

CHAPTER 20K. Grant Park Historic District Regulations

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

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

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

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

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

Section 16-20K.003. Boundaries.

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

- (1) Residential Subarea I;

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

Section 16-20K.004. Organization.

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

Section 16-20K.005. Definitions.

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

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

Section 16-20K.006 General Regulations.

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

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

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

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

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

(4) *Financial Hardship Exemptions.*

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

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

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

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

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

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

B. Design Standards and Criteria for New Principal Structures.

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

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

metal panels shall be permitted.

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

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

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

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

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

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

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

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

principal structure and any public street.

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

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

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

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

Section 16-20K.010. Further Provisions

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