

**AN ORDINANCE
BY ZONING COMMITTEE**

Z-20-13

AN ORDINANCE TO AMEND CHAPTER 20I ADAIR PARK HISTORIC DISTRICT REGULATIONS OF THE ATLANTA ZONING ORDINANCE, AS AMENDED SO AS TO AMEND THE DISTRICT REGULATIONS TO ALIGN WITH CURRENT RESIDENTIAL DEVELOPMENT TRENDS AND NEIGHBORHOOD GOALS; AND FOR OTHER PURPOSES

WHEREAS, the Adair Park Historic District regulations were established in 1977; and

WHEREAS, the Adair Park Neighborhood Association finds the current district regulations do not allow redevelopment of the neighborhood consistent with the ideals of the historic district regulations or desires of the neighborhood; and

WHEREAS, the Adair Park Neighborhood Association has held community meetings to amend the regulations to align the desires of the neighborhood while maintain the integrity of the historic district; and

WHEREAS, the City Charter, at Section 1-102(b), provides that the City shall have all powers necessary and proper to promote the safety, health, peace, and general welfare of the City and its inhabitants; and

WHEREAS, this ordinance is adopted pursuant to Georgia Constitution Article IX, Section II, Paragraph IV which empowers the governing authority of each county and of each municipality to adopt plans and exercise the power of zoning; and

WHEREAS, the City Council of the City of Atlanta finds that this rezoning in the best interest of the public health, safety, and welfare.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS
as follows:

SECTION 1: The regulations of Chapter 20I Adair Park Historic District shall be amended as follows:

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

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

- (1) To enhance and integrate land use regulations, tailored to the historic character of this district, with existing land use regulations;
- (2) To continue the single- and two-family residential uses in the district;
- (3) To preserve and protect the historic attributes of the built environment of the district;
- (4) To preserve existing landscape features that exhibit or will assist in maintaining significant historic elements;

- (5) To maintain the spatial relationships that now exist between buildings, and between buildings and streets;
- (6) To require that additions and modifications to existing structures reinforce the historic architecture, qualities, and features of the district;
- (7) To ensure that new development is consistent with the historic character of the district;
- (8) To encourage economic development, neighborhood revitalization and prevention of displacement of residents; and
- (9) To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare.

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

- (a) The existing zoning map and regulations governing all properties within the Adair 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 (Chapter 20I) 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 20I) shall be governed by the interpretation provision set forth in section 16-20.011(c) of the Code of Ordinances.
- (b) Except when otherwise explicitly provided, the provisions of Chapter 20 of this part shall apply to this district.

Sec. 16-20I.003. - Boundaries.

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

- (1) The Residential Subarea;
- (2) The Transitional Commercial Subarea; and
- (3) The Transitional Industrial Subarea.

Sec. 16-20I.004. - Organization.

The overlay zoning regulations for the Adair Park Historic District are composed of four (4) sections:

- (1) Section .005: General regulations and design review procedures that apply to all properties located within the District
- (2) Section .006: Specific regulations for properties in the Residential Subarea I
- (3) Section .007: Specific regulations for properties in the Transitional Commercial Subarea II
- (4) Section .008: Specific regulations for properties in the Transitional Industrial Subarea III

Sec. 16-20I.005. - General regulations and design review procedures.

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

(1) General criteria.

- a. Except as otherwise provided herein, the procedures for determining the correct type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.
- b. The Commission shall use the following regulations only if the specific subarea regulations do not address the application:
 1. 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.
 2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 3. 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.
 4. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 5. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 6. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
 7. 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. Painting of unpainted masonry is prohibited.
 8. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
 9. 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.
 10. 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.

- (2) *The Compatibility Rule:* The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing

buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), shall be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

- (3) *Certificates of appropriateness* City of Atlanta applications used to review design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.
 - 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. 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 but must comply with Section 16-20I.005(7).
 - c. Type II certificates of appropriateness shall be reviewed by the Director of the Urban Design Commission and shall be required for:
 1. All alterations to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from certificates of appropriateness in the subarea regulations.
 2. Fences, walls, accessory structures, decks, rear porches, and paving.
 3. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of section 16-20I.006, section 16-20I.007, or section 16-20I.008, as applicable, the director of the commission shall issue Type II certificate within 14 days of the application.
 4. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of section 16-20I.006, section 16-20I.007, or section 16-20I.008, as applicable, the director of the commission shall deny the application with notice to the applicant within 14 days of the application.
 5. 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.
 - c. Type III certificates of appropriateness shall be reviewed by the commission and shall be required for:

1. All new principal structures.
 2. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.
 3. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.
 4. Subdivisions and consolidations as required per section 16-20I.005(6).
 5. Variances and special exceptions.
- e. 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 that destroys the structure's historic interpretability or importance.

(4) *Variances, special exceptions, and appeals.* Variance applications, applications for special exceptions, and appeals from these regulations shall be heard by the 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. The commission shall have the authority to grant or deny applications for special exceptions pursuant to the standards in chapter 25. The commission shall have the authority to grant or deny applications for appeal pursuant to the standards in section 16-30.010 and the appeal provisions for said decision, set forth in section 16-30.010(e), shall also apply to the commission's decision.

(5) *Financial Hardship Exemptions:*

- a. These regulations set forth a minimum standard of architectural compatibility. However, in order to balance this concern 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. The burden of proof that the regulations and guidelines pose such a hardship shall be on 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 purpose.
- c. If the urban design commission finds that this requirement of subsection 16-20I.005(5)b. herein is satisfied, they shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

1. The present and future income of the property owner(s) and those occupying the property;
 2. The availability, at present or in the future of other sources of income of revenue, including loans, grants, and tax abatements;
 3. The cost associated with adherence to the subarea regulations;
 4. The degree of existing architectural importance and integrity of the structure; and
 5. The purpose and intent of this chapter.
- d. 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.

(6) *Subdivisions or consolidations:*

In Subarea 1, the platting pattern of the Adair Park Historic 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 of the district. In addition to the requirements of the subdivision and zoning ordinances all subdivisions or consolidations of lots shall conform to the historic platting pattern in the Adair Park Historic 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 urban design commission has made a finding that it is consistent with this provision or with the platting pattern of the neighborhood.

Sec. 16-20I.006. - Specific regulations—Residential Subarea I.

In addition to the general regulations set forth in section 16-20I.005, and any other applicable regulations, the following regulations shall apply to all properties located within Residential Subarea I:

(1) *Development Controls.*

a. *Setbacks:*

1. **Front Yards:** Front yard setbacks of new principal structures 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.
2. **Side Yards:** Side yards of new principal structures or additions 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 feet.
3. **Rear Yard:** Rear yard setbacks of new principal structures or additions shall be a distance no less than fifteen feet. On double frontage lots, the secondary frontage shall be treated as the rear yard.

- b. *Height*: the height of new principal structures shall conform to the compatibility rule. Additions to existing structures shall not be subject to the compatibility rule but shall be no higher than the main ridgeline of the existing structure.
- (2) *Architectural Standards*:
- a. *Building façades*:
 - 1. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
 - 2. Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
 - 3. Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
 - b. *Windows and Doors*:
 - 1. Architecturally significant windows and doors including details, trim, and framing shall be retained. Original window and door openings shall not be blocked or enclosed in whole or in part.
 - 2. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated.
 - 3. Replacement windows and windows on new construction shall be a wood or wood fiber composite product. Vinyl, PVC, aluminum, or clad windows are not permitted.
 - 4. The use of simulated divided light windows is permitted provided that the muntins are integral to the sash and permanently affixed to the exterior face of the glass.
 - 5. Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
 - 6. New doors and windows, when permitted, shall be placed on the side and rear of the structure and be compatible in scale, size, proportion, placement, and style to existing windows and doors.
 - 7. The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
 - 8. New or replacement doors shall be made of wood and may contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion, placement, and style.
 - 9. The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.
 - 10. The scale, size, and proportion of all openings in new construction shall be established by the compatibility rule.
 - c. *Foundations*:
 - 1. 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.
 - 2. Foundations on new construction 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.

3. Slab on grade is not permitted.
- d. *Storm doors, storm windows, shutters and awnings:*
1. Shutters shall be operable or appear operable and shall fit the size of the window.
 2. Replacement shutters shall match the original shutters in design, materials and configuration.
 3. Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
 4. Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.
- e. *Chimneys:*
1. Original and architecturally significant chimneys shall be retained.
 2. Chimney repairs shall match original materials, mortar, color and pattern whenever possible.
 3. New chimneys shall be constructed of masonry faced with brick or stucco.
 4. Siding on chimneys is prohibited.
 5. When any portion of a chimney is visible from a public street as a façade element, the chimney shall originate at grade.
- f. *Roofs:*
1. Replacement roofing materials shall be of the same size, texture and materials as the existing materials.
 2. On flat roofs, cold rolled and membrane roofing is allowed.
 3. The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
 4. Skylights and communication equipment, when otherwise allowed by these or other regulations are permitted on roofs of buildings provided they cannot be seen from the public right-of-way.
 5. Solar panels are permitted provided they are placed in the least visible location possible for adequate power production.
 6. Dormers shall not be permitted on the front façade unless they are original to the structure.
- g. *Porches:*
1. Architecturally significant porches, steps and stoops shall be retained.
 2. Replacement porches, steps, and stoops shall match the original in size, style, and materials.
 3. Porches may be enclosed with screen wire if the main characteristics of a front porch are maintained.
 4. Porch railing shall be constructed using a two-part butt joint method. Side nailed and deck style railing shall be prohibited.
 5. Porches shall be required on new construction. New porches shall contain balustrades, columns, and other features consistent with the architectural style of the house or other original porches on the block face. The height of any top rail shall be set no higher than the bottom sill of the front façade windows.

Additional height required to meet building code shall be achieved by a simple plane extension.

i. *Fences:*

1. Fence lines shall follow or run parallel to the property lines in front and half-depth front yards. Fences shall not obscure the front façade of the building.
2. Fences located in the front or half-depth front yard shall not exceed 4 feet in height and shall be brick, iron, wood, or metal vertical pickets. Front yard fences may exceed four feet in height provided the height is no more than the height of the adjacent, contiguous fencing on immediately adjacent properties.
3. Fences located in the side and rear yards shall not exceed six feet in height.
4. Chain link fencing is not permitted in a front yard or half-depth front yard.
5. Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence shall not exceed 6 feet when located in a front yard or half-depth front yard.
6. Walls are only permitted in the rear and side yards only when such yards are not adjacent to a public street and when such walls are located behind the rear façade of the principle structure. When such walls are permitted, they shall be six feet or less in height.

j. *Retaining walls:*

1. Retaining walls in the front yard shall be constructed of masonry, stone, or concrete block faced with a parge coat of stucco.

k. *Ornaments:*

1. Architecturally significant ornaments, such as corner boards, cornice, brackets, downspouts, railings, columns, steps, doors and windows moldings, shall be retained.
2. Replacement ornaments shall be permitted only when originals cannot be rehabilitated.
3. 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.
4. For new construction, ornaments shall be consistent with the architectural style of the home and compatible with the historic homes on the block.

1. *Decks:* Decks shall be located to the rear of the principle structure.

(3). *Accessory structures:*

a. *Placement:*

1. All new accessory structures shall contain a side yard setback of no less than 3' and a rear yard setback of no less than 5'.
2. On corner lots, accessory structures shall be placed towards the interior side and rear yard setback.
3. On double frontage lots, excluding corner lots, accessory structures shall be placed towards one of the interior lot lines. The secondary frontage shall be treated as a rear yard, except that the accessory structure shall be set back 15 feet from the lot line.

- b. The height of accessory structures shall not exceed the height of the main ridgeline of the principal structure as measured from grade at the front façade to the main ridgeline or 20 feet, whichever is less.

- c. The floor area of accessory structures shall be no more than 40 percent of the principal structure's floor area.
 - d. *Accessory Dwelling Unit (ADUs)*: Where an accessory building is used as a detached single-family dwelling (also known as an ADU), the following limits shall apply:
 - 1. The ADU shall not exceed 750 sf.
 - 2. For the purposes of Sec. 16-20I.006(3)(c) above, which limits the total allowable area of the accessory building to 40 percent of the principal building, the square footage of the accessory dwelling unit shall not be included when calculating the total area of the accessory building.
 - 3. When an accessory structure is used as an accessory dwelling unit, it shall be placed to the rear of the principal structure, within the buildable area of the lot.
- (4) *Paved Surfaces*:
- a. The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained. The design and material of new replacement paving materials shall match the original or be subject to the compatibility rule.
 - b. The design and materials of new paved surfaces other than those specified in subsection (a) above, including driveways, walkways, and patios shall be subject to the compatibility rule.
 - c. New driveways shall not exceed a width of ten feet not including the flare at the street.
- (5) *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 of the street shall apply to the construction of a carport or garage.
 - c. The use of alleys for access to such parking is permitted. No variance is required for driveways accessed from an alley.
- (6) *Signs*:
- a. Identification signs for home occupations shall not exceed two (2) square feet in area.
 - b. Identification signs for institutional and commercial uses shall not exceed 30 square feet in area.
- (7) *Alternative building materials*:
- a. Alternative building materials to those listed above may be used if sufficient evidence is provided to establish that the proposed alternative material is identical in form, function, and appearance to historically compatible materials.
 - b. Alternative building materials that violate specific material prohibitions listed elsewhere in Sec. 16-20I.006 shall not qualify for consideration.

Sec. 16-20I.007. - Specific regulations—Transitional Commercial Subarea II.

- (a) The following regulations shall apply to all properties located within the Transitional Commercial Subarea II. These regulations are intended to mitigate any noxious effects that the commercial subarea may have on adjoining residential uses within the Adair Park

Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

- (1) *Development Controls:*
 - a. *Setbacks:* The compatibility rule shall apply to front, side and rear yard setbacks.
 - b. *Bulk Limitations:* Floor area ratio shall not exceed an amount equal to one times the net lot area.
 - (2) *Maximum Height:* The compatibility rule shall apply to the height of all structures, additions and alterations.
 - (3) *Screening:* In addition to the screening required for any lot in this subarea which abuts a residential use on the rear lot line, without an intervening street, there must also be a five-foot-wide buffer planted with tree and/or shrub materials.
- (b) In addition to the above regulations, all contributing structures in the Transitional Commercial Subarea II shall comply with the following regulations.
- (1) *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:
 - a. *When required:*
 1. To change the exterior appearance of any portion of a contributing structure or property within the subarea, when said change can be seen from the public right-of-way;
 2. To make an addition to any contributing structure or property within the subarea, when said addition can be seen from the public right-of-way; and
 3. To demolish or move any contributing structure, in whole or in part, within the subarea.
 - (2) *Architectural Standards:* All contributing structures shall comply with the architectural standards as set out in section 16-20I.006.

Sec. 16-20I.008. - Specific regulations—Transitional Industrial Subarea III.

The following regulations shall apply to all properties located within the Transitional Industrial Subarea III. These regulations are intended to mitigate any noxious effects that the industrial subarea may have on adjoining residential uses within the Adair Park Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

- (1) *Certificates of Appropriateness:* Certificates of appropriateness are not required in the Transitional Industrial Subarea III, but all new construction and development shall conform to the following regulations.
- (2) *Development controls:*
 - a. *Setbacks:* The compatibility rule shall apply only to front yard setbacks. A variance of up to five percent shall be permitted. Other setbacks shall be as regulated by the applicable industrial district regulations.
 - b. *Bulk Limitations:* Floor area ratio shall not exceed an amount equal to one times the net lot area.
- (3) *Maximum Height:* No new structures, additions or alterations shall exceed two stories in height.

(4) *Screening*: In addition to the screening required for any lot in this subarea which abuts a residential use on the rear lot line, without an intervening street, there must also be a five-foot-wide buffer planted with tree and/or shrub materials.

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance is hereby repealed.

SECTION 3. This ordinance shall become effective immediately upon its approval by the City Council and signature by the Mayor or by operation of law.