

Atkins Park Historic District Regulations (Chapter 200)

Sec. 16-200.001. Statement of Intent

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

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

Sec. 16-200.002. Scope of regulations.

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

- (1) The existing zoning map and all regulations governing all properties within the Atkins Park Historic District shall remain in full force and effect. The following zoning regulations shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations of chapter 200 shall apply.
- (2) Except where it is otherwise explicitly provided, the provisions of Chapter 20 of this part shall apply to this district. Whenever the regulations of chapter 200 conflict with the provisions of Chapter 20, the regulations of chapter 200 shall apply.
- (3) All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Atkins Park Historic District shall continue to apply. In the event of any conflict between said other regulations and the following regulations of this chapter 200, the interpretation provision set forth in section 16-20.011 of the Code of Ordinances shall govern.

Sec. 16-200.003. Boundaries.

Historic District (HD) zoning district, which district shall be as shown on the official zoning map adopted herewith entitled "Atkins Park Historic District" and described as follows, south boundary is the rear (south) property line on St. Augustine Place; west boundary is the east edge of the sidewalk on the west side of North Highland Avenue from the rear (south) property line on St. Augustine Place to the rear (north) property line on St. Louis Place; north boundary is the rear (north) property line on St. Louis Place; east boundary is the west edge of the sidewalk on the east side of Briarcliff Road from the rear (north) property line on St. Louis Place to the rear (south) property line on St. Augustine Place.

Sec. 16-200.004. Organization.

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

Sec. 16-200.005. Definitions.

For purposes of interpreting this Chapter 200, the following definitions shall apply.

- (1) *Alley* means a pedestrian or vehicular way providing secondary access to the rear of abutting property.

- (2) *Balcony* means a finished platform that projects from the wall of a building and is enclosed by a finished railing or parapet, generally cantilevered or supported by brackets.
- (3) *By-way* means the walkway located mid-way on the blocks, running north-south between the north side of Ponce de Leon Avenue and the south side of St. Louis Place.
- (4) *Core residential street* means St. Augustine Place, St. Charles Place, St. Louis Place, and the one block section of Briarcliff Road between St. Charles Place and St. Louis Place, and specifically excludes alleys and by-ways.
- (5) *Deck* means a roofless platform and adjoining deck stairs connected to a house, generally made of unfinished wood and supported by posts.
- (6) *District* means the Atkins Park Historic District, as shown on the official zoning map adopted herewith entitled the "Atkins Park Historic District."
- (7) *Gateway* means the stone pillars and associated wrought iron, stone walls, and stone retaining walls that are at the east and west entrances of St. Augustine Place, St. Charles Place, and at the west entrance of St. Louis Place.
- (8) *New construction* means construction of new principal structures.
- (9) *Principal structure* means the main habitable structure on a property, exclusive of detached accessory structures.
- (10) *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.

Sec. 16-200.006. General Regulations.

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

- (1) Certificates of Appropriateness.
 - (A) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Code of Ordinances.
 - (B) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - (C) Type I certificates of appropriateness for ordinary repairs and maintenance shall not be required in this district. For example, painting or repainting of

any structure or portion thereof, or roof or driveway repair using same materials, do not require a certificate of appropriateness.

- (D) Type II certificates of appropriateness shall be required for any of the following to the extent they are visible from a public street: Any minor alteration to any façade of any principal structure, fences, walls, retaining walls, decks, skylights, solar panels, mechanical and communication equipment, shutters, awnings, accessory structures or paving. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this Chapter, as applicable, and other criteria applicable to Type II certificates, the Director of the Commission 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.
 - (E) Type III certificates of appropriateness shall be required for:
 - (i) All new principal structures.
 - (ii) All major alterations and additions to existing structures.
 - (iii) Subdivisions or aggregations of lots, and planned developments.
 - (F) Type IV certificates of appropriateness shall be required for demolition, moving, or major alterations or additions to any principal structure, or existing gateway, or portions thereof.
- (2) *Variances.* Variance applications shall be heard by the Urban Design Commission. The Commission shall have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

Zoning Variances Granted Prior to Enactment of this Chapter.

Any owner of property who obtained, on or after January 1, 1982, and prior to the effective date of this Chapter, a variance from the city Board of Zoning Adjustment to construct all or a portion of a project within the boundaries of this district, shall be entitled to construct said project in accordance with the plans presented in said application, the provisions of Section 16-200.007 notwithstanding.

- (3) 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 neighborhood revitalization and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
- (B) The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.
- (C) The Commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
- i. The present income of the property owner(s) and those occupying the property;
 - ii. The age of the property owner;
 - iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
 - iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
 - v. The costs associated with adherence to these regulations;
 - vi. The degree of existing architectural significance and integrity of the structure; and
 - vii. The purpose and intent of this Chapter.
- (D) The Commission shall consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it shall grant an exemption, in whole or in part, as appropriate.
- (4) Subdivisions and aggregation of lots. The platting pattern of the Atkins Park Historic District is an integral part of the historic character of the District. No subdivision or aggregation shall be approved unless it can be shown that the proposal is substantially consistent with the original plan of the District. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to Sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions and aggregations of lots shall conform to the historic platting pattern in the Atkins Historic District with regard to area of lot, dimensions, and configurations.
- (5) Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code section 158-26 et seq, (Code 1977, as amended), shall apply to this district.

In addition to the Tree Ordinance, a Type III Certificate of Appropriateness to remove or destroy any tree having a diameter at breast height of 6 inches or greater for safety, landscaping, silviculture, construction, renovation or demolition shall be obtained prior to commencement of work. Trees determined to be dead, dying or hazardous are not subject to the Certificate of Appropriateness procedures. The application shall include a tree plan indicating the following:

- (A) Location of all existing trees with type and diameter indicated, including boundary trees;
 - (B) Location of all existing trees to be saved indicated; and
 - (C) Location of all proposed trees located with type and diameter indicated.
- (6) Alleys and By-ways.
- (A) Existing alleys and by-ways shall be maintained as part of the historic platting pattern. Alleys shall remain open for pedestrian and vehicular traffic. Byways shall remain open for pedestrian traffic only.
- (7) Compatibility Rule.
- (A) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, or the district as a whole. Synthetic materials may be used if visually indistinguishable from the original materials. To permit flexibility, many regulations are made subject to the compatibility rule, which states: “The element in question (roof form, architectural trim, etc.) 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 facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face.”
 - (B) Those elements to which the rule applies are noted in the regulations by a reference to the “compatibility rule.”

Sec. 16-200.007. Specific Regulations.

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

- (1) *Development Controls for Principal Structures.*
- (A) *Front Yards:* The front yard setback of principal structures shall meet the compatibility rule.
 - (B) *Side yards:* The side yard setbacks of principal structures shall meet the compatibility rule. All new construction and additions shall maintain a minimum of three (3) feet for side yards setbacks where the compatibility rule would permit otherwise.

(C) *Rear yard:* The rear yard setback of principal structures shall be a minimum of fifteen (15) feet.

(D) *Off-street parking and driveway requirements:*

- (i) Off-street parking pad(s) shall not be permitted in any front yard or half-depth front yard. Off-street parking shall be located in a side or rear yard.
- (ii) The driveway shall extend at least 20 feet beyond the front façade of the principal structure and shall not exceed a width of 10 feet in the front yard or half-depth front yard, exclusive of the curb flare.
- (iii) Use of shared driveways is permitted.
- (iv) The use of alleys for access to such parking is permitted. No variance is required for driveways coming off an alley.
- (v) Loose stone or gravel is not permitted as a driveway paving material when visible from a core residential street.
- (vi) When garages are attached to the principal structure, the garage entrance(s) shall not face a core residential street.

(E) *Sidewalk and Planting Strip.*

- (i) Existing sidewalks and planting strips shall be retained and existing topography shall be maintained.
- (ii) A sidewalk between the planting strip and the required front yard and parallel to the public street shall be provided. The sidewalk shall be the same width as the sidewalk on abutting properties. The compatibility rule shall apply to sidewalk paving materials.

(F) *Fences and walls.*

- (i) Fences shall not exceed four feet in height when located in the front or the half-depth front yards.
- (ii) Fences and walls shall not exceed six feet in height when located in the side or rear yards.
- (iii) Fences shall be constructed of wood or vinyl picket, wrought iron, cast iron or decorative pre-finished aluminum when located in a front or half-depth front yard. Chain link is prohibited as a fence material when located in a front or half-depth front yard. Materials of fences or walls shall not be restricted in the side or rear yards.
- (iv) Retaining walls located adjacent to a public right-of-way shall have a maximum height of two feet from sidewalk grade and shall be constructed of or faced with natural stone or brick. Railroad lumber, wood, architectural concrete masonry units or other simulated material is not a permitted facing material of retaining walls. The height and materials of retaining walls located in the side or rear yards shall not be restricted.
- (v) 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.

- (2) *Architectural Standards for Principal Structures.*
Architectural standards for principal structures shall apply to front facades, side facades, and half-depth front facades visible from core residential streets only.
- (A) All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
- (B) *Building Height and Width:* The compatibility rule shall apply to the height and width of the principal structure. In no case shall the height of a structure exceed 35 feet from grade.
- (C) *Foundation:*
- (i) The maximum height of the first floor above grade shall meet the compatibility rule. The foundation shall be a maximum of four feet above the surface of the ground adjacent to the front façade, measured at the front facade.
 - (ii) Slab on grade is not permitted.
 - (iii) When masonry, brick or stucco is used as the primary façade material, the foundation material shall be the same. Otherwise the foundation shall be brick or stucco.
- (D) *Siding:* Siding shall be substantially consistent with siding materials found in contributing buildings on the block face and shall be consistent with the architectural style. Brick, brick veneer, stucco, shingles, or horizontal lapped wood or cementitious plank siding are permissible building materials for the facades.
- (E) *Roofs:*
- (i) The shape and pitch of roofs, as well as ridge, overhang, and soffit construction shall meet the compatibility rule and be consistent with the architectural style.
 - (ii) Clay tile, slate, composition asphalt shingles, and fiberglass shingles are permissible roofing materials.
 - (iii) Membrane or cold-rolled roofing is permitted only on flat roofs.
 - (iv) Corrugated roofing materials are not permitted.
- (F) *Chimneys:*
- (i) When any portion of a chimney is visible from a public street as a façade element, the chimney shall originate at grade.
 - (ii) Exterior portions of chimneys shall be faced with brick, brick veneer or stucco. Siding on chimneys is prohibited.
- (G) *Skylights and solar panels:* Skylights and solar panels are permitted on roofs of buildings provided they are not visible from any core residential street.

- (H) *Front entry:*
- (i) All front entries, front porches, front steps and front doors shall face and be parallel to the street, except in those blocks where the historic pattern is such that front doors and front steps are perpendicular to the street, in which the compatibility rule shall apply.
 - (ii) The main entry shall be a design element of the façade that faces the District's residential public street.
 - (iii) The design and dimensions of front porches, front entries or terraces shall be consistent with the architectural style of the house.
 - (iv) Front porch steps shall be made of stone, brick, or poured concrete; metal or wood steps are not permitted.
 - (v) Porches may be enclosed with recessed screenwire or recessed glass if the main characteristics of a front porch are maintained.
- (I) *Windows and Doors.* Fenestration, if visible from a core residential street upon completion, shall meet the following requirements:
- (i) The compatibility rule shall apply to the style, size, shape and overall pattern of fenestration.
 - (ii) Windows on the front façade shall be predominantly vertical.
 - (iii) Exterior doors and door transoms shall be appropriate to the house style, regarding design, size, dimension, and location on the building.
- (J) *Shutters and Awnings:*
- (i) Shutters and awnings may be added to the building if they are appropriate to the architectural style of the house.
 - (ii) Shutters shall be operable or appear operable, and shall fit the size of the window.
 - (iii) Replacement shutters shall match the original shutters in design, materials, and configuration.
 - (iv) Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.
- (K) *Decks, Balconies and Upper Level Terraces:*
- (i) Decks shall be permitted only when located to the rear of the principal structure and shall be no wider than the width of the house. Decks shall be permitted at any level.
 - (ii) Balconies and upper level terraces shall be permitted on any façade, provided it is consistent with the architectural style of the house.
- (L) *Ornamentation:* Installation of architectural ornaments, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, doors, half-timbering, and attic vents, where none previously existed shall be permitted and shall be subject to the compatibility rule.

- (M) *Mechanical and communication equipment:*
 - (i) Mechanical equipment, i.e. heating and cooling systems, shall be located to the side or rear of the principal structure and in the location least visible from a public street. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street.
 - (ii) Communication equipment, i.e. satellite dish, shall be located to minimize visibility from the core residential street.
- (N) Grading shall not excessively or unnecessarily alter the existing topography of the site. New grades shall meet existing topography in a smooth transition. Erosion shall be prevented and runoff kept to a minimum.
- (3) *Maximum Floor Area Ratio:* The floor area ratio shall not exceed 50 percent of the total lot area.
- (4) *Maximum Lot Coverage:* Lot coverage shall not exceed 50 percent of total lot area.
- (5) *Development Controls for Accessory Structures.*
 - (A) *Side yards:* The side yard setbacks of accessory structures shall be a minimum of three (3) feet. Where an accessory structure directly abuts an accessory structure on an abutting property, the side yard setback may be zero (0) feet.
 - (B) *Rear yard:* The rear yard setbacks of accessory structures shall be a minimum of three (3) feet, measured from the rear property line.
 - (C) Accessory structures are permitted in the side or rear yards within the buildable area of the lot so as to not project beyond the front façade of the principal structure. Placement of accessory structures shall conform to the compatibility rule.
 - (D) Accessory structures shall not exceed 16 feet in height or the height of the principal structure, whichever is less, measured from slab to ridge pole, and shall not contain a floor area greater than 25 percent of the floor area of the principal structure. Plumbing shall be limited to hose bib, and electricity shall be limited to 60 amps.

Sec. 16-200.008. Design Standards and Criteria for Alterations and Additions to Non-Contributing Structures.

Alterations and additions to non-contributing buildings shall comply with one of the following:

- (A) Alterations and additions shall be consistent with the architectural style of the existing building and the height or width of any alteration or addition shall not exceed the height or width of the existing building; or
- (B) Alterations and additions shall be representative of a single architectural style chosen from those represented by contributing buildings on the block face where the existing non-contributing building is located, shall comply, as applicable, with *Architectural Standards for Principal Structures.*, section 16-200.007(2).

Sec. 16-200.009. 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:

- (A) Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for *Architectural Standards for Principal Structures* set forth in subsection 16-200.007(2) above; or
- (B) New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale, materials, and architectural features of the property and environment.