

13-0-0330

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AN ORDINANCE Z-13-01
BY: ZONING COMMITTEE

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, SO AS TO CREATE A NEW CHAPTER TO BE ENTITLED 20Q, COLLIER HEIGHTS HISTORIC DISTRICT, TO ESTABLISH OVERLAY REGULATIONS FOR SAID DISTRICT; TO ENACT, BY REFERENCE AND INCORPORATION, A MAP ESTABLISHING THE BOUNDARIES OF SAID DISTRICT; AND TO DESIGNATE AND ZONE ALL PROPERTIES LYING WITHIN THE BOUNDARIES OF SAID DISTRICT TO THE OVERLAY ZONING CATEGORY OF HISTORIC DISTRICT (HD) PURSUANT TO CHAPTER 20 OF THE ZONING ORDINANCE OF THE CITY OF ATLANTA. REZONING FROM R-3 (SINGLE FAMILY RESIDENTIAL), R-3A (SINGLE FAMILY RESIDENTIAL), R-4 (SINGLE FAMILY RESIDENTIAL), MR-3 (MULTIFAMILY RESIDENTIAL), MR-4-A (MULTIFAMILY RESIDENTIAL), AND PD-H (PLANNED DEVELOPMENT - HOUSING) TO R-3/HD (SINGLE FAMILY RESIDENTIAL / HISTORIC DISTRICT), R-3A/HD (SINGLE FAMILY RESIDENTIAL / HISTORIC DISTRICT), R-4/HD (SINGLE FAMILY RESIDENTIAL / HISTORIC DISTRICT), MR-3/HD (MULTIFAMILY RESIDENTIAL / HISTORIC DISTRICT), MR-4-A/HD (MULTIFAMILY RESIDENTIAL / HISTORIC DISTRICT), AND PD-H/HD (PLANNED DEVELOPMENT - HOUSING / HISTORIC DISTRICT), TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.

ADOPTED BY
Substitute MAY 06 2013
COUNCIL

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

Date Referred 3/4/13
 Referred To: ZRB + Zoning
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

Committee Zoning First Reading
 Date 3/27/13
 Chair [Signature]
 Referred To _____

Zoning Committee
 Date 3/27/13
 Chair _____
 Action Hold
 Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

 Refer To _____

Committee _____
 Date _____
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 Other _____
 Members _____

 Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED
 MAY 06 2013
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 MAY 06 2013
 Rhonda Daughlin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION
 APPROVED
 MAY 07 2013
[Signature]
 MAYOR



CITY COUNCIL
ATLANTA, GEORGIA

13-O-0330
Z-13-01

AN ORDINANCE
AS SUBSTITUTED BY ZONING COMMITTEE

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, SO AS TO CREATE A NEW CHAPTER TO BE ENTITLED 20Q, COLLIER HEIGHTS HISTORIC DISTRICT; TO ESTABLISH OVERLAY REGULATIONS FOR SAID DISTRICT; TO ENACT, BY REFERENCE AND INCORPORATION, A MAP ESTABLISHING THE BOUNDARIES OF SAID DISTRICT; AND TO DESIGNATE AND ZONE ALL PROPERTIES LYING WITHIN THE BOUNDARIES OF SAID DISTRICT TO THE OVERLAY ZONING CATEGORY OF HISTORIC DISTRICT (HD) PURSUANT TO CHAPTER 20 OF THE ZONING ORDINANCE OF THE CITY OF ATLANTA, REZONING FROM R-3 (SINGLE FAMILY RESIDENTIAL), R-3A (SINGLE FAMILY RESIDENTIAL), R-4 (SINGLE FAMILY RESIDENTIAL), MR-3 (MULTIFAMILY RESIDENTIAL), MR-4-A (MULTIFAMILY RESIDENTIAL), AND PD-H (PLANNED DEVELOPMENT - HOUSING) TO R-3/HD (SINGLE FAMILY RESIDENTIAL / HISTORIC DISTRICT), R-3A/HD (SINGLE FAMILY RESIDENTIAL / HISTORIC DISTRICT), R-4/HD (SINGLE FAMILY RESIDENTIAL / HISTORIC DISTRICT), MR-3/HD (MULTIFAMILY RESIDENTIAL / HISTORIC DISTRICT), MR-4-A/HD (MULTIFAMILY RESIDENTIAL / HISTORIC DISTRICT), AND PD-H/HD (PLANNED DEVELOPMENT - HOUSING / HISTORIC DISTRICT), TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the properties lying within the Collier Heights Historic District, which properties are more fully described as shown in Attachment "A" to this ordinance, which attachment is incorporated herein, meet the criteria for Historic District as set forth in the Nomination Resolution of the Urban Design Commission attached hereto as Attachment "B" and incorporated herein, and are hereby determined to be a Historic District pursuant to Chapter 20 of the 1982 Zoning Ordinance of the City of Atlanta, as amended.

SECTION 2. That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is hereby further amended by designating said properties described in Attachment "A" to the zoning category "Historic District" pursuant to Section 16-20.006 of the 1982 Zoning Ordinance of the City of Atlanta, as amended.



SECTION 3. That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is hereby further amended by adding a new Chapter 20Q, Collier Heights Historic District, the regulations for which shall read as shown in Attachment "C", which attached regulations are incorporated herein.

SECTION 4. That the boundaries of the Collier Heights Historic District shall be established as shown on the attached map marked Attachment "A", which attached map is incorporated herein.

SECTION 5. That the official zoning map of the City of Atlanta, now on file with the Office of the Municipal Clerk, be and is hereby amended so as to provide that the subject properties lying within said Collier Heights Historic District bear the zoning designation "Historic District," which designation shall be officially abbreviated as "HD" and which shall underlie the abbreviation for the existing R-3, R-3A, R-4, MR-3, MR-4A, and PD-H zoning classifications on said map.

SECTION 6. All properties lying within said Collier Heights Historic District shall be subject to the regulations attached hereto as Attachment "C" as well as the general regulations governing historic districts contained in Chapter 20 of the 1982 Zoning Ordinance, as amended, as well as any other applicable laws and regulations.

SECTION 7. That all ordinances or parts of ordinances in conflict with this ordinance are repealed.

A true copy,

A handwritten signature in black ink, appearing to read "K. Reed", written over a horizontal line.

Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

May 06, 2013
May 07, 2013

Identification of Contributing and Non-Contributing Properties

Contributing Properties:

Except as noted below, all properties located within the proposed boundaries of the Collier Heights Historic District shown on the map on the reserve are considered **CONTRIBUTING** to the district. A Contributing Property contains "a building, structure or site which reinforces the visual integrity or historic interpretability of a district, historic area or historic zone." (*Chapter 20, Atlanta Zoning Ord.*)

Non-Contributing Properties:

All properties listed below located within the proposed boundaries of the Collier Heights Historic District shown on the map on the reverse are considered **NON-CONTRIBUTING** to the district. A Non-contributing Property contains "a building, structure or site which detracts from the visual integrity or the historic interpretability of an historic district, area or historic zone." (*Chapter 20, Atlanta Zoning Ord.*)

1. All properties that are undeveloped as of the date of the "Notice of Intent to Nominate" (this does not include dedicated open space or cemeteries).
2. All properties listed below:
 - Albert Street: 638, 676
 - Aline Drive: 707, 760
 - Baker Ridge Drive: 2621, 2842, 2856, 3040
 - Caron Circle: 791
 - Chalmers Drive: 174
 - Collier Drive / Collier Road: 2665, 2671, 3000, 3136
 - Dale Creek Drive: 2855
 - Duffield Drive: 827
 - Eleanor Terrace: 3123
 - Engle Road: 2747, 2753, 2868
 - Godfrey Drive: 2506
 - Hamilton E. Holmes Drive / Hightower Road: 284 (partial), 294, 534
 - Hightower Road / Hamilton E. Holmes Drive: 284 (partial), 294, 534
 - Kildare Avenue: 425
 - Larchmont Circle: 645 (aka 643)
 - Larchmont Drive: 574, 582, 590, 598 (aka 82), 614
 - Linkwood Road: 213
 - Magna Carta Drive: 820
 - Oldknow Drive / Old Know Drive: 2663, 2791, 2836
 - Ozburn Road: 701 and 718
 - Peek Road / West Peek Road: 2797, 2803, 2834, 2835, 2840, 2841, 2850, 2856, 2857, 2861, 2867, 2870, 2876, 2878, 2881, 2882, 2904, 2910, 2914, 2929, 2999
 - Renfro Drive: 2910
 - Valley Heart Drive: 2844
 - Venetta Place: 840, 849, 889
 - Waterford Road: 467, 479, 485, 502, 506, 582
 - West Kildare Avenue: 498
 - West Peek Road / Peek Road: 2999
 - Woodmere Drive: 840



KASIM REED
MAYOR



CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPEME
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 3030
404-330-6145 – FAX: 404-658-7491
<http://www.atlantaga.gov/Government/Planning.aspx>

JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

Atlanta Urban Design Commission
Nomination Resolution:
Collier Heights Historic District (Chapter 20Q)

Application Number: N-12-313 / D-12-313

Proposed Designation: Historic District (Overlay)

Zoning Categories at time of Designation: R-3, R-3A, R-4, MR-3, MR-4-A, and PD-H

District: 14 **Land Lots:** 206, 207, 208, 209, 210, 211, 238, 239, and 240

District: 17 **Land Lots:** 259 and 260

Fulton County, City of Atlanta

Whereas, the Executive Director of the Atlanta Urban Design Commission initiated the nomination process by mailing the appropriate Notice of Intent to Nominate to the property owners of the Collier Heights Historic District and publishing a notice pursuant to Subsection (b) of the City of Atlanta Code of Ordinances, Section 16-20.005; and

Whereas, the Executive Director caused to be conducted extensive research regarding this proposed nomination and has compiled a written report stating the findings and recommendations regarding the historic, architectural and cultural significance of said nomination pursuant to Subsection (d) of said code section, which report, Attachment "A", is attached to this resolution and is hereby incorporated by this reference; and

Whereas, a public hearing was held on January 23, 2013 by this Commission to consider said nomination after appropriate public notice was provided as required by Subsection (e) of said code section; and

Whereas, this Commission has reviewed and considered said designation report as well as all other testimony, documentation and other evidence presented to it, including the testimony of all interested members of the public and the property owner pursuant to Subsection (e) of said code section; and



Now therefore be it resolved by the Urban Design Commission of the City of Atlanta as follows:

Section 1. That the designation report caused to be prepared by the Executive Director of the Commission and as amended by the Commission at the January 23, 2013 public hearing, as well as all submitted written materials, and all of the testimony heard at the January 23, 2013 public hearing, is hereby adopted by this Commission and shall constitute the Findings of Fact upon which this nomination is based.

Section 2. That the Commission hereby determines that the Collier Heights Historic District, a map of which delineating all its boundaries and a list delineating contributing and non-contributing properties is attached hereto as Attachment "B", and hereby incorporated by this reference, is architecturally, historically, and culturally significant.

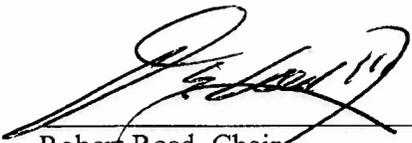
Section 3. That the Commission further determines the Collier Heights Historic District to be eligible for designation to the category of Historic District (HD), as meeting, at a minimum, the eligibility criteria set forth in Section 16-20.004(b)(1), specifically including subsections a., b., and c. of this code section. The Collier Heights Historic District is generally located in Land Lots 206, 207, 208, 209, 210, 211, 238, 239, and 240 of the 14th District and Land Lots 259 and 260 of the 17th District of Fulton County, Atlanta, Georgia (see attached map for boundaries).

Section 5. That the Commission hereby further determines that said Collier Heights Historic District meets the criteria set forth in Section 16-20.004(b)(2)(d), specifically including those criteria in the following groups: Group I (1), (2), and (3); Group II (1), (3), (4), (6), (7), (8), (9), (11), (12), (13), and (14); and Group III (2) and (3).

Section 6. That the Commission, having determined that the Collier Heights Historic District meets or exceeds the criteria as set forth herein, hereby nominates the Collier Heights Historic District to the category of Historic District (HD) pursuant to Section 16-20.005(e)(3).

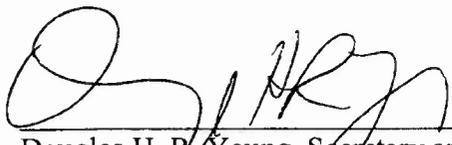
Section 7. That the Commission hereby directs the Executive Director to transmit this resolution including all supporting documentation to the Chair of the Zoning Committee of the Atlanta City Council, to the Commissioner of the Department of Planning and Community Development, and to notify by first class mail all the owners of property within the Collier Heights Historic District.

Approved and nominated by the Atlanta Urban Design Commission on January 23, 2013.



Robert Reed, Chair
Atlanta Urban Design Commission

1-23-2013
Date



Douglas H. R. Young, Secretary and Director
Atlanta Urban Design Commission

1/23/2013
Date



SUBSTITUTE

ATTACHMENT "C" TO Z-13-001 (COLLIER HEIGHTS HISTORIC REZONING LEGISLATION)



**KASIM REED
MAYOR**

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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**JAMES E. SHELBY
COMMISSIONER**

**CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning**

Proposed Collier Heights Historic District

Chapter 20Q – City of Atlanta Zoning Ordinance

Proposed Regulations – March 7, 2013

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

The intent of the regulations for 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.

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

1. The existing zoning map and regulations governing all properties within the Collier Heights Historic District shall remain in full force and effect. The regulations contained in chapter 20Q shall 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 chapter 20 of this part shall apply to this district.
3. Whenever the regulations of chapter 20Q conflict with said regulations of chapter 20, the regulations of chapter 20Q shall apply.
4. 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 20Q) shall be governed by the interpretation provision set forth in section 16-20.011(c) of the Code of Ordinances.

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ATTACHMENT "C" TO Z-13-001 (COLLIER HEIGHTS HISTORIC REZONING LEGISLATION)

Sec. 16-20Q.003. Boundaries.

The boundaries for the Collier Heights 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.

Sec. 16-20Q.004. Organization.

The overlay zoning regulations for the Collier Heights 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. 16-20Q.005. General regulations.

The following general regulations shall 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 shall be those specified in Section 16-20.008 of the Zoning Code.
- b. In the Collier Heights Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20Q do not specifically address the application including but not limited to multifamily residential, institutional, commercial and mixed use structures:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property shall be retained and preserved. Distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall not be removed.
 - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, materials.
 - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



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ATTACHMENT "C" TO Z-13-001 (COLLIER HEIGHTS HISTORIC REZONING LEGISLATION)

- (2) Certificates of Appropriateness: Certificates of appropriateness within this district shall be required as follows:
- (a) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - (b) 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 Section 16-20.008(a); and
 - (c) The following work requires a certificate of appropriateness:
 - (i) To alter the front or side facades and front or side roof planes of a structure;
 - (ii) To alter the rear façade or rear roof plane of a structure that is located on a corner lot, as defined by Section 16-28.007(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 or special exception from chapter 20Q; 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 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 shall require a Type II Certificates of Appropriateness which shall 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 Section 16-20Q.006(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.

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



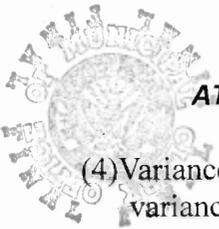
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Director of the Commission shall deny the application with notice to the applicant sent within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval and/or denial of Type II certificates 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 shall require a Type II Certificates of Appropriateness which shall be reviewed by the Commission:
 - (a) To alter a principal structure, except as noted in Section 16-20Q.005 (2)(d)(iv);
 - (b) Revisions to Type II Certificate of Appropriateness applications previously approved, conditionally or otherwise, by the Commission; and
 - (c) All site work, except as noted in Section 16-20Q.005(1)(b)(iv).
- (vi) The following shall require a Type III Certificates of Appropriateness which shall be reviewed by the Commission:
 - (a) All new principal structures;
 - (b) Additions to principal structures;
 - (c) 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;
 - (d) Subdivisions and consolidations of lots; and
 - (e) Variances or special exceptions from this Chapter 20Q.
- (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, as determined by the Commission.

- (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.) shall 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 shall be measured at the front façade.
 - (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 shall be made to a qualifying structure(s) on the block, and if no such structure exists on the block, the comparison shall 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 shall be made to a qualifying structure(s) located in the district.



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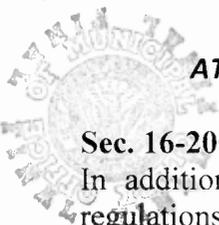
(4) Variances and special exceptions: The Commission shall have the power to hear, grant and deny variances and special exceptions from the provisions of this chapter (20Q) when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship other than financial hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances and special exceptions shall be the same as those specified in chapter 26 of this part 16, 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 an 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 shall 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:
 - (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, of other sources of income or 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.

The 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 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 shall 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 Sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions or consolidations of lots shall conform to the historic platting pattern in the District with regard to lot size, dimensions, and configurations. The Compatibility Rule shall 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 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.



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ATTACHMENT "C" TO Z-13-001 (COLLIER HEIGHTS HISTORIC REZONING LEGISLATION)

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

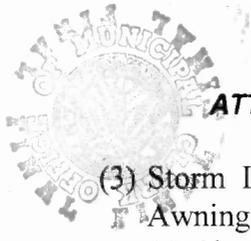
In addition to the general regulations set forth in section 16-20Q.005, and any other applicable regulations, the following regulations shall apply to all properties in the District:

(1) Building Facades, Materials, and Massing:

- (a) All new principal structures shall conform to the existing building orientation by having front 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 shall apply. If located on a corner lot, the orientation of the front facade shall be based on the compatibility rule whenever possible.
- (b) Front, side and rear yard setbacks for all new principal structures shall be subject to the compatibility rule. The front and rear yard setbacks of additions shall be subject to the compatibility rule. The side yard setbacks of additions shall not be subject to the compatibility rule but shall be no closer than the side yard setbacks of the existing principal structure
- (c) The compatibility rule shall apply to the height of all new principal structures and additions. Regardless of the compatibility rule range, the highest ridge line of an addition shall not be any higher than the highest ridge line of the existing structure.
- (d) The compatibility rule shall apply to the form and pitch of the primary roof of the principal structure and additions.
- (e) The compatibility rule shall apply to the overall design, size, scale, massing and width of new principal structures and additions.
- (f) The compatibility rule shall apply to the height of the first floor above the grade as measured at the front facade.
- (g) The compatibility rule shall apply to all building façade materials on all facades, and in addition to all other applicable regulations, as follows:
 - (h) The presence and dimensions of the exposed face of lap siding and wood shingles.
 - (i) The presence and type of brick and pattern of brickwork.
 - (ii) The presence and type of stone and pattern of stonework.
 - (iii) The presence, material and texture of stucco.
 - (iv) The materials and pattern of roofing.

(2) Windows and Doors:

- (a) Original or historic windows and exterior doors shall be retained.
- (b) Replacement windows or exterior doors shall be permitted 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 shall 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 shall be compatible with the architectural style of the structure or shall be subject to the compatibility rule
- (e) On existing principal structures, new doors and windows in new openings, when permitted, shall be compatible in scale, size, proportion, placement and style to existing windows and doors.
- (f) On the front 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.



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(3) Storm Doors, Storm Windows, Security Doors and Exterior Window Treatments, Shutters and Awnings:

- (a) Shutters and awnings shall not be added to the structure if they were not original to the structure.
- (b) Original or historic shutters and awnings shall be retained.
- (c) Replacement shutters and awnings shall be permitted only 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 shall match the original or historic shutters and awnings in design, materials and configuration.
- (e) On the front and side facades of new principal structures and additions, storm doors, security doors, storm windows, or security windows shall not cover or obscure significant architectural details.

(4) Foundations:

- (a) Replacement foundation materials shall 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 front and side facades of new principal structures and additions, foundations shall be of masonry or concrete construction. Other foundation materials are permitted 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 shall be retained.
- (b) Replacement chimneys shall be permitted only when original or historic chimneys cannot be rehabilitated.
- (c) If original or historic chimneys cannot be rehabilitated, replacement chimneys shall match the original or historic chimney in design, materials and configuration.
- (d) Chimneys that are part of a new principal structure or the front or side facades of additions shall be faced with brick. . No chimneys shall be cantilevered from the façade of the structure.

(6) Roofs and Roof Features:

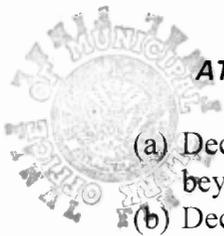
- (a) Replacement roofing shall be of the same texture and appearance as the existing.
- (b) Rolled or membrane roofing is permitted only on flat roofs. Metal roofs are not permitted.
- (c) The shape and pitch of roofs for new principal structures and additions shall be subject to the compatibility rule.

(7) Skylights:

- (a) Skylights shall be placed on the rear roof plane of either the principal or accessory structure.
- (b) If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.

(8) Solar panels: Solar panels shall be placed on the rear roof plane of either the principal or accessory structure.

(9) Decks, Patios and Terraces:



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- (a) Decks, patios and terraces shall be constructed to the rear of the structure and shall not extend beyond the sides of the structure.
 - (b) Decks, patios and terraces on corner lots shall 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 shall be retained.
 - (b) Replacement porches or stoops or their component features shall be permitted only 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 shall match the original in shape, size, internal proportions, and materials.
 - (d) Porches or stoops shall be a part of new principal structures or additions based on the compatibility rule and if present the front or side facade shall contain railings and decorative features consistent with the architectural style of the principal structure or shall 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 principal structures shall be subject to the compatibility rule.
 - (b) The placement and location of attached, new carports and garages on existing principal structures shall meet the compatibility rule.
 - (a) Existing attached carports may be enclosed with garage doors, provided that the alteration is consistent with the original architectural style of the existing structure.
 - (b) 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, free-standing energy creating devices are permitted in the district.
 - (b) All other accessory structures, such as, detached garages, detached carports, greenhouses, mechanical or communications equipments, shall be located to the side or rear of the principal structure and shall not project beyond the front of the principal structure. All accessory structures shall have side yard setbacks of at least 15 ft. or shall be no closer than the side yard setback of the existing principal structure and shall have rear yard setbacks of at least 15 ft. Half-depth front yard setbacks for accessory structure shall be established by the compatibility rule. The predominant exterior materials shall be metal, siding, or brick.
 - (c) In addition, all mechanical and communications equipment shall 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 permitted subject to the following limitations:
 - i. Such active recreation facilities shall follow the requirements in Section 16-20Q.006(12)(b);
 - ii. Such active recreation facilities in any yard, required or other, adjacent to a street or between any principal structure and any public street shall require a special exception from the Commission, which special exception shall be granted only upon finding that:

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- (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 special exception for such active recreation facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to minimize any potential negative impacts of the proposed facility on adjoining property owners.
- (13) Freestanding mailboxes and mailbox structures shall be allowed in the front yard immediately adjacent to the public street provided the mailbox or mailbox structure does not exceed 4 ft. in height, 2 ft. in depth, and 2 ft. 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 ft. in height, 2 ft. in depth, and 2 ft. in width. Freestanding mailboxes and mailbox structures, and any attached components shall be brick or metal.
- (14) Landscaping and Grading:
- (a) Grading shall not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the 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 shall meet existing topography in a smooth transition.
- (15) Paved Surfaces:
- (a) Original or historic paved surfaces shall be retained.
 - (b) Replacement paved surfaces shall be permitted only when original or historic chimneys cannot be rehabilitated.
 - (c) If original or historic paved surfaces cannot be rehabilitated, replacement paved surfaces shall match the original or historic paved surface in layout, patterns, finish, and materials.
 - (d) The layout, pattern, finish and material of new paved areas shall be subject to the compatibility rule.
 - (e) New driveways shall not exceed a width of ten feet between the principal 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 permitted between the principal structure and any public street, any yard adjacent to a public street, or any yard adjacent to the space between the principal structure and any public street.
 - (b) Where permitted, fences shall be made of metal chain link, metal picket, or wood picket. Where permitted, walls shall be made of wood or natural stone, brick, or concrete faced with true stucco.
 - (c) Where permitted, fences and walls shall not exceed 6 ft. in height at any point.

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(17) Retaining Walls:

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

(18) Ornamentation:

- (a) Original or historic ornamentation, such as railings, supports, columns, and decorative attachments shall be retained.
- (b) Replacement ornamentation shall be permitted only when the original or historic ornamentation cannot be rehabilitated.
- (c) If original or historic ornamentation cannot be rehabilitated, replacement ornamentation shall 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 shall be permitted only when it is consistent with the architectural style of the existing structure as documented through archival or photographic evidence.

(19) Public Sidewalks and Planting Strips:

- (a) Existing public sidewalks, planting strips, and associated topography shall be retained.
- (b) Replacement public sidewalks shall be permitted only when the original or historic public sidewalk cannot be rehabilitated.
- (c) If original or historic public sidewalk cannot be rehabilitated, the replacement public sidewalk shall match the original or historic public sidewalk as to location, size, pattern, and materials.
- (d) The compatibility rule shall apply to the presence of public sidewalks, 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, shall be consistent with and reinforce the architectural character of the entire existing structure or shall comply with the applicable regulations in subsection 16-20Q.006.

(21) Design Criteria for Alterations and Additions to Contributing Structures.

Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure, shall comply with the applicable regulations for in subsection 16-20Q.006; and shall 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 shall be compatible with the massing, size, scale and architectural features of the property and environment.

RCS# 2670
5/06/13
3:30 PM

Atlanta City Council

13-O-0330

AMEND ZONING ORDINANCE TO CREATE A NEW
CHAPTER COLLIER HEIGHTS HISTORIC DIST
ADOPT ON SUB

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

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

13-O-0330