

9-13-95

ORDINANCE NO. 22550

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. 74 (Lincoln High School) comprised of the following described property ("the Property"), to wit:

BEING all of City Block 4437 in the T. Lagow Survey, Abstract No. 759, in the City of Dallas, Dallas County, Texas, fronting 678.8 feet on the northeast line of Oakland Avenue, beginning at a point 671.7 feet southeast of the southeast line of Hatcher Street, and containing approximately 11.7 acres 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:

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. 74 comprised of the following described property ("the Property"), to wit:

BEING all of City Block 4437 in the T. Lagow Survey, Abstract No. 759, in the City of Dallas, Dallas County, Texas, fronting 678.8 feet on the northeast line of Oakland Avenue, beginning at a point 671.7 feet southeast of the southeast line of Hatcher Street, and containing approximately 11.7 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 \$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.

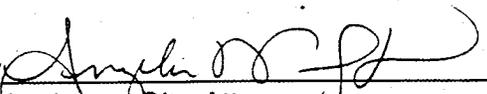
SECTION 7. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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 
Assistant City Attorney

Passed SEP 13 1995

Exhibit A**PRESERVATION CRITERIA
Lincoln High School 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 Section 51A-2.102 and 51A-7.102 of the Dallas 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 **COLUMN** means the entire column including the base and capital, if any.
 - 1.4 **COMMISSION** means the Landmark Commission.
 - 1.5 **DIRECTOR** means the director of the Department of Planning and Development or that person's representative.
 - 1.6 **DISTRICT** means the Lincoln High School Historic Overlay District. This district contains the property described in Section 1 of this ordinance.

- 1.7 **ERECT** means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw or otherwise construct.
- 1.8 **FENCE** means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.9 **MAIN BUILDING** means a building on a lot intended for occupancy by the main use.
- 1.10 **NO BUILD ZONE** means that part of a lot on which no new construction may take place.
- 1.11 **PRESERVATION CRITERIA** means this exhibit, which contains the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.12 **PROTECTED FACADE** means a facade that must maintain its original appearance, as near as practical, in all aspects.
- 1.13 **REAL ESTATE SIGN** means a sign that advertises the sale or lease of an interest in real property.
- 1.14 **ROUTINE WORK** includes both minor exterior alterations and routine maintenance and replacement work, which are defined as follows:
- (A) **MINOR EXTERIOR ALTERATIONS** means minor alterations to the exterior of any structures within this district in accordance with the Dallas City Code.
- (B) **ROUTINE MAINTENANCE AND REPLACEMENT** means work necessary to maintain the landmark and to slow deterioration in accordance with the Dallas City Code.

2. SITE AND SITE ELEMENTS

- 2.1 New construction is prohibited in an area designated as a "No Build Zone" on Exhibit B, attached to this ordinance.
- 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 deemed appropriate through the certificates of appropriateness process. No exposed aggregate, artificial grass, carpet, asphalt or artificially colored-monolithic 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 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 (facing Oakland Avenue) and those portions of the side facades (facing north to the parking lot and facing south) that are within the "no build zone" 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 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 original structures that has 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 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 should 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: original school sign on exterior wall at main entry, exterior aluminum windows and their repetitive pattern at all facades, glass block windows, entry canopies at main entry and Auditorium, curved entry wall and steps at Auditorium, cast stone window sills, coping and other details, and the Manual Training Building windows.

Fenestrations and Openings

- 3.12 Original doors and windows and their openings should 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 or existing doors and windows.
- 3.13 Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly recommended.
- 3.14 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.
- 3.15 Burglar bars are permitted over existing doors and windows of protected facades if required for security reasons. These should not be of a highly decorative or ornamental design, and should align with or complement the window or door muntin pattern.
- 3.16 Glass and glazing must match original materials as much as practical. No tinted or reflective glazing or films are permitted.
- 3.17 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.
- 3.18 The Department of Interior standards should be referred to for acceptable techniques to improve the energy efficiency of historic fenestrations.

- 3.19 The slope, massing, and configuration of the roof must be preserved and maintained.
- 3.20 Existing parapets, cornices and coping, and roof trim must be retained and when repaired, should be done so with materials matching in size, finish, module and color.
- 3.21 The following materials are allowed on the roof of the main structure: built-up, single-ply membrane or other roofing systems, as deemed appropriate.
- 3.22 New roofing materials on the Manual Training Building shall provide an appearance similar to that of the original roofing material.
- 3.23 Solar panels, skylights, and mechanical equipment must be set back or screened so as not to be visible to a person standing at ground level on the opposite side of Oakland Avenue, or from the adjacent parking lots or playing fields adjacent to the "no build zone".

Entry Canopies

- 3.24 Existing original entry canopies on protected facades must be retained and preserved and may not be enclosed.
- 3.25 All original columns, railings, stairs, and other trim and detailing that are part of the canopy configuration must be preserved.
- 3.26 Canopy and stair floor finishes must be of brush finish concrete only and may not be covered with paint or carpet. A clear sealant is acceptable.

4. NEW CONSTRUCTION AND ADDITIONS

- 4.1 The form, materials, general exterior appearance, color and details of any new construction or accessory buildings must be compatible with the existing historic structure.
- 4.2 New construction, additions to historic structures, accessory buildings, canopies, 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 must 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.

- 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 shall be established and maintained.
- 4.6 Historic details in the parapet and coping must be preserved and maintained where abutting new construction.

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.
- 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.

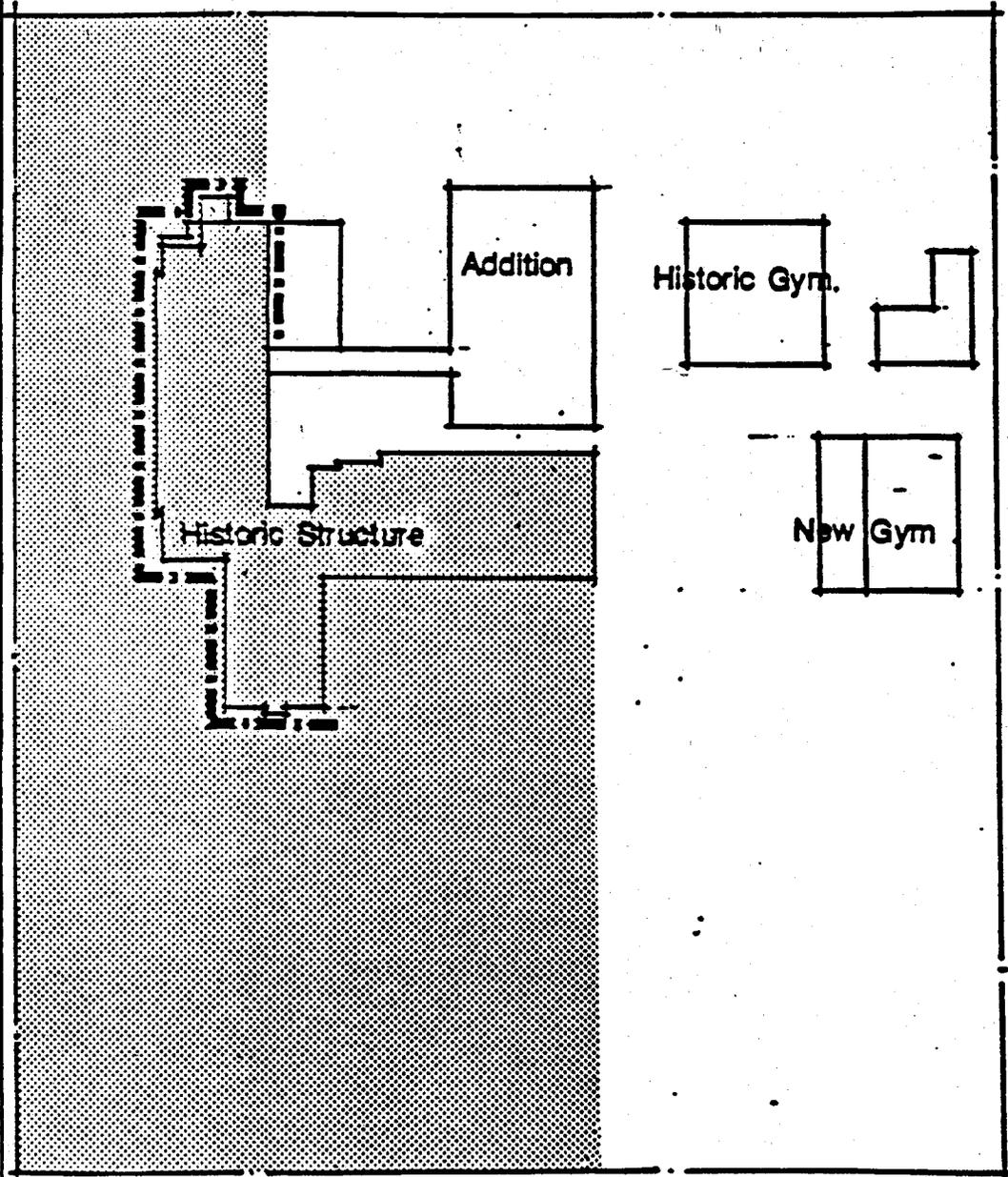
6. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

- 6.1 The review procedure outlined in Section 51A-4.501 of the Dallas City Code, as amended, applies to this district unless otherwise noted in this section.
- 6.2 A certificate of appropriateness shall not be required for the following items: the installation of a chimney located on an accessory building; replacement or repair of a roof of the same or an original material that does not include a change in color; a chain link fence that is not painted; replacement gutters and downspouts of a color that match or complement the dominant, trim, or roof color; the application of paint that matches the dominant, trim, or accent color; the restoration of original architectural elements; the addition of window and door screens that complement the existing doors or windows; graffiti removal; maintenance and replacement by cleaning (including but not limited to water blasting and stripping), painting, replacing, duplicating, or stabilizing deteriorated or damaged architectural features (including but not limited to roofing, windows, columns, and siding) in order to maintain the landmark and to slow deterioration.
- 6.3 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.

- 6.4 The director shall review and grant or deny certificates for applications categorized as routine work within ten (10) days of receipt of a completed application. To be considered complete, an application shall include exhibits or attachments deemed necessary by the director.
- 6.5 A decision to deny a certificate of appropriateness in such instances may be appealed by the applicant or property owner. Appeal is made to the Landmark Commission by submitting a written request for appeal to the director within ten days after the decision to deny.
- 6.6 Proposed work requiring review by the commission shall be reviewed by the commission within 45 days following the standard review procedure as outlined in Section 51A-4.501 of the Dallas Development Code, as amended.
- 6.7 Certificates 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.

NELSON PARK

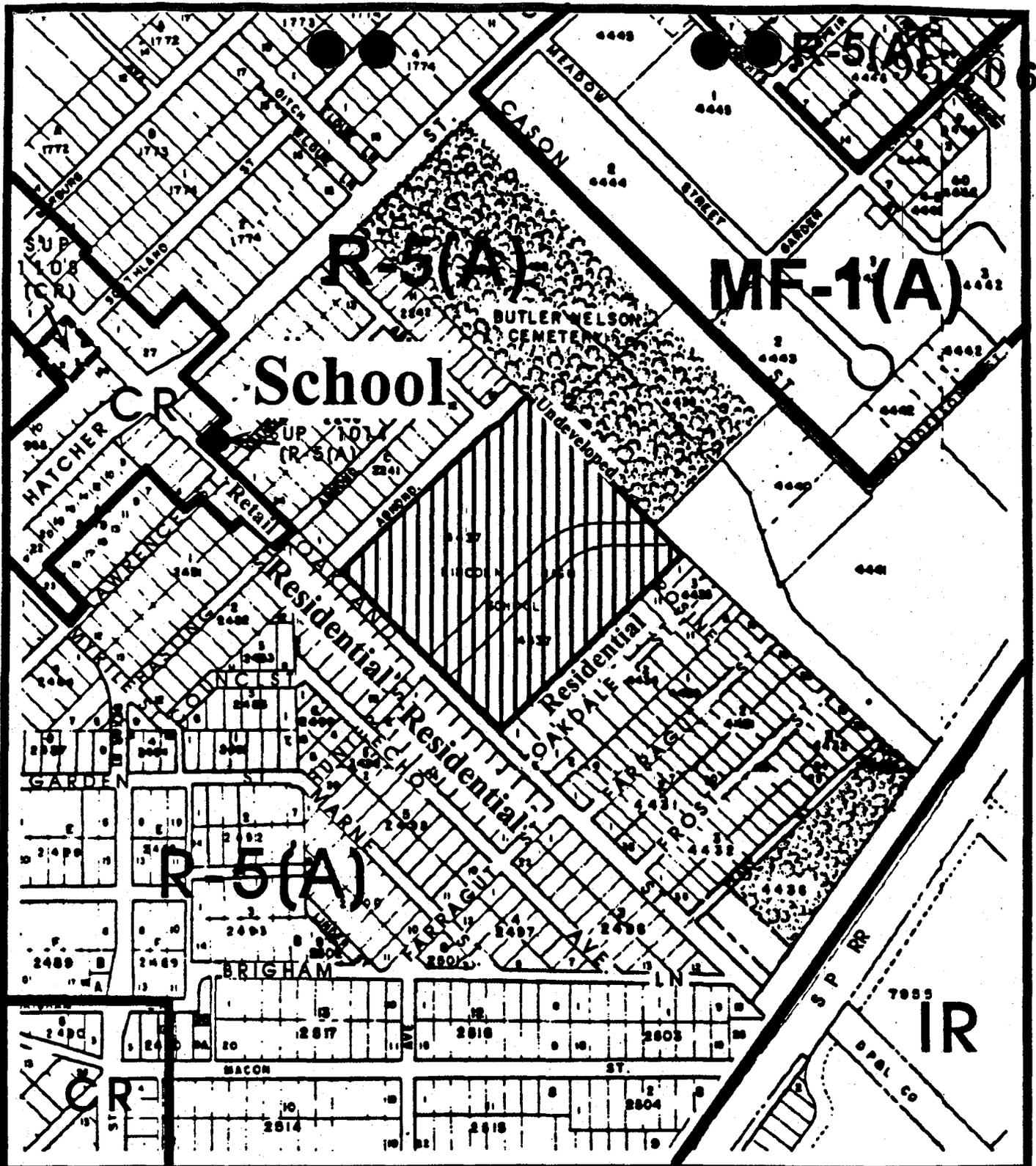
OAKLAND AVENUE



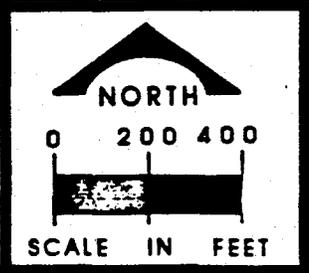
LINCOLN HIGH SCHOOL
HISTORIC DISTRICT
EXHIBIT "B"

Area of Designation
No Build Zone
Protected Facades





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ZONING AND LAND USE

MAP NO. K-8
CASE NO. Z945-269/9897-S