

**CITY COUNCIL
ATLANTA, GEORGIA**

11-O-1279

Z-11-21

A SUBSTITUTE ORDINANCE BY ZONING COMMITTEE

AN ORDINANCE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, SO AS TO REVISE THE INMAN PARK HISTORIC DISTRICT REGULATIONS (CHAPTER 20L OF THE ZONING ORDINANCE) ADOPTED ON APRIL 10, 2002; SO AS TO REVISE THE COMPATIBILITY RULE; SO AS TO REVISE THE TYPES OF CERTIFICATES OF APPROPRIATENESS REQUIRED; SO AS TO REVISE THE LANGUAGE REGARDING SUBDIVISIONS AND AGGREGATIONS; SO AS TO CLARIFY CERTAIN DESIGN AND SETBACK REQUIREMENTS; SO AS TO REVISE THE OFF-STREET PARKING LANGUAGE; AND FOR OTHER PURPOSES.

WHEREAS, the intent of the Inman Park Historic District regulations is to preserve the historic physical pattern of the district, including curvilinear streets and parks, the spatial relationships between buildings, and the spatial relationship between buildings and the street; and

WHEREAS, the intent of the Inman Park Historic District regulations is to preserve the architectural history of the district including residential, institutional, commercial, and industrial buildings that were constructed from the 1860's to 1945, including the largest concentration of High Victorian residences in the City; and

WHEREAS, the intent of the Inman Park Historic District regulations is to ensure that new construction is consistent with the character of the subarea of the district within which it is to be built and that such new construction blends harmoniously with the historic character of the entire district; and

WHEREAS, the intent of the Inman Park Historic District regulations is to preserve and enhance the important and aesthetic appearance of the district so as to substantially promote the public health, safety and welfare; and

WHEREAS, in implementing the Inman Park Historic District regulations since 2002, the Office of Planning has found that the current regulations need to be updated and revised to address omissions, internal inconsistencies, points of clarification, and various process improvements; and

WHEREAS, the Office of Planning has partnered with the Inman Park Neighborhood Association on these additions and revisions, and the Inman Park Neighborhood Association has facilitated a discussion at the neighborhood level regarding revisions and additions to the Inman Park Historic District regulations; and

WHEREAS, the Office of Planning finds that the proposed updates and revisions will further the intent of the Inman Park Historic District; and

2011-58 (11-O-1279)

PAGE 1 OF 8

WHEREAS, the updates to the Inman Park Historic District regulations are part of an overall initiative by the Office of Planning to improve the regulatory structure for all of the City of Atlanta's Landmark, Historic, and Conservation Districts to promote ease of use and compatible residential and economic development actions.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

That Section 16-20L.005 (1)(d) which currently reads as follows:

- d. *Compatibility Rule:* The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.

Is hereby amended to read as follows:

d. Compatibility rule:

1. The intent of the mayor and council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face; and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945.
- ii. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows:

- (a) Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure.
- (b) Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.

That Section 005(1)(f) shall be added as follows:

- (f) Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or facade, whichever is higher.

That Section 16-20L.005 (2) which currently reads as follows:

2. Certificates of Appropriateness,

- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- b. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this District. Painting or repainting of any structure or portion thereof does not require a Certificate of Appropriateness.
- c. Type II Certificates of Appropriateness. Unless Certificates of Appropriateness are specifically exempted in the Subarea regulations, Type II Certificates of Appropriateness shall be required for any of the following to the extent they are visible from a public street or park: any minor alteration to any facade of any principal structure, fences, walls, accessory structures, and decks, and paving. If a Type II Certificate of Appropriateness is required and the proposed alteration meets the requirements of Section 16-20L.006, Section 16-20L.007, or Section 16-20L.008, as applicable, the Director of the Commission shall issue Type II Certificate within 14 days of the application. If a Type II Certificate of Appropriateness is required and the proposed alteration does not meet the requirements of Section 16-20L.006, Section 16-20L.007, or Section 16-20L.008, as applicable, the Director of the Commission shall deny the application with notice to the applicant within 14 days of the application. Appeals from any such decision of the Director regarding the approval and/or denial of Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.

- d. Type III Certificates of Appropriateness shall be required for:
 - i. All new principal structures.
 - ii. All major alterations and additions to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from Certificates of Appropriateness in the Subarea regulations.
- e. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.

Is hereby amended to read as follows:

- 2. Certificates of Appropriateness.
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this District. Painting or repainting of any structure or portion thereof does not require a Certificate of Appropriateness.
 - c. Type II Certificates of Appropriateness shall be reviewed by the Director of the Commission and shall be required for:
 - i. All alterations to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from Certificates of Appropriateness in the Subarea regulations.
 - ii. Fences, walls, accessory structures, decks, rear porches, and paving.
 - iii. If a Type II Certificate of Appropriateness is required and the proposed alteration meets the requirements of Section 16-20L.006, Section 16-20L.007, or Section 16-20L.008, as applicable, the Director of the Commission shall issue Type II Certificate within 14 days of the application.
 - iv. If a Type II Certificate of Appropriateness is required and the proposed alteration does not meet the requirements of Section 16-20L.006, Section 16-20L.007, or Section 16-20L.008, as applicable, the Director of the Commission shall deny the application with notice to the applicant within 14 days of the application.
 - v. Appeals from any such decision of the Director regarding the approval and/or denial of Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
 - d. Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:

- i. All new principal structures.
- ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a Certificate of Appropriateness in the Subarea regulations.
- III. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.
- iv. Subdivisions, consolidations, and replats as required per Section 16-20L.005(5).
- v. Variances and special exceptions.
- e. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.

That Section 16-20L.005 (5) which currently reads as follows:

5. ~~Subdivisions or Aggregation.~~

The platting pattern of the Inman Park historic District is an integral part of the historic character of the District. No subdivision shall be approved unless it can be shown that the proposed subdivision is substantially consistent with the historic character of the District. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to Sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the Inman Park Historic District with regard to lot size, dimensions, and configurations. The Compatibility Rule shall apply, and no subdivision shall be approved unless and until the Urban Design Commission has made a finding that it is consistent with this provision or with the platting pattern of the neighborhood, as it existed in 1945.

Is hereby amended to read as follows:

5. Subdivisions or Consolidations

- a. In Subarea 1, the platting pattern of the Inman Park Historic District is an integral part of the historic character of the District. No subdivision or consolidation shall be approved unless it can be shown that the proposed subdivision or consolidation is substantially consistent with the historic character of the District. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to Sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions or consolidations of lots shall conform to the historic platting pattern in the Inman Park Historic District with regard to lot size, dimensions, and configurations. The Compatibility Rule shall apply, and no subdivision or consolidation shall be approved unless and until the Urban Design Commission has made a finding that it is consistent with this provision or with the platting pattern of the neighborhood, as it existed in 1945.

- b. In Subarea II and III, no replat to create additional lots or consolidation shall be approved unless and until the Commission has made a finding that the proposed replat or consolidation will result in lots that would allow for future development that would meet the District and Subarea regulations without the need for variance or special exception. The Commission may make such a finding independent of or concurrently with the review of proposed new construction, alterations, or additions on those same lots.

That section 16-20L.006(1)(g) which currently reads as follows:

- g. The Compatibility Rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)

Is hereby amended to read as follows:

- g. The Compatibility Rule shall apply to the height, scale, and massing of the principal structure, except as noted below. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)
 - i. The height of additions shall not be subject to the compatibility rule, but shall be no higher than the existing structure.
 - ii. Notwithstanding the compatibility rule, any new roof ridge line shall be no higher than the highest roof ridge line of the existing structure.

That Section 16-20L.006 (1)(j) which currently reads as follows:

- j. Decks are permitted only when located to the rear of the principal structure and such decks shall be no wider than the width of the house.

Is hereby amended to read as follows:

- j. Decks are permitted only when located to the rear of the principal structure. Such decks shall be no wider than the width of the house and shall not project beyond the side facade of the existing house.

That Section 16-20L.006 (1)(l) which currently reads as follows:

- l. Fences and walls, excluding retaining walls, visible from a public street or park upon completion, subject to the provisions of Section 16-28.008(5) and the following limitations, may occupy required yards:
 - i. Fences not exceeding 4 feet in height may be erected in the front yard or half-depth front yard. Walls, excluding retaining walls, are not permitted in the front yard or in other yards adjacent to public streets,
 - ii. Fences and walls not exceeding 6 feet in height may be erected in side or rear yards.
 - iii. The Compatibility Rule shall apply to all fences located in a required front yard adjacent to a street. Such fences shall be constructed of brick, stone, ornamental iron, or wood pickets. Chain link fencing is not permitted in front yards or in other yards adjacent to public streets.

Is hereby amended to read as follows:

1. Fences and walls, excluding permitted retaining walls, visible from a public street or park upon completion, subject to the provisions of Section 16-28.008(5) and the following limitations, may occupy required yards:
 - i. Fences not exceeding 4 feet in height may be erected in the front yard or half-depth front yard. Walls, excluding permitted retaining walls, are not permitted in the front yard or in other yards adjacent to public streets,
 - ii. Fences and walls not exceeding 6 feet in height may be erected in side or rear yards.
 - iii. Fences located in the required front yard adjacent to a street shall be constructed of brick, stone, metal vertical pickets or wood pickets. Chain link fencing is not permitted in front yards or in other yards adjacent to public streets.

That Section 16-20L.006 (1)(m) which currently reads as follows:

- m. The Compatibility Rule shall apply to portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The Compatibility Rule notwithstanding, no single section of such retaining wall shall exceed 4 feet in height

Is hereby amended to read as follows:

- m. The Compatibility Rule shall apply to the height of portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The Compatibility Rule notwithstanding, no single section of such retaining wall shall exceed 4 feet in height.

That Section 16-20L.006 (2) which currently reads as follows:

2. *Minimum Yard Requirements.* The following minimum yard requirements and maximum floor area ratio shall apply to all permitted uses of new construction and to additions to existing structures: Front, side, and rear setbacks shall be subject to the Compatibility Rule.

Is hereby amended to read as follows:

2. Setback Requirements:
 - a. New construction: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new construction: Front, side, and rear setbacks shall be subject to the Compatibility Rule.
 - b. New additions to existing structures: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the Compatibility Rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.

That Section 16-20L.006 (3) which currently reads as follows:

3. Off-street parking and driveways. In addition to the provisions of Section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses:
 - a. Off street parking shall not be permitted between the principal structure and any public street.
 - b. Parking shall not be permitted on walkways that are located between the street and the facade of the principal structure.
 - c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley.
 - d. Driveways shall not exceed a width of 10 feet not including the flare at the street.
 - e. Side by side driveways are not permitted except upon approval of the Urban Design Commission.

Is hereby amended to read as follows:

3. Off-street parking and driveways. In addition to the provisions of Section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses:
 - a. Off-street parking shall not be permitted between the principal structure and any public street.
 - b. Parking shall not be permitted on walkways that are located between the street and the facade of the principal structure.
 - c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley provided however that such driveways shall not extend past any facade which faces a public street.
 - d. Driveways shall not exceed a width of 10 feet not including the flare at the street. Two-way driveways, where required for an allowed commercial or multi-family use, shall not exceed 24 feet not including the flare at the street.

That Section 16-20L.006 (6)(t)(iv) which currently reads as follows:

- iv. Accessory structures shall be placed behind the principal structure within the buildable area of the lot.

Is hereby amended to read as follows:

- iv. Accessory structures shall be placed behind the principal structure; side and rear setbacks shall not be less than three (3) feet.

A true copy, **ADOPTED by the Atlanta City Council**
 APPROVED as per City Charter Section 2-403
Deputy Clerk

DEC 05, 2011
DEC 14, 2011