

(Chapter 20M)

Oakland City Historic District Regulations

Section 16-20M.001. Statement of Intent.

The intent of the regulations for the Oakland City Historic District is as follows:

- (1) To promote the educational, cultural, economic and general welfare of the City by preserving the district's architectural integrity, streetscape patterns, and cultural heritage.
- (2) To preserve the district's historic pattern and distribution of building types that are characterized primarily by single family residences, institutions, and neighborhood commercial buildings, many of which were constructed during the early to mid- 20th century.
- (3) To ensure harmony and compatibility of visual qualities and spatial relationships that exist between buildings, and between buildings and the street, throughout the district.
- (4) To preserve the residential character of all the streets and thoroughfares in the district.
- (5) To preserve the historic street and lot patterns that are significant elements of the district.
- (6) To ensure development that is complementary to and compatible with the existing historic structures in the district.
- (7) To encourage the use of existing alleys, reinforcing the streetscape patterns and general physical character of the district.
- (8) To encourage economic development and a variety of housing opportunities; foster neighborhood revitalization, and discourage displacement of residents.

Section 16-20M.002. Scope of Regulations.

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

Section 16-20M.003. Boundaries.

The boundaries for the Oakland City Historic District constitute an overlay Historic District (HD) zoning district, which district shall be as shown on the official zoning map adopted herewith entitled the "Oakland City Historic District."

Section 16-20M.004. Definitions.

For the purposes of interpreting this Chapter 20M, the following definitions shall apply:

- (1) "Deck" means a roofless platform adjoining a house, generally made of unfinished wood and supported by posts.

- (2) "District" means the Oakland City Historic District, as shown on the official zoning map adopted herewith entitled the "Oakland City Historic District."
- (3) "Fenestration" means the arrangement, proportion, and design of windows and doors in a building.
- (4) "Principal Structure" means the main habitable structure on a property, exclusive of detached accessory structures.
- (5) "Public Street" means publicly dedicated streets or roads and specifically excludes alleys in the District.

Section 16-20M.005. Compatibility Rule

The intent of the Mayor and Council in establishing the regulations of the Oakland City Historic District is to ensure that all work requiring a Certificate of Appropriateness is compatible with the historic design, scale, and general character of the entire district and of the contributing structures in the immediately adjacent environment of a particular block face. 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.), the element or building characteristic in question shall be compatible with that which predominates in such like contributing structures on that block face and shall be internally consistent with the historic design of the structure.

Section 16-20M.006 General Criteria.

- (1) Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- (2) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
- (3) The commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20M do not specifically address the application.

Section 16-20M.007. Certificates of Appropriateness.

- (1) 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.
- (2) Type II Certificates of Appropriateness shall be required for: minor alterations to any principal structure when the alterations are visible from a public streets; and the construction of fences, walls, accessory structures, decks, and paving. If the proposed alteration meets the requirements of section 16-20M.007, then the director of the commission shall issue the Type II Certificate of Appropriateness within 14 days of application for such certificate. If the proposed alteration does not meet the requirements of section 16-20M.012 and .013, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates of Appropriateness may be taken by any aggrieved

person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates of Appropriateness.

- (3) Type III Certificates of Appropriateness shall be required for:
 - a).Construction of all new principal structures
 - b).All major alterations and additions to an existing structure, when the alterations or additions are visible from a public street.
- (4) 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, which destroys the structure's historic interpretability or importance.

Section 16-20M.008. Variances.

Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

Section 16-20M.009. Financial Hardship Exemptions.

- (1) These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the grounds of economic hardship to the property owner.
- (2) The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.
- (3) The commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - a) The present income of the property owner(s) and those occupying the property;
 - b) The age of the property owner;
 - c) The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
 - d) The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
 - e) The costs associated with adherence to these regulations;
 - f) The degree of existing architectural significance and integrity of the structure; and
 - g) The purpose and intent of this chapter.
- (4) The commission shall consider these factors and shall grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.

Section 16-20M.010. Subdivisions.

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 district established during the period of significance from 1867 to 1955 with regard to lot size, dimensions, and configurations.

Section 16-20M.011. Tree Preservation and Replacement.

The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.

Section 16-20M.012. Development Controls

- (1) Front Yards: Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) comply with the compatibility rule.
- (2) Side Yards: Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
- (3) Rear Yard: Rear yard setback shall be seven (7) feet.
- (4) Off-street parking and driveway requirements:
 - (a) Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - (b) The commission shall have the authority to vary Section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - (c) If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.
 - (d) The compatibility rule shall apply to the construction of side-by-side driveways and, if permitted, the design thereof.
- (5) Floor area ratio shall not exceed 0.50.

Section 16-20M.013. Architectural Standards.

(1) Statement of Intent.

The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Minimal Traditional Cottages.

(2) Design Standards and Criteria for New Principal Structures.

- (a) No individual house design shall substantially repeat a design of a new principal structure on the block face that was approved by the commission since the adoption of this District.
- (b) An unpaved planting strip adjacent and parallel to the public street shall be provided. The compatibility rule shall apply to the dimensions and design of planting strips.
- (c) A sidewalk between the planting strip and the required front yard and parallel to the public street shall be provided. The sidewalk shall be the same width as the sidewalk on abutting properties or it shall be the width otherwise required by City ordinance, whichever is greater. If no sidewalk exists in the block, the new sidewalk shall not be less than six-feet wide. The compatibility rule shall apply to sidewalks paving materials. If no sidewalk paving material predominates in the block, the sidewalk shall be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or brick.
- (d) A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
- (e) All front facades, front porches, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the compatibility rule shall apply.
- (f) The compatibility rule shall apply to the form and pitch of the primary roof of the primary structure.
- (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.
- (h) The maximum height of the first floor of the front façade above grade shall be subject to the compatibility rule. At a minimum, the first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall not be less than seven inches in height. Slab-on-grade construction is not permitted.
- (i) The compatibility rule shall apply to the design and size of front porches, and the placement and orientation of front steps. Front porches shall contain roofs, balustrades, columns, steps, and other features as determined by the compatibility rule. Front porches may extend up to ten feet into the required front yard. All front porch steps shall have closed risers and ends.
- (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 principal structure.
- (k) The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street as a façade element, the chimney shall originate at grade.
- (l) Fences and walls, excluding retaining walls, visible from a public street upon completion, subject to provisions of section 16-28.008(5) and the following limitations, may occupy required yards:
 - 1. Fences not exceeding four 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 half-depth front yard.
 - 2. Fences and walls, excluding retaining walls, not exceeding six feet in height may be erected in side or rear yards.

3. The compatibility rule shall apply to the design of all fences located in a front yard or half-depth front yard. Fences located in the front yard or half-depth front yard shall be constructed of brick, stone, ornamental iron, or wood. Chain link fencing is not permitted in front yards or half-depth front yard.
- (m) The compatibility rule shall apply to the design and height of portions of retaining walls located in a front yard or half-depth front yard that are visible from a public street. Such retaining walls shall be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, at no point of such retaining wall shall exceed four feet in height.
- (n) Fenestration, if visible from a public street upon completion, shall meet the following requirements:
1. Windows in the front façade shall be predominantly vertical in proportion.
 2. If muntins or mullions are used, such muntins or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 3. Window and door casing widths and depths:
 4. Replacement windows units shall maintain the size and shape of the original window opening.
 5. The compatibility rule shall apply to the following aspects of fenestration:
 - a. The size and shape of individual window openings.
 - b. The overall pattern of fenestration as it relates to the building façade.
 - c. The style of the individual window.
- (o) Mechanical and communication equipment shall be located to the side or rear of the principal structure and in the location least visible from a public street. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street.
- (p) Subject to the compatibility rule, wood or smooth-finish cementitious lap siding, wood shingles, brick, stone, and true stucco are permissible building materials for the façades of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- (q) In addition to all other applicable regulations, the compatibility rule shall apply to the following building materials and design elements, if visible from a public street upon completion:
1. The dimensions of the exposed face of lap siding and wood shingles.
 2. The type of brick and pattern of brickwork.
 3. The type of stone and pattern of stonework.
 4. The material and texture of stucco.
 5. The size and type of exterior doors. Notwithstanding the compatibility rule, exterior doors shall be wood panel or fixed glass panel in wood frame.
 6. The materials and pattern of roofing.
 7. Gables and gable returns.
 8. Dormers
 9. Paving materials for walks and drives.
 10. Above-grade foundation materials. Notwithstanding the compatibility rule, foundations shall constitute a distinct building design element and shall contrast with the primary façade's exterior material and exposed concrete or concrete masonry unit (CMU) foundation walls are prohibited as a finished surface.

11. Exterior portions of chimneys. Notwithstanding the compatibility rule, chimneys shall be faced with masonry and siding on chimneys is not permitted.
12. The location and design of skylights. Notwithstanding the compatibility rule, when practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding “bubble” skylights are prohibited.

Section 16-20M.014. Limits on two-family development. In order to preserve the character of the predominant single-family and two-family pattern of development in the District, for new principal buildings that are designed as two-family dwellings, the following design elements shall be subject to the compatibility rule:

- (1) Number, location, and orientation of the front entry into each dwelling unit;
- (2) Number, location, and orientation of the front porch and front porch steps; and
- (3) Number, location, and orientation of walkways from the principal structure to the public sidewalk.

Section 16-20M.015. Permitted accessory uses and structures.

These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These uses and structures include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part.

- (1) Greenhouses, garden sheds, private garages, and similar structures. When a private garage is part of a principal structure, the garage door may not be located on the front façade of the principal structure, or the side façade if visible from a public street.
- (2) Home occupations, subject to limitation set forth in section 16-29-001(17).
- (3) Structures necessary for active construction projects.
- (4) Devices for the generation of energy, such as solar panels, wind generators, and similar devices, but not located in front of the principal structure.
- (5) The following regulations shall apply to all permitted accessory uses and structures:
 - (a) Exception in the case of home occupation, no accessory use shall be of a commercial nature.
 - (b) No accessory structure shall be constructed until construction of the principal structure has actually begun, and no accessory structure shall be used or occupied until the principal structure is completed and in use.
 - (c) Accessory structures shall not cover more than 25 percent of the rear yard.
 - (d) Accessory structures shall be placed behind the principal structure within the buildable area of the lot.
 - (e) Accessory structures shall not exceed 25 feet in height or the height of the principal structure, whichever is less, and shall not contain a total floor area greater than 30 percent of the floor area of the principal structure.

Section 16-20M.016. Design Standards and Criteria for Alterations and Additions to Non-contributing Structures

Alterations and additions to non-contributing structures requiring a Certificate of Appropriateness, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20M.013 (2)

above.

Section 16-20M.017. Design Criteria for Alterations and Additions to Contributing Structures.

- (1) Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following:
 - (a) Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations set forth in subsection 16-20M.013 (2) above; or
 - (b) Alterations and additions shall not destroy historic materials that characterize the property. The new building elements and materials may differentiate from the old. To protect the historic integrity of the property and its environment, the compatibility rule shall apply to any new work regarding the massing, size, scale, and architectural features of the property and environment.
- (2) An increase in floor area otherwise authorized in the district shall not constitute grounds for denial of a Certificate of Appropriateness.

Section 16-20M.018. Further Provisions

Any time the provision 16-20.011(b) of the Land Development Code is enforced in this district, the director of the commission shall notify the Oakland City Neighborhood Association within 10 days and a 30-day period for comment be allowed for the association.

Sign Ordinance (Chapter 28): Oakland City Historic District

Sec. 16-28A.010. District regulations.

- (37) Oakland City Historic District. The following regulations shall apply to the Oakland City Historic District.
- (1) Except when otherwise explicitly provided, the provisions of chapter 28A of this part shall apply to this district.
 - (2) The regulations for this District shall be the same as the regulations in section 16-28A.010(1), provided that:
 - (a) No permit shall be issued for the erection of any sign prior to the issuance of a Certificate of Appropriateness by the commission pursuant to chapter 20; and
 - (b) The location of the sign, unless otherwise specified within this subsection (37), shall be subject to the approval of the commission simultaneously with the request for a Certificate of Appropriateness by the commission pursuant to chapter 20.
 - (3) No general advertising signs shall be permitted in the Oakland City Historic District.
 - (4) No animated, changing, or flashing signs shall be permitted in the Oakland City Historic District.
 - (5) No internally illuminated signs shall be permitted in the Oakland City Historic District.