

10/25/93

21869
 ORDINANCE NO. _____

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. 61 (Phyllis Wheatley Elementary School) comprised of the following described property ("the Property"), to wit:

BEING all of Lots 1 through 5 and all of Lots 12 through 16 in City Block 6/1965 in the Macum Main Survey, Abstract No. 995, in the City of Dallas, Dallas County, Texas, said lots fronting 250 feet on the southwest line of Meyers Street and fronting 250 feet on the northeast line of Havana Street, with said frontages beginning at their intersection with the southeast line of Metropolitan Avenue, and containing approximately 1.26 acres of land,

providing procedures, regulations, and preservation criteria for structures and property in 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 that property; and

WHEREAS, the city council finds that that property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

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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 CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended by establishing Historic Overlay District No. 61 comprised of the following described property ("the Property"), to wit:

BEING all of Lots 1 through 5 and all of Lots 12 through 16 in City Block 6/1965 in the Macum Main Survey, Abstract No. 995, in the City of Dallas, Dallas County, Texas, said lots fronting 250 feet on the southwest line of Meyers Street and fronting 250 feet on the northeast line of Havana Street, with said frontages beginning at their intersection with the southeast line of Metropolitan Avenue, and containing approximately 1.26 acres 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-8 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 \$2000. 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.

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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 *Cynthia Holder Stover*
Assistant City Attorney

Passed OCT 27 1993

Zoning File No. Z923-292/9504-S

4217F/1-4

EXHIBIT A

PRESERVATION CRITERIA
FOR PHYLLIS WHEATLEY ELEMENTARY SCHOOL

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 must 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 must 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 APPLICANT means an owner of property within this district, or an owner's duly authorized agent.
- 1.2 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.
- 1.3 COMMISSION means the City of Dallas Landmark Commission.
- 1.4 DIRECTOR means the director of the Department of Planning and Development or that person's representative.
- 1.5 DISTRICT means the Phyllis Wheatley Elementary School Historic Overlay District. This district contains the property described in Section 1 of this ordinance.

- 1.6 ERECT means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw, or otherwise construct.
- 1.7 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.8 MAIN BUILDING means a building on a lot intended for occupancy by the main use.
- 1.9 NO BUILD ZONE means that part of a lot in which no new construction may take place.
- 1.10 PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.11 PROTECTED FACADE means a facade that must maintain its original appearance, to the extent practical, in all aspects.
- 1.12 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 existing original and historic structure must be retained and protected.
- 2.3 New sidewalks, walkways, steps, and driveways must be of brush finish concrete or other material if deemed appropriate. No exposed aggregate, artificial grass, carpet, asphalt, or artificially-colored monolithic concrete paving is permitted.
- 2.4 Exterior lighting must be appropriate to and enhance the structure.
- 2.5 Landscaping 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 landscaping modifications reflect the original historic landscaping design when appropriate.
- 2.6 Existing mature trees must be protected. Unhealthy or damaged trees may be removed if deemed appropriate.

- 2.7 No fences are permitted in the no-build zone, except as required for school security.

3. STRUCTURE

Facades

- 3.1 The front facade and side facades of the main structure are protected facades.
- 3.2 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 to the extent practical.
- 3.3 The existing solid-to-void ratios of non-protected facades must be maintained to the extent 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 original structures that had previously been 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.
- 3.6 Wood trim and detailing must be carefully restored when 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 before 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 when 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.

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- 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 must be protected and preserved unless otherwise determined by the Commission: exterior decorative main entry at Metropolitan Avenue; front steps and balustrade adjacent to the front entry; decorative brick, and stone work at the parapet on the front facade; and decorative minor entries at the side streets.

Fenestrations and Openings

- 3.12 Original doors and windows and their openings should remain intact and be preserved. When replacement of an existing 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 or existing doors and windows. Total replacement of windows and doors that have been altered and no longer match the historic appearance is strongly recommended. Exterior storm windows, storm doors, and window screens may be permitted if they are sensitive additions and match the existing windows and doors in frame width and proportion, glazing material, and color.
- 3.13 Burglar bars are permitted over existing doors and windows of protected facades if required for security reasons. They should not be of a highly decorative or ornamental design, and should align with or complement the window or door muntin pattern.
- 3.14 Glass and glazing must match original materials to the extent practical. No tinted or reflective glazing or films are permitted.
- 3.15 New door and window openings in protected facades 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 referenced for acceptable techniques to improve the energy efficiency of historic fenestrations.

Roofs

- 3.17 The slope, massing, and configuration of the roof must be preserved and maintained. Existing parapets, cornices and coping, and roof trim must be retained, and, when repaired, should be repaired with material matching in size, finish, module, and color.
- 3.18 Solar panels, skylights, and mechanical equipment must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of Havana Street, Metropolitan Avenue, and Meyers Street if they are located adjacent to the no build zone.

4. NEW CONSTRUCTION AND ADDITIONS

- 4.1 The form, materials, general exterior appearance, color and details of any new construction of accessory buildings must be compatible with the existing historic structure.
- 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 must have fenestration patterns and solids-to-voids ratios that are typical of the historic structure.
- 4.3 The height of new construction, accessory buildings, or vertical or horizontal additions to existing non-protected structures or facades may not exceed the height of the historic structure.
- 4.4 Vinyl, aluminum, and stucco are not acceptable cladding materials for the construction of a new accessory structure in this district.
- 4.5 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.
- 4.6 Historic details at parapets and coping must be preserved and maintained where abutting new construction.

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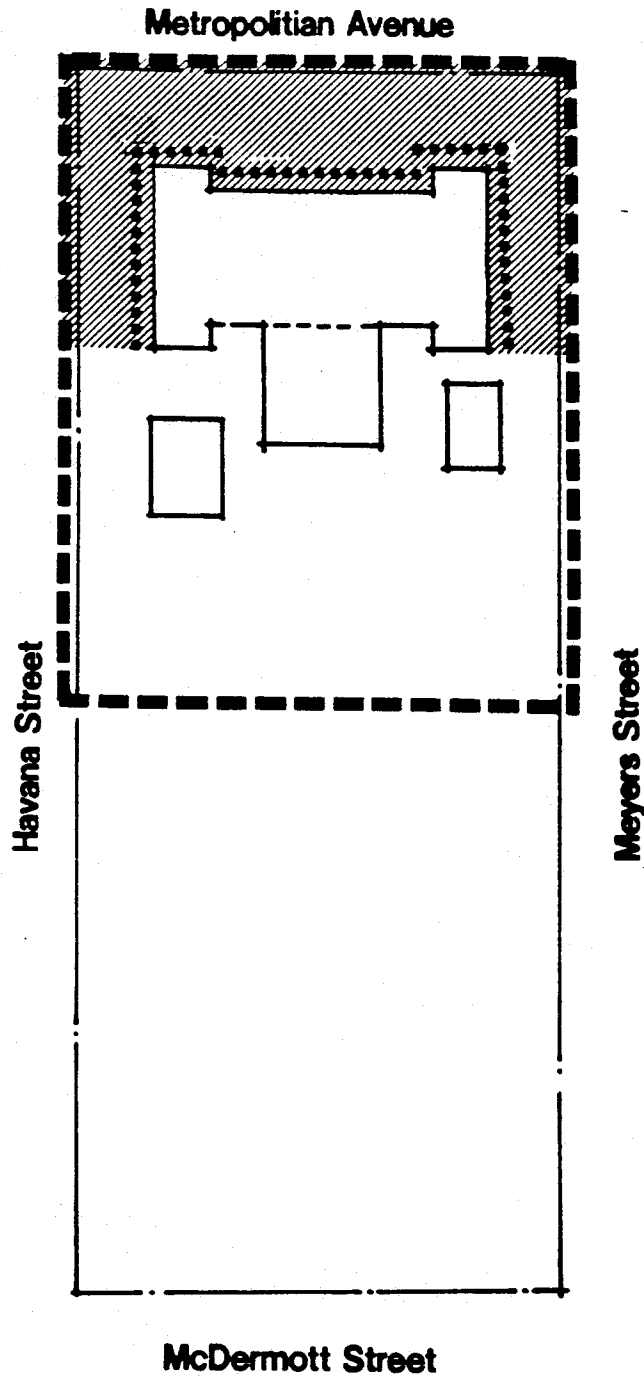
5. SIGNS

- 5.1 Temporary and permanent school information signs and temporary political signs as defined in Chapter 15A of the Dallas City Code, as amended, may be erected. No certificate of appropriateness is required for free-standing school identification and information signs.
- 5.2 Street signs, protective signs, movement control signs, and historical markers may be erected.
- 5.3 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.




6. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

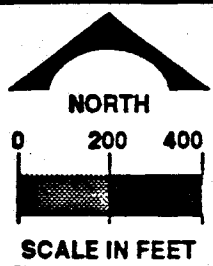
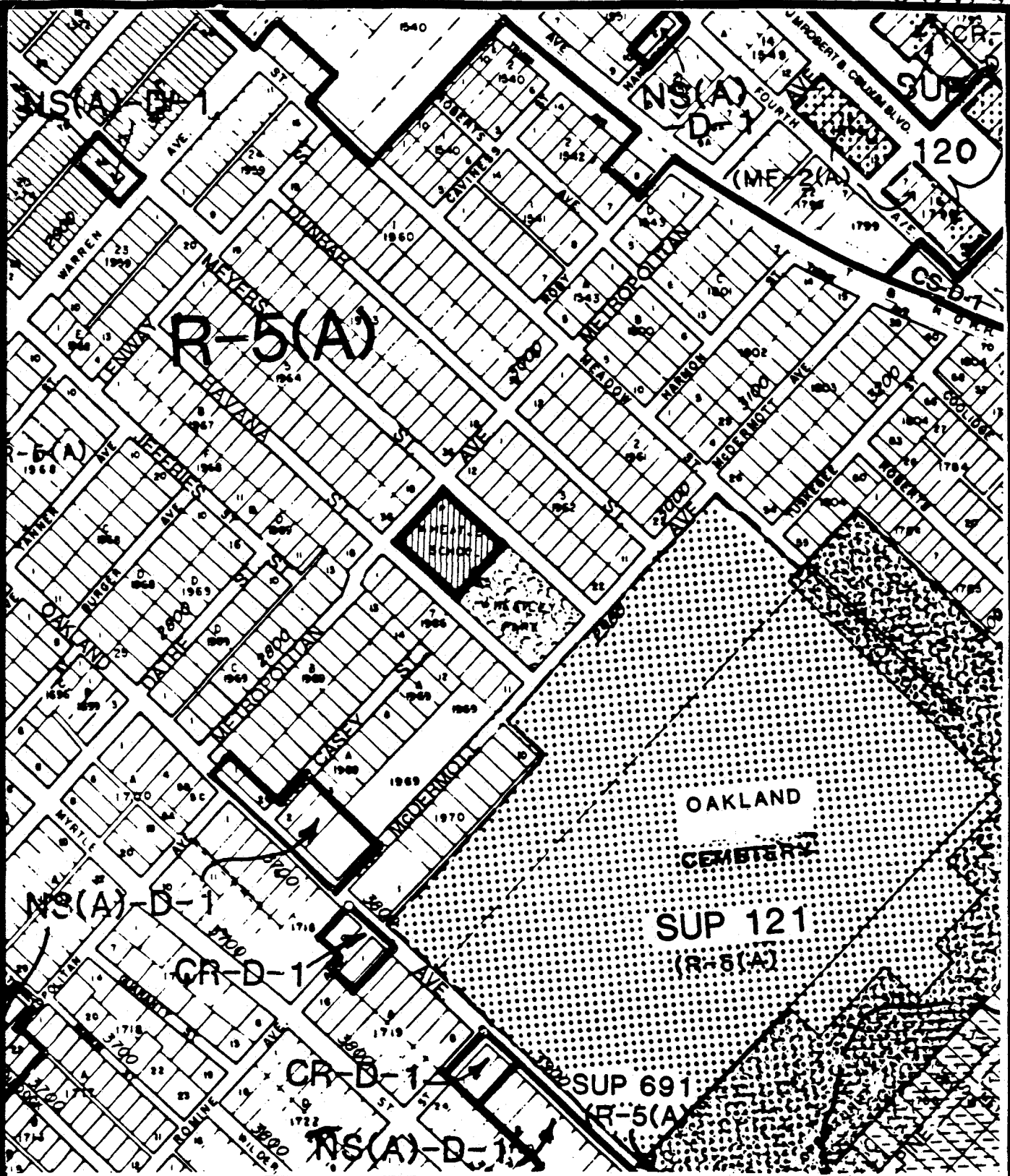
- 6.1 The review procedure outlined in Section 51A-4.501 of the Dallas City Code, as amended, applies to this district except that a certificate of appropriateness is not required to erect temporary political campaign signs as defined in Chapter 15A of the Dallas City Code, as amended, or real estate signs.
- 6.2 A 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.

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Phyllis Wheatley Elementary School
Exhibit B

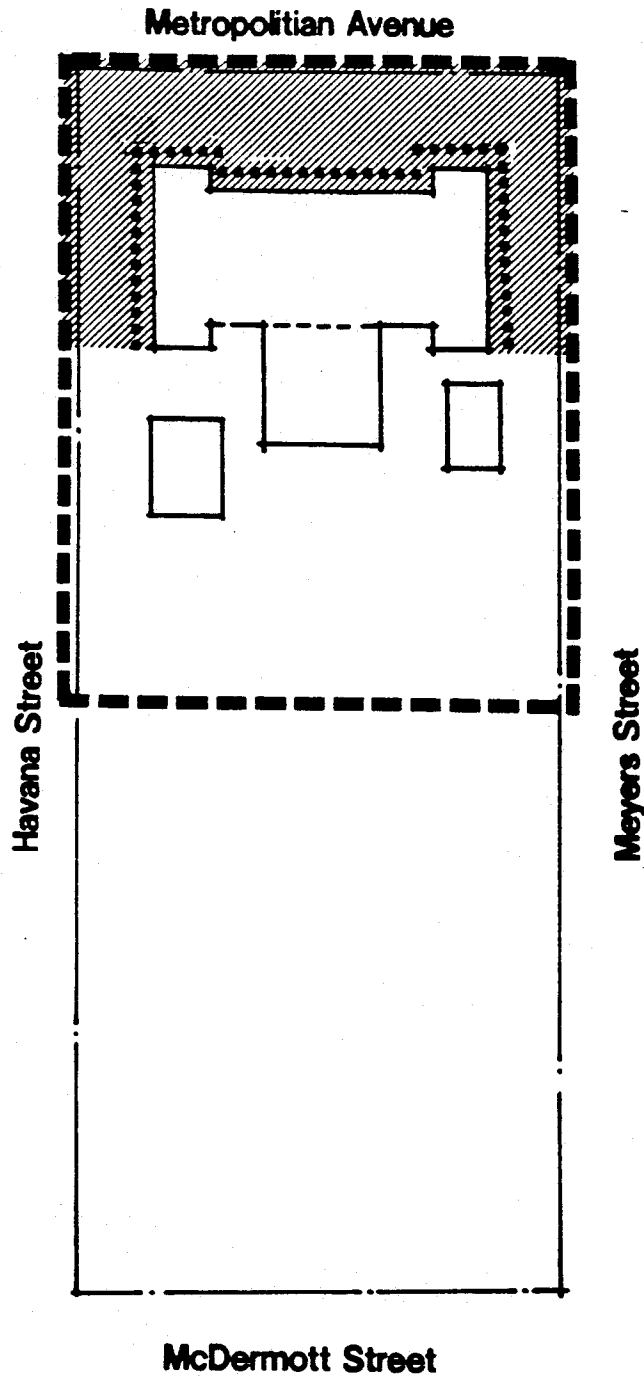
-  Area of Designation
-  No Build Zone
-  Protected Facades






ZONING AND LAND USE

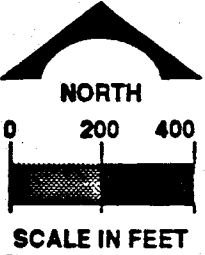
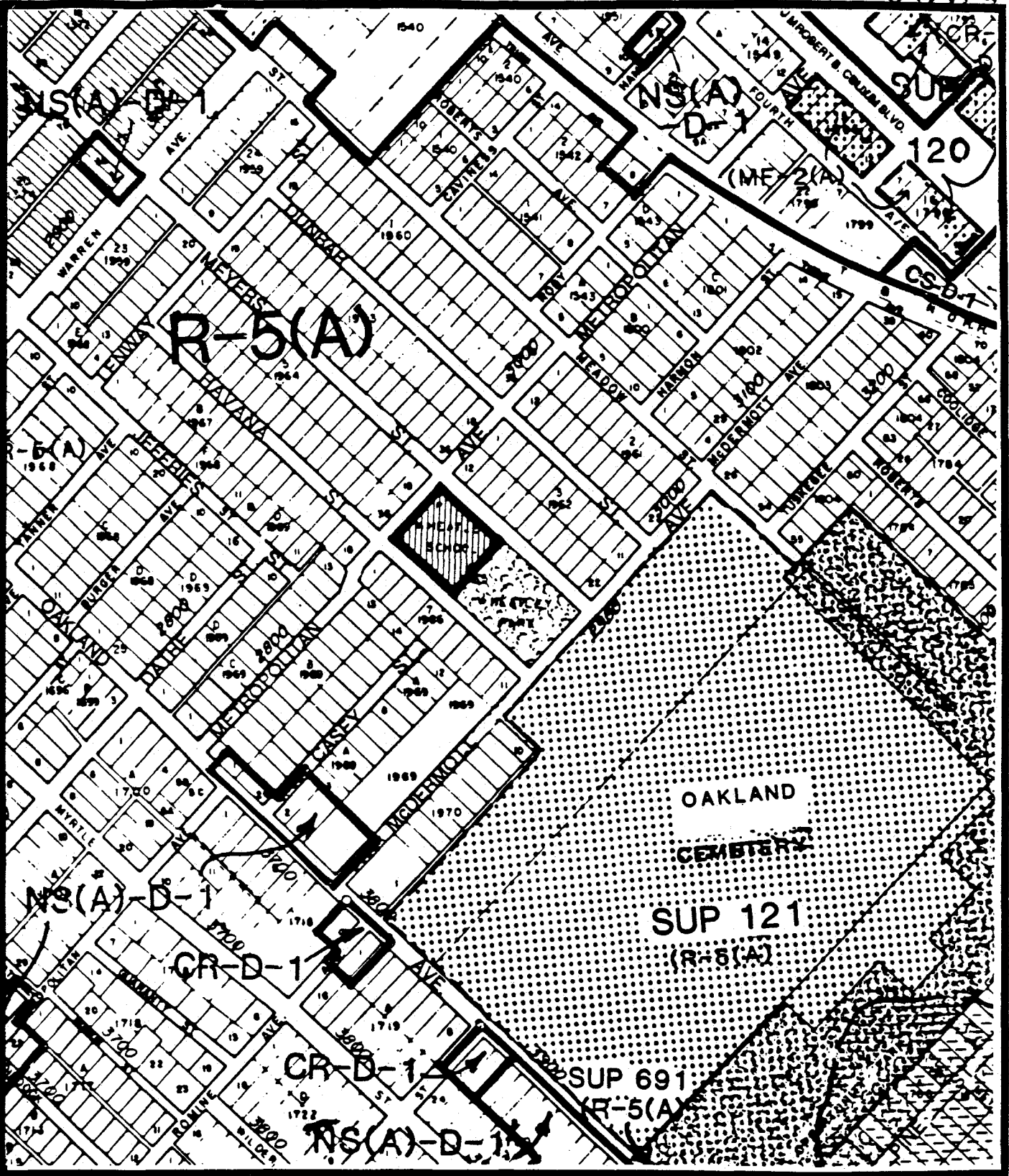
Map No. K-8

Case No. Z923-292/9504-S



Phyllis Wheatley Elementary School
Exhibit B

-  Area of Designation
-  No Build Zone
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ZONING AND LAND USE

Map No. K-8

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