate of appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties, including plant materials that reflect the existing character of the district.
 - c. New grades must meet existing topography in a smooth transition.
15. Paved surfaces:
- a. Original or historic paved surfaces must be retained.
 - b. Replacement paved surfaces are only allowed when original or historic chimneys cannot be rehabilitated.
 - c. If original or historic paved surfaces cannot be rehabilitated, replacement paved surfaces must match the original or historic paved surface in layout, patterns, finish, and materials.

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- d. The layout, pattern, finish and material of new paved areas will be subject to the compatibility rule.
- e. New driveways may not exceed a width of 10 feet between the primary structure and any public street except for the minimum flare required to allow access to double-width carports or garages.

16. Fences and walls:

- a. Fences and walls are not allowed between the primary structure and any public street, any yard adjacent to a public street, or any yard adjacent to the space between the primary structure and any public street.
- b. Where allowed, fences must be made of metal chain link, metal picket, or wood picket. Where allowed, walls must be made of wood or natural stone, brick, or concrete faced with true stucco.
- c. Where allowed, fences and walls may not exceed 6 feet in height at any point.

17. Retaining walls:

- a. Original or historic retaining walls must be retained.
- b. Replacement retaining walls are only allowed when original or historic retaining walls cannot be rehabilitated.
- c. If original or historic retaining walls cannot be rehabilitated, replacement retaining walls must match the original or historic retaining wall as to location, height, materials, pattern, and joinery.
- d. The height of existing retaining walls that can be seen from the public street must be maintained.
- e. New retaining walls, visible from the public street, must be faced with natural stone or brick and their height must be subject to the compatibility rule.
- f. The height of retaining walls not visible from the public street will not be restricted by this Division.

18. Ornamentation:

- a. Original or historic ornamentation, such as railings, supports, columns, and decorative attachments must be retained.
- b. Replacement ornamentation is only allowed when the original or historic ornamentation cannot be rehabilitated.
- c. If original or historic ornamentation cannot be rehabilitated, replacement ornamentation must match the original or historic ornamentation as to location, size, number, design, reveal, and materials.
- d. The installation of new ornamentation that does not currently exist is only allowed when it is consistent with the architectural style of the existing structure as documented through archival or photographic evidence.

19. **Streetscapes.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.
 - a. Existing public streetscapes and associated topography will be retained.
 - b. Replacement streetscapes are only allowed when the original or historic public sidewalk cannot be rehabilitated.
 - c. If original or historic streetscape pedestrian zone cannot be rehabilitated, the replacement pedestrian zones will match the original or historic pedestrian zones as to location, size, pattern, and materials.
 - d. The compatibility rule will apply to the presence of pedestrian zones, and if installed, their width, paving materials and overall design.
20. **Design standards and criteria for alterations and additions to non-contributing structures.** Alterations and additions to non-contributing structures, requiring a certificate of appropriateness, must be consistent with and reinforce the architectural character of the entire existing structure or must comply with the applicable regulations in *Subsection XX, Specific Regulations.*
21. **Design criteria for alterations and additions to contributing structures.** Alterations and additions to contributing structures requiring a certificate of appropriateness must be consistent with and reinforce the historic architectural character of the entire existing contributing structure, shall comply with the applicable regulations for in *Subsection XX, Specific Regulations;* and may 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 must be compatible with the massing, size, scale and architectural features of the property and environment.

DIVISION 6.19. **MEANS STREET (LD9)**

A. **Statement of Intent.**

The intent of the Means Street Landmark District is as follows:

1. To preserve the historic physical pattern of the district, including the spatial relationships between buildings, and the spatial relationship between buildings and the street;
2. To preserve the architectural history of the district including commercial and industrial buildings that were constructed from 1859 to 1945;
3. To ensure that new development is complementary to and compatible with the existing historic structures in the district;
4. To ensure that new development that uses contemporary design and materials is compatible with and sensitive to the historic character of the Means Street Landmark District;
5. To encourage compatible economic development and neighborhood revitalization that promotes a livable, sustainable neighborhood;
6. To promote pedestrian and cycling convenience and connect buildings to the public life of the street; and
7. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. **Scope of Regulations**

The scope of these regulations for the Means Street Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of Division 6.1 will also apply to this district. Whenever the regulations of Division 6.1 conflict with the provisions of this Division 6.19, the regulations of Division 6.19 will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Means Street Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this Division 6.19, the interpretation provision set forth in *Subsection XX, Further Provisions(c)* will govern.

C. **Boundaries**

The boundaries of the Means Street Landmark District are as shown on the official zoning map.

D. **General Regulations**

The following general regulations apply to all properties within the Means Street Landmark District, except where otherwise stated.

1. **General Criteria.** The Commission will apply the standards set forth below only when the standards set forth elsewhere in Division 6.19 do not specifically address the application in whole or in part:

- a. A property must be used for its current purpose or be placed in a new use authorized in *Sec. XX, Permitted Principal Uses and Structures*, using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property must be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property must be avoided.
 - c. Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, may not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.
 - f. Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials may not be used. The surface cleaning of structures, if appropriate, must be undertaken using the gentlest means possible.
 - h. Significant archaeological resources affected by a project must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.
 - i. New additions, exterior alterations, or related new construction may not destroy historic materials that characterize the property. The new work must be differentiated from the old and must be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction must 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.
2. The Compatibility Rule:
- a. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features in the district. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The elements in question that are not quantifiable must be the same as contributing buildings in the district or must be compatible with, but differentiated from the contributing buildings in the district. Where quantifiable, the element must be no smaller than the smallest or larger than the largest such dimension of a contributing building on the block face.
 - b. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

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- c. Whenever individual block faces are void of contributing structures, the contributing structures on the nearest block face within the district will be utilized.

3. Certificates of Appropriateness:

a. General Provisions:

- i. The procedures for determining the correct type of Certificate of Appropriateness will be those specified in *Sec. XX, Same; Types and Procedures*, except as otherwise provided herein.
- ii. No Certificate of Appropriateness is required unless, at a minimum, the work would otherwise require a building permit.
- iii. No Certificate of Appropriateness is required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials. A Certificate of Appropriateness is required for replacements as indicated in *Subsection XX, General Regulations(3)(b)* below.
- iv. No Certificate of Appropriateness is required for demolition or moving of non-contributing structures.
- v. Type I Certificates of Appropriateness are not required in this district.

b. Type II Certificates of Appropriateness:

- i. The following will require a Type II Certificate of Appropriateness, and will be reviewed by the Director of the Commission:
 - a) Alterations to any façade of any principal structure;
 - b) All site work, including changes in streetscape elements;
 - c) New accessory structures and alterations to existing accessory structures;
 - d) Fences, walls and retaining walls;
 - e) Decks, rear porches, balconies, outdoor seating on the ground level and installation of mechanical equipment; and
 - f) Signage.
- ii. If such Type II Certificates of Appropriateness meet the requirements of this Division and other criteria applicable to Type II certificates, the Director will issue the Type II certificate within 14 days of receipt of the completed application. If such Type II Certificates of Appropriateness do not meet the requirements of this Division and such other criteria, the Director will deny the application, with notice to the applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of *Subsection XX, Same; Types and Procedures(a)* for Type I certificates.

- c. The following will require a Type III Certificates of Appropriateness and will be reviewed by the Commission:

- i. All new principal structures;
 - ii. Additions, including roof top additions, roof top decks and roof top outdoor seating;
 - iii. Increase in height or building footprint revisions to previously approved plans that are yet to be completed; and
- d. Variances.
- e. Type IV Certificates of Appropriateness are required for the demolition or moving of any contributing building. Type IV Certificates of Appropriateness will be reviewed by the Commission.
- i. A partial demolition of a contributing building requires a Type IV Certificate of Appropriateness only when, in the determination of the Director, said partial demolition will result in the loss of significant architectural features that destroys the building's historic or cultural interpretability or importance.
4. Contributing Buildings List:
- a. All contributing buildings, structures or sites within the district will be shown on the list adopted herewith entitled "Means Street Landmark District Contributing Buildings List". Said contributing buildings list will identify each building, structure or site within the district that meets the definition of "Contributing Building, Structure or Site" set forth in *Sec. XX, Definitions*.
 - b. The Director will periodically review said contributing buildings list to correct errors or omissions to said contributing buildings list, or to reflect any changed conditions relevant to the contributing status of buildings, structures or sites within the district, consistent with the requirements of *Div. 6.19* and *Div. 6.1*, and must maintain public records of said List and all such errors, omissions or updates. An action by the Director to correct such errors or omissions, or to make updates, will be initiated by execution of a signed and dated form promulgated by the Director specifying the action initiated, the reason(s) for such action, and the identification of all property subject to said action. Said form will be mailed by first class mail to the owner or owners of the effected property within 5 calendar days of the initiation of the action by the Director.
 - c. An action by the Director to correct errors or omissions, or to update, the contributing buildings list as authorized in *Subsection XX, General Regulations(4)(b)* above will result in the immediate prohibition of any new or amended applications of any kind effecting such property, including but not limited to demolition requests, building permits or land disturbance permits, and including acceptance of any such application or request by any City of Atlanta bureau, agency, official, employee or agent. Said prohibitions will become automatically effective without further action of any kind immediately upon the date and time that the Director takes an action authorized in *Subsection XX, General Regulations(4)(b)* above. The purpose and intent of this provision is to maintain the status quo regarding any such affected property until the Director's action is reviewed and affirmed or reversed by the Commission in the manner specified in *Subsection XX, General Regulations(4)(d)* below. The period of this mandatory interim protection will be 90 days or until a final decision reviewing such action is made by the Commission, whichever first occurs, commencing on the date and time of the Director's decision. This interim control period allows and is based upon

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approximately 30 days for the initial scheduling of the public hearing following the Director's action and approximately 60 days for completion of the public hearing and a final decision by the Commission.

- d. All actions by the Director to correct errors or omissions, or to update, said list will be reviewed and approved by the Commission using the notice and procedures required for Type III Certificates of Appropriateness with the following modifications:
 - i. Hearings on such review and approval by the Commission will be scheduled by the Director within 30 days of the Director's action on such corrections or updates and will be decided by the Commission within a reasonable time; and
 - ii. The Commission will affirm the actions of the Director upon an expressed finding by the Commission that the Director's actions correctly applied the definitions and requirements for determining the contributing status of the properties in question in *Div. 6.19* and *Div. 6.1, General*.

In exercising its review, the Commission may reverse or affirm the actions of the Director, wholly or partly. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

5. 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 Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner. This exemption will not apply to the review of demolitions of contributing structures that would otherwise require a Type IV Certificates of Appropriateness.
- 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 Commission finds that the requirement of *Subsection (5)(b)* is satisfied, they may grant an exemption, in whole or in part, only in accordance with each of the following factors, standards and criteria:
 - i. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.
 - ii. The Commission will 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 in comparison to the costs associated with achieving the same proposal without the district regulations;
 - d) The degree of existing architectural importance and integrity of the structure; and
 - e) The purpose and intent of this Division.
- iii. The Commission must balance these factors as applied to the applicant for said exemption and will 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. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.
6. **Variances.** Variance applications from these regulations will be heard by the Commission. The Commission must have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in *Sec. XX, Intent* through *Sec. XX, Special Exceptions*.
7. **Prohibited Variances.** Notwithstanding any provision in this Chapter or part to the contrary, no variance from this Division's maximum building height requirements or use may be allowed or authorized by the Commission, commission staff or any other board, official or entity.

E. Permitted Principal Uses and Structures

1. **Permitted Principal Uses and Structures.** A building or premises may only be used for the following principal purposes taking into account all limitations listed herein:
- a. Retail bank.
 - b. Private day care, private education.
 - c. Private club.
 - d. General indoor entertainment and recreation.
 - e. All food and beverage uses.
 - f. All lodging.
 - g. Multi-unit dwellings.
 - h. Private museums and libraries.
 - i. General office, sound recording studio, general medical, and indoor animal care. Indoor animal care must be located within soundproof buildings, laboratories, and studios when located within 300 feet of any residential use, however boarding of animals and pet day care are not allowed.
 - j. Research and development.
 - k. Convention hall or event facility.

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- l. General personal services, hair or nail salon.
 - m. General retail, grocery store, artisan workshop.
 - n. Religious assembly.
 - o. Urban gardens.
 - p. Market gardens.
 - q. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.
 - r. Farmer's market.
 - s. Maternity supportive housing.
2. The following permitted uses and restrictions will apply to all properties within this district:
- a. **Nonconforming Uses.** This Section addresses permitted principal uses and structures within the district. Lawful nonconforming uses and structures will be regulated pursuant to *Div. 9.7, Nonconformities* of the Zoning Ordinance. Any alteration or addition to nonconforming uses or structures will require an appropriate Certificate of Appropriateness by the Commission.
 - b. Non-Residential Use Restrictions:
 - i. Drive-through and drive-in establishments are not allowed.
 - ii. Off-premises storage of merchandise are not allowed as a principal use.
 - iii. Package drop or shipment locations, warehousing operations, parts distribution and similar other uses are not allowed.
 - iv. Fuel sales and all vehicular uses are not allowed.
 - v. Hours of operation:
 - a) For all food and beverage uses, including those licensed for the on-premise consumption of malt beverages, wine and/ or distilled spirits, hours of operation must be limited to 7:00 AM to midnight.
 - vi. Wireless Telecommunication. Only Type I, Type II, and Type III wireless telecommunication facilities are allowed, subject to all applicable use standards of Chapter 4 and the following:
 - a) Wireless telecommunications are authorized as specified above, provided a Type II Certificate of Appropriateness is granted and, as part of said certificate, the applicant demonstrates compliance with the criteria set forth in *Sec. 4.3.3.A*.
 - c. **Active Depth Uses.** Active depth uses, where, required must be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses allowed in the district, except that the following non-residential uses are not considered active depth uses:
 - i. Parking Accessory non-residential storage areas.

3. **Accessory Uses and Structures.** The following Accessory Uses and Structures provisions apply to the district:
 - a. No storage is allowed in any portion of a structure adjacent to any public streetscape, public park, or plaza.
 - b. No accessory structure may be constructed until construction of the principal structure has actually begun, and no accessory structure may be used or occupied until the principal structure is completed and in use.
 - c. Accessory structures must be placed behind the principal structure within the buildable area of the lot.
 - d. Accessory structures may not exceed the height of the principal structure.
 - e. Swimming pools, tennis courts, and similar active recreation facilities are allowed subject to the following limitations:
 - i. Such active recreation facilities will require a variance from the Commission, which variance will be granted only upon finding that:
 - ii. 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
 - iii. The area for such activity could not reasonably be located elsewhere on the lot.
 - iv. The Commission may condition any variance for such facilities based on concerns regarding fencing, screening or other buffering, existence or location of lighting, hours of use, and such other matters as are reasonably required to mitigate any potential negative impacts of the proposed facility on adjoining property owners.
 - f. Satellite dishes, devices for the generation of energy such as solar panels, and similar devices must be located only upon the rooftop of buildings.

F. Lot Standards

1. Building Heights:
 - a. Building height of principal buildings with frontage on Marietta Street will be measured on the Marietta Street elevation from the average point of grade on the Marietta Street elevation to the highest point of the roof or façade, whichever is higher. Building height on all other buildings will be measured as provided in *Sec. 3.10.1*.
 - b. For properties with frontage along Marietta Street, the maximum allowed building height is 100 feet. For all other properties, the maximum allowed building height is 80 feet.
2. Building Setbacks:
 - a. For principal buildings with frontage along Marietta Street, the front façades may not be setback from the lot line. Further, the side yard building setback and the façades that face other public streets must be established through the utilization of the compatibility rule.

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- b. For all other principal buildings in the district, all front, side and public street facing façades must be established utilization the compatibility rule, except that subplot side yard building setbacks will be allowed as a minimum setback regardless of the compatibility rule application.
- c. The rear yard building setbacks not regulated.

G. Design Standards

The following design standards provisions apply to the district.

1. Building Compatibility:

- a. All elements of new construction must be utilized in a meaningful, coherent manner and must meet the requirements. Further, contemporary design for new construction and for additions to existing properties is not discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions otherwise satisfy the district regulations, as applicable.
- b. Alterations to existing contributing buildings must be internally consistent with its architecture and meet the requirements set forth in *Subsection XX, General Regulations(1)*.
- c. The compatibility rule will apply to a contributing building's general façade organization, proportion, scale, roof form, pitch and materials, door and other architectural details.

2. Windows and Doors:

- a. The compatibility rule will apply to the following aspects of windows and doors on a contributing building and additions to contributing buildings:
 - i. The style and material of the individual window or door.
 - ii. The size and shape of individual window and door openings.
 - iii. The overall pattern of windows and doors and glazing as it relates to the building façade.
 - iv. The materials for exterior framing, casing, and trim for windows and doors, and for bulkheads.
- b. All buildings facing Marietta Street must have a storefront design on the ground story similar to existing storefronts on Marietta Street.
- c. On contributing buildings, if muntins or mullions are used, such muntins or mullions must be either true divided lights or simulated divided lights with muntins or mullions integral to the sash and permanently affixed to the exterior face of glass.
- d. A minimum of 60% of the length of the building façade at ground level must contain glazing.
- e. Required glazing may not include painted glass and reflective glass, or other similarly treated materials.

3. Facades of Contributing Buildings:

- a. Building materials for the facades of principal structures will be determined by the compatibility rule. However, concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not allowed on any facade.
 - b. Covering of the original facade is not allowed.
 - c. Painting of unpainted building materials and masonry is not allowed.
 - d. All cleaning of stone, terra cotta, and brick must be done with low-pressure water and mild detergents.
 - e. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and joint profile.
 - f. Cornice lines must cap all building facades and must consist of sheet metal, brick, cast concrete or terra cotta materials.
4. Decks and Outdoor Dining:
- a. Decks are allowed when located to the rear of the principal structure and on the roof of the principal structure.
 - b. Outdoor dining areas are allowed on the roof of the principal structure and at the ground level.
 - c. When visible from a public street and associated with a contributing building, the design and materials of all decks and outdoor dining areas must be consistent with the historic character of the district.
5. Structures on the Roofs of Contributing Buildings:
- a. The enclosed floor area of a new habitable structure on a roof may not exceed 25% of the roof area above occupied space, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator, and stair landings.
6. Screening:
- a. Frontages must be screened as specified in Sec. 8.4.3.
 - b. Site elements must be screened as specified in Sec. 8.4.4.
7. Active Depth Uses (See *Subsection XX, Permitted Principal Uses and Structures(2)(h)*):
- a. Active depth uses must be provided at the ground level within buildings and parking structures for the entire length of any building facade abutting a public street except at ingress and egress points into parking structures or loading areas.
 - b. Active depth uses must be provided for a minimum depth of 20 feet, as measured from the ground level building facade.
8. Fences, Walls and Retaining Walls:

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- a. Barbed wire and razor wire or similar elements are not allowed.
 - b. Fences and walls between the building and the street are not allowed except to meet the minimum requirements for outdoor dining.
 - c. Retaining walls adjacent to a public street or streetscape may not exceed 4 feet in height, unless required by the existing topography.
 - d. Where allowed, fences must only be a total height of 8 feet.
9. Awnings and Canopies on Contributing Buildings:
- a. Original awnings and canopies must be retained, provided replacement awnings or canopies are allowed only when original awnings or canopies cannot be rehabilitated.
 - b. Installation of new canopies must be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.
 - c. New awning frames attached to storefronts, doors or windows must replicate the shape of the covered area and fit within that area.
 - d. New awnings must be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
 - e. Multiple awnings on a single building must be similar in shape and configuration.
 - f. Only that portion of the awning used for signage may be illuminated.
10. **Streetscapes.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.
- a. A Special G streetscape matching the existing streetscape is required, but if no streetscape exists on the property or abutting properties, the new streetscape must match streetscape on the block. If no streetscape exists on the block, the streetscape must be as specified in Division 3.5.
 - b. Any existing decorative hardscape treatment of streetscapes, including amenity zone or pedestrian zone areas, must be retained as part of any new development or replaced with materials that match in size, shape and color.
 - c. Upon redevelopment of a parcel reasonable efforts must be made to place utilities underground or to the rear of structures to allow for unobstructed use of streetscapes.

H. On-site Parking, Parking Structures, Driveways and Curb Cuts

1. The standards of *Division 8.3*, except *Sec. 8.3.3*, apply unless otherwise specified as follows:
 - a. Surface Parking:
 - i. When utilized, on-site surface parking is not allowed between a building and a public street without an intervening building.

- ii. All surface parking regardless of the number of parking spaces provided, must comply with all of the requirements of Chapter 158, Article II Tree Protection.
2. The following regulations will apply to parking structures within the district:
 - a. Parking structure façades must have the appearance of a horizontal storied building and must utilize the compatibility rule for any contributing structures in the district for the purposes of determining building materials, building massing and architectural features.
 - b. Parking structures must meet the active depth use requirements for the district.
3. On-site Loading Reductions:
 - a. Reductions in on-site loading requirements will be reviewed by the Commission.
4. The vehicular access standards of Sec. 8.3.2 apply, unless otherwise specified as follows.
 - a. Use of shared, non-independent driveways and alleys is allowed. Driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
 - b. Circular drives and drop-off lanes are not allowed between any principal building and any public street.
 - c. Streetscape paving materials must be continued across intervening driveways.
5. **Electric Vehicle Charging Stations.** A building, commercial establishment, or other property, which provides automobile parking facilities must provide parking facilities in the ratio of at least one station for every 50 automobile parking spaces or portion thereof. No more than five such stations are required for a parking facility.

DIVISION 6.20. **BRIARCLIFF PLAZA (LD10)**

A. Statement of Intent

The intent of the Briarcliff Plaza Landmark District is as follows:

1. To preserve the architectural history of the district, which includes the two, multiple tenant commercial buildings constructed in 1939 – 1940;
2. To preserve the historic spatial relationships of the district, including between buildings and the parking lot, and the buildings, the parking lot, and the street;
3. To ensure that new construction is complementary to and compatible with the existing historic buildings in the district;
4. To ensure that the original material and design features of the historic commercial buildings serve as the basis to determine the compatibility and appropriateness of all future rehabilitation and new construction plans;
5. To promote pedestrian accessibility and to connect buildings to the public life of the streets; and
6. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare of the citizens of the City of Atlanta.

B. Scope of Regulations

The scope of these regulations for the Briarcliff Plaza Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of Division 6.1 will apply to this district. Whenever the regulations of Division 6.20 conflict with the provisions of Division 6.1, the regulations of Division 6.20 will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Briarcliff Plaza Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this Division 6.20, the interpretation provision set forth in *Sec. XX, Further Provisions(c)* will govern.

C. Boundaries

The boundaries of the Briarcliff Plaza Landmark District are as shown on the official zoning map.

D. General Regulations

The following general regulations apply to all properties within the Briarcliff Plaza Landmark District, except where otherwise stated.

1. **General Criteria.** The Commission will apply the standards set forth below only when the standards set forth elsewhere in Division 6.20 do not specifically address the application in whole or in part:
 - a. A property must be used for its historic purpose, in this case a neighborhood shopping center inclusive of commercial, retail, restaurant, service and entertainment establishments, or be

placed in a new use authorized in *Sec. XX, Permitted Principal Uses and Structures* using minimal change to the defining characteristics of the building and its site and environment.

- b. The historic character of a property must be retained and preserved. The removal of historic materials or alteration of features and exterior spaces that characterize a property must be avoided.
 - c. Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, may not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.
 - f. Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials may not be used. The surface cleaning of structures, if appropriate, must be undertaken using the gentlest means possible.
 - h. Significant archaeological resources affected by a project must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.
 - i. New additions, exterior alterations, or related new construction may not destroy historic materials that characterize the property. The new work must be differentiated from the old and must be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New construction must 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.
2. The Compatibility Rule:
- a. The intent of these regulations is to ensure that alterations to existing structures are compatible with the massing, size, scale, and architectural features in the district. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" as follows:
 - i. The elements in question that are not quantifiable must be compatible with the contributing buildings on which it is located.
 - ii. Where quantifiable, the element must be no smaller than the smallest or larger than the largest such dimension of the contributing building on which it is located.
 - b. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

3. Certificates of Appropriateness:

a. General Provisions:

- i. The procedures for determining the correct type of Certificate of Appropriateness will be those specified in *Sec. XX, Same; Types and Procedures*, except as otherwise provided herein.
- ii. No Certificate of Appropriateness is required unless, at a minimum, the work would otherwise require a building permit.
- iii. No Certificate of Appropriateness is required to make ordinary repairs and maintenance using in-kind materials.
- iv. No Certificate of Appropriateness is required for interior work.
- v. No Type I Certificates of Appropriateness is required in this district.

b. Type II Certificates of Appropriateness:

- i. **Type II Certificates Reviewed by the Director.** The following require a Type II Certificate of Appropriateness, and will be reviewed by the Director of the Commission:
 - a) Exterior alterations to any façade of any principal structure;
 - b) All site work, including dumpster enclosures;
 - c) Accessory outdoor dining areas;
 - d) Food trucks and similar temporary outdoor eating and drinking establishments;
 - e) Outdoor active recreational uses (ground story only); and
 - f) Signage.

If such Type II Certificates of Appropriateness meet the requirements of this Chapter and other criteria applicable to Type II Certificates the Director will issue the Type II Certificate within 14 days of receipt of the completed application. If such Type II Certificates of Appropriateness do not meet the requirements of this Chapter and such other criteria, the Director will deny the application, with notice to the applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of *Sec. XX, Same; Types and Procedures(a)* for Type I Certificates.

c. **Type III Certificates of Appropriateness.** The following Type III Certificates of Appropriateness will be reviewed by the Commission and are required for:

- i. Additions;
- ii. New construction (excluding interiors of the existing buildings);
- iii. Building footprint revisions to previously approved plans that are yet to be constructed;
- iv. Variances and administrative appeals.

- d. Type IV Certificates of Appropriateness:
 - i. Type IV Certificates of Appropriateness will be reviewed by the Commission and are required for the demolition or moving of any contributing structure.
 - ii. A partial demolition of a contributing structure requires 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 or cultural interpretability or importance.
4. Contributing Buildings and Structures:
 - a. The 1027 Ponce de Leon Avenue building, the 1061 Ponce de Leon Avenue building, and the open, undeveloped space between 1061 Ponce de Leon Avenue building and Ponce de Leon Avenue.
5. Financial Hardship Exemptions:
 - a. These regulations establish 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 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 Commission finds that the requirement of *Subsection (5)(b)* herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with each of the following factors, standards and criteria:
 - i. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.
 - ii. The Commission will 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 in comparison to the costs associated with achieving the same proposal without the district regulations;
 - d) The degree of existing architectural importance and integrity of the structure; and
 - e) The purpose and intent of this Division.
 - iii. The Commission must balance these factors as applied to the applicant for said exemption and will 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. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

6. Variances and Administrative Appeals:

- a. Variance applications and administrative appeals from these regulations will be heard by the Commission. The Commission has the authority to grant or deny variances from the provisions of this Division pursuant to the procedures, standards, and criteria specified in *Sec. XX, Intent* through *Sec. XX, Special Exceptions*. The Commission has the authority to grant or deny applications for administrative appeal pursuant to the standards in *Sec. XX, Appeals from Decisions of Administrative Official (a)* through *Sec. XX, Appeals from Decisions of Administrative Official (d)*.
- b. Appeals from final decisions of the Commission regarding variances and administrative appeals will be as provided for in *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

E. Permitted Principal Uses and Structures

1. **Permitted Principal Uses and Structures.** A building or premises must be used for the following principal purposes:
 - a. Retail bank.
 - b. Private day care, private education.
 - c. Private clubs.
 - d. General indoor entertainment and recreation.
 - e. General outdoor entertainment and recreation.
 - f. Laundry service.
 - g. All food and beverage uses.
 - h. Farmer's markets, subject to provisions found in *Sec. XX, Application(32)* of the Code.
 - i. Food trucks and similar temporary outdoor eating and drinking establishments.
 - j. Institutions of higher learning, including colleges and universities.
 - k. Private museums and libraries.
 - l. Light vehicle sales and rental, to the extent such operations occur entirely within interior space only.
 - m. General office, sound recording studio, general medical, and indoor animal care. Indoor animal care must be located within soundproof buildings, laboratories, and studios when located within 300 feet of any residential use, however boarding of animals and pet day care are not allowed.

- n. Research and development.
 - o. General personal services, hair or nail salon.
 - p. Body art studio.
 - q. General retail, grocery store, artisan workshop, package store.
 - r. Religious assembly.
 - s. Showroom.
2. The following permitted uses and restrictions will apply to all properties within this District:
- a. **Nonconforming uses and structures.** Lawful nonconforming uses and structures will be regulated pursuant to *Sec. XX. Nonconformities*; provided, however, no sunset provisions apply to an existing lawful nonconforming uses or structures. Any alteration or addition to nonconforming uses or structures will require an appropriate Certificate of Appropriateness by the Commission.
 - b. Drive-through and drive-in establishments are not allowed.
 - c. Off-premises storage of merchandise is not allowed as a principal use.
 - d. With the exception of showrooms, no merchandise will be stored other than that to be sold at retail on the premises and no storage for such merchandise may occupy more than 40% of the floor area on the premises.
 - e. Wireless Telecommunication. Only Type I, Type II, and Type III wireless telecommunication facilities are allowed, subject to all applicable use standards of Chapter 4 and the following:
 - i. Wireless telecommunications are authorized as specified above, provided a Type II Certificate of Appropriateness is granted and, as part of said certificate, the applicant demonstrates compliance with the criteria set forth in *Sec. 4.3.3.A*.
 - f. Outdoor Uses:
 - i. Accessory outdoor dining areas, outdoor active recreational uses, food trucks and similar temporary outdoor eating and drinking establishments are allowed anywhere within the district.
 - ii. At any given time, up to 3 food trucks and similar temporary outdoor eating and drinking establishments may be located between the existing buildings and Ponce de Leon Avenue. This limit does not include accessory outdoor dining areas or outdoor active recreational uses associated with permanent eating and drinking establishments, and such uses lawfully permitted through the City of Atlanta's special event/outdoor event permitting process.
 - iii. Food trucks and similar temporary outdoor eating and drinking establishments and ground story outdoor active recreational uses may only be permitted for the time period specified by the Director in the issuance of the Certificate of Appropriateness unless re-approved.

F. Lot Standards

1. Maximum combined building square footage in the District may not exceed 55,000 square feet.
2. Maximum allowed building height is 35 feet exclusive of rooftop patios structures. Excluding structures housing elevator and stairwell landings and equipment, rooftop patio structures may not exceed an additional 15 feet in height as measured from the roof pitch and may not occupy more than 25% of the total roof area.
3. The minimum building setback on the 1061 Ponce de Leon Avenue building is 75 feet from Ponce de Leon Avenue, not including canopies or marques. Outdoor dining is allowed within the Ponce de Leon Avenue building setback of the 1061 Ponce de Leon Avenue building. All other building setbacks in the District must be zero (0) feet.

G. Building Standards

The following building standard provisions apply to the district.

1. Building Compatibility:
 - a. Alterations and additions to existing contributing buildings must be consistent with its architecture and meet the requirements set forth in *Sec. XX, General Regulations(1)*.
 - b. The compatibility rule must apply to a principal structure's general façade organization, proportion, scale, roof form and pitch, materials, and other architectural details.
2. Windows and doors:
 - a. The compatibility rule will apply to the following aspects of windows and doors:
 - i. The style and material of the individual windows or doors.
 - ii. The size and shape of the individual window and door openings.
 - iii. The overall pattern of windows and doors and glazing as it relates to the building façade.
 - iv. The size and shape of storefront openings.
 - v. The materials for exterior framing, casing, and trim for windows and doors.
 - vi. The use of tile and glass block for bulkheads, door surrounds, and transoms.
 - b. Storefront glass may not be painted or reflective.
 - c. Ground story-level development without glazing may not exceed a maximum length of 10 feet of façade, except for the frontages along Cleburne Terrace and North Highland Avenue.
3. Façades:
 - a. Building materials for the façades of principal structures must be determined by the compatibility rule. Corrugated metal, exposed concrete block, cementitious, wood, and vinyl siding are not allowed on any façade.
 - b. Covering of the original façade is not allowed.

- c. Painting of unpainted building materials and masonry is not allowed.
 - d. All cleaning of stone, ceramic tile, and brick must be done with mild detergents. Pressure washing is an approved method of physical treatment.
 - e. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.
 - f. All building façades must have coping.
4. Ground story active depth must be provided for a minimum depth of 20 feet, as measured from the ground story building façade in the following locations:
 - a. On the 1027 Ponce de Leon Avenue building façade facing Cleburne Terrace; and
 - b. On the 1027 Ponce de Leon Avenue and 1061 Ponce de Leon Avenue building façades facing Ponce de Leon Avenue.
 - c. Uses in the active depth must be serviced by plumbing, heating and electricity and are limited to the uses allowed by *Sec. XX, Permitted Principal Uses and Structures*.
 5. Fences, Walls and Retaining Walls:
 - a. New barbed wire, razor wire, wood and chain link or similar elements are not allowed.
 - b. Fences and walls are not allowed between the façade of the building and the street.
 - c. Where allowed, fences and walls may only total combined height of 6 feet.
 6. No loading areas or dumpsters are allowed between the building façade and Ponce de Leon Avenue.
 7. Lighting and Security Features:
 - a. Security, decorative, and other lighting must minimize light spillage by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.
 - b. Any security, decorative, or other lighting luminaries must be located a minimum height of 8 feet above the streetscape, driveway, or pedestrian area.
 - c. External storefront security grilles, gates and security doors must be fully retractable during business hours. Such devices must provide visibility into the interior of protected space when in use, and must be prohibited from being opaque.
 - d. Any external security grills, gates and security doors must be compatibly integrated into and concealed by the overall architecture and architectural patterns and elements of the façade on which they are located.
 8. Canopies:
 - a. Original canopies must be retained where possible.

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- b. Replacement canopies, or portions thereof, are only allowed when original canopies cannot be rehabilitated.
 - c. Installation of new canopies, where none previously existed, are only allowed when they adhere to the characteristics of the original structure's architectural style.
 - d. Canopies may be externally illuminated.
- 9. All exterior stairs must be metal and are not allowed between the existing building façades and the Ponce de Leon Avenue frontage.
 - 10. The existing pedestrian hardscaped walkway located between the 1061 Ponce de Leon Avenue building and the parking lot must be retained.

H. On-site Parking, Driveways and Curb Cuts

- 1. The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified.
- 2. No loading spaces are required in this District.
- 3. No new curb cuts are allowed and existing curb cuts may not be widened.

DIVISION 6.21. **PRATT-PULLMAN (LD11)**

A. Statement of Intent

The intent of the Pratt-Pullman Landmark District is as follows:

1. To preserve the architectural history of the district, which includes multiple industrial buildings constructed during two primary periods of development (1904-1906 and 1925-1927);
2. To ensure that new construction is compatible with the existing historic buildings in the district;
3. To encourage economic development that promotes a livable, sustainable neighborhood and city; and
4. To preserve the historic character of the contributing buildings and features in the district so as to substantially promote the public health, safety and general welfare of the citizens of the City of Atlanta.

B. Scope of Regulations

The scope of these regulations for the Pratt-Pullman Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of *Div. 6.1* of this part will apply to this district. Whenever the regulations of *Div. 6.21* conflict with the provisions of *Div. 6.1*, the regulations of *Div. 6.21* will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Pratt-Pullman Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this *Div. 6.1*, the interpretation provision set forth in *Sec. XX, Further Provisions(c)* of the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Pratt-Pullman Landmark District are as shown on the official zoning map.

D. General regulations.

The following general regulations apply to all properties within the Pratt-Pullman Landmark District, except where otherwise stated.

1. **General Criteria.** The Commission will apply the standards for the rehabilitation of contributing buildings set forth below only when the standards set forth elsewhere in *Div. 6.21* do not specifically address the application in whole or in part:
 - a. The extant historic character of a property must be retained and preserved.
 - b. The removal of historic materials or alteration of features that characterize a property must be avoided where feasible and where altered done so in a manner that does not significantly alter the overall contributing character of the structure.

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- c. Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, may not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.
 - f. Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the contributing features in design, material, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible.
 - h. Significant archaeological resources affected by a project must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.
 - i. Repair and replacement of historic materials should be replacements in kind where feasible.
 - j. New additions, alterations, or related new construction may not destroy historic materials that characterize the overall contributing character of the property. The new work must be differentiated from the old of the contributing property and must be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - k. New additions and adjacent or related new construction must 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;
 - l. New construction must 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.
2. The Compatibility Rule:
- a. The intent of these regulations is to ensure that additions to contributing structures and new structures in the primary view corridor(s) of contributing structures are compatible with the historic context in which they will reside. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" as follows:
 - i. The elements in question that are not quantifiable must be the same as contributing buildings in the district or must be compatible with, but differentiated from the contributing buildings in the district.
 - ii. Where quantifiable, the element must be no smaller than the smallest or larger than the largest such dimension of the contributing building on which it is located.
 - b. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

3. **Variations and Administrative Appeals.** Variance applications and applications for administrative appeals from these regulations will be heard by the Commission. The Commission must have the authority to grant or deny variances from the provisions of this Division pursuant to the procedures, standards, and criteria specified in *Sec. XX, Intent* through *Sec. XX, Special Exceptions*. The Commission must have the authority to grant or deny applications for administrative appeal pursuant to the standards in *Sec. XX, Appeals from Decisions of Administrative Official (a) through (d)*. Appeals from final decisions of the Commission regarding variances and administrative appeals will be as provided for in *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.
4. Certificates of Appropriateness:
 - a. General Provisions:
 - i. The procedures for determining the correct type of Certificate of Appropriateness will be those specified in *Sec. XX, Same; Types and Procedures*, except as otherwise provided herein.
 - ii. No Certificate of Appropriateness is required unless, at a minimum, the work would otherwise require a building permit.
 - iii. No Certificate of Appropriateness is required to make ordinary repairs and maintenance using in-kind materials.
 - iv. No Certificate of Appropriateness is required for interior work.
 - v. No Type I Certificates of Appropriateness is required in this district.
 - b. Type II Certificates of Appropriateness:
 - i. Type II Certificates reviewed by the Director. The following require a Type II Certificate of Appropriateness, and will be reviewed by the Director of the Commission:
 - a) Exterior alterations to any façade of any principal structure;
 - b) All site work, including dumpster enclosures; and
 - c) Signage.

If such Type II Certificates of Appropriateness meet the requirements of this Chapter and other criteria applicable to Type II Certificates the Director will issue the Type II Certificate within 14 days of receipt of the completed application. If such Type II Certificates of Appropriateness do not meet the requirements of this Chapter and such other criteria, the Director will deny the application, with notice to the applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of *Div. XX. General* for Type I Certificates.
 - c. **Type III Certificates of Appropriateness.** The following Type III Certificates of Appropriateness will be reviewed by the Commission and are required for:
 - i. Additions;

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- ii. New construction (excluding interiors of the existing buildings);
 - iii. Building footprint revisions to previously approved plans that are yet to be constructed; and
 - iv. Variances and administrative appeals.
- d. Type IV Certificates of Appropriateness:
- i. Type IV Certificates of Appropriateness will be reviewed by the Commission and are required for the demolition or moving of any contributing structure.
 - ii. A partial demolition of a contributing structure requires 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 or cultural interpretability or importance.
5. **Contributing Buildings and Structures.** All brick and masonry buildings and structures constructed within the period of significance (1904-1927) will be considered contributing to the District, including the brick and masonry portions of buildings to which metal buildings or sheds have been attached. In addition, the lateral transfer table structure and components thereof will also be contributing to the District.
6. 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 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 Commission finds that the requirement of *Subsection (6)(b)* herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with each of the following factors, standards and criteria:
 - i. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.
 - ii. The Commission will 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 in comparison to the costs associated with achieving the same proposal without the district regulations;

- d) The degree of existing architectural importance and integrity of the structure; and
 - e) The purpose and intent of this Division.
- iii. The Commission must balance these factors as applied to the applicant for said exemption and will 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. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

E. Permitted principal uses and structures.

1. **Permitted Principal Uses and Structures.** A building or premises may only be used for the following principal purposes:
 - a. Services/Retail:
 - i. Retail banks.
 - ii. Hair and nail salons.
 - iii. Laundry service.
 - iv. Light vehicle sales and rental, to the extent such operations occur entirely within interior space only.
 - v. General personal service.
 - vi. General retail, wholesale bakery, artisan workshop, catering establishment, not to exceed 10,000 square feet per establishment.
 - vii. Showrooms..
 - viii. Small discount variety stores, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.
 - b. Dining/Recreation:
 - i. General indoor entertainment and recreation.
 - ii. General outdoor entertainment and recreation.
 - iii. All food and beverage uses.
 - iv. Farmer's markets, subject to provisions found in *Sec. XX, Application(32)* of the Code.
 - v. Food trucks.
 - vi. Market gardens.
 - vii. Private museums and libraries.
 - viii. Urban gardens.

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- c. Film/Art:
 - i. Film, video, and music production and related supporting uses, including production equipment storage and distribution.
 - ii. Public art, including structures for placement of public art.
 - d. Education/Daycare/Schools:
 - i. Religious assembly.
 - ii. Private day care.
 - iii. Private education.
 - e. Office/Hotel:
 - i. Live work use, including home art studios and galleries.
 - ii. General office, sound recording studio, general medical, and indoor animal care.
 - iii. Research and development.
 - iv. All lodging uses, provided that only one lodging use is allowed in this District without the issuance of a special use permit.
 - f. Residential:
 - i. Single-unit, two-unit and multi-unit dwellings.
 - ii. Maternity supportive housing.
 - iii. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.
2. Permitted Accessory Uses and Structures:
- a. Residential accessory uses and structures allowed within this District must include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, and other recreation amenities, and parking to serve authorized residential uses within the District subject to the restrictions contained elsewhere in this Division.
 - b. Non-residential accessory uses and structures allowed within this District must include those accessory and incidental to permitted non-residential principal uses and structures and specifically includes storage and support facilities for film, video, and music production to serve authorized non-residential uses within the District subject to the restrictions contained elsewhere in this Division.
3. **Special Permits.** The following uses will require the issuance of a Special Use Permit:
- a. Private clubs.
 - b. All lodging uses, to the extent one such use already exists in the District.
 - c. General retail exceeding 10,000 square feet.

- d. Small discount variety stores exceeding 10,000 square feet, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.
4. The following permitted uses and restrictions apply to all properties within this District:
- a. **Nonconforming Uses and Structures.** Lawful nonconforming uses and structures will be regulated pursuant to *Div. 9.7, Nonconformities*; provided, however, no sunset provisions apply to an existing lawful nonconforming uses or structures. Any alteration or addition to nonconforming uses or structures will require an appropriate Certificate of Appropriateness by the Commission.

F. Building Standards

1. Building Height:
 - a. Maximum building height within the District must be as follows:
 - i. Within 50 feet from the back of curb of Rogers Street, the maximum allowed building height is 40 feet;
 - ii. Within the area between 50 feet and 70 feet from the back of curb of Rogers Street, the maximum allowed building height is 70 feet; and
 - iii. More than 70 feet from the back of curb of Rogers Street, the maximum allowed building height is 90 feet.
 - b. In addition to the limitations set forth in *Sec. XX, Lot Standards(1)(a)* above, directly between any contributing building and Rogers Street, the maximum allowed building height is limited to 28 feet for construction of any new buildings.
 - c. The building heights allowed in this subsection are intended to be the maximums authorized but are subject to the other provisions of this District.
2. Transitions and Screening Requirements:
 - a. **Transitional Height Planes.** Where this District adjoins a district in the R-1 through R-5 classification without an intervening street, height within the District will be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 35 feet above the transitional yard nearest to the common district boundary and extending inward over this District at an angle of 45 degrees.
 - b. Transitions:
 - i. **Side Yard.** Adjacent to a House-Scale or Neighborhood-Scale district without an intervening street, a 20-foot transitional side yard is required which may not be paved or used for parking or servicing.
 - ii. **Rear Yard.** Adjacent to an House-Scale or Neighborhood-Scale district without an intervening street, a 20-foot transitional rear yard is required which may not be paved or used for parking or servicing.
 - c. Screening:

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- i. Where a lot in this District adjoins a lot in a House-Scale or Neighborhood-Scale district without an intervening street, opaque fencing or screening not less than 6 feet in height must be provided and maintained in a slightly condition.
- 3. **Front, Side and Rear Yard Setbacks.** The front yard building setback must be determined by the streetscape improvement requirements along Rogers Street. Minimum side and rear yard building setbacks in this District must be zero feet, except for the transition and screening requirements in *Sec. XX, Lot Standards(2)(b)*.
- 4. **Streetscapes.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.
 - a. No awning or canopy may encroach beyond the pedestrian zone.
 - b. Where property within this district abuts a House-Scale or Neighborhood-Scale district without an intervening street, the pedestrian zone area within 20 feet of such districts must taper as necessary to provide a smooth transition to the existing pedestrian zone on the adjacent property. In the event that the abutting district has no existing pedestrian zone, the pedestrian zone must taper to a width of 6 feet.
- 5. **Street Setback.** For purposes of these regulations, the area between any building, parking garage, or parking lot and the required streetscape, when no intervening building exists, must be defined as the street setback zone. Street setback must meet the following requirements.
 - a. **Dimension.** A minimum five-foot street setback will be required for residential uses. No street setback is required for nonresidential uses.
 - b. When ground story residential units are provided, street setbacks must be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds of the street setback area.
 - c. Residential terraces, porches and stoops must have a maximum ground story elevation of 24 inches above finished-grade, unless existing topographical considerations render this requirement unreasonable, subject to the provisions in *Subsection XX, Special Permits, General(3)*.
 - d. The street setback zone must be no more than 24 inches above the adjacent streetscape for a minimum linear distance of 15 feet from the nearest edge of the adjacent streetscape, unless existing topographical considerations render this requirement unreasonable.
- 6. Maximum lot coverage in the District may not exceed 75% as measured across the entire District
- 7. Building Massing and Placement:
 - a. Directly between the contributing buildings and Rogers Street, only 50% of the linear north-south distance must be occupied by permanent buildings or structures, excluding any existing buildings or structures.
 - b. Notwithstanding the requirements of this District, previously existing structures in existence between 1904 and 1927 but no longer in existence may be reconstructed to their original footprints, height and massing where the applicant shows by archived evidence or sworn

affidavit(s), and the Commission finds, that such structural dimensions previously existed on the proposed site.

G. Design standards.

1. The following Design Standards provisions apply to the District.
 - a. Building Compatibility:
 - i. Alterations and additions to existing contributing buildings must be consistent with its architecture and meet the requirements set forth in *XX, General Regulations(1)*.
 - ii. The compatibility rule will apply to a principal structure's general façade organization, proportion, scale, materials, and other architectural details.
 - b. Windows and doors:
 - i. The compatibility rule will apply to the following aspects of windows and doors:
 - a) The style and material of the individual windows or doors.
 - b) The size and shape of the individual window and door openings.
 - c) The overall pattern of windows and doors and glazing as it relates to the building façade.
 - d) The materials for exterior framing, casing, and trim for windows and doors.
 - ii. Painted glass and reflective glass, or other similarly treated glazing is not allowed along façades abutting the public right-of-way.
 - c. Façades:
 - i. Building materials for the façades of principal structures will be determined by the compatibility rule.
 - ii. Painting of unpainted building materials and masonry for which painting is character defining and thus contributing is not allowed on contributing buildings.
 - iii. All cleaning of stone, ceramic tile, and brick must be done with mild detergents. Low pressure pressure washing is an approved method of physical treatment.
 - iv. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.
 - d. Fences, Walls, and Retaining Walls:
 - i. New fences and walls exceeding 42 inches in height are not allowed between the façade of the building and the public right-of-way except to accommodate outdoor dining.
 - ii. Where allowed, new fences and walls (excluding retaining walls) may not exceed a total combined height of 6 feet.
 - e. Lighting and Security Features:

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- i. Security, decorative, and other lighting must minimize light spillage by providing cutoff lights that have a maximum 90-degree lighting.
 - ii. Any security, decorative, or other lights must be located a minimum height of 8 feet above the streetscape, driveway, or pedestrian area.
- f. Screening:
- i. Frontages must be screened as specified in Sec. 8.4.3.
 - ii. Site elements must be screened as specified in Sec. 8.4.4.
- g. **Loading Space Requirements.** Minimum on-site loading spaces must be provided according to the Pratt-Pullman Landmark District Loading Table. The residential and nonresidential loading requirements must be met independently. All loading access ways and areas must provide a minimum vertical clearance of 14 feet and are not allowed within the required streetscape. Reduction of on-site loading requirements may be approved by the Director subject to a shared loading arrangement that avoids conflicting loading demands.

Pratt-Pullman Landmark District Loading Table	Unit of Measure	Required Loading Spaces (12' x 35')	Required Loading Spaces (12' x 55')
Residential Uses	Fewer than 50 units	None	None
	51 to 200 units	1	None
	201 units or more	2	None
Non-Residential Uses	40,001 sq. ft. to 100,000 sq. ft. floor area	2	None
	100,001 sq. ft. to 250,000 sq. ft. floor area	2	1
	250,001 sq. ft. floor area or more	2	2

- h. **Affordable Housing.** At least 10% of the total residential rental units in the District must be leased to households having an income, as certified by prospective tenant(s) at the time of execution of the applicable lease agreement that does not exceed 80% of area median income for the family size having the same number of persons as the subject household for the Atlanta-Sandy Springs-Marietta Georgia Department of Housing and Urban Development (“HUD”) Metro Fair Market Rent Area (as published by HUD as of the date of the tenant’s application). The monthly rent amount (including utilities and mandatory fees) for each affordable housing unit must be no more than 30% of the household’s monthly gross income as published periodically by HUD.
2. Notwithstanding anything in the District to the contrary, structures rebuilt under *Sec. XX, Lot Standards(7)(b)* may be, but are not required to be, reconstructed using their original materials, architectural elements, glazing patterns, roof form, and other exterior physical characteristics, where the applicant shows by archived evidence or sworn affidavit(s), and the Commission finds, that such exterior physical characteristics existed on the former structure.

H. Parking.

1. The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified as follows or in this Division:
2. Parking Screening:
 - a. Where on-site surface parking is provided between the building and the public right-of-way either:
 - i. The on-site surface parking lot must be screened from the adjacent public right-of-way and streetscapes a berm or vegetative screen at a minimum of 30 inches in height between the on-site surface parking lot and the adjacent public right-of-way. Driveway crossings, pedestrian and bike paths will be allowed to interrupt the screening.
 - ii. The on-site surface parking lot must be located at least 30 inches below the public right-of-way and required streetscape.
 - b. Any parking structure facing the eastern boundary of the District must be screened along the eastern façade.

DIVISION 6.22. **PONCEY-HIGHLAND (HD10)**

A. Title and Purpose

The intent of the regulations for the Poncey-Highland Historic District (“the district”) is as follows:

1. To preserve the overall architectural history and character of the residential buildings that were constructed in the district during the 1905–1940 development period and non-residential buildings in the 1914–1955 time period, and to ensure that additions, alterations, and renovations to those buildings are consistent with the historic character of the individual structure or that additions are clearly contemporary in style;
2. To preserve the district’s historic development patterns characterized primarily by single-unit houses, duplexes, multi-unit buildings, small-scale and medium-scaled commercial buildings, and scattered industrial buildings;
3. To retain the predominant historic and existing residential architectural forms and styles of the district, including Bungalow, Duplex, American Small House, American Foursquare, Single Building Apartment, and Garden/Courtyard Apartment forms; and Craftsman, Neoclassical Revival, Colonial Revival, Mediterranean Revival, and Italian Renaissance Revival styles;
4. To retain the predominant historic and exiting commercial and industrial architectural forms and styles of the district, including pre-World War II, three-part storefront buildings and pre- and post-World War II masonry, large-windowed manufacturing, warehousing, and industrial buildings;
5. To preserve the historic and existing physical site planning patterns of the district, including spatial relationships between buildings, and between buildings and the public street that reflect the historic pedestrian and non-automobile movement in the district; and to allow for alterations and additions to properties that reinforce the historic and existing features and site planning patterns;
6. To prevent the subdivision or consolidation of existing lots in any manner that would disrupt the historic platting pattern, lot sizes, and spatial relationships established during the 1905-1940 residential development period and the 1914-1955 non-residential development period, or otherwise detract from the identified historic qualities of the district;
7. To encourage neighborhood revitalization, compatible commercial and multi-unit development and prevention of displacement of residents and long-standing businesses;
8. To ensure all new construction observes, and is compatible with, the general setbacks, height, scale and massing of the original and historic development and site planning patterns;
9. To ensure the construction of new primary structures in residential subareas is either compatible with the historic and existing architectural character of the district and is internally consistent to the identified predominant architectural forms and styles; or is of an architectural style that is internally consistent and clearly non-historic contextual in style;
10. To retain the existing overall commercial and non-residential land use patterns, discourage encroachment of the commercial areas into residential subareas, to allow the conversion of non-residential buildings forms into residential use and maintain the small-scale and diversity of the commercial uses historically found along the district’s significant transportation corridors; and

11. To preserve and enhance the historic and architectural appearance of the district to substantially promote the public health, safety and general welfare.

The district is further divided into seven subareas with the following additional purposes for each subarea:

12. **Residential Core, Subarea 1.** To preserve the subarea’s low-rise character of small-scale detached, residential buildings, site features, and uses compatible with that form, and retain the existing contributing buildings.
13. **Beltline Residential, Subarea 2.** To encourage the redevelopment of the area to a mix of low-rise residential uses with a variety of architectural styles to serve as a transition between more intense mixed-use development along the Beltline, less intensive residential Subarea 6 to the north, and Freedom Park to the east, per the Poncey-Highland Neighborhood Master Plan and Atlanta Beltline Subarea 5 Master Plan; and to allow the demolition of historic buildings due to the limited intact historic fabric in the subarea.
14. **North Highland Mixed-Use, Subarea 3.** To retain the subarea’s pedestrian scale and character, ensure that new development reinforces the subarea’s pedestrian scale and character, retain the existing contributing buildings, reinforce its role as a mixed-use, neighborhood-oriented commercial center, and expand housing options.
15. **Ponce de Leon Mixed-Use, Subarea 4.** To encourage a mix of residential and non-residential uses that balance Ponce de Leon Avenue’s role as an arterial corridor with its close proximity to residential areas, and to retain the existing contributing buildings.
16. **Beltline Mixed-Use, Subarea 5.** To encourage intense mixed-use development along the Atlanta Beltline that supports existing City of Atlanta plans, including, but not limited to, the Beltline Redevelopment Plan and the Atlanta Beltline Subarea 5 Master Plan, and to incorporate the existing contributing buildings into new development.
17. **Bonaventure-Somerset Residential, Subarea 6.** To preserve the subarea’s low-rise character of small-scale, detached residential buildings, site features, and uses compatible with that form, and to retain existing contributing buildings.
18. **Freedom Park Transitional, Subarea 7.** To preserve Freedom Park’s exclusive continued use as open space.

B. Scope of Regulations

The scope of the regulations for the Poncey-Highland District is as follows:

1. Except where it is otherwise explicitly provided, Division 6.1 applies to the Poncey-Highland Historic district. Whenever the regulations of the Poncey-Highland Historic District (Division 6.22) conflict with the provisions of Division 6.1, the regulations of the Poncey-Highland Historic District (*Div. 6.22*) will govern.
2. The Beltline Overlay District only applies in Subarea 5 of this district. However, this provision will not limit the applicability of *Chapter 36A* of this part (Affordable Workforce Housing - Beltline Overlay District), which will remain in full effect in accordance with *Sec. XX, General Regulations and Procedures(10)*.

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3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within the Poncey-Highland District will apply. When there is any conflict between said other regulations and the following regulations of the Poncey-Highland Historic District (*Div. 6.22*) the interpretation provision set forth in *Sec. XX, Further Provisions(c)* will govern.
4. When there is any conflict between the density and height provisions of zoning conditions existing before September 17, 2020, or any conflict between, the other chapters of the Zoning Ordinance and this Division, the Poncey-Highland Historic District (*Div. 6.22*) will govern.
5. Graphics are included in this Division but only illustrate the intent and requirement of the text. In the case of a conflict between the text and any graphics, the text will govern.

C. Boundaries and Subareas

The boundaries of the Poncey-Highland Historic District are as shown on the official zoning map. The district is divided into seven subareas, delineated on said map, as follows:

1. Residential Core, Subarea 1 (SA1),
2. Beltline Residential, Subarea 2 (SA2),
3. North Highland Mixed-Use, Subarea 3 (SA3),
4. Ponce de Leon Mixed-Use, Subarea 4 (SA 4),
5. Beltline Mixed-Use, Subarea 5 (SA5),
6. Bonaventure-Somerset Residential, Subarea 6 (SA6),
7. Freedom Park Transitional, Subarea 7 (SA7).

D. Definitions

The following definitions apply to the Poncey-Highland Historic District only. If a term is not defined below, then the definitions in *Div. 6.1* and *Chapter 10* will govern:

Addition. Any change to an existing structure where additional square footage is added to the structure by expanding the exterior envelope of the structure.

Alterations. Any change to an existing structure that does not add additional square footage to the existing heated space and does not move exterior walls. Examples of alterations include, but are not limited to, window replacement, siding replacement, front porch railing/column replacement, etc.

Animal care. A facility designed or arranged for the care of animals. Animal care includes animal grooming, veterinary clinic, kennels, and doggy day care.

Beltline corridor. The definition in Chapter 36 of this part (Beltline Overlay District Regulations).

Block. Both sides of the street where the property is located between the two closest public street intersections.

Block face. The same side of the street where the property is located between the two closest, public street intersections.

Building type. A category of building determined by general use, form, and configuration.

Certificates of appropriateness. City of Atlanta applications/permits used to review and approve design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.

Demolition. The removal or destruction of more than 50% of a structure, or removal or destruction of any portion of the structure inside the lot compatibility zone.

Demolition, partial. The removal or destruction of up to 50% of a structure outside the lot compatibility zone.

District right-of-way. All public streets within the Poncey-Highland Historic District and the Beltline Corridor, but not Freedom Parkway; and all public or private streets required by *Sec. XX, Lot Standards(3)*.

Historic/contributing building. A building, also known as a contributing structure, that reinforces the visual integrity or historic interpretability of the Poncey-Highland Historic District.

Internally consistent. That the architectural form or style of and the architectural elements on a given building are a cohesive expression of the identified architectural style or form of that building and not a combination or mixture of various architectural styles or forms.

Lot compatibility zone. The portion of a lot located within 60 horizontal feet of the front lot line, but no more than 50% of the lot depth as measured from the front lot line and no more than the front 50% of the principal structure, and the portion of a lot located within 20 feet of all other lot lines adjacent to streets other than the front lot line.

Non-historic/non-contributing Building. A building, also known as a non-contributing structure, that does not reinforce the visual integrity or historic interpretability of the Poncey-Highland Historic District.

Original. Part of the building or structure since its initial construction.

Street. A public street or a private street required by *Sec. XX, Lot Standards(3)*, unless otherwise indicated. Public and private alleys are not considered streets.

Ordinary repairs and maintenance. Any work, the purpose or effect of which is to correct any deterioration or decay of, or damage to, a building, structure or site, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using materials with the same appearance, or, as similar in appearance as possible to the original.

E. General Regulations and Procedures

The following apply to all properties in the district.

1. **Certificates of appropriateness.** A City of Atlanta application/permit used to review and approve design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.

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- a. Type I certificates of appropriateness for ordinary repairs and maintenance (as defined in *Sec. XX, Definitions(18)*) are not required. A certificate of appropriateness is not required if a building permit is not required for such work. Painting or repainting of any structure or portion thereof does not require a certificate of appropriateness but must comply with *Sec. XX, Subarea 1 and 6 Alterations and Additions to Historic Buildings(1)(e)* or *Sec. XX, Subarea 3, 4, and 5 Alterations and Additions to Historic Buildings(1)(e)* about painting of unpainted masonry surfaces.
- b. Type II certificates of appropriateness are required from the Director of the Urban Design Commission (“the Director”) for the following activities, except for those activities noted in *Sec. XX, General Regulations and Procedures(1)(a)* above:
 - i. All exterior alterations to existing structures within the lot compatibility zone;
 - ii. Dormer additions and gable additions that are no higher than the ridgeline of the primary structure and at least maintain the setbacks of the primary structure;
 - iii. Roof plane extensions that at least maintain the side setbacks of the primary structure;
 - iv. Rear additions which are no higher than the highest ridgeline of the primary structure and at least maintain the side setbacks of the primary structure;
 - v. New accessory structures;
 - vi. Fences, walls, and retaining walls in yards adjacent to a District right-of-way;
 - vii. Decks, walkways, driveways, and other paving;
 - viii. Replats, subdivisions, and consolidations; and
 - ix. Notwithstanding *Sec. XX, Signs, General Regulations(v)* of the Zoning Ordinance, Type II certificates of appropriateness for new signage or alterations to existing signage will be reviewed and approved by the Director.
- c. If the proposed activity meets the applicable district regulations, the Director must issue a Type II certificate within 14 days of the receipt of a complete application. If the proposed activity does not meet the applicable district regulations, the Director must deny the application with notice to the applicant within 14 days of the application. Appeals from a decision of the Director about a Type II certificate of appropriateness by any aggrieved person will be processed as prescribed in the appeals portion of *Sec. XX, General Regulations and Procedures* of the Zoning Ordinance.
- d. Type III certificates of appropriateness are required from the Commission (“Commission”) for the following activities, except for those activities noted in *Sec. XX, General Regulations and Procedures(1)(a) and (b)* above:
 - i. All new primary structures;
 - ii. Additions to the side of a primary structure, second story additions, and all other additions, except those noted in *Sec. XX, General Regulations and Procedures(1)(b)*;
 - iii. Revisions to previously approved plans that result in an increase in the floor area ratio, lot coverage, or height; or an expansion of the building footprint; and

- iv. Variances.
 - e. Type IV certificates of appropriateness are required from the Commission only for the demolition or moving of any historic/contributing principal building. However, a partial demolition of a historic/contributing primary building also requires a Type IV certificate of appropriateness when the partial demolition will result in the loss of significant architectural features that destroys the building's historic interpretability or importance to the district. Pursuant to *Sec. XX, Title and Purpose(13)*, demolition or partial demolition of a historic/contributing primary building in Subarea 2 does not require a Type IV certificate of appropriateness.
2. Variances:
- a. Variances must be heard by the Commission. The Commission has the authority to grant or deny variances from the provisions of the district 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 must be as specified in *Div. 9.6, Quasi-Judicial Review* of the Zoning Ordinance.
 - b. Zoning variances granted prior to September 17, 2020. Any property owner who obtained a variance from the board of zoning appeal on or after January 1, 1982, and before September 17, 2020, to construct all, or a portion, of a project in the district, is entitled to construct said project according to the plans presented in that application.
3. Financial hardship exemptions:
- a. These regulations establish a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of neighborhood revitalization and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations on the grounds of economic hardship to the property owner.
 - b. The burden of proving economic hardship by a preponderance of the evidence is on the applicant.
 - c. The commission must 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 Division.

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- d. The Commission must consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it must grant an exemption, in whole or in part, as appropriate.
 - e. Subdivisions, consolidations, and replatting of lots:
 - f. *Subareas 1, 2, 6.* The platting pattern of lots is an integral part of the historic character of these subareas. No subdivision, consolidation, or replat may be approved by the City of Atlanta unless it can be shown through archival documentation or maps that the proposal is substantially consistent with the original platting pattern of the subarea. In addition to the regulations of the City of Atlanta Subdivision and Zoning Ordinances, including but not limited to *Sec. XX, Streets(a)(2) and XX, Lots(d)(6)*, all subdivisions, consolidations and replats of lots must conform to the original platting pattern in the subarea with regard to the area of the lot, dimensions, and configurations, except in Subarea 6, where contributing multi-unit properties containing four or more units may be consolidated with other immediately adjacent contributing multi-unit properties containing four or more units.
 - g. *Subareas 3, 4, 5, 7:*
 - i. Subdivision. No subdivision of lots may be approved unless it can be shown that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the particular subarea or of the District as a whole, may be reasonably situated and constructed upon such lots.
 - ii. Consolidation and replatting of lots. No consolidation of lots or replatting of lots may be approved unless it can be shown that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the subarea, and the District as a whole, may be reasonably situated and constructed upon such lots.
4. **The Compatibility Rule.** To permit flexibility and to ensure alterations and additions to existing structures and the design of new structures are sensitive to and sympathetic toward the existing character of the district, some regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) must match the predominant original or historic elements of the historic/contributing buildings of like use on the same block, including the subject property if historic/contributing. If there is not a predominant original or historic element on the same block, the element in question shall be consistent with the architectural style of the structure. Where quantifiable, the element in question (i.e., building height and width as measured at street-facing building facade, story height, lot dimensions, etc.), must be no smaller than the smallest or larger than the largest such dimension of the historic/contributing buildings of like use on the same block, including the subject property if historic/contributing." Those elements that the compatibility rule applies to are specified in the District regulations by reference to "compatibility rule."
5. **Rebuilding of detached house, stacked flat, townhouse, and carriage house building types.** After a partial or complete destruction of an entire structure or any portions of a detached house, stacked flat, townhouse, or carriage house building type due to fire, tree fall damage, or other unintentional causes, for the purposes of zoning compliance, the previously existing structure or portion of structure may be rebuilt to its previously existing exterior condition in all respects, including but not limited to height, setbacks, location, lot coverage, building components, architectural elements, and general design. If the structure or portions of a structure are not

rebuilt to their previously existing exterior condition, all aspects of the new structure or new portions of an existing structure must meet the District regulations and all other applicable Zoning Ordinance regulations.

6. **Height calculation.** The height of structures is measured as follows:
 - a. *In Subareas 1, 2, 3, 4, 6, and 7*, the height of structures is measured on the street-facing building facade from the average point of grade along said street-facing building facade to the highest point of the roof or facade, whichever is higher.
 - b. In Subarea 5, the height of structures with one or more facades adjacent to the Beltline corridor is measured on the Beltline corridor-facing facade from the average point of grade along said facade to the highest point of the roof or facade, whichever is higher. The height of structures with no facades adjacent to the Beltline corridor is measured as indicated in *Sec. XX, General Regulations and Procedures(7)(a)* above.
7. **Default review standards.** The Commission will apply the following standards when the standards set forth elsewhere in this District do not specifically address the proposed work including but not limited to work proposed for the following building types: stacked flats, commercial blocks, shopfronts, towers, or civic buildings.
 - a. A property must be used as it was historically or be given a new use that requires minimal change to its distinctive design and appearance, features, spaces, and spatial relationships.
 - b. The historic character of a property must be retained and preserved. The or alteration of the design, appearance, features, spaces, and spatial relationships that characterize a property must be avoided.
 - c. Each property must be recognized as a physical record of its time, place, and use. Changes may not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
 - e. Distinctive designs, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.
 - f. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, appearance, and, where possible, materials.
 - g. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used.
 - h. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.
 - i. New additions, exterior alterations, or related new construction may not destroy historic features and spatial relationships that characterize the property. The new work may be differentiated from the old and must be compatible with the historic features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

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- j. New additions and adjacent or related new construction must 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.
8. Contributing buildings status:
- a. All contributing buildings within the district are shown on the map adopted herewith entitled "Poncey-Highland Historic District." Said map identifies each building in the district that meets the definition of "contributing building, structure or site" set forth in *Sec. XX, Definitions* and further defined as a "Historic/Contributing Property" in *Sec. XX, Definitions*.
 - b. The Director must periodically review said map to correct errors or omissions to said map, or to reflect any changed conditions relevant to the contributing status of buildings within the district, consistent with the requirements of *Div. 6.22 and Div. 6.1*, and must maintain public records of said list and all such errors, omissions or updates. An action by the Director to correct such errors or omissions, or to make updates, must be initiated by execution of a signed and dated form promulgated by the Director specifying the action initiated, the reason(s) for such action, and the identification of all property subject to said action. Said form must be mailed by first class mail to the owner(s) of the effected property within five calendar days of the initiation of the action by the Director.
 - c. An action by the Director to correct errors or omissions, or to update, the map as authorized in *Sec. XX, General Regulations and Procedures(9)(b)* above will result in the immediate prohibition of any new or amended applications of any kind effecting such property, including but not limited to demolition requests, building permits or land disturbance permits, and including acceptance of any such application or request by any City of Atlanta bureau, agency, official, employee or agent. Said prohibitions will become automatically effective without further action of any kind immediately upon the date and time that the Director takes an action authorized in *Sec. XX, General Regulations and Procedures(9)(b)* above. The purpose and intent of this provision is to maintain the status quo regarding any such effected property until the Director's action is reviewed and affirmed or reversed by the Commission in the manner specified in *Sec. XX, General Regulations and Procedures(9)(d)* below. The period of this mandatory interim protection will be 90 days or until a final decision reviewing such action is made by the Commission, whichever first occurs, commencing on the date and time of the Director's decision. This interim control period allows and is based upon approximately 30 days for the initial scheduling of the public hearing following the Director's action and approximately 60 days for completion of the public hearing and a final decision by the Commission.
 - d. All actions by the Director to correct errors or omissions, or to update, said map must be reviewed and approved by the Commission using the notice and procedures required for Type III certificates of appropriateness with the following modifications:
 - i. Hearings on such review and approval by the Commission must be scheduled by the Director within 30 days of the Director's action on such correction(s) or update(s) and must be decided by the Commission within a reasonable time; and
 - ii. The Commission will affirm the action(s) of the Director upon an expressed finding by the Commission that the Director's action(s) correctly applied the definitions and

requirements for determining the contributing status of the properties in question in *Div. 6.22* and *Div. 6.1*.

- iii. In exercising its review, the Commission may reverse or affirm the action(s) of the Director, wholly or partly. Appeals from a decision by the Commission on such reviews shall be taken by any person aggrieved by such decision pursuant to *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.
9. **Affordable workforce housing for Beltline zoning overlay district.** *Chapter 36A* of this part must remain in full force and effect for the properties located in the district which were otherwise subject to *Chapter 36A* prior to September 17, 2020.

F. Subarea 1 and 6 Alterations and Additions to Historic Buildings

The following apply to alterations and additions to existing historic/contributing buildings within the lot compatibility zone in *Subareas 1 and 6*.

1. Alterations:

- a. Windows and doors:
 - i. Replacement windows must match the size, light pattern, and appearance of the original or historic windows; be a design consistent with the architectural style and age of the building or have the same design and appearance as the existing windows.
 - ii. All replacement windows with light divisions must have true divided lights or simulated divided lights with exterior light divisions permanently affixed to the exterior of the glass.
 - iii. The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is allowed.
 - iv. Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.
 - v. New or replacement doors must be solid panel or fixed glass in a solid panel, and the design must meet the compatibility rule, must be consistent with the architectural style of the building, or must match the previously existing door.
 - vi. Skylights are allowed on roof slopes outside the lot compatibility zone.
- b. **Siding and facade materials.** Replacement siding and facade materials must be consistent in design and appearance with the original or historic materials. If the original or historic siding and facade materials are not present, the replacement siding and facade materials must be consistent in design and appearance with the existing architectural style of the building or what was removed.
- c. **Other architectural elements and ornamentation.** Original or historic architectural elements and ornamentation must be retained, but, if necessary, may be repaired or replaced in a manner that maintains their previous design and appearance. Installation of new architectural elements and ornaments where none previously existed is allowed and must meet the compatibility rule. Architectural elements and ornamentation include, but are not limited

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to chimneys, brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, half-timbering, and attic vents.

- d. **Awnings or canopies.** Original or historic awnings or canopies must be retained, and new awnings or canopies may be installed if they are consistent with the architectural style of the building.
 - e. **Masonry surfaces.** The coating or painting of uncoated/unpainted masonry surfaces is allowed with the use of a paint product specified for use on exterior masonry surfaces. The color of the coating/paint is not regulated. Except for allowed coating/painting, original or historic masonry surfaces may not be covered, sheathed over, or coated in any other way.
 - f. Front or side stoops and porches:
 - i. Existing original or historic stoops and porches must be retained, but, if necessary, may be repaired in a manner that maintains their previous design and appearance. Original or historic stoops and porches may be enclosed with screen wire or glass provided that the original or historic features of the porch, including balustrades, rails, headers, and columns, are retained and not obscured by the enclosure material. Original or historic stoops may be removed if they are replaced with a stoop or porch that meets *Sec. XX, Subarea 1 and 6 Alterations and Additions to Historic Buildings(1)(f)(iii)*.
 - ii. Existing non-original or non-historic stoops and porches may be repaired, replaced, or otherwise maintained to retain their previously existing appearance and components.
 - iii. New stoops and porches are allowed and must be consistent with the architectural style of the building with setbacks that meet the compatibility rule.
 - g. **New decks.** Decks are allowed only on the rear facade of the primary building and may not project past the side facades of the primary structure.
 - h. **Chimneys.** Chimneys may be raised in height in conjunction with a dormer, gable, or second story addition, or roof plane extension and such extension must be consistent with the architectural style of the building. Structurally unstable chimneys may be removed.
 - i. **Other alterations.** All other alterations must be consistent with the architectural style of the building or must meet the compatibility rule.
 - j. **Roofs.** Solar energy generating roofing shingles are allowed. Solar panels are allowed only outside of the lot compatibility zone.
2. Dormer and gable additions:
 - a. A dormer addition must only occupy a portion of an existing roof plane; and a gable addition may occupy an entire roof plane but may not exceed the highest point of the existing roof plane.
 - b. Within the lot compatibility zone, must be consistent with the architectural style of the building;
 - c. Within the lot compatibility zone, roof form, windows, doors, architectural elements, and ornamentation must be consistent with the architectural style of the building; and

- d. The existing eave or cornice lines of the building must be retained.
3. Rear additions:
 - a. Rear additions must be no higher than the existing, highest ridgeline; and
 - b. Within the lot compatibility zone, roof form, windows, door, architectural elements, and ornamentation must be internally consistent with the architectural style of the addition.
4. All building type roof plane extensions:
 - a. On building with a side gabled principal roof, the front roof plane may be extended if the existing roof form and pitch is maintained;
 - b. Within the lot compatibility zone, windows, doors, and architectural elements, and ornamentation must be consistent with the architectural style of the building; and
 - c. The existing eave or cornice lines of the building must be retained.
5. Second story additions: detached house:
 - a. Must contain new vertical walls aligned with or parallel to the perimeter of the existing building that create habitable floor area above an existing habitable floor, except as required by **(c)** below;
 - b. Must be secondary in design to the existing building;
 - c. Must be set back a minimum of 10 feet measured from the front-most wall of the building (excluding any front porch, open or enclosed) or must include distinct, clearly articulated architectural elements or treatments along all facades visible from a public street which distinguish the addition from the existing detached house;
 - d. Must contain a plate height (distance from subfloor to the top top plate) that does not exceed the plate height of the story beneath the proposed addition;
 - e. Within the lot compatibility zone, windows, doors, architectural elements, and ornamentation must be consistent with the architectural style of the building, except as otherwise allowed by *Sec. XX, Subarea 1 and 6 Alterations and Additions to Historic Buildings(5)(c)* above;
 - f. The existing eave or cornice lines of the building must be retained; and
 - g. The roof form and pitch must match the form of both the primary roof and any secondary gables on the front facade.
6. Upper story/roof top additions: stacked flat, civic building:
 - a. Must be secondary in design to the existing building;
 - b. Must be set back a minimum of 10 feet behind the front-most wall of the structure (excluding any front porch, open or enclosed); or must include distinct, clearly articulated architectural elements or treatments along all public street-facing facades which distinguish the addition from the existing building and may not obscure or cover in any way an existing parapet wall or associated copping; and

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- c. The existing eave or cornice lines of the building must be retained.
- 7. All other additions or combinations of additions listed in *Sec. XX, Subarea 1 and 6 Alterations and Additions to Historic Buildings(2)* through *(6)* must meet the compatibility rule, comply with *Sec. XX, General Regulations and Procedures(8)* and all other district regulations.

G. Subarea 1 and 6 alterations and Additions to Existing Non-Historic Buildings and Subarea 2 Alterations and Additions to All Buildings

The following apply to alterations and additions to existing non-historic/non-contributing detached houses within the lot compatibility zone in Subareas 1 and 6 and all detached houses in Subarea 2.

1. Within the lot compatibility zone, alterations and additions must comply with one of the following options:
 - a. Alterations and additions must be consistent with the architectural style of the existing building, and additions may not be wider or taller than the existing building; or
 - b. Alterations and additions must increase the compatibility of the building with the district by incorporating a single architectural style exhibited by the original or historic features of historic/contributing buildings on the block face and the resulting maximum height must meet the compatibility rule; or
 - c. Alterations and additions must comply with *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(2)* Contextual Architectural Forms and Styles regulations and the resulting maximum height must meet the compatibility rule; or
 - d. Second story additions must comply with *Sec. XX, Subarea 1 and 6 Alterations and Additions to Historic Buildings(5)* Detached House Second Story Additions: Detached House.

H. Subarea 1, 2, and 6 Construction of All New Building Types

New principal buildings in Subareas 1, 2, and 6 must meet all applicable provisions of this Section and either *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(1)* Original/Historic Architectural Forms and Styles or *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(2)* Contextual Architectural Forms and Styles, but not a combination of both.

1. **Original/historic architectural forms and styles.** The following regulations apply to facades within the lot compatibility zone:
 - a. Building facades:
 - i. Must be an architectural style of a historic/contributing building of like use on the block face.
 - ii. Must have a front porch facing and parallel to the street.
 - b. **Materials, elements, and ornamentation.** Building materials, architectural elements, and ornamentation must meet the compatibility rule and must be internally consistent with the architectural style.
 - c. Windows and doors:

- i. The ratio of window and door opening area to wall area must meet the compatibility rule and must be internally consistent with the architectural style.
 - ii. The scale, size, proportion, and location of all window and doors openings must meet the compatibility rule and must be internally consistent with the architectural style.
 - iii. The front door must be visible from and face the public street.
- d. **Siding and facade sheathing.** Must meet the compatibility rule and must be internally consistent with the architectural style. Further, brick, brick veneer, true stucco, wood or smooth faced cementitious shingles, or horizontal wood or smooth faced cementitious lap siding are the only permissible building materials for the facades.
- e. Foundation:
- i. Slab on grade, raised slab, or turn-down slab foundations are not allowed.
 - ii. Foundation material must meet the compatibility rule and must be internally consistent with the architectural style.
- f. Roofs and roof materials:
- i. Form and pitch, as well as ridge, overhang, and soffit construction must meet the compatibility rule and must be internally consistent with the architectural style.
 - ii. Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, and solar energy generating shingles are permissible roofing materials.
 - iii. Solar panels are permissible only outside of the lot compatibility zone.
 - iv. Membrane, cold-rolled, and corrugated roofing are allowed only on roofs outside of the lot compatibility zone.
- g. Chimneys:
- i. When any portion of a chimney is a façade element, the chimney must originate at grade.
 - ii. Exterior portions of chimneys must be faced with brick, brick veneer, or true stucco. Siding on chimneys is not allowed.
- h. Porches:
- i. Porches are required. The dimensions, location, and shape must meet the compatibility rule and must be internally consistent with the architectural style.
 - ii. Required porches must contain balustrades, columns, and other features which must meet the compatibility rule and must be internally consistent with the architectural style. Additional height needed to meet building codes must be attained by using a distinct railing extension.
- i. **Shutters.** Shutters may be used if they are internally consistent with the architectural style. Shutters must be operable, or appear operable, and must fit the size of the window.
- j. Decks and balconies:

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- i. Decks are only allowed at the rear of the primary structure and may not project past the side facade of the primary structure. Decks are allowed at any level.
 - ii. Balconies are allowed on any facade if they are internally consistent with the architectural style.
2. **Contextual architectural forms and styles.** The following regulations apply to those facades which are within the lot compatibility zone within *Subareas 1 and 6*:
 - a. Contextual architectural forms and styles must be all forms and styles that do not conform to the requirements of *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(1) Original/Historic Architectural Forms and Styles*, but do comply with this Section, *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(2)*.
 - b. **Materials, elements, and ornamentation.** Building materials, architectural elements, and ornamentation must be internally consistent with the architectural style.
 - c. Windows and doors:
 - i. The ratio of window and door opening area to wall area must be internally consistent with the architectural style.
 - ii. The scale, size, proportion, and location of all window and door openings must be internally consistent with the architectural style.
 - iii. The primary front door must be visible from and face the public street.
 - d. **Siding and facade sheathing.** Must be internally consistent with the architectural style. Brick, brick veneer, stone, true stucco, wood or smooth faced cementitious shingles, wood or smooth faced cementitious lap siding, or smooth faced cementitious panels are permissible building materials for facades. When installed within the lot compatibility zone, smooth faced cementitious panels may not utilize a board and batten application. All panels must include a metal reveal channel, lap joint, expansion joint, or rain screen as an alternative to battens.
 - e. **Foundation materials.** Must be internally consistent with the architectural style.
 - f. Roofs and roof materials:
 - i. Form and pitch, as well as ridge, overhang, and soffit construction must be internally consistent with the architectural style.
 - ii. Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, metal panels, and solar energy generating shingles are permissible roofing materials.
 - iii. Solar panels are permissible outside of the lot compatibility zone.
 - iv. Membrane or cold-rolled roofing is allowed only on roofs outside the lot compatibility zone. Corrugated roofing materials are not allowed.
 - g. Chimneys:
 - i. When any portion of a chimney is a facade element, the chimney must originate at grade.

- ii. Exterior portions of chimneys must be faced with brick, brick veneer, or true stucco. Siding on chimneys is not allowed.
- h. **Shutters.** Shutters are not allowed.
- i. Decks and balconies:
 - i. Decks are only allowed at the rear of the primary structure and at any level and may not project past the side facade of the primary structure. Decks are allowed at any story.
 - ii. Balconies are allowed on any facade if it is internally consistent with the architectural style.

I. Subarea 3, 4, and 5 alterations and additions to historic buildings

The following apply to alterations and additions to existing historic/contributing buildings in Subareas 3, 4, and 5, except that for building types “detached house” and “stacked flats,” as defined in [Sec. XX, Building Type Standards](#), the following must only apply to alterations and additions within the lot compatibility zone of those properties.

1. Alterations:
 - a. Windows and doors:
 - i. Replacement windows must match the size, light pattern, design and appearance of the original or historic windows or doors; be a design consistent with the architectural style and age of the building; or have the same design and appearance as the existing windows.
 - ii. All replacement windows with light divisions must have true divided lights or simulated divided lights with exterior light divisions permanently affixed to the exterior of the glass.
 - iii. Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.
 - iv. New or replacement doors must meet the compatibility rule or be consistent with the architectural style of the building or match the previously existing door.
 - b. **Siding and facade materials.** Replacement siding and facade materials must be consistent in design and appearance with the original or historic materials. If the original or historic siding and facade materials are not present, the replacement siding and facade materials must be consistent with the design and appearance of the existing architectural style of the building or what was removed.
 - c. **Other architectural elements and ornamentation.** Original or historic architectural elements and ornamentation must be retained, but, if necessary, may be repaired or replaced in a manner that maintains their previous design and appearance. Installation of new architectural elements and ornaments where none previously existed are allowed and must meet the compatibility rule. Architectural elements and ornamentation include, but are not limited to chimneys, brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, half-timbering, and attic vents.

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- d. **Awnings and canopies.** Original or historic awnings or canopies must be retained. New awnings or canopies may be installed if they are consistent with the architectural style of the building.
 - e. **Masonry surfaces.** The coating/painting of uncoated/unpainted masonry surfaces is not allowed. Further, original or historic masonry surfaces may not be covered, sheathed over, or coated in any other way.
 - f. Front or side vestibules, stoops and porches:
 - i. Existing original or historic vestibules, stoops, and porches must be retained, but, if necessary, may be repaired in a manner that maintains their previous design and appearance. Original or historic vestibules, stoops and porches and may be enclosed with screen wire or glass provided that the original or historic features of the porch, including balustrades, rails, headers, and columns, are retained and not obscured by the enclosure material.
 - ii. New vestibules, stoops, and porches are allowed and must be consistent with the architectural style of the building and have setbacks that meet the compatibility rule.
 - g. **New decks.** Decks are allowed on the rear facade of the primary building and may not project past the side facades of the primary structure.
 - h. **Foundation materials.** Must be internally consistent with the architectural style.
 - i. Roofs and roof materials:
 - i. Form and pitch, as well as ridge, overhang, and soffit construction must be internally consistent with the architectural style.
 - ii. Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, metal panels, and solar energy generating shingles are permissible roofing materials. Membrane or cold-rolled roofing is allowed only on roofs not visible from a district right-of-way. Corrugated roofing materials are not allowed.
 - iii. Solar panels are permissible but must be located to be the least visible possible from a district right-of-way.
 - j. **Other alterations.** All other alterations must be consistent with the architectural style of the building and must meet the compatibility rule.
2. Side and rear additions:
- a. If visible from a district right-of-way, building materials, architectural elements, and ornamentation must be internally consistent with the architectural style of the historic building or must meet *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(2)* as applied to portions visible from a district right-of-way.
 - b. Side additions that are between the building and the public street but do not affect the street-facing building facade that existed prior to the addition.
3. Upper story/roof top additions:

- a. If visible from a district right-of-way, building materials, architectural elements, and ornamentation must be internally consistent with the architectural style of the historic building or *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(2)* as applied to portions visible from a district right-of-way.
- b. Must be set back a minimum of 10 feet behind the front most street-facing building facades (excluding any front porch, stoop or vestibule open or enclosed) or must include distinct, clearly articulated architectural elements or treatments along all street-facing building facades which distinguish the addition from the existing building and may not obscure or cover in any way an existing parapet wall or associated coping; and
- c. The existing eave or cornice lines of the building must be retained.

J. Subarea 3, 4, 5 Alterations and Additions to Existing Non-Historic Buildings and Construction of New Buildings

The following apply to alterations and additions to existing non-historic/non-contributing buildings and to new construction Subareas 3, 4, and 5.

1. **Facade divisions.** When the following standards refer to the “architectural style,” such term applies to the entire building, except when the street-facing building facade is divided into vertical divisions per *Sec. XX, Building Type Standards(18)(b)* and each Division has a distinct architectural style. When *Sec. XX, Building Type Standards(18)(b)* is utilized, the term “architectural style” only applies to the specific facade Division.
2. **Materials, elements, and ornamentation.** Building materials, architectural elements, and ornamentation must be internally consistent with the architectural style of the building or the addition.
3. Windows and doors:
 - a. The ratio of window and door opening area to wall area must be internally consistent with the architectural style of the building or the addition.
 - b. The scale, size, proportion, and location of all window and door openings must be internally consistent with the architectural style of the building or the addition.
4. **Siding and facade sheathing.** Must be internally consistent with the architectural style of the building or addition, except as follows:
 - a. The first three stories of all street-facing building facades must be faced in brick, brick veneer, stone, or masonry, or metal.
 - b. Stories above the fourth story on all street-facing building facades must be faced in brick, brick veneer, stone, masonry, or metal, true stucco, concrete, architectural panels, or glass curtain walls, or smooth faced cementitious panels. When visible from the district right-of-way, smooth faced cementitious panels may not utilize a board and batten application. All panels must include a metal reveal channel, lap joint, expansion joint, or rain screen as an alternative to battens. Non-street facing building facades must be faced in brick, brick veneer, stone, masonry, or metal, true stucco, concrete, architectural panels, glass curtain walls, wood or smooth faced cementitious shingles, wood or smooth faced cementitious lap siding, or smooth faced cementitious panels.

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- c. When installed on any facade, smooth faced cementitious panels may not utilize a board and batten application. All panels must include a metal reveal channel, lap joint, expansion joint, or rain screen as an alternative to battens.
5. **Foundation materials.** Must be internally consistent with the architectural style of the building or the addition.
 6. Roofs and roof materials:
 - a. Form and pitch, as well as ridge, overhang, and soffit construction must be internally consistent with the architectural style of the building or the addition.
 - b. Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, metal panels, and solar energy generating shingles permissible roofing materials. Membrane or cold-rolled roofing is allowed only on roofs not visible from a district right-of-way. Corrugated roofing materials are not allowed.
 - c. Solar panels are permissible but must be located to be the least visible possible from a district right-of-way.
 7. Chimneys:
 - a. When any portion of a chimney is a facade element, the chimney must originate at grade.
 - b. Exterior portions of chimneys must be faced with brick, brick veneer, or true stucco. Siding on chimneys is not allowed.
 8. Shutters. Inoperable shutters are not allowed.

K. Permitted principal uses and structures

The following permitted uses and restrictions apply to all subareas in this district:

1. The permitted principal uses and special permit uses set forth in Table 1: Poncey-Highland District Table of Uses are the only uses permitted, as listed within each subarea.
2. **Permitted principal uses.** A building or premises may only be used for the principal uses indicated with a "P" in Table 1, subject to further restrictions where noted.
3. Special permits:
 - a. Uses permissible only by special permit are subject to requirements of this Division or elsewhere in this Zoning Ordinance and are also subject to the applicable provisions of **Sec. XX, Special Permits, Intent: Classes of Special Permits**, et seq. Special use permits are required as indicated with "SUP" in Table 1.
 - b. The Commission may recommend conditions for special use permits regarding fencing, screening or other buffering, existence or location of lighting, hours of use, vehicular traffic congestion and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.
4. **Nonconforming uses.** This Section addresses permitted principal uses and structures within each subarea. Lawful nonconforming uses and structures are regulated by **Div. XX. Special Use Permit**.

Any alteration or addition to nonconforming uses or structures require an appropriate certificate of appropriateness by the Commission.

5. Prohibited uses:
 - a. All uses marked with an "--" or not listed in Table 1 are not allowed in the Subarea(s) identified unless authorized in *Sec. XX, Permitted Principal Uses and Structures(6)* below.
 - b. No use or manner of operation is allowed which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.
 - c. Use of heavy drop hammers, punch presses or other machinery, or processing methods creating an excessive noise or vibration is not allowed in this district, subject to the provisions in Chapter 74, Article IV, noise control.

TABLE 1: PONCEY-HIGHLAND DISTRICT TABLE OF USES	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional	Use Standards
RESIDENTIAL USES								
Household Living								
General household living as follows:								Sec. 4.3.2.A.
1 dwelling per lot	P (1)	P (1)	P (1)	P (1)	P (1)	P (1)	--	
2 dwellings per lot (sublots not allowed)	--	P (2)	P (2)	P (2)	P (2)	P (2)	--	
3 or more dwellings per lot in townhouse building type	--	P	P	P	P	--	--	
3 or more dwellings per lot in a cottage court building type	--	P	P	P	P	--	--	
3 or more dwellings on a lot of record that contained such legal dwelling units before January 1, 2020	P	P	P	P	P	P	--	
<u>3 or more dwellings on a lot, other</u>	--	--	P	P	P	--	--	
Live-work	--	--	P	P	P	--	--	Sec. 4.3.2.A.
Purpose-built student housing	--	--	P	P	P	--	--	
Group Living								
General supervised group living	--	--	S	S	S	--	--	Sec. 4.3.2.B.
General unsupervised group living	--	--	P	P	P	--	--	Sec. 4.3.2.B.

KEY: P = Use allowed S = Use allowed by Special Use Permit * = Use standards apply, See *Div. 4.3 - Specific Use Standards* - = Use not allowed

TABLE 1: PONCEY-HIGHLAND DISTRICT TABLE OF USES	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional	Use Standards
Dormitory, fraternity, or sorority	--	--	S	S	S	--	--	
Emergency shelter	--	--	S	S	S	--	--	Sec. 4.3.2.B.
Maternity supportive housing	P	P	P	P	P	P	P	
PUBLIC AND INSTITUTIONAL USES								
Civic								
General civic	P	P	P	P	P	P	P	
Community center, private	S	S	S	S	S	S	S	
Library or museum, private	--	--	P	P	P	--	--	
Religious assembly	P	P	P	P	P	P	--	
Private Education								
General private education	P	P	P	P	P	P	--	
College or university, private	--	--	P	P	P	--	--	
Commercial school	--	--	P	P	P	--	--	
Day care, private	--	--	P	P	P	--	--	
Parks and Open Space								
General parks and open space	--	--	P	P	P	--	--	
Cemetery	--	--	--	--	S	--	--	
Utility								
General utility	P	P	P	P	P	P	P	
Commercial wind or solar	--	--	--	--	--	--	--	
Wireless Telecommunication								
Type I: Modification (4)	--	--	P*	P*	P*	--	--	Sec. 4.3.3.A
Type II: Small wireless collocation (4)	--	--	P*	P*	P*	--	--	Sec. 4.3.3.A
Type III: Non-small wireless collocation (4)	--	--	P*	P*	P*	--	--	Sec. 4.3.3.A
Type IV: Small wireless structure	--	--	--	--	--	--	--	Sec. 4.3.3.A
Type V: Non-small wireless structure	--	--	--	--	--	--	--	Sec. 4.3.3.A
COMMERCIAL USES								
Adult Establishment								
Adult Establishment	--	--	--	--	--	--	--	Sec. 4.3.4.A.
Agriculture								
Farmers market	P*	P*	P*	P*	P*	--	--	Sec. 4.3.4.B.

KEY: P = Use allowed S = Use allowed by Special Use Permit * = Use standards apply, See *Div. 4.3 - Specific Use Standards* - = Use not allowed

TABLE 1: PONCEY-HIGHLAND DISTRICT TABLE OF USES	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional	Use Standards
Indoor growing system	--	--	P	P	P	--	--	
Urban garden	P*	P*	P*	P*	P*	P*	P*	Sec. 4.3.4.A.
Entertainment and Recreation								
General indoor entertainment and recreation	--	--	P	P	P	--	--	
General outdoor entertainment and recreation	--	--	--	--	--	--	--	
ATV park	--	--	--	--	--	--	--	Sec. 4.3.4.C.
Club, private	--	--	S	S	S	--	--	
Convention hall or event facility	--	--	P	P	P	--	--	
Golf course	--	--	--	--	--	--	--	
Lounge or nightclub	--	--	--	S	S	--	--	Sec. 4.3.4.C.
Party house	--	--	--	--	--	--	--	Sec. 4.3.4.C.
Sports arena, stadium, or field	--	--	--	--	--	--	--	Sec. 4.3.4.C.
Food and Beverage								
General food and beverage	--	--	P	P	P	--	--	
Bakery, wholesale	--	--	P	P	P	--	--	Sec. 4.3.4.D.
Bar	--	--	P	P	P	--	--	Sec. 4.3.4.D.
Catering establishment	--	--	P	P	P	--	--	Sec. 4.3.4.D.
Delivery-based commercial kitchen	--	--	--	--	--	--	--	Sec. 4.3.4.D.
Microbrewery, microdistillery, or winery	--	--	P	P	P	--	--	Sec. 4.3.4.D.
Lodging								
General lodging	--	--	P	P	P	--	--	Sec. 4.3.4.E.
Bed and breakfast	--	--	P*	P*	P*	--	--	Sec. 4.3.4.E.
Short-term rental	P*	P*	P*	P*	P*	P*	--	Sec. 4.3.4.E.
Medical								
General medical	--	--	P	P	P	--	--	
Hospital	--	--	--	P	P	--	--	
Medical laboratory	--	--	--	--	--	--	--	
Office								
General office	--	--	P	P	P	--	--	
Sound recording studio	--	--	P	P	P	--	--	
Parking								

KEY: P = Use allowed S = Use allowed by Special Use Permit * = Use standards apply, See *Div. 4.3 - Specific Use Standards* - = Use not allowed

TABLE 1: PONCEY-HIGHLAND DISTRICT TABLE OF USES	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional	Use Standards
Commercial parking lot (3)	--	--	--	--	S	--	--	
Commercial parking structure	--	--	P	P	P	--	--	
Personal Service								
General personal service	--	--	P	P	P	--	--	Sec. 4.3.4.F.
Animal care, indoor	--	--	S	S	P	--	--	Sec. 4.3.4.F.
Animal care, outdoor	--	--	--	--	P	--	--	
Body art studio	--	--	P	P	P	--	--	Sec. 4.3.4.F.
Funeral home	--	--	--	S	S	--	--	Sec. 4.3.4.F.
Hair or nail salon	--	--	P	P	P	--	--	Sec. 4.3.4.F.
Laundry service								Sec. 4.3.4.F.
Up to to 5,000 SF	--	--	P	P	P	--	--	
Retail								
General retail	--	--	P	P	P	--	--	
Alternative financial service	--	--	--	--	--	--	--	Sec. 4.3.4.G.
Artisan workshop	--	--	P	P	P	--	--	
Grocery store								
Up to 2,000 SF	--	P	P	P	P	--	--	
Above 2,000 SF	--	--	P	P	P	--	--	
Hookah or vape store	--	--	P	P	P	--	--	Sec. 4.3.4.G.
Package store	--	--	P	P	P	--	--	Sec. 4.3.4.G.
Retail bank	--	--	P	P	P	--	--	Sec. 4.3.4.G.
Small discount variety store	--	--	P*	P*	P*	--	--	Sec. 4.3.4.G.
Transportation								
Passenger terminal	--	--	--	--	--	--	--	
Helipad	--	--	--	--	--	--	--	
Truck stop	--	--	--	--	--	--	--	Sec. 4.3.4.H.
Vehicle Sale and Service								
Vehicle sale and rental, light	--	--	--	--	--	--	--	Sec. 4.3.4.I.
Vehicle sale and rental, heavy	--	--	--	--	--	--	--	Sec. 4.3.4.I.
Vehicle service and repair, light	--	--	--	S	S	--	--	Sec. 4.3.4.I.
Vehicle service and repair, heavy	--	--	--	--	--	--	--	Sec. 4.3.4.I.
Car wash	--	--	--	--	--	--	--	Sec. 4.3.4.I.
Fuel sales	--	--	--	S	S	--	--	Sec. 4.3.4.I.

KEY: P = Use allowed S = Use allowed by Special Use Permit * = Use standards apply, See *Div. 4.3 - Specific Use Standards* - = Use not allowed

TABLE 1: PONCEY-HIGHLAND DISTRICT TABLE OF USES

	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional	Use Standards
Wholesale Trade								
General wholesale trade	--	--	P	P	P	--	--	
Showroom	--	--	P	P	P	--	--	
Wholesale trade mart	--	--	--	--	--	--	--	
INDUSTRIAL USES								
Industrial and Manufacturing								
Low-impact industrial and manufacturing								Sec. 4.3.5.A.
Up to 8,000 SF	--	--	P	P	P	--	--	
8,001 - 15,000 SF	--	--	P	P	P	--	--	
Above 15,000 SF	--	--	P	P	P	--	--	
High-impact industrial and manufacturing	--	--	--	--	--	--	--	Sec. 4.3.5.A.
Crematorium	--	--	--	--	--	--	--	
Research and development	--	--	P	P	P	--	--	Sec. 4.3.5.A.
Warehouse and Distribution								
General warehouse and distribution	--	--	--	--	--	--	--	
Data Center	--	--	--	--	--	--	--	Sec. 4.3.5.B.
Freight terminal	--	--	--	--	--	--	--	
Micro-distribution hub								
Up to 2,000 SF	--	--	--	P	P	--	--	
2,000 - 8,000 SF	--	--	--	--	--	--	--	
Self-storage	--	--	--	--	--	--	--	Sec. 4.3.5.B.
Storage yard	--	--	--	--	--	--	--	Sec. 4.3.5.B.
Waste-Related Service								
General waste-related service	--	--	--	--	--	--	--	Sec. 4.3.5.C.
Green waste	--	--	--	--	--	--	--	Sec. 4.3.5.C.
Recycling drop-off center	--	--	--	--	--	--	--	Sec. 4.3.5.C.
ACCESSORY USES								
Accessory dwelling unit								Sec. 4.5.2.A.
1 accessory dwelling unit	P	P	P	P	P	P	P	
Up to 2 accessory dwelling units	--	--	--	--	--	--	--	
Up to 4 accessory dwelling units	--	--	--	--	--	--	--	
Accessory residential structure	P*	P*	P*	P*	P*	P*	P*	Sec. 4.5.2.B.

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TABLE 1: PONCEY-HIGHLAND DISTRICT TABLE OF USES	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional	Use Standards
Drive-thru, enclosed	--	--	--	--	--	--	--	Sec. 4.5.2.C.
Drive-thru, unenclosed	--	--	--	--	--	--	--	Sec. 4.5.2.D.
EV charging station, levels 1 and 2	P	P	P	P	P	P	P	
EV charging station, level 3	--	--	P	P	P	--	--	
Home art studio and gallery	P*	P*	P*	P*	P*	P*	--	Sec. 4.5.2.G.
Home occupation	P*	P*	P*	P*	P*	P*	--	Sec. 4.5.2.H.
Hookah or vapor consumption	--	--	P	P	P	--	--	
Outdoor amplified sound	--	--	P	P	P	--	--	Sec. 4.5.2.J.
Outdoor dining	--	--	P*	P*	P*	--	--	Sec. 4.5.2.K.
Outdoor display	--	--	P*	P*	P*	--	--	Sec. 4.5.2.L.
Outdoor pet area	--	--	P	P	P	--	--	
Outdoor storage, minor	--	--	P*	P*	P*	--	--	Sec. 4.5.2.N.
Outdoor storage, major	--	--	--	--	--	--	--	Sec. 4.5.2.O.
Pedestrian bridge or tunnel	--	--	--	--	--	--	--	Sec. 4.5.2.P.
Public Art	S*	S*	S*	S*	S*	S*	S*	Sec. 4.5.2.Q.
Renewable energy device	P	P	P	P	P	P	P	

TEMPORARY USES

General temporary event								
Up to 90 days	--	--	P	P	P	--	--	
Beyond 90 days	--	--	S	S	S	--	--	
Active construction structure	P	P	P	P	P	P	P	
Temporary outdoor sales	--	--	P*	P*	P*	--	--	Sec. 4.6.2.C.

(1) No more than two total dwelling units are allowed on any lot of record; this number includes the sum of the principal dwelling unit(s) and any attached or detached accessory dwelling units.

(2) Accessory dwelling units are not allowed.

(3) Commercial parking lots must comply with *Sec. XX, Permitted Principal Uses and Structures(6)(b)*

(4) Wireless telecommunication uses must comply with *Sec. XX, Permitted Principal Uses and Structures(6)(c)*

KEY: P = Use allowed S = Use allowed by Special Use Permit * = Use standards apply, See *Div. 4.3 - Specific Use Standards* - = Use not allowed

6. The following additional permitted principal use and structures provisions apply:

- a. Except as otherwise herein provided, no merchandise may be stored other than that to be sold at retail on the premises; and no storage for such merchandise may occupy more than 40% of the floor area on the premises. No off-premises storage of such merchandise is allowed as either a principal or accessory use.

- b. **Commercial parking lots.** Commercial parking lots require a special use permit that meets all the following requirements:
 - i. All requirements of *Sec. XX, Parking, Driveways, and Curb Cuts*;
 - ii. All requirements of *Sec. XX, Title and Purpose* et seq.;
 - iii. All special use permits granted for such use will expire three years after the issuance of said permit. No property interests of any kind related to such use may extend beyond said three-year permit period. All infrastructure related to the park for hire use, such as pay structures, attendant stands, pavement and parking striping, lot signs and so forth, must be removed by the former SUP holder or owner within 30 days of the expiration of said SUP.
 - iv. Properties that have been granted a special use permit for park-for-hire surface parking lots may not obtain additional subsequent special use permits for such use following the expiration of the initial permit.
 - v. Applicants must submit an area parking analysis to document the need for such use. The area parking analysis must demonstrate that the current inventory of publicly accessible parking supply located within 2,000 linear feet of the proposed parking lot is insufficient for the active commercial uses located within the same area.
- c. **Wireless Telecommunication.** Only Type I, Type II, and Type III wireless telecommunication facilities are allowed in Subareas 3, 4, and 5 subject to all applicable use standards of Chapter 4 and the following:
 - i. Wireless telecommunications are authorized as noted in Subareas 3, 4, and 5 provided a Type II Certificate of Appropriateness is granted and, as part of said certificate, the applicant demonstrates compliance with the criteria set forth in *Sec. 4.3.3.A*.

L. Accessory Uses and Structures

- 1. **All subareas.** The following accessory uses and structures standards apply to all subareas.
 - a. Accessory uses and structures are allowed and include those customarily accessory and clearly incidental to permitted principal uses and structures, including accessory parking to serve authorized uses within the district and including devices for the generation of energy such as solar panels or solar energy-generating roofing materials, electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, and similar devices. Solar panels or solar energy-generating roofing materials are allowed on any roof plane of a principal or accessory structure.
 - b. Urban gardens are allowed as an accessory use. Market gardens are allowed as an accessory use only on parcels which are used as places of worship or schools.
 - c. Active recreation facilities in any yard, required or other, adjacent to a street requires a variance from the Commission, which variance may only be granted upon finding that:
 - i. The location is not objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic;

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- ii. The area for such activity could not reasonably be located elsewhere on the lot; and
 - iii. The Commission may further condition any variance for such facilities based on concerns regarding fencing, screening or other buffering, existence 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.
2. **Subareas 1, 2, and 6.** The following additional accessory uses and structures provisions apply to Subareas 1, 2, and 6.
- a. Accessory buildings and uses are allowed as specified in *Sec. XX, Permitted Accessory Uses and Structures* for single-unit, two-unit and authorized multiple-family property, subject to limitations and requirements set forth in this Chapter or elsewhere in this part.
 - b. Accessory dwelling units (ADU) are only allowed on lots where the principal use is a single-unit dwelling and subject to the following:
 - i. The ADU may be either attached to the principal dwelling unit or detached within an accessory building.
 - ii. The ADU may not exceed 1,200 square feet or 50% of the area of the principal dwelling to which it is accessory, whichever is less, with a minimum of 750 square feet allowed.
 - iii. For the purposes of *Sec. XX, Accessory Uses and Structures(2)(c)(v)* which limits the total allowable area of the accessory building to 40% of the principal building, the square footage of the ADU is not included when calculating the total area of the accessory building.
 - c. All permitted accessory uses and structures must comply with the following:
 - i. Except in the case of home occupation, no accessory use may be of a commercial nature.
 - ii. May not be constructed until construction of the primary structure has started and may not be used or occupied until the primary structure is completed and in use.
 - iii. May not cover more than 25% of the rear yard.
 - iv. Must be behind the primary structure, except for electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, and solar panels and solar energy-generating roofing materials which may be located on any roof plane on the primary structure.
 - v. May not contain a total floor area greater than 40% of the floor area of the primary structure.
 - vi. May not exceed 20 feet in height, except accessory structures containing an ADU may not exceed 25 feet in height.
 - vii. Must conform with carriage house standards when the accessory structure contains a garage and is accessory to a single-unit dwelling or two-unit dwelling.

M. Transitional Uses, Structures, Requirements (*Sec. XX, Transitional Uses,*

Structures, Requirements.)

1. Transitional height planes:
 - a. No transitional height plane provisions apply in Subareas 1, 2, and 6.
 - b. In Subareas 3, 4, and 5 no portion of any structure may protrude through a height limiting plane beginning at the specified number of feet above the point set forth in *Sec. XX, Transitional Uses, Structures, Requirements(1)(c)* below and extending inward over this subarea at an angle of 45 degrees. The following districts are considered “protected districts” for purposes of this Section *XX, Transitional Uses, Structures, Requirements:*
 - i. Subareas 1, 2, and 6;
 - ii. House-Scale districts;
 - iii. Neighborhood-Scale districts
 - iv. Other landmark or historic districts and or district subareas having with allowable uses and densities predominantly similar to those allowed in the district classifications listed in *Subsections (i) through (iii)* above.
 - c. Proximity to districts and measurement applications:
 - i. For parcels in this subarea that are contiguous to a protected district, the transitional height plane is measured beginning 35 feet above the required Subarea 3, 4, or 5 setback or transitional yard adjoining the common property line with such protected district. As used here “contiguous” means abutting or only separated by an existing alley of record.
 - ii. For parcels in this subarea that are not contiguous to but are within 150 feet of a protected district, the transitional height plane is measured beginning 15 feet above the nearest lot line of the protected district, provided this transitional height plane does not extend more than 150 linear feet (measured along the ground) from the protected district up to and into Subarea 3, 4, or 5. See diagrams at *Sec. XX, Application(62)*.
 - iii. The purpose and intent of this provision is to provide protection for the named protected districts from nearby taller or larger structures regardless of the presence of an intervening public right of way or park or space, public or private street or alley, or any lot or parcel remnant.
 - iv. Transitional height plane measurements are applied to parcels on a point-by-point basis and not average grade.
2. Transitions and screening:
 - a. No transition and screening provisions apply in Subareas 1, 2, and 6.
 - b. Where Subarea 3, 4, or 5 adjoins Subarea 1, 2, or 6 without an intervening public street, one of the following is required:
 - i. A Type A Transition, as specified in Sec. 8.4.1; or
 - ii. A Type B Transition, as specified in Sec. 8.4.1; or

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- iii. A minimum 20 feet wide residential building, including a conforming detached house, cottage court, carriage house, townhouse, or stacked flat building type not exceeding 35 feet in height. Such building may only contain dwelling units.
- c. Where Subarea 4 adjoins Subarea 1 across an intervening public street, a minimum 30 feet deep residential building, including a conforming detached house, cottage court, or townhouse building type not exceeding 35 feet in height is required along the entire street frontage. Such building may only contain dwelling units.

N. Lot Standards

All development must comply with Table 2 “Poncey-Highland Historic District Lot Standards Table,” Table 3 “Poncey-Highland Subarea 1 Lot Coverage Table,” Table 4: Poncey-Highland Historic District Building Height Table,” and with subsections 1 through 4. “CR” refers to the compatibility rule.

TABLE 2: PONCEY-HIGHLAND DISTRICT LOT STANDARDS TABLE	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional
Maximum FAR (times net lot area)	0.5	0.85	3.2 [1]	3.2 [1]	8.2 [1]	0.5	n/a
Minimum Lot Area	CR	CR	800 sf	800 sf	800 sf	CR	n/a
Minimum Lot Width	CR	CR	16 ft.	16 sf.	16 sf.	CR	n/a
Yard Requirements:							
Front [2]	CR	CR	CR	5 ft. min/30 ft max.	5 ft min	CR	n/a
Side (detached houses)	CR, but 3 ft. min.	CR, but 3 ft. min.	0 ft min.	0 ft min.	0 ft min.	CR, but 3 ft. min.	n/a
Side (carriage houses)	3 ft. min.	3 ft. min.	0 ft min.	0 ft min.	0 ft min.	0 ft min.	n/a
Side (all other building types)	7 ft. min.	7 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	7 ft. min.	n/a
Rear (detached houses)	CR, but 5 ft. min.	CR, but 5 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.	CR, but 5 ft. min.	n/a
Rear (carriage houses)	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	n/a
Rear (all other buildings)	7 ft. min.	7 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.	7 ft. min.	n/a

Maximum Lot Coverage	See Table 3	See Table 3	85%	85%	85%	See Table 3	n/a
Minimum Outdoor Amenity Space Requirements [4]:							
All Uses	None	None	10%	10%	10%	None	n/a

Key: CR = Per the compatibility rule

Notes:

- [1] FAR in this subarea excludes any floor area in buildings built before 1945.
- [2] Measured from the back of the required sidewalk along all public and private streets.
- [3] Lot coverage excludes areas deemed “pervious” by the Post Development Stormwater Management Ordinance.
- [4] There is no minimum outdoor amenity space requirements for buildings built before 1945.

TABLE 3: PONCEY-HIGHLAND SUBAREA 1, 2, AND 6 LOT COVERAGE TABLE			
Lots of record in the indicated Subareas 1, 2, and 6 are subject to the following maximum lot coverages.	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 6: Bonaventure-Somerset Residential
	Lot of Record Size		
4,499 sf or smaller	70% max.	80% max.	70% max.
4,500 sf to 4,999 sf	68% max.	78% max.	68% max.
5,000 sf to 5,999 sf	66% max.	76% max.	66% max.
5,500 sf 6,000 sf	64% max.	74% max.	64% max.
6,000 sf to 5,999 SF	62% max.	72% max.	62% max.
6,500 sf to 6,749 SF	60% max	70% max	60% max
7,000 sf to 7,499 sf	58% max.	68% max.	58% max.
7,500 sf to 7,999 sf	56% max.	66% max.	56% max.
8,000 sf to 8,499 sf	54% max.	64% max.	55% max.
8,500 sf to 8,999 sf	52% max.	62% max.	55% max.
9,000 sf or larger	50% max.	60% max.	55% max.

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TABLE 4: PONCEY-HIGHLAND DISTRICT BUILDING HEIGHT TABLE

General building height standards. These only apply in areas not subject to the additional restrictions below.

	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional
Building Height Standards	CR	CR	78 ft. max., 18 ft. min. (see additional restrictions below)	85 ft. max., 30 ft. min. (see additional restrictions below)	185 ft max. (see additional restrictions below)	CR	35 ft. max.

ADDITIONAL BUILDING HEIGHT RESTRICTIONS

The general building height standards above will be further restricted in the following areas:

Subareas 4 and 5 only for portions of buildings within 60 feet of Subarea 1, 2, or 6	52 ft. max.
Subarea 3 east of N. Highland Avenue	3 stories or 42 ft max., whichever is less, for first 10 feet of building depth; and 6 stories or 78 feet, whichever is less, in other locations
Subarea 3 west of N. Highland Avenue	3 stories or 42 ft max., whichever is less, for first 10 feet of building depth; and 4 stories or 54 feet, whichever is less, in other locations
Subarea 4 east of Freedom Parkway	5 stories or 75 ft. max., whichever is less [1]
Subarea 4 west of Freedom Parkway	6 stories or 85 ft. max., whichever is less [1]

Key: CR = Per the compatibility rule. S

Notes:

Heights shown in this table must be reduced by the transitional height plane, when applicable.

[1] The maximum building height may be increased by one story or 15 ft. maximum in order to divide the street-facing building facade into vertical divisions per *Sec. XX, Building Type Standards(18)(b)(i)*, provided such increased height does not constitute more than 30% of the total building footprint, or the maximum building height may also be increased by one story or 15 ft. maximum on sites where no upper story additions are proposed for contributing historic buildings.

1. **Lot compatibility zone height requirements.** The following height standards apply in the lot compatibility zone:
 - a. On blocks with at least one historic two-story building (measured along the street-facing building facade), the maximum building height is determined by the compatibility rule.
 - b. On all other blocks, the maximum building height is 30 feet.

2. Outdoor amenity space requirements.
 - a. Outdoor amenity space must be as specified in *Sec. 3.4.3*.
3. **Blocks.** New development must incorporated new blocks as specified in *Sec. 8.3.1*.
4. **Future connectivity.** No development in Subarea 3, 4, or 5 may be designed to prohibit or obstruct the ability for future vehicle, bicycle, and pedestrian connections to adjacent lots, including through the use of new public or private streets, except when the Director determines that such is impractical due to topographic or other site-specific constraints. This provision may not be interpreted to prohibit or restrict something which would otherwise be allowed in this district or require inter-parcel rights to be granted to adjacent property owners.

O. Building Type Standards

The following building type regulations apply to all subareas:

1. All primary existing and proposed primary buildings must comply with the requirements of this Section, as applicable to the specific building type.
2. Where a development contains multiple building types, the requirements of each building type must be met independently as if each building was located on its own lot, even when no subdivision is proposed.
3. Parking structures fronting or visible from a street or the Beltline corridor must also select and comply with the following standards for one building type:
 - a. Building massing and active uses,
 - b. Pedestrian access,
 - c. Building elements,
 - d. Transparency, and
 - e. Parking location.
4. The building type utilized must be allowed in the subarea.
5. Applicants must select which allowed building type corresponds to the building they are proposing to construct, alter, or add to and must comply with the standards for that building type as it relates to that new construction, alteration, or addition. All building types selected must be approved by the Director.
6. *Table 5.* Allowed Building Types identifies the new building types allowed by subarea. Each building type may contain any use allowed in the subareas in which it is located unless otherwise noted by building type. On lots of record that contained legal building types other than those allowed by Table 5 before January 1, 2020, such other building types are allowed for new construction, alteration, or addition.

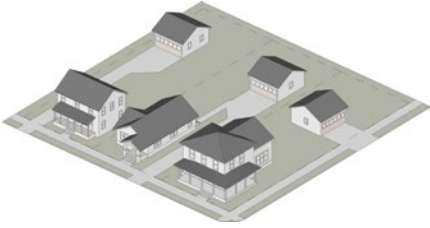
TABLE 5: Allowed Building Types		Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential
Building Type							
Detached House	Yes	Yes	Yes [1]	Yes [1]	Yes [1]	Yes [1]	Yes
Carriage House	Yes	Yes	Yes [1]	Yes [1]	Yes [1]	Yes [1]	Yes
Cottage Court	No	Yes	Yes	Yes	Yes	No	No
Townhouse	No	Yes	Yes	Yes	Yes	Yes	No
Stacked Flat	No	No	Yes	Yes	Yes	Yes	No
Shopfront	No	No	Yes	No	No	No	No
Commercial Block	No	No	Yes	Yes	Yes	Yes	No
Tower	No	No	No	No	No	Yes	No
Civic	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Notes:

[1] Building type only allowed when used to meet the transitions and screening provisions of *Sec. XX*.

7. All primary buildings must be oriented to the street they face or the Beltline corridor, when applicable.
8. Where multiple building types are proposed for a single lot, the proposal must include potential lot lines for each building type, which conform with this *DIV. 6.22*, the purpose of which is only to determine compliance with building type standards.
9. The standards for building types do not apply to accessory structures, except carriage houses, and except parking structures as provided for in *Sec. XX, Building Type Standards(3)* above.

10. Detached house standards. The following applies to all detached houses.

(a) Description	
<p>A detached house is a small-scale, freestanding building, set back from the public street, elevated above the ground level and designed to facilitate residential uses.</p>	
(b) Building Density	
Dwelling units per building:	2 max. (either 1 principal dwelling + 1 ADU max.; or 2 principal dwellings max.)
Buildings per lot:	1 max., excluding accessory buildings
(c) Building Massing and Active Uses (see Sec. XX, Building Type Standards(18))	
Building height:	See subarea requirements
Street-facing facade width:	n/a
Active depth:	n/a
(d) Pedestrian Access (see Sec. XX, Building Type Standards(19))	
Entrance facing street:	Required
Walkway width:	3 ft min./5 ft max.
(e) Building Elements (see Sec. XX, Building Type Standards(20))	
Each detached house must provide a porch.	
The required porch must face the street.	
(f) Glazing (see Sec. XX, Building Type Standards(21))	
Street-facing facades	10% min. wall area per floor, excluding basements and attics
(g) Parking location	
No on-site parking is allowed between the building and the street.	
Garage doors must be located on the side or rear facades of the principal structure and may not face a public street.	

11. Carriage house standards. The following applies to all carriage houses.

(a) Description

A carriage house is a freestanding building, typically designed for use as a garage, storage, guest house, or accessory dwelling unit. A carriage house must be accessory to a principal dwelling and located on the same lot.



(b) Building Density

Accessory dwelling units per building:	1 max.
Buildings per lot:	2 max., excluding principal buildings

(c) Building Massing and Active Uses (see Sec. XX, Building Type Standards(18))

Building height:	See Sec. XX, Accessory Uses and Structures for accessory structure height
Street-facing facade width:	n/a
Active depth:	n/a

(d) Pedestrian Access (see Sec. XX, Building Type Standards(19))

Entrance facing street:	Not required
Walkway width:	n/a

(e) Building Elements (see Sec. XX, Building Type Standards(20))

n/a

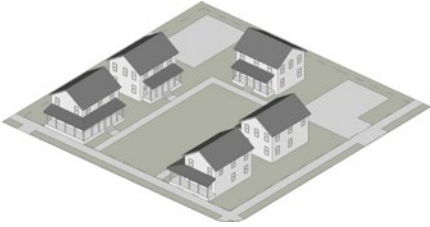
(f) Glazing (see Sec. XX, Building Type Standards(21))

Street-facing facades	n/a
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(g) Parking location

On-site parking location is regulated by the principal dwelling unit.

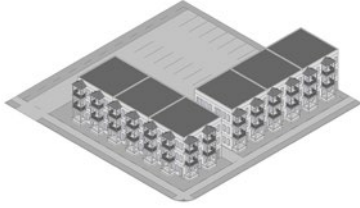
12. Cottage court standards. The following applies to all cottage courts.

(a) Description	
<p>A cottage court accommodates three to ten detached dwelling units located around a shared internal courtyard. Units must all be on the same lot and no unit may be located above or below another. Cottage courts are for residential uses.</p>	
(b) Building Density	
Dwelling units per cottage court:	3 min. / 10 max.
Buildings per lot:	10 max. excluding accessory buildings
Floor area per dwelling unit:	1,200 sf max
(c) Building Massing and Active Uses (see Sec. XX, Building Type Standards(18))	
Building height:	See subarea requirements
Street-facing facade width:	No min./no max.
Active depth:	n/a
(d) Courtyard	
Area	3,000 sf min.
Width	40 ft. min.
Courtyard may not be parked or driven upon, except for emergency access.	
(e) Pedestrian Access (see Sec. XX, Building Type Standards(19))	
Entrance facing street:	Required for units along street
Walkway width:	3 ft min./5 ft max. must connect all dwellings to the street
(f) Building Elements (see Sec. XX, Building Type Standards(20))	
Each cottage court unit along a street and each cottage court units along a courtyard must provide either a:	
(i) Stoop, or	
(ii) Porch	
A porch is required when adjacent to a street.	
(g) Glazing (see Sec. XX, Building Type Standards(21))	
Street-facing facades	10% min. area per floor, excluding basements and attics
(g) Parking location	
No on-site parking is allowed between the building and the street or between buildings and the courtyard.	
Garage doors, if located on the principal structure must be located on the side or rear façade and may not face the interior of the court or a public street.	

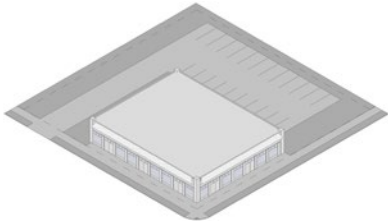
13. Townhouse standards. The following applies to all townhouses.

(a) Description	
<p>A townhouse is a building type that accommodates three or more dwelling units or tenant spaces where each unit is separated by a common sidewall. No unit may be located above or below another.</p>	
(b) Density and use	
Dwelling units per building	3 min./no max.
Buildings per lot	n/a
(c) Building Massing and Active Uses (see Sec. XX, Building Type Standards(18))	
Building height	52 ft max., except in subareas where a lower height limit applies
Street-facing facade width	16 ft min. /150 ft. max.
Active depth	20 ft. min, except corner units are only required to meet this requirement along one street
Percent of front lot width that must be abutted by a conforming townhouse building	70% min., excluding transitional yards, existing alleys, and one new driveway
(d) Pedestrian Access (see Sec. XX, Building Type Standards(19))	
Entrance facing street	Required for units along street
Walkway width:	3 ft min./5 ft max. must connect all dwellings to the street
(e) Building Elements (see Sec. XX, Building Type Standards(20))	
Each townhouse unit facing a street must provide one of the following:	
(i) Stoop, or	
(ii) Porch, or	
(iii) Storefront	
(f) Glazing (see Sec. XX, Building Type Standards(21))	
Street-facing facades	20% min. area per floor
(g) Parking location	
No on-site parking is allowed between the building and the street.	
Garage doors may not face a street.	

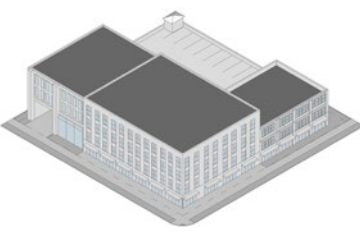
14. Stacked flat standards. The following applies to all stacked flats.

(a) Description	
<p>A stacked flat building is a multi-story building type that was originally built to accommodate four or more dwelling units located above or below another unit. Nonresidential uses are allowed in stacked flats when allowed by subarea regulations.</p>	
(b) Building Density	
Dwelling units per building	4 min./no max.
Buildings per lot	n/a
(c) Building Massing and Active Uses (see Sec. XX, Building Type Standards(18))	
Building height	See subarea requirements
Street-facing facade width	150 ft. max.
Active depth	20 ft. min.
Percent of front lot width that must be abutted by a conforming stacked flat building	70% min., excluding transitional yards, existing alleys, and one new driveway
(d) Pedestrian Access (see Sec. XX, Building Type Standards(19))	
Entrance facing street	Required for lobby (if provided) and when four or more ground floor units are along a street
Walkway width:	3 ft min./10 ft max.
(e) Building Elements (see Sec. XX, Building Type Standards(20))	
n/a	
(f) Glazing (see Sec. XX, Building Type Standards(21))	
Street-facing facades	20% min. area per floor
(g) Parking Location	
No on-site parking is allowed between the building and the street.	

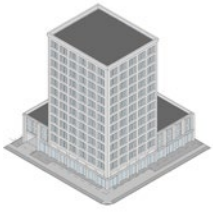
15. Shopfront standards. The following applies to all shopfronts.

(a) Description	
<p>A shopfront is a single-story building containing pedestrian-oriented ground floor retail, restaurant, or service uses. Note: See commercial block standards for related standards for buildings more than one story in height.</p>	
(b) Building Massing and Active Uses (see Sec. XX, Building Type Standards(18))	
Building height	See subarea requirements
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing facade width	150 ft. max.
Active depth	20 ft. depth and may not be dwelling units
Percent of front lot width that must be abutted by a conforming shopfront building	70% min., excluding transitional yards, existing alleys, and one new driveway
(c) Pedestrian Access (see Sec. XX, Building Type Standards(19))	
Entrance facing street	Required for all tenant spaces along streets
Walkway width:	6 ft. min.
(d) Building Elements (see Sec. XX, Building Type Standards(20))	
Each individual tenant space facing a street must provide an awning/canopy.	
(e) Glazing (see Sec. XX, Building Type Standards(21))	
Street-facing facades	70% min. area
Street-facing blank wall	20 ft. max.
(f) Parking Location	
No exterior on-site parking is allowed between the building and the street.	
No interior, above-ground parking is allowed within 20 feet of a street-facing façade.	
(g) Building Type Location	
New shopfronts or commercial blocks must front North Highland Avenue.	

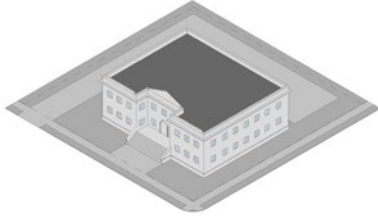
16. Commercial block standards. The following applies to all commercial blocks.

(a) Description	
<p>A commercial block is a multi-story building designed for a vertical mix of uses, with pedestrian-oriented ground floor retail or service uses and upper floor residential, hospitality, or office uses.</p>	
(b) Building Massing and Active Uses (see Sec. XX, Building Type Standards(18))	
Building height	See subarea requirements for min./7 stories max.
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing facade width	150 ft. max.
Active depth	20 ft. min. and may not be dwelling units
Percent of front lot width that must be abutted by a conforming commercial block	70% min., excluding transitional yards, existing alleys, and one new driveway
(c) Pedestrian Access (see Sec. XX, Building Type Standards(19))	
Entrance facing street	Required for all ground floor tenant spaces along streets
Walkway width:	6 ft. min.
(d) Building Elements (see Sec. XX, Building Type Standards(20))	
Each individual tenant space facing a street must provide an awning/canopy.	
(e) Glazing (see Sec. XX, Building Type Standards(21))	
Street-facing ground floor facades	70% min. area
Street-facing upper floor facades	20% min. area per floor
Street-facing blank wall area	20 ft. max. per floor
(f) Parking Location	
No exterior on-site parking is allowed between the building and the street.	
No interior, above-ground parking is allowed within 20 feet of a street-facing façade.	
(g) Building Type Location	
New commercial blocks or towers must front Ponce de Leon Avenue.	
New commercial blocks or shopfronts must front North Highland Avenue.	

17. Tower standards. The following applies to all towers.

(a) Description	
<p>A tower is a stacked unit or commercial block building of eight or more stories in height, which may include portions less than eight stories in height.</p>	
(b) Building Massing and Active Uses (see Sec. XX, Building Type Standards(18))	
Building height	8 stories min / see subarea requirements for mx.
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing facade width	
Portion of building under 8 stories in height	150 ft max.
Portion of building 8 or more stories in height	250 ft max.
Active depth	20 ft. min. and may not be dwelling units
Percent of front lot width that must be abutted by a conforming tower	70% min., excluding transitional yards, existing alleys, and one new driveway
(c) Pedestrian Access (see Sec. XX, Building Type Standards(19))	
Entrance facing street	Required for all ground floor tenant spaces along streets
Walkway width:	6 ft. min.
(d) Building Elements (see Sec. XX, Building Type Standards(20))	
Each individual tenant space facing a street must provide an awning/canopy.	
(e) Glazing (see Sec. XX, Building Type Standards(21))	
Street-facing ground floor facades	70% min. area
Street-facing upper floor facades	20% min. area per floor
Street-facing blank wall area	20 ft. max. per floor
(f) Parking Location	
No exterior on-site parking is allowed between the building and the street.	
No interior, above-ground parking is allowed within 20 feet of a street-facing facade.	
(g) Building Type Location	
New towers or commercial blocks must front Ponce de Leon Avenue.	

18. Civic standards. The following applies to civic buildings.

(a) Description	
<p>A civic building is designed to stand apart from its surroundings due to the special nature of its use as a public facility. Civic buildings may only be owned and used by the City of Atlanta, Fulton County, or other governmental entity; used for religious worship; or used for private schools.</p>	
(b) Building Massing and Active Uses (see Sec. XX, Building Type Standards(18))	
Building height	See subarea requirements
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing facade width	150 ft. max.
Active depth	20 ft. min.
(c) Pedestrian Access (see Sec. XX, Building Type Standards(19))	
Entrance facing street	Required
Walkway width:	6 ft. min.
(d) Building Elements (see Sec. XX, Building Type Standards(20))	
n/a	
(e) Glazing (see Sec. XX, Building Type Standards(21))	
Street-facing facades	15% min. area per floor
(f) Parking	
No exterior on-site parking is allowed between the building and the street.	
No interior, above-ground parking (either within the building or an accessory parking garage) is allowed within 40 feet of a public street.	

19. Building type massing and active uses:

- a. One primary mass required:
 - i. The main body of all principal buildings must consist of one primary mass. Secondary and incidental wings may be attached to the main body of a building.
 - ii. This requirement applies to each facade Division set forth in “b” below.
- b. **Street-facing facade widths.** These building massing standards apply to building types which include a street-facing facade width requirement. When required, buildings must use one of the following to divide the facade into the maximum street-facing width divisions shown for the building type in *Sec. XX, Building Type Standards(9)* through *Sec. XX, Building Type Standards(17)*, as measured along the base of the facade:
 - i. A change of facade material and window systems from grade to roof, and change of building height of at least one story; or
 - ii. A change in facade composition or architectural style from grade to the roof; or

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iii. Similar means intended to convey the impression of separate buildings. Change in color alone, setback alone, or any combination of the two may not be used to satisfy this requirement.

- c. **Active uses.** The ground story of certain building types must provide “active uses” along public and private streets for the minimum indicated depth from the street-facing facade. For this purpose, “active use” means any permitted principal use with interior floor area that is served by plumbing, heating, and electricity. “Active use” specifically excludes parking; digital industry switchboards, relay equipment, and associated power generators; mechanical rooms; non-residential storage not associated with an industrial use; driveways; and queuing lanes parallel to the adjacent street.

20. Pedestrian access:

- a. A pedestrian entry feature and walkway providing ingress and egress, operable to residents at all times and operable to customers, visitors, and employees during business hours, is required to meet street-facing pedestrian entrance requirements. Additional entry features off another street, pedestrian area, open space, or internal parking area are allowed but must have the same or shorter hours of operability as the street-facing entry feature.
- b. A street address number must be located above the street-facing pedestrian entry feature utilizing numbers that are at least 6 inches in height. When multiple entry features exist on a street-facing facade, only one address is required.
- c. On corner lots, an angled or mitered pedestrian entry feature may be provided along building corners to meet the street-facing pedestrian entry feature requirements.
- d. Building elements may be required to meet the street-facing pedestrian entry feature requirements when required by building type.

21. Building elements:

- a. **Intent.** The following apply when required by building type and are intended to ensure that certain building elements, when added to a street-facing facade, are of sufficient size to be both usable and functional and be architecturally compatible with the building they are attached to.
- b. **Front porch.** A raised structure attached to a building, forming a covered pedestrian entrance to a doorway.
- i. Front porches must conform to *Sec. XX, Subarea 1 and 6 Alterations and Additions to Historic Buildings* through *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types.*
- c. **Stoop.** A small raised platform that serves as a pedestrian entrance to a building.
- i. A stoop must be no more than 6 feet deep (not including steps).
- ii. A stoop may extend into the required yard but may not encroach into the right-of-way or required pedestrian zone.
- d. **Balcony.** A platform projecting from the wall of an upper story of a building with a railing along its outer edge, often with access from a door or window.

- i. A balcony must be at least 4 feet deep.
 - ii. A balcony may extend into the required yard but may not encroach into the right-of-way or required pedestrian zone.
- e. **Awning/Canopy.** A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.
- i. An awning must be a minimum of 10 feet clear height above the pedestrian zone and must have a minimum depth of 6 feet.
 - ii. An awning may extend into a required yard.
 - iii. An awning may encroach into the required pedestrian zone but may not encroach into the right-of-way unless all applicable City regulations are met.
 - iv. Awning must be made of canvas and may not be reflective or shiny.
 - v. Awnings must have open ends called “shed awnings” to allow views into buildings.
 - vi. Awnings may not be internally lit.
 - vii. Awnings may not be narrower than nor 2 feet wider than the door or window opening that they serve. Where multiple doors and windows are less than 2 feet apart, multiple awnings may be combined into a single awning.

22. Glazing:

- a. Glazing must be as specified in *Sec. 3.13.1*.
- b. Blank wall area:
 - i. Blank wall area means a portion of the exterior facade of the building that does not include glazing.
 - ii. Blank wall area applies in a horizontal direction.

P. Parking, Driveways, and Curb Cuts

1. **Parking structure design standards.** Parking structure facades must have the appearance of a horizontal storied building. Parking structures are also subject to the subarea requirements of *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types* or *Sec. 16-20V.010*, as applicable.
2. **Parking requirements.** The standards of *Sec. 8.3.4* and *Sec. 8.3.7* apply.
3. Commercial parking:
 - a. Parking spaces provided in excess of the parking requirements of *Sec. XX, Parking, Driveways, and Curb Cuts(2)* are only allowed as commercial. Said excess spaces are considered a principal use for the purposes of *Sec. Permitted Principal Uses and Structures* and require a special use permit, when indicated. When the number of spaces does not exceed the maximum requirements, said spaces may be used as commercial parking without a special use permit.
 - b. Commercial parking lots require not be within 65 feet of a right-of-way.

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4. Surface parking:
 - a. Surface parking must conform to the location requirements of the building type and may not be within 30 ft of the required streetscape.
5. **Driveways and curb cuts.** The vehicular access standards of Sec. 8.3.2 apply, unless otherwise specified as follows.
 - a. Circular drives and driveway are not allowed between a building and a public street.
 - b. Drop-off lanes on public streets must conform to all applicable City requirements.
 - c. Driveways and curb cuts are not allowed on Ponce de Leon Avenue, North Highland Avenue, Moreland Avenue, Blue Ridge Avenue, or North Avenue when access can be provided from a side or rear street, or when reasonable access may be provided from an alley.
 - d. Driveways and curb cuts serving development fully or partially in Subareas 3, 4, or 5 are not allowed in Subareas 1, 2, or 6.
 - e. Sidewalk paving materials must continue across intervening driveways.
6. **Vehicle Use Areas.** The vehicle use areas standards of Sec. 8.3.6 apply.

Q. Streetscapes

1. **Streetscapes required.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section
2. **All subareas.** In all subareas the following apply:
 - a. Changes or additions of planters, trash containers, street lighting, and similar elements, require a certificate of appropriateness from the Director.
 - b. Redevelopments must make reasonable efforts to place utilities underground or to the rear of structures to allow for unobstructed use of streetscape
 - c. The Commission has the authority to reduce the required streetscape widths.
3. Subareas 1, 2, 6, 7. In Subareas 1, 2, 6, and 7 the following apply:
 - a. A Special G streetscape matching the existing streetscape is required, but if no streetscape exists on the property or abutting properties, the new streetscape must match streetscape on the block. If no streetscape exists on the block, the streetscape must be as specified in Division 3.5.
 - b. Existing decorative hardscapes in amenity zones or pedestrian zones must be retained or replaced with materials that match their size, shape, and color.
4. Subareas 3, 4, and 5. In Subareas 3, 4, and 5 streetscapes must be provided as follows:

TABLE 8: Subarea 3,4, and 5 Streetscape Table

	Ponce de Leon Avenue	North Highland Avenue, Moreland Avenue	Other Public or Private Streets
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Amenity Zone Width:	7.5 ft. min.	5 ft. min.	5 ft. min.
Pedestrian Zone Width:	10 ft. min.	10 ft. min.	6 ft. min.

R. Site Design Standards

1. **Fences and walls.** Fences and walls must meet the following regulations:
 - a. **Residential uses.** The following applies to residential uses:
 - i. Fences in any yard, required or other, adjacent to a street may not exceed 4 feet in height.
 - ii. Fences in all other locations may not exceed 6 feet in height.
 - b. **Non-residential use fences.** The following applies to other non-residential uses:
 - i. Fences are not allowed between a building and the required streetscape, except where specifically authorized in “ii” below for outdoor dining.
 - ii. Fences are allowed between the building and the streetscape when they surround outdoor dining but may not exceed 3 feet in height.
 - iii. Fences in all other locations may not exceed 6 feet in height.
 - c. All uses:
 - i. Retaining walls adjacent to a required streetscape may not exceed 4 feet in height, and the combined height of an otherwise authorized fence and retaining wall may not exceed 6 feet or the maximum allowed fence height, whichever is greater, unless existing topography prohibits retaining walls of a lesser height.
 - ii. Retaining walls must be finished poured concrete or faced with stone, brick or smooth stucco.
 - iii. No walls, except retaining walls, are allowed between a building and the required streetscape, unless used to screen off-street loading areas.
 - iv. Barbed wire and razor wire are not allowed.
 - v. Chain link fence or similar elements may not be visible from any public plaza, ground story outdoor dining area, or right-of-way.
2. Screening:
 - a. Frontages must be screened as specified in Sec. 8.4.3.
 - b. Site elements must be screened as specified in Sec. 8.4.4.