

## **CHAPTER 20N. CASTLEBERRY HILL LANDMARK DISTRICT REGULATIONS**

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

The intent of the regulations for the Castleberry Hill Landmark District is as follows:

1. To preserve the historic physical pattern of the district, including the spatial relationships between buildings, and the spatial relationship between buildings and the street;
2. To preserve the architectural history of the district including commercial and industrial buildings that were constructed from the 1890s to 1959, including the largest concentration of historic warehouses in the city;
3. To ensure that new development is complementary to and compatible with the existing historic structures in the district;
4. 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;
5. To ensure that new development that uses contemporary design and materials is compatible with and sensitive to the historic character of the Castleberry Hill Landmark District;
6. To encourage compatible economic development and neighborhood revitalization that promote a livable, sustainable neighborhood;
7. To promote pedestrian convenience and connect buildings to the public life of the street; and
8. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

(Ord. No. 2006-09, § 3(Att. C), 3-14-06)

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

The scope of these regulations for the Castleberry Hill Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of chapter 20 of this part shall apply to this district. Whenever the regulations of chapter 20N conflict with the provisions of chapter 20, the regulations of chapter 20N shall apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Castleberry Hill Landmark District shall continue to apply. In the event of any conflict between said other regulations and the following regulations of this chapter 20N, the interpretation provision set forth in section 16-20.011(c) of the Code of Ordinances shall govern.

(Ord. No. 2006-09, § 3(Att. C), 3-14-06)

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

The boundaries of the Castleberry Hill Landmark District shall be as shown on the official zoning map adopted herewith entitled "Castleberry Hill Landmark District." The district is divided into two subareas as follows:

1. Historic Core, Subarea 1.
2. Transitional Historic Areas, Subarea 2.

(Ord. No. 2006-09, § 3(Att. C), 3-14-06)

#### **Sec. 16-20N.004. Definitions.**

For the purposes of interpreting this chapter 20N, the following definitions shall apply:

1. "*District*" means the Castleberry Hill Landmark District, as shown on the official zoning map adopted herewith entitled the "Castleberry Hill Landmark District."
2. "*Fenestration*" means the arrangement, proportion, and design of windows and doors in a building.
3. "*Principal structure*" means the main structure on a property, exclusive of any detached accessory structures.
4. "*Public street*" means publicly dedicated streets and specifically excludes alleys in the District.
5. "*Additions to the roof of a principal structure*" means any enclosed space that does not meet the definition set out in section 16-28.022(1).
6. "*Arterial street*" means main artery through neighborhood (Peters, Nelson, Walker, Whitehall, McDaniel, Spring, Mitchell and Fair streets; and Northside, M. L. King, Jr. and Centennial Olympic Park drives.)

(Ord. No. 2006-09, § 3(Att. C), 3-14-06)

#### **Sec. 16-20N.005. Organization.**

The zoning regulations for the district consist of two parts. The first part consists of general regulations that apply to all properties located within this district. The second part consists of specific regulations that apply to the identified subareas.

(Ord. No. 2006-09, § 3(Att. C), 3-14-06)

#### **Sec. 16-20N.005. Certificates of appropriateness.**

1. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.
2. Type I certificates of appropriateness are not required in this district.
3. Type II certificates of appropriateness shall be required for: minor alterations to the facade of any principal structure, including but not limited to: exterior stairs, landings, railings, awnings, canopies, and front stoops; and the construction of fences, walls, retaining walls, accessory structures, and paving. If the proposed alteration meets the requirements of section 16-20N.006, 16-20N.007, and 16-20N.008, 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 16-20N.006, 16-20N.007, and 16-20N.008, 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.

4. 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 principal structure, including all major alterations and additions to the roofs of principal structures.

5. 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.

(Ord. No. 2006-09, § 3(Att. C), 3-14-06)

### **Sec. 16-20N.006. General regulations.**

The following general regulations shall apply to all properties located within the district.

1. *[Standards.]* In the district, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20N do not specifically address the application or any portion of the application:

- (a) The historic character of a property shall be retained and preserved.
- (b) The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
- (c) Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historic 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 shall be retained and preserved.
- (e) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
- (f) Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
- (g) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- (h) Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- (i) New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible

with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(j) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(k) Contemporary design for new construction and for additions to existing properties shall not be discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy section 16-20N.007 or section 16-20N.008, as applicable.

(l) The height of a structure shall be measured on the facade facing the public street and measurement shall be taken from the highest point of such grade to the top of the parapet wall.

## 2. *Compatibility rule.*

(a) The intent of the regulations and guidelines is to ensure that alterations and additions to existing structures and new construction are compatible with the design, proportions, scale, and general character of the block face, the entire block, a particular subarea or the district as a whole. To permit flexibility, some regulations are made subject to the compatibility rule, which states: "Where not quantifiable, the element in question (building proportion, roof form, fenestration, etc.) shall match that which predominates on the contributing buildings in the subarea. Where quantifiable, the element in question (i.e., distance of first floor above sidewalk grade), shall be no smaller than the smallest or larger than the largest such dimensions of the contributing buildings in the subarea."

(b) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."

3. *Variances, special exceptions, and appeals.* Variance applications, applications for special exceptions, and appeals from these regulations shall be heard by the commission. The commission shall have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16. The commission shall have the authority to grant or deny applications for special exceptions pursuant to the standards in chapter 25. The commission shall have the authority to grant or deny applications for appeal pursuant to the standards in section 16-30.010 and the appeal provisions for said decision, set forth in section 16-30.010(e), shall also apply to the commission's decision.

## 4. *Financial hardship exemptions.*

(a) These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance 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 principal residence on the ground of economic hardship to the property owner.

(b) The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.

(c) The commission shall 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 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.

5. *Subdivisions of lots.* The subdivision of any lot within this district shall be subject to review and approval by the commission. No subdivision of lots shall be approved by the director of the bureau of planning unless said matter has first been submitted to and approved by the commission. The commission shall find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of a particular subarea or the district as a whole, may be reasonably situated and constructed upon such lots.

6. *Aggregation of lots.* No lots shall be aggregated except upon approval of the commission. Applications shall be made to the commission. The commission shall find 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.

7. *Tree preservation and replacement.* The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.

8. *Off-street and off-site parking.*

(a) All new construction, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential uses, or any change in use shall include the required off-street parking.

(b) The number of required off-street parking spaces is set out in each subarea.

(c) Off-street or off-site parking located adjacent to public streets or sidewalks shall include landscape buffer strips along the public street or sidewalk. Landscape buffer strips shall be: a minimum of three feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of 12 feet in height at time of planting placed no further than 25 feet on center. All landscape buffer strips shall be maintained in a sightly manner.

(d) Use of shared driveways and/or alleys is encouraged. Required driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the commission.

(e) Curb cuts and driveways are not permitted on any arterial street when

reasonable access may be provided from a side or rear street or from an alley.

(f) 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.

(g) No circular drives shall be located between any principal building and any public street.

(h) One curb cut is permitted for each development. Developments with more than one public street frontage or more than 300 feet of public street frontage may have two curb cuts.

(i) No drop-off lanes are permitted along public streets, except as required by educational and religious facilities.

(j) Sidewalk paving materials shall be continued across intervening driveways.

(k) Entrances to garages that serve residential units shall be located in a side or rear yard.

(l) All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards, to serve garages and parking areas.

(m) Parking deck facades shall conceal automobiles from visibility from any public street, or private drive or street that is open to the general public, and shall have the appearance of a horizontal storied building.

(n) Parking decks along the arterial street frontage shall have:

- i. Ground floor storefronts; or
- ii. Ground floor residential uses.

*9. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:*

(a) The distance above the sidewalk grade of the first floor of the building shall be subject to the compatibility rule. This requirement shall only apply to the facade of the building determined by subsection 16-20N.006(1)(I).

(b) Setbacks.

i. The facades of principal buildings facing a public street shall not be setback from the property line.

ii. Facades of a principal building adjacent to a side property line shall not be setback from the side property line, except under the following circumstances:

a. Facades with windows shall meet section 704.8 of the 2000 International Building Code, and shall not exceed six feet.

b. In the case of the installation of a driveway along a side property line, the facade shall be setback ten feet from the property line for one-way drives and 20 feet for two-way drives.

iii. There shall be no rear yard setback requirements.

(c) All street-fronting sidewalk level development shall provide fenestration for a minimum of 60 percent of the length of the frontage, beginning at a point not more than three feet above the public sidewalk, for a height no less than nine feet above the sidewalk.

(d) Sidewalk level development without fenestration shall not exceed a maximum length of ten feet of facade.

(e) Nothing may be erected, placed, planted, or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade.

(f) Relationship of building to street.

i. The first eight feet of all building levels that have sidewalk level arterial street frontage shall have a commercial, office, or residential use and shall not be used for parking or storage.

ii. The primary pedestrian entrance to all uses and business establishments with sidewalk level street frontage shall:

a. Be visible from the street.

b. Be directly accessible, visible, and adjacent to the sidewalk, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.

c. Face and be visible to an arterial street when located adjacent to such arterial streets.

iii. A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, shall contrast with their background, and shall be a minimum of four inches in height with a minimum stroke of 0.5 inch.

(g) Facade materials. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the facades of the principle structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Aluminum siding and vinyl siding are not permitted on any facade.

(h) Awnings and canopies.

i. Original awnings and canopies shall be retained.

ii. Replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.

iii. Awnings and canopies must have a minimum clearance of eight feet above the sidewalk level, and shall not encroach more than five feet over the public sidewalk.

iv. Installation of new canopies, where none previously existed, shall be permitted only if they are compatible with the original structure.

v. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.

vi. New awnings shall be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.

vii. Multiple awnings on a single building shall be similar in shape and configuration.

viii. Only that portion of the awning used for signage shall be illuminated.

10. *Exterior stairs and landings.*

- (a) Except for the primary pedestrian entrance to a unit or building, all exterior stairs and landings must be on the side or rear of the principle structure and substantially parallel to the structure.
- (b) Stair treads must be equal widths.
- (c) Exterior stairs and landings shall be constructed of metal or poured concrete.

11. Structures on the roofs of principal buildings.

- (a) All components of a structure or addition on the roof of a principal building visible from a public street shall be metal or masonry.
- (b) The enclosed floor area of a habitable structure shall not exceed 25 percent of the roof area above occupied space, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator, and stair landings.

12. *Lighting, security, and maintenance requirements for parking structures and surface parking lots.*

- (a) Lighting shall be provided throughout all parking facilities at a minimum of one-half foot-candle of light.
- (b) Parking deck lighting fixtures may not be visible from any public street or park or from any private street.
- (c) Parking facilities shall be maintained in a clean, safe, and sanitary condition. Parking spaces and driving lanes shall be clearly defined and maintained.

13. *Fences, walls, and retaining walls.*

- (a) Fences shall be no more than ten feet high.
- (b) Fences between the principal building and the public street shall be constructed of metal, brick, stone, ornamental iron or metal, or architectural masonry.
- (c) Fences to the rear or side of the principal building shall be constructed of metal, brick stone, ornamental iron or metal, architectural masonry, chain link, or wood.
- (d) Walls shall not be permitted between the principal building and the public street. Walls shall be no more than ten feet high. Walls, including retaining walls, shall be constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.
- (e) Retaining walls adjacent to a public street or sidewalk shall not exceed four feet in height, unless required by existing site topography.
- (f) Adjacent to a public street or sidewalk, the total height of any combination of fencing, wall and/or retaining wall shall not exceed ten feet.

14. *Permitted accessory uses and structures.* The uses and structures that are customarily incidental and subordinate to permitted uses and structures are authorized, subject to the following restrictions:

- (a) Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises and such merchandise shall occupy no more than 25 percent of the total floor area on the premises.

- (b) No storage shall be provided in any portion of a structure adjacent to any public sidewalk, public park, or plaza.
- (c) No off-premises storage of merchandise shall be permitted in this subarea either as a principal or accessory use.
- (d) 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.
- (e) Accessory structures shall be placed behind the principal structure within the buildable area of the lot.
- (f) Accessory structures shall not cover more than 25 percent of the rear yard.
- (g) Accessory structures shall not exceed 25 feet in height or the height of the principal structure, whichever is less.
- (h) Shall be located in the least visible location within the permissible area.
- (i) May require screening with the appropriate plant or fence materials.
- (j) Swimming pools, tennis courts, and similar active recreation facilities are permitted subject to the following limitations:
  - i. Such active recreation facilities shall require a special exception from the urban design commission, which special exception shall be granted only upon finding that:
    - a. The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic; and
    - b. The area for such activity could not reasonably be located elsewhere on the lot.
  - ii. The urban design commission may 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.

15. *Applications.* Materials necessary for complete review of an application shall be submitted with the application as set forth by the director. In addition, a scaled site plan of the property showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements shall be submitted for all type III certificate of appropriateness applications. For new construction of a principal building, the application shall also include a scaled drawing showing setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.

16. *Additional notifications.*

- (a) The applicant of type III (including variances) & IV certificates of appropriateness shall be given contact information for the Castleberry Hill Neighborhood Association by the commission and shall be directed to provide the Association with a copy of the submitted application and attachments within three days of submission to the commission.
- (b) Any time the provision 16-20.011(b) of this part is enforced in this district, the director of the commission shall notify the Castleberry Hill Neighborhood

Association within ten days and a 30-day period for comment be allowed for the association.

(c) The director shall regularly send to the Castleberry Hill Neighborhood Association the agenda for each meeting of the commission in which there is any agenda item for property within the District.

17. *Signage.* The provisions of the Atlanta Sign Ordinance apply to this district.

(Ord. No. 2006-09, § 3(Att. C), 3-14-06; Ord. No. 2007-47(07-O-0978), § 1, 8-28-07)

### **Sec. 16-20N.007. Specific regulations for Historic Core, Subarea 1.**

In the Castleberry Hill Historic Core, Subarea 1, the commission shall apply the standards referenced in section 16-20N.006(1) only if the standards set forth in section 16-20N.007 do not specifically address the application or any portion thereof:

[1.] *Design standards and other criteria for construction of, additions to, or alterations of principal buildings:*

(a) The compatibility rule shall apply to the general facade organization, proportion, scale, and roof form of the principal structure.

(b) The height of a principal structure shall be 40 feet. Properties with first floor retail space exceeding 12 feet in height shall have a ten percent height bonus, allowing for a maximum height not to exceed 44 feet. With the exception of properties north and east of Mangum Street that front Nelson Street, which shall have a ten-foot height bonus, allowing for a maximum height not to exceed 50 feet.

(c) All building elements shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements, including but not limited to their: design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the facade:

(d) Fenestration.

i. The compatibility rule shall apply to the following aspects of fenestration:

a. The style and material of the individual window or door.

b. The size and shape of individual window and door openings.

c. The overall pattern of fenestration as it relates to the building facade.

d. The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.

ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.

iii. If muntins and/or mullions are used, such muntins and/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.

iv. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.

(e) Facades.

- i. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the facades of the principal structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any facade.
  - ii. Covering of the original facade shall not be permitted.
  - iii. Painting of unpainted stone, terra cotta, and brick is prohibited.
  - iv. All cleaning of stone, terra cotta, and brick shall be done with low-pressure water and mild detergents.
  - v. All repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints shall be duplicated in width and in joint profile.
- (f) Lighting and storefront illumination.
  - i. Security, decorative, and other lighting shall minimize light spillage by providing cutoff luminaries that have a maximum 90-degree illumination. The commission may also require other elements to reduce light spillage.
  - ii. Any security, decorative, or other lighting luminaries shall be located a minimum height of eight feet above the sidewalk, drive, or pedestrian area.
- (g) Loading areas, loading dock entrances, and building mechanical and accessory features.
  - i. Commercial dumpsters shall not be visible from any public street. Residential dumpsters shall not be visible from: Walker Street, Nelson Street, or Peters Street. Notwithstanding the visibility requirements noted above, all dumpsters shall be concealed with walls six feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.
  - ii. Loading docks and loading areas shall not be permitted on the primary facade of a principal building.
  - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
  - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.
  - v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal facade material of the building.
- (h) Excluding the flare at the street, driveways shall not exceed ten feet in width for one-way drives or 20 feet in width for two-way drives. Loose stone or gravel is not permitted as a paving material.
- (i) Sidewalk regulations.
  - i. Hexagonal sidewalk pavers shall be retained.
  - ii. Hexagonal sidewalk pavers or hexagonally stamped concrete shall be

used for any new sidewalks or replacement sidewalks on the public streets.

- iii. Any new or replacement curbing shall be granite.
- iv. New sidewalks shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be a minimum of seven feet wide and a maximum of 15 feet wide.
- v. Street furniture: Street furniture to include, but is not limited to: street lights, seating, newspaper vending boxes, trash receptacles, official city and neighborhood signage, trees and shrubs and flower pots.
- vi. Outdoor seating: Seating areas should be specifically defined and located as to not obstruct pedestrian access or motorist visibility.
- vii. Umbrellas: Must have a minimum clearance of seven feet above the sidewalk level and located as to not obstruct pedestrian access or motorist visibility.
- viii. Newspaper vending boxes: Should be located as to not obstruct pedestrian access or motorist visibility.
- ix. Tree planting: When installed, all newly planted trees shall be a minimum of four inch caliper measured 36 inches above ground, and a minimum of ten feet in height. Trees shall be drought tolerant, limbed up to a minimum seven-foot height, and shall have a maximum mature height of 40 feet. Trees shall have a minimum planting area of 25 square feet. All plantings, planting replacement, and planting removal must be approved by the city arborist. The planting area shall be planted with evergreen ground cover such as mondo grass or *liriope spicata*.
- x. Trash receptacles: Where installed, trash receptacles shall be a Victor Stanley Model S-42 or similar looking standard.
- xi. Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equal distance between any street trees along all streets. All said lights shall be Atlanta Type "C" as approved by the planning bureau.

2. *Permitted principal uses and structures*: A building or premises shall be used only for the following principle purposes:

- (a) Multi-family dwellings, two-family dwellings, and single-family dwellings.
- (b) Residential and nonresidential uses, as otherwise allowed below, on the same site, in which both of such uses are at least 20 percent of the total floor area, excluding accessory uses.
- (c) Any of the following uses provided they do not exceed 2,000 square feet of floor area:
  - i. Retail establishments, including delicatessens, bakeries and catering establishments.
  - ii. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
  - iii. Barber shops, beauty shops, and similar personal service establishments.

- iv. Tailoring, custom dressmaking, millinery, and similar establishments.
  - v. Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks, and similar devices.
- (d) Any of the following uses provided they do not exceed 5,000 square feet of public areas:
- i. Eating and drinking establishments.
  - ii. Museums, galleries, auditoriums, libraries, and similar cultural facilities.
  - iii. Professional or service establishments, but not hiring halls.
- (e) Structures and uses required for the operations of MARTA or public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.
- (f) Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing shall be conducted from within the District. No use or manner of operation shall be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the residential character of this subarea.
- (g) Offices, studios and similar uses provided that no such individual business establishment shall exceed 15,000 square feet of floor area.

3. *Off-street parking requirements.* The following parking requirements shall apply to all uses:

- (a) Off-street parking shall not be permitted between the principal building and the public street.
- (b) Off-street parking may be located in a rear or side yard.
- (c) All dwellings: Off-street parking requirements shall be as follows: See section 16-08.007, Table I, for applicable ratios according to the appropriate floor area ratio.
- (d) All other uses: No off-street parking is required.

(Ord. No. 2006-09, § 3(Att. C), 3-14-06; Ord. No. 2007-47(07-O-0978), § 2, 8-28-07)

### **Sec. 16-20N.008. Specific regulations for transitional historic areas, Subarea 2.**

The following regulations shall apply to all properties located within this subarea:

1. *[Intent]*. The intent of the regulations for the Transitional Historic Areas, Subarea 2, is as follows:
  - (a) To encourage neighborhood-oriented development.
  - (b) To promote pedestrian safety and connectivity.
  - (c) To recognize that Centennial Olympic Park Drive is an important gateway to the Castleberry Hill Landmark District.
2. *Maximum heights.* The height of a principle structure shall be 50 feet. Properties with first floor retail space exceeding 12 feet in height shall have a ten percent height bonus,

allowing for a maximum height not to exceed 55 feet.

3. *Setbacks.* The setback of the principal building facades that face a public street shall be between zero and 40 feet.

4. *[Lot coverage.];* Maximum lot coverage shall not exceed 80 percent.

5. *[Railroad right-of-way.]* Properties adjacent to the railroad right-of-way shall have a minimum of a 20 feet continuous buffer adjacent to the railroad right-of-way. Said buffer may not be required to exceed 20 percent of the total property area and shall be completely landscaped except for trails, paved walkways, benches and other such recreational features as approved by the director of the bureau of planning. Said buffer shall be considered as part of the required open space or public space for the lot, even if such buffer area is dedicated to the city or other governmental entity for recreation use or such buffer area is conveyed to a conservation group.

6. *Loading areas, loading dock entrances, and building mechanical and accessory features.*

i. Commercial dumpsters shall not be visible from any public street. Residential dumpsters shall not be visible from: Walker Street, Nelson Street, or Peters Street. Notwithstanding the visibility requirements noted above, all dumpsters shall be concealed with walls six feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.

ii. Loading docks and loading areas shall not be permitted on the primary facade of a principal building.

iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.

iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.

v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal facade material of the building.

7. *Sidewalk regulations.*

(a) Public sidewalks shall be located along all public streets and shall have minimum width of 15 feet along Whitewall Street, Spring Street, Centennial Olympic Park Drive and ten feet along all other streets.

(b) Sidewalks consist of two zones:

i. A street furniture and tree-planting zone;

ii. A clear zone.

(c) The street furniture and tree-planting zone shall have a minimum width of four feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. Trees are required, and this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

(d) Street trees are required and shall be planted a maximum of 40 feet on center

within the street furniture and tree-planting zone and spaced an equal distance between street lights. All newly planted trees shall be a minimum of four inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall have a minimum planting area of 25 square feet. All plantings, planting replacement, and planting removal must be approved by the city arborist. The area between required plantings shall be planted with evergreen ground cover such as mondo grass or lirioppe spicata.

(e) Tree grates are not required where all sidewalk width requirements are met. Where tree grates are installed, they shall be a type specified by the director of planning in accordance with uniform design standards utilized by the director of planning for placement of such objects in the public right-of-way, and shall be placed within the street furniture and tree-planting zone.

(f) Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equal distance between required trees along all streets. Where installed, said lights shall be located within either the street furniture and tree-planting zone or the supplemental zone. All said lights shall be Atlanta Type "C" as approved by the planning bureau.

(g) Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.

(h) Trash receptacles, where installed, shall be a Victor Stanley Model S-42 or similar looking standard, and shall be placed within the street furniture and tree-planting zone.

(i) The clear zone shall be a minimum width of six feet along all streets. Said zone shall be located adjacent to the street furniture and tree-planting zone and shall be continuous. Said zone shall be hardscape and shall be unobstructed for a minimum width of five feet and a minimum height of eight feet by any permanent or nonpermanent element.

8. *Minimum landscaping requirements for surface parking lots.* All parking lots containing five or more parking spaces shall comply with all of the requirements of section 16-14.012.

9. *Roof lines.* Roofs of new construction, additions, or alterations shall either be flat or pitched only if such pitched roofs are not visible from a public street due to parapet walls or other facade treatments.

10. *Permitted principal uses and structures.* In addition to those uses permitted in section 16-20N.007(2), a building or premises shall be used only for the following principle purposes:

- (a) Banks, savings and loan institutions, and similar financial establishments.
- (b) Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services.
- (c) Childcare centers, kindergartens and special schools.
- (d) Clubs and lodges.
- (e) Commercial greenhouses.
- (f) Institutions of higher learning, including colleges and universities.
- (g) Hotels and rooming houses.

(h) Laundry and dry cleaning collection stations and laundry and dry cleaning establishments where customers operate equipment.

(i) Manufacturing, wholesaling, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines, and appliances and the like, where the character of operations, emissions, and by-products do not create adverse effects beyond the boundaries of the property. Use of heavy drop hammers, punch presses, or other machinery or processing methods creating excessive noise or vibration is prohibited in this district.

(j) Mortuary and funeral homes.

(k) Offices, studios, clinics (including veterinary if animals are kept within soundproof structures); laboratories, and similar use, but not blood donor stations except at hospitals. Veterinary clinics shall be located within soundproof buildings when located within 300 feet of any residential use.

(l) Parking lots and structures.

(m) Plumbing, air conditioning service and repair.

(n) Printing or blueprinting shops.

(o) Service and repair establishments dealing with office equipment or installations; minor repairs to plumbing, heating or air conditioning installations, replacement of glass, roof repairs and the like.

11. *Off-street parking requirements.* The following parking requirements shall apply to all uses:

(a) All dwellings: Off-street parking requirements shall be as follows: See section 16-08.007, Table I, for applicable ratios according to the appropriate floor area ratio.

(b) All non-residential uses: Off-street parking shall be required as set out in section 16-16.009. All non-residential uses not specified in section 16-16.009 shall provide one parking space for each 300 square feet of floor area.

(c) For parcels less than 4,000 square feet, no off-street parking is required for non-residential uses.

(Ord. No. 2006-09, § 3(Att. C), 3-14-06)

**//Atlanta, Georgia/CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2008-18(06-O-1947), enacted March 25, 2008. (Supplement No. 40)/Part 16 ZONING\*/CHAPTER 20N. CASTLEBERRY HILL LANDMARK DISTRICT REGULATIONS**