

11-0-0778
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ORDINANCE
 BY: *Robert Anderson*

2-11-17

AN ORDINANCE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, SO AS TO REVISE THE WEST END HISTORIC DISTRICT REGULATIONS (CHAPTER 20G OF THE ZONING ORDINANCE) ADOPTED ON DECEMBER 7, 1991; SO AS TO REVISE THE GENERAL REGULATIONS; SO AS TO REVISE THE SPECIFIC REGULATIONS; AND FOR OTHER PURPOSES.

ADOPTED BY
 OCT 03 2011

COUNCIL
 SUBSTITUTE

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

Date Referred: 5/2/11
 Referred To: Zoning + ZRB
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee Z
 Date 5/28/2011
 Chair [Signature]

Action
 Fav, Adv, Hold (see rev. side)
 Other div sub 4/1/11

Members

[Signature]
[Signature]
[Signature]
[Signature]

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

Second Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee

Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - FC Vote

CERTIFIED

CERTIFIED
 OCT 03 2011
 ATLANTA CITY COUNCIL, PRESIDENT
[Signature]

CERTIFIED
 OCT 03 2011
Robert Anderson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 12 2011

WITHOUT SIGNATURE
 BY OPERATION OF LAW



**AN ORDINANCE BY
COUNCILMEMBER CLETA WINSLOW
AS SUBSTITUTED BY ZONING COMMITTEE**

Z-11-17

A SUBSTITUE ORDINANCE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, SO AS TO REVISE THE WEST END HISTORIC DISTRICT REGULATIONS (CHAPTER 20G OF THE ZONING ORDINANCE) ADOPTED ON DECEMBER 7, 1991; SO AS TO REVISE THE GENERAL REGULATIONS; SO AS TO REVISE THE SPECIFIC REGULATIONS; AND FOR OTHER PURPOSES.

WHEREAS, the intent of the West End Historic District regulations is to preserve the environment, character and physical appearance of the area; and

WHEREAS, the intent of the West End Historic District regulations is to encourage and ensure development compatible with the existing character of the district; and

WHEREAS, the intent of the West End Historic District regulations is to encourage economic development, neighborhood revitalization, and prevention of displacement of residents; and

WHEREAS, the intent of the West End Historic District regulations is to preserve and enhance the important and aesthetic appearance of the district so as to substantially promote the public health, safety and welfare; and

WHEREAS, in implementing the West End Historic District regulations since 1991, the Office of Planning has found that the current regulations need to be updated and revised to address omissions, internal inconsistencies, points of clarification, and various process improvements; and;

WHEREAS, the Office of Planning has partnered with West End Neighborhood Development, Inc. on these additions and revisions, and West End Neighborhood Development, Inc. has facilitated a discussion at the neighborhood level regarding revisions and additions to the West End Historic District regulations; and

WHEREAS, the Office of Planning finds that the proposed updates and revisions will further the intent of the West End Historic District; and

WHEREAS, the updates to the West End Historic District regulations are part of an overall initiative by the Office of Planning to improve the regulatory structure for all of the City of Atlanta's Landmark, Historic, and Conservation Districts to promote ease of use and compatible residential and economic development actions.



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

Section 1.

That section 16-20G of the City of Atlanta Zoning Ordinance shall be revised in its entirety and shall be hereby revised to read as follows:

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

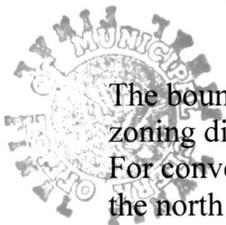
The intent of the regulations for the West End Historic District is as follows:

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

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

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

Sec. 16-20G.003. Boundaries.



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

Sec. 16-20G.004. Organization.

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

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

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

- (1) *Certificates of Appropriateness*: Certificates of appropriateness within this district shall be required as follows:
 - (a) *When required*:
 - (i) To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;
 - (ii) To erect a new structure or to make an addition to any structure within the district, when said addition can be seen from public right-of-way; and
 - (iii) To demolish or move any contributing structure, in whole or in part, within the district.
 - (b) *Type required*:
 - (i) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Code of Ordinances.
 - (ii) Notwithstanding any other provision herein, no certificate of appropriateness shall be 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 shall be reviewed by the Director of the Commission and shall be 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;
 - (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.



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 shall 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 shall 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 and/or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for Type I certificates.

- (v) The following Type II Certificates of Appropriateness shall be review by the Commission and shall be required for any of the following to the extent they are visible from a public street:
 - a. Alterations to any façade of any principal structure; and
 - b. All site work, except as noted in Section 16-20G.005(b)(4).
 - (vi.) The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - a. All new principal structures.
 - 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.
 - c. Subdivisions and Aggregations.
 - d. Variances.
 - (vii.) Type IV certificates of appropriateness shall be reviewed by the Commission and shall 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.
- (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.) shall 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 façade, floor height, lot dimensions, etc.), shall 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) *Variances:* The urban design commission shall have the power to hear, grant and deny variances from the provisions of this chapter (20G) when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary



hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16, which provisions are hereby incorporated herein.

(4) *Financial Hardship Exemptions:*

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

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

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

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

- (1) *Generally:* The following building elements and architectural features shall be considered when applying section 16-20.009 of this chapter to the West End Historic District: doors, windows, foundations, finished floor 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 shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main facade shall face the principal street whenever possible.
- (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
- (c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.
- (d) 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 permitted.
- (e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
- (f) Height of the first floor of the front façade above grade shall be subject to the compatibility rule. Notwithstanding the compatibility rule, the first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than 7 inches in height. Slab-on-grade construction is not permitted.
- (g) No structure shall exceed that height established by the compatibility rule.

(3) *Windows and Doors:*

- (a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
- (b) Original window and door openings shall not be blocked or enclosed, in whole or in part.
- (c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.
- (d) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- (e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
- (f) Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
- (g) New doors and windows, when permitted, shall 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) shall be established by the compatibility rule.
- (i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.



- (j) New windows or doors added to existing structures shall be located ~~on the side or rear~~ facades that don't face a public street.
 - (k) New or replacement doors shall be made of wood and shall 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 shall not be added to the building if they were not a part of the original building.
 - (b) Shutters shall be operable or appear operable, and shall fit the size of the window.
 - (c) Replacement shutters shall match the original shutters in design, materials and configuration.
 - (d) Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
 - (e) Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.
- (5) *Foundations:*
- (a) Foundation materials, including infill materials, shall replicate the original materials in size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.
 - (b) New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials and style with adjacent and surrounding buildings.
 - (c) Slab on grade is not permitted.
 - (d) Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
- (6) *Chimneys:*
- (a) Chimneys shall match original materials, mortar, color and pattern whenever possible.
 - (b) New chimneys shall be faced with brick or stucco.
 - (c) Siding on chimneys is prohibited.
 - (d) When any portion of a chimney is visible from a public street as a facade element, the chimney shall originate at grade.
- (7) *Roofs:*
- (a) Replacement roofing materials shall be of the same size, texture and material as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
 - (b) Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
 - (c) The use of synthetic roofing materials is permitted if not visibly distinguishable from the original as viewed from the public street.
 - (d) The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
 - (e) Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are permitted on roofs of buildings provided they are not visible from any public right-of-way.



- (8) *Decks*: Decks shall be constructed to the rear of the structure and shall not extend beyond the sides of the structure. Decks on the corner lots shall 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 shall be retained.
 - (b) Replacement porches, steps and stoops shall match the original in size, style and materials. All front porch steps shall have closed risers and ends.
 - (c) Porches may be enclosed with screen wire or glass ~~if provided that~~ the main characteristics of a front porch are maintained.
 - (d) New or replacement porches shall 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 shall be no more than thirty-three 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, air conditioners and heating units, shall be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structures. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the public right-of-way.
- (11) *Landscaping*: The Tree Ordinance of the City of Atlanta shall 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 shall be retained. The design and material of new replacement paving materials shall 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, shall be subject to the compatibility rule.
 - (c) New driveways shall not exceed a width of 10 feet not including the flare at the street.
- (13) *Off-Street Parking Requirements*:
 - (a) Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - (b) Carports and garages shall be behind the rear of the main structure. If the main structure is located on a corner lot, the front yard setback for that side street shall apply to the construction of a carport or garage.
 - (c) The use of alleys for access to such parking is permitted. No variance is required for driveways accessed from an alley.
- (14) *Fences*:
 - (a) Fences shall be fabricated of brick, ~~east iron, wrought iron, stone or~~ wood or metal pickets. Fence lines shall follow or run parallel to a property line in the front and half-depth front yards. Fences shall not obscure the front facade of the building.



- (b) Fences located in the front or half-depth front yard shall not exceed four feet in height . Front yard fences may exceed four feet in height provided the height is no more than the height of the adjacent, contiguous fencing on immediately adjacent properties.
- (c) Fences shall not exceed six feet in height when located in the side or rear yards.
- (d) Chain link fabric is not permitted in a front yard or half-depth front yard
- (e) Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence shall not exceed six feet when located in a front or half-depth front yard.
- (f) Walls are only permitted 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 façade of the principal structure. When such walls are permitted, they shall be 6 ft. or less in height.

(15) *Retaining Walls:*

- (a) The height of existing retaining walls located adjacent to a public right-of-way shall be maintained. New or replacement retaining walls shall 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 shall not be restricted. Concrete block may be used, provided a veneer of stone, brick, or concrete stucco is applied.

(16) *Ornaments:*

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

(17) *Public Sidewalks and Planting Strips:*

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

Section 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

OCT 03, 2011
OCT 12, 2011

RCS# 1459
10/03/11
3:04 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

11-O-0778 AND 11-O-0691

ADOPT SUB

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Bond
Y Hall	Y Wan	E Martin	Y Watson
NV Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

MULTIPLE