

6-13-95

ORDINANCE NO. 22459

An ordinance amending CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by establishing Historic Overlay District No. 71 (Betterton House) comprised of the following described property ("the Property"), to wit:

BEING the eastern 150 feet of Lot 1 in City Block 40/3021 in the E. Robertson Survey, Abstract No. 1211, in the City of Dallas, Dallas County, Texas, said property located at the northwest corner of Marsalis Avenue and Sabine Street, fronting 100 feet on the west line of Marsalis Avenue and fronting 150 feet on the north line of Sabine Street, and containing 15,000 square feet of land,

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; and

WHEREAS, the city council finds that the Property 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:

CHECKED BY

JCK

SECTION 1. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended by establishing Historic Overlay District No. 71 comprised of the following described property ("the Property"), to wit:

BEING the eastern 150 feet of Lot 1 in City Block 40/3021 in the E. Robertson Survey, Abstract No. 1211, in the City of Dallas, Dallas County, Texas, said property located at the northwest corner of Marsalis Avenue and Sabine Street, fronting 100 feet on the west line of Marsalis Avenue and fronting 150 feet on the north line of Sabine Street, and containing 15,000 square feet of land.

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 contained 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, or remove any structure on the Property without first obtaining a certificate of appropriateness in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit A.

SECTION 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. K-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, or maintenance of a building, structure, or land on the Property.

SECTION 7. 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 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:

SAM A. LINDSAY, City Attorney

By *John Rogers*  
Assistant City Attorney

Passed JUN 14 1995

Zoning File No. Z945-204/9749-S

**Exhibit A****PRESERVATION CRITERIA  
Betterton House Historic District**

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.

**1. DEFINITIONS**

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

- 1.1 CERTIFICATE OF APPROPRIATENESS means a certificate issued by the city in accordance with Section 51A-4.501 of the Dallas City Code, as amended, to authorize the alteration of the physical character of real property in the district or any portion of the exterior of a structure in the district, or the placement, construction, maintenance, expansion, or removal of any structure in or from the district.
- 1.2 COLUMN means the entire column, including the base and capital, if any.
- 1.3 COMMISSION means the Landmark Commission of the City of Dallas.
- 1.4 CORNERSIDE FACADE means a building facade facing a side street.
- 1.5 CORNERSIDE YARD means a side yard that abuts a street.
- 1.6 DIRECTOR means the director of the Department of Planning and Development or that person's representative.
- 1.7 DISTRICT means the Betterton House Historic Overlay District. This district contains the property described in Section 1 of this ordinance.
- 1.8 ERECT means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw or otherwise construct.

- 1.9 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.10 MAIN BUILDING means the Betterton House as shown in Exhibit B.
- 1.11 NO BUILD ZONE means that part of a lot in which no new construction may take place.
- 1.12 PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.13 PROTECTED FACADE means a facade that must maintain its original appearance, as near as practical, in all aspects.
- 1.14 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

## 2. SITE AND SITE ELEMENTS

- 2.1 New construction is prohibited in an area designated as a "No Build Zone" on Exhibit B.
- 2.2 The main building must be retained and protected.
- 2.3 New sidewalks, walkways, steps, and driveways must be of brush finish concrete, brick, stone, or other material deemed appropriate. No exposed aggregate, artificial grass, carpet, asphalt or artificially-colored monolithic concrete paving is permitted.
- 2.4 Driveway entrances are not permitted in a front yard.
- 2.5 Garages or carports facing the front yard are not permitted.
- 2.6 Exterior lighting must be appropriate to and enhance the structure.
- 2.7 Landscape must be appropriate and compatible, must enhance the main building and surroundings, and must not obscure significant views of or from the main building. It is recommended that landscaping modifications reflect the original historic landscaping design.
- 2.8 Existing mature trees must be protected. Unhealthy or damaged trees may be removed if deemed appropriate.
- 2.9 Fences in the rear yard and rear 75 percent of the interior side yard cannot exceed nine feet in height.
- 2.10 Fences are permitted in the front yard if appropriate. Fences in the front yard must be constructed of one or more of the following materials: wood, stone, brick, wrought iron, or other materials deemed appropriate. Fences in the front yard must not exceed 4 feet in height, and must be 50% open. Refer to attached Exhibit B.

- 2.11 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 the rear 75 percent of the cornerside facade if:
- (a) more screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic or nearby adjacencies; and
  - (b) the fence does not screen any significant architectural feature of the main structure.
- 2.12 Fences in side, rear or cornerside yards must be constructed of one or more of the following materials: wood, brick, stone, wrought iron, or other materials deemed appropriate.
- 2.13 Tops of fences must be horizontal, stepped or parallel to grade per sketch A.

### 3. STRUCTURE

#### Facades

- 3.1 The front facade of the main building is a protected facade.
- 3.2 Reconstruction, renovation or repair of the opaque elements of the protected facade must employ materials similar to the original materials in texture, color, pattern, grain and module size as much as practical.
- 3.3 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.
- 3.4 Brick must match in color, texture, module size, bond pattern and mortar color. Original brick on a facade may not be painted, with the exception that portions of the main building which have been previously painted may remain painted.
- 3.5 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. Those stone surfaces which have been previously painted may remain painted.
- 3.6 Wood siding, trim, and detailing must 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. Resurfacing with vinyl or aluminum siding or stucco is not permitted.
- 3.7 Original color and original materials must be preserved and maintained wherever practical. Paint and other color schemes for non-masonry elements should be based upon any available documentation as to original conditions.
- 3.8 Exposing and restoring original historic finish materials is encouraged.

- 3.9 Exterior cleaning must be accomplished in accordance with Department of Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.
- 3.10 After the effective date of this ordinance, any new mechanical equipment must be erected in side or rear yards and must be screened.

#### **Embellishments and Detailing**

- 3.11 The following architectural elements are considered special features and will be protected and preserved unless otherwise determined by the Commission: fish scale shingles, corner posts/columns, sunburst decoration and the original windows.

#### **Fenestrations and Openings**

- 3.12 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. Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly recommended.

Exterior window screens and door screens are permitted if they are sensitive additions and are consistent with historic screens in design and materials.

- 3.13 No decorative ironwork or burglar bars are permitted over doors or windows of the protected facade. Interior mounted burglar bars of appropriate color and design may be permitted, if deemed appropriate.
- 3.14 Glass and glazing must match original materials as much as practical. No tinted or reflective glazing or films is permitted.
- 3.15 New door and window openings in the protected facade are permitted only where there is evidence that original openings have been infilled with other materials or the safety of life is threatened.
- 3.16 The Department of the Interior standards should be referred to for acceptable techniques to improve the energy efficiency of historic fenestrations.

#### **Roofs**

- 3.17 The slope, massing, configuration and materials of the roof must be preserved and maintained. Existing eaves, roof trim and dormers must be retained, and when repaired, should be done so with material matching in size, finish, module and color.
- 3.18 The following roofing materials are allowed: wood shingles and composition shingles. No metal, built-up, synthetic wood shingles, synthetic clay tile, or single-ply membrane roofs are permitted on the main building.

- 3.19 Solar panels and skylights 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.
- 3.20 Mechanical units may not be placed on the roof.

#### **Porches and balconies.**

- 3.21 Existing porches on the protected facade must be retained and preserved and may not be enclosed.
- 3.22 All original columns, railings, and other trim and detailing that are part of the porch configuration must be preserved.
- 3.23 It is encouraged that existing enclosed porches on the protected facade be restored to their original appearance.
- 3.24 Porch floor finishes must be of concrete, brick, wood or stone. Concrete, brick or stone floors may not be covered with paint or carpet. A clear sealant is acceptable. Wood floors must be painted or stained.

#### **4. NEW CONSTRUCTION AND ADDITIONS**

- 4.1 The form, materials, general exterior appearance, color and details of any new construction of accessory buildings or vertical extensions to existing non-protected areas of the structures must be compatible with the main building.
- 4.2 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 main building.
- 4.3 The height of new construction, accessory buildings, or vertical or horizontal additions to existing non-protected structures must not exceed the height of the main building.
- 4.4 Vinyl, aluminum, and stucco are not acceptable cladding materials for the construction of a new accessory structure.
- 4.5 Vertical extensions must be designed so that they cannot be seen by a person standing at ground level on the opposite side of Marseilles and Sabine Streets.
- 4.6 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 must be established and maintained. Historic details in the eaves and other roof trim must be preserved and maintained where abutting new construction.



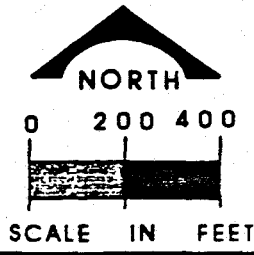
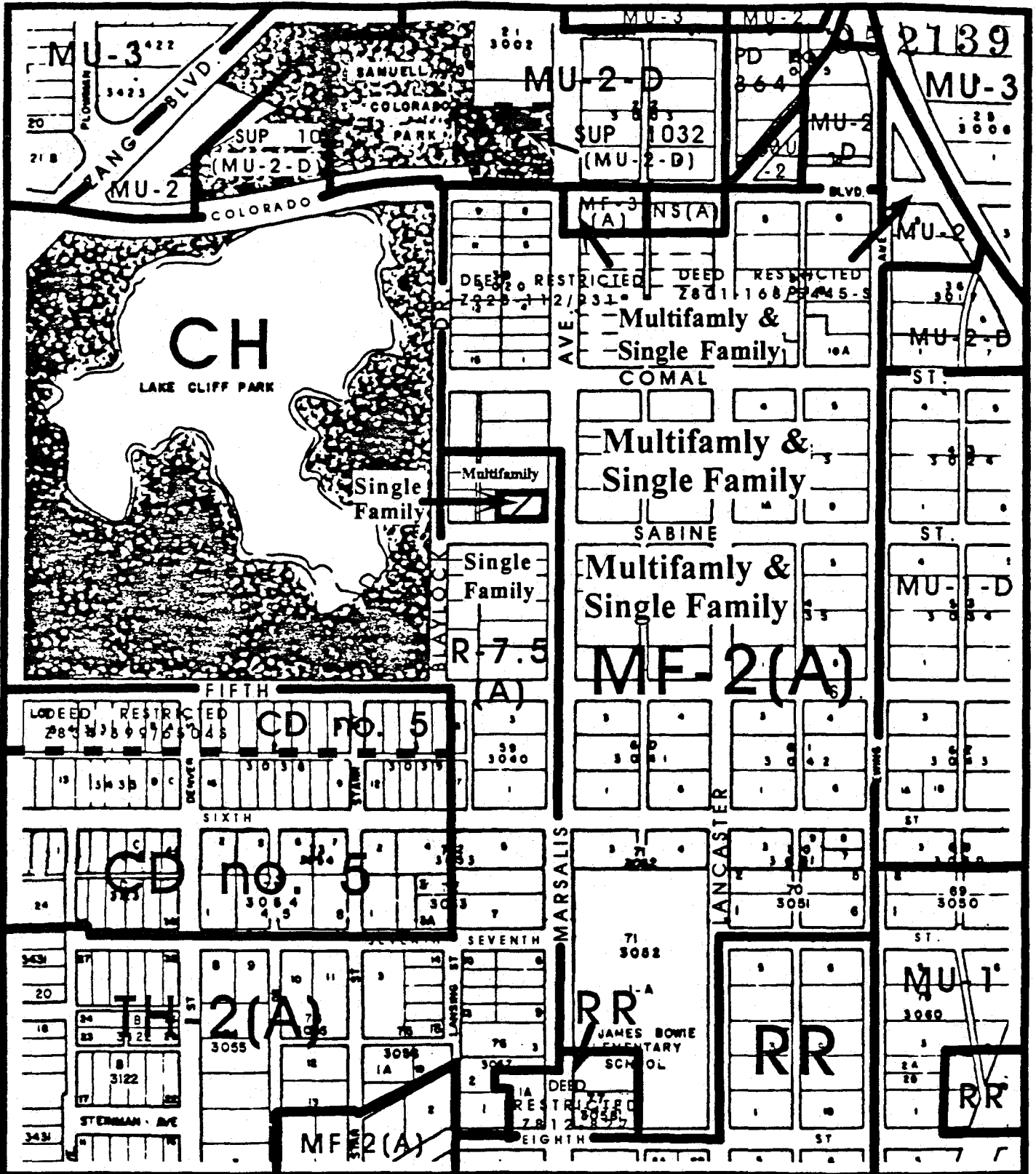
**5. SIGNS**

- 5.1 Temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) and real estate signs may be erected without a certificate of appropriateness.
- 5.2 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.
- 5.3 All signs must conform with all applicable provisions of the Dallas City Code, as amended.

**6. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS**

- 6.1 The review procedure outlined in Section 51A-4.501 of the Dallas City Code, as amended, applies to this district.





# ZONING AND LAND USE

MAP NO.                     K-7                      
CASE NO.                     Z945-204/9749-S