

ORDINANCE NO. 29346

An ordinance changing the zoning classification on the following property:

BEING Lot 1 in City Block A/3320; bounded by Jefferson Boulevard, Oak Cliff Boulevard, 10<sup>th</sup> Street, and Tennant Street; and containing approximately 11.384 acres,

by establishing Historic Overlay District No. 144 (Sunset High School); 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 ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property described in this ordinance; 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 the zoning classification is changed by establishing Historic Overlay District No. 144 on the following property (“the Property”):

BEING Lot 1 in City Block A/3320; bounded by Jefferson Boulevard, Oak Cliff Boulevard, 10<sup>th</sup> Street, and Tennant Street; and containing approximately 11.384 acres.

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 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 ordinances, rules, and regulations of the City of Dallas.

SECTION 5. 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 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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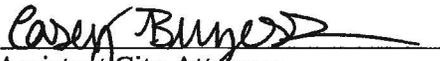
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SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. 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:

WARREN M.S. ERNST, City Attorney

By   
Assistant City Attorney

Passed     MAY 28 2014

**EXHIBIT A****PRESERVATION CRITERIA  
SUNSET HIGH SCHOOL  
2120 WEST JEFFERSON BOULEVARD****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 in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness.
  - a. Except as provided in Paragraph 1.3c, 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. Except as provided in Paragraph 1.3c, the certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
  - c. No certificate of appropriateness is required for:
    - (1) Work involving routine maintenance, repair, or replacement of portions of the athletic field (dugouts, nets, backstops, etc.), tennis courts (tennis netting), parking lot, or related appurtenances within the no-build zone shown on Exhibit B; or
    - (2) Work outside the no-build zone that does not affect the 1925 building or a protected facade.
  - d. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.

- e. 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 Certificate for demolition or removal.

- a. Except as provided in Paragraph 1.4b, 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, as amended.
- b. No certificate of demolition or removal is required for:
  - (1) Demolition or removal of portions of the athletic field (dugouts, backstop, etc.), tennis courts, parking lot, or related appurtenances within the no-build zone shown on Exhibit B; or
  - (2) Demolition or removal of any structure outside the no-build zone other than the 1925 building or a protected facade.

1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

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, as amended, for regulations concerning demolition by neglect.

1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.

1.8 The period of historic significance for this district is the period from 1925 to 1950.

**2. DEFINITIONS.**

2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.

- 2.2 1925 BUILDING means the 1925 Sunset High School Building, shown on Exhibit B.
- 2.3 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.
- 2.4 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.5 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.
- 2.6 DISTRICT means Historic Overlay District No. 144, the Sunset High School Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B.
- 2.7 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.8 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.9 NO-BUILD ZONE means that part of this district in which no new construction may take place.
- 2.10 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.11 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 1925 building as shown on Exhibit B is protected.
- 3.3 New sidewalks, steps, and walkways must be constructed of brush finish concrete.
- 3.4 New driveways and parking areas must be concrete or asphalt paving.
- 3.5 Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted.

- 3.6 Any new mechanical equipment must be screened.
- 3.7 Landscaping.
  - a. Outdoor lighting 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.
- 3.8 Fences.
  - a. Fences used to secure the athletic field and tennis courts as shown on Exhibit B are permitted in the no-build zone.
  - b. No other new fences are permitted in the no-build zone.
  - c. Fences must be constructed of brick, cast stone, iron, stone, wood, chain link, a combination of these materials, or other appropriate materials.

#### **4. FACADES.**

- 4.1 Protected facades.
  - a. The facades 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 before the effective date of this ordinance may remain painted.
- 4.2 Reconstruction, renovation, repair, or maintenance of non-protected 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 Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, before 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 for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

## **5. FENESTRATION AND OPENINGS.**

- 5.1 Historic door and window openings on protected facades must remain intact.
- 5.2 Replacement of doors and windows that have been altered and no longer match the historic appearance is recommended.
- 5.3 Replacement doors and windows on the 1925 building must express overall appearance similar to 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 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 must match historic materials as much as practical. Tinted or reflective films or glazings are not permitted.
- 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 and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, 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 eaves, coping, cornices, 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 street level on the opposite side of any adjacent right-of-way.

## **7. PORCHES.**

- 7.1 Porch stairs, balustrades, and railings on the 1925 building are protected.
- 7.2 Porches on protected facades may not be enclosed.
- 7.3 Concrete porch and stair floors may not be covered with carpet or paint. 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. Masonry, stone detailing, and cornices.
  - b. Stone and cast stone trim and detailing, including the stone door surround at the main entry, and the medallion and balustrade at the parapet and water courses.
  - c. Brick, brick detailing, and trim.
  - d. Monument front steps and balustrades.
  - e. Window openings and the rhythm of window openings.

**9. PRESERVATION CRITERIA FOR THE INTERIOR.**

- 9.1 The following interior element is considered an important feature and is protected: the 1934 Public Works Administration's federal art project murals by Granville Bruce located on the third floor.

**10. NEW CONSTRUCTION AND ADDITIONS.**

- 10.1 Stand-alone new construction is permitted outside of the no-build zone shown on Exhibit B.
- 10.2 Vertical additions to the 1925 building are not permitted.
- 10.3 Horizontal additions to the 1925 building are not permitted on protected facades.
- 10.4 Horizontal additions to the 1925 building that are permitted must have appropriate massing, roof form, shape, materials, detailing, color, fenestration patterns, and solids-to-voids ratios.
- 10.5 The form, materials, and general exterior appearance of horizontal or vertical additions to existing non-protected structures must be compatible with the 1925 building.
- 10.6 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.

**11. SIGNS.**

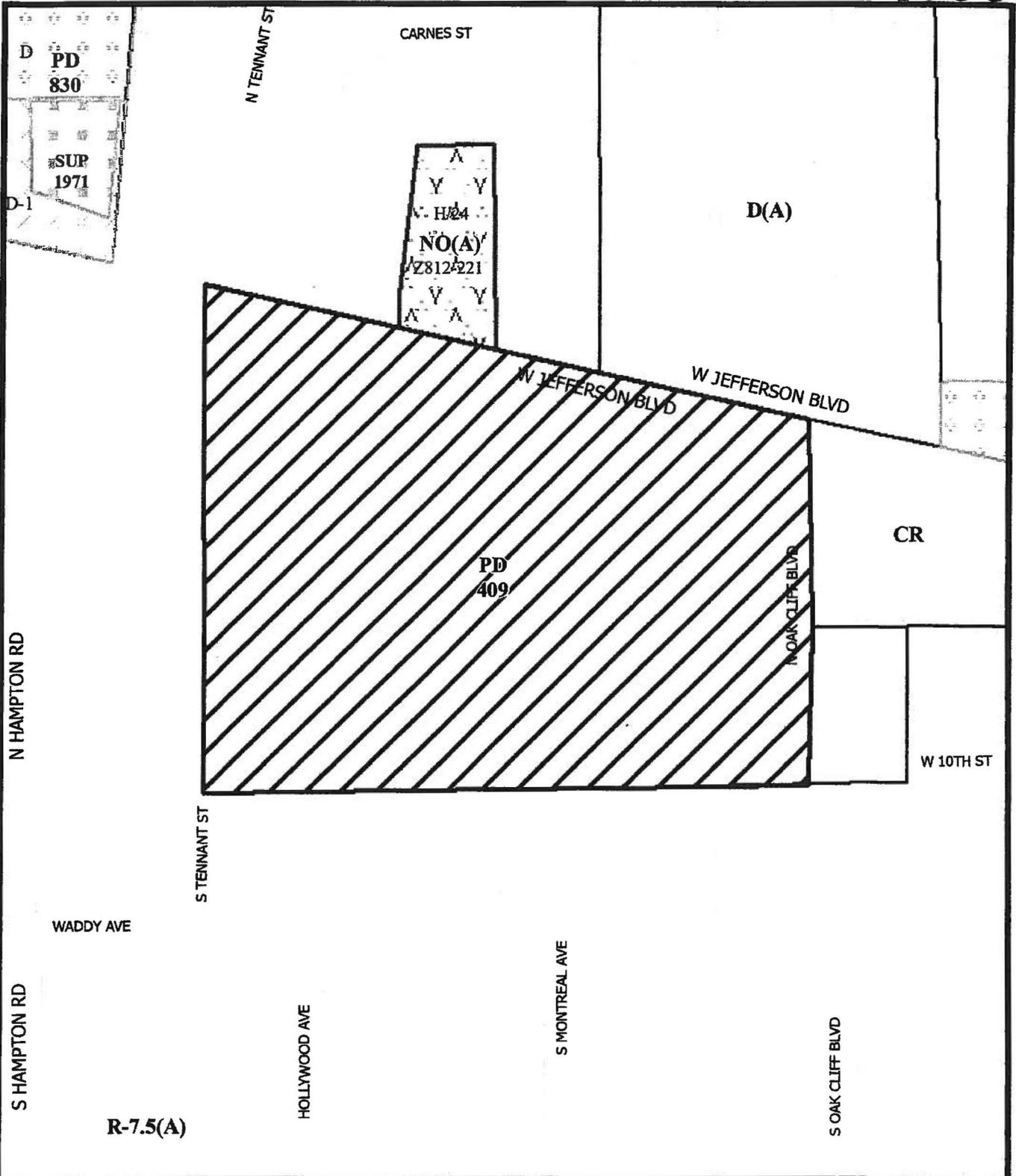
- 11.1 Government signs, DISD standard school identification signs, and protective signs that are appropriate to the appearance of the 1925 building may be erected.
- 11.2 The non-historic DISD identification sign located in front of the 1925 building as shown on Exhibit B is permitted.
- 11.3 All signs must comply with the provisions of the Dallas City Code, as amended.
- 11.4 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

**12. ENFORCEMENT.**

- 12.1 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.
- 12.2 A person is criminally responsible for a violation of these preservation criteria if:
- a. the person knowingly commits the violation or assists in the commission of the violation;
  - b. the person owns part or all of the property and knowingly allows the violation to exist;
  - c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or
  - d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.
- 12.3 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.
- 12.4 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.

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# ZONING MAP

Case no: Z123-343

Date: 3/25/2014