

## **CHAPTER 20G. WEST END HISTORIC DISTRICT**

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

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

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

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

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

### **Sec. 16-20G.003. Boundaries.**

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

**Sec. 16-20G.004. Organization.**

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

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

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

- (1) *Certificates of Appropriateness:* Certificates of appropriateness within this district shall be required as follows:
  - (a) *When required:*
    - (i) To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;
    - (ii) To erect a new structure or to make an addition to any structure within the district, when said addition can be seen from public right-of-way; and
    - (iii) To demolish or move any contributing structure, in whole or in part, within the district.
  - (b) *Type required:*
    - (i) 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 for all minor alterations (type II), major alterations (type III) and demolitions (type IV, except partial demolitions) as set forth in chapter 20 of this part 16.
    - (ii) When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition 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.
- (2) *The Compatibility Rule:* The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor height, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
- (3) *Variances:* The urban design commission shall have the power to hear, grant and deny variances from the provisions of this chapter (20G) when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16, which provisions are hereby incorporated herein.
- (4) *Financial Hardship Exemptions:*

- (a) These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the urban design commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
- (b) In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.
- (c) If the urban design commission finds that the requirement of subsection (ii) herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with the following factors, standards and criteria;
  - (i) The burden of proof that the regulations and guidelines pose such a hardship shall be on the property owner.
  - (ii) The urban design commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
    - a. The present and future income of the property owner(s) and those occupying the property;
    - b. The availability, at present or in the future, or other sources of income of revenue, including loans, grants, and tax abatements;
    - c. The costs associated with adherence to the district regulations;
    - d. The degree of existing architectural importance and integrity of the structure; and
    - e. The purpose and intent of this chapter.
  - (iii) The urban design commission shall balance these factors as applied to the applicant for said exemption and shall grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.
- (5) *Lot size:* In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this chapter 20G shall apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.

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

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

- (1) *Generally:* The following building elements and architectural features shall be considered when applying section 16-20.009 of this chapter to the West End Historic District: doors, windows, foundations, roofs, roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvres, walls, fences, and gates.
- (2) *Building Facades:*

- (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main facade shall face the principal street whenever possible.
- (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
- (c) All building materials, which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the district.
- (d) Siding repair or replacement shall match the original materials in scale and direction, wood clapboard, if original, is preferred; however, aluminum, masonite, vinyl or other horizontal siding is permitted if window trim, cornerboards and fascia/bargeboards are left in place or replaced with new material match the original.
- (e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
- (f) No structure shall exceed that height established by the compatibility rule, with a permitted differential of 10%.

(3) *Windows and Doors:*

- (a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
- (b) Original window and door openings shall not be blocked or enclosed, in whole or in part.
- (c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size with no more than a one-inch width or height difference from the original size.
- (d) Flat "snap-in" muntins and muntins sandwiched between layers of glass are prohibited.
- (e) Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
- (f) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
- (g) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a permitted differential of 10%.
- (h) The scale, size and proportion of all openings in new construction shall be established by the compatibility rule with a permitted differential of 10%.
- (i) New windows or doors added to existing structures shall be located on sides or to the rear of buildings, rather than on the front.

(4) *Storm Doors, Storm Windows, Shutters and Awnings:*

- (a) Shutters shall not be added to the building if they were not a part of the original structures.
- (b) Shutters shall be operable or appear operable, and shall fit the size of the window.

- (c) Replacement shutters shall match the original shutters in design, materials and configuration.
- (d) Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
- (e) Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.

(5) *Foundations:*

- (a) Foundation materials, including infill materials, shall replicate the original materials in size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.
- (b) New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials and style with adjacent and surrounding buildings.
- (c) Slab on grade is not permitted.
- (d) Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.

(6) *Chimneys:*

- (a) Chimneys shall match original materials, mortar, color and pattern whenever possible.
- (b) New chimneys shall be faced with brick or stucco.
- (c) Siding on chimneys is prohibited.

(7) *Roofs:*

- (a) Roofing materials shall be of the same size, texture and material as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
- (b) Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
- (c) The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
- (d) Decks, skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are permitted on roofs of buildings provided they are not visible from any public right-of-way.

(8) *Porches:*

- (a) Architecturally significant porches, steps and stoops shall be retained.
- (b) Replacement porches, steps and stoops shall match the original in size, style and materials.
- (c) Porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
- (d) Porches shall contain balustrades, columns and other features consistent with porches in that block.

- (9) *Accessory Structures:* Accessory structures, such as carriage houses, smoke houses, greenhouses, tenant and alley houses, private garages, carports, air conditioners and heating units, shall be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structures. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the public right-of-way.
- (10) *Landscaping:* The Tree Ordinance of the City of Atlanta shall apply to the West End Historic District.
- (11) *Paved Surfaces:*
- (a) The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.
  - (b) Resurfacing or new installation of paved areas, other than those specified in subsection (a) above, including driveways, walkways, and patios, or portions thereof, shall match the color and material of the original surface whenever possible.
- (12) *Off-Street Parking Requirements:*
- (a) Off-street parking shall not be permitted in the front yard.
  - (b) Carports and garages shall be behind the rear of the main structure. If the main structure is located on a corner lot, the front yard setback for that side street shall apply to the construction of a carport or garage.
- (13) *Fences:* Fences shall be fabricated of brick, cast iron, wrought iron, stone and wood pickets. Fence lines shall follow the property line. Fences shall not obscure the front facade of the building.
- (14) *Walls:* Concrete block may be used in retaining walls, but stone or brick facing material is required.
- (15) *Ornaments:*
- (a) Architecturally significant ornaments, such as corner boards, cornices, brackets, downspouts, railings, columns, steps, doors and window moldings, shall be retained.
  - (b) Replacement ornaments shall be permitted only when originals cannot be rehabilitated.
  - (c) Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.