

**PLANNED DEVELOPMENT DISTRICT FOR
THE TENTH STREET NEIGHBORHOOD**

(a) **Definitions.** Unless otherwise stated, the definitions contained in CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, apply to this ordinance. In the event of a conflict, this section controls. In this ordinance:

(1) **ADDITION** means an enclosed living space added to a main structure.

(2) **APPLICANT** means an owner of property within this district, or an owner's duly authorized agent.

(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.

(4) **COLUMN** means the entire column including the base and capital, if any.

(5) **COMMISSION** means the Landmark Commission of the City of Dallas.

(6) **CORNERSIDE FACADE** means a building facade facing a side street.

(7) **CORNERSIDE YARD** means a side yard that abuts a street.

(8) **DEPARTMENT OF THE INTERIOR STANDARDS** means the set of Historic Preservation standards established by the U. S. Department of the Interior National Park Service.

(9) **DIRECTOR** means the director of the Department of Planning and Development or that person's representative.

(10) **DISTRICT** means the Tenth Street Historic Overlay District. This district contains the property described in Section 1 of this ordinance.

(11) **ERECT** means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw or otherwise construct.

(12) **FENCE** means a structure or hedgerow that provides a physical barrier, including a fence gate.

(13) **NEW CONSTRUCTION** means new structures built or moved on the property.

(14) **MAIN BUILDING** means a building on a lot intended for occupancy by the main use.

(15) **PRESERVATION CRITERIA** means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.

(16) **PROTECTED FACADE** means a facade that must maintain its original appearance, as near as practical.

(20) **REAL ESTATE SIGN** means a sign that advertises the sale or lease of an interest in real property.

(b) Interpretations.

(1) Unless otherwise stated, all references to code articles, divisions, or sections in this ordinance refer to articles, divisions, or sections in CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended.

(2) All attached exhibits are part of this ordinance.

(3) Section 51A-2.101, "Interpretations," applies to this ordinance.

(4) The following rules apply in interpreting the use regulations of this ordinance:

(A) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(B) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only.

(C) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(D) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800).

(E) The symbol [RAR] appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. ("RAR" means "residential adjacency review." For more information regarding residential adjacency review generally, see Division 51A-4.800).

(5) For purposes of determining the applicability of regulations in this ordinance and in Chapter 51A triggered by adjacency or proximity to another zoning district, and for purposes of interpreting the DIR and RAR requirements of Division 51A-4.800, this district is considered to be a residential zoning district.

(6) Creation of separate tracts.

This district is divided into three (3) tracts. A map showing the boundaries of the three (3) tracts is attached as Exhibit A.

(c) Main uses permitted for Tract I.

- Duplex.
- Single family.
- Cemetery or mausoleum.
- Child-care facility (SUP).
- Church.
- Foster home (SUP).
- Public or private school (SUP).

(d) Main uses permitted for Tract 2.

(1) Commercial and business services uses.

- Building repair and maintenance shop.

(2) Institutional and community service uses.

- Cemetery or mausoleum.
- Child-care facility (SUP).
- Church.
- Community service center (SUP).
- Foster home (SUP).
- Library, art gallery, or museum (SUP).
- Public or private school (SUP).

(3) Office uses.

- Financial institution without drive-in window.
- Office (to include medical office).

(4) Recreation uses.

- Public park, playground, or golf course.

(5) Residential uses.

- Multifamily (above retail buildings only).
- Duplex.
- Single family.

(6) Retail and personal service uses.

- Custom print shop.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- Hardware store 3,500 square feet or less.
- Household equipment and appliance repair.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Stationary shop./book store
- Temporary retail use.
- Theater.

(7) Utility and public service uses:

- Police or fire station.
- Post office.

(e) Main uses permitted in Tract 3

- All uses in Tract 2
- Motor vehicle fueling station.

(f) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(g) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, this subsection controls).

(1) Front yard setback:

(a) A main building on an interior lot must have a front yard setback that is within five percent of the average setback of other main buildings in the same blockface. Documentation establishing average setbacks to be submitted by applicant.

(b) A main building on a corner lot must have front yard setback that is within five percent of the average setback of other main buildings in the same blockface. Documentation establishing average setbacks to be submitted by applicant.

(2) Rear and side yard:

(a) Rear and side yard setbacks must be within five percent of the average setback of other main buildings in the same blockface. Documentation establishing average setbacks to be submitted by applicant.

(b) Lots that are thirty feet or less in width have no side yard setback.

(c) Front, rear, side, and corner side yards are illustrated in attached Exhibit B.

(d) Construction or restoration of original buildings is encouraged to preserve the historic nature of the neighborhood.

(3) The board of adjustment may grant a special exception to the setback requirement(s) if the board finds after the public hearing:

- A special exception will not adversely affect the neighboring properties, and
- The improvement is within the general building patterns of the neighborhood.

In granting the special exception to the setback requirement(s), the board may impose any other reasonable condition that would further the purpose and intent of the setback restriction(s)/requirement(s).

(4) Height:

(a) The height of new construction, accessory buildings, or vertical or horizontal additions to existing non-protected structures or facades must not exceed thirty-six feet.

(4) Width requirements of structures:

(a) The width of a new single family residence shall not exceed 42 feet and:

(b) be no more than 20 percent greater than the average width of single family dwellings on the blockface.

(5) Environmental performance standards. See Article VI.

(a) Signs. Signs must comply with the provisions for non-business zoning districts contained in Article VII.

(b) Additional provisions. Development and use of the Property must comply with all applicable federal and state laws and regulations, and with all applicable ordinances, rules, and regulations of the City of Dallas.

PRESERVATION CRITERIA

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 shall conform to the following guidelines and a certificate of appropriateness must be obtained for such work prior to its commencement.

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 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.

SITE AND SITE ELEMENTS

- (a) New construction is prohibited in all front yards within the district.
- (b) The existing original and historic structures must be retained and protected.
- (c) New sidewalks, walkways, steps, and driveways must be of brush finish concrete, brick, stone, or other material if deemed appropriate. No exposed aggregate, artificial grass, carpet, asphalt or artificially-colored monolithic concrete paving is permitted.
- (d) No circular drives are allowed in front yards.
- (e) Exterior lighting must be appropriate to and enhance the structure.
- (f) Landscape plant material must be appropriate and compatible, must enhance the structure and surroundings, and must not obscure significant views of the main building or from the main building. It is recommended that landscape modifications reflect the original historic landscaping design when appropriate.

- (g) After the effective date of this ordinance, any new mechanical equipment must be erected in side or rear yards and must be screened from the street.
- (h) Existing mature trees must be protected. Unhealthy or damaged trees may be removed if deemed appropriate.
- (i) Fences in the rear yard and rear 50% of the side yard cannot exceed 9 feet in height from grade or top of retaining wall.
- (j) Fences that are permitted in the front yard shall have a maximum height of three feet six inches. These fences must be appropriate to the district. Chain link fences are not allowed in the front yard. Fence locations can be found in Appendix C.
- (k) Fences above three feet six inches in the side yards must be located a minimum of 10 feet back from the front facade of the main building. Fences with a maximum height of three feet six inches can be located anywhere in the side yard and may connect to front yard fence.
- (l) Fences in cornerside yards 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:
 - 1. more screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and
 - 2. the fence is less than four feet in height and is compatible with the architectural character of the home.
- (m) Fences in side, rear or cornerside yards must be constructed of one or more of the following materials: wood, brick, stone, iron, a combination of those materials, or other materials if deemed appropriate.
- (n) Tops of fences shall be horizontal, stepped or parallel to grade per Exhibit D.

STRUCTURE

Facades

- (a) The front and side facades are protected facades.
- (b) Reconstruction, renovation or repair of the opaque elements of the protected facades must employ materials similar to the original materials in texture, color, pattern, grain and module size as much as practical.

- (c) The existing solid-to-void ratios of non-protected facades must be maintained as much as practical. All additions and alterations must be architecturally sensitive and appropriate to the overall design of the existing structure.
- (d) Brick must match in color, texture, module size, bond pattern and mortar color. Brick surfaces not previously painted must not be painted unless the applicant establishes that
 - 1. the color and texture of replacement brick cannot be matched with that of the existing brick surface;
 - 2. the brick is not original or compatible with the style and period of the main building and the district; or
 - 3. Painting is the only method that the brick may be repaired or restored.
- (e) Stone, cast stone, and concrete elements must be renovated or repaired only with materials similar in size, grain, texture, and color to the original materials.
- (f) Wood siding, trim, and detailing shall be carefully restored wherever practical. Historic materials should be repaired; they should be replaced only when necessary. Badly deteriorated paint should be removed in accordance with the Department of Interior standards prior to refinishing. All exposed wood must be painted, stained, or otherwise protected. No resurfacing with vinyl or aluminum siding or stucco is permitted on main structures. Imitation materials are allowed on accessory structure only if they are keeping with the style and materials on the main structure.
- (g) COLOR: All colors must comply with the Acceptable Color Range Standards contained in Exhibit E. Fluorescent and metallic colors are not permitted on the exterior of any structure in this district.

Dominant and trim colors. All structures must have a dominant or body color and no more than three trim colors, including any accent colors. Proper location of dominant trim, and accent colors is shown in Exhibit F. The colors of a structure must be complementary of each other and the overall character of this district. Complimenting color schemes are encouraged through the blockface.
- (h) Exposing and restoring original historic finish materials is encouraged.
- (i) Exterior cleaning must be accomplished in accordance with Department of Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.

Fenestration and Openings

- (a) Original doors and windows and their openings must remain intact and be preserved. Where replacement of an original door or window is necessary due to damage or structural deterioration, replacement doors and windows must express mullion size, light configuration, and material to match the 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 are permitted if they are sensitive additions and match the existing windows and doors in frame width and portion, glazing material, and color. Painted or factory finished aluminum storm doors, storm windows or screens are permitted. Mill finished aluminum is not permitted.

- (b) New door and window openings on the front and corner facade are permitted only in locations where there is evidence that original openings have been infilled with other material.
- (c) Decorative ironwork or burglar bars are permitted only on rear facades. Interior mounted burglar bars are permitted on protected facades.
- (d) Glass and glazing shall match original materials as much as practical. Tinted, reflective glazing or reflective film is not permitted.
- (e) Materials placed on or behind window glazing must be appropriate to the district.
- (f) The Department of the Interior standards should be referred to for acceptable techniques to improve the energy efficiency of historic fenestrations.

Roofs

- (a) The slope, massing, configuration and materials of the roof must be preserved and maintained. Original gables, dormers, and porch & roofs must be preserved. Existing parapets, cornices and coping eaves, roof trim and dormers must be retained and when repaired, should be done so with material matching in size, finish, module and color.
- (b) The following roofing materials are allowed: wood shingles, composition shingles, or terra-cotta tiles and other materials if deemed appropriate.
- (c) Solar panels, skylights, and mechanical equipment 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.

Porches and balconies

- (a) Existing original porches and balconies on protected facades must be retained and preserved; no porches may be enclosed on protected facades.
- (b) All original columns, railings, and other trim and detailing that are part of the porch or balcony configuration must be preserved.
- (c) It is encouraged that existing enclosed porches on protected facades be restored to their original appearance.
- (d) Front porch floor finishes shall be of concrete, wood or other materials if deemed appropriate. Porch floors may not be covered with carpet. Wood floors must be painted or stained. Concrete, brick or stone floors may not be painted. A clear sealant is acceptable.

NEW CONSTRUCTION AND ADDITIONS

- (a) The form, materials, general exterior appearance, color and details of any new construction of accessory building or vertical extension to existing structures must be compatible with the existing historic structure.
- (b) New construction, additions to historic structures, accessory buildings, porches, and balconies must be of appropriate massing, roof form, shape, materials, detailing and color and have fenestration patterns and solids-to-voids ratios that are typical of the historic structure.
- (c) Vinyl and aluminum, or other imitation materials are not acceptable cladding materials for the construction of a new main structure in this district or addition to existing historic structure in this district.
- (d) Chimneys visible from the public right of way must be clad in brick, or stucco. Imitation brick will be reviewed through the certificate of appropriateness process.
- (e) New construction and connections between new and existing construction must be designed so that they are clearly discernible from the existing historic structures as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new and existing construction shall be established and maintained.
- (f) Historic details at parapets and coping must be preserved and maintained where abutting new construction.

ACCESSORY BUILDINGS

- (a) Are only permitted in the rear yard;
- (b) Must be compatible with the scale, shape, roof form, materials, detailing, and color of the main building;
- (c) Must be at least eight feet from the main building; and
- (d) May have garage doors located at the established rear yard setback from the alley if electric garage door openers are installed.

SIGNS

- (a) Temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) and real estate signs may be erected.
- (b) 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 appearance of the structure.
- (c) All signs must conform with all applicable provisions of the Dallas City Code, as amended and be compatible with the architectural qualities of the historic structure.

REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

- (a) The review procedure outlined in Section 51A-4.501 of the Dallas City Code, as amended, applies to this district except that a certificate of appropriateness is not required to erect temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) or real estate signs.
- (b) Certificate of appropriateness denied by the Landmark Commission, may be appealed to the city council in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.

EXHIBIT B

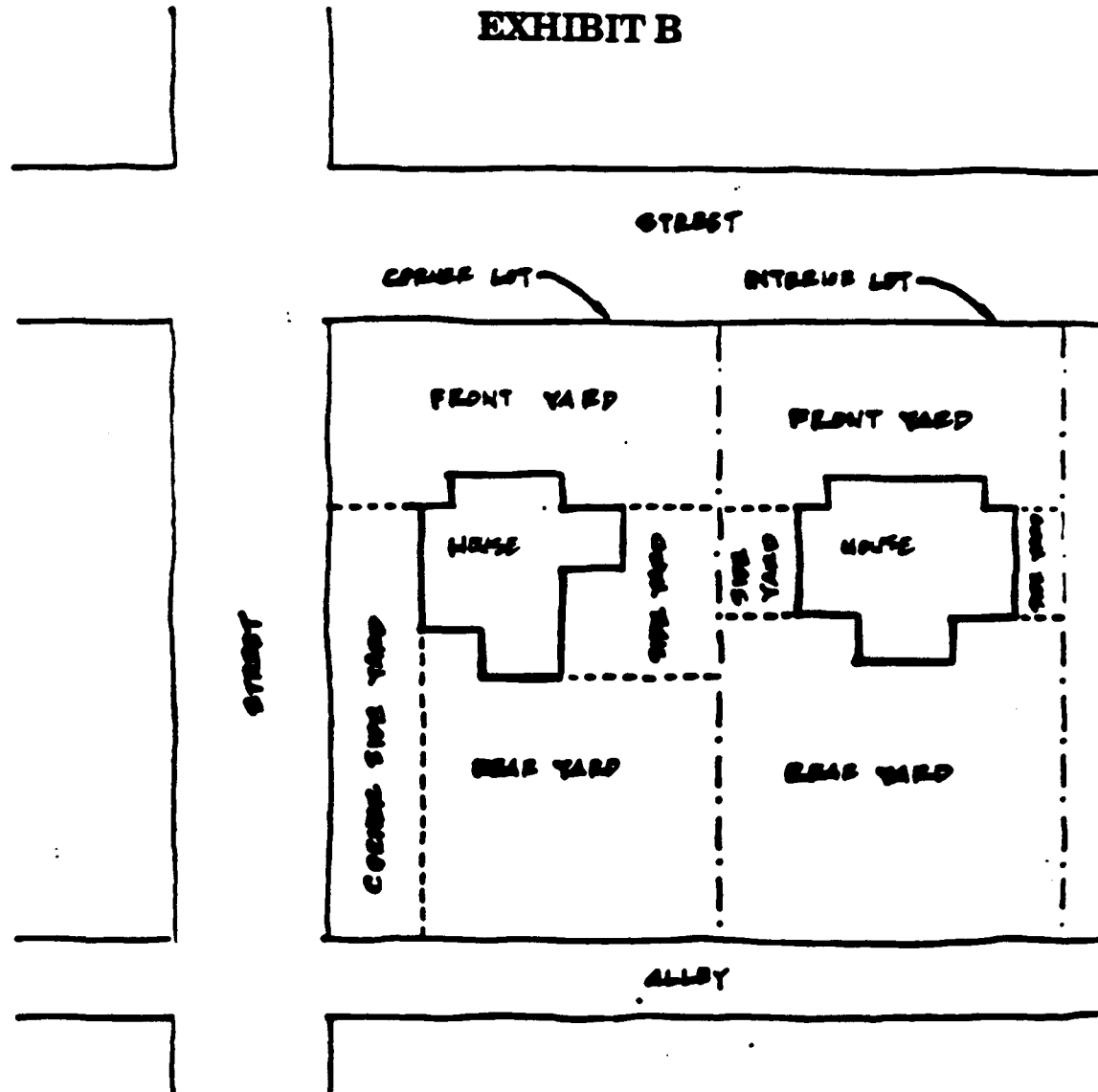


EXHIBIT C

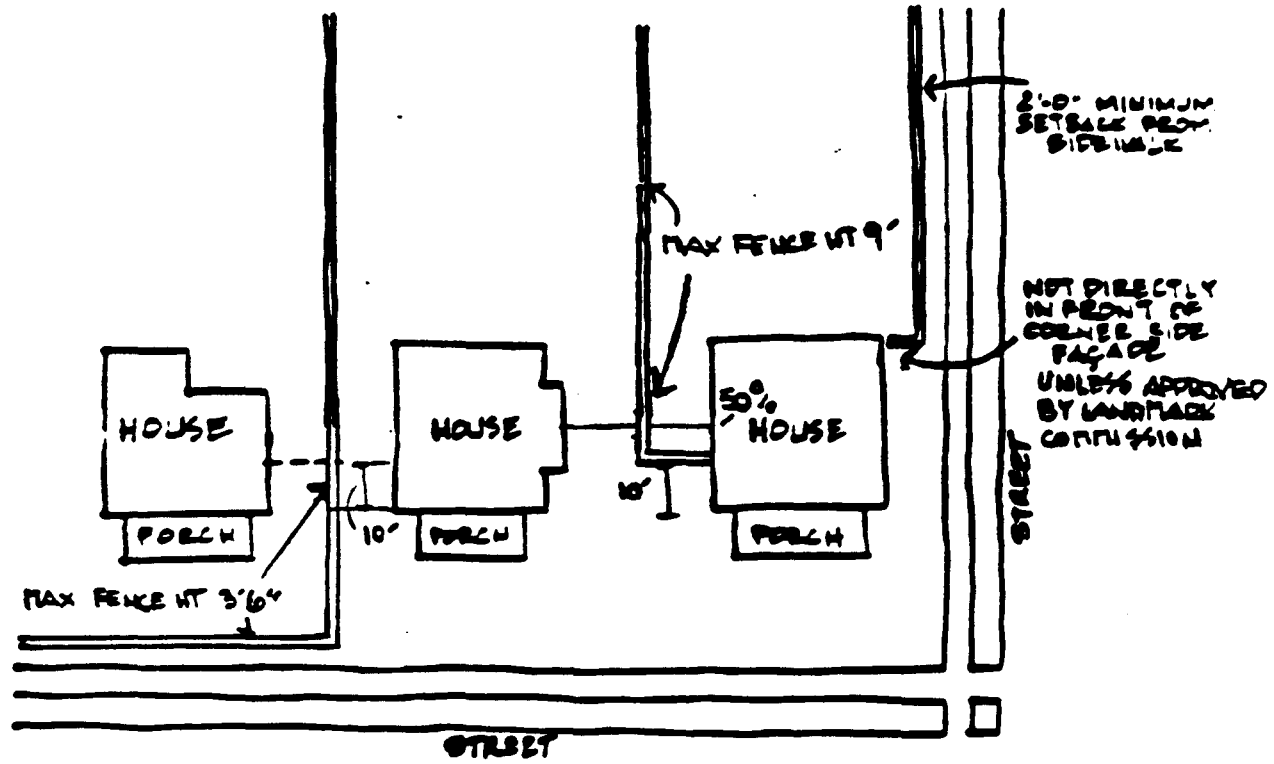


EXHIBIT D



Horizontal

EXHIBIT E

Color and color scheme shall be evaluated according to the Munsell Book of Color Systems (Neighboring Hues Edition -1973).

The Munsell color ranges or their equivalents in value (V) and Chroma (C) for primary or body trim or accent colors:

Body: 9 through 6V/1 through 4C

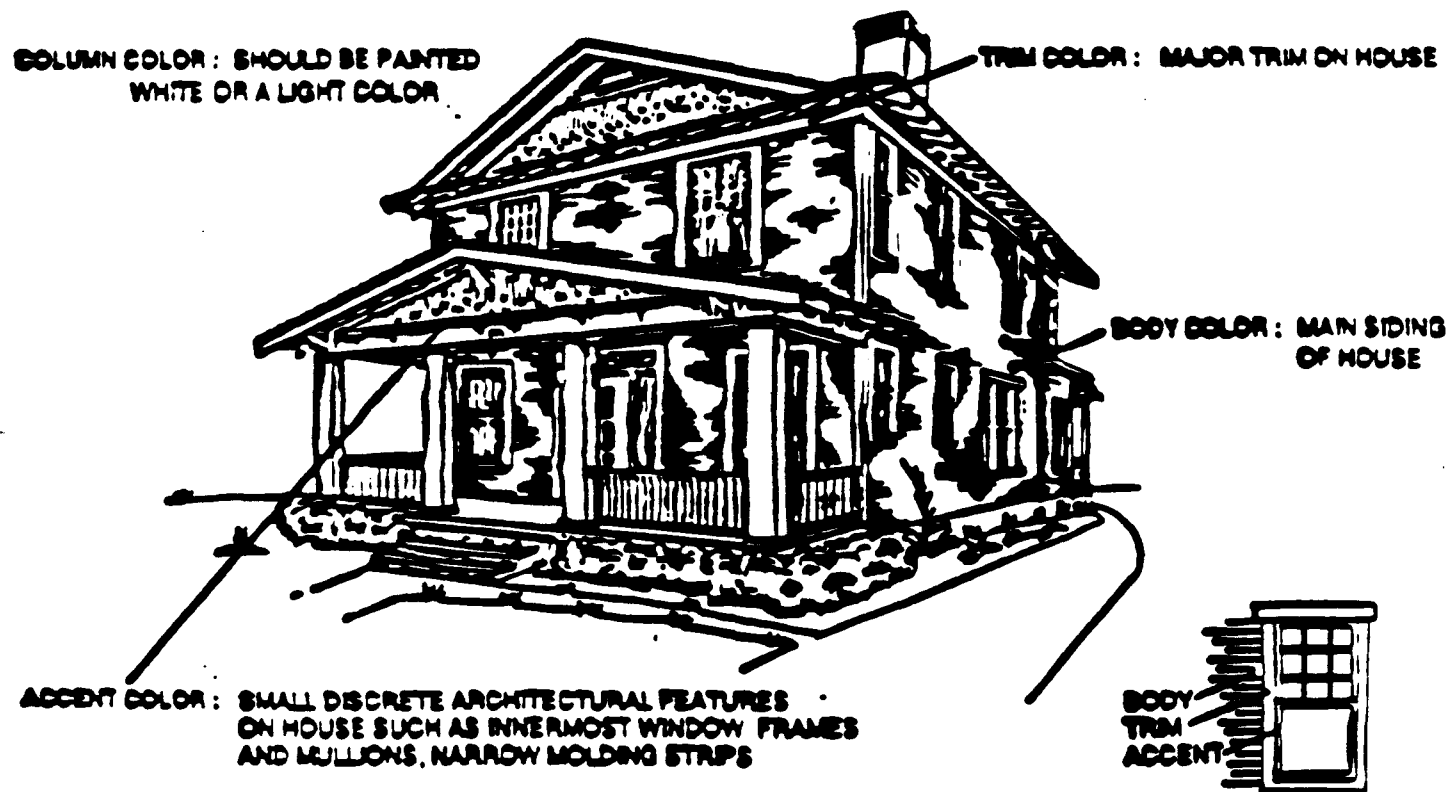
Trim: 9 through 3V/1 through 6C

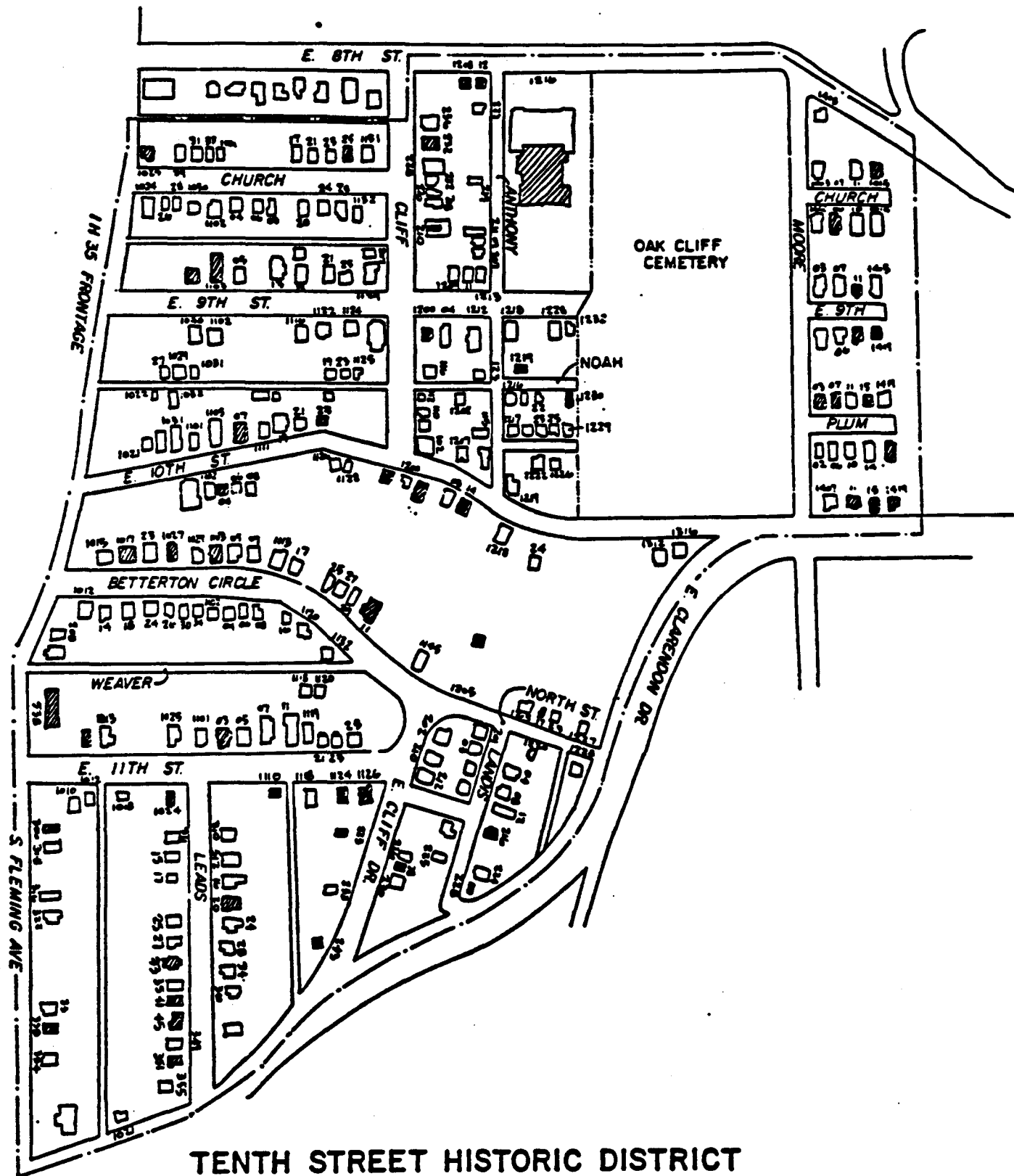
Hue symbols 2.5-10 for: R (Red) G (Green) B (Blue) Y (Yellow) YR (Yellow-Red) GY (Green-Yellow)

Neutral gray and absolute white may also be permitted. Neutral gray must be equivalent in value to those ranges specified above. Any colors or color schemes that are not within the specified allowable Munsell ranges must be reviewed by the Landmark Commission and approved or denied based on their appropriateness to and compatibility with the structure, blockface, and this district. The Commission shall not approve any colors or color schemes (or their equivalents) that are specifically excluded by this ordinance.

EXHIBIT F

COLOR PLACEMENT





TENTH STREET HISTORIC DISTRICT

- CONTRIBUTING
- ▨ NONCONTRIBUTING
- DISTRICT BOUNDARY