

1-24-06

ORDINANCE NO. 26244

An ordinance changing the zoning classification on the following property:

BEING Lot 2 in City Block N/1223, at the corner of N. Hall Street and Reagan Street, with the address of 3829 N. Hall Street, and containing approximately 7,992 square feet of land;

by establishing Historic Overlay District No. 125 (3829 N. Hall Street); 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 ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property hereinafter described; 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:

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. 125 on the following property ("the Property"):

BEING Lot 2 in City Block N/1223, at the corner of N. Hall Street and Reagan Street, with the address of 3829 N. Hall Street, and containing approximately 7,992 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 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 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 ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That the director of development services shall correct Zoning District Map No. I-7 in the offices of the city secretary, the building official, and the department of development services 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:

THOMAS P. PERKINS, JR., City Attorney

By Cady Burgess
Assistant City Attorney
JAN 25 2006

Passed _____

EXHIBIT A
PRESERVATION CRITERIA
3829 N. HALL STREET

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 in Chapter 51A 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, as amended.
- 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, as amended, for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1920 to 1955.

2. DEFINITIONS

- 2.1 Unless defined below, the definitions contained in Chapter 51A 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 COLUMN means the entire column including the base and capital.
- 2.5 CORNERSIDE YARD means a side yard abutting a street.
- 2.6 DIRECTOR means the Director of the Department of Development Services or the Director's representative.
- 2.7 DISTRICT means Historic Overlay District No. 125, the 3829 N. Hall Street Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B.
- 2.8 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.9 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.10 INTERIOR SIDE YARD means a side yard not abutting a street or alley.
- 2.11 MAIN BUILDING means 3829 N. Hall Street, as shown on Exhibit B.

- 2.12 NO-BUILD ZONE means that part of this district in which no new construction may take place.
- 2.13 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.14 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 The main building and accessory building are protected.
- 3.3 Sidewalks
- a. New sidewalks, steps, leadwalk, and walkways in the front yard must be constructed of gray concrete (to match the color of the historic concrete).
 - b. New walkways in the cornerside yard must be broom finished concrete, stone, or other appropriate material.
 - c. Artificial grass, artificially-colored concrete, asphalt, and outdoor carpet are not permitted.
- 3.4 Circular driveways and new parking areas are not permitted in the front or cornerside yards.
- 3.5 Any new mechanical equipment must be erected in the interior side yard or rear yard, and must be screened.
- 3.6 Landscaping
- a. Outdoor lighting must be appropriate and enhance the structure.
 - b. Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
 - c. Existing mature trees are protected, except that unhealthy or damaged trees may be removed.
 - d. Pre-cast paving stones are allowed if appropriate.

- 3.7 Fences necessary to screen adjacent business parking areas are permitted along the rear and southeast property lines. No fences or walls are permitted in the front or cornerside yards.

4. FACADES

4.1 Protected facades

- a. The facades shown on Exhibit B 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, and module size.
- c. Historic solid-to-void ratios of protected facades must be maintained.
- d. Brick added to protected facades of the main structure must match in color, texture, module size, bond pattern, and mortar color. Siding added to the protected facade of the accessory building must match the historic drop siding in color and profile.

4.2 Wood trim and detailing must be restored wherever practical.

4.3 All exposed wood must be painted or otherwise preserved.

4.4 Historic materials must be repaired if possible; they may be replaced only when necessary.

4.5 Brick may not be painted.

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, vinyl cladding, and exterior insulated finish systems (EIFS) 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 or be appropriate to the style of the main structure.

- 4.9 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 and their openings must remain intact and be preserved on protected facades. Where replacement of an historic door or window is necessary due to significant damage or structural deterioration, replacement doors and windows must match the profile, mullion size, light configuration, and material of the historic doors and windows.
- 5.2 Replacement of doors and windows which have been altered and no longer match the historic appearance is recommended.
- 5.3 Appropriate exterior storm doors and windows are permitted if they are sensitive additions and match existing historic doors and windows 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 storm doors, storm windows, or screens are not permitted.
- 5.4 Decorative ironwork and exterior-mounted burglar bars are not permitted over doors or windows of protected facades. Interior-mounted burglar bars are permitted on protected facades.
- 5.5 Glass and glazing must be clear. Films and tinted or reflective glazings are not permitted on glass.
- 5.6 New door and window openings in protected facades are permitted only where there is evidence that the safety of life is threatened.
- 5.7 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 windows and doors.

6. ROOFS

- 6.1 The historic slope, massing, and configuration of the roof must be preserved and maintained.
- 6.2 The following roofing materials are allowed: composition shingles. The following roofing materials are not allowed: slate, tile, and standing metal seam.

- 6.3 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.
- 6.4 Mechanical equipment may not be placed on the roof.
- 6.5 Satellite dishes require a certificate of appropriateness only if they are visible from a street.

7. PORCHES

- 7.1 The open front porch facing N. Hall Street is protected and may not be altered by enclosures such as awnings or other permanent coverings.
- 7.2 The side entrance porch facing Reagan Street including the columns, brick piers, and hipped roof is protected and may not be enclosed.
- 7.3 The floors of the front and side porches must be concrete or monolithic in appearance and may not be covered. Historic porch floors may not be covered with carpet or paint.

8. EMBELLISHMENTS AND DETAILING

- 8.1 The following architectural and site elements are considered important features and are protected:
 - a. Historic window configuration and patterning on protected facades of the main building.
 - b. Historic windows, including lintels and sills, on protected facades of the main building.
 - c. Stepped pilasters with urns on the front facade of the main building.
 - d. Wide eaves and entablatures on protected facades of both the main building and accessory building.
 - e. Brick chimney on the main building.

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 to the main building or accessory building are not permitted.

- 9.3 Horizontal additions to the main building or accessory building are permitted only in the areas shown on Exhibit B.
- 9.4 New construction and additions must be compatible with the historic character of the main building and the original design of the accessory building, and have appropriate building form, color, detailing, fenestration, massing, materials, roof form, general appearance, and solid-to-void ratios.
- 9.5 The height of new construction and additions must not exceed the height of the main building.
- 9.6 Materials matching the historic brick or original accessory building wood siding may be used. Aluminum siding, vinyl cladding, and exterior insulated finish system (EIFS) are not permitted in new construction.
- 9.7 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 associated with the style of the main structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.

10. ACCESSORY BUILDING

- 10.1 It is recommended that the accessory building be stabilized and restored. Removing the asbestos siding and exposing and restoring the historic lap siding is recommended.

11. SIGNS

- 11.1 Signs may be erected if appropriate. Signs must be located in the front yard and may not exceed four feet in height.
- 11.2 All signs must comply with the provisions of the Dallas City Code, as amended.
- 11.3 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

12. ENFORCEMENT

- 12.1 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.
- 12.2 A person is criminally responsible for a violation of these preservation criteria if:
- a. the person who owns part or all of the property knowingly allows the violation to exist;
 - b. the person who is the agent of the property owner or is an individual employed by the agent or property owner is in control of the property, knowingly allows the violation to exist, and fails to provide the property owner's name, street address, and telephone number to code enforcement officials;
 - c. the person who is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property; or
 - d. the person knowingly commits the violation or assists in the commission of the violation.
- 12.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.
- 12.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

EXHIBIT B
3829 N. HALL STREET HISTORIC DISTRICT SITE PLAN

