



**CITY COUNCIL
ATLANTA, GEORGIA**

20-O-1171

Z-20-15 A SUBSTITUTE ORDINANCE BY ZONING COMMITTEE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, SO AS TO CREATE A NEW CHAPTER TO BE ENTITLED 20V, PONCEY-HIGHLAND HISTORIC DISTRICT, PURSUANT TO CHAPTER 20 OF THE ZONING ORDINANCE OF THE CITY OF ATLANTA; TO ESTABLISH REGULATIONS FOR SAID DISTRICT; TO ENACT, BY REFERENCE AND INCORPORATION, A MAP ESTABLISHING THE BOUNDARIES OF SAID DISTRICT; AND TO DESIGNATE AND REZONE ALL PROPERTIES LYING WITHIN THE BOUNDARIES OF SAID DISTRICT FROM C-1 (COMMUNITY BUSINESS), C-1-C (COMMUNITY BUSINESS CONDITIONAL), MRC-2-C (MIXED RESIDENTIAL COMMERCIAL CONDITIONAL), MRC-3-C (MIXED RESIDENTIAL COMMERCIAL CONDITIONAL), PD-H (PLANNED DEVELOPMENT HOUSING), PD-MU (PLANNED DEVELOPMENT MIXED-USE), R-4 (SINGLE FAMILY RESIDENTIAL), R-5-C (TWO FAMILY RESIDENTIAL CONDITIONAL), RG-2 (RESIDENTIAL GENERAL SECTOR 2), RG-3 (RESIDENTIAL GENERAL SECTOR 3), RG-4 (RESIDENTIAL GENERAL SECTOR 4), R-LC-C (RESIDENTIAL LIMITED COMMERCIAL CONDITIONAL), SPI-6 SA2 (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 2), SPI-6 SA3 (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 3), SPI-6 SA4 (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 4), C-1/BL (COMMUNITY BUSINESS/BELTLINE OVERLAY), C-2-C/BL (COMMERCIAL SERVICE CONDITIONAL/BELTLINE OVERLAY), C-3-C/BL (COMMERCIAL RESIDENTIAL CONDITIONAL/BELTLINE OVERLAY), I-1/BL (LIGHT INDUSTRIAL/BELTLINE OVERLAY), I-1-C/BL (LIGHT INDUSTRIAL CONDITIONAL/BELTLINE OVERLAY), MR-5A/BL (MULTIFAMILY RESIDENTIAL/BELTLINE OVERLAY), MRC-2-C/BL (MIXED RESIDENTIAL COMMERCIAL CONDITIONAL/BELTLINE OVERLAY), MRC-3-C/BL (MIXED RESIDENTIAL COMMERCIAL/BELTLINE OVERLAY), PD-H/BL (PLANNED DEVELOPMENT HOUSING/BELTLINE OVERLAY), PD-MU/BL (PLANNED DEVELOPMENT MIXED-USE/BELTLINE OVERLAY), R-4/BL (SINGLE FAMILY RESIDENTIAL/BELTLINE OVERLAY),

R-4B-C/BL (SINGLE FAMILY RESIDENTIAL CONDITIONAL/BELTLINE OVERLAY), R-5/BL (TWO-FAMILY RESIDENTIAL BELTLINE OVERLAY), RG-1/BL (RESIDENTIAL GENERAL SECTOR 1/BELTLINE OVERLAY), RG-2-C/BL (RESIDENTIAL GENERAL SECTOR 2 CONDITIONAL/BELTLINE OVERLAY), RG-3/BL (RESIDENTIAL GENERAL SECTOR 3/BELTLINE OVERLAY), RG-3-C/BL (RESIDENTIAL GENERAL SECTOR 3 CONDITIONAL/BELTLINE OVERLAY), SPI-6 SA1/BL (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 1/BELTLINE OVERLAY), SPI-6 SA2/BL (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 2/BELTLINE OVERLAY), SPI-6 SA3/BL (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 3/BELTLINE OVERLAY), SPI-6 SA4/BL (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 4), LBS/BL (LANDMARK BUILDING/SITE/BELTLINE OVERLAY), BL (BELTLINE OVERLAY), BSHD/BL (BONAVENTURE-SOMERSET HISTORIC DISTRICT/BELTLINE OVERLAY) TO PHHD (PONCEY-HIGHLAND HISTORIC DISTRICT), PHHD-C (PONCEY-HIGHLAND HISTORIC DISTRICT CONDITIONAL), PHHD/BL (PONCEY-HIGHLAND HISTORIC DISTRICT), PHHD-C (PONCEY-HIGHLAND HISTORIC DISTRICT CONDITIONAL/BELTLINE OVERLAY), PHHD/LBS (PONCEY-HIGHLAND HISTORIC DISTRICT/LANDMARK BUILDING/SITE) AND PHHD/LBS/BL (PONCEY-HIGHLAND HISTORIC DISTRICT/LANDMARK BUILDING/SITE/BELTLINE OVERLAY); TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES. NPU N COUNCIL DISTRICT 2

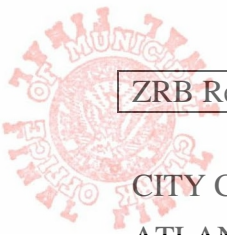
Application File Date	
Zoning Number	Z-20-15
NPU / CD	N-2
Staff Recommendation	Approval of substitute
NPU Recommendation	Approval

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ZRB Recommendation	Approval of substitute
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CITY COUNCIL

ATLANTA, GEORGIA

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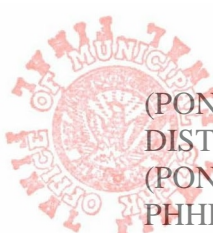
A SUBSTITUTE ORDINANCE

BY: ZONING COMMITTEE

Z-20-15

A SUBSTITUTE ORDINANCE BY ZONING COMMITTEE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, SO AS TO CREATE A NEW CHAPTER TO BE ENTITLED 20V, PONCEY-HIGHLAND HISTORIC DISTRICT; PURSUANT TO CHAPTER 20 OF THE ZONING ORDINANCE OF THE CITY OF ATLANTA; TO ESTABLISH REGULATIONS FOR SAID DISTRICT; TO ENACT, BY REFERENCE AND INCORPORATION, A MAP ESTABLISHING THE BOUNDARIES OF SAID DISTRICT; AND TO DESIGNATE AND REZONE ALL PROPERTIES LYING WITHIN THE BOUNDARIES OF SAID DISTRICT FROM C-1 (COMMUNITY BUSINESS), C-1-C (COMMUNITY BUSINESS CONDITIONAL), MRC-2-C (MIXED RESIDENTIAL COMMERCIAL CONDITIONAL), MRC-3-C (MIXED RESIDENTIAL COMMERCIAL CONDITIONAL), PD-H (PLANNED DEVELOPMENT HOUSING), PD-MU (PLANNED DEVELOPMENT MIXED-USE), R-4 (SINGLE FAMILY RESIDENTIAL), R-5-C (TWO FAMILY RESIDENTIAL CONDITIONAL), RG-2 (RESIDENTIAL GENERAL SECTOR 2), RG-3 (RESIDENTIAL GENERAL SECTOR 3), RG-4 (RESIDENTIAL GENERAL SECTOR 4), R-LC-C (RESIDENTIAL LIMITED COMMERCIAL CONDITIONAL), SPI-6 SA2 (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 2), SPI-6 SA3 (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 3), SPI-6 SA4 (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 4), C-1/BL (COMMUNITY BUSINESS/BELTLINE OVERLAY), C-2-C/BL (COMMERCIAL SERVICE CONDITIONAL/ BELTLINE OVERLAY), C-3-C/BL (COMMERCIAL RESIDENTIAL CONDITIONAL/ BELTLINE OVERLAY), I-1/BL (LIGHT INDUSTRIAL/ BELTLINE OVERLAY), I-1-C/BL (LIGHT INDUSTRIAL CONDITIONAL/ BELTLINE OVERLAY), MR-5A/BL (MULTIFAMILY RESIDENTIAL/ BELTLINE OVERLAY), MRC-2-C/BL (MIXED RESIDENTIAL COMMERCIAL CONDITIONAL/ BELTLINE OVERLAY), MRC-3-C/BL (MIXED RESIDENTIAL COMMERCIAL/ BELTLINE OVERLAY), PD-H/BL (PLANNED DEVELOPMENT HOUSING/ BELTLINE OVERLAY), PD-MU/BL (PLANNED DEVELOPMENT MIXED-USE/ BELTLINE OVERLAY), R-4/BL (SINGLE FAMILY RESIDENTIAL/ BELTLINE OVERLAY), R-4B-C/BL (SINGLE FAMILY RESIDENTIAL CONDITIONAL/ BELTLINE OVERLAY), R-5/BL (TWO-FAMILY RESIDENTIAL BELTLINE OVERLAY), RG-1/BL (RESIDENTIAL GENERAL SECTOR 1/ BELTLINE OVERLAY), RG-2-C/BL (RESIDENTIAL GENERAL SECTOR 2 CONDITIONAL/ BELTLINE OVERLAY), RG-3/BL (RESIDENTIAL GENERAL SECTOR 3/ BELTLINE OVERLAY), RG-3-C/BL (RESIDENTIAL GENERAL SECTOR 3 CONDITIONAL/ BELTLINE OVERLAY), SPI-6 SA1/BL (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 1/BELTLINE OVERLAY), SPI-6 SA2/BL (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 2/ BELTLINE OVERLAY), SPI-6 SA3/BL (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 3/ BELTLINE OVERLAY), SPI-6 SA4/BL (PONCEY HIGHLAND SPECIAL PUBLIC INTEREST DISTRICT SUBAREA 4), LBS/BL (LANDMARK BUILDING / SITE/ BELTLINE OVERLAY), BL (BELTLINE OVERLAY), BSHD/BL (BONAVENTURE-SOMERSET HISTORIC DISTRICT/ BELTLINE OVERLAY) TO PHHD





(PONCEY-HIGHLAND HISTORIC DISTRICT), PHHD-C (PONCEY-HIGHLAND HISTORIC DISTRICT CONDITIONAL), PHHD/BL (PONCEY-HIGHLAND HISTORIC DISTRICT), PHHD-C (PONCEY-HIGHLAND HISTORIC DISTRICT CONDITIONAL/BELTLINE OVERLAY), PHHD/LBS (PONCEY-HIGHLAND HISTORIC DISTRICT/LANDMARK BUILDING/SITE) AND PHHD/LBS/BL (PONCEY-HIGHLAND HISTORIC DISTRICT/LANDMARK BUILDING / SITE / BELTLINE OVERLAY), TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES NPU N COUNCIL DISTRICT 2

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

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

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

SECTION 3: That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is hereby further amended by adding a new Chapter 20V, Poncey-Highland Historic District, the regulations for which shall read as shown in Attachment “C”, which attached regulations are incorporated herein.

SECTION 4: That the boundaries of the Poncey-Highland Historic District shall be established as shown on the attached map marked Attachment “A”, which attached map is incorporated herein.

SECTION 5: That the official zoning map of the City of Atlanta, now on file with the Office of the Municipal Clerk, be and is hereby amended so as to provide that the subject properties lying within said Poncey-Highland Historic District bear the zoning designation “Historic District,” which designation shall be officially abbreviated as “HD” on said map.

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

SECTION 7: All buildings / properties lying within said Poncey-Highland Historic District shall be considered to have “Contributing” / “Non-Contributing” status, as defined by Chapter 20 of the 1982 Zoning Ordinance, as indicated in Attachment “B”.

SECTION 8: That the properties lying within the Poncey-Highland Historic District with conditional zoning, which properties are more fully described as shown in Attachment “D” conditions of zoning shall remain effect and a “C” suffix shall be added after the district designation.

SECTION 9: That all ordinances or parts of ordinances in conflict with this ordinance are repealed.

A true copy,



Foris Webb III
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED per City Charter Section 2-403

SEP 08, 2020
SEP 17, 2020

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Chapter 20V. Poncey-Highland Historic District

Sec. 16-20V.1. Title and purpose.

The general intent of the regulations for the Poncey-Highland Historic District ("the District") is:

- (1) To preserve the overall architectural history and character of the residential buildings that were constructed in the District during the 1905-1940 development period and non-residential buildings in the 1914-1955 time period, and to ensure that additions, alterations, and renovations to those buildings are consistent with the historic character of the individual structure or that additions are clearly contemporary in style;
- (2) To preserve the District's historic development patterns characterized primarily by single-family houses, duplexes, multifamily buildings, small-scale and medium-scaled commercial buildings, and scattered industrial buildings;
- (3) To retain the predominant historic and existing residential architectural forms and styles of the District, including Bungalow, Duplex, American Small House, American Foursquare, Single Building Apartment, and Garden/Courtyard Apartment forms; and Craftsman, Neoclassical Revival, Colonial Revival, Mediterranean Revival, and Italian Renaissance Revival styles;
- (4) To retain the predominant historic and exiting commercial and industrial architectural forms and styles of the District, including pre-World War II, three-part storefront buildings and pre- and post-World War II masonry, large-windowed manufacturing, warehousing, and industrial buildings;
- (5) To preserve the historic and existing physical site planning patterns of the District, including spatial relationships between buildings, and between buildings and the public street that reflect the historic pedestrian and non-automobile movement in the District; and to allow for alterations and additions to properties that reinforce the historic and existing features and site planning patterns;
- (6) 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 1905-1940 residential development period and the 1914-1955 non-residential development period, or otherwise detract from the identified historic qualities of the District;
- (7) To encourage neighborhood revitalization, compatible commercial and multi-family development and prevention of displacement of residents and long-standing businesses;
- (8) To ensure all new construction observes, and is compatible with, the general setbacks, height, scale and massing of the original and historic development and site planning patterns;
- (9) To ensure the construction of new principal structures in residential subareas is either compatible with the historic and existing architectural character of the District and is

Sec. 16-20V.1 Title and purpose.

internally consistent to the identified predominant architectural forms and styles; or is of an architectural style that is internally consistent and clearly non-historic contextual in style;

- (10) To retain the existing overall commercial and non-residential land use patterns, discourage encroachment of the commercial areas into residential subareas, to allow the conversion of non-residential buildings forms into residential use and maintain the small-scale and diversity of the commercial uses historically found along the District's significant transportation corridors; and
- (11) To preserve and enhance the historic and architectural appearance of the District to substantially promote the public health, safety and general welfare.

The District is further divided into seven subareas with the following additional purposes for each Subarea:

- (12) **Residential Core, Subarea 1.** To preserve the subarea's low-rise character of small-scale detached, residential buildings, site features, and uses compatible with that form, and retain the existing contributing buildings.
- (13) **Beltline Residential, Subarea 2.** To encourage the redevelopment of the area to a mix of low-rise residential uses with a variety of architectural styles to serve as a transition between more intense mixed-use development along the BeltLine, less intensive residential Subarea 6 to the north, and Freedom Park to the east, per the Poncey-Highland Neighborhood Master Plan and Atlanta BeltLine Subarea 5 Master Plan; and to allow the demolition of historic buildings due to the limited intact historic fabric in the subarea.
- (14) **North Highland Mixed-Use, Subarea 3.** To retain the subarea's pedestrian scale and character, ensure that new development reinforces the subarea's pedestrian scale and character, retain the existing contributing buildings, reinforce its role as a mixed-use, neighborhood-oriented commercial center, and expand housing options.
- (15) **Ponce de Leon Mixed-Use, Subarea 4.** To encourage a mix of residential and non-residential uses that balance Ponce de Leon Avenue's role as an arterial corridor with its close proximity to residential areas, and to retain the existing contributing buildings.
- (16) **BeltLine Mixed-Use, Subarea 5.** To encourage intense mixed-use development along the Atlanta BeltLine that supports existing City of Atlanta plans, including, but not limited to, the BeltLine Redevelopment Plan and the Atlanta BeltLine Subarea 5 Master Plan, and to incorporate the existing contributing buildings into new development.
- (17) **Bonaventure-Somerset Residential, Subarea 6.** To preserve the subarea's low-rise character of small-scale, detached residential buildings, site features, and uses compatible with that form, and to retain existing contributing buildings.
- (18) **Freedom Park Transitional, Subarea 7.** To preserve Freedom Park's exclusive continued use as open space.

Sec. 16-20V.2 Scope of regulations.

Sec. 16-20V.2. Scope of regulations.

The scope of the regulations for the Poncey-Highland District is as follows:

- (1) Except where it is otherwise explicitly provided, Chapter 20 of the Zoning Ordinance applies to the Poncey-Highland Historic district. Whenever the regulations of the Poncey-Highland Historic District (Chapter 20V) conflict with the provisions of Chapter 20, the regulations of the Poncey-Highland Historic District (Chapter 20V) will govern.
- (2) Chapter 36 of this part, Beltline Overlay District, will only continue to apply in Subarea 5 of this District, however, this provision will not limit the applicability of Chapter 36A of this part (Affordable Workforce Housing - Beltline Overlay District), which will remain in full effect in accordance with Sec. 16-20V.5(10).
- (3) All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within the Poncey-Highland District will continue to apply. When there is any conflict between said other regulations and the following regulations of the Poncey-Highland Historic District (Chapter 20V) the interpretation provision set forth in Sect. 16-20.011(c) shall govern.
- (4) When there is any conflict between the density and height provisions of zoning conditions existing at the time of the adoption of this chapter or any conflict between , the other chapters of the Zoning Ordinance and this chapter, the Poncey-Highland Historic District (Chapter 20V) shall govern.
- (5) Graphics are included in this chapter only illustrate the intent and requirement of the text. In the case of a conflict between the text and any graphics, the text will govern.

Sec. 16-20V.3. Boundaries and subareas.

The boundaries of the Poncey-Highland Historic District are as shown on the official zoning map adopted herewith entitled "Poncey-Highland Historic District". The district is divided into seven subareas, delineated on said map, as follows:

- (1) Residential Core, Subarea 1 (SA1),
- (2) Beltline Residential, Subarea 2 (SA2)
- (3) North Highland Mixed-Use, Subarea 3 (SA3)
- (4) Ponce de Leon Mixed-Use, Subarea 4 (SA 4)
- (5) BeltLine Mixed-Use, Subarea 5 (SA5)
- (6) Bonaventure-Somerset Residential, Subarea 6 (SA6)
- (7) Freedom Park Transitional, Subarea 7 (SA7)

Sec. 16-20V.4. Definitions.

The following definitions apply to the Poncey-Highland Historic District only. If a term is not defined below, then the definitions in Chapter 20 and 29 of the Zoning Ordinance will govern:

Sec. 16-20V.4 Definitions.

- (1) **Addition.** Any change to an existing structure where additional square footage is added to the structure by expanding the exterior envelope of the structure.
- (2) **Alterations.** Any change to an existing structure that does not add additional square footage to the existing heated space and does not move exterior walls. Examples of alterations include, but are not limited to, window replacement, siding replacement, front porch railing/column replacement, etc.
- (3) **Animal care.** A facility designed or arranged for the care of animals. Animal care includes animal grooming, veterinary clinic, kennels, and doggy day care.
- (4) **BeltLine corridor.** The definition in Chapter 36 of this part (BeltLine Overlay District Regulations).
- (5) **Block.** Both sides of the street where the property is located between the two closest public street intersections.
- (6) **Block Face:** The same side of the street where the property is located between the two closest, public street intersections.
- (7) **Building Type.** A category of building determined by general use, form, and configuration.
- (8) **Certificates of Appropriateness:** City of Atlanta applications/permits used to review and approve design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.
- (9) **Demolition:** The removal or destruction of more than 50 percent of a structure, or removal or destruction of any portion of the structure inside the lot compatibility zone.
- (10) **Demolition, Partial.** The removal or destruction of up to 50 percent of a structure outside the lot compatibility zone.
- (11) **District right-of-way:** All public streets within the Poncey-Highland Historic District and the Beltline Corridor, but not Freedom Parkway; and all public or private streets required by Sec. 16-20V.014(3).
- (12) **Historic/Contributing Building.** A building, also known as a contributing structure, that reinforces the visual integrity or historic interpretability of the Poncey-Highland Historic District.
- (13) **Internally Consistent.** That the architectural form or style of and the architectural elements on a given building are a cohesive expression of the identified architectural style or form of that building and not a combination or mixture of various architectural styles or forms.
- (14) **Lot Compatibility Zone.** The portion of a lot located within 60 horizontal feet of the front lot line, but no more than 50% of the lot depth as measured from the front lot line and no more than the front 50% of the principal structure, and the portion of a lot located within 20 feet of all other lot lines adjacent to streets other than the front lot line.

Sec. 16-20V.5 General regulations and procedures.

- (15) **Non-Historic/Non-contributing Building.** A building, also known as a non-contributing structure, that does not reinforce the visual integrity or historic interpretability of the Poncey-Highland Historic District.
- (16) **Original.** Part of the building or structure since its initial construction.
- (17) **Street.** A public street or a private street required by Sec. 16-20V.14(3), unless otherwise indicated. Public and private alleys are not considered streets.
- (18) **Ordinary Repairs and Maintenance.** Any work, the purpose or effect of which is to correct any deterioration or decay of, or damage to, a building, structure or site, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using materials with the same appearance, or, as similar in appearance as possible to the original.

Sec. 16-20V.5. General regulations and procedures.

The following apply to all properties in the District.

- (1) **Certificates of Appropriateness.** A City of Atlanta application/permit used to review and approve design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.
- (a) Type I certificates of appropriateness for ordinary repairs and maintenance (as defined in Sec. 16-20V.4(18)) are not required. A certificate of appropriateness is not required if a building permit is not required for such work. Painting or repainting of any structure or portion thereof does not require a certificate of appropriateness but must comply with Sec. 16-20V.6(1)(e) or Sec. 16-20V.9(1)(e) about painting of unpainted masonry surfaces.
- (b) Type II certificates of appropriateness are required from the Director of the Urban Design Commission ("the Director") for the following activities, except for those activities noted in Sec. 16-20V.5(1)(a) above:
- (i) All exterior alterations to existing structures within the lot compatibility zone;
 - (ii) Dormer additions and gable additions that are no higher than the ridgeline of the principal structure and at least maintain the setbacks of the principal structure;
 - (iii) Roof plane extensions that at least maintain the side yard setbacks of the principal structure;
 - (iv) Rear additions which are no higher than the highest ridgeline of the principal structure and at least maintain the side yard setbacks of the principal structure;
 - (v) New accessory structures;
 - (vi) Fences, walls, and retaining walls in yards adjacent to a District right-of-way;
 - (vii) Decks, walkways, driveways, and other paving;
 - (viii) Replats, subdivisions, and consolidations; and
 - (ix) Notwithstanding Sec. 16-28A.007(v) of the Zoning Ordinance, Type II certificates

Sec. 16-20V.5 General regulations and procedures.

of appropriateness for new signage or alterations to existing signage shall be reviewed and approved by the Director.

If the proposed activity meets the applicable District regulations, the Director must issue a Type II certificate within 14 days of the receipt of a complete application. If the proposed activity does not meet the applicable District regulations, the Director must deny the application with notice to the applicant within 14 days of the application. Appeals from a decision of the Director about a Type II certificate of appropriateness by any aggrieved person will be processed as prescribed in the appeals portion of Sec. 20.008(a) of the Zoning Ordinance.

- (c) Type III certificates of appropriateness are required from the Urban Design Commission ("Commission") for the following activities, except for those activities noted in Sec. 16-20V.5(1)(a) and (b) above:
 - (i) All new principal structures;
 - (ii) Additions to the side of a principal structure, second story additions, and all other additions, except those noted in Sec. 16-20V.5(1)(b);
 - (iii) Revisions to previously approved plans that result in an increase in the floor area ratio, lot coverage, or height; or an expansion of the building footprint; and
 - (iv) Variances and special exceptions.
- (d) Type IV certificates of appropriateness are required from the Urban Design Commission only for the demolition or moving of any historic/contributing principal building. However, a partial demolition of a historic/contributing principal building also requires a Type IV certificate of appropriateness when the partial demolition will result in the loss of significant architectural features that destroys the building's historic interpretability or importance to the District. Pursuant to Sec. 16-20V.1(13), demolition or partial demolition of a historic/contributing principal building in Subarea 2 does not require a Type IV certificate of appropriateness.

(2) Variances and Special Exceptions.

- (a) **Variances and special exceptions must be heard by the Commission.** The Commission has the authority to grant or deny variances or special exceptions from the provisions of the District 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 and special exceptions must be as specified in Chapter 26 of the Zoning Ordinance.
- (b) **Zoning Variances Granted Prior to Enactment of this District.** Any property owner who obtained a variance from the Board of Zoning Appeal on or after January 1, 1982, and before the effective date of this District, to construct all, or a portion, of a project in the District, is entitled to construct said project according to the plans presented in that application.

(3) Financial Hardship Exemptions.

Sec. 16-20V.5 General regulations and procedures.

- (a) These regulations establish 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 grounds of economic hardship to the property owner.
- (b) The burden of proving economic hardship by a preponderance of the evidence is on the applicant.
- (c) The Commission must 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 must consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it must grant an exemption, in whole or in part, as appropriate.

(4) Subdivisions, Consolidations, and Replatting of Lots.

- (a) **Subareas 1, 2, 6.** The platting pattern of lots is an integral part of the historic character of these subareas. No subdivision, consolidation, or replat may be approved by the City of Atlanta unless it can be shown through archival documentation or maps that the proposal is substantially consistent with the original platting pattern of the subarea. In addition to the regulations of the City of Atlanta Subdivision and Zoning Ordinances, including but not limited to Sec. 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions, consolidations and replats of lots must conform to the original platting pattern in the subarea with regard to the area of the lot, dimensions, and configurations, except in Subarea 6, where contributing multifamily properties containing four or more units may be consolidated with other immediately adjacent contributing multifamily properties containing four or more units.
- (b) **Subareas 3, 4, 5, 7.**
 - (i) *Subdivision.* No subdivision of lots may be approved unless it can be shown that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the particular subarea or of the District as a whole, may be reasonably situated and constructed upon such lots.

Sec. 16-20V.5 General regulations and procedures.

(ii) *Consolidation and replatting of lots.* No consolidation of lots or replatting of lots may be approved unless it can be shown that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the subarea, and the District as a whole, may be reasonably situated and constructed upon such lots.

- (5) **The Compatibility Rule.** To permit flexibility and to ensure alterations and additions to existing structures and the design of new structures are sensitive to and sympathetic toward the existing character of the District, some regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) shall match the predominant original or historic elements of the historic/contributing buildings of like use on the same block, including the subject property if historic/contributing. If there is not a predominant original or historic element on the same block, the element in question shall be consistent with the architectural style of the structure. Where quantifiable, the element in question (i.e., building 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 historic/contributing buildings of like use on the same block, including the subject property if historic/contributing." Those elements that the compatibility rule applies to are specified in the District regulations by reference to "compatibility rule."
- (6) **Rebuilding of Detached House, Stacked Flat, Townhouse, and Carriage House Building Types.** After a partial or complete destruction of an entire structure or any portions of a detached house, stacked flat, townhouse, or carriage house building type due to fire, tree fall damage, or other un-intentional causes, for the purposes of zoning compliance, the previously existing structure or portion of structure may be rebuilt to its previously existing exterior condition in all respects, including but not limited to height, setbacks, location, lot coverage, building components, architectural elements, and general design. If the structure or portions of a structure are not rebuilt to their previously existing exterior condition, all aspects of the new structure or new portions of an existing structure must meet the District regulations and all other applicable Zoning Ordinance regulations.
- (7) **Height Calculation.** The height of structures is measured as follows:
- (a) In Subareas 1, 2, 3, 4, 6, and 7, the height of structures is measured on the front facade from the average point of grade along said front facade to the highest point of the roof or façade, whichever is higher.
 - (b) In Subarea 5, the height of structures with one or more facades adjacent to the BeltLine corridor is measured on the BeltLine corridor-facing façade from the average point of grade along said facade to the highest point of the roof or façade, whichever is higher. The height of structures with no facades adjacent to the BeltLine corridor is measured as indicated in Sec. 16-20V.5(7)(a) above.

Sec. 16-20V.5 General regulations and procedures.

- (8) **Default Review Standards.** The Commission shall apply the following standards when the standards set forth elsewhere in this District do not specifically address the proposed work including but not limited to work proposed for the following building types: stacked flats, commercial blocks, shopfronts, towers, or civic buildings.
- (a) A property must be used as it was historically or be given a new use that requires minimal change to its distinctive design and appearance, features, spaces, and spatial relationships.
 - (b) The historic character of a property must be retained and preserved. The or alteration of the design, appearance, features, spaces, and spatial relationships that characterize a property must be avoided.
 - (c) Each property must be recognized as a physical record of its time, place, and use. Changes must not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - (d) Changes to a property that have acquired historic significance in their own right must be retained and preserved.
 - (e) Distinctive designs, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.
 - (f) Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, appearance, and, where possible, materials.
 - (g) Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used.
 - (h) Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.
 - (i) New additions, exterior alterations, or related new construction may not destroy historic features and spatial relationships that characterize the property. The new work may be differentiated from the old and must be compatible with the historic features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - (j) New additions and adjacent or related new construction must 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.
- (9) **Contributing buildings status.**
- (a) All contributing buildings within the District are shown on the map adopted herewith entitled "Poncey-Highland Historic District." Said map identifies each building in the District that meets the definition of "contributing building, structure or site" set forth in Sec. 16-20.002 and further defined as a "Historic/Contributing Property" in Sec. 16-20V.4.

Sec. 16-20V.5 General regulations and procedures.

- (b) The Director must periodically review said map to correct errors or omissions to said map, or to reflect any changed conditions relevant to the contributing status of buildings within the District, consistent with the requirements of Chapter 20V and Chapter 20 of the Zoning Ordinance, and must maintain public records of said list and all such errors, omissions or updates. An action by the Director to correct such errors or omissions, or to make updates, must be initiated by execution of a signed and dated form promulgated by the Director specifying the action initiated, the reason(s) for such action, and the identification of all property subject to said action. Said form must be mailed by first class mail to the owner(s) of the effected property within five calendar days of the initiation of the action by the Director.
- (c) An action by the Director to correct errors or omissions, or to update, the map as authorized in Sec. 16-20V.5(9)(b) above will result in the immediate prohibition of any new or amended applications of any kind effecting such property, including but not limited to demolition requests, building permits or land disturbance permits, and including acceptance of any such application or request by any City of Atlanta bureau, agency, official, employee or agent. Said prohibitions will become automatically effective without further action of any kind immediately upon the date and time that the Director takes an action authorized in Sec. 16-20V.5(9)(b) above. The purpose and intent of this provision is to maintain the status quo regarding any such effected property until the Director's action is reviewed and affirmed or reversed by the Commission in the manner specified in Sec. 16-20V.5(9)(d) below. The period of this mandatory interim protection will be 90 days or until a final decision reviewing such action is made by the Commission, whichever first occurs, commencing on the date and time of the Director's decision. This interim control period allows and is based upon approximately 30 days for the initial scheduling of the public hearing following the Director's action and approximately 60 days for completion of the public hearing and a final decision by the Commission.
- (d) All actions by the Director to correct errors or omissions, or to update, said map shall be reviewed and approved by the Commission using the notice and procedures required for Type III certificates of appropriateness with the following modifications:
 - (i) Hearings on such review and approval by the Commission must be scheduled by the Director within 30 days of the Director's action on such correction(s) or update(s) and must be decided by the Commission within a reasonable time; and
 - (ii) The Commission will affirm the action(s) of the Director upon an expressed finding by the Commission that the Director's action(s) correctly applied the definitions and requirements for determining the contributing status of the properties in question in Chapter 20V and Chapter 20 of Part 16.

In exercising its review, the Commission may reverse or affirm the action(s) of the Director, wholly or partly. Appeals from a decision by the Commission on such

Sec. 16-20V.6 Subarea 1 and 6 alterations and additions to historic buildings.

reviews shall be taken by any person aggrieved by such decision pursuant to Sec. 16-20.010.

(10) Affordable Workforce Housing for Beltline Zoning Overlay District. Chapter 36A of this part shall remain in full force and effect for the properties located in the District which were otherwise subject to Chapter 36A prior to the adoption of the District.

Sec. 16-20V.6. Subarea 1 and 6 alterations and additions to historic buildings.

The following apply to alterations and additions to existing Historic/Contributing buildings within the lot compatibility zone in Subareas 1 and 6.

(1) Alterations.**(a) Windows and doors.**

- (i) Replacement windows must match the size, light pattern, and appearance of the original or historic windows; be a design consistent with the architectural style and age of the building or have the same design and appearance as the existing windows.
- (ii) All replacement windows with light divisions must have true divided lights or simulated divided lights with exterior light divisions permanently affixed to the exterior of the glass.
- (iii) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
- (iv) Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.
- (v) New or replacement doors must be solid panel or fixed glass in a solid panel, and the design must meet the compatibility rule, must be consistent with the architectural style of the building, or must match the previously existing door.
- (vi) Skylights are permitted on roof slopes outside the lot compatibility zone.

(b) Siding and façade materials. Replacement siding and façade materials must be consistent in design and appearance with the original or historic materials. If the original or historic siding and façade materials are not present, the replacement siding and façade materials must be consistent in design and appearance with the existing architectural style of the building or what was removed.

(c) Other Architectural Elements and Ornamentation. Original or historic architectural elements and ornamentation must be retained, but, if necessary, may be repaired or replaced in a manner that maintains their previous design and appearance. Installation of new architectural elements and ornaments where none previously existed is permitted and must meet the compatibility rule. Architectural elements and ornamentation include, but are not limited to chimneys, brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, half-timbering, and attic vents.

Sec. 16-20V.6 Subarea 1 and 6 alterations and additions to historic buildings.

- (d) **Awnings or canopies.** Original or historic awnings or canopies must be retained, and new awnings or canopies may be installed if they are consistent with the architectural style of the building.
 - (e) **Masonry surfaces.** The coating or painting of uncoated/unpainted masonry surfaces is permitted with the use of a paint product specified for use on exterior masonry surfaces. The color of the coating/paint is not regulated. Except for allowed coating/painting, original or historic masonry surfaces may not be covered, sheathed over, or coated in any other way.
 - (f) **Front or side stoops and porches.**
 - (i) Existing original or historic stoops and porches must be retained, but, if necessary, may be repaired in a manner that maintains their previous design and appearance. Original or historic stoops and porches may be enclosed with screen wire or glass provided that the original or historic features of the porch, including balustrades, rails, headers, and columns, are retained and not obscured by the enclosure material. Original or historic stoops may be removed if they are replaced with a stoop or porch that meets Sec. 16-20V.6(1)(f)(iii)
 - (ii) Existing non-original or non-historic stoops and porches may be repaired, replaced, or otherwise maintained to retain their previously existing appearance and components.
 - (iii) New stoops and porches are permitted and must be consistent with the architectural style of the building with setbacks that meet the compatibility rule.
 - (g) **New decks.** Decks are permitted only on the rear façade of the principal building and may not project past the side facades of the principal structure.
 - (h) **Chimneys.** Chimneys may be raised in height in conjunction with a dormer, gable, or second story addition, or roof plane extension and such extension shall be consistent with the architectural style of the building. Structurally unstable chimneys may be removed.
 - (i) **Other alterations.** All other alterations must be consistent with the architectural style of the building or must meet the compatibility rule.
 - (j) **Roofs.** Solar energy generating roofing shingles are permitted. Solar panels are permitted only outside of the lot compatibility zone.
- (2) **Dormer and gable additions.**
- (a) A dormer addition shall only occupy a portion of an existing roof plane; and a gable addition may occupy an entire roof plane but shall not exceed the highest point of the existing roof plane.
 - (b) Within the lot compatibility zone, must be consistent with the architectural style of the building;
 - (c) Within the lot compatibility zone, roof form, windows, doors, architectural elements, and ornamentation must be consistent with the architectural style of the building; and

Sec. 16-20V.6 Subarea 1 and 6 alterations and additions to historic buildings.

- (d) The existing eave or cornice lines of the building must be retained.

(3) Rear additions.

- (a) Rear additions must be no higher than the existing, highest ridgeline; and
- (b) Within the lot compatibility zone, roof form, windows, door, architectural elements, and ornamentation must be internally consistent with the architectural style of the addition.

(4) All building type roof plane extensions.

- (a) On building with a side gabled principal roof, the front roof plane may be extended if the existing roof form and pitch is maintained;
- (b) Within the lot compatibility zone, windows, doors, and architectural elements, and ornamentation must be consistent with the architectural style of the building; and
- (c) The existing eave or cornice lines of the building must be retained.

(5) Second story additions: detached house.

- (a) Shall contain new vertical walls aligned with or parallel to the perimeter of the existing building that create habitable floor area above an existing habitable floor, except as required by (c) below;
- (b) Must be secondary in design to the existing building;
- (c) Must be set back a minimum of 10 feet measured from the front-most wall of the building (excluding any front porch, open or enclosed) OR must include distinct, clearly articulated architectural elements or treatments along all facades visible from a public street which distinguish the addition from the existing detached house;
- (d) Must contain a plate height (distance from subfloor to the top of the framed wall) that does not exceed the plate height of the story beneath the proposed addition;
- (e) Within the lot compatibility zone, windows, doors, architectural elements, and ornamentation must be consistent with the architectural style of the building, except as otherwise allowed by Sec. 16-20V.6(5)(c) above;
- (f) The existing eave or cornice lines of the building must be retained; and
- (g) The roof form and pitch must match the form of both the principal roof and any secondary gables on the front façade.

(6) Upper story/roof top additions: stacked flat, civic building.

- (a) Must be secondary in design to the existing building;
- (b) Must be set back a minimum of 10 feet behind the front-most wall of the structure (excluding any front porch, open or enclosed); OR must include distinct, clearly articulated architectural elements or treatments along all public street-facing facades which distinguish the addition from the existing building and may not obscure or cover in any way an existing parapet wall or associated copping; and
- (c) The existing eave or cornice lines of the building must be retained.

Sec. 16-20V.7 Subarea 1 and 6 alterations and additions to existing non-historic buildings and Subarea 2 alterations and additions to all buildings.

- (7) All other additions or combinations of additions listed in Sec. 16-20V.6(2) through (6) must meet the compatibility rule, comply with Sec. 16-20V.5(8) and all other District regulations.

Sec. 16-20V.7. Subarea 1 and 6 alterations and additions to existing non-historic buildings and Subarea 2 alterations and additions to all buildings.

The following apply to alterations and additions to existing Non-Historic/Non-Contributing detached houses within the lot compatibility zone in Subareas 1 and 6 and all detached houses in Subarea 2.

- (1) Within the lot compatibility zone, alterations and additions must comply with one of the following options:
- (a) Alterations and additions must be consistent with the architectural style of the existing building, and additions may not be wider or taller than the existing building; or
 - (b) Alterations and additions must increase the compatibility of the building with the District by incorporating a single architectural style exhibited by the original or historic features of historic/contributing buildings on the block face and the resulting maximum height must meet the compatibility rule; or
 - (c) Alterations and additions must comply with Sec. 16-20V.8(2) Contextual Architectural Forms and Styles regulations and the resulting maximum height must meet the compatibility rule; or
 - (d) Second story additions must comply with Sec. 16-20V.6(5) Detached House Second Story Additions: Detached House.

Sec. 16-20V.8. Subarea 1, 2, and 6 construction of all new building types.

New principal buildings in Subareas 1, 2, and 6 must meet all applicable provisions of this section and either Sec. 16-20V.8(1) Original/Historic Architectural Forms and Styles OR Sec. 16-20V.8(2) Contextual Architectural Forms and Styles, but not a combination of both.

- (1) **Original/historic architectural forms and styles.** The following regulations apply to facades within the lot compatibility zone:
- (a) **Building facades.**
 - (i) Must be an architectural style of a historic/contributing building of like use on the block face.
 - (ii) Must have a front porch facing and parallel to the street.
 - (b) **Materials, elements, and ornamentation.** Building materials, architectural elements, and ornamentation must meet the compatibility rule and must be internally consistent with the architectural style.
 - (c) **Windows and doors.**
 - (i) The ratio of window and door opening area to wall area must meet the

Sec. 16-20V.8 Subarea 1, 2, and 6 construction of all new building types.

- compatibility rule and must be internally consistent with the architectural style.
- (ii) The scale, size, proportion, and location of all window and doors openings must meet the compatibility rule and must be internally consistent with the architectural style.
 - (iii) The front door must be visible from and face the public street.
- (d) **Siding and façade sheathing.** Must meet the compatibility rule and must be internally consistent with the architectural style. Further, brick, brick veneer, true stucco, wood or smooth faced cementitious shingles, or horizontal wood or smooth faced cementitious lap siding are the only permissible building materials for the facades.
- (e) **Foundation.**
- (i) Slab on grade, raised slab, or turn-down slab foundations are not permitted.
 - (ii) Foundation material must meet the compatibility rule and must be internally consistent with the architectural style.
- (f) **Roofs and roof materials.**
- (i) Form and pitch, as well as ridge, overhang, and soffit construction must meet the compatibility rule and must be internally consistent with the architectural style.
 - (ii) Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, and solar energy generating shingles are permissible roofing materials.
 - (iii) Solar panels are permissible only outside of the lot compatibility zone.
 - (iv) Membrane, cold-rolled, and corrugated roofing are permitted only on roofs outside of the lot compatibility zone.
- (g) **Chimneys.**
- (i) When any portion of a chimney is a façade element, the chimney must originate at grade.
 - (ii) Exterior portions of chimneys must be faced with brick, brick veneer, or true stucco. Siding on chimneys is not permitted.
- (h) **Porches.**
- (i) Porches are required. The dimensions, location, and shape must meet the compatibility rule and must be internally consistent with the architectural style.
 - (ii) Required porches must contain balustrades, columns, and other features which shall meet the compatibility rule and must be internally consistent with the architectural style. Additional height needed to meet building codes must be attained by using a distinct railing extension.
- (i) **Shutters.** Shutters may be used if they are internally consistent with the architectural style. Shutters must be operable, or appear operable, and must fit the size of the window.
- (j) **Decks and balconies.**
- (i) Decks are only permitted at the rear of the principal structure and must not project past the side façade of the principal structure. Decks are permitted at

Sec. 16-20V.8 Subarea 1, 2, and 6 construction of all new building types.

any level.

- (ii) Balconies are permitted on any façade if they are internally consistent with the architectural style.

(2) Contextual Architectural Forms and Styles. The following regulations apply to those facades which are within the lot compatibility zone within Subareas 1 and 6:

- (a) Contextual Architectural Forms and Styles shall be all forms and styles that do not conform to the requirements of Sec. 16-20V.8(1) Original/Historic Architectural Forms and Styles, but do comply with this section, Sec. 16-20V.8(2).
- (b) **Materials, elements, and ornamentation.** Building materials, architectural elements, and ornamentation must be internally consistent with the architectural style.
- (c) **Windows and doors.**
 - (i) The ratio of window and door opening area to wall area must be internally consistent with the architectural style.
 - (ii) The scale, size, proportion, and location of all window and door openings must be internally consistent with the architectural style.
 - (iii) The principal front door must be visible from and face the public street.
- (d) **Siding and façade sheathing.** Must be internally consistent with the architectural style. Brick, brick veneer, stone, true stucco, wood or smooth faced cementitious shingles, wood or smooth faced cementitious lap siding, or smooth faced cementitious panels are permissible building materials for facades. When installed within the lot compatibility zone, smooth faced cementitious panels may not utilize a board and batten application. All panels must include a metal reveal channel, lap joint, expansion joint, or rain screen as an alternative to battens.
- (e) **Foundation materials.** Must be internally consistent with the architectural style.
- (f) **Roofs and roof materials.**
 - (i) Form and pitch, as well as ridge, overhang, and soffit construction must be internally consistent with the architectural style.
 - (ii) Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, metal panels, and solar energy generating shingles are permissible roofing materials.
 - (iii) Solar panels are permissible outside of the lot compatibility zone.
 - (iv) Membrane or cold-rolled roofing is permitted only on roofs outside the lot compatibility zone. Corrugated roofing materials are not permitted.
- (g) **Chimneys.**
 - (i) When any portion of a chimney is a façade element, the chimney must originate at grade.
 - (ii) Exterior portions of chimneys must be faced with brick, brick veneer, or true stucco. Siding on chimneys is not permitted.
- (h) **Shutters.** Shutters are not permitted.

Sec. 16-20V.9 Subarea 3, 4, and 5 alterations and additions to historic buildings.

(i) Decks and balconies.

- (i) Decks are only permitted at the rear of the principal structure and at any level and must not project past the side façade of the principal structure. Decks are permitted at any level.
- (ii) Balconies are permitted on any façade if it is internally consistent with the architectural style.

Sec. 16-20V.9. Subarea 3, 4, and 5 alterations and additions to historic buildings.

The following apply to alterations and additions to existing Historic/Contributing buildings in Subareas 3, 4, and 5, except that for building types “detached house” and “stacked flats,” as defined in Sec. 16-20V.15, the following shall only apply to alterations and additions within the lot compatibility zone of those properties.

(1) Alterations.**(a) Windows and doors.**

- (i) Replacement windows must match the size, light pattern, design and appearance of the original or historic windows or doors; be a design consistent with the architectural style and age of the building; or have the same design and appearance as the existing windows.
- (ii) All replacement windows with light divisions must have true divided lights or simulated divided lights with exterior light divisions permanently affixed to the exterior of the glass.
- (iii) Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.
- (iv) New or replacement doors must meet the compatibility rule or be consistent with the architectural style of the building or match the previously existing door.

(b) Siding and façade materials. Replacement siding and façade materials must be consistent in design and appearance with the original or historic materials. If the original or historic siding and façade materials are not present, the replacement siding and façade materials must be consistent with the design and appearance of the existing architectural style of the building or what was removed.**(c) Other Architectural Elements and Ornamentation.** Original or historic architectural elements and ornamentation must be retained, but, if necessary, may be repaired or replaced in a manner that maintains their previous design and appearance. Installation of new architectural elements and ornaments where none previously existed are permitted and must meet the compatibility rule. Architectural elements and ornamentation include, but are not limited to chimneys, brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, half-timbering, and attic vents.

Sec. 16-20V.9 Subarea 3, 4, and 5 alterations and additions to historic buildings.

- (d) **Awnings and canopies.** Original or historic awnings or canopies must be retained. New awnings or canopies may be installed if they are consistent with the architectural style of the building.
 - (e) **Masonry surfaces.** The coating/painting of uncoated/unpainted masonry surfaces is not permitted. Further, original or historic masonry surfaces shall not be covered, sheathed over, or coated in any other way.
 - (f) **Front or side vestibules, stoops and porches.**
 - (i) Existing original or historic vestibules, stoops, and porches must be retained, but, if necessary, may be repaired in a manner that maintains their previous design and appearance. Original or historic vestibules, stoops and porches and may be enclosed with screen wire or glass provided that the original or historic features of the porch, including balustrades, rails, headers, and columns, are retained and not obscured by the enclosure material.
 - (ii) New vestibules, stoops, and porches are permitted and must be consistent with the architectural style of the building and have setbacks that meet the compatibility rule.
 - (g) **New decks.** Decks are permitted on the rear façade of the principal building and must not project past the side facades of the principal structure.
 - (h) **Foundation materials.** Must be internally consistent with the architectural style.
 - (i) **Roofs and roof materials.**
 - (i) Form and pitch, as well as ridge, overhang, and soffit construction must be internally consistent with the architectural style.
 - (ii) Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, metal panels, and solar energy generating shingles are permissible roofing materials. Membrane or cold-rolled roofing is permitted only on roofs not visible from a District right-of-way. Corrugated roofing materials are not permitted.
 - (iii) Solar panels are permissible but shall be located to be the least visible possible from a District right-of-way.
 - (j) **Other alterations.** All other alterations must be consistent with the architectural style of the building and must meet the compatibility rule.
- (2) **Side and rear additions.**
- (a) If visible from a District right-of-way, building materials, architectural elements, and ornamentation must be internally consistent with the architectural style of the historic building or shall meet Sec. 16-20V.8(2) as applied to portions visible from a District right-of-way.
 - (b) Side additions that are between the building and the public street but do not affect the principal, front façade of the building that existed prior to the addition.
- (3) **Upper story/roof top additions.**

Sec. 16-20V.10 Subarea 3, 4, 5 alterations and additions to existing non-historic buildings and construction of new buildings.

- (a) If visible from a District right-of-way, building materials, architectural elements, and ornamentation must be internally consistent with the architectural style of the historic building or Sec. 16-20V.008(2) as applied to portions visible from a District right-of-way.
- (b) Must be set back a minimum of 10 feet behind the front most public street-facing facades of the existing building (excluding any front porch, stoop or vestibule open or enclosed) or must include distinct, clearly articulated architectural elements or treatments along all public street-facing facades which distinguish the addition from the existing building and may not obscure or cover in any way an existing parapet wall or associated coping; and
- (c) The existing eave or cornice lines of the building must be retained.

Sec. 16-20V.10. Subarea 3, 4, 5 alterations and additions to existing non-historic buildings and construction of new buildings.

The following apply to alterations and additions to existing Non-Historic/Non-Contributing buildings and to new construction Subareas 3, 4, and 5.

- (1) **Façade divisions.** When the following standards refer to the “architectural style,” such term applies to the entire building, except when the street-facing building façade is divided into vertical divisions per Sec. 16-20V.15(18)(b) and each division has a distinct architectural style. When Sec. 16-20V.15(18)(b) is utilized, the term “architectural style” only applies to the specific façade division.
- (2) **Materials, elements, and ornamentation.** Building materials, architectural elements, and ornamentation must be internally consistent with the architectural style of the building or the addition.
- (3) **Windows and doors.**
 - (a) The ratio of window and door opening area to wall area must be internally consistent with the architectural style of the building or the addition.
 - (b) The scale, size, proportion, and location of all window and door openings must be internally consistent with the architectural style of the building or the addition.
- (4) **Siding and façade sheathing.** Must be internally consistent with the architectural style of the building or addition, except as follows:
 - (a) The first three floors of all public street-facing facades must be faced in brick, brick veneer, stone, or masonry, or metal.
 - (b) Floors above the fourth floor on all street-facing facades must be faced in brick, brick veneer, stone, masonry, or metal, true stucco, concrete, architectural panels, or glass curtain walls, or smooth faced cementitious panels. When visible from the District right-of-way, smooth faced cementitious panels may not utilize a board and batten application. All panels must include a metal reveal channel, lap joint, expansion joint, or rain screen as an alternative to battens. Non-street facing

Sec. 16-20V.11 Permitted principal uses and structures.

building facades must be faced in brick, brick veneer, stone, masonry, or metal, true stucco, concrete, architectural panels, glass curtain walls, wood or smooth faced cementitious shingles, wood or smooth faced cementitious lap siding, or smooth faced cementitious panels.

- (c) When installed on any facade, smooth faced cementitious panels may not utilize a board and batten application. All panels must include a metal reveal channel, lap joint, expansion joint, or rain screen as an alternative to battens.

- (5) Foundation materials.** Must be internally consistent with the architectural style of the building or the addition.

- (6) Roofs and roof materials.**

- (a) Form and pitch, as well as ridge, overhang, and soffit construction must be internally consistent with the architectural style of the building or the addition.
- (b) Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, metal panels, and solar energy generating shingles permissible roofing materials. Membrane or cold-rolled roofing is permitted only on roofs not visible from a District right-of-way. Corrugated roofing materials are not permitted.
- (c) Solar panels are permissible but shall be located to be the least visible possible from a District right-of-way.

- (7) Chimneys.**

- (a) When any portion of a chimney is a façade element, the chimney must originate at grade.
- (b) Exterior portions of chimneys must be faced with brick, brick veneer, or true stucco. Siding on chimneys is not permitted.

- (8) Shutters.** Inoperable shutters are not permitted.

Sec. 16-20V.11. Permitted principal uses and structures.

The following permitted uses and restrictions apply to all Subareas in this District:

- (1) The permitted principal uses and special permit uses** set forth in Table 1: Poncey-Highland District Table of Uses are the only uses permitted, as listed within each Subarea.
- (2) Permitted principal uses.** A building or premises may only be used for the principal uses indicated with a "P" in Table 1, subject to further restrictions where noted.
- (3) Special permits.**
 - (a) Uses permissible only by special permit are subject to requirements of this Chapter or elsewhere in this Zoning Ordinance and are also subject to the applicable provisions of Sec. 16-25.001, et seq. Special use permits are required as indicated with "SUP" in Table 1. Special exception permits are required as indicated with "SEP" in Table 1 and must be heard and decided by the Commission. Special administrative

Sec. 16-20V.11 Permitted principal uses and structures.

permits are required as indicated with "SAP" in Table 1 and must be reviewed by the Director pursuant to Chapter 25.

- (b) The Commission may condition any special exception on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, vehicular traffic congestion and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners. The Commission may also recommend that such conditions be imposed for special use permits.

- (4) **Nonconforming uses.** This section addresses permitted principal uses and structures within each subarea. Lawful nonconforming uses and structures are regulated by Chapter 24 of this Zoning Ordinance. Any alteration or addition to nonconforming uses or structures require an appropriate certificate of appropriateness by the Commission.

(5) **Prohibited uses.**

- (a) All uses marked with an "X" or not listed in Table 1 are prohibited in the Subarea(s) identified unless authorized in Sec. 16-20V.11(6) below.
- (b) No use or manner of operation is permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.
- (c) Use of heavy drop hammers, punch presses or other machinery, or processing methods creating an excessive noise or vibration is prohibited in this district, subject to the provisions in Chapter 74, Article IV, noise control.

Table 1: Poncey-Highland District Table of Uses							
Key P = Permitted principal use SUP = Permitted by special use permit SAP = Permitted by special administrative permit X = Prohibited use	SUBAREA 1 Residential Core	SUBAREA 2 BeltLine Residential	SUBAREA 3 N. Highland Mixed-use	SUBAREA 4 Ponce de Leon Mixed-use	SUBAREA 5 BeltLine Mixed-use	SUBAREA 6 Bonaventure-Somerset Residential	SUBAREA 7 Freedom Park Transitional
RESIDENTIAL AND DWELLING USES							
Assisted living facilities	X	X	SUP	SUP	SUP	X	X
Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that such affiliation is in effect, such that loss of affiliation will result in the loss of permission for the use	X	X	SUP	SUP	SUP	X	X
Multifamily dwellings, as follows:							
Multifamily dwellings in a townhouse building type	X	P	P	P	P	X	X

Sec. 16-20V.11 Permitted principal uses and structures.

Table 1: Poncey-Highland District Table of Uses							
Key P = Permitted principal use SUP = Permitted by special use permit SAP = Permitted by special administrative permit X = Prohibited use	SUBAREA 1 Residential Core	SUBAREA 2 BeltLine Residential	SUBAREA 3 N. Highland Mixed-use	SUBAREA 4 Ponce de Leon Mixed-use	SUBAREA 5 BeltLine Mixed-use	SUBAREA 6 Bonaventure-Somerset Residential	SUBAREA 7 Freedom Park Transitional
Multifamily dwellings in a cottage court building type	X	P	P	P	P	X	X
Multifamily dwellings on a lot of record that contained such legal dwelling units before January 1, 2020	P	P	P	P	P	P	X
All other multifamily dwellings	X	X	P	P	P	X	X
Personal care homes	P	P	P	P	P	P	X
Single-family dwellings	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	X
Supportive housing	X	X	P	P	P	X	X
Two-family dwellings (no zero-lot line subdivision allowed)	X	P [2]	P [2]	P [2]	P [2]	P [2]	X
NON-RESIDENTIAL USES							
Animal care, veterinary clinic (with no outdoor animal areas or activity)	X	X	SUP	SUP	P	X	X
Animal care, veterinary clinic (with outdoor animal areas or activity)	X	X	X	X	P	X	X
Auditoriums, museums, libraries, galleries and similar cultural facilities	X	X	P	P	P	X	X
Bakeries and catering establishments	X	X	P	P	P	X	X
Banks, savings and loan associations, and similar financial institutions	X	X	P	P	P	X	X
Barber shops and beauty shops	X	X	P	P	P	X	X
Bed and breakfast inns	X	X	P	P	P	X	X
Business or commercial schools	X	X	P	P	P	X	X
Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services	X	X	P	P	P	X	X
Childcare centers, kindergartens and special schools	X	X	P	P	P	X	X
Places of worship	X	X	P	P	P	X	X
Clubs and lodges	X	X	SUP	SUP	SUP	X	X
Commercial recreational establishments, including theaters, convention halls, places of assembly and similar uses, with primary activities conducted within fully enclosed buildings	X	X	P	P	P	X	X
Digital industry switchboards, relay equipment, and associated power generators as principal uses	X	X	X	X	X	X	X
Drive-in and drive-through facilities (either principal or	X	X	X	X	X	X	X

Sec. 16-20V.11 Permitted principal uses and structures.

Table 1: Poncey-Highland District Table of Uses							
Key P = Permitted principal use SUP = Permitted by special use permit SAP = Permitted by special administrative permit X = Prohibited use	SUBAREA 1 Residential Core	SUBAREA 2 BeltLine Residential	SUBAREA 3 N. Highland Mixed-use	SUBAREA 4 Ponce de Leon Mixed-use	SUBAREA 5 BeltLine Mixed-use	SUBAREA 6 Bonaventure-Somerset Residential	SUBAREA 7 Freedom Park Transitional
accessory use)							
Eating and drinking establishments, as follow:							
Eating and drinking establishments with an alcohol license to operate as a nightclub	X	X	X	SUP	SUP	X	X
All other eating and drinking establishments	X	X	P	P	P	X	X
Farmers markets	SAP	SAP	P	P	P	SAP	SAP
Grocery stores	X	P	P	P	P	X	X
Hospitals	X	X	X	P	P	X	X
Hotels and motels	X	X	P	P	P	X	X
Laundry and dry cleaning, collection stations or plants, limited to no more than 5,000 square feet of floor area; laundry and dry cleaning where equipment is operated by customers	X	X	P	P	P	X	X
Manufacturing, repairing (excluding automobile or heavy machinery repairing), compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and byproducts do not create adverse effects beyond the boundaries of the property	X	X	P	P	P	X	X
Market gardens	P	P	P	P	P	P	P
Mortuaries and funeral homes	X	X	X	SUP	SUP	X	X
Offices and studios	X	X	P	P	P	X	X
Clinics (excluding veterinary), laboratories, studios and similar uses, but not blood donor stations	X	X	P	P	P	X	X
Park-for-hire surface parking lots [3]	X	X	X	X	SUP	X	X
Park-for-hire parking structures	X	X	P	P	P	X	X
Poolrooms, billiard parlors	X	X	P	P	P	X	X
Printing and blueprinting shops	X	X	P	P	P	X	X
Professional or personal service establishments but not hiring halls	X	X	P	P	P	X	X
Public schools or private schools having similar academic curricula and special schools for exceptional children	P	P	P	P	P	P	X
Rehabilitation centers, nursing homes	X	X	SUP	SUP	SUP	X	X

Sec. 16-20V.11 Permitted principal uses and structures.

Table 1: Poncey-Highland District Table of Uses							
<u>Key</u> P = Permitted principal use SUP = Permitted by special use permit SAP = Permitted by special administrative permit X = Prohibited use	SUBAREA 1 Residential Core	SUBAREA 2 BeltLine Residential	SUBAREA 3 N. Highland Mixed-use	SUBAREA 4 Ponce de Leon Mixed-use	SUBAREA 5 BeltLine Mixed-use	SUBAREA 6 Bonaventure-Somerset Residential	SUBAREA 7 Freedom Park Transitional
Repair establishments for home appliances, bicycles, lawn mowers	X	X	P	P	P	X	X
Repair garages, paint and body shops.	X	X	X	X	SUP	X	X
Retail establishments, including delicatessens	X	X	P	P	P	X	X
Roof antennas [4]	X	X	P	P	P	X	X
Service stations	X	X	X	SUP	SUP	X	X
Shelter	X	X	SUP	SUP	SUP	X	X
Structures and uses required for operation of MARTA or of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shop as the primary purpose	P	P	P	P	P	P	P
Tailoring, custom dressmaking, millinery and similar establishments	X	X	P	P	P	X	X
Temporary commercial activities	X	X	P	P	P	X	X
Trade schools, colleges, universities	X	X	P	P	P	X	X
Urban gardens	SAP	SAP	P	P	P	SAP	P
Warehouse, self-storage	X	X	X	X	X	X	X
Table Notes [1] No more than two (2) total dwelling units are permitted on any lot of record; this number includes the sum of the principal dwelling unit(s) and any attached or detached accessory dwelling units. [2] Accessory dwelling units are not allowed. [3] Park-for-hire surface parking lots must comply with Sec. 16-20V.11(6)(b) [4] Roof antennas and similar uses must comply with Sec. 16-20V.11(6)(c)							

(6) The following additional permitted principal use and structures provisions apply.

- (a) Except as otherwise herein provided, no merchandise may be stored other than that to be sold at retail on the premises; and no storage for such merchandise may occupy more than 40 percent of the floor area on the premises. No off-premises storage of such merchandise is permitted as either a principal or accessory use.
- (b) Park-for-hire surface parking lots. All park-for-hire surface parking lots require a special use permit that meets all the following requirements:
 - (i) All requirements of Sec. 16-20V.16;
 - (ii) All requirements of Sec. 16-25V.001 et seq.;
 - (iii) All special use permits granted for such use will expire three years after the

Sec. 16-20V.12 Accessory uses and structures.

issuance of said permit. No property interests of any kind related to such use may extend beyond said three-year permit period. All infrastructure related to the park for hire use, such as pay structures, attendant stands, pavement and parking striping, lot signs and so forth, must be removed by the former SUP holder or owner within 30 days of the expiration of said SUP.

- (iv) Properties that have been granted a special use permit for park-for-hire surface parking lots are prohibited from obtaining additional subsequent special use permits for such use following the expiration of the initial permit.
- (v) Applicants must submit an area parking analysis to document the need for such use. The area parking analysis must demonstrate that the current inventory of publicly accessible parking supply located within 2,000 linear feet of the proposed parking lot is insufficient for the active commercial uses located within the same area.
- (c) All antennas, broadcast towers, line of sight communication devices, cell towers, other towers, antennas, and related equipment and structures, are prohibited in Subareas 3, 4, and 5, except as follows:
 - (i) "Roof antennas" as defined and regulated in Sec. 16-25.002(3)(i)(iii) are authorized as noted in Subareas 3, 4, and 5, provided a Type II certificate of appropriateness is granted and, as part of said certificate, the applicant demonstrates compliance with the criteria set forth in Sec. 16-25.002(3)(i)(iv)(c).
 - (ii) This provision is not to be interpreted to prohibit or interfere with requirements for collocations or modifications to existing antenna mandated by state law.
 - (iii) When the equipment regulated in this subsection is no longer in use, it must be removed, and all affected areas of the building must be returned to its original condition.

Sec. 16-20V.12. Accessory uses and structures.

(1) All Subareas. The following accessory uses and structures standards apply to all Subareas.

- (a) Accessory uses and structures are permitted and include those customarily accessory and clearly incidental to permitted principal uses and structures, including accessory parking to serve authorized uses within the district and including devices for the generation of energy such as solar panels or solar energy-generating roofing materials, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and similar devices. Solar panels or solar energy-generating roofing materials are permitted on any roof plane of a principal or accessory structure.
- (b) Urban gardens are permitted as an accessory use. Market gardens are permitted as an accessory use only on parcels which are used as places of worship or schools.
- (c) Active recreation facilities in any yard, required or other, adjacent to a street requires a special exception from the Commission, which special exception may only be granted upon finding that:
 - (i) The location is not objectionable to occupants of neighboring property, or the

Sec. 16-20V.12 Accessory uses and structures.

neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic;

(ii) The area for such activity could not reasonably be located elsewhere on the lot; and

(iii) The Commission may further condition any special exception for such facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.

(2) Subareas 1, 2, and 6. The following additional accessory uses and structures provisions apply to Subareas 1, 2, and 6.

(a) Accessory buildings and uses are permitted as specified in Sec. 16-07.004 for single-family, two-family and authorized multiple-family property, subject to limitations and requirements set forth in this chapter or elsewhere in this part.

(b) Accessory dwelling units (ADU) are only allowed on lots where the principal use is a single-family dwelling and subject to the following:

(i) The ADU may be either attached to the principal dwelling unit or detached within an accessory building.

(ii) The ADU may not exceed 1,200 square feet or 50 percent of the area of the principal dwelling to which it is accessory, whichever is less, with a minimum of 750 square feet allowed.

(iii) For the purposes of Sec. 16-20V.12(2)(c)(v) which limits the total allowable area of the accessory building to 40 percent of the principal building, the square footage of the ADU is not included when calculating the total area of the accessory building.

(c) All permitted accessory uses and structures must comply with the following:

(i) Except in the case of home occupation, no accessory use may be of a commercial nature.

(ii) May not be constructed until construction of the principal structure has started and may not be used or occupied until the principal structure is completed and in use.

(iii) May not cover more than 25 percent of the rear yard.

(iv) Must be behind the principal structure, except for electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and solar panels and solar energy-generating roofing materials which may be located on any roof plane on the principal structure.

(v) May not contain a total floor area greater than 40 percent of the floor area of the principal structure.

(vi) May not exceed 20 feet in height, except accessory structures containing an ADU may not exceed 25 feet in height.

Sec. 16-20V.13 Transitional uses, structures, requirements.

- (vii) Must conform with carriage house standards when the accessory structure contains a garage and is accessory to a single-family dwelling or two-family dwelling.

Sec. 16-20V.13. Transitional uses, structures, requirements.**(1) Transitional height planes.**

- (a) No transitional height plane provisions apply in Subareas 1, 2, and 6.
- (b) In Subareas 3, 4, and 5 no portion of any structure may protrude through a height limiting plane beginning at the specified number of feet above the point set forth in Sec. 16-20V.13(1)(c) below and extending inward over this subarea at an angle of 45 degrees. The following districts are considered "protected districts" for purposes of this Sec. 16-20V.13:
 - (i) Subareas 1, 2, and 6;
 - (ii) R-1 through R-5;
 - (iii) RG-1 and RG-2;
 - (iv) MR-1, MR-2, and MR-MU; and
 - (v) Other landmark, Historic, PD, and SPI districts and or district subareas having with allowable uses and densities predominantly similar to those permitted in the district classifications listed in subsections (i) through (iv) above.
- (c) Proximity to districts and measurement applications:
 - (i) For parcels in this subarea that are contiguous to a protected district, the transitional height plane is measured beginning 35 feet above the required Subarea 3, 4, or 5 setback or transitional yard adjoining the common property line with such protected district. As used here "contiguous" means abutting or only separated by an existing alley of record.
 - (ii) For parcels in this subarea that are not contiguous to but are within 150 feet of a protected district, the transitional height plane is measured beginning 15 feet above the nearest lot line of the protected district, provided this transitional height plane does not extend more than 150 linear feet (measured along the ground) from the protected district up to and into Subarea 3, 4, or 5. See diagrams at Sec. 16-29.001(62).
 - (iii) The purpose and intent of this provision is to provide protection for the named protected districts from nearby taller or larger structures regardless of the presence of an intervening public right of way or park or space, public or private street or alley, or any lot or parcel remnant.
 - (iv) Transitional height plane measurements are applied to parcels on a point-by-point basis and not average grade.

(2) Transitional yards

- (a) No transitional yard provisions apply in Subareas 1, 2, and 6.

Sec. 16-20V.14 Development controls.

- (b) Where Subarea 3, 4, or 5 adjoins Subarea 1, 2, or 6 without an intervening public street, one of the following is required:
- (i) **A minimum of 20 feet wide landscaped yard**, which may not be used for parking, paving, loading, servicing, or any other activity except for private alleys or drives up to 10 feet in width. Such yard must be planted as approved by the city arborist and maintained as a landscaped strip; or
 - (ii) **A minimum of 10 feet wide landscaped yard with a minimum 6 feet high opaque wall or fence**, which may not be used for parking, paving, loading, servicing, or any other activity. Such yard must be planted as approved by the city arborist and maintained as a landscaped strip; or
 - (iii) **A minimum 20 feet wide residential building**, including a conforming detached house, cottage court, carriage house, townhouse, or stacked flat building type not exceeding 35 feet in height. Such building may only contain dwelling units.
- (c) Where Subarea 4 adjoins Subarea 1 across an intervening public street, a minimum 30 feet deep residential building, including a conforming detached house, cottage court, or townhouse building type not exceeding 35 feet in height is required along the entire street frontage. Such building may only contain dwelling units.

Sec. 16-20V.14. Development controls.

All development must comply with Table 2 “Poncey-Highland Historic District Development Controls Table,” Table 3 “Poncey-Highland Subarea 1 Lot Coverage Table,” Table 4: Poncey-Highland Historic District Building Height Table,” and with subsections 1 through 4. “CR” refers to the compatibility rule.

Table 2: Poncey-Highland Historic District Development Controls Table							
<u>Key</u> CR = Per the compatibility rule	SUBAREA 1 Residential Core	SUBAREA 2 BeltLine Residential	SUBAREA 3 N. Highland Mixed-use	SUBAREA 4 Ponce de Leon Mixed-use	SUBAREA 5 BeltLine Mixed-use	SUBAREA 6 Bonaventure-Somerset Residential	SUBAREA 7 Transitional
Maximum FAR (times net lot area)	0.5	0.85	3.2 [1]	3.2 [1]	8.2 [1]	0.5	n/a
Minimum Lot Area	CR	CR	800 sf	800 sf	800 sf	CR	n/a
Minimum Lot Width	CR	CR	16 ft.	16 ft.	16 ft.	CR	n/a
Yard Requirements							
Front [2]	CR	CR	CR.	5 ft. min/30 ft max.	5 ft min	CR	n/a
Side (detached houses,)	CR, but 3 ft. min.	CR, but 3 ft. min.	0 ft min.	0 ft. min.	0 ft. min.	CR, but 3 ft. min.	n/a.
Side (carriage houses)	3 ft. min.	3 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	n/a
Side (all other building types)	7 ft. min.	7 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	7 ft. min.	n/a
Rear (detached	CR, but 5	CR, but 5	5 ft. min.	5 ft. min.	5 ft. min.	CR, but 5	n/a

Sec. 16-20V.14 Development controls.

Table 2: Poncey-Highland Historic District Development Controls Table							
Key CR = Per the compatibility rule	SUBAREA 1 Residential Core	SUBAREA 2 BeltLine Residential	SUBAREA 3 N. Highland Mixed- use	SUBAREA 4 Ponce de Leon Mixed-use	SUBAREA 5 BeltLine Mixed- use	SUBAREA 6 Bonaventure- Somerset Residential	SUBAREA 7 Transitional
houses)	ft. min.	ft. min.				ft. min.	
Rear (carriage houses)	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	n/a
Rear (all other building types)	7 ft. min.	7 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.	7 ft. min.	n/a
Maximum Lot Coverage [3]	See Table 3	See Table 3	85%	85%	85%	See Table 3	n/a
Minimum Open Space Requirements [4]							
Non-residential uses	None	None	10% net lot area as UOSR	10% net lot area as UOSR	10% net lot area as UOSR	None	n/a
Residential uses	None	None	Table I, "Land use intensity ratios" UOSR	Table I, "Land use intensity ratios" UOSR	Table I, "Land use intensity ratios" UOSR	None	n/a
Tables Notes: [1] FAR in this subarea excludes any floor area in buildings built before 1945. [2] Measured from the back of the required sidewalk along all public and private streets. [3] Lot coverage excludes areas deemed "pervious" by the Post Development Stormwater Management Ordinance. [4] There is no minimum open space requirements for buildings built before 1945. Useable open space (UOSR) has the meaning set forth in Sec. 16-28.010(5).							

Table 3: Poncey-Highland Subarea 1, 2, and 6 Lot Coverage Table			
Lots of record in the indicated Subareas 1, 2, and 6 are subject to the following maximum lot coverages.			
Lot of Record Size	Subarea 1	Subarea 2	Subarea 6
4,499 sf or smaller	70% max.	80% max.	70% max.
4,500 sf to 4,999 sf	68% max.	78% max.	68% max.
5,000 sf to 5,999 sf	66% max.	76% max.	66% max.
5,500 sf 6,000 sf	64% max.	74% max.	64% max.
6,000 sf to 5,999 SF	62% max.	72% max.	62% max.
6,500 sf to 6,749 SF	60% max	70% max	60% max
7,000 sf to 7,499 sf	58% max.	68% max.	58% max.
7,500 sf to 7,999 sf	56% max.	66% max.	56% max.
8,000 sf to 8,499 sf	54% max.	64% max.	55% max.
8,500 sf to 8,999 sf	52% max.	62% max.	55% max.
9,000 sf or larger	50% max.	60% max.	55% max.

Table 4: Poncey-Highland Historic District Building Height Table

Sec. 16-20V.14 Development controls.

Table 4: Poncey-Highland Historic District Building Height Table							
General building height standards. These only apply in areas not subject to the additional restrictions below.							
<u>Key</u> CR = Per the compatibility rule. See Sec. 16-20V.14(1) <u>Note</u> Heights shown in this table must be reduced by the transitional height plane, when applicable.	SUBAREA 1 Residential Core	SUBAREA 2 BeltLine Residential	SUBAREA 3 N. Highland Mixed-use	SUBAREA 4 Ponce de Leon Mixed-use	SUBAREA 5 BeltLine Mixed-use	SUBAREA 6 Bonaventure-Somerset Residential	SUBAREA 7 Freedom Park Transitional
Building Height Standards	CR	CR	78 ft. max., 18 ft. min. (see additional restrictions below)	85 ft. max., 30 ft. min. (see additional restrictions below)	185 ft max. (see additional restrictions below)	CR	35 ft. max.
Additional building height restrictions. The general building height standards above will be further restricted in the following areas:							
Subareas 4 and 5 only for portions of buildings within 60 feet of Subarea 1, 2, or 6				52 ft. max.			
Subarea 3 east of N. Highland Avenue				3 stories or 42 ft max., whichever is less, for first 10 feet of building depth; and 6 stories or 78 feet, whichever is less, in other locations			
Subarea 3 west of N. Highland Avenue				3 stories or 42 ft max., whichever is less, for first 10 feet of building depth; and 4 stories or 54 feet, whichever is less, in other locations			
Subarea 4 east of Freedom Parkway				5 stories or 75 ft. max., whichever is less [1]			
Subarea 4 west of Freedom Parkway				6 stories or 85 ft. max., whichever is less [1]			
<u>Tables Notes:</u> [1] The maximum building height may be increased by one story or 15 ft. maximum in order to divide the street-facing building façade into vertical divisions per Sec. 16-20V.15(18)(b)(i), provided such increased height does not constitute more than 30% of the total building footprint, or the maximum building height may also be increased by one story or 15 ft. maximum on sites where no upper story additions are proposed for contributing historic buildings.							

(1) Lot compatibility zone height requirements.

The following height standards apply in the lot compatibility zone:

- (a) On blocks with at least one historic two-story building (measured along the façade facing the public street), the maximum building height is determined by the compatibility rule.
- (b) On all other blocks, the maximum building height is 30 feet.

Sec. 16-20V.14 Development controls.

(2) Open space requirements.

- (a) **Mixed-use developments.** When a development contains any combination of nonresidential or residential uses, the minimum open space requirement is based on whichever such use has the greatest floor area.
- (b) **Open space areas.** The following may be used to satisfy open space requirements:
 - (i) Useable open space;
 - (ii) New public or private streets required under “3” below.
 - (iii) Future connectivity required under “4” below.
 - (iv) Vegetated roofs;
 - (v) New on-street parking if on-street parking currently does not exist in the public right-of-way adjacent to the development and the new on-street parking is located where there is no existing street lane; and
 - (vi) Stormwater ponds that serve multiple buildings or lots, in accordance with the current City of Atlanta Stormwater Design Manual, when said ponds have been designed by a qualified professional as formal or natural amenities that incorporate additional functions other than stormwater management into their design, including, but not limited to aesthetic appeal, seating, boardwalks, and similar features. Said ponds may not be fenced or enclosed by retaining walls over 30 inches in height.

(3) Blocks. Developments in Subarea 5 proposing to contain an entire block face greater than six hundred (600) feet in total frontage along an existing public or private street must incorporate new streets that conform to the following:

- (a) New streets must create block faces not exceeding four hundred (400) feet in length, unless a larger block size is required by Chapter 36 of this part to accommodate a new street location required by the Beltline Street Framework Plan.
- (b) Block face length is measured from the back of sidewalk clear zones.
- (c) New streets used to satisfy this requirement:
 - (i) May be public or private, but must function as public streets;
 - (ii) May not be gated; and
 - (iii) Must connect two (2) other public streets or private streets.

(4) Future connectivity. No development in Subarea 3, 4, or 5 may be designed to prohibit or obstruct the ability for future vehicle, bicycle, and pedestrian connections to adjacent lots, including through the use of new public or private streets, except when the Director determines that such is impractical due to topographic or other site-specific constraints. This provision may not be interpreted to prohibit or restrict something which would otherwise be permitted in this district or require inter-parcel rights to be granted to adjacent property owners.

Sec. 16-20V.15 Building type standards.**Sec. 16-20V.15. Building type standards.**

The following building type regulations apply to all Subareas:

- (1) All principal existing and proposed principal buildings must comply with the requirements of this section, as applicable to the specific building type.
- (2) Where a development contains multiple building types, the requirements of each building type must be met independently as if each building was located on its own lot, even when no subdivision is proposed.
- (3) Parking structures fronting or visible from a street or the BeltLine corridor must also select and comply with the following standards for one building type:
 - (a) Building massing and active uses,
 - (b) Pedestrian access,
 - (c) Building elements,
 - (d) Fenestration, and
 - (e) Parking location.

The building type utilized must be allowed in the subarea.

- (4) Applicants must select which allowed building type corresponds to the building they are proposing to construct, alter, or add to and must comply with the standards for that building type as it relates to that new construction, alteration, or addition. All building types selected must be approved by the Director.
- (5) Table 5: Allowed Building Types identifies the new building types allowed by subarea. Each building type may contain any use allowed in the subareas in which it is located unless otherwise noted by building type. On lots of record that contained legal building types other than those allowed by Table 5 before January 1, 2020, such other building types are allowed for new construction, alteration, or addition.

Table 5: Allowed New Building Types						
Building Type	SUBAREA 1 Residential Core	SUBAREA 2 Beltline Residential	SUBAREA 3 N. Highland Mixed-Use	SUBAREA 4 Ponce de Leon Mixed-use	SUBAREA 5 BeltLine Mixed-use	SUBAREA 6 Bonaventure-Somerset Residential
Detached House	Yes	Yes	Yes [1]	Yes [1]	Yes [1]	Yes
Carriage House	Yes	Yes	Yes [1]	Yes [1]	Yes [1]	Yes
Cottage Court	No	Yes	Yes	Yes	No	No
Townhouse	No	Yes	Yes	Yes	Yes	No
Stacked Flat	No	No	Yes	Yes	Yes	No

Sec. 16-20V.15 Building type standards.

Table 5: Allowed New Building Types						
Building Type	SUBAREA 1 Residential Core	SUBAREA 2 Beltline Residential	SUBAREA 3 N. Highland Mixed-Use	SUBAREA 4 Ponce de Leon Mixed-use	SUBAREA 5 BeltLine Mixed-use	SUBAREA 6 Bonaventure-Somerset Residential
Shopfront	No	No	Yes	No	No	No
Commercial Block	No	No	Yes	Yes	Yes	No
Tower	No	No	No	No	Yes	No
Civic	Yes	Yes	Yes	Yes	Yes	Yes
Tables Note: [1] Building type only allowed when used to meet the transitional yard provisions of Sec. 16-20V.13(2)(b).						

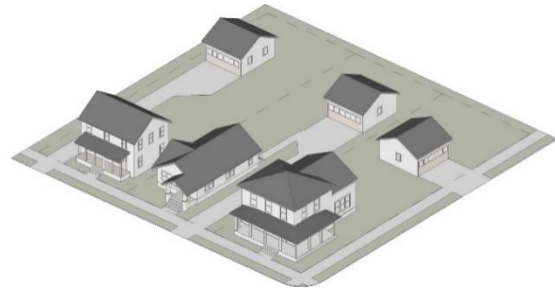
- (6) All principal buildings must be oriented to the street they face or the BeltLine corridor, when applicable.
- (7) Where multiple building types are proposed for a single lot, the proposal must include potential lot lines for each building type, which conform with this Chapter 20V, the purpose of which is only to determine compliance with building type standards.
- (8) The standards for building types do not apply to accessory structures, except carriage houses, and except parking structures as provided for in Sec. 16-20V.15(3) above.

Sec. 16-20V.15 Building type standards.

(9) Detached house standards. The following applies to all detached houses.

(a) Description

A detached house is a small-scale, freestanding building, set back from the public street, elevated above the ground level and designed to facilitate residential uses.

**(b) Building Density**

Dwelling units per building	2 max. (either 1 principal dwelling + 1 ADU max.; or 2 principal dwellings max.)
Buildings per lot	1 max., excluding accessory buildings

(c) Building Massing and Active Uses (see Sec. 16-20V.015(18))

Building height	See subarea requirements
Street-facing façade width	n/a
Active use depth	n/a

(d) Pedestrian Access (see Sec. 16-20V.15(19))

Entrance facing street	Required
Walkway width	3 ft min./5 ft max.

(e) Building Elements (see Sec. 16-20V.15(20))

Each detached house must provide a porch.
The required porch must face the street.

(f) Fenestration (see Sec. 16-20V.15(21))

Street-facing facades	10% min. wall area per floor, excluding basements and attics
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(g) Parking location

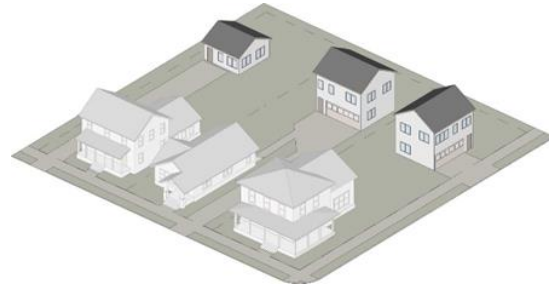
No on-site parking is allowed between the building and the street.
Garage doors must be located on the side or rear facades of the principal structure and may not face a public street.

Sec. 16-20V.15 Building type standards.

(10) Carriage house standards. The following applies to all carriage houses.

(a) Description

A carriage house is a freestanding building, typically designed for use as a garage, storage, guest house, or accessory dwelling unit. A carriage house must be accessory to a principal dwelling and located on the same lot.

**(b) Building Density**

Accessory dwelling units per building	1 max.
Buildings per lot	2 max. excluding principal buildings

(c) Building Massing and Active Uses (see Sec. 16-20V.015(18))

Building height	See Sec. 16-20V.12 for accessory structure height
Street-facing façade width	n/a
Active use depth	n/a

(d) Pedestrian Access (see Sec. 16-20V.15(19))

Entrance facing street	Not required
Walkway width	n/a

(e) Building Elements (see Sec. 16-20V.15(20))

n/a

(f) Fenestration (see Sec. 16-20V.15(21))

Street-facing facades	n/a
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(g) Parking Location

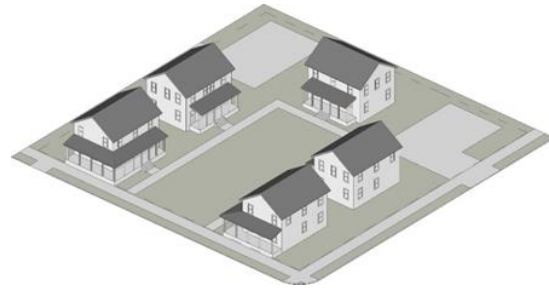
On-site parking location is regulated by the principal dwelling unit.

Sec. 16-20V.15 Building type standards.

(11) Cottage court standards. The following applies to all cottage courts.

(a) Description

A cottage court accommodates three to ten detached dwelling units located around a shared internal courtyard. Units must all be on the same lot and no unit may be located above or below another. Cottage courts are for residential uses.

**(b) Building Density**

Dwelling units per cottage court	3 min. / 10 max.
Buildings per lot	10 max. excluding accessory buildings
Floor area per dwelling unit	1,200 sf max.

(c) Building Massing and Active Uses (see Sec. 16-20V.015(18))

Building height	See subarea requirements
Street-facing façade width	No min./no max.
Active use depth	n/a

(d) Courtyard

Area	3,000 sf min.
Width	40 ft. min.

Courtyard may not be parked or driven upon, except for emergency access.

(e) Pedestrian Access (see Sec. 16-20V.15(19))

Entrance facing street	Required for units along street
Walkway width	3 ft min. / 5 ft max. must connect all dwellings to the street

(f) Building Elements (see Sec. 16-20V.15(20))

Each cottage court unit along a street and each cottage court units along a courtyard must provide either a:

- (i) Stoop, or
- (ii) Porch

A porch is required when adjacent to a street.

(g) Fenestration (see Sec. 16-20V.15(21))

Street-facing or courtyard-facing facades	10% min. area per floor, excluding basements and attics
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(h) Parking Location

No on-site parking is allowed between the building and the street or between buildings and the courtyard. Garage doors, if located on the principal structure must be located on the side or rear façade and may not face the interior of the court or a public street.

Sec. 16-20V.15 Building type standards.

(12) Townhouse standards. The following applies to all townhouses.

(a) Description

A townhouse is a building type that accommodates three or more dwelling units or tenant spaces where each unit is separated by a common sidewall. No unit may be located above or below another.



(b) Density and Use

Dwelling units per building 3 min./no max.

Buildings per lot n/a

(c) Building Massing and Active Uses (see Sec. 16-20V.015(18))

Building height 52 ft max., except in subareas where a lower height limit applies

Street-facing façade width 16 ft min. /150 ft. max.

Active use depth 20 ft. min, except corner units are only required to meet this requirement along one street

Percent of front lot width that must be abutted by a conforming townhouse building 70% min., excluding transitional yards, existing alleys, and one new driveway

(d) Pedestrian Access (see Sec. 16-20V.15(19))

Entrance facing street Required for units along street

Walkway width: 3 ft min./5 ft max.
must connect all dwellings to the street

(e) Building Elements (see Sec. 16-20V.15(20))

Each townhouse unit facing a street must provide one of the following:

- (i) Stoop, or
- (ii) Porch, or
- (iii) Storefront

Balconies are also allowed above the ground floor.

(f) Fenestration (see Sec. 16-20V.15(21))

Street-facing facades 20% min. area per floor

(g) Parking Location

No on-site parking is allowed between the building and the street.

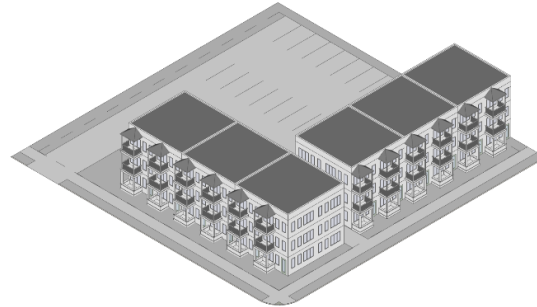
Garage doors may not face a street.

Sec. 16-20V.15 Building type standards.

(13) Stacked flat standards. The following applies to all stacked flats.

(a) Description

A stacked flat building is a multi-story building type that was originally built to accommodate four or more dwelling units located above or below another unit. Nonresidential uses are permitted in stacked flats when allowed by subarea regulations.

**(b) Building Density**

Dwelling units per building	4 min./no max.
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Buildings per lot	n/a
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(c) Building Massing and Active Uses (see Sec. 16-20V.015(18))

Building height	See subarea requirements
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Street-facing façade width	150 ft. max.
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Active use depth	20 ft. min.
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Percent of front lot width that must be abutted by a conforming stacked flat building	70% min., excluding transitional yards, existing alleys, and one new driveway
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(d) Pedestrian Access (see Sec. 16-20V.15(19))

Entrance facing street	Required for lobby (if provided) and when four or more ground floor units are along a street
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Walkway width:	3 ft min./10 ft max.
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(e) Building Elements (see Sec. 16-20V.15(20))

n/a

(f) Fenestration (see Sec. 16-20V.15(21))

Street-facing facades	20% min. area per floor
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(g) Parking Location

No on-site parking is allowed between the building and the street.
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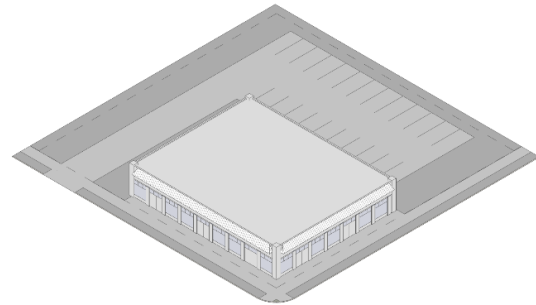
Sec. 16-20V.15 Building type standards.

(14) Shopfront standards. The following applies to all shopfronts.

(a) Description

A shopfront is a single-story building containing pedestrian-oriented ground floor retail, restaurant, or service uses.

Note: See commercial block standards for related standards for buildings more than one story in height.



(b) Building Massing and Active Uses (see Sec. 16-20V.015(18))

Building height	See subarea requirements
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing façade width	150 ft. max.
Active use depth	20 ft. depth and may not be dwelling units
Percent of front lot width that must be abutted by a conforming shopfront building	70% min., excluding transitional yards, existing alleys, and one new driveway

(c) Pedestrian Access (see Sec. 16-20V.15(19))

Entrance facing street	Required for all tenant spaces along streets
Walkway width:	6 ft. min.

(d) Building Elements (see Sec. 16-20V.15(20))

Each individual tenant space facing a street must provide an awning/canopy.

(e) Fenestration (see Sec. 16-20V.15(21))

Street-facing facades	70% min. area
Street-facing blank wall	20 ft. max.

(f) Parking Location

No exterior on-site parking is allowed between the building and the street.

No interior, above-ground parking is allowed within 20 feet of a street-facing façade.

(g) Building Type Location

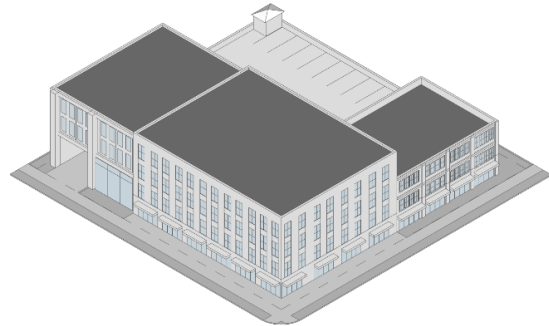
New shopfronts or commercial blocks must front North Highland Avenue.

Sec. 16-20V.15 Building type standards.

(15) Commercial block standards. The following applies to all commercial blocks.

(a) Description

A commercial block is a multi-story building designed for a vertical mix of uses, with pedestrian-oriented ground floor retail or service uses and upper floor residential, hospitality, or office uses.

**(b) Building Massing and Active Uses (see Sec. 16-20V.015(18))**

Building height	See subarea requirements for min./7 stories max.
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing façade width	150 ft. max.
Active use depth	20 ft. min. and may not be dwelling units
Percent of front lot width that must be abutted by a conforming commercial block	70% min., excluding transitional yards, existing alleys, and one new driveway

(c) Pedestrian Access (see Sec. 16-20V.15(19))

Entrance facing street	Required for all ground floor tenant spaces along streets
Walkway width:	6 ft. min.

(d) Building Elements (see Sec. 16-20V.15(20))

Each individual tenant space facing a street must provide an awning/canopy.

(e) Fenestration (see Sec. 16-20V.15(21))

Street-facing ground floor facades	70% min. area
Street-facing upper floor facades	20% min. area per floor
Street-facing blank wall area	20 ft. max. per floor

(f) Parking Location

No exterior on-site parking is allowed between the building and the street.
No interior, above-ground parking is allowed within 20 feet of a street-facing façade.

(g) Building Type Location

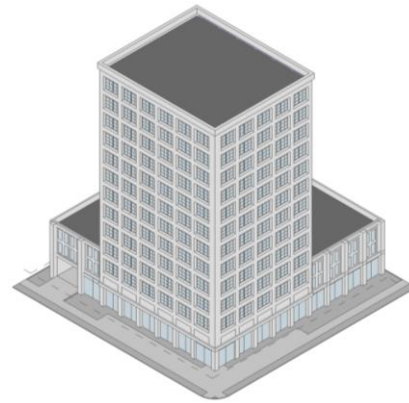
New commercial blocks or towers must front Ponce de Leon Avenue.
New commercial blocks or shopfronts must front North Highland Avenue.

Sec. 16-20V.15 Building type standards.

(16) Tower standards. The following applies to all towers.

(a) Description

A tower is a stacked unit or commercial block building of eight or more stories in height, which may include portions less than eight stories in height.



(b) Building Massing and Active Uses (see Sec. 16-20V.015(18))

Building height	8 stories min / see subarea requirements for mx.
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing façade width	
Portion of building under 8 stories in height	150 ft max.
Portion of building 8 or more stories in height	250 ft max.
Active use depth	20 ft. min. and may not be dwelling units
Percent of front lot width that must be abutted by a conforming tower	70% min., excluding transitional yards, existing alleys, and one new driveway

(c) Pedestrian Access (see Sec. 16-20V.15(19))

Entrance facing street	Required for all ground floor tenant spaces along streets
Walkway width:	6 ft. min.

(d) Building Elements (see Sec. 16-20V.15(20))

Each individual tenant space facing a street must provide an awning/canopy.

(e) Fenestration (see Sec. 16-20V.15(21))

Street-facing ground floor facades	70% min. area
Street-facing upper floor facades	20% min. area per floor
Street-facing blank wall area	20 ft. max. per floor

(f) Parking Location

No exterior on-site parking is allowed between the building and the street.

No interior, above-ground parking is allowed within 20 feet of a street-facing façade.

(g) Building Type Location

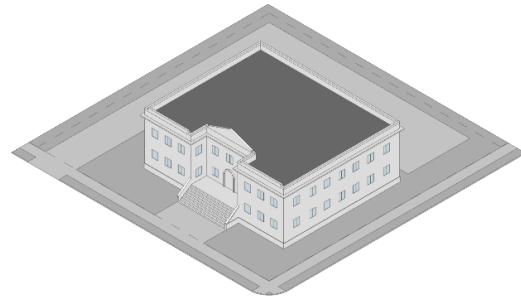
New towers or commercial blocks must front Ponce de Leon Avenue.

Sec. 16-20V.15 Building type standards.

(17) Civic standards. The following applies to civic buildings.

(a) Description

A civic building is designed to stand apart from its surroundings due to the special nature of its use as a public facility. Civic buildings may only be owned and used by the City of Atlanta, Fulton County, or other governmental entity; used for religious worship; or used for private schools.



(b) Building Massing and Active Uses (see Sec. 16-20V.015(18))

Building height	See subarea requirements
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing façade width	150 ft. max.
Active use depth	20 ft. min.

(c) Pedestrian Access (see Sec. 16-20V.15(19))

Entrance facing street	Required
Walkway width:	6 ft. min.

(d) Building Elements (see Sec. 16-20V.15(20))

n/a

(e) Fenestration (see Sec. 16-20V.15(21))

Street-facing facades	15% min. area per floor
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(f) Parking

No exterior on-site parking is allowed between the building and the street.

No interior, above-ground parking (either within the building or an accessory parking garage) is allowed within 40 feet of a public street.

(18) Building Type Massing and Active Uses

(a) One primary mass required.

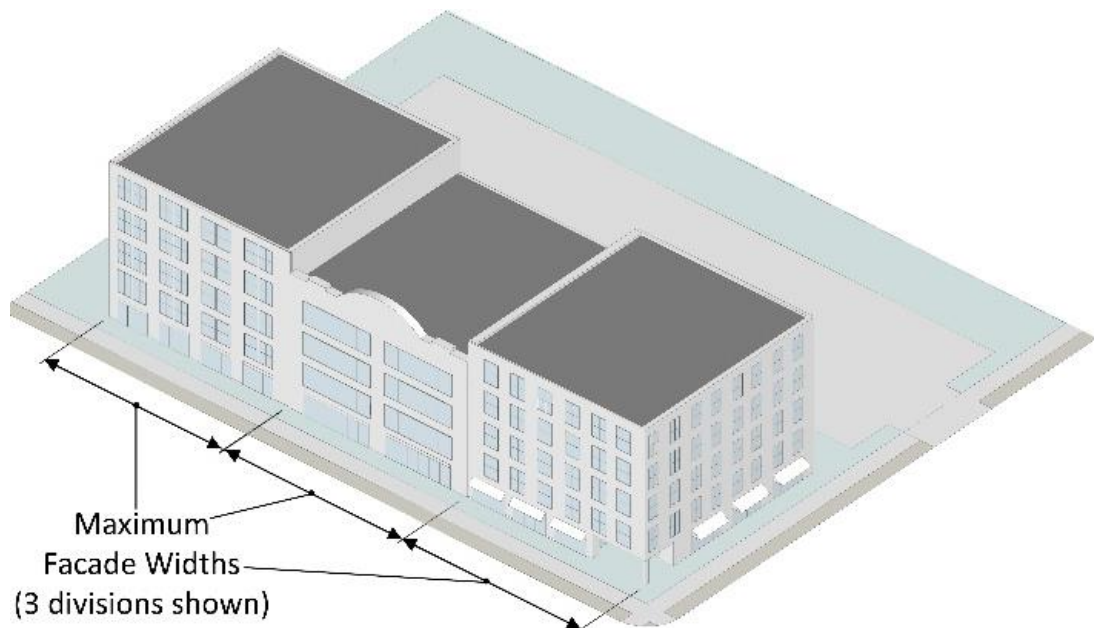
(i) The main body of all principal buildings must consist of one primary mass.

Secondary and incidental wings may be attached to the main body of a building.

(ii) This requirement applies to each façade division set forth in “b” below.

(b) Street-facing façade widths. These building massing standards apply to building types which include a street-facing façade width requirement. When required, buildings must use one of the following to divide the façade into the maximum street-facing width divisions shown for the building type in Sec. 16-20V.15(9) through Sec. 16-20V.15(17), as measured along the base of the façade:

Sec. 16-20V.15 Building type standards.



- (i) A change of façade material and window systems from grade to roof, and change of building height of at least one story; or
 - (ii) A change in façade composition and/or architectural style from grade to the roof; or
 - (iii) Similar means intended to convey the impression of separate buildings.
- Change in color alone, setback alone, or any combination of the two may not be used to satisfy this requirement.

- (c) **Active uses.** The ground floor of certain building types must provide “active uses” along public and private streets for the minimum indicated depth from the street-facing façade. For this purpose, “active use” means any permitted principal use with interior floor area that is served by plumbing, heating, and electricity. “Active use” specifically excludes parking; digital industry switchboards, relay equipment, and associated power generators; mechanical rooms; non-residential storage not associated with an industrial use; driveways; and queuing lanes parallel to the adjacent street.

(19) Pedestrian Access

- (a) A pedestrian entrance and walkway providing ingress and egress, operable to residents at all times and operable to customers, visitors, and employees during business hours, is required to meet street-facing pedestrian entrance requirements. Additional entrances off another street, pedestrian area, open space, or internal parking area are allowed but must have the same or shorter hours of operability as the street-facing entrance.

Sec. 16-20V.15 Building type standards.

- (b) A street address number must be located above the street-facing pedestrian entrance utilizing numbers that are at least 6 inches in height. When multiple entrances exist on a street-facing façade, only one address is required.
- (c) On corner lots, an angled or mitered pedestrian entrance may be provided along building corners to meet the street-facing pedestrian entrance requirements.
- (d) Building elements may be required to meet the street-facing pedestrian entrance requirements when required by building type.

(20) Building Elements

- (a) **Intent.** The following apply when required by building type and are intended to ensure that certain building elements, when added to a street-facing façade, are of sufficient size to be both usable and functional and be architecturally compatible with the building they are attached to.
- (b) **Front Porch.** A raised structure attached to a building, forming a covered pedestrian entrance to a doorway.
 - (i) Front porches must conform to Sec. 16-20V.6 through Sec. 16-20V.8.
- (c) **Stoop.** A small raised platform that serves as a pedestrian entrance to a building.
 - (i) A stoop must be no more than 6 feet deep (not including steps).
 - (ii) A stoop may extend into the required yard but must not encroach into the public right-of-way or required sidewalk.
- (d) **Balcony.** A platform projecting from the wall of an upper story of a building with a railing along its outer edge, often with access from a door or window.
 - (i) A balcony must be at least 4 feet deep.
 - (ii) A balcony may extend into the required yard but must not encroach into the public right-of-way or required sidewalk.
- (e) **Awning/Canopy.** A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.
 - (i) An awning must be a minimum of 10 feet clear height above the sidewalk and must have a minimum depth of 6 feet.
 - (ii) An awning may extend into a required yard.
 - (iii) An awning may encroach into the required sidewalk but may not encroach into the public right-of-way unless all applicable City regulations are met.
 - (iv) Awning must be made of canvas and may not be reflective or shiny.
 - (v) Awnings must have open ends called “shed awnings” to allow views into buildings.
 - (vi) Awnings may not be internally lit.
 - (vii) Awnings may not be narrower than nor 2 feet wider than the door or window opening that they serve. Where multiple doors and windows are less than 2 feet apart, multiple awnings may be combined into a single awning.

Sec. 16-20V.16 Parking, driveways, and curb cuts.**(21) Fenestration.****(a) Fenestration.**

- (i) Fenestration is the minimum percentage of window and door glass area that must cover a façade.
- (ii) Glass used to satisfy fenestration requirements must be unpainted, must have a transparency (visible light transmission) higher than 70%, and must have an external reflectance of less than 15%. Transparency and external light reflectance must be established using the manufacturer's specifications.
- (iii) Fenestration is measured from the top of the finished floor to the top of the finished floor above.
- (iv) When there is no floor above, fenestration is measured from the top of the finished floor to the top of the wall plate.
- (v) Adhesive film, fabric, paper, and other materials affixed to the window surface or otherwise installed in a way that prevents visibility into the building interior are not allowed. This prohibition does not apply to curtains, shades, Venetian blinds, interior or exterior shutters, and other window treatments that are in operable condition and capable of being adjusted, opened, or closed daily.

(b) Blank wall area.

- (i) Blank wall area means a portion of the exterior façade of the building that does not include fenestration.
- (ii) Blank wall area applies in a horizontal direction.

Sec. 16-20V.16. Parking, driveways, and curb cuts.

- (1) **Parking structure design standards.** In addition to the building type standards and the parking deck regulations of Sect. 16-28.028, parking structure façades must have the appearance of a horizontal storied building. Parking structures are also subject to the subarea requirements of Sec. 16-20V.8 or Sec. 16-20V.10, as applicable.
- (2) **Parking requirements.** Off-street parking requirements are specified in Table 6: Poncey-Highland Historic District Parking Requirements and subject to the following:

TABLE 6: Poncey-Highland Historic District Automobile Parking Requirements		
	Minimum Parking	Maximum Parking
Single-family dwellings, two-family dwellings, townhouse building types	None	No maximum
All other residential uses	None	1.0 space for every one residential unit [1]
Nonresidential uses	None	2.5 spaces for every 1,000 square feet of floor area [1]
<u>Table Notes</u> [1] See Sec. 16-20V.16(3)		

Sec. 16-20V.17 Sidewalks**(3) Park-for-hire.**

- (a) Parking spaces provided in excess of the parking requirements of Sec. 16-20V.16(2) are only allowed as park-for-hire spaces. Said excess spaces are considered a principal use for the purposes of Sec. 16-20V.11 and require a special use permit, when indicated. When the number of spaces does not exceed the maximum requirements, said spaces may be used as park-for-hire without a special use permit.
- (b) Park-for-hire spaces in a surface parking lot require may not be within 65 feet of a public right-of-way.

(4) Surface parking.

- (a) Surface parking must conform to the location requirements of the building type and may not be within 30 ft of the required sidewalk.

(5) Driveways and curb cuts. The following regulations apply to driveways and curb cuts.

- (a) Shared driveways and/or alleys are permitted. Driveways may be located outside the lot boundaries if they connect to a public street and are approved by the Director.
- (b) Circular drives and driveway are not allowed between a building and a public street.
- (c) Drop-off lanes on public streets must conform to all applicable City requirements.
- (d) Driveways and curb cuts are not allowed on Ponce de Leon Avenue, North Highland Avenue, Moreland Avenue, Blue Ridge Avenue, or North Avenue when access can be provided from a side or rear street, or when reasonable access may be provided from an alley.
- (e) Driveways and curb cuts serving development fully or partially in Subareas 3, 4, or 5 are not allowed in Subareas 1, 2, or 6.
- (f) Sidewalk paving materials must continue across intervening driveways.
- (g) Driveways and curb cuts must conform to Table 7: Poncey-Highland District Driveways and Curb Cut Standards.

TABLE 7: Poncey-Highland District Driveway and Curb Cut Standards		
Building Type	Width	Number
Detached House, Carriage House	10 ft. max. in any front yard or half-depth front yard, otherwise none	One per detached house lot
Cottage Court, Townhouse Stacked Flat, Shopfront, Commercial Block, Tower, Civic	12 ft. max. for one-way access, 24 ft. max for two-way access [1]	One per development, except that developments with more than one public street frontage or more than 300 feet of public street frontage may have two [2]
Table Notes [1] Wider is only allowed when permitted by the Commissioner of Public Works. [2] This restriction does not apply to curb cuts serving street required by Sec. 16-20V.14(3).		

Sec. 16-20V.17. Sidewalks

- (1) Sidewalks required.** Sidewalks must be located along all streets and must consist of two zones: an amenity zone and a walk zone.

Sec. 16-20V.17 Sidewalks

- (2) **Amenity zone.** The amenity zone must be adjacent to the curb and with a consistent cross-slope not more than two percent. Zone width is measured from back (building side) of the curb to the walk zone. This zone is reserved for street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. When these elements are installed in a public right-of-way, they must be of a type specified by the Commissioner of Public Works in accordance with uniform design standards for placement of such objects in the said right-of-way.
- (3) **Walk zone.** The walk zone must be adjacent to the amenity zone and must be a continuous hardscape, with a consistent cross-slope not more than two percent. No fixed elements, including pole-mounted signs, traffic control boxes, or other utility structures, may be placed above ground in the walk zone for a minimum height of 8 feet.
- (4) **All subareas.** In all subareas the following apply:
- (a) Street trees must be planted a maximum of 30 feet on-center within the amenity zone and must be equally spaced between streetlights.
 - (b) Decorative pedestrian lights, where installed, must be placed a maximum of 60 feet on center and equally spaced between required street trees. Developments must match the light and tree spacing on block faces with existing Atlanta Type A and C lights.
 - (c) Changes or additions of planters, trash containers, street lighting, and similar elements, require a certificate of appropriateness from the Director.
 - (d) Redevelopments must make reasonable efforts to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks
 - (e) The Commission has the authority to reduce the required sidewalk widths.
- (5) **Subareas 1, 2, 6, 7.** In Subareas 1, 2, 6, and 7 the following apply:
- (a) New sidewalks and their zone widths must match those on abutting properties. If no abutting property sidewalk exist, the sidewalks must match those on the block face. If no sidewalks exist on the block face, the amenity zone must be a least 2 feet wide and the walk zone must be at least 5 feet wide.
 - (b) Existing decorative sidewalk hardscapes in amenity zones or walk zones must be retained or replaced with materials that match their size, shape, and color.
- (6) **Subareas 3, 4, and 5.** In Subareas 3, 4, and 5 sidewalks must be provided as follows:

Table 8: Subarea 3,4, and 5 Sidewalk Table

	Ponce de Leon Avenue	North Highland Avenue, Moreland Avenue	Other Public or Private Streets
Amenity Zone Width:	7.5 ft. min.	5 ft. min.	5 ft. min.
Walk Zone Width:	10 ft. min.	10 ft. min.	6 ft. min.

Sec. 16-20V.18 Site Design Standards

Sec. 16-20V.18. Site Design Standards**(1) Fences and walls.** Fences and walls must meet the following regulations:

- (a) **Residential uses.** The following applies to residential uses:
 - (i) Fences in any yard, required or other, adjacent to a street may not exceed 4 feet in height.
 - (ii) Fences in all other locations may not exceed 6 feet in height.
- (b) **Non-residential use fences.** The following applies to other non-residential uses:
 - (i) Fences are not allowed between a building and the required sidewalk, except where specifically authorized in “ii” below for outdoor dining.
 - (ii) Fences are allowed between the building and the sidewalk when they surround outdoor dining but may not exceed 3 feet in height.
 - (iii) Fences in all other locations may not exceed 6 feet in height.
- (c) **All uses.**
 - (i) Retaining walls adjacent to a required sidewalk may not exceed 4 feet in height, and the combined height of an otherwise authorized fence and retaining wall may not exceed 6 feet or the maximum allowed fence height, whichever is greater, unless existing topography prohibits retaining walls of a lesser height.
 - (ii) Retaining walls must be finished poured concrete or faced with stone, brick or smooth stucco.
 - (iii) No walls, except retaining walls, may be located between a building and the required sidewalk, unless used to screen off-street loading areas.
 - (iv) Barbed wire and razor wire are not allowed.
 - (v) Chain link fence or similar elements may not be visible from any public plaza, ground level or sidewalk level outdoor dining area, or public right-of-way.

(2) Loading and mechanical features.

- (a) Dumpsters, loading areas, and loading docks must be paved with impervious materials and screened to not be visible from any public plaza, ground level outdoor dining area, required sidewalk, or public right-of-way.
- (b) Outdoor dumpsters must be enclosed with opaque walls at least 6 feet in height on all sides or the minimum height of the dumpster, whichever is higher.
- (c) Building mechanical and accessory features:
 - (i) Must be located to the side or rear of the principal structure and in the location of least visibility from the public right-of-way.
 - (ii) Must be screened with plants, walls, or fences to not be visible from the public right of way.
 - (iii) For new construction, when located on rooftops must be incorporated into the design of the building and screened with materials similar to the building.
 - (iv) Are not allowed between the building and any public street.

Sign Ordinance Amendments

Chapter 28A.010(60) Poncey-Highland Historic District.

- (1) The sign requirements of the R4 district apply in Subareas 1, 2, 6, and 7.
- (2) The sign requirements of the MRC districts apply in Subareas 3, 4, and 5, except as further restricted by “3” and “4” below.
- (3) Rope LED lighting is prohibited on signs and in windows in Subareas 3, 4, and 5.
- (4) All original or historic signs shall be retained, provided that the sign face maybe changed compliant with Chapter 28A of this part if the overall size, shape, depth, location on the building, and materials of the sign and sign structure are retained.