

H/113

4-23-02

24906

ORDINANCE NO. _____

An ordinance amending the zoning ordinances of the City of Dallas, as amended, by establishing Historic Overlay District No. 113 (Stone Street) comprised of the following described property, to wit:

BEING a 10,000 square foot tract of land situated in the J. Grigsby Survey, Abstract No. 495, Dallas County, Texas, in City of Dallas Block 76, Official City Numbers, being two tracts conveyed to Stone Place Mall Investors by Special Warranty Deeds recorded in Volume 2000043, Page 3757, and Volume 2000043, Page 3760, Deed Records, Dallas County, Texas, and also being an 8,000 square foot area of the abandoned Stone Street right-of-way (40' right-of-way), and containing 18,000 square feet or 0.4132 acres of land, more or less;

providing procedures, regulations, and preservation criteria for structures and property in the district; 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 applicable ordinances of the city, have given the required notices and have held the required public hearings regarding the rezoning of the property described herein; and

WHEREAS, the city council finds that the property described herein is an area of historical, cultural, and architectural importance and significance to the citizens of the city; 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 the zoning ordinances of the City of Dallas are amended by establishing Historic Overlay District No. 113 on the property described in Exhibit A ("the Property"), which is attached to and made a part of this ordinance.

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 3. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal 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 B.

SECTION 4. 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 5. That the director of planning and development shall correct Zoning District Map No. J-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 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. 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, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 7. 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.

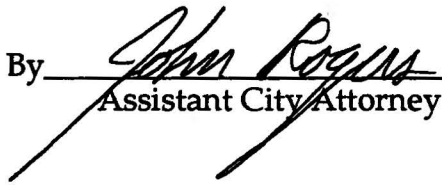
SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:

MADELEINE B. JOHNSON, City Attorney

By


Assistant City Attorney

Passed

APR 24 2002

Exhibit A

Stone Street Historic District

1525 Main Street, 1520 Elm Street and the Stone Street Place

BEING a 10,000 square foot tract of land situated in the J. Grigsby Survey, Abstract No. 495, Dallas County, Texas, in City of Dallas Block 76, Official City Numbers, being two tracts conveyed to Stone Place Mall Investors by Special Warranty Deeds recorded in Volume 2000043, Page 3757, and Volume 2000043, Page 3760, Deed Records, Dallas County, Texas, and also being an 8,000 square foot area of the abandoned Stone Street right-of-way (40' right-of-way), and being more particularly described as follows:

BEGINNING at a cut line against a two story brick building found for corner at the intersection of the north line of Main Street (80' right-of-way) with the west line of the abandoned Stone Street right-of-way (40' right-of-way), at the southeast corner of said Block 76;

THENCE S 76°00'00" W along the north line of said Main Street, a distance of 25.00 feet to a cut line against a two story brick building found for corner at the southeast corner of that certain tract conveyed to the Catholic Diocese by deed recorded in Volume 911, Page 989, Deed Records, Dallas County, Texas;

THENCE N 14°00'00" W departing the north line of said Main Street, a distance of 100.00 feet to the northeast corner of said Catholic Diocese tract;

THENCE S 76°00'00" W along the north line of said Catholic Diocese tract, a distance of 50.00 feet;

THENCE N 14°00'00" W along the east line of that certain tract conveyed to Ztensak Holding Corp. by deed recorded in Volume 2000151, Page 0249, Deed Records, Dallas County, Texas, a distance of 100.00 feet to a cut line against a two story brick building found for corner in the south line of Elm Street (80' right-of-way);

THENCE N 76°00'00" E along the south line of said Elm Street, a distance of 115.00 feet along the south line of said Elm Street to the east line of the abandoned Stone Street (40' right-of-way), at the northwest corner of Block 76 1/2;

THENCE S 14°00'00" E along the east line of the abandoned Stone Street (40' right-of-way), a distance of 200.00 feet to a point for corner;

THENCE S 76°00'00" W 40.00 feet to the POINT OF BEGINNING, and containing 18,000 square feet or 0.4132 acres of land, more or less.

Exhibit B

PRESERVATION CRITERIA

Stone Street Historic District

1525 Main Street, 1520 Elm Street and the Stone Street Place

1. GENERAL

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations contained in CHAPTER 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended. In the event of a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness
 - a. A person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
 - b. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
 - c. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.
 - d. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.
- 1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code.
- 1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

- 1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1890 to 1920.

2. DEFINITIONS

- 2.1 Unless defined below, the definitions contained in CHAPTER 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, apply.
- 2.2 **APPROPRIATE** means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.
- 2.3 **CERTIFICATE OF APPROPRIATENESS** means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.4 **CORNERSIDE YARD** means a side yard abutting a street.
- 2.5 **DIRECTOR** means the Director of the Department of Planning and Development or the Director's representative.
- 2.6 **DISTRICT** means Historic Overlay District No. 113, the Stone Street Historic Overlay District. This district contains the property described in Exhibit A attached to this ordinance and as shown on Exhibit C.
- 2.7 **ERECT** means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.8 **FENCE** means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.9 **MAIN BUILDINGS** means the Sumpter-Leggitt Building at 1525 Main Street and the F.W. Woolworth Store Building at 1520 Elm Street, as shown on Exhibit C.
- 2.10 **NO-BUILD ZONE** means that part of this district in which no new construction may take place.
- 2.11 **PROTECTED** means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.

2.12 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

3. BUILDING SITE AND LANDSCAPING

3.1 New construction is prohibited.

3.2 The main buildings are protected.

3.3 New driveways, sidewalks, steps, and walkways must be constructed of brick, brush finish concrete, stone, or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted.

3.4 Circular driveways and parking areas are not permitted in a front yard or cornerside yard.

3.5 Landscaping

a. Landscaping in Stone Street Place must be appropriate, enhance the structures and surroundings, and not obscure significant views of protected facades.

b. The original relationship of sidewalks to street must be visually articulated in Stone Street Place.

c. Outdoor lighting and fixtures must be appropriate and enhance the structures and Stone Street Place.

3.6 Fences

a. Fences are not permitted in front yards or cornerside yards.

b. Fences must be constructed of brick, cast stone, iron, stone, wood, a combination of these materials, or other appropriate materials.

4. FACADES

4.1 Protected facades.

a. The facades facing Main Street, Elm Street and Stone Street are protected.

b. Reconstruction, renovation, repair, or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.

c. Historic solid-to-void ratios of protected facades must be maintained.

- d. Brick added to protected facades must match in color, texture, module size, bond pattern, and mortar color.
- e. Brick, cast stone, and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted prior to the effective date of this ordinance may remain painted.

- 4.2 Reconstruction, renovation, repair, or maintenance of nonprotected facades must be compatible with protected features.
- 4.3 Wood trim and detailing must be restored wherever practical.
- 4.4 All exposed wood must be painted, stained, or otherwise preserved.
- 4.5 Historic materials must be repaired if possible; they may be replaced only when necessary.
- 4.6 Paint must be removed in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, prior to refinishing.
- 4.7 Aluminum siding, stucco, and vinyl cladding are not permitted.
- 4.8 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.
- 4.9 Researching, exposing, and restoring historic finish materials is recommended.
- 4.10 Cleaning of the exterior of a structure must be in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

5. FENESTRATION AND OPENINGS

- 5.1 Historic doors and windows must remain intact except when replacement is necessary due to damage or deterioration.
- 5.2 Replacement of doors and windows which have been altered and no longer match the historic appearance is recommended.
- 5.3 Storefronts should be reconstructed when adequate documentation exists as to their original appearance; when no such documentation exists, a new design appropriate to the style and period of the building may be constructed.

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- 5.4 Replacement storefronts, doors, and windows must express profile, muntin and mullion size, light configuration, and material to match the historic.
- 5.5 Storm doors, screen doors, and storm windows are permitted if they are appropriate and match the existing doors and windows in profile, width, height, proportion, glazing material, and color.
- 5.6 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate.
- 5.7 Glass and glazing must match historic materials as much as practical. Films and tinted or reflective glazings are not permitted on glass.
- 5.8 New door and window openings in the Stone Street facades are permitted if their design is compatible with the buildings' age, style, materials, and appearance; and if they reflect the rhythm of storefront openings on the Main Street and Elm Street facades.
- 5.9 The Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

6. ROOFS

- 6.1 The historic slope, massing, configuration, and materials of the roofs must be preserved and maintained.
- 6.2 The following roofing materials are allowed: two-ply; modified bitumen roofing system; or a built-up, single ply membrane roofing system.
- 6.3 Historic eaves, coping, cornices, dormers, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module, and color.
- 6.4 Mechanical equipment, skylights, and solar panels on the roof must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

7. EMBELLISHMENTS AND DETAILING

- 7.1 The following architectural elements are considered important features and are protected:
 - a. historic mass and form of the main buildings;
 - b. exterior windows;

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- c. rhythm of window and original storefront openings; and
- d. exterior brick and stone detailing.

8. NEW CONSTRUCTION AND ADDITIONS

- 8.1 Stand-alone new construction is not permitted.
- 8.2 Vertical additions to the main buildings must be set back so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.
- 8.3 Horizontal additions to the main buildings are prohibited.
- 8.4 The color, details, form, materials, and general appearance of additions must be compatible with the main buildings.
- 8.5 Aluminum siding, stucco, and vinyl cladding are not permitted.
- 8.6 Ramps or other accessibility-related installations on the main buildings must be located to be as inconspicuous as practical and must be appropriate.
- 8.7 Additions must be designed so that connections between additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between additions and the historic structure must be established and maintained. Historic details in the coping, eaves, and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts additions.

9. SIGNS

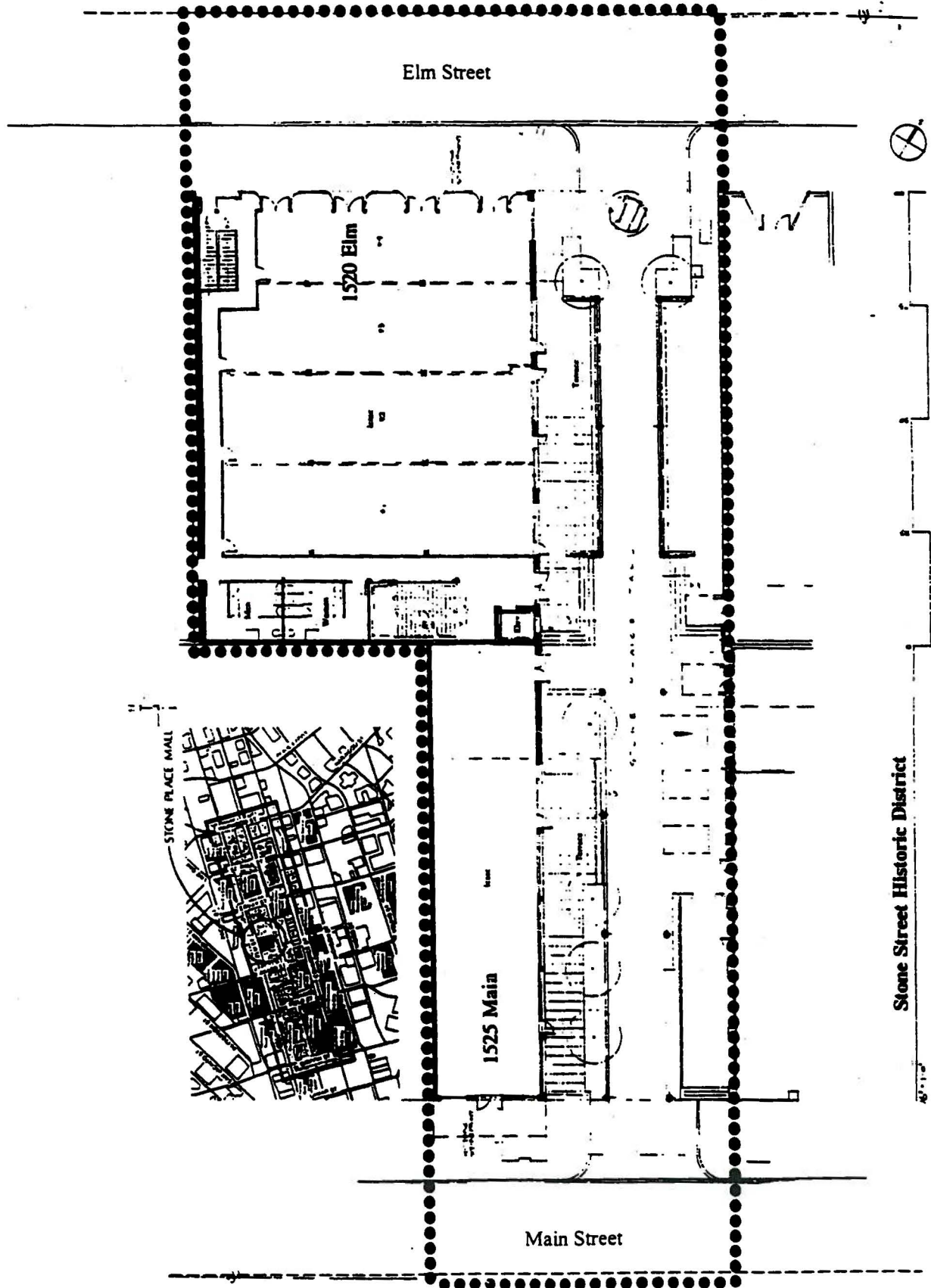
- 9.1 Signs may be erected if appropriate.
- 9.2 All signs must comply with the provisions of the Dallas City Code, as amended.
- 9.3 Temporary political campaign signs as defined in Chapter 15A of the Dallas City Code, as amended, and temporary real estate signs may be erected without a certificate of appropriateness.

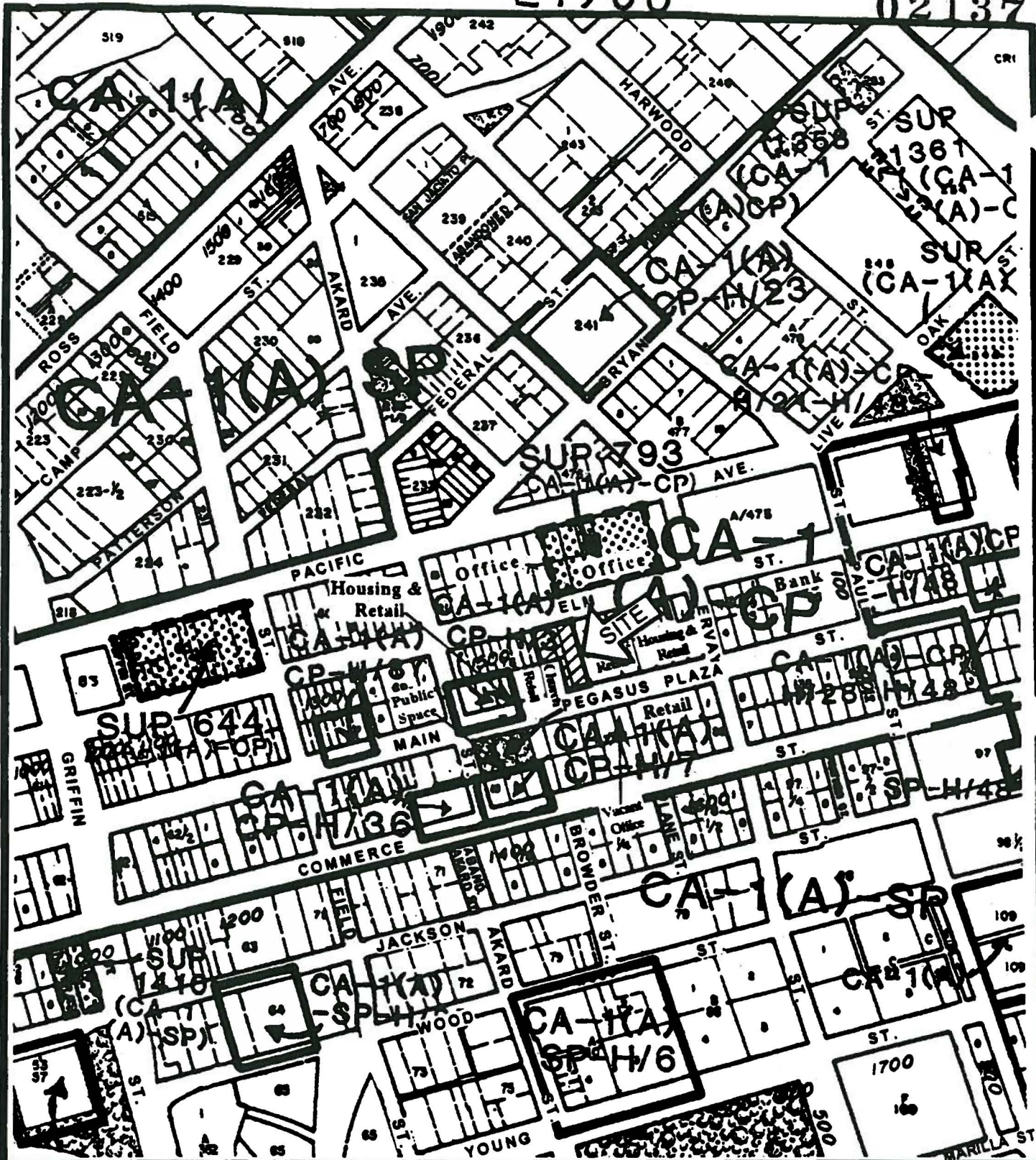
10. ENFORCEMENT

- 10.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

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Exhibit C
Stone Street
Historic District





ZONING AND LAND USE

MAP NO. J-7
 CASE NO. 2012-137/11581-C(JG)