

11-22-94

ORDINANCE NO. 22289

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. 69 (Wales Apartments) comprised of the following described property ("the Property"), to wit:

BEING all of Lots 9 and 10 in City Block 725 in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, said lots fronting 180.50 feet on the northwest line of Live Oak Street, beginning at a point 180.50 feet northeast of the northeast line of Carroll Avenue, and containing approximately 39,710 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. 69 comprised of the following described property ("the Property"), to wit:

BEING all of Lots 9 and 10 in City Block 725 in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, said lots fronting 180.50 feet on the northwest line of Live Oak Street, beginning at a point 180.50 feet northeast of the northeast line of Carroll Avenue, and containing approximately 39,710 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. I-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 \$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, new 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 Chris Bowers
Assistant City Attorney

Passed DEC 1 4 1994

Zoning File No. Z945-121/9243-E

EXHIBIT A**PRESERVATION CRITERIA
Wales Apartment Building 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 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.

SECTION 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 **COMMISSION** means the landmark commission of the city of Dallas.
- 1.3 **DISTRICT** means the Wales Apartment Building Historic Overlay District. This district contains the property described in Section 1 of this ordinance.
- 1.4 **ERECT** means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw, or otherwise construct.
- 1.5 **FENCE** means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.6 **MAIN BUILDING** means a building on a lot intended for occupancy by the main use.
- 1.7 **NO BUILD ZONE** means that part of a lot on which no new construction may take place.

- 1.8 PRESERVATION CRITERIA means the standards contained in this Exhibit, which must be considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.9 PROTECTED FACADE means a facade that must maintain its original appearance, as near as practical, in all aspects.
- 1.10 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

SECTION 2. SITE AND SITE ELEMENTS

- 2.1 New construction is prohibited in the 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, stone, 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, enhance the structure and surroundings, and not obscure significant views of or from the main building.
- 2.6 Fences are permitted on all sides and cannot exceed nine feet in height from grade. Fences must be constructed of wrought iron and must be 90 percent open. Fences must be black or dark green.

SECTION 3. STRUCTURE

Facades

- 3.1 All 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 as much as practical.
- 3.3 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 structure that have previously been painted may remain painted.
- 3.5 Stone, cast stone, and stucco elements must be renovated or repaired only with materials similar in size, grain, texture, and color to the original materials. Those surfaces which have been previously painted may remain painted.
- 3.6 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.
- 3.7 Exposing and restoring original historic finish materials is encouraged.
- 3.8 Exterior cleaning must be accomplished in accordance with U.S. Department of Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.
- 3.9 Any new mechanical equipment must be erected on the roof so as not to be visible at ground level from the opposite side of any adjacent right-of-way, or it must be placed at ground level on the north or west facades and screened appropriately.

Embellishments and Detailing

- 3.10 The following architectural elements are considered special features and must be protected and preserved unless otherwise determined by the commission: original doors, windows, brick, stucco, and terra cotta roof tiles.

Fenestration and Openings

- 3.11 Original exterior doors and openings must remain, except small windows may be modified to match existing original windows. Replacement windows must express size, light configuration, and material to match the original windows.
- 3.12 Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly recommended.
- 3.13 Glass and glazing must match original materials as much as practical. No reflective glazing or films is permitted.
- 3.14 The U.S. Department of the Interior standards should be referred to for acceptable techniques to improve the energy efficiency of historic fenestrations.
- 3.15 Replacement of existing window grills must be done with grills of the same texture and material as that of the original.

Roofs

- 3.16 The slope, massing, configuration, and materials of the roof must be preserved and maintained. Existing parapets, cornices, coping, and roof trim must be retained and when repaired, should be done so with material matching in size, finish, module, and color.
- 3.17 The following roofing materials are allowed: built-up, single-ply membrane, or other material if deemed appropriate. Pitch roof must be terra cotta tiles.
- 3.18 Solar panels and skylights must be set back or screened so as not to be visible at ground level from the opposite side of any adjacent right-of-way.
- 3.19 Mechanical units must be placed on the roof so as not to be visible at ground level from the opposite side of any adjacent right-of-way. If visible, mechanical units must be screened.
- 3.20 Dumpsters must be screened with solid wood, brick, or similar materials.

Porches and balconies

- 3.21 Existing porches and balconies on protected facades must be retained and preserved and may not be enclosed.
- 3.22 All original columns, railings, and other trim and detailing must be preserved.
- 3.23 New handrails for balconies, porches, and handicap ramps must be made of steel that is painted black or dark green and have a simple design. The original fire escape must be painted black or dark green.

SECTION 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 existing historic structure.
- 4.2 New construction, additions to historic structures, accessory buildings, porches, and balconies must have appropriate massing, roof form, shape, materials, detailing, color, 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 may not exceed the height of the historic structure in this district.

- 4.4 Carports are permitted behind the north facade of the building. The roof of the structure must be of one or more of the following materials: steel and metal.
- 4.5 Vinyl and aluminum are not acceptable cladding materials for the construction of a new accessory structure in this district.
- 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 U.S. 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.
- 4.7 Historic details in the parapet and coping must be preserved and maintained where abutting new construction.
- 4.8 A handicap accessible ramp on the north facade is permitted. The railing must comply with Section 3.22.

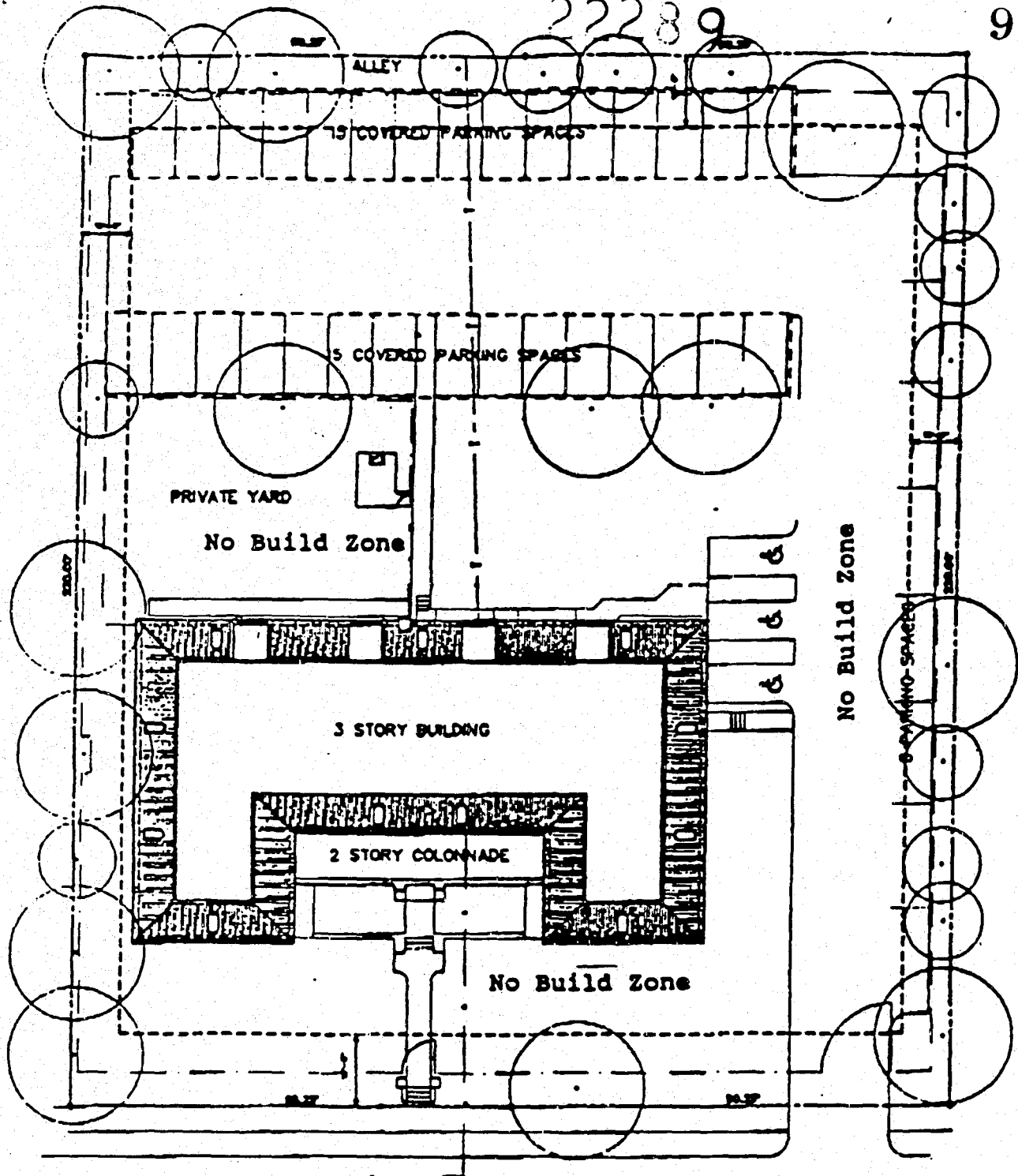
SECTION 5. SIGNS

- 5.1 Temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) and real estate signs are permitted.
- 5.2 Street signs, protective signs, movement control signs, and historical markers are permitted.
- 5.3 All signs must conform with all applicable provisions of the Dallas City Code, as amended.

SECTION 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.

22289



WALES APARTMENT BUILDING

4515 LIVE OAK STREET
LOTS 9 & 10, BLOCK 725

EXHIBIT B
SITE PLAN



944322

MF-2(A)

PD no. 298

MISSIONS
BNET HIGH
MOOL

MF-2(A)

PD no. 324

MU-1

PD no. 398

R-7.5(A)

PD no. 298-D

PD no. 298

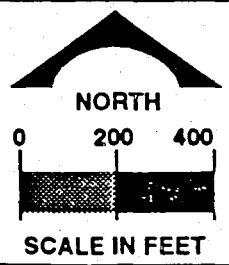
PD no. 298-D
DEED RESTRICTED
Z790-150/5079-E

PD no. 298

PD no. 362

(PD no. 98)

PD no. 98



ZONING AND LAND USE

Map No. I-8

Case No. Z945-121/9243-E