

ARTICLE 97.

PD 97.

SEC. 51P-97.101. LEGISLATIVE HISTORY.

PD 97 was established by Ordinance No. 15820, passed by the Dallas City Council on April 26, 1978. Ordinance No. 15820 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Ordinance No. 15820 was amended by Ordinance No. 16657, passed by the Dallas City Council on August 20, 1980; Ordinance No. 16658, passed by the Dallas City Council on August 20, 1980, which created a historic overlay district for this PD; Ordinance No. 16779, passed by the Dallas City Council on December 10, 1980; Ordinance No. 18541, passed by the Dallas City Council on January 9, 1985; Ordinance No. 20024, passed by the Dallas City Council on July 27, 1988 (which amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended, and combined the PD conditions and historic overlay district regulations of Ordinance Nos. 15820 and 16658 and repealed portions of those ordinances); and Ordinance No. 22361, passed by the Dallas City Council on March 22, 1995. (Ord. Nos. 10962; 15820; 16657; 16658; 16779; 18541; 20024; 22361; 25423)

SEC. 51P-97.102. PROPERTY LOCATION AND SIZE.

PD 97 is established on property generally located southeast of the alley between Gaston Avenue and Junius Street, southwest of Dumas Street and Henderson Avenue, west of Munger Boulevard, northwest of the alley between Columbia Avenue and Reiger Avenue, and northeast of Fitzhugh Avenue and Prairie Avenue. The size of PD 97 is approximately 84.636 acres. (Ord. Nos. 15820; 16657; 16779; 25423)

SEC. 51P-97.103. CREATION OF TRACTS.

(a) This district is hereby divided into four separate tracts, which shall be known as "Tract A," "Tract B," "Tract C," and "Tract D." Property descriptions of Tracts A through D are attached to and made a part of Ordinance No. 22361 as Exhibit A. A map of this district reflecting the tracts is provided in this article as Exhibit 97A.

(b) The move-in Victorian buildings located at 4903 and 4909 Reiger Avenue and a proposed third move-in Victorian building (to be situated on a platted lot between the existing two) are considered part of Tract C.

(c) Tract D includes Lot 13 in City Block M/1430 midway between Reiger Avenue and Victor Street, fronting on Collett Avenue. (Ord. Nos. 22361; 25423)

SEC. 51P-97.104. RECONCILIATION WITH OTHER ORDINANCES.

The provisions of Ordinance Nos. 15820, 16657, and 16658, and Chapter 51A apply to the Munger Place Historic District unless expressly modified or repealed by this article. In the event of a conflict, the provisions of this article control. (Ord. Nos. 20024; 25423)

SEC. 51P-97.105.

DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. Except as otherwise provided in this subsection, the definitions contained in Chapter 51A apply to this article. In this article:

(1) ACCENT COLOR means color used in small amounts to trim and accentuate detailed architectural features such as narrow decorative moldings and window sashes.

(2) ACCEPTABLE COLOR RANGE means the range of colors shown on Exhibit 97B.

(3) APPLICANT means the property owner or the owner's duly authorized agent.

(4) BLOCK means an area bounded by streets on all sides.

(5) BLOCKFACE means all of the lots on one side of a block.

(6) BODY COLOR means the dominant paint color of a structure.

(7) CERTIFICATE OF APPROPRIATENESS means a certificate issued by the city to authorize the alteration of the physical character of real property in this district, or 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.

(8) COLUMN means the entire column including the base and capital, if any.

(9) COMMISSION means the landmark commission.

(10) CORNER LOT means a lot that has frontage on two intersecting streets.

(11) CORNERSIDE FACADE means a main building facade facing a side street.

(12) CORNERSIDE YARD means a side yard that abuts a street.

(13) DIRECTOR means the director of development services or the director's representative.

(14) FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.

(15) FINISHED PORCH FLOOR ELEVATION means the vertical distance measured from grade to the completed floor surface of the porch.

(16) FRONT YARD means the portion of a lot that abuts a street and extends across the width of the lot between the street and the main building and lines parallel to and extending outward from the front facade of the main building.

(17) INTERIOR LOT means a lot with side yards adjacent to another lot.

(18) LOT means a building site, as defined in the Dallas Development Code.

(19) MOVE-IN BUILDING means a building that has been moved onto a lot in this district.

(20) ONE-HALF STORY means a finished room in an attic.

(21) PLANTER BOX means a permanent container for plants.

(22) PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.

(23) REAR YARD means:

(A) on an interior lot, the portion of the lot between the side lot lines that extends across the width of the lot between the main building and lines parallel to and extending outward from the rear facade of the main building and the rear lot line; and

(B) on a corner lot, the portion of the lot that extends between the interior side lot line and a line parallel to and extending outward from the rear corner of the cornerside facade, and between the rear lot line and the main building and a line parallel to and extending outward from the interior side corner of the rear facade.

(24) RESIDENTIAL BUILDING means a building that contains only residential uses.

(25) SCREENING means a structure or planting that provides a visual barrier.

(26) SCREENING FACTOR means the degree to which a structure provides a visual barrier.

(27) SIDE YARD means any portion of a lot not occupied by a main building that is not a front or rear yard. "Side yard" includes "cornerside yard."

(28) SPECIAL REIGER AVENUE PROPERTIES means the vacant lots located at 4932 Reiger Avenue, Lots 7, 10, 11, and 12 in City Block C/1429, and Lot 3 in City Block 1430.

(29) STORY means the portion of a building between any two successive floors, or between the top floor and the ceiling above it.

(30) "THIS DISTRICT" or "THE DISTRICT" means the Munger Place Historic District.

(31) TRIM COLOR means a paint color other than the dominant color. Wood colored translucent stains are not trim colors. Furthermore, trim color does not include the color of screen and storm doors and windows, gutters, downspouts, porch floors, and ceilings.

(b) Interpretations.

(1) Except as otherwise provided in this section, the interpretations contained in Chapter 51A apply to this article.

(2) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(3) Graphics that illustrate the requirements of this article are provided as a part of this article as Exhibits 97B through 97P. In the event of a conflict, the provisions of this article control over any graphic display in Exhibits 97B through 97P. (Ord. Nos. 20024; 25423)

SEC. 51P-97.106.

REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS.

(a) In general. The standard review procedure outlined in Section 51A-4.501 applies to this district except as expressly modified by this section.

(b) Review by the director.

(1) Director's determination of procedure. Upon receipt of an application for a certificate of appropriateness, the director shall characterize the proposed work as falling into one of the following three categories:

- (A) Routine maintenance or replacement.
- (B) Minor exterior alterations.
- (C) Work requiring review by the commission.

(2) Review procedure. The director shall review and grant or deny certificates of appropriateness for proposed work that is routine maintenance or replacement or a minor exterior alteration in accordance with the review standards provided in this section. If the proposed work requires review by the commission, the director shall forward the application to the commission for review in accordance with the standard certificate of appropriateness review procedure outlined in Section 51A-4.501. All decisions to be made by the director under this section must be made within 10 days of receipt of the application.

(3) Routine maintenance and replacement defined. Routine maintenance is the process of cleaning (including water blasting and stripping), repainting an item the same color, or otherwise stabilizing deteriorated or damaged architectural features. Routine replacement occurs whenever a duplicate item is substituted for an item that is deteriorated or damaged.

(4) Minor exterior alteration defined. The following are minor exterior alterations for purposes of this article:

- (A) The application, installation, maintenance, or replacement of:
 - (i) a chimney located on an accessory building, or on the rear 50 percent of a main building and not part of the cornerside facade;
 - (ii) an awning located on an accessory building, or on the rear facade of a main building;
 - (iii) a roof that is earthtone in color and in darkness is seven or less in value according to the Munsell Book of Color Systems (The Neighboring Hues Edition-1973);
 - (iv) a fence;
 - (v) gutters and downspouts if in a color matching the portion of the structure to which they attach;
 - (vi) incandescent light fixtures, no more than ten inches in diameter, located at ground level, in a tree or shrub, along eaves and soffits, or on accessory buildings;

(vii) paint if the color is within the acceptable color range;

(viii) skylights and solar panels;

(ix) storm windows and doors;

(x) window and door screens; or

(xi) landscaping that comprises less than 25 percent of the front or side yard.

(B) The restoration of original architectural elements.

(C) The demolition of accessory buildings that are not architecturally significant.

(D) Additions and changes to the rear of the main structure or to any portion of an accessory structure that is not visible to any street.

(E) Removal of trees if visible to any street.

(5) Review standards for routine maintenance and replacement. The director shall review all proposed work that falls into the categories of routine maintenance and routine replacement to determine whether or not the original item to be maintained or replaced was legally installed. Legal installation includes both work that was legally performed before August 20, 1980, the date this district was established, and work performed after that date by authority of a valid certificate of appropriateness. The director shall grant a certificate of appropriateness for the proposed maintenance or replacement of an original item that was legally installed. If the original item was not legally installed, the director shall not grant a certificate but instead shall treat the application as being for a certificate of appropriateness to authorize the installation of the original item.

(6) Review standards for minor exterior alterations. The director shall review all proposed work that falls into the category of minor exterior alterations to determine whether the proposed work complies with the preservation criteria and regulations contained in this article and all other applicable ordinances. If the proposed work complies, the director shall grant a certificate of appropriateness for the work. If the proposed work does not comply with or is not addressed by the preservation criteria and regulations contained in this article or any other applicable ordinance, the director shall deny the certificate.

(c) Appeals. A decision to grant a certificate of appropriateness may not be appealed. A decision to deny a certificate of appropriateness may be appealed only by the applicant. An appeal from a decision to deny a certificate is made by submitting a written request for appeal to the director within ten days of the decision.

(d) Review by the landmark commission.

(1) When reviewing an appeal from the director's decision to deny a certificate of appropriateness, the landmark commission shall first determine whether the proposed work is routine maintenance or replacement. If the proposed work is routine maintenance or replacement, the landmark commission shall next determine whether or not the original item to be maintained or replaced was legally installed. If the original item was legally installed, the landmark commission shall approve the routine maintenance or replacement. If the original item was not legally installed or if the proposed work is not

routine maintenance or replacement, the landmark commission shall review the application using the standards provided in the following paragraphs.

(2) In reviewing an application, the landmark commission shall determine whether the proposed work complies with the preservation criteria and regulations contained in this article and all other applicable ordinances. If the proposed work complies, the landmark commission shall grant the certificate.

(3) Except as otherwise provided in this section, if the proposed work does not comply with or is not addressed by the preservation criteria and regulations contained in this article or any other applicable ordinance, the landmark commission shall deny the certificate.

(4) If the proposed work is not addressed by the preservation criteria and regulations contained in this article and all other applicable ordinances and the work will not have an adverse effect on the external architectural features, future preservation, maintenance, or use of:

- (A) a structure in this district;
- (B) a blockface in this district; or
- (C) this district as a whole;

the landmark commission shall grant the certificate.

(5) If the proposed work is the restoration of original architectural elements and will not have an adverse effect on the external architectural features, future preservation, maintenance, or use of:

- (A) a structure in this district;
- (B) a blockface in this district; or
- (C) this district as a whole;

the landmark commission shall grant the certificate.

(6) In determining whether the proposed work constitutes the restoration of original architectural elements, the landmark commission shall consider all available materials, including but not limited to photographs and drawings showing the original appearance of the building and its surrounding property at the time of construction. (Ord. Nos. 20024; 25423)

SEC. 51P-97.107. APPEAL TO CITY PLAN COMMISSION.

If a certificate of appropriateness has been denied by the landmark commission, appeal may be made to the city plan commission in accordance with Section 51A-4.501. (Ord. Nos. 20024; 25423)

SEC. 51P-97.108. NOTICE REQUIREMENTS.

(a) When required. The director shall give the notice required by this section only when a person applies for a certificate of appropriateness to construct a new main building, or to move a main building onto an existing lot.

(b) Content of notice. The notice required by this section must contain a description of the lot where the main building will be constructed or moved, and the date, time, and location of the landmark commission meeting at which the application will be considered.

(c) Manner of notification. The notice required by this section is a written notice to be given not less than 21 days before the landmark commission meeting at which the application will be considered. Notice is given by depositing the notice properly addressed and postage paid in the United States Mail to the property owners entitled to notice under Subsection (d) of this section as evidence by the last approved city tax roll.

(d) Who must be notified. The director shall notify the following persons in this district whenever notice is required by this section:

- (1) The owners of all lots in the blockface of the area of request.
- (2) The owners of all lots in the blockface across the street from the area of request.
- (3) If the area of request is a corner lot, the owners of all other corner lots at the same intersection.
- (4) The district homeowners association president or designated representative. (Ord. Nos. 20024; 25423)

SEC. 51P-97.109. PROCEDURAL CHANGES WHEN NOTICE IS REQUIRED.

The procedural time requirements in Section 51A-4.501 applicable to the landmark commission apply to this district except in those cases where notice is required under this section. In such cases, the landmark commission shall make its recommendation within 45 days of receipt of the application by the director. If final action has not been taken by the commission within 55 days of the director's receipt of the application:

- (1) the director shall issue a certificate of appropriateness to the applicant for the proposed work; and
- (2) if all requirements of the Dallas Development Code and the construction codes are met and a building permit is required for the proposed work, the building official shall issue a building permit to the applicant for the proposed work. (Ord. Nos. 20024; 25423)

SEC. 51P-97.110. SPECIAL REIGER AVENUE PROPERTIES.

Any Special Reiger Avenue Property may be developed with either Prairie style or Victorian style architecture. Properties developed with Prairie style architecture must fully comply with all of the regulations applicable to Tract A. Properties developed with Victorian style architecture must fully comply with all of the regulations applicable to Tract C. (Ord. Nos. 20024; 25423)

SEC. 51P-97.111. USE REGULATIONS, DEVELOPMENT STANDARDS, AND PRESERVATION CRITERIA FOR TRACT A (SINGLE FAMILY DWELLINGS; PRAIRIE STYLE ARCHITECTURE).

(a) Use regulations for Tract A. The following use regulations apply to all property in Tract A.

(1) Uses that were illegal on August 20, 1980, are illegal uses under this article.

(2) Uses on Tract A are limited to single family, duplex, and multifamily uses, and other uses permitted in an R-7.5(A) Single Family District.

(3) The following lots are limited exclusively to those uses permitted in an R-7.5(A) Single Family District:

(A) Lots that were vacant on August 20, 1980.

(B) Lots containing structures that have been officially condemned by the city, or that have been removed, demolished, or destroyed, regardless of whether the removal, demolition, or destruction was accidental or intentional.

(4) Duplex and multifamily uses are not permitted in structures originally built as single family dwellings. Nonconforming rights to use a structure originally built as a single family dwelling for a duplex or multifamily use automatically terminate when the use is discontinued or the structure remains vacant for six months or more.

(5) The number of dwelling units on a building site may not be increased. If the number of dwelling units in a building is reduced, or the building is replaced with another building containing a lesser number of dwelling units, the building site must thereafter be limited to the lesser number of dwelling units.

(b) Development standards for Tract A.

(1) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code applicable to an R-7.5(A) Single Family District apply to all property in Tract A. In the event of a conflict, the provisions of this section control.

(2) Height requirements.

(A) Maximum permitted heights for all buildings and structures are:

(i) 36 feet for a main building or structure;

(ii) 24 feet for an accessory building or structure; and

(iii) 12 feet for a single-story garage or addition.

(B) A main building or structure must have two stories.

(C) Calculation of height requirements is illustrated in Exhibit 97C.

(3) Width requirements. Width of a main building:

(A) may not exceed 42 feet; and

(B) must be no more than 20 percent greater than the average width of single family dwellings on the blockface.

- (4) Lot size requirements. Lots must conform to the following standards:
- (A) Each lot must have a minimum area of 7,500 square feet and a minimum depth of 120 feet.
- (B) Each corner lot must have a width no less than 70 feet and no more than 90 feet.
- (C) Each interior lot must have a width:
- (i) no less than 50 feet and no more than 70 feet; or
- (ii) that is within five percent of the average width of all interior lots on the blockface.
- (D) Lots platted on or before August 20, 1980, are legal building sites, even though they may not conform to the requirements of this section.
- (5) Maximum lot coverage. Maximum permitted lot coverage for all buildings and structures combined is 35 percent.
- (6) Minimum front yard. All buildings and structures must have a minimum front yard setback of 25 feet.
- (7) Minimum rear yard. Minimum permitted rear yard setbacks for all buildings and structures are:
- (A) 15 feet for a main building or structure; and
- (B) 2 feet, 6 inches for an accessory building or structure. A one-foot, six-inch roof overhang encroachment is allowed.
- (8) Minimum side yards. All buildings and structures must have:
- (A) a minimum side yard setback of five feet for a main building or structure;
- (B) a minimum interior side yard setback of three feet for an accessory building or structure, allowing a one-foot, six-inch roof overhang encroachment; and
- (C) a minimum cornerside yard setback of 10 feet for any building or structure on a corner lot.
- (9) Illustration of setbacks. Proper measurement of required setbacks is illustrated in Exhibit 97D.
- (10) Off-street parking requirements.
- (A) Single family uses must provide at least one off-street parking space for each dwelling unit. This parking space must be located behind the front building line.
- (B) Duplex uses must provide at least two off-street parking spaces for each dwelling unit. These parking spaces must be located behind the front building line.

(C) The off-street parking requirements in the Dallas Development Code applicable to multifamily uses in an MF-2(A) Multifamily District apply to multifamily uses in this tract.

(11) Signs.

(A) In general. Signs are governed by the provisions for non-business zoning districts in Article VII, "Sign Regulations."

(B) Size restrictions. A detached sign must have a height of eight feet or less, and an effective area of 32 square feet or less.

(12) Story requirements. All main buildings must have at least two stories.

(c) Preservation criteria for Tract A. The following preservation criteria apply to all property in Tract A.

(1) Building placement, form, and treatment.

(A) Accessory buildings. Accessory buildings:

- (i) are only permitted in the rear yard;
- (ii) must be compatible with the scale, shape, roof form, materials, detailing, and color of the main building;
- (iii) must be at least eight feet from the main building; and
- (iv) may not exceed 1,200 square feet, unless documentation shows that an original building exceeding this size was previously on the building site.

(B) Additions. All additions to a building must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing, and color of that building.

(C) Architectural detail. Materials, colors, structural and decorative elements, and the manner in which they are used, applied, or joined together must be typical of the style and period of the main building and compatible with the other buildings on the blockface.

(D) Awnings. Metal and corrugated plastic awnings are only permitted on an accessory building or on the rear facade of a main building. Other awnings must be typical of the style and period of the main building.

(E) Building eaves. The eaves and soffit heights of a main building must be within 10 percent of the eaves and soffit heights of the closest main building in this district of a similar style and having the same number of stories. Measurement and location of soffits and eaves are shown on Exhibit 97E.

(F) Building placement.

(i) All buildings must be placed so they do not adversely affect the rhythm of spaces between buildings on the blockface.

that is: (ii) A main building on an interior lot must have a front yard setback

(aa) equal to that of the closest main building on either side of the lot in the same blockface; or

(bb) between those of the closest main buildings on either side of the lot in the same blockface.

(iii) A main building on a corner lot must have a front yard setback that is within one foot of that of the closest main building in the same blockface.

(G) Building widths. Minimum permitted widths for main buildings are:

(i) 30 feet for a main building on an interior lot; and

(ii) 35 feet for a main building on a corner lot.

(H) Chimneys. All chimneys must be compatible with the style and period of the main building. Chimneys on the front 50 percent of a main building or on a cornerside facade, as shown on Exhibit 97D, must be:

(i) composed of z-brick on chimneys located entirely at roof level, or otherwise of brick or stucco, whichever is typical of the style and period of the main building and the district; and

(ii) of a style and proportion that is typical of the style and period of the main building.

(I) Color.

(i) Brick surfaces. Brick surfaces not previously painted must not be painted unless the applicant establishes that:

(aa) the color and texture of replacement brick cannot be matched with that of the existing brick surface;

(bb) the brick is not original or compatible with the style and period of the main building and the district; or

(cc) painting is the only method by which the brick may be restored or preserved.

(ii) Certain colors prohibited. Fluorescent and metallic colors are not permitted on the exterior of any structure in this district.

(iii) Dominant and trim colors.

(aa) All structures must have a dominant color and no more than three trim colors, including any accent colors. Proper location of dominant, trim, and accent colors is shown on Exhibit 97F.

(bb) The colors of a structure must be complementary of each other and the overall character of this district.

(cc) All colors must comply with the Acceptable Color Range Standards contained in Exhibit 97G.

(dd) Complimenting color schemes are encouraged throughout the blockface.

(iv) Gutters and downspouts. Gutters and down-spouts must be painted or colored to match the portion of the structure to which they are attached.

(v) Roof colors. Roof colors must complement the style and color scheme of the structure.

(vi) Stain. The use and color of stain must be typical of the style and period of the main building.

(J) Columns.

(i) Function. Columns are only permitted as vertical supports near the front entrance of the main building or as vertical supports for porches.

(ii) Materials. Columns must be constructed of brick, wood, or other materials that look typical of the style and period of the main building. No pipe, wrought iron, or processed wood columns are permitted.

(iii) Style. Columns must be typical of the style and period of the main building and the district.

(iv) Width dimensions. The width of a column shaft at its widest point must comply with the criteria contained in Exhibit 97H.

(K) Construction. New construction and renovation of existing buildings must be compatible with the style and period of the district and the blockface.

(L) Facade materials.

(i) In general. The only permitted facade materials are brick, wood siding, and stucco. Cut stone is only permitted as a foundation material. All facade treatments and materials must be typical of the style and period of the main building and the district. All trim must consist of mill-finished wood.

(ii) Brick. All exposed brick on facades must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A, Type Grade FBS-SW.

(iii) Wood facades.

(aa) Existing wood facades must be preserved as wood facades.

(bb) Processed wood products are not permitted as a facade material.

(cc) Wood shingles are not permitted as a primary facade material, but may be used in roof gables, on second story facades, on columns, and on foundation skirts in a manner that is typical of the style and period of the main building. Wood shingles must be pressure treated in accordance with the provisions of the Dallas Building Code, as amended.

(M) Finished porch floor elevation. The finished porch floor elevation must be:

- (i) 24 inches above grade; or
- (ii) within 10 percent of the finished porch floor elevation of the closest main building of a similar style.

(N) Front entrances and porches.

(i) Detailing. Railings, moldings, tilework, carvings, and other detailing and architectural decorations on front entrances and porches must be typical of the style and period of the main building.

(ii) Enclosures. A front entrance or porch may not be enclosed with any material, including iron bars, glass, or mesh screening.

(iii) Facade openings. Porches must not obscure or conceal any facade openings in the main building.

(iv) Floor coverings. Carpeting is not permitted as a porch floor or step covering.

(v) Style. Each main building must have a front porch or entry treatment with a roof form and of a shape, materials, and colors that are typical of the style and period of the building. A front entrance or porch must reflect the dominant horizontal or vertical characteristics of the main building. A front porch must:

- (aa) be completely covered;
- (bb) be at least eight and no more than ten feet deep, or be within ten percent of the depth of the front porch on the closest main building of a similar style; and
- (cc) have wood or concrete steps.

(O) Porte cocheres. Porte cocheres must be preserved as architectural features and not be enclosed by fences, gates, or any other materials on any side.

(P) Roof forms.

- (i) Materials and colors.
 - (aa) Roof materials and colors must complement the style and color scheme of the building or structure.
 - (bb) A built-up roof of tar and gravel is only permitted as a roof material on covered porches and porte cocheres with flat roofs as shown on Exhibit 97J.

(cc) Aluminum is not permitted as a roof material.

(ii) Overhang.

(aa) The minimum permitted roof overhang for a new or move-in main building is 24 inches for the main roof, and 18 inches for a substructure roof.

(bb) A replacement roof on an existing building must have an overhang that is equal to or greater than the overhang of the roof it replaces.

(cc) The roof overhang for a main building may extend no more than three feet into the required setback.

(dd) The roof overhang for an accessory building may not encroach into any required setback.

(iii) Patterns. Roof patterns of a main building must be typical of the style and period of the architecture of the building.

(iv) Skylights and solar panels. Except as otherwise provided in this subsection, skylights and solar panels are only permitted on:

(aa) the rear 50 percent of the roof of a main building on an interior lot as shown on Exhibit 97I;

(bb) the rear inside quadrant of the roof of a main building on a corner lot; and

(cc) the roof of an accessory building in the rear yard as shown on Exhibit 97I.

(v) Slope and pitch. The degree and direction of roof slope and pitch must be typical of the style and period of the main building and compatible with existing building forms in this district. Flat or Mansard roof designs are not permitted on main or accessory buildings or structures, except that a covered porch or porte cochere may have a flat roof if typical of the style and period of the main building, as shown on Exhibit 97J.

(Q) Signs. Signs may not obscure significant architectural features of the main building. The shape, materials, color, design, and letter style of signs must be typical of and compatible with the style and period of the architecture of the building and must complement the district.

(R) Stairs. Second and third story exterior staircases are only permitted as secondary access on accessory buildings and on the rear 50 percent of a main building, except that they are not permitted on a cornerside facade.

(S) Windows and doors.

(i) Front facade openings. The total number of window and door openings in the front facade of a main building must be equal to or greater than the total number of original window and door openings in that facade. The number of door openings in the front facade of a main building may not be increased. Each story of a front facade of a main building must contain at least two windows or one window with a door.

(ii) Glass.

(aa) Glass must be typical of the style and period of the main building and the district. Examples of typical door and window glass detail are shown on Exhibit 97K.

(bb) Clear, decorative stained, and clear leaded glass are permitted in any window opening. Decorative stained glass is not permitted in a front door.

(cc) Reflective, tinted, opaque, and mirrored glass and plastic are not permitted in any opening.

(dd) Translucent glass is not permitted except in a bathroom window.

(iii) Vinyl-clad or painted aluminum windows. Only vinyl-clad or painted aluminum windows are permitted.

(iv) Screens, storm doors, and storm windows. Screens, storm doors, and storm windows are permitted if:

(aa) their frames are painted or colored to complement the color of the window sashes or the door of the main building;

(bb) they do not obscure significant features of the windows and doors they cover; and

(cc) any screening used is 18 by 16 gauge.

(v) Security and ornamental bars. Security and ornamental bars are only permitted on an accessory building or the rear facade of a main building.

(vi) Shutters. Shutters must be typical of the style and period of the building and must appear to be installed in a manner to perform their intended function.

(vii) Style.

(aa) All windows and doors in the front facade of a main building must be proportionally balanced in a manner typical of the style and period of the building and the district, as shown on Exhibit 97L.

(bb) No single, fixed plate glass is allowed except as part of an original period design. The size and proportion of window and door openings located on the front and side facades of a main building must be typical of the style and period of the building and the district.

(cc) All windows, doors, and lights in the front and side facades of a main building must be typical of the style and period of the building and the district. Windows must contain at least two window panes. Windows must have at least a one over one sash design. Front doors must contain at least one light. Sidelights must be compatible with the door.

(dd) The frames of windows must be trimmed in a manner typical of the style and period of the building and the district.

(2) Landscaping.

(A) Certain items prohibited in front and cornerside yards. The following items are not permitted in the front and cornerside yards:

- (i) Above-ground meters.
- (ii) Berms.
- (iii) Cactus gardens.
- (iv) Pylons and similar structures.
- (v) Rock or sculpture gardens.
- (vi) Vegetable gardens.
- (vii) Lawn ornaments.

(B) Fences.

(i) Form.

(aa) Fences must be constructed and maintained in a vertical position.

(bb) The top edge of a fence must be along a line that is either horizontal or parallel to grade. Except in the case of a picket, chain link, or wrought iron fence, the top edge of a fence must be flat.

(ii) Height. Maximum permitted height for a fence is nine feet.

(iii) Location.

(aa) Fences are not permitted in the front yard.

(bb) A fence in an interior side yard must be located in the rear 50 percent of the side yard and behind the rearmost side projection of the main building, except that the commission may allow a fence to be located anywhere in an interior side yard if it determines that the fence does not screen any portion of a significant architectural feature of a main building on the same or an adjacent lot.

(cc) A fence in the cornerside yard may not be directly in front of the cornerside facade.

(dd) A fence in the cornerside yard must be set back a minimum of two feet from a public sidewalk.

(ee) A fence must run either parallel or perpendicular to a building wall or lot line.

(ff) A fence on a vacant lot is permitted only on the rear property line.

(gg) Exhibit 97M demonstrates proper location of fences.

(iv) Materials. A fence must be constructed of one or more of the following materials: metal or plastic-coated chain link, wrought iron, wood, or stucco. The use of brick or stucco in a fence is not permitted except as part of a structural column, or a base that is two feet or less in height. Exposed concrete blocks are not permitted.

(v) Masonry columns and bases.

(aa) The color, texture, pattern, and dimensions of masonry, and the color, width, type, and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of the main building as nearly as practicable.

(bb) All exposed brick in a fence column or base must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A, Type Grade FBS-SW.

(vi) Metal fences.

(aa) Wrought iron and metal fences must be compatible with the style and period of the main building.

(bb) If a wrought iron or metal fence is painted or colored, the color must be black, dark green, or dark brown and must complement the color of the main building.

(vii) Wooden fences.

(aa) All wooden structural posts must be a nominal size which is no less than four inches in diameter.

(bb) The side of a wooden fence facing a public street must be the finished side.

(cc) Wooden fences may be painted or stained a color that is complementary to the main building.

(C) Foundation plantings. Foundation plantings may not:

(i) screen significant architectural features of the main building; or

(ii) exceed three feet in height unless they are part of an overall landscape plan approved by the commission.

(D) Outdoor lighting. Outdoor light fixtures must be compatible with the style and period of the main building and must not obscure or conflict with significant architectural details. Overhead and exposed wiring and conduit for outdoor lighting is not permitted.

(E) Plantings.

(i) Only grass, trees, groundcover, and flowers are permitted in the parkway.

(ii) All trees in the parkway must be:

(aa) selected from the list contained in Exhibit 97N;

(bb) placed a uniform distance apart; and

(cc) planted along a line parallel to the street.

(iii) Flower beds and ground cover may not comprise 50 percent or more of the front or cornerside yard unless approved by the commission as part of a landscape plan.

(iv) Flower beds and ground cover may not comprise more than 50 percent of the parkway area.

(v) Provisions regarding proper landscape treatment are contained in Exhibit 97O.

(F) Pavement, filler, and edging materials. Pavement, filler, and edging materials, such as landscape timbers, gravel, and bark, that are used in landscape beds in the front and cornerside yards must be reviewed by the commission as part of an overall landscape plan if the landscape beds collectively comprise more than 25 percent of the combined areas of the front and cornerside yards. No more than 50 percent of the front yard of a residential use may be covered by pavement or filler materials.

(G) Planter boxes. Planter boxes must be:

(i) 12 inches or less in height;

(ii) 36 inches or less in depth;

(iii) 6 inches or more behind any front step buttress;

(iv) an integral part of the main building; and

(v) constructed of brick, natural stone, or smooth-finished concrete that matches or is compatible in texture, color, and style with the main building.

(H) Retaining walls. Retaining walls are not permitted in the front and side yards except to preserve a natural or existing slope. The height of a retaining wall may not exceed the height of the slope it retains. A retaining wall must be constructed of unpainted natural stone, brick, stucco, or smooth-finished concrete that is compatible in texture, color, and style with the main building.

(I) Sidewalks, driveways, and curbing.

(i) Materials.

(aa) No exposed aggregate, asphalt, artificially colored concrete, or epoxy resin is permitted as a sidewalk, driveway, or curbing material.

(bb) All public sidewalks and curbing must be constructed of brush-finish concrete.

(cc) All private sidewalks and driveways must be constructed of brush-finish concrete or brick that matches or is compatible in texture, color, and style with the main building.

(dd) All roll steps must be constructed of brush finish concrete.

(ii) Width, style, and spacing.

(aa) The maximum permitted width of a driveway in the front yard is 10 feet. The driveway width may be expanded to a maximum of 20 feet at any point behind the front facade.

(bb) Ribbon driveways are permitted only if the ribbons are at least one foot wide.

(cc) Circular driveways are not permitted in the front yard.

(dd) A driveway constructed in the front yard adjacent to an existing driveway on an adjacent lot must be no less than one foot from the existing driveway.

(ee) Each main structure must have a roll step at the intersection of the private sidewalk and the public sidewalk. All roll steps must be in line with the front door of the main building and must be within one foot of lining up with the roll steps on adjacent property. (Ord. Nos. 20024; 25423; 26102)

SEC. 51P-97.112. USE REGULATIONS, DEVELOPMENT STANDARDS, AND PRESERVATION CRITERIA FOR TRACT B (MULTIFAMILY DWELLINGS; PRAIRIE STYLE ARCHITECTURE).

(a) Use regulations for Tract B. The following use regulations apply to all property in Tract B.

(1) Uses that were illegal on August 20, 1980, are illegal uses under this article.

(2) Uses are limited to those permitted in an MF-2 Multiple-Family District.

(b) Development standards for Tract B. The development standards for Tract A apply to all property in Tract B.

(c) Preservation criteria for Tract B. The preservation criteria for Tract A apply to all property in Tract B. (Ord. Nos. 20024; 25423)

SEC. 51P-97.113. USE REGULATIONS, DEVELOPMENT STANDARDS, AND PRESERVATION CRITERIA FOR TRACT C [SINGLE FAMILY DWELLINGS; VICTORIAN STYLE ARCHITECTURE].

(a) Use regulations for Tract C. The use regulations for Tract A apply to all property in Tract C.

(b) Development standards for Tract C.

(1) In general. Except as otherwise provided in this section, the development standards for Tract A apply to all property in Tract C. In the event of a conflict, the provisions of this section control.

(2) Foundation height. All main buildings must be built on a foundation that is not less than 30 nor more than 36 inches above grade.

(3) Story requirements. All main buildings must have either one and one-half or two stories. Illustrations of two story and one and one-half story Victorian structures are contained in Exhibit 97P.

(c) Preservation criteria for Tract C.

(1) In general. Except as otherwise provided in this section, the preservation criteria for Tract A apply to all property in Tract C. In the event of a conflict, the provisions of this section control.

(2) Building placement, form, and treatment.

(A) Building widths.

(i) Minimum width. Minimum permitted width of a main building is 95 percent of the average width of all main buildings in this tract.

(ii) Maximum width. Maximum permitted width of a main building is 50 feet.

(B) Color. The color scheme of a main building must be typical of the Victorian style and period.

(C) Columns. All porch columns must be appropriate to the style and period of the tract.

(D) Facades.

(i) Materials. The only permitted facade material for a main building is wood.

(ii) Shape. The shape of all facades must be typical of the Victorian style and period. Examples of facade shapes typical of the Victorian style and period are shown on Exhibit 97P.

(E) Front entrances and porches. Each main building must have a front entry and porch treatment that is typical of the Victorian style and period. A front porch must:

(i) extend across over one-third of the length of the front facade;
and

(ii) be completely covered by a roof supported by columns that are appropriate to the style and period of the main structure.

(F) Roof forms. Roof forms must be typical of the Victorian style and period. Roof gables facing the street must contain ornamental embellishments.

(3) Landscaping.

(A) Fences.

(i) Height. Maximum permitted heights for fences are:

(aa) three feet for a fence in a front or side yard; and

(bb) nine feet for a fence in the rear yard.

(ii) Location. Fences are permitted in the front, side, and rear yards. Fences in the front and side yards must have a screening factor of less than 50 percent. Chain link and masonry fences are only permitted in the rear yard. The commission must review all fences in the front and side yards. Except as otherwise provided in this section, the fence location requirements for Tract A apply in this tract.

(iii) Metal fences. Ornamental wire may be painted any color that is compatible with the main building.

(iv) Wood fences. Wood fences in the front yard must be painted and compatible with the style and period of the main building. Picket fences may be permitted. (Ord. Nos. 20024; 25423)

SEC. 51P-97.114. USE REGULATIONS, DEVELOPMENT STANDARDS, AND PRESERVATION CRITERIA FOR TRACT D (COLLETT RETAIL).

(a) Use regulations for Tract D. The following use regulations and development standards apply to all property in Tract D.

(1) Uses that were illegal on August 20, 1980, are illegal uses under this article.

(2) Uses are limited to those uses permitted in an GR General Retail District as defined in Chapter 51.

(b) Development standards for Tract D.

(1) In general. Except as otherwise provided in this section, the development standards in CHAPTER 51 applicable to the GR General Retail District apply to all property in Tract D. In the event of a conflict, the provisions of this section control.

(2) Setbacks. New buildings and parking lots must be located behind the cornerside building setback line of the closest main residential building along Collett Street.

(c) Preservation criteria for Tract D.

(1) In general. Except as otherwise provided in this section, the preservation criteria for Tract A apply to all property in Tract D. In the event of a conflict, the provisions of this section control.

(2) Building placement, form, and treatment.

(i) Additions. All additions to a building must be architecturally compatible with the building and complementary to its horizontal or vertical characteristics, scale, shape, roof form, materials, and color.

(ii) Alterations. An alteration to a building must be typical of the style and period of the building and the district.

(iii) Awnings. Awnings must be made of fabric and must complement the main building in style and color.

(iv) Facade materials. All facade treatments and materials must be typical of the style and period of the building and the district. Wood, brick, ceramic tile, stone, and stucco are permitted facade materials.

(v) Main entrances. The main entrances of buildings in this tract must face Collett Street.

(vi) New or move-in buildings. The scale and style of new and move-in buildings must complement the scale and style of residential buildings in Tract A.

(vii) Screening.

(A) In general. Screening is required in the rear and side yards of a nonresidential use constructed after August 20, 1980, if the use is adjacent to a residential use, whether separated by an alley or not. All screening must be at least eight feet in height.

(B) Materials. Screening must consist of a solid wood fence, masonry fence, or natural vegetation of an evergreen variety with at least 60 percent density at the time of planting. Natural vegetation must be maintained in a healthy growing condition at all times.

(viii) Signs. Signs are governed by the provisions for non-business zoning districts in Article VII. Attached signs must not obscure significant architectural features of the building. The shape, design, materials, color, and letter style of signs should be typical of the style and period of the architecture of the building and this tract.

(ix) Windows and doors. Mirrored, opaque, and translucent glasses are not permitted in a window or door opening.

(3) Landscaping.

(A) Nonresidential uses. For nonresidential uses only:

(i) asphaltic concrete is permitted as a driveway or parking surface material; and

(ii) driveways may have a maximum width of 25 feet. (Ord. Nos. 20024; 25423)

SEC. 51P-97.115.

NONCONFORMING USES AND STRUCTURES.

(a) In general. Except as otherwise provided in this section, Section 51A-4.704 relating to nonconforming uses and structures, applies to all uses and structures in this district.

(b) Rebuilding damaged or destroyed structures. Nonconforming duplex or multiple-family structures in Tract A that are damaged or destroyed must be rebuilt as single family structures. For the

purposes of this subsection, a structure is "damaged or destroyed" when 50 percent or more of the structure must be rebuilt to replace the original structure. (Ord. Nos. 20024; 25423)

SEC. 51P-97.116. ENFORCEMENT.

(a) Certificate of appropriateness required. A person commits an offense if, without first obtaining a certificate of appropriateness from the city expressly authorizing the act, he:

(1) places, constructs, or maintains a main or accessory building on property in this district;

(2) makes or maintains exterior alterations to a main or accessory building in this district; or

(3) places, constructs, installs, or maintains a structure or non-plant-material landscape item outside a building on property in this district.

(b) Vegetation restrictions. A person commits an offense if he places or maintains a plant on Tract A, B, or C of this district in violation of one of the following vegetation restrictions:

(1) Cacti and vegetable gardens are prohibited in the front yard and may not be located in a side yard unless totally screened.

(2) Foundation plantings may not exceed three feet in height above the finished porch floor elevation unless they are part of an overall landscape plan approved by the commission. Foundation plantings that are part of a landscape plan may not screen significant architectural features of the main building.

(3) Only grass, trees, ground cover, and flowers are permitted in the parkway. All trees in the parkway must be selected from the list contained in Exhibit 97N, placed a uniform distance apart, and planted along a line parallel to the street. Flower beds may not comprise more than 50 percent of the parkway area.

(c) Additional offenses. A person commits an offense if he violates the use regulations or development standards in Sections 51P-97.111(b) and (c); 51P-97.112(b) and (c); 51P-97.113(b) and (c); and 51P-97.114(b) and (c) of this article.

(d) Defenses to prosecution.

(1) It is a defense to prosecution under Subsections (a)(2) and (a)(3) that the act was:

(A) performed in a side or rear yard, and the alteration, structure, or item is six feet or less in height and totally screened by a fence or hedge;

(B) the installation, maintenance, or replacement of security or ornamental bars on the rear facade of the main building or on an accessory building;

(C) the installation, maintenance, or replacement of a lawn sprinkler system;

(D) the installation, maintenance, and/or replacement of an air conditioning unit in a side or rear yard; or

(E) the installation or maintenance of a special purpose sign.

(2) It is an additional defense to prosecution under Subsection (a)(3) that the structure, plant, or landscape item was temporarily placed, constructed, or installed. For purposes of this subsection, an act is temporary in nature if it occurs no more than two time periods during the calendar year for a maximum of five days per time period.

(3) There is no defense to prosecution for a violation of Subsection (a)(1).

(e) Criminal responsibility. A person is criminally responsible for a violation if he:

(1) commits or assists in the commission of an act in violation; or

(2) owns part or all of the land or a structure on the land where a violation exists.

(f) Penalty. A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this article, 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 in this district. (Ord. Nos. 20024; 25423)

SEC. 51P-97.117. GENERAL PROVISIONS.

(a) The building official shall not issue a building permit or certificate of occupancy for a use in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city.

(b) All paved areas, permanent drives, streets, and drainage structures, if any, shall be constructed in accordance with standard city specifications to the satisfaction of the director of public works and transportation. (Ord. Nos. 15820; 20024; 25423; 26102)

SEC. 51P-97.118. REPEALER.

(a) Portions of Ordinance No. 15820. Subsection 2, "Uses," and Subsection 3, "Development Standards," of Section 2 of Ordinance No. 15820, passed by the Dallas City Council on April 26, 1978, as amended by Ordinance No. 16657, passed by the Dallas City Council on August 20, 1980, are repealed.

(b) Portions of Ordinance No. 16658. Section 2 and Exhibit A, "Preservation Criteria--Munger Place," of Ordinance No. 16658, passed by the Dallas City Council on August 20, 1980, are repealed. (Ord. Nos. 20024; 25423)

SEC. 51P-97.119. ZONING MAP.

PD 97 is located on Zoning Map Nos. I-8 and J-8. (Ord. Nos. 22361; 25423)