881049

03/23/88

ORDINANCE NO. 19909

An ordinance amending CHAPTER 51, "PART I 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 all of Lot 4 in City Block 64/3045 at the southwest corner of Eads Avenue and Fifth Street, fronting 100 feet on the west line of Eads Avenue and fronting 95 feet on the south line of Fifth Street and containing 9,500 square feet of land,

from an HC Heavy Commercial District to an HC Heavy Commercial District with Historic Overlay District No. 39; establishing new Historic Overlay District No. 39 (Kovandovitch House) 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 provisions of 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 described below; and

CHECKED BY

JCK

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

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

SECTION 1. That CHAPTER 51, "PART I OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended by changing the zoning classification from an HC Heavy Commercial District to an HC Heavy Commercial District with Historic Overlay District No. 39 on the following described property, to-wit:

Being all of Lot 4 in City Block 64/3045 at the southwest corner of Eads Avenue and Fifth Street, fronting 100 feet on the west line of Eads Avenue and fronting 95 feet on the south line of Fifth Street and containing 9,500 square feet 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. K-7 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 51, "PART I 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:

ANALESLIE MUNCY, City Attorney

By _____
Assistant City Attorney

Passed MAR 23 1988

Zoning File No. Z878-155/8495-S

0696J

EXHIBIT A

APPENDIX
PRESERVATION CRITERIA

KOVANDOVITCH HOUSE

The Joe Kovandovitch house has been damaged by fire, so that no elements remain except fragments of window and door frames, and the concrete walls. The following criteria shall serve as guidelines for Landmark Commission review of any restoration, replication or renovation of the building. All repairs, replacements or renovations shall conform to the following guidelines:

1. Surface Materials

   Any reconstruction, renovation or repair of opaque elements of each building elevation shall employ only brick, concrete, stucco or other masonry similar to the original material in texture, grain, color and module size. Friezes, capitals and other detailing originally executed in concrete shall be retained and, if possible, carefully restored.

2. Fenestrations and Openings

   Existing door and window openings on each elevation shall remain intact and be preserved. Original window and door configurations and mullion and light patterns shall be replicated, following thorough research and investigation as to original conditions. No reflective or tinted glass will be permitted in window or door openings on any part of the facades.

3. Roof

   The slope and configuration of the existing roof shall be preserved and maintained. All existing extensions, parapets and railings shall be preserved and maintained, with the exception of the iron fire escape on the rear elevation, which may be removed. No rooftop mechanical equipment shall be allowed.

4. Color

The original whitewash color of the concrete stucco exterior shall be retained or replicated. Paint colors of window and door frames and other non-masonry elements should be based upon any available documentation as to original conditions, and shall be reviewed for compatibility in the Certificate of Appropriateness process.

5. Additions and New Construction

No additions or new construction, other than patio, deck or other low-scale site improvements, shall be permitted in the no build zone. All additions or new construction on the remainder of the site shall be reviewed for compatibility through the Certificate of Appropriateness review process.

6. Landscaping, Lighting and Signs

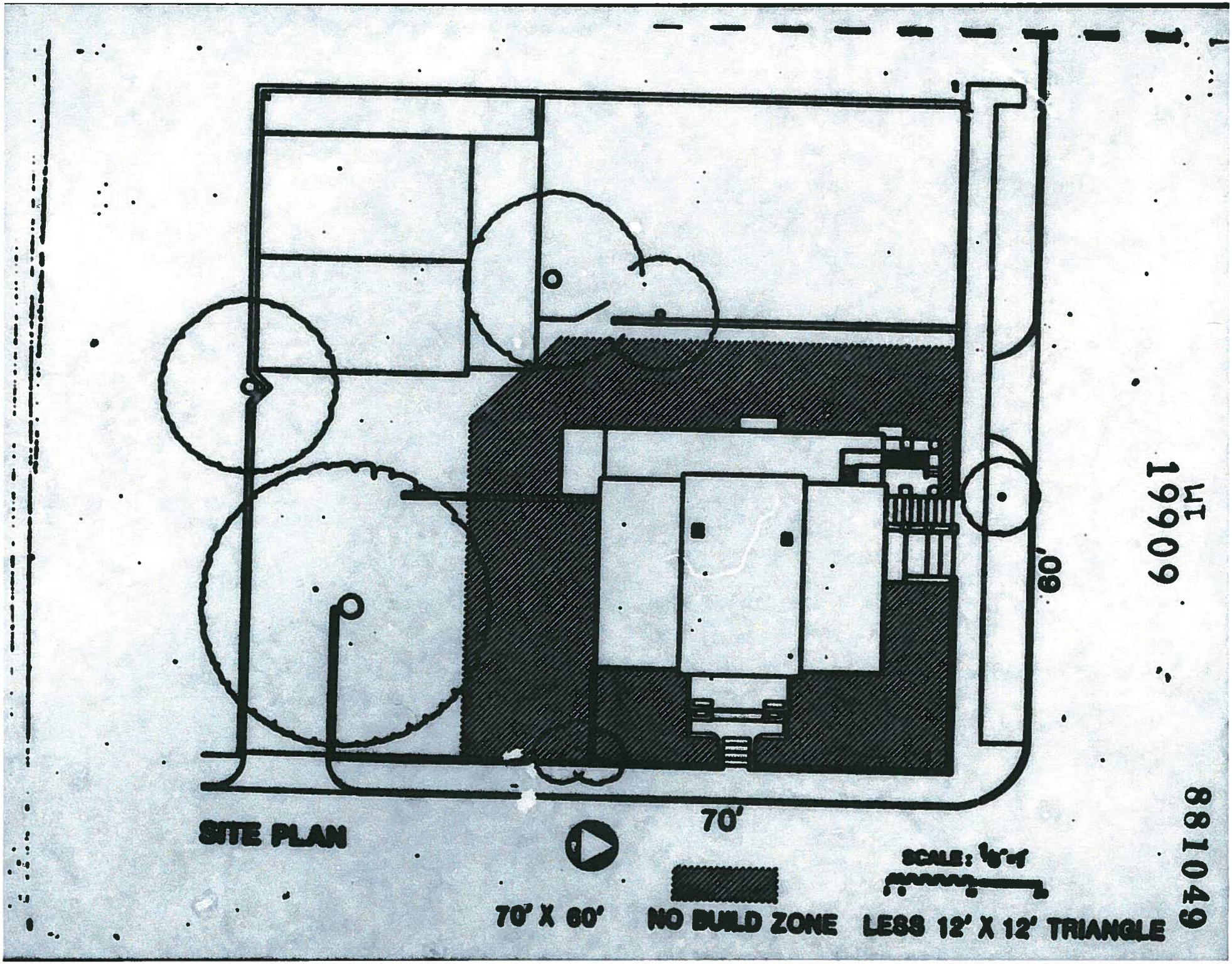
Exterior lighting, landscaping, fencing and other site improvements shall be reviewed for compatibility prior to commencement of work. All new exterior signs shall be designed to be compatible with the architectural qualities of the existing structure, and shall be reviewed and approved through the Certificate of Appropriateness process prior to the issuance of a sign permit.

7. Public Improvements

All proposed public improvements of streets and associated R.O.W. abutting the site shall be reviewed and approved through the Certificate of Appropriateness process.

8. Removal of Accessory Buildings

Proposals to remove accessory buildings on the site shall be reviewed through the Certificate of Appropriateness process.


SITE PLAN
70'
60'
70' X 60'
NO BUILD ZONE
LESS 12' X 12' TRIANGLE
SCALE: 1/8"=1'
881049
WI
19909