

5-22-96

ORDINANCE NO. 22756

An ordinance amending Ordinance No. 21758, which amended CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, and established Historic Overlay District No. 59 (the Bishop Court Historic Overlay District); expanding the boundaries of the historic overlay district by placing the historic overlay on the following property, to wit:

Tract II: BEING all of Lot 6 in City Block 7/3329 in the G.S.C. Leonard Survey, Abstract No. 780 in the City of Dallas, Dallas County, Texas, said lot located at the southwest corner of Bishop Avenue and Sixth Street, fronting 100.00 feet on the west line of Bishop Avenue and fronting 153.00 feet on the south line of Sixth Street, and containing 15,300 square feet or 0.35 acres of land;

providing amended procedures, regulations, and preservation criteria for structures and property in the district; providing amended maps of the 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 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 expand this historic overlay district; Now, Therefore,

CHECKED BY

JCK

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

SECTION 1. That Ordinance No. 21758, as amended, is amended by expanding Historic Overlay District No. 59 so that the historic district will be comprised of the following two tracts of property ("the Property"), to wit:

Tract I: BEING all of Lot 6 and the southern 17.2 feet of Lot 5 in City Block 12/3334 in the G.S.C. Leonard Survey, Abstract No. 780, in the City of Dallas, Dallas County, Texas, said property located at the northwest corner of Bishop Avenue and Sixth Street, fronting 100.8 feet on the west line of Bishop Avenue and fronting 153 feet on the north line of Sixth Street, and containing 15,422.4 square feet or 0.35 acres of land.

Tract II: BEING all of Lot 6 in City Block 7/3329 in the G.S.C. Leonard Survey, Abstract No. 780 in the City of Dallas, Dallas County, Texas, said lot located at the southwest corner of Bishop Avenue and Sixth Street, fronting 100.00 feet on the west line of Bishop Avenue and fronting 153.00 feet on the south line of Sixth Street, and containing 15,300 square feet or 0.35 acres of land.

SECTION 2. That the expansion 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 Ordinance No. 21758, as amended, control over the regulations of the underlying zoning district.

SECTION 3. That the preservation criteria attached as Exhibit A to Ordinance No. 21758, as amended, are replaced by the preservation criteria attached to this ordinance as Exhibit A.

SECTION 4. That the maps attached as Exhibit B to Ordinance No. 21758, as amended, are replaced by the maps attached to this ordinance as Exhibit B.

SECTION 5. 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 Ordinance No. 21758, as amended. All alterations to the Property must comply with the preservation criteria contained in Exhibit A.

SECTION 6. 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 Ordinance No. 21758, as amended, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the City of Dallas.

SECTION 7. That the director of planning and development shall correct Zoning District Map No. K-6 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 8. That a person who violates a provision of Ordinance No. 21758, as amended, 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 Ordinance No. 21758, as amended, 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 9. 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 10. 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 11. 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  _____
Assistant City Attorney

Passed MAY 22 1996

Zoning File No. Z956-175/9439-SW(CR)

**Exhibit A
PRESERVATION CRITERIA
The Bishop Court Historic Overlay District**

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, "PART II OF THE DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended. In the event of a conflict, these preservation criteria control.
- 1.3 A person may not alter a historic district site, or any portion of the exterior of a structure on the site, or place, construct, maintain, expand, remove, or demolish any structure in the historic district without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and the provisions of this ordinance. A person who violates this provision 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.
- 1.4 The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
- 1.5 Preservation and restoration materials and methods used must comply with the Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.
- 1.6 The Landmark Commission may approve a certificate of appropriateness for work that does not strictly comply with these preservation criteria upon a finding that:
 - a. the proposed work is historically accurate and is consistent with the spirit and intent of these preservation criteria; and
 - b. the proposed work will not adversely affect the historic character of the property or the integrity of the historic district.

2. DEFINITIONS

- 2.1 Unless defined below, the definitions contained in CHAPTER 51A "PART II OF THE 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 the historic 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 **COLUMN** means the entire column, including the base and capital.
- 2.5 **COMMISSION** means the Landmark Commission of the City of Dallas.
- 2.6 **CONTRIBUTING STRUCTURE** means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to a historic district.
- 2.7 **CORNERSIDE FACADE** means a facade facing a side street.
- 2.8 **CORNERSIDE FENCE** means a fence adjacent to a side street.
- 2.9 **CORNERSIDE YARD** means a side yard abutting a street.
- 2.10 **DIRECTOR** means the director of the Department of Planning and Development or the Director's representative.
- 2.11 **DISTRICT** means Historic Overlay District No. 59, the Bishop Court Historic Overlay District. This district contains the property described in Section 1 of this ordinance.
- 2.12 **ERECT** means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.13 **FENCE** means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.14 **INTERIOR SIDE FACADE** means a facade not facing a street or alley.
- 2.15 **INTERIOR SIDE FENCE** means a fence not adjacent to a street or alley.
- 2.16 **INTERIOR SIDE YARD** means a side yard not abutting a street or alley.
- 2.17 **MAIN BUILDING** means the Bishop Court and Hampton Terrace buildings as shown in Exhibit B.

- 2.18 NO-BUILD ZONE means that part of a lot in which no new construction may take place.
- 2.19 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.20 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 in the no-build zone shown on Exhibit B.
- 3.2 All contributing structures 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.
- 3.5 Carports or garages are permitted only behind a contributing structure.
- 3.6 Outdoor lighting must be appropriate and enhance the structure.
- 3.7 Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
- 3.8 It is recommended that landscaping reflect the historic landscape design.
- 3.9 Existing trees are protected, except that unhealthy or damaged trees may be removed.
- 3.10 Any new mechanical equipment must be erected in the side or rear yards, and must be screened. New mechanical equipment may be placed on the porch roofs at 835-839 N. Bishop but must not be visible to a person standing at ground level on the opposite side of any adjacent right-of-way.
- 3.11 Fence location.
- a. Fences are permitted in the front yard.
 - b. Interior side fences must be located in the rear 50 percent of the interior side yard.

- c. Cornerside fences are permitted only if the fence is in the rear 50 percent of the Cornerside yard, and screening is necessary to ensure privacy due to unusually high pedestrian or vehicular traffic.
- 3.12 Interior side fences and fences in rear yards may not exceed nine feet in height. Cornerside fences and fences in front yards may not exceed six feet in height.
- 3.13 Fences must be constructed of brick, cast stone, iron, stone, wood, a combination of these materials, or other appropriate materials. Brick must be a similar color and texture to the contributing structure. Wrought iron must be either black or dark green. Cast concrete must be the same color as that originally on the contributing structure.
- 3.14 Fences in front and side yards must be 90% open.
- 3.15 Fences in the front yard must extend straight across the yard.
- 3.16 Dumpsters must be screened with solid wood, brick or like materials.
- 3.17 Fences at the interior side yard past the rear of the building may be wood and/or chain link. Fences in the rear may be constructed of wood and/or chain link.

4. FACADES

- 4.1 Protected facades.
 - a. Front, and side facades on contributing structures are protected, as shown on Exhibit B.
 - 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 Nonprotected facades.
 - a. Reconstruction, renovation, repair, or maintenance of nonprotected facades must be compatible with protected features.
- 4.3 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 Department of Interior standards 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 Exposing and restoring historic finish materials is recommended.
- 4.10 Cleaning of the exterior of a structure must be in accordance with Department of Interior standards. Sandblasting or 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 Replacement doors and windows must express mutton and mullion size, light configuration, and material to match the historic.
- 5.4 Storm doors and windows are permitted if they are appropriate and match the existing doors and windows in width, height, proportion, glazing material, and color.
- 5.5 Decorative iron grille work is allowed at the windows on the rear and interior side facades.
- 5.6 Glass and glazing must match historic materials as much as practical. Films and tinted or reflective glazings are not permitted on glass.

- 5.7 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.
- 5.8 The Department of the Interior standards 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 roof must be preserved and maintained.
- 6.2 The following roofing materials are allowed: clay tiles, composition shingles, slate tiles, terra-cotta tiles and wood shingles. Built-up, metal single-ply membrane, synthetic wood shingle, and synthetic clay tile roofs are not permitted. Other materials may be used on the porch roofs as deemed appropriate.
- 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 ground level on the opposite side of any adjacent right-of-way.

7. PORCHES AND BALCONIES

- 7.1 Historic porches and balconies on protected facades are protected.
- 7.2 Porches and balconies on protected facades may not be enclosed. It is recommended that existing enclosed porches on protected facades be restored to their historic appearance.
- 7.3 Historic columns, detailing, railings, and trim on porches and balconies are protected.
- 7.4 Porch floors must be brick, concrete, stone, or wood. Brick, concrete, or stone porch floors may not be covered with carpet or paint. Wood floors must be painted or stained. A clear sealant is acceptable on porch floors.
- 7.5 Balconies, porches and handrails must be made of the following materials: wood, metal, concrete. Balconies, porches and handrails must be appropriate and of a simple design.

8. EMBELLISHMENTS AND DETAILING

- 8.1 The following architectural elements are considered important features and are protected: original doors, windows, brick, Italianate Brackets, Arts and Crafts detailing, arched canopies, balcony railings, pediment detailing on 901-905 Bishop, and cast stone entrance surrounds on 835-839 Bishop.

9. NEW CONSTRUCTION AND ADDITIONS

- 9.1 Stand-alone new construction is permitted only in the areas shown on Exhibit B.
- 9.2 Vertical additions are not permitted on protected facades.
- 9.3 Horizontal additions are not permitted on protected facades.
- 9.4 The color, details, form, materials, and general appearance of new construction and additions must be compatible with the existing historic structure.
- 9.5 New construction and additions must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solids-to-voids ratios.
- 9.6 The height of new construction and additions must not exceed the height of the historic structure.
- 9.7 Aluminum siding, stucco, and vinyl cladding are not permitted.
- 9.8 The setback of new construction and additions must conform to the setback of adjacent historic structures.
- 9.9 New construction and additions must be designed so that connections between new construction or 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 new construction or additions and the historic structure must be established and maintained. Historic details in the coping, eaves and parapet must be preserved and maintained where abutting new construction or additions.

10. SIGNS

- 10.1 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.

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- 10.2 Signs may be erected if appropriate.
- 10.3 All signs must comply with the provisions of the Dallas City Code, as amended.

227 56

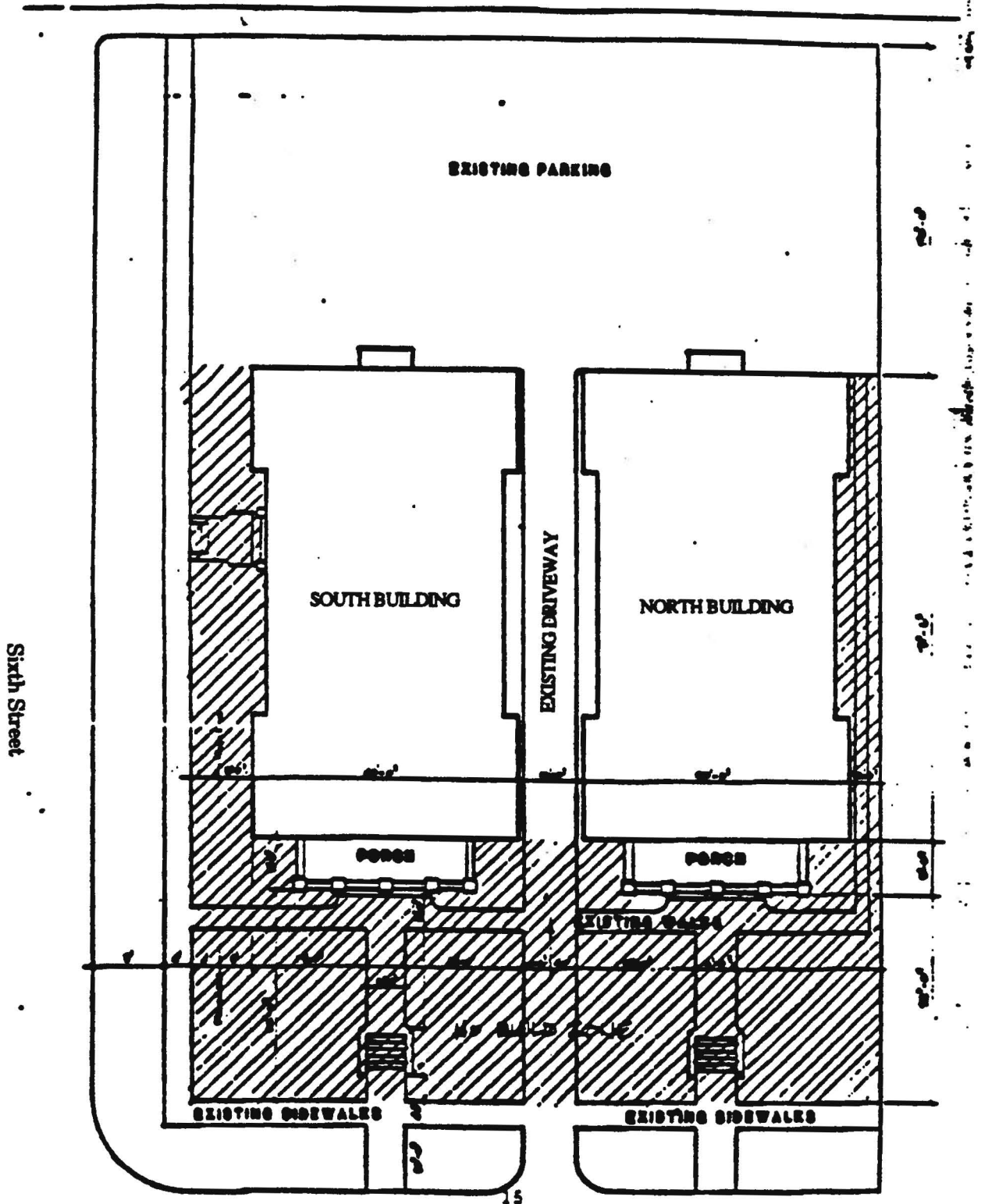


Exhibit B

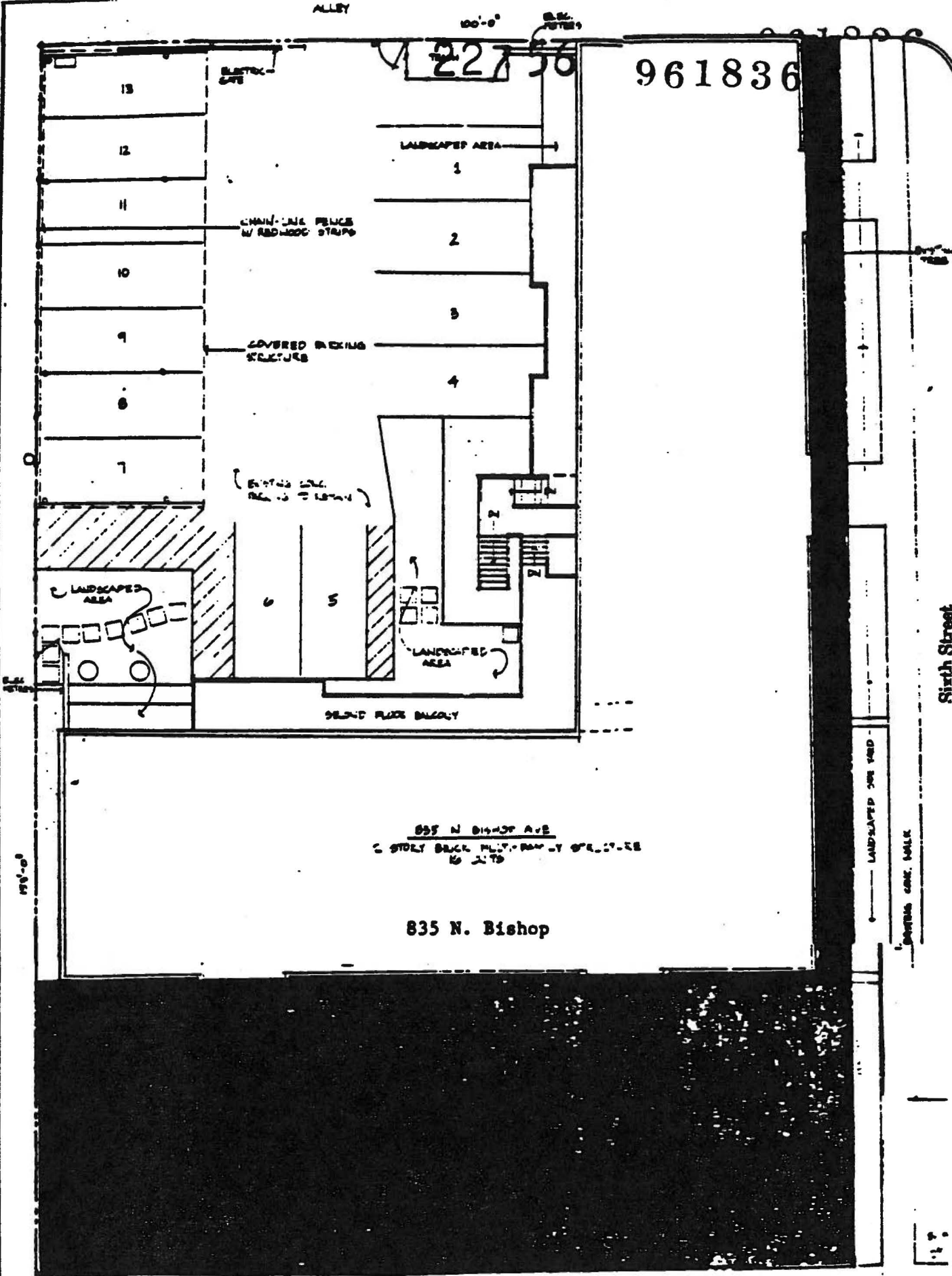
Tract I

901-903 and 905-907 N. Bishop

cross hatch area-No Build Zone



NORTH



Tract II

Exhibit B
BUILDING TERRACE

Dark Area-
No Build Zone



ZONING AND LAND USE

MAP NO. K-6
CASE NO. Z956-175/9439-SW/(CR)