

4-9-01

ORDINANCE NO. 24578

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. 108 (Richard and Grace Allen House) comprised of the following described property ("the Property"), to wit:

BEING a tract of land situated in the J. Grigsby Survey, Abstract No. 495, Dallas County, Texas, and being all of Lots 2 and 4, and strip of land 10.0 feet in width off the entire southeast side of Lot 6 in Block 3/950 of the North Dallas Improvement Company's Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 102, Page 400 of the map records of Dallas County, Texas, said tract being conveyed to Bill and Rhonda Grubbs by warranty deed recorded in Volume 93233, Page 3831 of the deed records of Dallas County, Texas, and containing approximately 17,011 square feet or 0.3905 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:

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

BEING a tract of land situated in the J. Grigsby Survey, Abstract No. 495, Dallas County, Texas, and being all of Lots 2 and 4, and strip of land 10.0 feet in width off the entire southeast side of Lot 6 in Block 3/950 of the North Dallas Improvement Company's Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 102, Page 400 of the map records of Dallas County, Texas, said tract being conveyed to Bill and Rhonda Grubbs by warranty deed recorded in Volume 93233, Page 3831 of the deed records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a set 1/2 inch iron rod for a corner at the intersection of the southwest line of Fairmount Street (a 50 foot right-of-way) with the northwest line of Mahon Street (a 50 foot right-of-way) and said point being the east corner of said Lot 2;

THENCE South 44°22'33" West, with the northwest line of Mahon Street, passing at a distance of 0.60 feet to a found 1/2 inch iron rod, continuing in all a distance of 154.55 feet to a point for a corner at the intersection of the northwest line of Mahon Street with the northeast line of a 16.0 foot alley right-of-way, said point being the south corner of said Lot 2 and said point being North 51°10'57" West, a distance of 1.29 feet from a found 3/8 inch iron rod;

THENCE North 45°37'27" West, with the northeast line of the said 16.0 foot alley right-of-way, a distance of 110.07 feet to a set 1/2 inch iron rod for a corner, said point being in the southwest line of said Lot 6 and said point being North 44°22'23" East, a distance of 0.73 feet from a found 1/2 inch iron rod;

THENCE North 44°22'33" East, departing the northeast line of the said 16.0 foot alley right-of-way, a distance of 154.55 feet to a point for a corner in the southwest line of Fairmount Street and in the northeast line of said Lot 6;

THENCE South 45°37'27" East, with the southwest line of Fairmount Street, a distance of 110.07 feet to the POINT OF BEGINNING and containing approximately 17,011 square feet or 0.3905 acres of land.

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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, 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 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. J-7 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.

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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 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.

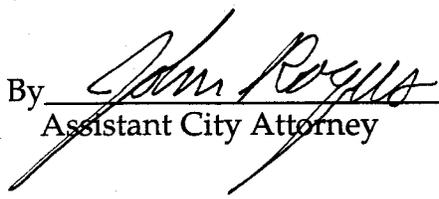
SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

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

APR 11 2001

Exhibit A
PRESERVATION CRITERIA
Richard and Grace Allen House
2603 Fairmount 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 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.
- 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.

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- 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 for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1889 to 1945.

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 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 CONTRIBUTING STRUCTURE means the brick veneered structure shown on Exhibit B, which is a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to this district.
- 2.6 CORNERSIDE YARD means a side yard abutting a street.
- 2.7 DIRECTOR means the Director of the Department of Planning and Development or the Director's representative.
- 2.8 DISTRICT means Historic Overlay District No. 108, the Richard and Grace Allen House Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B.
- 2.9 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.10 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 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.

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- 2.13 MAIN BUILDING means the Richard and Grace Allen House, as shown on Exhibit B.
- 2.14 NO-BUILD ZONE means that part of this district 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 contributing structure and the main building are 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 the front yard.
- 3.5 Carports or garages are permitted only behind the contributing structure, and outside the no-build zone, in the location shown on Exhibit B.
- 3.6 New mechanical equipment may not be erected in the front or cornerside yards. New mechanical equipment must be screened.
- 3.7 Landscaping
 - a. Outdoor lighting and fixtures 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. It is recommended that landscaping reflect the historic landscape design.
 - d. Existing trees are protected, except that unhealthy or damaged trees may be removed.
- 3.8 Fences
 - a. Fences are not permitted in the front or cornerside yards.

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- b. Fences in the interior side yard must be set back to the first architectural protrusion on the west elevation of the main building and constructed so as not to obscure views of the west elevation.
- c. Interior side fences and fences in rear yards may not exceed eight feet in height.
- d. Fences must be constructed of brick, cast stone, iron, stone, wood, a combination of these materials, or other appropriate materials.

4. FACADES

4.1 Protected facades

- a. All facades of the main building and the contributing structure, as 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, 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.
- b. Alterations to nonprotected facades must be appropriate.

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 Secretary of the Interior's Standards and Preservation Briefs published by the United States Department of the Interior 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 the Secretary of the Interior's Standards and Preservation Briefs published by the United States Department of the Interior. 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 width, height, proportion, glazing material, and color.
- 5.5 Decorative ironwork and 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. Films and tinted or reflective glazings are not permitted on glass.
- 5.7 If needed for security or protective purposes, single sheets of laminated glass may be placed outside of stained glass windows as long as no portion of the laminated glass overlay obscures any element of the stained glass.
- 5.8 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.
- 5.9 The Secretary of the Interior's Standards and Preservation Briefs published by the United States Department of the Interior 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 When documentation or physical evidence demonstrates the historic existence of or plan for a tower/turret on the front exterior corner of the main building, such an element may be permitted if appropriate.
- 6.3 The following roofing materials are allowed: composition shingles and wood shingles. The following roofing materials are not allowed: built-up, metal, single-ply membrane, synthetic wood shingle, and synthetic clay tile.
- 6.4 Historic eaves, coping, cornices, dormers, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module, and color.
- 6.5 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 Historic wood porch floors must be retained and preserved and may not be covered with carpet. 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. Historic mass and form of the main building.
 - b. Open porches at the main building.
 - c. Fishscale and round head shingles.
 - d. Corner boards.
 - e. Porch columns and other elements of the porches.
 - f. Turned and jigsaw detailing.
 - g. Original wood doors, screen doors and windows.
 - h. Stained glass at the exterior windows.

9. NEW CONSTRUCTION AND ADDITIONS

- 9.1 Stand-alone new construction is permitted only in the areas outside the no-build zone, as shown on Exhibit B.
- 9.2 Vertical additions
 - a. Vertical additions to the main building are limited to the construction of a tower/turret as described in section 6.2.
 - b. Vertical additions to the contributing structure 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 buildings must be located so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.
- 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 solid-to-void ratios.
- 9.6 The height of new construction and additions must not exceed the height of the historic structure.
- 9.7 Aluminum siding, stucco, and vinyl cladding are not permitted.
- 9.8 The setback of new construction and additions must conform to the setback of adjacent historic structures.
- 9.9 Ramps or other accessibility-related installations must be appropriate and must be located on the rear elevation of the main building, and in as unobtrusive a location as practical on the contributing structure.
- 9.10 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 Signs may be erected if appropriate.
- 10.2 All signs must comply with the provisions of the Dallas City Code, as amended.

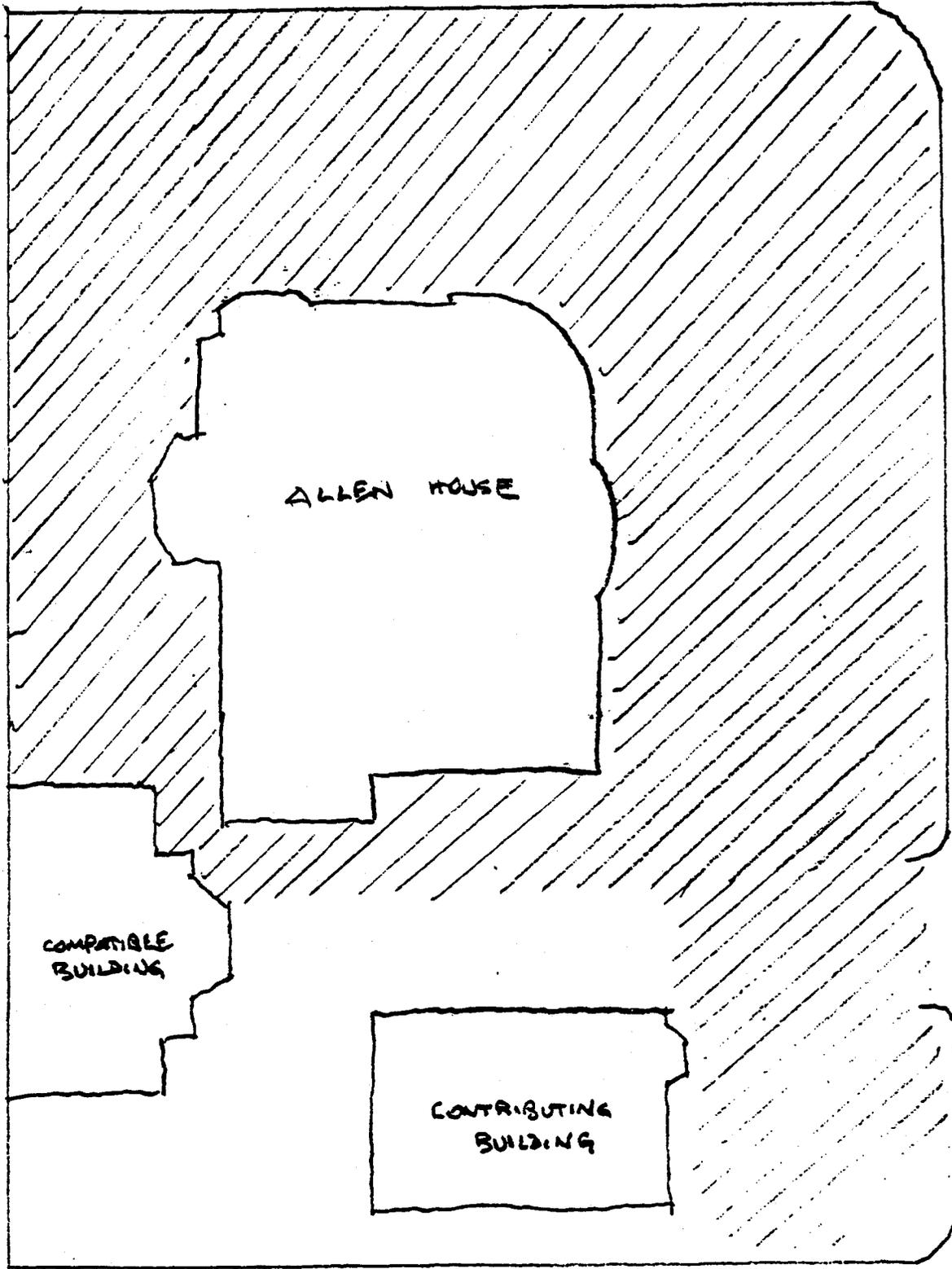
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- 10.3 Temporary political campaign signs as defined in Chapter 15A of the Dallas City Code, as amended, and temporary real estate signs may be erected without a certificate of appropriateness.

11. ENFORCEMENT

- 11.1 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.
- 11.2 A person is criminally responsible for a violation of these preservation criteria if the person owns part or all of the property where the violation occurs, the person is the agent of the owner of the property and is in control of the property, or the person commits the violation or assists in the commission of the violation.
- 11.3 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.
- 11.4 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.

FAIRMOUNT STREET



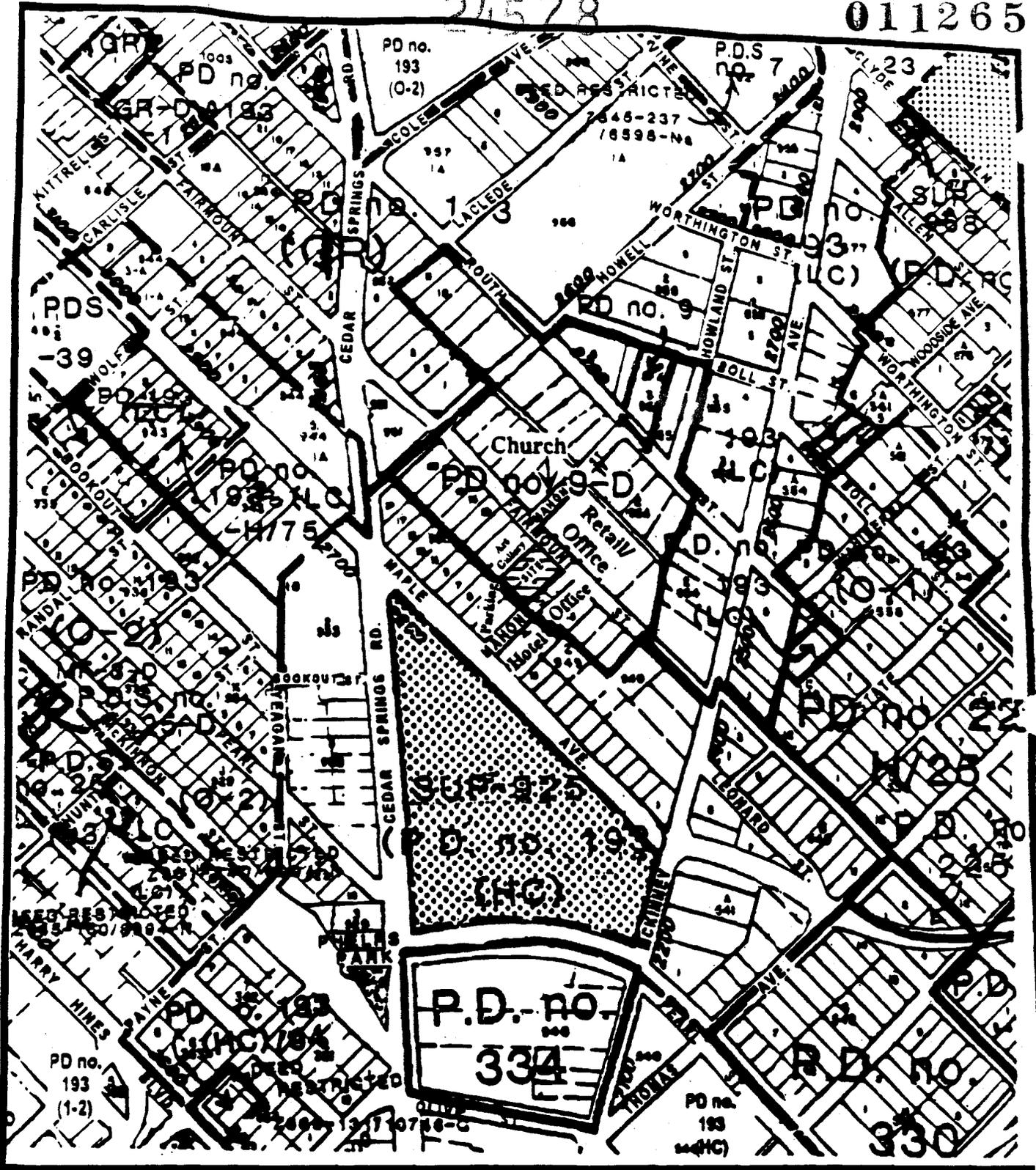
MAHON STREET



- NO BUILD ZONE

ALLEY

Richard W. & Grace Allen House
2605 Fairmount Street



ZONING AND LAND USE

MAP NO. J-7
 CASE NO. Z001-150/11368-C(TA)