

12-15-93

ORDINANCE NO. 21946

An ordinance amending CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by establishing Historic Overlay District No. 65 (East Dallas Christian Church) comprised of the following described property ("the Property"), to wit:

BEING a tract of land in City Block 3/791, fronting 401.88 feet on the southwest line of Peak Street between Worth Street and Junius Street, and containing approximately 2.33 acres of land; providing procedures, regulations, and preservation criteria for structures and property in the 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; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to establish this historic overlay district; 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 establishing Historic Overlay District No. 65 (East Dallas Christian Church) comprised of the following described property ("the Property"), to wit:

BEING a tract of land in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, and being in City Block 3/791, and being more particularly described as follows:

BEGINNING at the intersection of the southeast line of Junius Street and the southwest line of Peak Street;

THENCE S 44°54'00" E along the southwest line of Peak Street, a distance of 401.88 feet to a point for corner on the northwest line of Worth Street;

THENCE S 45°11'00" W along the northwest line of Worth Street, a distance of 253 feet to a point for corner;

THENCE N 44°54'00" W, a distance of approximately 400 feet to a point for corner on the southeast line of Junius Street;

THENCE N 45°00'00" E along the southeast line of Junius Street, a distance of 253 feet to the POINT OF BEGINNING, and containing approximately 2.33 acres of land.

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations contained in this ordinance control over the regulations of the underlying zoning district.

SECTION 3. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, or remove any structure on

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 4. 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 5. That the director of planning and development shall correct Zoning District Map No. J-8 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 6. 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.

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SECTION 7. 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 8. 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 9. 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:
SAM LINDSAY, City Attorney

By Chris Bowers
Assistant City Attorney

Passed JAN 10 1984

Zoning File No. Z934-119/7047-E

5295F

EXHIBIT A

PRESERVATION CRITERIA
EAST DALLAS CHRISTIAN CHURCH

Except as otherwise provided in these Preservation Criteria, all public and private right-of-way improvements, renovation, repairs, demolition, maintenance, site work, and new construction in this district must conform to the following guidelines, and a certificate of appropriateness must be obtained for such work prior to its commencement.

Except as otherwise provided in these Preservation Criteria, any such alterations to the property must conform to the regulations contained in CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended. In the event of a conflict, these Preservation Criteria control.

Unless otherwise specified, preservation and restoration materials and methods used must 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.

If any properties in the district are replatted into one lot after the effective date of this ordinance, the Preservation Criteria referring to front, side, and rear facades and yards shall be applied as though the properties had not been replatted.

1. DEFINITIONS

Unless provided below or the context clearly indicates otherwise, the definitions contained in Sections 51A-1.102 and 51A-7.102 of the Dallas City Code, as amended, apply.

1.1 CERTIFICATE OF APPROPRIATENESS means a certificate issued by the city in accordance with Section 51A-4.501 of the Dallas City Code, as amended, to authorize the alteration of the physical character of real property in the district or any portion of the exterior of a structure in the district, or the placement, construction, maintenance, expansion, or removal of any structure in or from the district.

1.2 COLUMN means the entire column, including the base and capital, if any.

1.3 COMMISSION means the City of Dallas Landmark Commission.

1.4 CORNERSIDE FACADE means a building facade facing a cornerside yard.

1.5 CORNERSIDE YARD means a side yard that abuts a street.

1.6 DIRECTOR means the director of the Department of Planning and Development or that person's representative.

- 1.7 DISTRICT means the East Dallas Christian Church Historic Overlay District. This district contains the property described in Section 1 of this ordinance and shown on the attached Exhibit B.
- 1.8 ERECT means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw, or otherwise construct.
- 1.9 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.10 FRONT FACADE means a facade that faces either Junius Street or Peak Street.
- 1.11 FRONT YARD means a portion of a lot that abuts a street and extends across the width of the lot between the street and setback line.
- 1.12 NO BUILD ZONE means that part of this district in which no new construction may take place.
- 1.13 PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.14 PROTECTED FACADE means a facade that must maintain its original appearance, to the extent practical, in all aspects.
- 1.15 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.
- 1.16 SIDE FACADE means any facade that is not a front facade.
- 1.17 SIDE YARD means that portion of a lot which is between a lot line and a setback line but is not a front or rear yard.
- 1.18 SMALL CHANGE means the installation of or alterations to gutters, downspouts, or incandescent light fixtures; landscaping that comprises less than 25 percent of the front or side yard; restoration of original architectural features; and removal of immature trees visible from any street.
- 1.19 REAR YARD means that portion of a lot between two side lot lines that does not abut a street and that extends across the width of the lot between the rear setback line and the rear lot line.
2. SITE AND SITE ELEMENTS
- 2.1 New construction is prohibited in the area designated as a "No Build Zone" on Exhibit B.
- 2.2 The existing original and historic structures must be retained and protected.

- 2.3 New sidewalks, walkways, steps, and parking lot approaches must be of brush finish concrete, brick, stone, or other material if deemed appropriate. No exposed aggregate, artificial grass, carpet, wood, asphalt, or artificially-colored monolithic concrete paving is permitted for sidewalks, walkways, steps, and driveways.
- 2.4 Exterior lighting must be appropriate to and enhance the structures.
- 2.5 Landscaping must be appropriate and compatible, must enhance the structure and surroundings, and must not obscure significant views of the buildings or from the buildings. It is recommended that landscaping modifications reflect the original historic landscaping design when appropriate.
- 2.6 Fences in a cornerside yard must not be located in front of a side facade except that a certificate of appropriateness may be granted for a fence directly in front of the rear 50 percent of the cornerside facade if:
 - (a) more screening is necessary to ensure privacy due to unusually high pedestrian or vehicular traffic; and
 - (b) the fence does not screen any portion of a significant architectural feature of a main structure.
- 2.7 Fences in a side yard must be located a minimum of 10 feet from the north and east facades of the structure.
- 2.8 Fences in the side or cornerside yards must be constructed of one or more of the following materials: iron, brick, stone, a combination of those materials, or other materials if deemed appropriate.

3. STRUCTURE

Facades

- 3.1 The facades shown on Exhibit B are protected facades.
- 3.2 Reconstruction, renovation, or repair of the opaque elements of the protected facades must employ materials similar to the original materials in texture, color, pattern, grain, and module size to the extent practical.
- 3.3 Brick must match in color, texture, module size, bond pattern, and mortar color. Original brick on a facade may not be painted, with the exception that portions of the original structures that had previously been painted may remain painted.
- 3.4 Stone, cast stone, and concrete elements must be renovated or repaired only with materials similar in size, grain, texture, and color to the original materials.

- 3.5 Wood trim and detailing must be carefully restored when practical. Historic materials should be repaired; they should be replaced only when necessary. Badly deteriorated paint should be removed in accordance with the Department of Interior standards before refinishing. All exposed wood must be painted, stained, or otherwise protected. Resurfacing with vinyl or aluminum siding or stucco is not permitted.
- 3.6 Original color and original materials must be preserved and maintained when practical. Paint and other color schemes for non-masonry elements should be based upon any available documentation as to original conditions.
- 3.7 Exposing and restoring original historic finish materials is encouraged.
- 3.8 Exterior cleaning must be accomplished in accordance with Department of Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.
- 3.9 After the effective date of this ordinance, any new mechanical equipment must be erected in side or rear yards and be screened, or must be erected on the roof.

Embellishments and Detailing

- 3.10 The following architectural elements are considered special features and must be protected and preserved unless a certificate of appropriateness is obtained: the porticos, gable parapets, stairs, columns, and semi-engaged pilasters at a front facade; stained glass; roof form; windows and other fenestrations; and coping and parapet.

Fenestrations and Openings

- 3.11 Original doors and windows and their openings must remain intact and be preserved. When replacement is necessary due to damage or structural deterioration, replacement doors and windows must express mullion size, light configuration, and material to match the original doors and windows. Replacement of windows and doors that have been altered and no longer match the historic appearance is strongly recommended. Exterior storm windows and storm doors may be permitted if they are sensitive additions and match the existing windows and doors in frame width and proportion, glazing material, and color.
- 3.12 Historic decorative ironwork must remain intact and be preserved. No new decorative iron work or burglar bars are permitted over doors and windows of protected facades. Interior mounted burglar bars of appropriate color and design are permitted in doors and windows of any facade, if deemed appropriate.

- 3.13 Glass and glazing must match original materials to the extent practical. No tinted or reflective glazing or films are permitted.
- 3.14 New door and window openings are permitted only when there is evidence that original openings have been infilled with other material. Exemptions may be granted in cases of life safety and shall be of compatible design.
- 3.15 The Department of the Interior standards should be referenced for acceptable techniques to improve the energy efficiency of historic fenestrations.

Roofs

- 3.16 The slope, massing, and configuration of roofs must be preserved and maintained. Existing parapets, cornices, and copings must be retained, and, when repaired, must be repaired with material matching in size, finish, module, and color.
- 3.17 The following roofing materials are allowed: built-up, single-ply membrane, roll roofing, or other material as approved through the routine work review procedure outlined in Section 51A-4.501(b)(5) of the Dallas City Code, as amended.
- 3.18 Solar panels, skylights, and mechanical equipment on a roof must be set back or screened so that they are not visible to a person standing at ground level on the opposite sidewalks on Peak or Junius Streets.

Porticos and Porches

- 3.19 Existing porticos must be retained and preserved and may not be enclosed.
- 3.20 Portico and porch floor finishes must be of concrete, brick, tile, or stone only; these floors may not be covered with paint or carpet. A clear sealant is acceptable. All original columns, side walls, trim, and detailing that are part of the portico configuration must be preserved.

4. NEW CONSTRUCTION AND ADDITIONS

- 4.1 The form, materials, and general exterior appearance, of any new construction or additions must be compatible with the existing historic structures.
- 4.2 New construction and additions to historic structures, porches and balconies must be of appropriate massing, roof form, shape, materials, detailing, and color, and must have fenestration patterns and solids-to-voids ratios that are typical of the existing historic structures.

- 4.3 The height of new construction, accessory buildings, or vertical additions to existing non-protected structures may not exceed the height of the parapet of any historic structure.
- 4.4 New construction and connections between new and existing construction must be designed so that they are clearly discernible from the existing historic structures as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new and existing construction must be established and maintained.

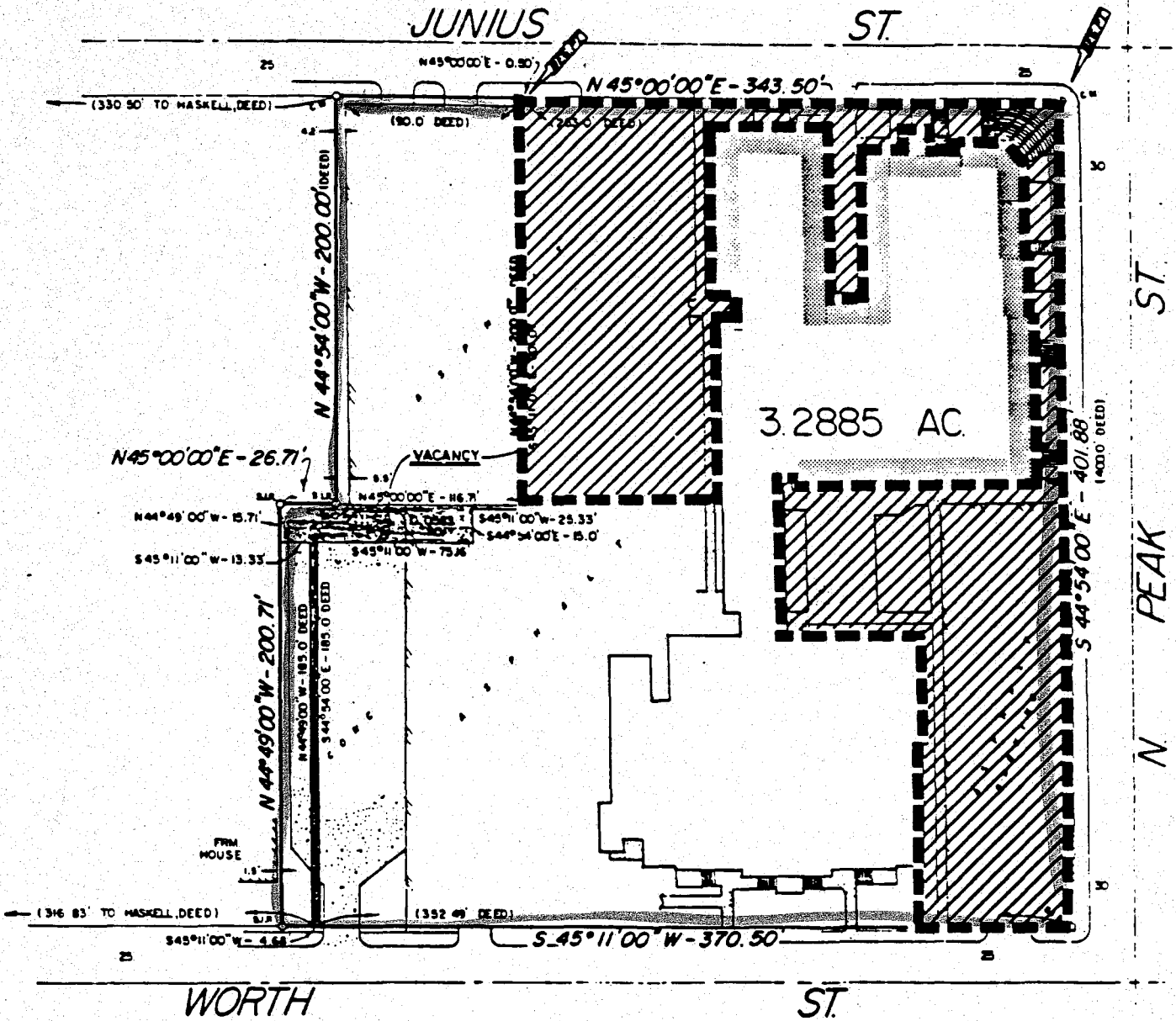
5. SIGNS

- 5.1 Real estate signs and temporary political campaign signs, as defined in Chapter 15A of the Dallas City Code, as amended, may be erected. These signs must be removed within 10 days after the election or sale or lease of the property, as the case may be.
- 5.2 Church identification signs, street signs, protective signs, movement control signs, and historical markers may be erected if deemed appropriate.
- 5.3 All signs must conform with all applicable provisions of the Dallas City Code, as amended.

6. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

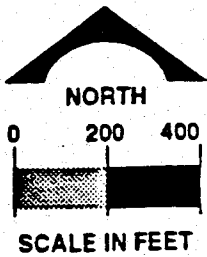
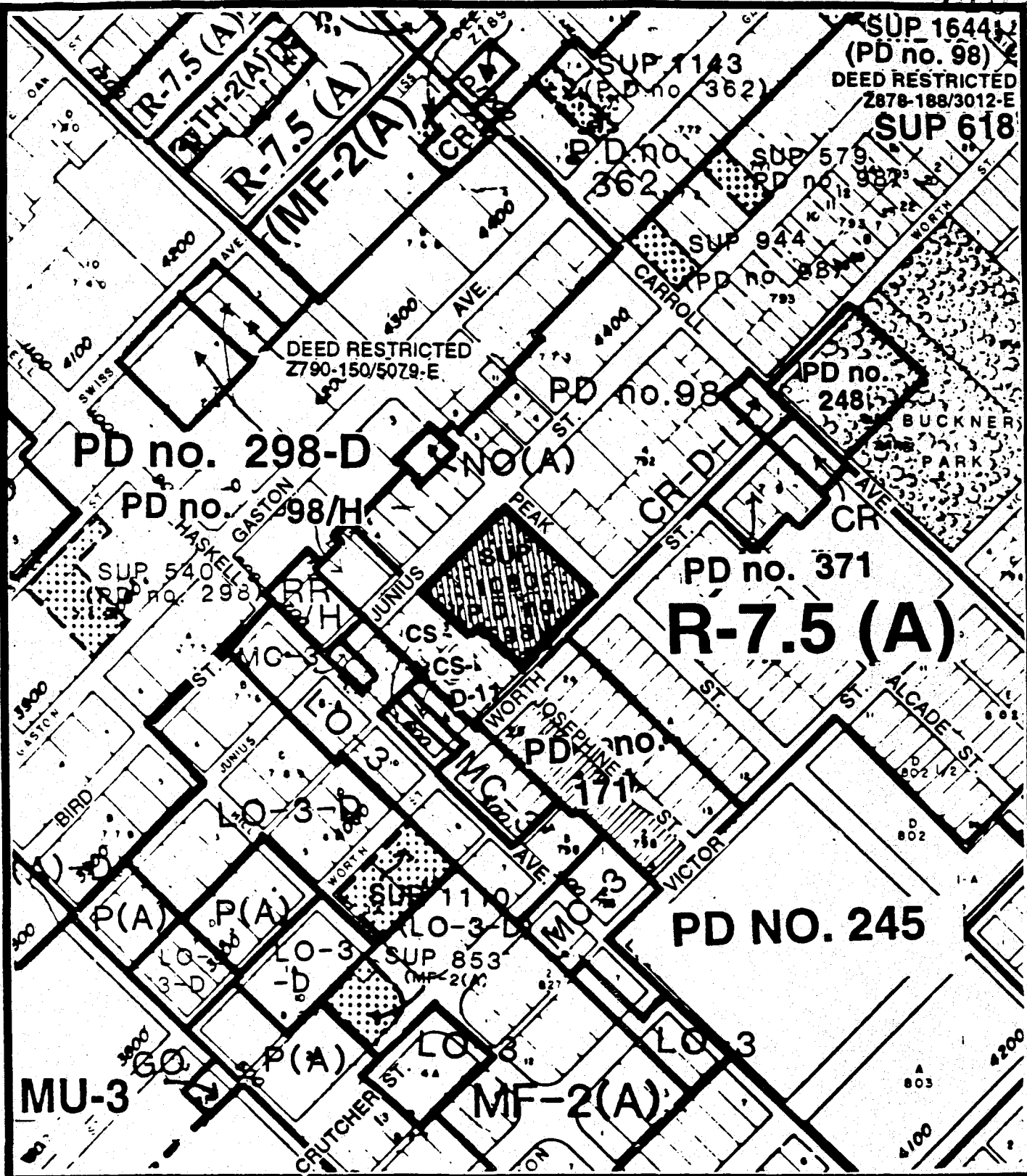
- 6.1 The review procedure outlined in Section 51A-4.501 of the Dallas City Code, as amended, applies to this district except that a certificate of appropriateness is not required to:
- (a) make a "small change," as defined in these Preservation Criteria;
 - (b) erect "temporary political campaign signs," as defined in Chapter 15A of the Dallas City Code, as amended; or
 - (c) erect real estate signs.

EAST DALLAS CHRISTIAN CHURCH



Limits of No-Build Zone

Protected Facades



ZONING AND LAND USE

Map No. J-8

Case No. Z934-119/7047-E