

4/29/81

ORDINANCE NO. 16957

An Ordinance amending CHAPTER 51, "COMPREHENSIVE GENERAL ZONING ORDINANCE," of the Dallas City Code, as amended, by changing the zoning and classification of the following described property to-wit:

Being all of City Block 1/492 bounded by Swiss Avenue, Liberty Street, Floyd Street and Oak Street, and containing 95,000 square feet of land.

shall be changed from its present Heavy Commercial District to a General Retail Historic District/13; providing for specific criteria for the historic preservation of the property and structures; providing a penalty; providing a savings clause; providing a severability clause; and providing an effective date.

WHEREAS, the City Plan Commission and the City Council in compliance with the Charter, the State Law, the Zoning Ordinance, and CHAPTER 19, HISTORIC LANDMARK PRESERVATION, of the Dallas City Code, as amended, have given the required notices and after holding public hearings regarding the rezoning, the City Council finds that it is in the public interest to grant the rezoning and designate this property as a Historic Landmark, subject to the conditions set out herein; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That CHAPTER 51, "COMPREHENSIVE GENERAL ZONING ORDINANCE," of the Dallas City Code, as amended, be, and the same is, hereby amended insofar as it applies to the property hereinafter described, which is rezoned from its present Heavy Commercial District to a General Retail Historic District/13, to-wit:

Tract 1

Being all of City Block 1/492 with the exception of a rectangular tract of land at the north corner of Floyd Street and Liberty Street, fronting 236.30 feet on the northwest line of Floyd Street and fronting 115.68 feet on the northeast line of Liberty Street, with Tract I fronting 134.70 feet on the northwest line of Floyd Street, fronting 225.65 feet on the southwest line of Oak Street, fronting 350 feet on the southeast line of Swiss Avenue, fronting 115 feet on the northeast line of Liberty Street and containing 52,835 square feet of land (1.2 acres).

Tract 2

Being the southeastern section of City Block 1/492, located at the northwest corner of Floyd Street and Liberty Street, fronting 236.30 feet on the northwest line of Floyd Street, having a depth of 115.68 feet and fronting 115.68 feet on the northeast line of Liberty Street, having a depth of 236.30 feet and containing 27,335.18 square feet of land.

SECTION 2. That no development of the property shall adversely affect any historical or architectural feature of the building. All alterations, reconstructions and additions to the property or external portion of any structure shall conform to the following criteria:

TRACT I

- A. QUALITIES OF THE BLOCK: All new construction, redeveloped or move-in structures in the Wilson Block shall be based on the following criteria:
1. Rhythm of Spaces Between Buildings -- Moving past a sequence of buildings, one experiences a rhythm of recurrent building masses to spaces between them. The rhythm established by a recurrence or repetition of the ratio between building widths and the spaces between them shall be maintained. Each blockface shall be evaluated to determine the appropriate rhythm of spaces. To preserve this rhythm of spaces the minimum lot width shall be 55 feet and the maximum lot width shall be 65 feet.
 2. Landscaping -- The open expanse of front yards and the quantities of planting within them serves as a transitional area between public and private space and can serve to unify the streetscape:
 - a. There shall be no new fence, except as described herein (see Section A.10.), or any hedgegrowth allowed in any space of the front yard; foundation planting adjacent to a building's front facade are allowed if they do not exceed three feet in height. Trees, floral plantings (annual and perennials), and groundcover are allowed in the front yard.
 - b. All sidewalks and curbing shall be constructed of concrete and brick.
 - c. No new driveways, will be permitted along Swiss Avenue. Ingress and egress for parking for permitted uses shall be confined to Floyd Street or Liberty Street with siting review by the Historic Landmark Preservation Committee (HLPC).
 - d. All tree removals must be reviewed and approved by the HLPC.
 3. Minimum Building Setback -- All new, redeveloped or move-in structures shall conform to the following setback requirements:
 - a. The minimum front yard setback for all lots shall be 30 feet. The maximum front yard setback for all lots shall be 38 feet.

- b. The minimum side yard setback shall be five (5) feet.
 - c. The minimum rear yard setback shall be ten (10) feet.
4. Height of Structures -- No new or move-in structures shall be less than twenty (20) feet in height or more than thirty-six (36) feet in height.
 5. Coverage -- Coverage of any new, redeveloped or move-in structures shall not exceed 45% of the total lot area.
 6. Screening -- Screening must conform to the fence requirements in Section A.10. below.
 7. Signs -- City, state, and national historic markers for the area will be allowed on the parkways after approval of the Historic Landmark Preservation Committee. Historic plaques on each house must also be reviewed by the HLPC. All business signs shall conform to the following provisions:

Detached Signs

- a. Non-premise signs are not permitted.
- b. Only one (1) detached sign may be erected on any premise.
- c. Detached signs may not exceed ten (10) square feet in effective area.
- d. Detached signs must be set back from the public right-of-way a minimum of five (5) feet.

Attached Signs

- a. Premise signs only are permitted.
- b. All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than eighteen (18) inches from that surface.
- c. Attached signs may not exceed five (5) square feet in effective area.

8. Accessory Buildings -- New detached accessory buildings may only be constructed to the rear and shall be subject to the provisions of Article XXII of the Comprehensive Zoning Ordinance.
9. Platting -- For any proposed new development or moved-in structures, a subdivision plat defining the area or areas to be developed as a unit shall be reviewed and acted upon by the City Planning Commission after the Historic Landmark Preservation Committee has reviewed said plat and made its recommendations.
10. Fences -- To ensure that the qualities of the block and the architectural significance of the buildings in the Wilson Block be preserved and enhanced, the following structural, architectural and aesthetic criteria for new fences are established for existing, new or moved-in structures. All rear and side-yard fences shall:
 - a. Not exceed nine (9) feet in height.
 - b. Be constructed of the following materials:
 - Wrought Iron - The use of wrought iron shall be evaluated on each block for compatibility. The wrought iron shall be painted black, dark green, or the same color as the main building facade.
 - Wood - Wood fences may be painted or stained and color must be reviewed by the H.L.P.C. Picket fences will be permitted. Each fence shall be trimmed at the top with a horizontal wood cap or horizontal wood trim running the length of the fence. On a corner lot, the sides facing a public street shall be a finished side and shall be landscaped.
 - Masonry - The color, texture, and dimensions of masonry shall match the existing masonry structure as near as is practicable. The color, width, type and elevation of mortar joints shall be the same as in the existing masonry structure as near as practicable. All exposed brick shall be fired brick as defined by the American Standard Testing Materials designation C-126-75A, type grade FBS-SW.

- c. Not extend toward the front of the structure beyond the rear most horizontal projection of the structure. If there is no horizontal projection, a fence shall be set back from the front line of the structure a minimum of 50 percent of the side depth of the structure, and shall not extend toward the front of the structure beyond that point. If a bay window is the horizontal projection, then the fence shall begin five (5) feet behind the rearmost corner of the window.

A fence constructed on a corner lot shall not extend toward the front of the structure beyond the rearmost corner of the main structure on the side street. A fence shall be set back from a public sidewalk at least two feet and landscaped.

No fence or hedgerow shall be allowed on a vacant lot except at the rear property line or as landscaping for the above referenced parking off of Floyd Steet. Trees and other landscaping elements are allowed.

- b. Front yard fences shall:

1. Not exceed three (3) feet in height;
2. Be constructed of the following materials:

Wire and Wrought Iron - Wire and wrought iron are the most common materials used. The wire fence is a construction of a rectangular or oval wire pattern between iron posts with ornamental tops. The iron fence has a continuous base supporting vertical rows of straight bars slightly pointed at the top. The posts are usually plain and surmounted by a small ornament.

Wood (Picket Fences) - Wooden picket fences were used around Victorian gardens and are acceptable.

- c. A fence shall be constructed in a plumb and vertical position, the top edge being level and horizontal. A fence shall run parallel to or at a 90 degree angle to the property line.

1. Each vertical structural component shall be secured in the ground with a foundation sufficient to prevent leaning, and shall be spaced at a constant interval no greater than eight (8) feet.
 2. Wooden structural posts shall be no less than four (4) inches square. The portion of a wooden post set below ground level shall be treated with pentachlorophenol or other water-repelling wood preservative.
- d. The Historic Landmark Preservation Committee in its review of a Certificate of Appropriateness Application, and the City Plan Commission in its review of a recommendation of the Historic Landmark Preservation Committee as to whether a Certificate of Appropriateness should be issued, may allow variances to the fence requirements as contained in this subsection as follows:

The standards relating to fence placement contained in this section (A. 10) may be varied if (i) they conflict with a specific architectural feature of the structure, or (ii) existing partial walls extend from the structure and the owner wishes to extend the wall using the same materials and design as practicable, or (iii) more visual screening is necessary to insure privacy because of the unusually close proximity of a neighboring structure.

- B. QUALITIES OF THE BUILDING FORM: The original qualities and characteristics of the Wilson Block, building form, height, width, massing, shape of the facade and roof forms shall be preserved and restored. The basic shape and form of the facades of new construction, move-ins or additions shall be compatible with facade shapes and forms already existing in the area. All new, redeveloped or move-in structures shall comply with the following:

1. Height of Structures -- No new or move-in structures shall be less than 20 feet in height or more than 36 feet in height; most Dallas Victorian houses are between one and two and one-half stories tall.
2. Width of Structures -- The minimum width for structures shall be 40 feet, while the maximum width for structures shall be 50 feet.

3. Shape of Facade -- The building facade which results from the structure's geometric configuration - height, width, horizontal/vertical lines and projections, roof slope, shall be preserved. Most Victorian structures exhibit a vertical directional emphasis achieved by a combination of the height/width ratio, steep roof forms, the tall and narrow proportions of windows and doors and the detailing.
 4. Roof Forms -- In order to maintain the predominant building characteristics of the district, each structure, redeveloped, new construction or move-in will be reviewed based on the following:
 - a. Overhang: Roofs of new or move-in structures or roofs on redeveloped buildings constructed after the effective date of the ordinance shall have a roof overhang of 6 to 12 inches.
 - b. Pitch and Multiplicity of Roof Forms: roofs of new, move-in structures or roofs on redeveloped buildings shall exhibit the Victorian characteristics of adjacent structures 1) pitch: 19th Century houses typically possess steeply pitched roofs usually greater than 45 degrees or a 1 to 1 ratio; and 2) roof form: gables, peaks, ridges, valleys, pent roofs and dormers being typical.
 - c. Alterations or additions: to any roof should maintain the established complexity, pitch and vertical emphasis found on existing structures.
 - d. Type of roof materials: slate or fire retardant wood are the most common materials and are preferred; however composition shingles of a compatible color are allowed.
- C. QUALITIES OF BUILDING TREATMENT: In order to further the preservation of the architectural qualities of the existing structures, all new, redeveloped or move-in structures in the Wilson Block shall comply with the following criteria:
1. Color -- Color and color scheme are to be reviewed by the H.L.P.C. and should harmonize within the structure's facade as well as compliment the overall character of the district. The following criteria shall be applied:

- a. Polychrome: the use of polychrome (multi-chrome colors) is a favored painting scheme of the Victorian era and the color scheme shall harmonize within the structure itself.
 - b. Bright Colors: should be used sparingly as an accent and are most effectively used on the front door.
 - c. High Gloss Paints: should be avoided as the light reflections from this paint distract from the color and reveal surface imperfections.
 - d. Roof Colors: strong - bright colors should be avoided on the roof; compatible treatment would recommend traditional slate grey or tile colored burnt red.
2. Facade Materials -- Wood is the primary material used in the Victorian structures and shall be used for redeveloped, new or move-in structures. Variety is achieved through the different textures resulting from the combination of various geometrically-shaped pieces of wood and rehabilitation should reflect the original texture variety. The major surface area is covered with horizontal, narrow clapboards finished with a vertical corner board and geometrically shaped shingles. Use of artificial and synthetic imitation material such as artificial stone or brick, asbestos wall shingles, and aluminum siding and imitation details from other stylistic periods are not acceptable.
3. Front Entrances and Porches -- The restoration of the original porch treatment such as porches and columns and decorative trim will serve to restore the textural quality of the structure and streetscape. The porch and entries shall conform to the following criteria:
- a. Porch enclosures are inappropriate and not permitted as this destroys the design relationship of solids to voids.
 - b. Flat porch roofs are not original and are not allowed in the front of the building.
 - c. The vertical supports should carry the visual weight as well as the actual weight of the porch.
 - d. The original entrance treatment (i.e. door transoms, sidelights, stained glass, and trim),

should be retained in the original location.

4. Facade Openings -- Facade openings on the front and side facades shall conform to the following criteria:
 - a. Original window openings in the front facade of buildings existing at the time of passage of this ordinance shall be preserved as openings.
 - b. The windows are usually informally arranged and elongated to reinforce the verticality of the Victorian structure. The earlier structures exhibit a tall and narrow 2/2 configuration (two panels of adjacent glass on top and bottom), whereas improvements in glass production made larger, single-paned windows possible.
 - c. Decorative wood moldings and bull's eye details are often used around windows and doors.
 - d. Reflective, tinted, mirrored and opaque glass is not permitted in any facade opening.
 - e. The trim of storm windows must be painted to match the trim color.
 - f. The front doors shall be designed with recessed panels or with recessed panels and harmonious embellishments such as beveled or stained glass window. Transoms and sidelights were often used around the door to admit additional light and provide ventilation.
 - g. Aluminum screen or storm doors are allowed on front doors, if painted.
 - h. Shutters, if utilized, shall be of sufficient size to perform their intended function. Awnings and sun screens are inappropriate and detract from the original fenestration and therefore, are not allowed.

D. QUALITIES OF THE FACADE ACCENTUATION: The architectural detailing and trim on exterior facades shall be preserved. All new, redeveloped or move-in structures in the Wilson Block shall comply with the following elements:

1. Porch or Entrance Projection -- The size, shape and prominence of the primary buildings entry. See criteria in Section C. 3.

2. Detailing -- The committee shall review the manner in which materials are used, the way in which materials or structural elements are joined, and the fashion in which elements such as columns, brackets under eaves, turned jigsaw spandriils along the top of the porch and turned balustrades are utilized.
 3. Embellishment and Trim -- The use of applied decorations, stained glass, etc. shall be located along roof lines and above facade openings and reviewed by the committee.
- E. OFF-STREET PARKING -- Parking shall be provided according to use requirements established by Chapter 51 of the General Comprehensive Zoning Ordinance of the City of Dallas. No parking will be allowed in the front yard of any lot. Any parking plan must be approved by the H.L.P.C.
- F. USES -- Only uses permitted under the General Retail (GR) provisions of Chapter 51, of the Comprehensive General Zoning Ordinance, are permitted on Tract I.

TRACT II

All new, attached construction on Tract 2 of the Wilson Block shall comply with the following criteria:

1. Landscaping

- a. All sidewalk, curbing and driveways shall be constructed of concrete or brick. Ingress and egress for parking requirements for permitted uses shall be confined to Floyd or Liberty Streets with siting review by the HLPC.
- b. If any segment of Tract 2 is used for surface parking, screening will be required along Floyd Street and where the parking is adjacent to the structures fronting on Swiss Avenue.
- c. Trees, floral plantings (annual and perennials), shrubs and groundcover are allowed in the front yard. All tree removals must be reviewed and approved by the HLPC.

2. Minimum Building Setbacks

- a. Front Yard - The minimum setback for all lots shall be zero (0) feet from the front property line.

- b. Side Yard - The minimum setback for all lots shall be zero (0) feet.
- c. Rear Yard - The minimum setback for all lots shall be fifteen (15) feet.

3. Height

No new attached construction shall be less than twenty (20) feet in height or more than thirty-six (36) feet in height.

4. Coverage

Coverage of any lot shall not exceed 60% of the total lot area. However, coverage for new attached residential construction will be allowed up to 80% if parking is provided below the proposed structure.

5. Screening

Screening must conform to the fence requirements stated in Section A.10. of the preservation criteria for Tract 1.

6. Signs

Any signage must conform to the sign provisions stated in section A.7. of the preservation criteria for Tract 1.

7. Accessory Buildings

No new detached accessory buildings may be constructed.

8. Platting

For any proposed new development a subdivision plat defining the area or areas to be developed as a unit shall be reviewed and acted upon by the City Plan Commission after the HLPC has reviewed said plat and made its recommendation.

9. Fences

Any new fence construction must conform to the fence requirements stated in section A.10. of the preservation criteria for Tract 1.