

11/29/89

ORDINANCE NO. 20520

An ordinance amending CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by changing the zoning classification on the following described property:

Being all of the remaining portions of Lots 2, 3, 17, and 18 and all of Lots 4, 5, 6, 13, 14, 15, and 16 in City Block 1908 and all of Lots 7, 8, 9, 10, 11, and 12 in City Block 1909, bounded by Hoskins Street on the north, Hubert Street on the east, LaVista Drive on the south, and Matilda Street on the west, and containing approximately 1.7 acres of land,

from an MF-2(A) Multifamily District to an MF-2(A)-H/47 Multifamily District with Historic Overlay District No. 47; establishing new Historic Overlay District No. 47 (Edison/LaVista Court Historic District) 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 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 grant this change in zoning; 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 changing the zoning classification from an MF-2(A) Multifamily District to an MF-2(A)-H/47 Multifamily District with Historic Overlay District No. 47 on the following described property ("the Property"):

Being all of the remaining portions of Lots 2, 3, 17, and 18 and all of Lots 4, 5, 6, 13, 14, 15, and 16 in City Block 1908 and all of Lots 7, 8, 9, 10, 11, and 12 in City Block 1909, bounded by Hoskins Street on the north, Hubert Street on the east, LaVista Drive on the south, and Matilda Street on the west, and containing approximately 1.7 acres 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. I-8 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 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.

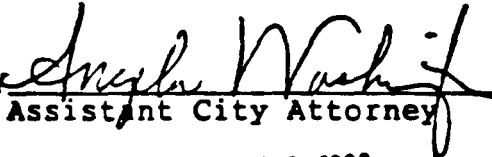
SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

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:

ANALESIE MUNCY, City Attorney

By 
Assistant City Attorney

Passed NOV 29 1989

Zoning File No. Z889-246/8773-E

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EXHIBIT A

PRESERVATION CRITERIA

Edison/LaVista Court Historic District

All public and private right-of-way improvements, renovation, repairs, maintenance, site work, and new construction to buildings and sites within this district shall 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 shall 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 BLOCK means an area bounded by streets on all sides.
- 1.4 BLOCKFACE means all of the lots on one side of a block.
- 1.5 CERTIFICATE OF APPROPRIATENESS means a certificate issued by the city to authorize the alteration of the physical character of real property in this district, of any portion of the exterior of a structure on the property, or the placement, construction, maintenance, expansion, or removal of any structure on or from the property.
- 1.6 COLUMN means the entire column including the base and capital, if any.
- 1.7 COMMISSION means the landmark commission.
- 1.8 CORNERSIDE FACADE means a main building facade facing a side street.
- 1.9 CORNERSIDE YARD means a side yard that abuts a street.

- 1.10 CORNER LOT means a lot that has frontage on two intersecting streets.
- 1.11 DIRECTOR means the director of the Department of Planning and Development or his representative.
- 1.12 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.13 FRONT YARD means the portion of a lot that abuts a street and extends across the width of the lot between the street and the main building and lines parallel to and extending outward from the front facade of the main building.
- 1.14 HEIGHT means the vertical distance from grade to the ridge of the roof.
- 1.15 INTERIOR LOT means a lot with side yards adjacent to another lot.
- 1.16 LOT means a building site, as defined in the Dallas Development Code, as amended.
- 1.17 MAIN STREET means La Vista Court.
- 1.18 MAIN STRUCTURE means the main structure on the site, exclusive of the garage.
- 1.19 MINOR EXTERIOR ALTERATION means the installation of or alterations to awnings; fences; gutters and downspouts; incandescent lighting fixtures; landscaping comprising less than 25 percent of the front or side yard; restoration of original architectural features; additions and changes not visible from any street to the rear of the main structure or to an accessory structure; and removal of immature trees visible from any street.
- 1.20 ONE-HALF STORY means a finished room in an attic.
- 1.21 PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.22 PROTECTED FACADE means a facade that must maintain its original appearance, as near as practical, in all aspects.

1.23 REAR YARD means:

- a. on an interior lot, the portion of the lot between the side lot lines that extends across the width of the lot between the main building and lines parallel to and extending outward from the rear facade of the main building and the rear lot line; and
- b. on a corner lot, the portion of the lot that extends between the interior side lot line and a line parallel to and extending outward from the rear corner of the cornerside facade, and between the rear lot line and the main building and a line parallel to and extending outward from the interior side corner of the rear facade.

1.24 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.

1.25 SIDE YARD means any portion of a lot not occupied by a main structure that is not a front or rear yard. "Side yard" includes "corner side yard."

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

1.27 THIS DISTRICT or THE DISTRICT means the Edison/La Vista Court Historic District.

1.28 TRIM COLOR means a paint color other than the dominant color, but does not include the color of screens, storm doors and windows, gutters, downspouts, porch floors, or ceilings. Wood colored translucent stains are not considered trim colors.

2. SITE AND SITE ELEMENTS

2.1 No-Build Zones. The front and side yard are designated no-build zones. No additions or accessory buildings are permitted in these areas. Additions to the main structure may only be made on the rear facade and on the rear portion of the site.

- 2.2 All existing original main structures must be retained and protected.
- 2.3 Vertical extensions are permitted on the rear 50 percent of the main structure if not readily visible from the main street.
- 2.4 Landscape and exterior lighting must enhance the structure and surroundings and must not obscure significant views of or from the building.
- 2.5 Existing mature trees must be protected. Unhealthy or damaged trees may be removed as determined through the certificate of appropriateness review process.
- 2.6 When constructing a new main residential structure, the original front and side yard setback pattern and rhythm of buildings on the blockface must be reestablished.
- 2.7 No front-entry garages or driveways are permitted.
- 2.8 No fences are permitted in the front yard.
- 2.9 Fences in the interior side yard must be located in the rear 50 percent of the side yard.
- 2.10 Fences in the cornerside yard must not be located directly in front of the cornerside facade, except that the commission may allow a fence directly in front of all or any portion of the rear 50 percent of the cornerside facade if:
 - a. more screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and
 - b. the fence does not screen any portion of a significant architectural feature of a main structure.
- 2.11 Fences in the side yard must be constructed of one or more of the following materials: wood, brick, stone, or other material approved through the certificate of appropriateness review process.
- 2.12 New sidewalks within the front and side yards must be brush finish concrete, brick, stone, or other material approved through the certificate of appropriateness review process. No exposed aggregate, artificial grass, carpet, asphalt, or artificially-colored monolithic concrete paving is permitted.

3. STRUCTURE

Facades

- 3.1 Front and cornerside facades are protected facades.
- 3.2 It is encouraged that all other facades, though not protected facades, maintain existing fenestration and solid-to-void ratios as much as practical. Alterations must be architecturally sensitive and appropriate to the overall design of the existing building as determined through the certificate of appropriateness review process.
- 3.3 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.
- 3.4 Brick and stone must match in color, texture, module size, bond pattern, and mortar color. Original face brick and stone may not be painted; however, original structures previously painted may remain painted.
- 3.5 Masonry cleaning must be accomplished in accordance with Department of Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.
- 3.6 Wood siding, trim, and detailing must be carefully restored wherever practical. Historic materials may be replaced only when necessary as determined through the certificate of appropriateness review process. Badly deteriorated paint should be removed in accordance with Department of Interior standards prior to refinishing. All exposed wood must be painted, stained, or otherwise protected. No resurfacing with vinyl, aluminum siding, or stucco is permitted.
- 3.7 Exposing and restoring existing historic finish materials is encouraged.
- 3.8 The original color of original materials must be preserved and maintained whenever practical. Paint and other color schemes for non-masonry elements should be based upon any available documentation as to original conditions and must be reviewed through the certificate of appropriateness review process.

Embellishments and Detailing

- 3.9 The following architectural elements are considered special features and must be protected and preserved unless otherwise determined by the landmark commission: facade brick and stone and their placement; stained glass windows; decorative columns; brick quoining; chimneys; original roof forms; clay tile roofing on entry porticoes; and multi-paned front doors.

Fenestration and Openings

- 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 must 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 on protected facades may be permitted if they are sensitive additions and match in frame width and proportion, glazing material, and color. No decorative ironwork is permitted over doors and windows. Exterior mounted burglar bars are permitted on the rear facade only. Interior mounted burglar bars of appropriate color and design are permitted, but must be reviewed through the certificate of appropriateness review process.
- 3.11 New door and window openings are permitted only in locations where there is evidence that original openings have been infilled with other material.
- 3.12 Glass and glazing must match original materials. No tinted or reflective glazing is permitted.

Roofs

- 3.13 The slope, massing, configuration, and materials of the roof must be preserved and maintained. Existing gables, clipped gables, and portico roofs must be preserved. Existing parapets, cornices, and coping must be retained and when repaired, should be done so with material matching in size, finish, module, and color.
- 3.14 The following roofing materials are allowed: wood shingles, clay tiles, and composition shingles. No metal, built-up, synthetic wood shingles, synthetic

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clay tile, or single-ply membrane roofs are permitted on the main structure.

- 3.15 No solar panels and skylights may be visible from the main street.

Porches and balconies

- 3.16 Existing original porches and balconies on protected facades must be retained and preserved, and may not be enclosed.

- 3.17 All original columns and railings that are part of the porch or balcony configuration must be preserved.

- 3.18 It is encouraged that existing enclosed porches on protected facades be restored to their original open appearance.

- 3.19 Porch floor finishes must be concrete and may not be covered by paint or carpet. A clear sealant is acceptable.

4. NEW CONSTRUCTION AND ADDITIONS TO EXISTING STRUCTURES

- 4.1 New construction is permitted if:

- a. not visible from the main street; and
- b. limited to the rear 50 percent of the structure and the rear yard.

- 4.2 The height of new construction or additions to existing structures must not exceed the height of the existing main historic structure on the site.

- 4.3 No new construction on vacant lots may exceed the average height of adjacent original historic main structures.

- 4.4 New construction of main residential structures, accessory buildings, porches, and balconies must be of appropriate massing, roof form, shape, materials, detailing and color, with fenestration patterns and solid-to-void ratios that are typical of the district.

- 4.5 Vinyl, aluminum, and stucco are not acceptable cladding materials for the construction of a new main structure.

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- 4.6 New construction and connections between new and existing construction must be of different materials as suggested by the Secretary of the Interior so that new construction is clearly discernible from the existing historic structures.
- 4.7 Where new construction abuts an existing facade, a clear definition of the transition between new and existing construction must be established and maintained. Existing details in the eaves must be preserved and maintained where abutting new construction.

5. SIGNS

- 5.1 With the exception of temporary political or real estate related signs, which must be removed at the conclusion of the election or upon sale of the property, only street address labels and signs for bonafide security services which are sensitive and appropriate to the appearance of the structure as determined through the certificate of appropriateness review process are permitted.

6. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

- 6.1 Unless in conflict with this section, the standard review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
- 6.2 Upon receipt of an application for a certificate of appropriateness, the director shall categorize the request as one of the following: (A) routine maintenance and replacement; (B) minor exterior alteration; or (C) work requiring review by the commission.
- 6.3 The director shall review and grant or deny a certificate of appropriateness for proposed work that falls into either category A or B listed in subsection 6.2 within ten days of receipt of a completed application for a certificate of appropriateness. To be considered complete, an application must include any exhibits or attachments deemed necessary by the director.
- 6.4 No decision by the director to approve a certificate of appropriateness for proposed work falling within category A or B may be appealed. A decision to deny

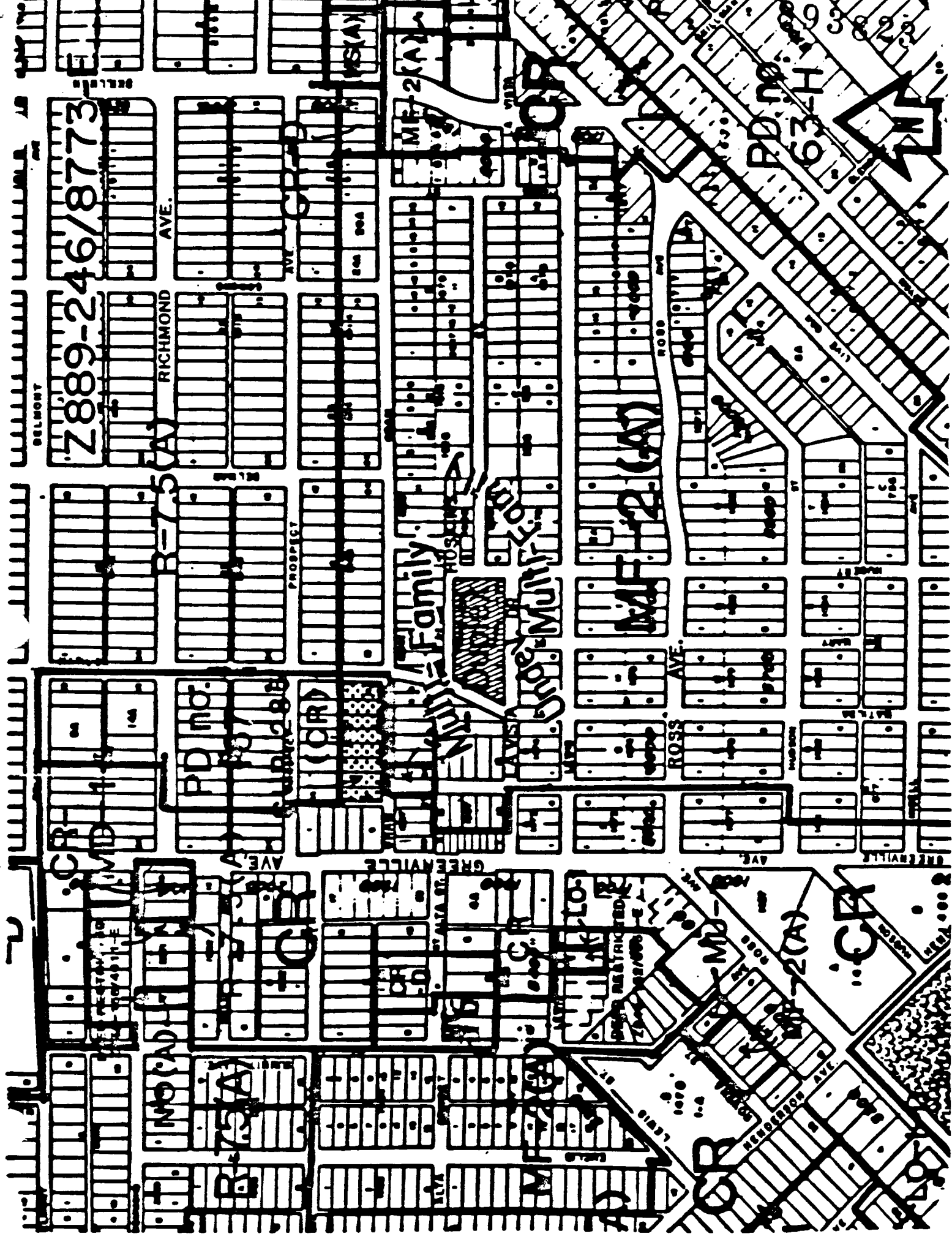
a certificate of appropriateness in such instances may be appealed by the applicant or property owner. Appeal is made to the landmark commission by submitting a written request for appeal to the director within ten days after the decision to deny.

- 6.5 Proposed work not falling into either category A or B shall be reviewed by the commission following the standard review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended.

7. APPEAL TO THE CITY PLAN COMMISSION

- 7.1 Certificates of appropriateness denied by the landmark commission may be appealed to the city plan commission in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.

5387G



BELMONT

Z889-246/8773

AVE.

RICHMOND

PROSPECT

Family

MF-2(A)

MULTI-FAMILY

MF-2(A)

PD No. 53-H

CR

MD

PD No.

(CR)

GREENVILLE

MULTI-FAMILY

ROSS

AVR.

GREENVILLE

NO CAD

75A

CH

CH

75A

LINK

LO

MD

75A

75A

75A

75A

75A

75A

75A

75A

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