

6-7-99

ORDINANCE NO. 23926

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. 95 (Bishop Arts) comprised of the following described property ("the Property"), to wit:

BEING all of Lots 13 and 14 in City Block 26/3146, fronting 100.00 feet on the south line of Eighth Street, beginning at a point 100.00 feet west of the west line of Bishop Avenue, and containing 11,600 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:

SECTION 1. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended by

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establishing Historic Overlay District No. 95 comprised of the following described property ("the Property"), to wit:

BEING all of Lots 13 and 14 in City Block 26/3146 in the G.L. Leonard Survey, Abstract No. 770, in the City of Dallas, Dallas County, Texas, said lots fronting 100.00 feet on the south line of Eighth Street, beginning at a point 100.00 feet west of the west line of Bishop Avenue, and containing 11,600 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. L-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 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.

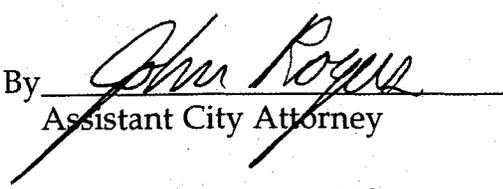
SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

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:

MADELEINE B. JOHNSON, City Attorney

By


Assistant City Attorney

Passed

JUN 23 1999

Exhibit A
Bishop Arts Historic Overlay District
408 West Eighth 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 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 Secretary of the Interior's Standards and 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 COMMISSION means the Landmark Commission of the City of Dallas.
- 2.5 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.
- 2.6 DIRECTOR means the director of the Department of Planning and Development or the Director's representative.
- 2.7 DISTRICT means Historic Overlay District No. 95, the Bishop Arts Historic Overlay District. This district contains the property described in Section 1 of this ordinance.
- 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 FACADE means a facade not facing a street or alley.
- 2.11 INTERIOR SIDE FENCE means a fence not adjacent to a street or alley.
- 2.12 INTERIOR SIDE YARD means a side yard not abutting a street or alley.
- 2.13 MAIN BUILDING means the Bishop Arts Building, as shown in Exhibit B.
- 2.14 NO-BUILD ZONE means that part of a lot in which no new construction may take place.

- 2.15 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.16 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 is 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 Outdoor lighting must be appropriate and enhance the structure.
- 3.6 Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
- 3.7 Existing trees are protected, except that unhealthy or damaged trees may be removed.
- 3.8 Any new mechanical equipment must be erected in the side or rear yards, and must be screened.
- 3.9 Fences are not permitted in front of the building line.
- 3.10 Interior side fences and fences in rear yards may not exceed eight feet in height.
- 3.11 Fences must be constructed of brick, cast stone, steel, iron, stone, wood, a combination of these materials, or other appropriate materials.
- 3.12 Front-yard fences must be at least 75% open, unless another city ordinance requires otherwise.

4. FACADES

4.1 Protected facades.

- a. The front (north) facade is 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, 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 Wood siding, 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 and 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 profile muntin 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 profile width, height, proportion, glazing material, and color.
- 5.5 Burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate.
- 5.6 Glass and glazing must match historic materials as much as practical. Visible 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 Secretary of the Interior's Standards for Rehabilitation 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: built-up and single-ply membrane.
- 6.3 Historic coping, 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 at 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.

8. EMBELLISHMENTS AND DETAILING

8.1 The following architectural elements are considered important features and are protected:

- a. Original doors and windows on the north and west facades,
- b. Curved brick parapet on north facade,
- c. All cast stone, and
- d. All fired brick.

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 must be set back so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

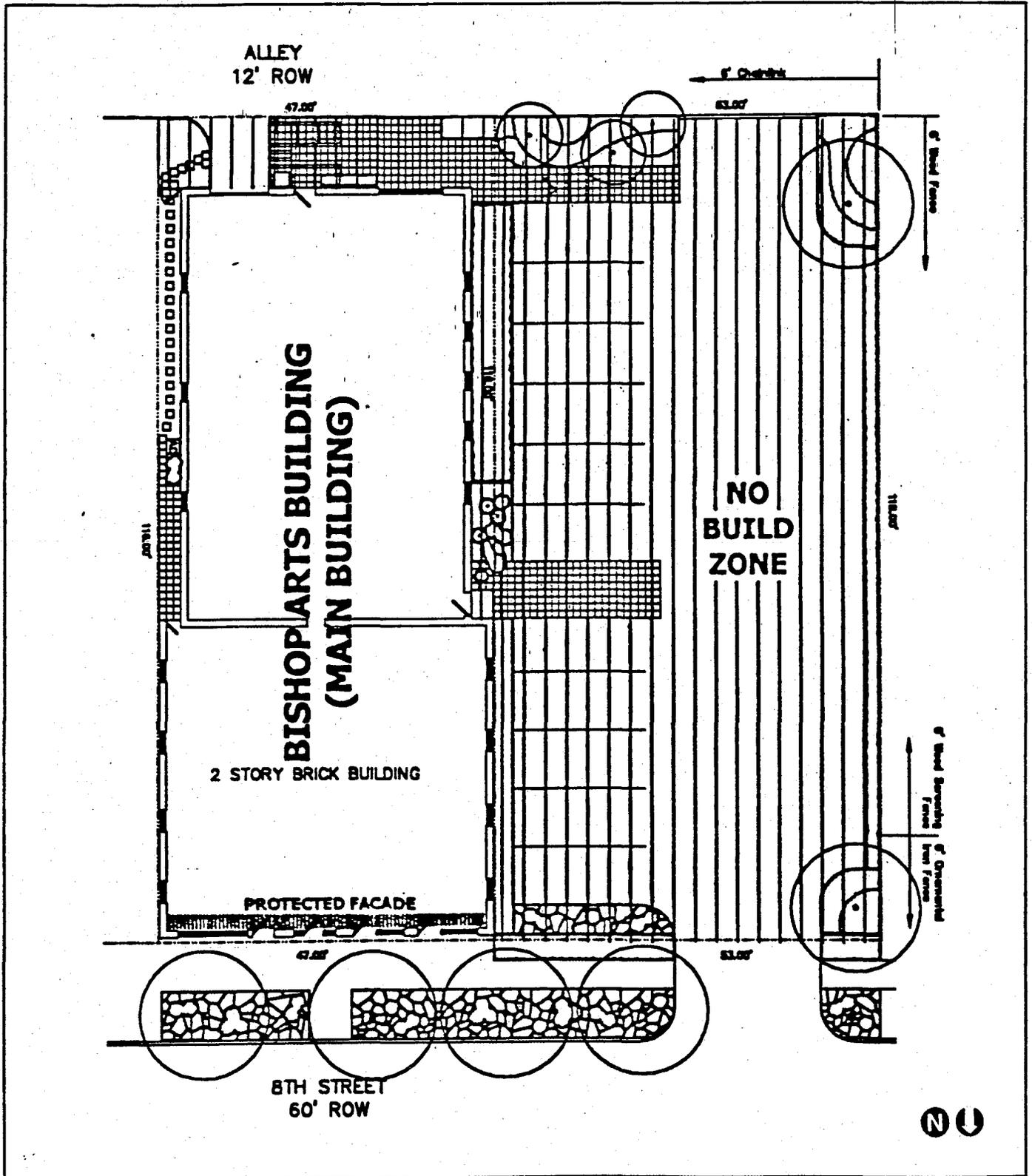
9.3 Horizontal additions to the main building not permitted.

- 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. Aluminum siding, stucco, and vinyl cladding are not permitted.
- 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 in the coping, eaves and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.

10. SIGNS

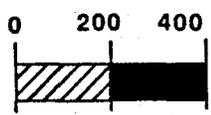
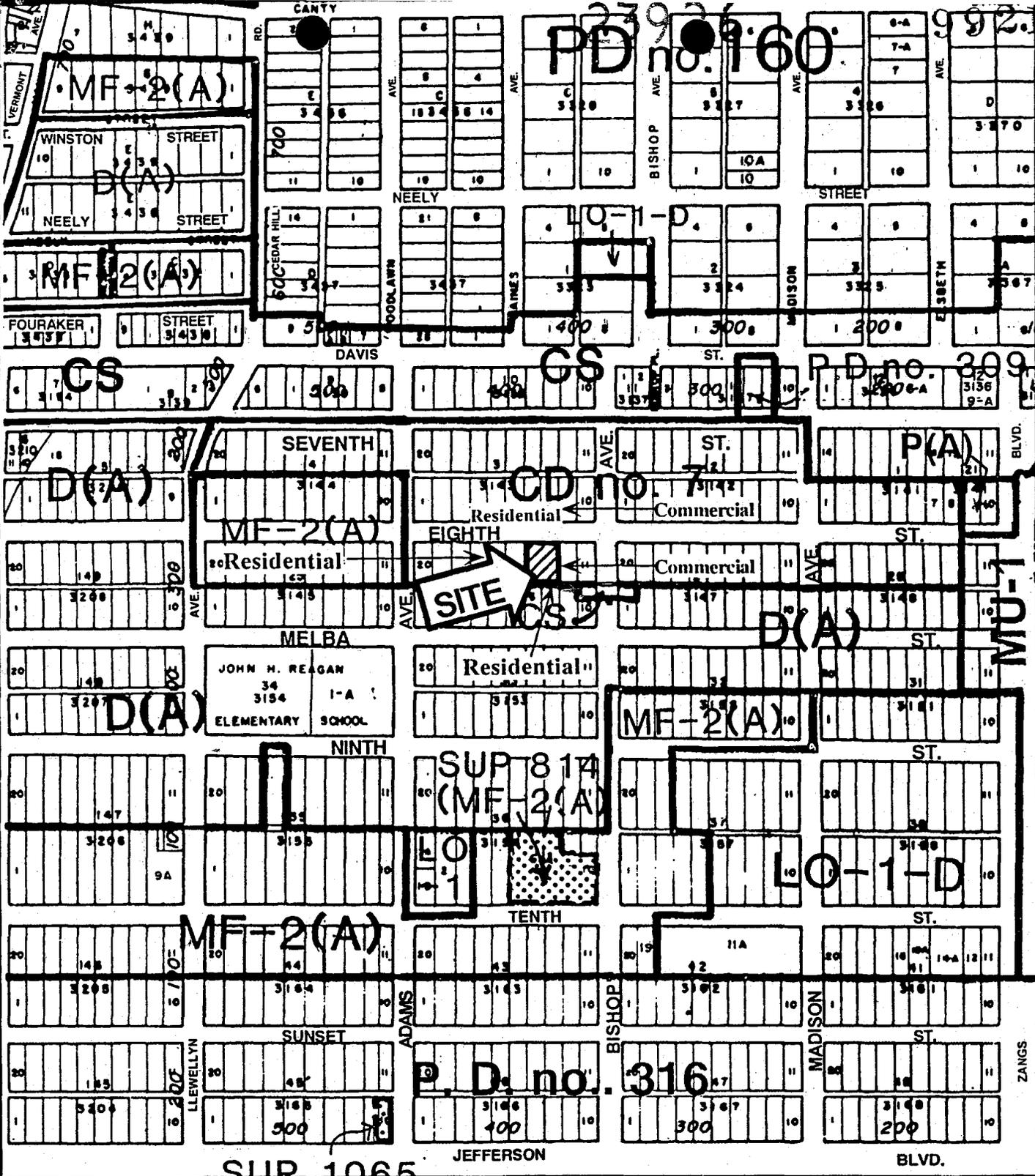
- 10.1. Temporary political campaign signs as defined in Chapter 15A of the Dallas City Code, as amended, and real estate signs may be erected without a certificate of appropriateness.
- 10.2. Signs may be erected if appropriate.
- 10.3. All signs must comply with the provisions of the Dallas City Code, as amended.

EXHIBIT B — SITE PLAN
(1" = 20')



PD no. 160

9920



SCALE IN FEET

ZONING AND LAND USE

MAP NO. L-6

CASE NO. Z989-201/10864-SW(JA)