

1/20/92

ORDINANCE NO. 21178

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. 52 (Southern Pine House) comprised of the following described property ("the Property"), to wit:

Being all of Lot 1 in City Block J/2110 at the northeast corner of Kinmore Street and St. Charles Avenue, fronting 60.9 feet on the north line of Kinmore Street and fronting 150 feet on the east line of St. Charles Avenue, and containing approximately 9,135 square feet 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 that property; and

WHEREAS, the city council finds that it is in the public interest to establish this historic overlay district; Now, Therefore,

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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. 52 comprised of the following described property ("the Property"), to wit:

Being all of Lot 1 in City Block J/2110 at the northeast corner of Kinmore Street and St. Charles Avenue, fronting 60.9 feet on the north line of Kinmore Street and fronting 150 feet on the east line of St. Charles Avenue, and containing approximately 9,135 square feet 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

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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-9 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.

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 A. LINDSAY, Acting City Attorney

By 
Assistant City Attorney

Passed JAN 22 1992

Zoning File No. Z901-254/9000-S

4703E

EXHIBIT A

PRESERVATION CRITERIA
Southern Pine House

All public and private right-of-way improvements, renovation, repairs, demolition, maintenance, site work, and new construction on the building site must 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 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.

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 BLOCKFACE means all of the lots on one side of a block.
- 1.4 CERTIFICATE means a certificate of appropriateness issued by the city pursuant to Section 51A-4.501 of the Dallas City Code, as amended, to authorize the alteration of the physical character of real property on this site or any portion of the exterior of a structure on the site; or the placement, construction, maintenance, expansion, or removal of any structure on or from the site.
- 1.5 COLUMN means the entire column, including the base and capital, if any.
- 1.6 COMMISSION means the landmark commission of the City of Dallas.
- 1.7 CORNER LOT means a lot that has frontage on two intersecting streets.
- 1.8 CORNERSIDE FACADE means a building facade facing a side street.
- 1.9 CORNERSIDE YARD means a yard that abuts a side street.

- 1.10 DIRECTOR means the director of the department of planning and development or his representative.
- 1.11 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.12 MINOR EXTERIOR ALTERATIONS means the installation of or alteration to awnings, fences, gutters and downspouts, incandescent lighting fixtures, or landscaping that comprises less than 25 percent of the front or side yard; restoration of original architectural features; additions and changes to the rear of the structure or to an accessory structure not visible from any street; and removal of immature trees visible from any street.
- 1.13 NO-BUILD ZONE means that part of a lot on which no new construction may take place.
- 1.14 PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.15 PROTECTED FACADE means a facade that, except as otherwise provided, must maintain its original appearance, as near as practical, in all aspects.
- 1.16 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.
- 1.17 SITE means the property described in Section 1 of this ordinance.
- 1.18 TRIM COLOR means a paint color other than the dominant color. The color of porch floors, ceilings, and wood-colored translucent stains are not trim colors.
- 1.19 REAL ESTATE SIGN means a sign that advertises the sale or lease of real property.

2. SITE AND SITE ELEMENTS

- 2.1 New construction or additions to the existing structure are prohibited on the areas designated as "no-build zones" on the attached site plan.
- 2.2 The existing structure must be retained and protected, unless relocation is necessary to protect the physical property as provided in item 5.1.

- 2.3 New construction, additions, or modifications to the existing garage shall not exceed the height of the existing structure.
- 2.4 No front-entry garages or drive-ways with access from Kinmore Street are allowed.
- 2.5 New sidewalks, walkways, steps, and driveways must be constructed of brush finish concrete, brick, stone, or other similar material. No exposed aggregate, artificial grass, carpet, asphalt, or artificially-colored monolithic concrete paving is permitted.
- 2.6 Exterior lighting must be appropriate to enhance the structure.
- 2.7 Landscaping must be appropriate and compatible, must enhance the structure and its surroundings, and must not obscure significant views of or from the building. It is recommended that landscaping modifications reflect the original historic landscaping design when appropriate.
- 2.8 Existing mature trees must be protected. Unhealthy or damaged trees may be removed.
- 2.9 Fences in an interior side yard must be located behind the original front porch of the structure as shown on the attached drawing.
- 2.10 Fences in a cornerside yard may not be located directly in front of the cornerside facade except that a certificate may be issued to allow a maximum four-foot high wood fence directly in front of that portion of the west facade that is to the north of the existing porch facing St. Charles Street if such a fence is necessary to protect the property from unusually high pedestrian traffic. (Refer to attached drawing)
- 2.11 Fences may not exceed six feet in height and must be constructed of wood.

3. STRUCTURE

Facades

- 3.1 The front portion of the east facade, including the southern half of the east facade up to and including the original front porch; the south facade; and the west facade are protected facades.

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- 3.2 Non-protected facades must be maintained with existing symmetry and solid-to-void ratios as much as practical. All additions and alterations must be historically sensitive and appropriate to the overall design of the existing building.
- 3.3 Reconstruction, renovation, or repair of the opaque elements of protected facades must employ materials similar to the original materials in texture, color, pattern, grain, and module size as much as practical.
- 3.4 Concrete and stone elements must be renovated or repaired only with materials similar in size, grain, texture, and color to the original materials.
- 3.5 It is encouraged that the existing metal siding be removed. Existing wood trim and detailing must be carefully restored wherever practical. Historic materials may be replaced only when necessary. Badly deteriorated paint must be removed in accordance with Department of Interior standards prior to refinishing. All exposed wood must be painted, stained, or otherwise protected. Resurfacing with vinyl, aluminum siding, or stucco is not permitted.
- 3.6 Original color and original materials must be preserved and maintained wherever practical. Paint and other color schemes for non-masonry elements must 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 shall be accomplished in accordance with Department of Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.
- 3.9 Future mechanical equipment must be placed in side or rear yards with screening so as to not be visible from adjacent streets.

Embellishments and Detailing

- 3.10 The following architectural elements are considered special features and must be protected and preserved: front and side porches, chimney, windows, and roof form.

Fenestration and Openings

- 3.11 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 match original doors and windows in mullion size, light configuration, and material. Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly recommended. Exterior storm windows and doors may be permitted if they are sensitive additions and match in frame width and proportion, glazing materials, and color. No decorative ironwork or burglar bars are permitted over doors or windows. Interior mounted burglar bars of appropriate color and design are permitted.
- 3.12 Glass and glazing must match original materials. No tinted or reflective glazing or films are permitted.
- 3.13 New door and window openings on protected facades are permitted only where necessary for safety.
- 3.14 Refer to Department of the Interior standards for acceptable techniques to improve the energy efficiency of historic fenestrations.

Roofs

- 3.15 The slope, massing, configuration, and materials of the roof must be preserved and maintained. Existing eaves must be retained, and repairs must be done with material matching in size, finish, module, and color.
- 3.16 The following roofing materials are allowed: wood shingles or composition shingles. No metal, built-up, synthetic wood shingles, synthetic clay tile, or single-ply membrane roofs are permitted on the structure.
- 3.17 If the original wood shingle roof exists beneath the current roof, the original wood shingle roof may not be removed. A new roof may be applied over the original historic roof.
- 3.18 Solar panels or skylights are allowed only on the northern 50 percent of the east side of the gable roof, and may not be visible from St. Charles Street.
- 3.19 Existing porches and balconies on protected facades must be retained and preserved, and may not be enclosed.

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3.20 All original columns, railings, trim, and detailing of porches or balconies must be preserved. It is encouraged that trim that has been replaced with nonoriginal trim be replaced to match the original.

3.21 Porch floor finishes must be concrete or stone. Concrete or stone porch floors may not be covered with paint or carpet. A clear sealant on porch floors is acceptable.

4. NEW CONSTRUCTION AND ADDITIONS

4.1 The form, materials, and general exterior appearance of new construction and accessory buildings must be compatible with the existing historic structure.

4.2 New construction, additions to historic structures, accessory buildings, porches, and balconies shall be of appropriate massing, roof form, shape, materials, detailing, and color, and have fenestration patterns and solids-to-voids ratios that are typical of the original building.

4.3 Vinyl, aluminum, and stucco are not acceptable cladding materials for the construction of any new accessory buildings or additions to the historic structure.

4.4 The height of horizontal additions to existing non-protected facades of the historic structure or new accessory building may not exceed the height of the historic structure on the site.

4.5 No new vertical extensions are permitted to the historic structure or existing garage.

4.6 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.

5. RELOCATION

5.1 Relocation of the home will be allowed if the physical condition of the house and lot is threatened due to deteriorated conditions of the surrounding neighborhood.

6. SIGNS

- 6.1 All signs must conform to applicable provisions of the Dallas City Code and be compatible with the architectural qualities of the structure.
- 6.2 Historic designation markers, street signs, and protective signs are permitted.
- 6.3 Existing original signage for the building used during the 1936 Centennial Exhibition is permitted.
- 6.4 No certificate is required to erect temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code) and real estate signs.

7. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

- 7.1 Unless otherwise specified in this section, the standard review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this site.
- 7.2 Upon receipt of an application for a certificate, the director shall categorize the application as one of the following: (A) routine maintenance and replacement, (B) minor exterior alteration, or (C) work requiring review by the commission.
- 7.3 The director shall review and grant or deny certificates for applications categorized as routine maintenance and replacement or minor exterior alteration within 10 days of receipt of a completed application. To be considered complete, an application must include any exhibits or attachments deemed necessary by the director.

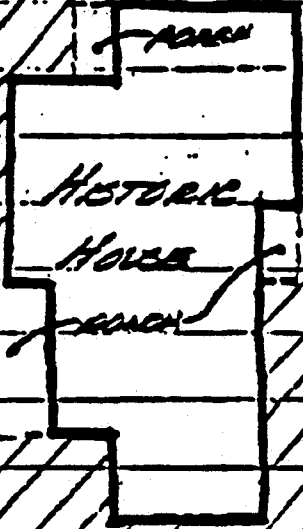
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920356

(ALLEY)



BUILD-ZONE.



ST. CHARLES STREET

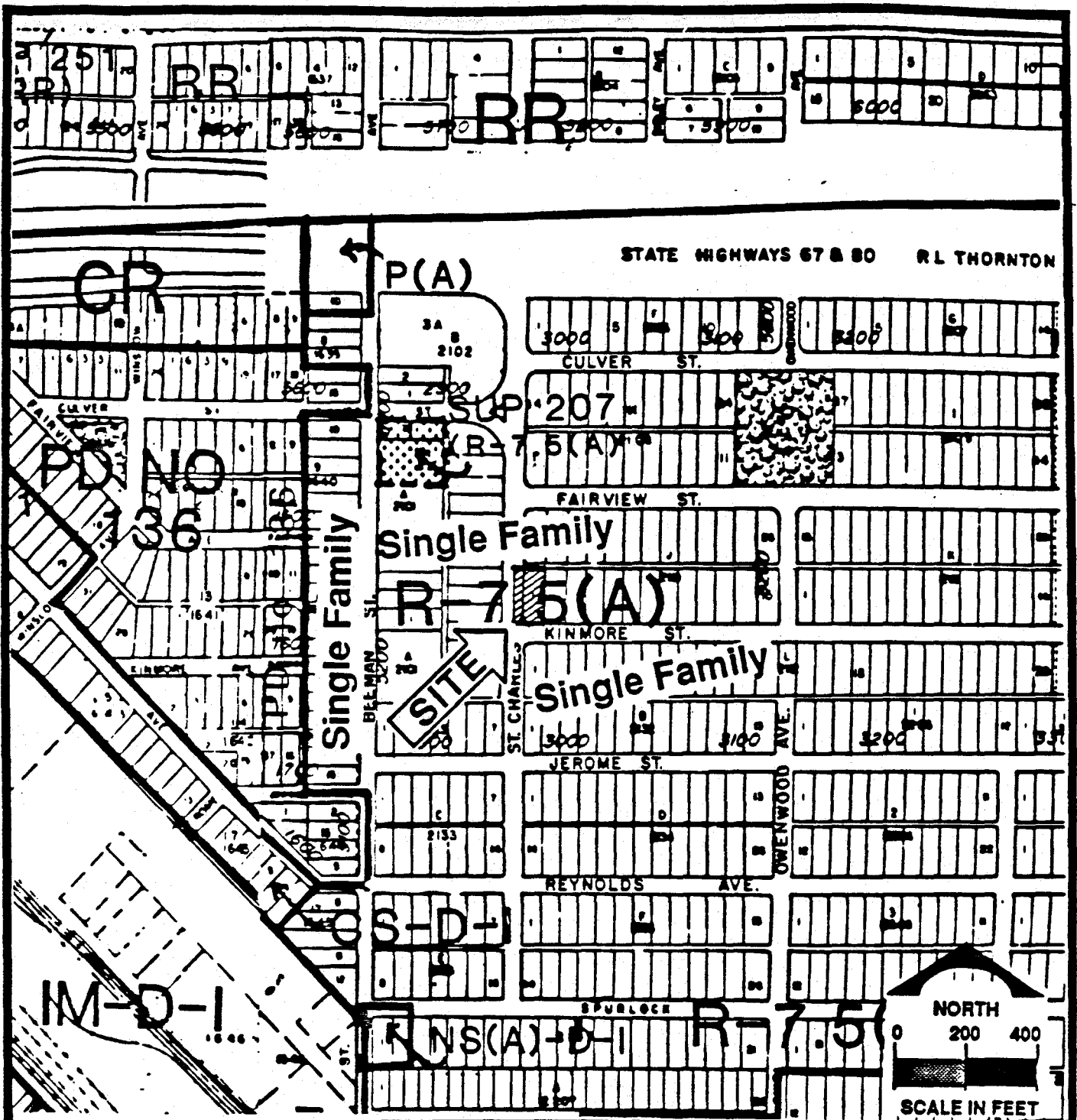
KINROSS STREET

NO-BUILD ZONE

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Z901-254/9000-S

NO-BUILD ZONE



STATE HIGHWAYS 67 & 80 RL THORNTON

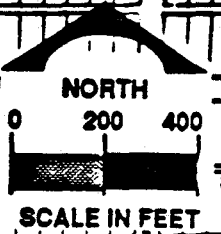
Single Family

R-7.5(A)

Single Family

S-D-1

R-7.5



ZONING AND LAND USE

Map No. J9

Case No. Z901-254/9000-S