

03/21/90

ORDINANCE NO. 20603

An ordinance amending CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by changing the zoning classification on the following described property, to-wit:

BEING an interior tract of land in City Block 6144 located northeast of Webb Chapel Road at its intersection with Lombardy Lane, and containing 1.89 acres of land,

from an R-7.5(A) Single Family District to an R-7.5(A) - H/49 Single Family District with Historic Overlay District No. 49; establishing new Historic Overlay District No. 49 (Crown Hill Mausoleum) and providing procedures, regulations, and preservation criteria pertaining to that district; providing a penalty not to exceed \$2000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding the rezoning of the property hereinafter described; and

WHEREAS, the city council finds that it is in the public interest to grant this change in zoning; Now, Therefore,

CHECKED BY

JCK

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

SECTION 1. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended by changing the zoning classification from an R-7.5(A) Single Family District to an R-7.5(A) - H/49 Single Family District with Historic Overlay District No. 49 on the following described property, ("the Property") to-wit:

BEING part of that certain 50 acre tract, more or less, conveyed to Walnut Hill Company by Reconstruction Finance Corporation by deed dated May 23, 1952, and recorded in Volume 3675, Page 236, Deed Records Dallas County, Texas, and being part of Block No. 6144, Official City Numbers, and being part of the W. Bennett Survey, Abstract No. 148, in the City and County of Dallas, and further described as follows:

COMMENCING at the point of intersection of the east line of Webb Chapel Road and the northeast line of Old Lemmon Avenue (now called Webb Chapel Road);

THENCE North 45°46'08" East, 462.68 feet to the PLACE OF BEGINNING;

THENCE the following courses and distances:

NORTH 33°31'46" West, 24.61 feet to a point for corner;
NORTH 14°36'41" East, 25.98 feet to a point for corner;
NORTH 19°40'45" East, 50.86 feet to a point for corner;
NORTH 24°33'55" East, 50.28 feet to a point for corner;
NORTH 34°11'36" East, 52.34 feet to a point for corner;
NORTH 51°18'18" East, 51.55 feet to a point for corner;
NORTH 72°53'39" East, 49.05 feet to a point for corner;
SOUTH 81°49'39" East, 50.94 feet to a point for corner;
SOUTH 63°52'14" East, 49.33 feet to a point for corner;
SOUTH 60°46'45" East, 50.36 feet to a point for corner;

SOUTH 43°16'56" East, 49.31 feet to a point for corner;

SOUTH 23°47'14" East, 49.32 feet to a point for corner;

SOUTH 00°56'02" East, 47.91 feet to a point for corner;

SOUTH 20°03'42" West, 48.61 feet to a point for corner;

SOUTH 26°59'44" West, 50.09 feet to a point for corner;

SOUTH 36°25'49" West, 45.51 feet to a point for corner;

SOUTH 42°49'55" West, 46.06 feet to a point for corner;

SOUTH 82°19'49" West, 22.38 feet to a point for corner;

NORTH 83°10'01" West, 22.76 feet to a point for corner;

NORTH 47°12'20" West, 66.84 feet to a point for corner;

NORTH 53°37'46" West, 54.51 feet to a point for corner;

NORTH 71°03'10" West, 32.62 feet to a point for corner;

NORTH 76°11'34" West, 26.31 feet to a point for corner;

NORTH 68°05'39" West, 52.58 feet to a point for corner, the PLACE OF BEGINNING, and containing 82,333 square feet or 1.89 acres of land.

SECTION 2. That a person shall not make alterations to the Property without first obtaining a certificate of appropriateness in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit A.

SECTION 3. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes,

and all other applicable ordinances, rules, and regulations of the City of Dallas.

SECTION 4. That the director of planning and development shall correct Zoning District Map No. F-5 in the offices of the city secretary, the building official, and the department of planning and development to reflect the changes in zoning made by this ordinance.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, or maintenance of a building, structure, or land on the Property.

SECTION 6. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in

accordance with the provisions of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:

ANAESLIE MUNCY, City Attorney

By *Anesh Washington*
Assistant City Attorney

Passed APR 11 1990

Zoning File No. Z890-133/8817-N

7877G

EXHIBIT A

PRESERVATION CRITERIA

Crown Hill Mausoleum

All public and private right-of-way improvements, renovation, repairs, demolition, maintenance, site work, and new construction on the building site shall conform to the following guidelines and be approved through the certificate of appropriateness review process prior to commencement.

Unless otherwise specified, preservation and restoration materials and methods used shall conform to those defined in the Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

1. DEFINITIONS

- 1.1 ACCENT COLOR means color used in small amounts to trim and accentuate detailed architectural features such as narrow decorative moldings and window sashes.
- 1.2 APPLICANT means the property owner(s) or the owner's duly-authorized agent.
- 1.3 CERTIFICATE OF APPROPRIATENESS means a certificate issued by the city to authorize the alteration of the physical character of real property in this district, of any portion of the exterior of a structure on the property, or the placement, construction, maintenance, expansion, or removal of any structure on or from the property.
- 1.4 COLUMN means the entire column including the base and capital, if any.
- 1.5 COMMISSION means the landmark commission.
- 1.6 DIRECTOR means the director of the Department of Planning and Development or his representative.
- 1.7 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.8 HEIGHT means the vertical distance from grade to the highest point of the structure.
- 1.9 LOT means a building site, as defined in the Dallas Development Code, as amended.

- 1.10 MINOR EXTERIOR ALTERATION means the installation of or alterations to gutters and downspouts; landscaping comprising less than 25 percent of the yard; or restoration of original architectural features.
- 1.11 NO BUILD ZONE means an undeveloped part of the site upon which no crypt, accessory building, fence, or other structure may be placed or constructed.
- 1.12 PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.13 PROTECTED FACADE means a facade that must maintain its original appearance, as near as practical, in all aspects.
- 1.14 ROUTINE MAINTENANCE AND REPLACEMENT means the process of cleaning, including water blasting and stripping; stabilizing deteriorated or damaged architectural features, including repainting an item the same color; or substituting a duplicate item for an item that is deteriorated or damaged.
- 1.15 SITE PLAN means the site plan attached to this exhibit and labeled Attachment A.
- 1.16 STORY means the portion of a building between any two successive floors, or between the top floor and the ceiling above it.
- 1.17 TRIM COLOR means a paint color other than the dominant color, but does not include the color of screens, storm doors and windows, gutters, downspouts, porch floors, or ceilings. Wood colored translucent stains are not considered trim colors.

2. SITE AND SITE ELEMENTS

- 2.1 No-Build Zone. The No-Build Zone is designated and described on the site plan attached to and made a part of this exhibit as Attachment A.

- 2.2 Landscaping and exterior lighting installed after the passage of this ordinance must enhance the structure and its surroundings and must not obscure significant views of or from the building.
- 2.3 Existing mature trees must be protected. Unhealthy or damaged trees may be removed as determined through the certificate of appropriateness review process.
- 2.4 No fences are permitted.
- 2.5 New sidewalks and driveways must be of brush finish concrete, brick, stone, or other material approved through the certificate of appropriateness review process. No exposed aggregate, artificial grass, carpet, asphalt, or artificially-colored monolithic concrete paving is permitted.

3. STRUCTURE

Facades

- 3.1 With the exception of the facades on the 1986 rear addition, all facades are protected facades.
- 3.2 No vertical extensions are permitted.
- 3.3 Reconstruction, renovation, or repair of the opaque elements of the building facades must employ materials similar to the original materials in texture, color, pattern, grain, and module size.
- 3.4 Exterior cleaning must be accomplished in accordance with Department of Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.
- 3.5 The original color of original materials must be preserved and maintained whenever practical. Paint and other color schemes should be based upon any available documentation as to original conditions and must be reviewed through the certificate of appropriateness review process.
- 3.6 Mechanical equipment installed after the passage of this ordinance must be screened and may be placed only on the roof or on the side or rear facades. It is recommended that mechanical equipment presently on the front facade be relocated to the rear facade.

Embellishments and Detailing

- 3.7 The following architectural elements are considered special features and must be protected and preserved unless otherwise determined through the certificate of appropriateness review process: the front entry doors, arch, and bronze screen; all fluted pilasters and capitals; the parapets with their dentil courses; the screen within the opening of the parapet atop the central portion of the building; all fluting details above and below each window; all steel casement windows; and all buttresses on the wings.

Fenestration and Openings

- 3.8 Original doors and windows and their openings must remain intact and be preserved. Where replacement is necessary due to damage or structural deterioration, replacement doors and windows must express mullion size, light configuration, and material to match original doors and windows. Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly recommended. Exterior storm windows and doors which match original windows and doors in frame width and proportion, glazing material, and color are permitted if sensitive to the structure. No decorative ironwork or burglar bars are permitted over doors and windows.
- 3.9 On protected facades, new door and window openings are permitted only in locations where there is evidence that original openings have been infilled with other material.
- 3.10 Glass and glazing must match original materials. No tinted or reflective glazing is permitted. Stained glass is permitted and encouraged. The placement of stained glass on the interior of the structure behind the casement window for the purpose of protecting the glass is appropriate.

Roof

- 3.11 The slope, massing, configuration, and materials of the roof must be preserved and maintained. Existing parapets, cornices, and coping must be retained and when repaired, should be done so with material matching in size, finish, module, and color.

4. NEW CONSTRUCTION AND ADDITIONS

- 4.1 With the exception of sidewalks, no new construction, accessory buildings, crypts, or fences are permitted in the No-Build Zone.
- 4.2 No new construction in Areas A and B, which are designated on the attached site plan, may be connected to the structure.
- 4.3 New construction may be connected to the structure only on the 1986 addition, and only within the bounds of the area designated on the site plan as Area C. If the 1986 addition is removed, new construction may be attached to the structure, but only at the connection points of the 1986 addition, and must not extend beyond the bounds of Area C.
- 4.4 The height of new construction or accessory structures must not exceed the height of the wings of the structure, which are labeled on the site plan.
- 4.5 The form, materials, roof, and general exterior appearance of new construction or accessory buildings must be compatible with those of the protected facades of the structure as determined through the certificate of appropriateness review process.

5. SIGNS

- 5.1 With the exception of temporary political or real estate related signs, which must be removed at the conclusion of the election or upon sale of the property, only street address labels and signs for bona fide security services which are sensitive and appropriate to the appearance of the structure as determined through the certificate of appropriate review process are permitted.

6. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

- 6.1 Except as expressly modified by this section, the standard review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this site.
- 6.2 Upon receipt of an application for a certificate of appropriateness, the director shall categorize the

request as one of the following: (A) routine maintenance and replacement; (B) minor exterior alteration; or (C) work requiring review by the commission.

- 6.3 The director shall review and grant or deny a certificate of appropriateness for proposed work that falls into either category A or B listed in Subsection 6.2 within ten days of receipt of a completed application for a certificate of appropriateness. To be considered complete, an application must include any exhibits or attachments deemed necessary by the director.
- 6.4 No decision by the director to approve a certificate of appropriateness for proposed work falling within category A or B may be appealed. A decision to deny a certificate of appropriateness in such instances may be appealed by the applicant or property owner. Appeal is made to the landmark commission by submitting a written request for appeal to the director within ten days after the decision to deny.
- 6.5 Proposed work not falling into either category A or B shall be reviewed by the commission following the standard review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended.

7. APPEAL TO THE CITY PLAN COMMISSION

- 7.1 Certificates of appropriateness denied by the landmark commission may be appealed to the city plan commission in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.

7873G

7890-133/8817-N

R-7.5(A)

MF-2(A)

SUP 85
(MF-2(A))

SUP 26

CHENETRY 1
MANSOLEM
(R-7.3(A))

Retail
LMB 500

GR Retail

MF-2(A)

SUP 528
Multi-Family MF-2(A)

Mixed Residential

SUP 418

NO(A)

