

3-27-13

ORDINANCE NO. 28946

An ordinance changing the zoning classification on the following property:

BEING Lots 11 and 12 in City Block D/2172; fronting approximately 145 feet on the west side of Greenville Avenue; fronting approximately 100 feet on the south side of Vanderbilt Avenue; and containing approximately .33 acres,

from Conservation District No. 9 (the M Streets Conservation District) with Modified Delta No. 1 Overlay to Subarea 1 within Conservation District No. 9 with retention of the Modified Delta No. 1 Overlay; amending Ordinance No. 25116, passed by the Dallas City Council on November 13, 2002, which established Conservation District No. 9; creating a new Subarea 1; providing a new Exhibit A (M Street Conservation District Regulations) to reflect the creation of Subarea 1; providing a new Exhibit B-1 (conceptual plan for Subarea 1); providing a new Exhibit C (Subarea 1 existing conditions site plan); providing a penalty not to exceed \$2,000; 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 ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; and

WHEREAS, the city council finds that it is in the public interest to amend Conservation District No. 9 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from Conservation District No. 9 with Modified Delta No. 1 Overlay to Subarea 1 within Conservation District No. 9 with retention of the Modified Delta No. 1 Overlay on the following property (“the Property”):

BEING Lots 11 and 12 in City Block D/2172; fronting approximately 145 feet on the west side of Greenville Avenue; fronting approximately 100 feet on the south side of Vanderbilt Avenue; and containing approximately .33 acres.

SECTION 2. That the Exhibit A (M Streets Conservation District Regulations) attached to Ordinance No. 25116 is replaced by the Exhibit A (M Streets Conservation District Regulations) attached to this ordinance.

SECTION 3. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. 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 6. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By  Assistant City Attorney

Passed MAR 27 2013

EXHIBIT A

M STREETS CONSERVATION DISTRICT REGULATIONS

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(a) Interpretations and definitions.

- (1) Unless otherwise stated, all references to articles, divisions, or sections in this ordinance are to articles, divisions, or sections in Chapter 51A.
- (2) Unless otherwise stated, the definitions in Chapter 51A apply to this ordinance. In this ordinance:
 - (A) ARCHITECTURAL DESIGN FEATURES include chimneys; roof style, slope, and overhang; materials; window style; vent style; balconies; towers; wing walls; eave overhangs; window sashes; front porches; crowns; pilasters; and other exterior architectural features.
 - (B) CIRCULAR DRIVEWAY means a non-permeable surface located in a front yard or cornerside yard, used to access off-street parking or for off-street parking, and that has two curb cuts onto the same street or perpendicular streets.
 - (C) COMPATIBLE means consistent with the architectural design features found within the district, including architectural style, scale, massing, setbacks, colors, and materials.
 - (D) CONTEMPORARY means contemporary architectural style as shown in Exhibit B.
 - (E) CORNER LOT means a lot that has frontage on two different streets.
 - (F) CORNERSIDE FACADE means a main building facade facing a side street.
 - (G) CORNERSIDE LOT LINE means the lot line on a side street.
 - (H) CORNERSIDE YARD means a side yard that abuts a street. A NON-CORNERSIDE YARD means a side yard that is not a cornerside yard.
 - (I) CRAFTSMAN means craftsman architectural style as shown in Exhibit B.
 - (J) DEMOLITION means the razing of the entire building or structure.
 - (K) DIRECTOR means the director of the department of development services or the director's representative.
 - (L) DISTRICT means the M Streets Conservation District.
 - (M) FENCE means a structure or hedgerow that provides a physical barrier.

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- (N) FRONT FACADE means the building elevation facing the front street.
- (O) FRONT STREET means Homer Street for houses with Homer Street addresses, McCommas Boulevard, Mercedes Avenue, Merrimac Avenue, Monticello Avenue, Morningside Avenue, Ridgedale Avenue, and Vanderbilt Avenue.
- (P) FRONT YARD means the portion of a lot that abuts a street and extends across the width of the lot between the street and a main building and lines parallel to and extending outward from the front facade of a main building. REQUIRED FRONT YARD means the portion of the front yard between the street and the setback line.
- (Q) HARDSCAPE means any non-plant landscape materials such as boulders, cobbles, decorative concrete, gravel, mulch, pavers, or stones.
- (R) HEIGHT means the vertical distance measured from grade to the highest point of the structure as shown in Exhibit B.
- (S) HIGH TUDOR means high tudor architectural style as shown in Exhibit B.
- (T) LARGE CANOPY TREES means those varieties of Maple, Oak, Elm, and Pecan designated as large canopy trees by the city arborist.
- (U) LINE-OF-SIGHT refers to an imaginary line extending from the viewpoint of a six-foot-tall person standing in the middle of the street to the apex of the roof of the main structure's side gable. (See Exhibit B.)
- (V) MAIN STRUCTURE means the building on a lot intended for occupancy by the main use.
- (W) MINIMAL TRADITIONAL means minimal traditional architectural style as shown in Exhibit B.
- (X) NEO-COLONIAL means neo-colonial architectural style as shown in Exhibit B.
- (Y) ONE-AND-ONE-HALF STORY STRUCTURE means a main structure in which the space within the roof structure has been converted to livable space.
- (Z) ORIGINAL HOUSE means a house constructed between 1920 and 1940 in the High Tudor style.

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- (AA) PARKWAY means that area between the sidewalk and the curb, or that area between the sidewalk and the street pavement if there is no curb.
- (BB) RANCH means ranch architectural style as shown in Exhibit B.
- (CC) REAR YARD means:
- (i) on an interior lot, the portion of the lot between the side lot lines that extends across the width of the lot between a main building and lines parallel to and extending outward from the rear facade of a main building and the rear lot line; and
 - (ii) 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 a main building and a line parallel to and extending outward from the interior side corner of the rear facade.
- (DD) REMODEL means improvements or repairs that change the appearance of the main structure or replace original materials of the main structure with another material.
- (EE) RETAINING WALL means a wall used to prevent the erosion of land.
- (FF) ROOF RIDGE means the apex of any roof structure, regardless of its style or form.
- (GG) SIDE-STREET means Central Expressway, Glencoe Street, Greenville Avenue, Homer Street for houses with non-Homer addresses, Laneri Avenue, McMillan Avenue, and Worcola Street.
- (HH) SIDE YARD means any portion of a lot not occupied by a main building that is not a front yard or rear yard. "Side yard" includes "cornerside yard."
- (II) SPANISH REVIVAL means spanish revival architectural style as shown in Exhibit B.
- (JJ) STREET FACADE means any part of a building that faces a public street.
- (KK) TUDOR COTTAGE means tudor cottage architectural style as shown in Exhibit B.
- (LL) WRAP-AROUND means that portion of a side facade of a main structure 25 feet behind the corner of the front facade.

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- (b) Conceptual plan. The M Streets Conservation District Conceptual Plan is attached to and made a part of this ordinance as Exhibit B. The M Streets Conservation District Conceptual Plan for Subarea 1 is attached to and made a part of this ordinance as Exhibit B-1. In the event of a conflict between Exhibit A, the M Streets Conservation District Regulations, and Exhibit B, the conceptual plan, or Exhibit B-1, the conceptual plan for Subarea 1, Exhibit A controls.
- (c) Nonconforming structures. Section 51A-4.704(c), “Nonconforming Structures,” applies, except that if the degree of nonconformity is voluntarily reduced, all rights to the previous degree of nonconformity are lost.
- (d) Development standards. Except as [~~otherwise~~] provided in this Exhibit A, the development standards of the R-7.5(A) Single Family District apply. See Subsection (o) for development standards for Subarea 1.
- (1) Use. The only use allowed is single-family.
 - (2) Conversions or additions. The number of dwelling units on a lot may not be increased.
 - (3) Lot size. Lots must have a minimum area of 7,500 square feet.
 - (4) Lot width. Lots must have a minimum width of 50 feet. Lots may not exceed 60 feet in width.
 - (5) Lot coverage. The maximum lot coverage is 45 percent.
 - (6) Height. The maximum height for all structures is 30 feet, except that no part of the main structure may exceed the line-of-sight. Height must be calculated by a licensed architect or engineer. (See Exhibit B.)
 - (7) Front yard setback for main structures. The minimum front yard setback for main structures is the average of the front yard setback of the two adjacent houses. The maximum front yard setback for main structures is the greater setback of the two adjacent houses. Setback calculations must be prepared by a licensed architect or engineer.
 - (8) Side yard setback for main structures. Except for houses located on Homer Street, the minimum side yard setback for main structures is five feet on the west side and 10 feet on the east side. For houses on Homer Street, the minimum side yard setback for main structures is five feet on the north side and 10 feet on the south side.
 - (9) Rear yard setback for main structures. The minimum rear yard setback for main structures is 20 feet.

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- (10) Stories. The front facade of main structures must have the appearance of a one- and one-half story structure as shown in Exhibit B.
- (11) Accessory structures, garages, and carports.
- (A) Location. Garages and carports must be located in the rear 30 percent of the lot. On corner lots, accessory structures may not be located closer to the cornerside lot line than the main structure.
- (B) Access. Garages must have at least one vehicle entrance from the street.
- (C) Style and materials. The color, style, design, and materials of garages that are visible from the street must be compatible with the main structure.
- (D) Roof slope. If a garage is visible from the street, the slope of the roof must match either the roof slope of the main structure or the roof slope of original garages.
- (E) Side yard setback. There is no required side yard setback for garages, except that no part of the garage may overhang adjacent property.
- (F) Rear yard setback for garages.
- (i) Garages over 15 feet in height must have a minimum five-foot rear yard setback.
- (ii) Garages 15 feet or less in height must have a three-foot rear yard setback unless the property owner can document the original footprint, in which case the garage may be built on the original footprint.
- (iii) The minimum rear yard setback for all rear-entry garages is 20 feet.
- (G) Existing garages. Existing garages that are not located to the rear of the main structure may be repaired or maintained, but may not be enlarged or replaced.
- (12) Roofing materials. No corrugated plastic, standing-seam metal, rolled, or tar-and-gravel roofing is allowed on the front facade, the wrap-around, or any part of a garage that is visible from a street. Copper roofing accents are allowed on dormers and eyebrows.
- (13) Fences and walls.
- (A) Fences are not allowed in the front yard.

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- (B) Fences and walls that can be seen from a street must be constructed of brick that matches the main structure, stone, wood, or wrought iron.
 - (C) Fences in cornerside yards must be located behind the mid-point of the main structure.
 - (D) Fences in non-cornerside yards must be located at least five feet behind the front corner of the house.
- (14) Driveways and curbing.
- (A) All houses must have a straight driveway located along the east side (south side for Homer lots) of the main structure. The driveway entry must be from the front street, except that corner lots may have a driveway entry from the side street.
 - (B) Circular driveways are prohibited. Lots may only have one driveway entry, except that additional access is allowed from the alley.
 - (C) All driveways and curbing located in a front yard or cornerside yard must be constructed of brushed concrete.
 - (D) The driveway entry must be between eight and ten feet wide. On corner lots, a driveway on the side street may be 24 feet wide if it is located behind the rearmost corner of the main structure or provides access to a garage.
 - (E) Existing driveways on cornerside lot lines may be removed if the entire driveway is removed, the curb and parkway is restored, and the driveway is relocated.
- (15) Front yards and parkways.
- (A) No more than 30 percent of the front yard may be paved or hardscaped. The parkway may not be paved or hardscaped except for curb cuts and sidewalk extensions.
 - (B) Mailboxes, pylons, satellite dishes, and other accessory structures are not allowed in the front yard or parkway.
- (16) Retaining walls.
- (A) Existing retaining walls may be repaired and maintained.

- (B) New retaining walls must be made of stone and may not exceed 30 inches in height as measured from the sidewalk or four inches above the yard it is retaining, whichever is less; and must match the materials and color of the main structure.
- (17) Parkway trees. Prior to final inspection on any new construction or additions over 100 square feet, at least two, two-caliper-inch large canopy trees must be planted in or adjacent to the parkway. This requirement does not apply if there are already two or more large canopy trees located in or adjacent to the parkway. A large canopy tree is considered adjacent to the parkway when the tree, fully grown, will provide a 10-foot-wide shaded area over the parkway and a portion of the street at midday. If trees are planted in the public right-of way, all applicable licensing requirements must be met.
- (18) Windows and doors.
- (A) The following applies to windows and doors on the front facade and the wrap-around:
- (i) Only transparent, stained, or leaded glass is allowed in windows and doors.
 - (ii) Window height must be greater than the window width.
 - (iii) All windows must fit the wall opening. Infill surrounding the window is not allowed.
 - (iv) Metal window frames must have a finish that is indistinguishable from the finish on original wood windows.
 - (v) Window air conditioner units are not allowed.
 - (vi) Window muntins and mullions must be expressed by a minimum of one-fourth inch. Window assemblies must have a profile depth of at least three inches.
- (e) Architectural standards for new construction.
- (1) Applicability. The standards contained in this section apply to construction of new main structures, except Craftsman replacement houses. This section applies to the front facade and the wrap-around.
 - (2) Style. All new construction must be built in the High Tudor style and must be compatible with original houses.

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- (3) Materials.
- (A) Except as otherwise provided in this paragraph, new houses must be constructed of brick and/or stone using the same colors, course patterns, material placement, and material combinations found in original houses.
 - (B) Brick must be scratch-face or textured, with at least three subtle variations in tone. Brick colors and textures must be typical of the brick used on original houses. Brick must be modular or standard size.
 - (C) Stone must be similar to the stone used on original houses.
 - (D) Projecting front-facing gables and side gables must be constructed of brick, stone, or stucco with wood half-timbering. All decorative wood elements must be painted.
 - (E) Non-gabled areas above the eaves on the sides of the house must be constructed of brick, hardiplank, siding that has the appearance of wood, stone, stucco with wood half-timbering, or wood.
- (4) Front facade dimensions. The width of the front facade of the new house must be at least 75 percent of available buildable lot width. The front facade may vary no more than six feet in depth along the front plane. The front facade may not face a side street.
- (5) Roof form. The roof of new houses must be side-gabled with a roof slope between 45 degrees and 70 degrees. Hipped roofs are not allowed. The maximum overhang for eaves is 18 inches. (See Exhibit B.)
- (A) Projecting front-facing gables.
- (i) The front facade of new houses must have one dominant projecting front-facing gable, and one or two smaller subordinate projecting front-facing gable(s).
 - (ii) Projecting front-facing gables must be placed asymmetrically along the front facade.
 - (iii) Projecting front-facing gables may overlap.
 - (iv) Projecting front-facing gables must have a roof slope between 45 degrees and 70 degrees. The roof slope of each projecting front-facing gable must be the same.

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- (v) The height of the peak of the dominant projecting front-facing gable must be between 20 feet and 24 feet. The height of subordinate projecting front-facing gables must be at least 70 percent to 80 percent of the height of the dominant projecting front-facing gable.
- (B) Eaves. The eaves of all projecting front-facing gables and side gables must have a common height between 9 feet to 11 feet above grade.
- (C) Side gables. Side gables must be true gables, with both front and back roof slopes. At least 30 percent of the back slope must be maintained. The roof ridge of side gables must be flat and uninterrupted.
- (6) Foundation. The foundation must be raised a minimum of 12 inches above grade. The foundation must have a concrete exterior finish.
- (7) Steps.
- (A) Original rolling or waterfall steps leading from the sidewalk to the house must be retained. Where the original rolling or waterfall steps have been removed, they should be replaced to match the original.
- (B) Front porch steps must lead to building entrances.
- (C) Steps must be made of concrete.
- (8) Front porches.
- (A) New houses must have a front porch constructed with multiple arched openings compatible with original houses.
- (B) The front porch must be a minimum of 25 percent of the ground floor front facade width. Front porches must have a minimum depth of six feet, measured from inside the column to the face of the front facade.
- (C) Front porches may be open-air or enclosed. If front porches are enclosed, at least 95 percent of the material used to enclose the front porch openings must be transparent, stained, or leaded glass.

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(9) Front facade windows.

- (A) The following standards apply to front facade windows located below the eaves:
- (i) New houses must have at least one pair of narrow, stained or leaded glass windows with a height-to-width ratio of at least 2-to-1.
 - (ii) All other windows must be clear glass configured as 9-over-9, 6-over-6, or 1-over-1 lights; leaded glass; or stained glass.
 - (iii) Windows must be asymmetrically positioned in groups along the front facade.
- (B) The following standards apply to front facade windows located above the eaves:
- (i) Windows may only be located in front projecting gables, dormers, or eyebrows.
 - (ii) Casement and awning dimensions must be compatible with original houses.
 - (iii) Windows must be stained or leaded glass.

(10) Chimneys.

- (A) New houses must incorporate a brick and/or stone chimney into the front facade or the front 15 feet of a side facade. The chimney must be at least five feet in width.
- (B) New houses must incorporate at least one of the following elements into the chimney:
- (i) Corbel chimney statue ledge.
 - (ii) Twin chimney flues with expressed masonry openings.
 - (iii) Complex brick or stone patterns.

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- (11) Dormers and eyebrows.
- (A) One gabled dormer is allowed on the front facade. Gabled dormers may not be inset or recessed. The width of gabled dormers may not exceed six feet. The height of the gabled dormer may not exceed the width by more than one foot.
 - (B) Up to two eyebrow dormers are allowed on the front facade. Eyebrow dormers must be compatible with original houses.
- (12) Optional architectural design features.
- (A) New houses must incorporate at least four of the following architectural design features into the front facade (see Exhibit B):
 - (i) Arched doorway which matches the shape of the front porch arches.
 - (ii) Turned cast-stone front porch columns.
 - (iii) Stucco with wood half-timbering in projecting front-facing gables.
 - (iv) Decorative, articulated verge boards.
 - (v) Stone accents.
 - (vi) Massive chimney located on the front facade.
 - (vii) Blond or light-colored brick compatible with original houses.
 - (viii) Open-air front porch.
- (f) Architectural standards for remodeling of High Tudor and Tudor Cottage houses.
- (1) Applicability. Remodeling of houses that are identified as High Tudor or Tudor Cottage in Exhibit B must comply with the standards for new construction and the standards contained in this section. This section applies to the front facade and wrap-around.
 - (2) Materials. Any remodeling must match the original brick and stone in size, color, coursing, texture, mortaring, and joint detailing.
 - (3) Porte cocheres. Porte cocheres may not be enclosed.

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- (4) Architectural design features.
- (A) The following architectural design features must be maintained or duplicated. These architectural design features may be relocated within the front facade or wrap-around.
- (i) Balustrades.
 - (ii) Chimneys.
 - (iii) Dormers.
 - (iv) Exterior stained and leaded glass.
 - (v) Front porches with columns.
 - (vi) Porte cocheres.
 - (vii) Roof eaves.
 - (viii) Turrets.
 - (ix) Window and door openings.
- (g) Demolition of High Tudor houses. Houses identified as High Tudor in Exhibit B may be demolished only if the cost of bringing the house into compliance with all applicable building code requirements using materials similar to the original materials is greater than 80 percent of the structure's value according to the Dallas Central Appraisal District.
- (h) Architectural standards for remodeling and reconstruction of non-Tudor houses. Non-Tudor houses may be remodeled in their own style, or in the High Tudor style, as long as the front facade and wrap-around reflects the chosen architectural style. Houses completely or partially destroyed due to acts of God may be rebuilt in the original architectural style or in the High Tudor style.
- (i) Architectural standards for Craftsman houses.
- (1) Applicability.
- (A) If a Craftsman house is demolished, it may be replaced by a High Tudor house or a Craftsman house. If the new house is a High Tudor house, it must comply with the architectural standards for new construction. If the new house is a Craftsman house, it must comply with these standards.
- (B) Houses that are identified as Craftsman in Exhibit B must be remodeled according to the following standards.

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- (C) This section applies to the front facade and wrap-around.
- (2) Materials. Craftsman houses must be constructed of brick, hardiplank, or wood. Any remodeling must match the original materials in type, size, color, coursing, texture, and joint detailing.
 - (3) Roof form. Craftsman houses must have a front-gabled roof with a shallow roof slope between 20 degrees and 40 degrees, with a minimum roof overhang of at least 18 inches. Roof rafters must be exposed. Decorative beams or braces must be added under gables. Gables must have dentils.
 - (4) Windows. Windows must be double-hung with 1-over-1 lights, or must be mission-styled. Windows must be grouped in clusters of two or three.
 - (5) Front porches. An unenclosed front porch is required along a minimum of 50 percent of the front facade. The front porch roof must be supported by tapered, square box columns with a brick or stone base. The front porch must be surrounded by a wood balustrade or railing. The entryway must have a Craftsman wood door.
- (j) Architectural standards for Spanish Revival houses.
- (1) Applicability. Spanish Revival houses must be remodeled according to the following standards. This section applies to the front facade and wrap-around.
 - (2) Materials. Any renovations or additions must match the original brick, stone, or stucco in color, coursing, mortaring, size, and texture.
 - (3) Roofs. Spanish Revival houses must have a front-gabled roof with a shallow roof slope between 20 degrees and 40 degrees, with a maximum roof overhang of 8 inches.
 - (4) Windows. Windows must have 6-over-6 or 9-over-9 divided lights.
 - (5) Arches. Arches above doors and windows must be retained.
- (k) Architectural standards for Minimal Traditional houses.
- (1) Applicability. Minimal Traditional houses must be remodeled according to the following standards. This section applies to the front facade and wrap-around.
 - (2) Materials. Any remodeling must match the original brick or stone in color, coursing, joint detailing, mortaring, size, and texture.

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- (3) Roofs. Minimal Traditional houses must have a cross-gabled roof with low to moderate roof slope between 30 degrees and 45 degrees, and a single projecting front-facing entryway. The maximum roof overhang is 12 inches.
 - (4) Windows. Windows must have multi-pane sashes.
 - (5) Front porches. A front porch entry feature is required.
- (l) Architectural standards for Neo-Colonial houses.
- (1) Applicability. Neo-Colonial houses must be remodeled according to the following standards. This section applies to the front facade and wrap-around.
 - (2) Materials. Any remodeling must match the original brick or stone in color, coursing, joint detailing, mortaring, size, and texture.
 - (3) Roof form. Neo-Colonial houses must have a side-gabled roof with a low to moderate roof slope between 35 degrees and 60 degrees.
 - (4) Windows. Windows must be double hung with multi-pane sashes. Windows must be symmetrically balanced on both sides of the center door.
 - (5) Front door. The front door must be accentuated with a decorative pediment with crown, entry porch, slender columns, and pilasters.
- (m) Architectural standards for Ranch houses.
- (1) Applicability. Ranch houses must be remodeled according to the following standards. This section applies to the front facade and wrap-around.
 - (2) Materials. Any remodeling must match the original brick, stone, or wood in color, coursing, joint detailing, mortaring, size, and texture.
 - (3) Roof form. Ranch houses must have a hipped roof with a low roof slope between 20 degrees and 35 degrees. The overhang must be a minimum of 12 inches but no more than 24 inches.
 - (4) Windows. Windows must be ribbon or picture style.
- (n) Architectural standards for Contemporary houses.
- (1) Applicability. Contemporary houses must be remodeled according to the following requirements. This section applies to the front facade and wrap-around.
 - (2) Style and materials. Any remodeling must match the original materials, roof slope, and style of the main structure.

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(o) Development standards for Subarea 1.(1) Permitted uses.(A) Agricultural uses.None.(B) Commercial and business service uses.

-- Catering service. [No on-premise consumption of food or beverages.]

-- Custom business services.

(C) Industrial uses.None(D) Institutional and community service uses.None(E) Lodging uses.None(F) Miscellaneous uses.None(G) Office uses. [The combined floor area of all office uses may not exceed 2,400 square feet.]

-- Office.

-- Medical clinic or ambulatory surgical center

(H) Recreation uses.None(I) Residential uses.None

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- (J) Retail and personal service uses.
- Dry cleaning or laundry store.
 - Furniture store.
 - General merchandise or food store 3,500 square feet or less.
 - General merchandise or food store greater than 3,500 square feet.
 - Liquor store.
 - Nursery, garden shop, or plant sales. *[Inside a building only, with accessory outside display allowed.]*
 - Personal service uses.
 - Temporary retail use.
- (K) Transportation uses.
- Transit passenger shelter.
- (L) Utility and public service uses.
- Local utilities.
- (M) Wholesale, distribution, and storage uses.
- None
- (2) Prohibited uses.
- (A) Alcoholic beverage establishments.
 - (B) Dance hall as defined in Chapter 14 of the Dallas City Code, as amended.
 - (C) Restaurant.
 - (D) Any use not specifically listed as a permitted use is prohibited.
- (3) Accessory uses.
- (A) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.
 - (B) The following accessory uses are not permitted:
 - (i) Any use of rooftops for customers or the public.
 - (ii) Drive-in and drive through lanes, windows, or services.

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(iii) Gasoline or fuel sales.

(4) Development standards for the building existing as of March 27, 2013.

(A) In general. Except as provided in this subsection, the environmental performance standards, landscaping regulations, sign regulations, and additional provisions for the CR Community Retail District apply.

(B) Yard, lot, and space regulations.

(i) The structure existing as of March 27, 2013 must comply with the site plan attached as Exhibit C.

(ii) The structure existing as of March 27, 2013 is a conforming structure, but may not be enlarged, except:

(aa) awnings may encroach up to five feet from the Greenville Avenue-facing facade; and

(bb) the building height may not be raised other than to improve the architectural compatibility of the structure. This may only be decorative in nature (for example, a parapet) and may not add usable square footage to the structure existing as of March 27, 2013. The maximum additional height allowed is five feet. Additional height may be added on the east facade. Additional height added on the north and south facades may only be in the first 25 percent of the structure measured from the east facade in order to create an architectural wraparound to the east facade. Additional height may not be added on the west facade.

(cc) Enlargement of the structure's awnings or height must comply with the architectural standards for remodeling for awnings, equipment screening, height, and roofs.

(C) Off-street parking and loading. Consult the use regulations in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(5) Development standards for new construction.

(A) Yard, lot, and space regulations.

(i) Front yard.

(aa) Greenville Avenue. Minimum front yard is five feet. Maximum front yard is 15 feet. The minimum building frontage requirement between the minimum and maximum front yard is a minimum of 70 percent of the lot length.

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(bb) Vanderbilt Avenue. Minimum front yard must be no less than the front yard setback of the adjacent property to the west at 5640 Vanderbilt Avenue.

(cc) Encroachments. Awnings may encroach up to five feet into the required front yard.

(ii) Interior side yard. Minimum interior side yard (side yard on the western property line) is 15 feet.

(iii) Alley side yard. No minimum side yard along the alley to the south is required.

(iv) Floor area ratio. Maximum floor area ratio is 1.

(v) Height. Minimum height of the first floor is 14 feet, measured from floor plate to floor plate. Maximum height is 20 feet.

(vi) Lot coverage. Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(vii) Lot size. No minimum lot size.

(viii) Stories. Maximum number of stories is one and one-half.

(B) Off-street parking and loading.

(i) Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(ii) Ingress/egress for off-street parking and loading shall not be allowed from Vanderbilt Avenue. Any off-street parking ingress/egress from Vanderbilt Avenue existing as of March 27, 2013 shall be discontinued at the time of any remodeling, reconstruction, or new construction.

(C) Environmental performance standards. See Article VI.

(D) Landscaping.

(i) In general. Except as provided in this paragraph, landscaping must be provided in accordance with Article X.

(ii) Site trees. Site trees must be provided within the interior side yard (side yard on the western property line) landscape buffer and within the Vanderbilt Avenue required front yard. All site trees must be large canopy trees or a species bearing crown foliage no lower than six feet above grade and growing to 30 feet in height.

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(iii) Interior side yard (side yard on the western property line) and Vanderbilt Avenue landscape buffer. A minimum of 10 feet of landscape buffer is required. The buffer plant materials in the interior side yard must be provided in accordance with 51A-10.125(b)(7)(B) at a density of one group per 40 linear feet.

(iv) Perimeter landscape buffer strip. A perimeter landscape buffer strip must:

(aa) be provided along the entire length of the portion of the perimeter of the lot where a residential adjacency exists;

(bb) be at least 10 feet wide; and

(cc) contain buffer plant materials as defined in Sec. 51A-10.125(b)(7).

(v) A screening fence is not required along Vanderbilt Avenue.

(vi) Parking lot trees. Trees within the interior side yard (side yard on the western property line) landscape buffer may be counted to satisfy the parking lot tree requirement.

(vii) Design standards. The following are mandatory design standards:

(aa) Greenville Avenue facade planting area. Foundation planting areas or planters (containers for plants), used alone or in combination, containing a mixture of small shrubs or seasonal plantings and large shrubs or small trees must be provided. If small trees are provided, the minimum planting area must be recommended for small trees. Foundation planting areas must be a minimum of three feet in width and extend for 50 percent of the length of the foundation that faces Greenville Avenue. The large shrubs or small trees must be provided at one plant per every six feet of foundation planting length. If planters are used, the density of required large shrubs or small trees must be maintained.

(bb) Enhanced pedestrian walkways. Enhanced pedestrian walkways as defined in Section 51A-10.126(i) must be provided along both street frontages and across driveways.

(viii) Maintenance. All plant materials must be maintained in a healthy, growing condition.

(E) Screening and visibility obstruction.

(i) A solid screening fence with a minimum height of eight feet must be provided on the western property line, exclusive of the area for visibility triangles. The solid screening fence must be wood or brick.

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(ii) Except as provided in this paragraph, the visual obstruction regulations in Section 51A-4.602(d) apply. For purposes of this section, the visibility triangle at street corners is the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the street curb lines) and points on each of the street curb lines 30 feet from the intersection.

(F) Signs.

(i) Except as provided in this paragraph, the provisions for non-business zoning districts in Article VII apply.

(ii) Except for A-frame signs and movement control signs for parking, detached signs are prohibited. The detached pole sign existing as of March 27, 2013 is considered a nonconforming sign and may not be expanded, relocated, or enlarged.

(iii) A-frame signs are prohibited with the structure existing as of March 27, 2013. A-frame signs may only be used in connection with new construction, and must comply with the following:

(aa) Only one A-frame sign is permitted for each occupancy.

(bb) A-frame signs may identify an occupancy.

(cc) The maximum size of an A-frame sign is 32 inches wide and 36 inches tall.

(dd) An A-frame sign may only be displayed when the occupancy it identifies is open.

(ee) A-frame signs may be located on the sidewalk if a minimum of four feet of unobstructed sidewalk area is provided, and all necessary licenses and permits have been obtained.

(ff) A-frame signs may not be located within 25 feet of an intersection or within a visibility triangle.

(G) Additional provisions.

(A) No use is allowed to operate between 10:00 p.m. and 7:00 a.m. Monday through Sunday.

(B) No off-street parking may be used for another property pursuant to a remote parking agreement.

(p) Architectural standards for remodeling the building in Subarea 1 existing as of March 27, 2013.

(1) In general. Remodeling of the building existing as of March 27, 2013 must be in accordance with this section.

(2) Doors. Each front door must be composed of wood or other material deemed appropriate and have at least one large full-view window. Primary customer entrances must face Greenville Avenue or be corner-facing. Automatic sliding doors are prohibited.

(3) Equipment screening. All rooftop mechanical equipment must be screened with a parapet in order to not be visible from the street.

(4) Facade material. All buildings must have brick facades on all sides. Decorative accent materials are limited to cast stone and tile and may not exceed five percent of the facade area per building facade.

(5) Fenestration. At least 50 percent of the area of the first floor facade facing Greenville Avenue must consist of window or door area. Mirrored, opaque, and translucent glasses are not permitted in any window or door opening. Windows must have a minimum internal transparency depth of three feet. No transparent windows are allowed above eight feet on the west facade facing the adjacent residential property.

(6) Roofs. All roofs must be flat or hidden by parapets. In locations where a parapet is allowed, parapets, if provided, must be a minimum of three feet tall.

(7) Street-facing facades.

(A) Greenville Avenue-facing facades and the wrap-around must be visually divided into a base-middle portion and top portion. The base-middle portion must comply with the door, facade material, and fenestration requirements of this section. The top portion must be distinguished from the base-middle portion by cornice treatments, stepped parapets, corbelling, textured materials, or differently colored materials.

(B) Awnings may only be used over windows and doors.

(C) Panels as described in Section (q) are not required for remodeling the building existing as of March 27, 2013.

(8) Story setbacks. No story may be setback from another story. (The facade wall facing the street must be vertical.)

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(q) Architectural standards for new construction in Subarea 1.

(1) In general. New construction must comply with the following architectural standards and the architectural standards for remodeling the building existing as of March 27, 2013. The purpose of these standards is to make new construction conform to the style for early 20th century commercial non-residential buildings. In the event of a conflict between Section (p) and Section (q), Section (q) controls.

(2) Doors. Primary customer entrances must be recessed a minimum of one foot.

(3) Facade material. All structures must have brick facades. Painted brick is prohibited.

(4) Fenestration.

(A) At least 60 percent of the area of the first floor facade facing Greenville Avenue must consist of window or door area.

(B) Transom windows must be above all first floor windows and doors.

(C) Mirrored, opaque, and translucent glasses are not permitted in any window or door opening. First floor windows must have a minimum internal transparency depth of three feet. No transparent window are allowed above eight feet on the west facade facing the adjacent residential property.

(D) Window frames must be wood, appropriately colored aluminum, or vinyl clad.

(5) Street-facing facades.

(A) The first floor facade must be divided into two, three, or four storefront bays. Each storefront bay must be distinguished by decorative finials or an architecturally detailed stepped parapet.

(B) Greenville Avenue-facing facades and the wrap-around must be visually divided into base, middle, and top portions. The base portion must comply with the panel requirements of this section. The middle portion must comply with the fenestration requirements of this section. The top portion must be distinguished from the middle portion by cornice treatments, stepped parapets, corbelling, textured materials, or differently colored materials.

(C) Signage, lighting, and awnings should be integrated into the storefront design.

(D) Panels less than three feet in height must be placed below all first floor windows. Panels must be made of wood, brick, tile, or other material deemed appropriate.

(r) Procedures.

- (1) Review form applications. A review form application must be submitted to the Director for any work covered by the standards contained in this ordinance.
- (2) Posting of architectural plans.
 - (A) Upon filing a review form application for new construction, the applicant must post a laminated minimum 11-inch-by-17-inch sign in the front yard with the following information, and provide a copy of the sign to the neighborhood association(s) for the area where the property is located.
 - (i) A scaled color rendering of the front facade of the completed new construction or remodeling and the two adjacent houses, indicating the dimensions of all structures.
 - (ii) A scaled site plan showing the front yards, driveways, and footprints of the completed new construction or remodeling and the two adjacent structures. The site plan must be sealed by a licensed architect or engineer.
- (3) Work requiring a building permit.
 - (A) Upon receipt of a review form application for work requiring a building permit, the building official shall refer the review form application to the Director to determine whether the new construction or remodeling meets the standards of this ordinance. The review of the review form application by the Director must be completed within 30 days after submission of a complete review form application.
 - (B) If the Director determines that the new construction or remodeling complies with the standards of this ordinance, the Director shall approve the review form application, and forward it to the building official, who shall issue the building permit if all requirements of the construction codes and other applicable ordinances have been met.

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- (C) If the Director determines that the new construction or remodeling does not comply with the standards of this ordinance, the Director shall state in writing the specific requirements to be met before issuance of a building permit, deny the review form application, and forward it to the building official, who shall deny the building permit. The Director shall give written notice to the applicant stating the reasons for denial of the review form application. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice to the applicant must be sent to the address shown on the review form application.
- (4) Work not requiring a building permit.
- (A) For work not requiring a building permit, the applicant must submit a review form application. The Director shall determine whether the proposed new construction or remodeling meets the standards of this ordinance. The review of the review form application by the Director must be completed within 10 days after submission of the review form application.
- (B) If the Director determines that the new construction or remodeling complies with the standards of this ordinance, the Director shall approve the review form application and give written notice to the applicant.
- (C) If the Director determines that the new construction or remodeling does not comply with the standards of this ordinance, the Director shall state in writing the specific requirements to be met before an approval can be granted. The Director shall give written notice to the applicant stating the reasons for denial. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. Notice to the applicant must be sent to the address shown on the review form application.
- (5) Appeals.
- (A) An applicant may appeal any decision made by the Director to the board of adjustment. See Section 51A-4.703, "Board of Adjustment Hearing Procedures," as amended.
- (B) In considering the appeal, the sole issue before the board of adjustment is whether the Director erred in the decision. The board of adjustment shall consider the same standards that were required to be considered by the Director.
- (C) Appeal to the board of adjustment is the final administrative remedy.

Exhibit B-1

Conceptual plan for Subarea 1

BACKGROUND:

The creation of Conservation District No. 9, M-Streets / Greenland Hills, included over 900 single family homes and two non-residential properties. One property is mentioned in the original conceptual plan as an office in a converted single family structure but does not receive any special treatment in the use, development standards or architectural requirements of CD No. 9. The other property is not mentioned within the conceptual plan or regulating ordinance. That property consists of Lots 11 and 12 of Block D/2172 and has been occupied with a liquor store use in part or all of the 4,800 square foot structure since 1966.

Review of some historical aerial photographs available online¹ showed the property within Subarea 1 was developed as two single family lots, containing single family structures in 1930 and again visible in 1956. In 1956, commercial development existed to the south and southeast along Greenville Avenue. According to available building permit records, the property was redeveloped for commercial uses in 1966.

On October 17, 2012, the property owner filed an application to change the zoning of this property in order to make the land use and structure conforming. Staff supported the amendment to CD No. 9 because of the opportunity to enhance the architectural style and improve upon the building siting in the event of remodeling or redevelopment.

PURPOSE FOR SUBAREA 1 REGULATIONS:

The development of the property was typical for building siting in 1966 where the building is set back away from the street with off-street parking between the building and the street. The commonality of the automobile made it desirable to have parking as



the prominent feature of a development, in addition to the City having minimum parking requirements. This development pattern is unique in this commercial node along Greenville Avenue. Even new construction of a bank in 2006 at the southern end of the commercial node placed the building closer to the street than the parking.

Remodeling conditions are drafted to be a reasonable improvement in the building's façade and maintain some favorable characteristics of the existing building.

- Flat roof or hidden by parapet
- Brick façade with limited accent materials
- No automatic sliding doors
- Awnings are limited to cover entryways and windows
- Minimum 50% of Greenville Avenue-facing façade be window or door area

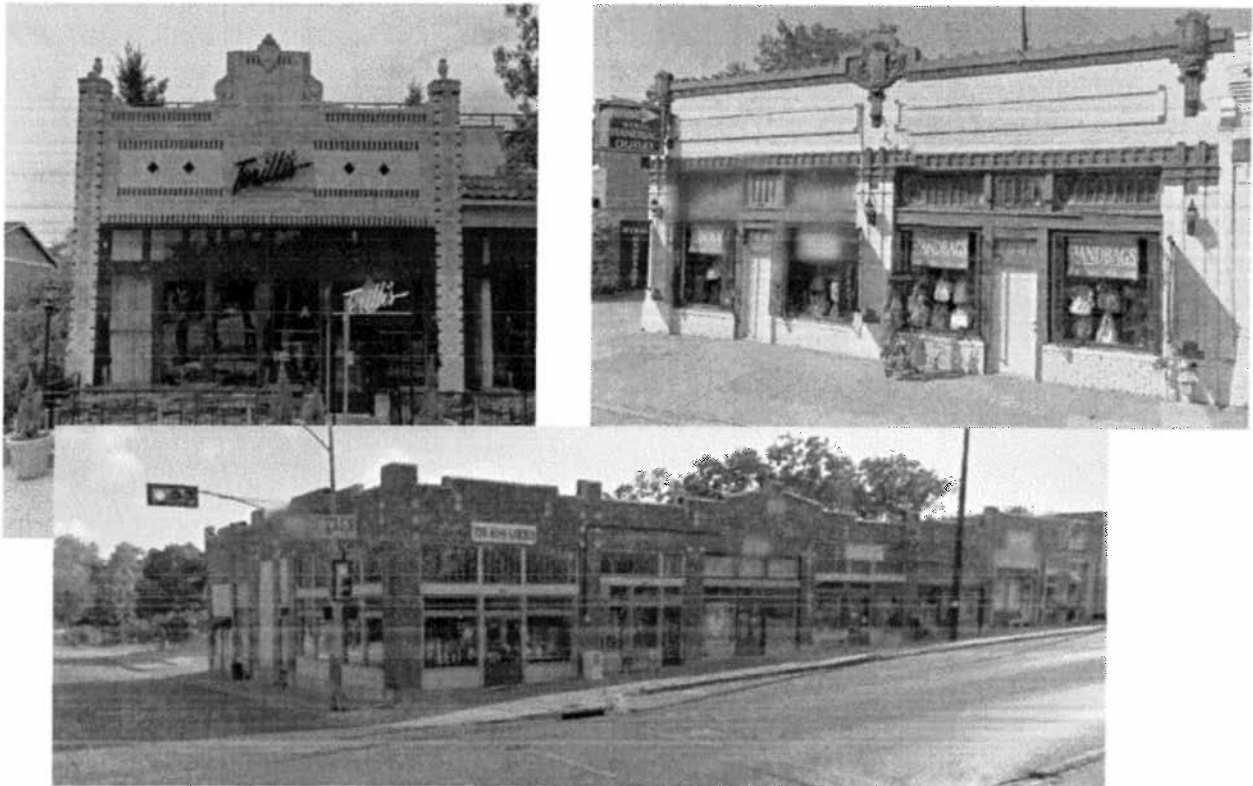


The Greenville-Avenue facing facades of Café Brazil and Stan's Blue Note to the southeast of the property are ideal representations of remodeling regulations. Many of the older buildings in Deep Ellum fit the remodeling regulations as well.

The redevelopment regulations for Subarea 1 are intended to allow the property to become a compatible commercial development, matching the architectural detail and siting as other properties in the commercial node as well as the single family neighborhood. By bringing the building up to the street, redevelopment will be pedestrian-friendly and walkable. Increased architectural detail will enhance the sense of place while maintaining the scale and character of the area.

- Recessed customer entrances
- Painted brick is prohibited
- Paneling required under windows
- Building must contain two to four bays
- Greenville Avenue-facing façade and wrap around to have base, middle, and top with decorative cornices on each bay
- Minimum 60% windows or doors on Greenville Avenue-facing façade

Guidance on the Early 20th Century Commercial style include Terillii's (both before and after reconstruction from fire damage in 2009) and retail buildings found along Davis Street in Oak Cliff and Haskell Avenue near Baylor Hospital.



¹ <http://digitalcollections.smu.edu/all/cul/dmp/> and <http://www.historicaerials.com/> visited as recently as December 31, 2012.

