

6/12/92

ORDINANCE NO. 21323

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. 55 (Kings Court) comprised of the following described property ("the Property"), to wit:

BEING all of Lot 9 and the northwestern 25 feet of Lot 8 in City Block 12/3463 in the W. Meyers Survey, Abstract No. 880, Dallas County, Texas, located at the south corner of Kings Highway and Clinton Avenue, fronting 75 feet on the southwest line of Kings Highway and fronting 150 feet on the southeast line of Clinton Avenue, and containing 11,250 square feet of land;

providing procedures, regulations, and preservation criteria for structures and property in the district; permitting up to 12 dwelling units 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,

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

BEING all of Lot 9 and the northwestern 25 feet of Lot 8 in City Block 12/3463 in the W. Meyers Survey, Abstract No. 880, Dallas County, Texas, located at the south corner of Kings Highway and Clinton Avenue, fronting 75 feet on the southwest line of Kings Highway and fronting 150 feet on the southeast line of Clinton Avenue, and containing 11,250 square feet of land.

SECTION 2. That, except as provided in Section 3 of this ordinance, 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 no more than 12 dwelling units are permitted in this historic overlay district. This section controls over Section 12(a) of Ordinance No. 19910 (the Kings Highway Conservation District), passed by the Dallas City Council on March 23, 1988, and is enacted in accordance with Section 51A-4.501(a)(4) of the Dallas Development Code, which permits a historic overlay ordinance to provide additional regulations for the historic overlay district.

SECTION 4. 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 5. 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 6. That the director of planning and development shall correct Zoning District Map No. L-6 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 7. 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 8. 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 9. 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 10. 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 Chris Bowers
Assistant City Attorney

Passed JUN 10 1992

Zoning File No. Z912-167/8454-S

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EXHIBIT A

PRESERVATION CRITERIA

KINGS COURT

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. The explicit requirement to obtain a certificate of appropriateness in these Preservation Criteria does not imply that no certificate is needed for other improvements, renovation, repairs, demolition, maintenance, site work, or new construction.

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.

SECTION 1. DEFINITIONS.

Unless provided below or the context clearly indicates otherwise, the definitions contained in Sections 51A-2.102 and 51A-7.102 of the Dallas City Code, as amended, apply.

- 1.1 ACCENT COLOR means color used in small amounts to trim and accentuate detailed architectural features such as narrow decorative mouldings and window sashes.
- 1.2 APPLICANT means an owner of property within the district, or the owner's duly authorized agent.
- 1.3 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.

- 1.4 COMMISSION means the landmark commission of the City of Dallas.
- 1.5 CORNER LOT means a lot that has frontage on two intersecting streets.
- 1.6 CORNERSIDE FACADE means a building facade facing a side street.
- 1.7 CORNERSIDE YARD means a side yard that abuts a street.
- 1.8 DIRECTOR means the director of the department of planning and development or that person's representative.
- 1.9 DISTRICT means the Kings Court Historic Overlay District. This district contains the property described in Section 1 of this ordinance.
- 1.10 ERECT means to build, attach, hang, place, suspend, fasten, affix, maintain, paint, draw, or otherwise construct.
- 1.11 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.12 MINOR EXTERIOR ALTERATION means the installation of or alteration to awnings; fences; gutters and downspouts; lighting fixtures; landscaping that comprises less than 25 percent of the front or side yard; restoration of district or original architectural features; and the removal of immature trees visible from any street.
- 1.13 NO BUILD ZONE means that part of a lot in 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 must maintain its original appearance, as near as practical, in all aspects.
- 1.16 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.
- 1.17 ROUTINE MAINTENANCE AND REPLACEMENT means the process of cleaning, including water blasting and

stripping; stabilizing deteriorated or damaged district or architectural features, including repainting an item the same color; or substituting a duplicate item for an item that is deteriorated or damaged.

- 1.18 TRIM COLOR means a paint color other than the dominant color. Wood colored translucent stains are not trim colors.

SECTION 2. SITE AND SITE ELEMENTS

- 2.1 All areas in the district other than the building footprint shall be designated as "No Build Zones".
- 2.2 All existing original or historic structures must be retained and protected.
- 2.3 No additional front-entry garages or driveways are allowed.
- 2.4 New sidewalks, walkways, steps, and driveways must be of brush finish concrete or other approved material. No exposed aggregate, artificial grass, carpet, asphalt or artificially colored monolithic concrete paving is permitted.
- 2.5 Exterior lighting must be appropriate to and enhance the structure.
- 2.6 Landscaping must be appropriate and compatible, must enhance the structure and surroundings, and must not obscure significant views of the building or from the building. It is recommended that landscaping modifications reflect the original historic landscaping design when appropriate.
- 2.7 Existing mature trees must be protected. Unhealthy or damaged trees may be removed after obtaining a certificate of appropriateness.
- 2.8 Fences in the front yard must be constructed of metal in a design that is at least 75 percent open, and may not exceed 36 inches in height. Fences must be of appropriate design and complement the building.
- 2.9 Fences in the interior side yard must be constructed of metal, chain link, wood or brick and may not exceed 10 feet in height.

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- 2.10 Fences in cornerside yards may not be located directly in front of the cornerside facade.

SECTION 3. STRUCTURE

Facades

- 3.1 All facades of the building are protected facades.
- 3.2 Reconstruction, renovation or repair of the opaque elements of the building facades must employ materials similar to the original materials in texture, color, pattern, grain and module size as much as practical.
- 3.3 Brick must match in color, texture, module size, bond pattern and mortar color. Original brick structures that had previously been painted may remain painted.
- 3.4 Exposing and restoring the original historic finish of the exterior brick and other materials is strongly encouraged. If paint removal is not possible, repainting brick the original color is recommended.
- 3.5 Stone, cast stone, and concrete elements may be renovated or repaired only with materials similar in size, grain, texture, and color to the original materials.
- 3.6 Original color and original materials must be preserved and maintained wherever practical. Paint and other color schemes for non-masonry elements should be based upon any available documentation as to original conditions.
- 3.7 Exterior cleaning must be accomplished in accordance with Department of Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.
- 3.8 Mechanical equipment must be placed on the roof, side, or rear facades with screening.

Embellishments and Detailing

- 3.9 The following architectural elements are considered special features and will be protected and preserved unless otherwise determined by the Landmark Commission: the curvilinear dormer at front facade, the front entry porch, the

horizontal visor roofs cantilevered from wall surface over upper level windows at front and side facades, and the brick arch on the North Clinton facade between portions of the building and the lower level parking garage.

- 3.10 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 shall express mullion size, light configuration, and material to match original doors and windows. Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly recommended.

Exterior storm windows and doors may be permitted if they are sensitive additions and match existing openings in frame width and proportion, glazing material, and color. No decorative ironwork or burglar bars are permitted over doors or windows. Interior mounted burglar bars of appropriate color and design, certificate of appropriateness must be obtained.

- 3.11 Glass and glazing must match original materials. No tinted or reflective glazing or films is permitted.
- 3.12 New door and window openings are not permitted unless there is evidence that original openings have been infilled with other material. Exemptions from this requirement may be granted in cases of life safety.
- 3.13 It is encouraged that metal awnings and shutters that are not original to the building be removed.
- 3.14 The Department of the Interior standards for acceptable techniques to improve the energy efficiency of historic fenestrations should be consulted when appropriate.

Roofs

- 3.15 The slope, massing, configuration and materials of the roof must be preserved and maintained. Existing parapets, dormers, cornices and coping must be retained. Any repairs should be done with material matching in size, finish, module, and color.

- 3.16 Solar panels, skylights, and mechanical equipment mounted on the roof must be set back or screened so that it is not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

Entry Porches

- 3.17 Existing porches on protected facades must be retained and preserved and may not be enclosed.
- 3.18 Porch floor finishes must be concrete and may not be covered with paint or carpet. A clear sealant is acceptable.

SECTION 4. NEW CONSTRUCTION AND ADDITIONS

- 4.1 No new permanent construction of a new structure is allowed in this district unless the original structure is demolished in accordance with the applicable provisions of the Dallas City Code, as amended.

SECTION 5. SIGNS

- 5.1 No certificate of appropriateness is required to erect temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) or real estate signs.
- 5.2 Except as provided in Subsection 5.1, only street signs, protective signs, movement control signs, and historical markers may be erected. A certificate of appropriateness is required to erect one of these signs to ensure that the sign is sensitive and compatible with the district.
- 5.3 All signs must conform with all applicable provisions of the Dallas City Code, as amended.

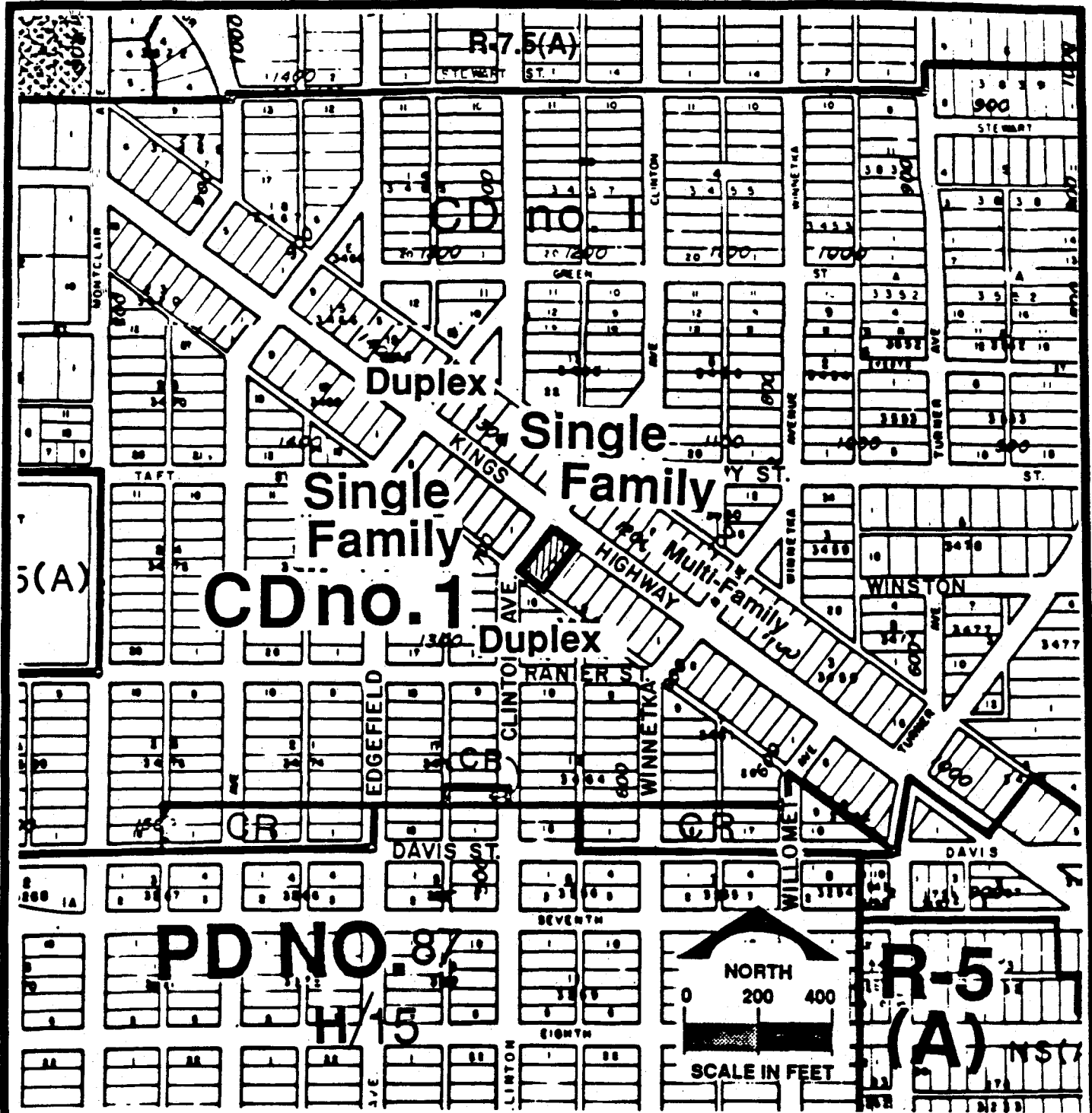
SECTION 6. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

- 6.1 Unless otherwise specified in this section, the standard review procedure outlined in Section 51A-4.501 of the Dallas City Code, as amended, applies to this district when a certificate of appropriateness is required.
- 6.2 Upon receipt of an application for a certificate of appropriateness, the director shall categorize the application as one of the following: routine maintenance and replacement, minor exterior

alteration, or work requiring review by the commission. To be considered complete, an application must include any exhibits or attachments deemed necessary by the director.

- 6.3 The director shall review and grant or deny certificates of appropriateness for applications categorized as routine maintenance and replacement or minor exterior alteration within 10 days of receipt of a completed application. The director's decision may be appealed to the commission in accordance with Section 51A-4.501 of the Dallas City Code, as amended.

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ZONING AND LAND USE

Map No. L-6
 Case No. Z912-167/8454-S