

10-9-02

ORDINANCE NO. 25061

An ordinance amending the zoning ordinances of the City of Dallas, as amended, by establishing Historic Overlay District No. 115 (Talley/Polk House) comprised of the following described property, to wit:

BEING all of Lots A and B in City Block 3/1328 on the west corner of the intersection of Reagan Street and Dickason Avenue, fronting approximately 87.2 feet on the northwest line of Reagan Street, fronting approximately 145.3 feet on the southwest line of Dickason Avenue, and containing approximately 12,100 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 described herein; and

WHEREAS, the city council finds that the property described herein 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 the zoning ordinances of the City of Dallas are amended by establishing Historic Overlay District No. 115 comprised of the following described property ("the Property"), to wit:

BEING all of Lots A and B in City Block 3/1328 on the west corner of the intersection of Reagan Street and Dickason Avenue, fronting approximately 87.2 feet on the northwest line of Reagan Street, fronting approximately 145.3 feet on the southwest line of Dickason Avenue, and containing approximately 12,100 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, except that the following additional use is permitted by right: bed and breakfast. "Bed and breakfast," as used in this ordinance, means a lodging use that has no more than five guest rooms; provides accommodations for periods not to exceed five nights; serves no meals other than breakfast; and is a member of, or certified by, a recognized bed and breakfast association such as the National Bed and Breakfast Association (NBBA) or Historic and Hospitality Accommodation of Texas (HAT). A bed and breakfast use must provide a minimum of six off-street parking spaces. 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 applicable ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That the director of the Department of Economic Services shall correct Zoning District Map No. I-7 in the offices of the city secretary, the building official, and the department of the Department of Economic Services 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, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 7. 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.

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.

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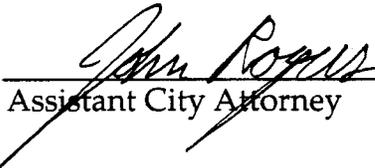
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SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:

MADELEINE B. JOHNSON, City Attorney

By: _____


Assistant City Attorney

Passed OCT - 9 2002

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EXHIBIT A
PRESERVATION CRITERIA
Talley/Polk House Historic District

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, "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 structures 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 towards 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, as amended.
- 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 1909 to 1935.

2. DEFINITIONS

- 2.1 Unless defined below, the definitions contained in CHAPTER 51A, "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 CORNERSIDE YARD means a side yard abutting a street.
- 2.5 DIRECTOR means the Director of the Department of Development Services or the Director's representative.
- 2.6 DISTRICT means Historic Overlay District No. 115, the Talley/Polk House 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 INTERIOR SIDE YARD means a side yard not abutting a street or alley.
- 2.10 MAIN BUILDING means the Talley/Polk House, as shown on Exhibit B.
- 2.11 NO-BUILD ZONE means that part of this district in which no new construction may take place.

- 2.12 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.13 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, walkways, and pool surrounds visible from a public right-of-way must be constructed of brush finish concrete, stone, or other appropriate material. Artificial grass, artificially-colored concrete, brick, asphalt, exposed aggregate, and outdoor carpet are not permitted in areas visible from a public right-of-way.
- 3.4 New driveways, sidewalks, steps, walkways, and pool surrounds not visible from a public right-of-way may be constructed of brush finish concrete, stone, artificially-colored concrete, brick, asphalt, exposed aggregate, or other appropriate material.
- 3.5 Circular driveways and parking areas are not permitted in a front yard.
- 3.6 Carports and garages are prohibited in the no-build zone shown on Exhibit B.
- 3.7 Any new mechanical equipment must be erected in the side or rear yards, and must be screened.
- 3.8 Landscaping
- a. Outdoor lighting must be appropriate, must enhance the structure, and may not bleed over on adjacent properties.
 - 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 of 1909.
- 3.9 Fences
- a. Fences in the front yard and fences in the cornerside yard to the rear corner of the main structure may not exceed four feet in height as shown on Exhibit C. Fences in the front yard and fences in the cornerside yard to the rear corner of the main structure must be 50 percent open.

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- b. Fence in the cornerside yard behind the rear corner of the main structure may not exceed six feet in height as shown on Exhibit C. Fences in the cornerside yards behind the rear corner of the main structure may be solid.
- c. Fences in the interior side yard and rear yard may not exceed eight feet in height as shown on Exhibit C. A fence return is allowed at the front interior corner of the house if it is no more than six feet in height and is 50 percent open, as shown on Exhibit C.
- d. Fences must be constructed of wood, wrought iron, stone, brick, or a combination of these 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 at protected facades must match in color, texture, module size, bond pattern, and mortar color.
- e. Brick 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 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 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, prior to refinishing.

4.7 Aluminum siding, stucco, and vinyl cladding are not permitted.

- 4.8 Exposing and restoring historic finish materials is recommended.
- 4.9 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 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 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 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: composition shingles and wood shingles. The following roofing materials are not allowed: built-up, metal, clay tiles, single-ply membrane, slate tiles, synthetic wood shingle, synthetic clay tile, and terra-cotta tiles.

- 6.3 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.
- 6.4 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.
- 6.5 Mechanical equipment may not be placed on the roof.

7. PORCHES

- 7.1 Historic porches are protected.
- 7.2 Porches 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 are protected.
- 7.4 Porch floors must be wood.
- 7.5 Porch floors may not be covered with carpet or other applies materials. 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. Porch ornamentation.
 - b. Roof brackets, details, and other ornamentation.
 - c. Original windows.
 - d. Articulated roof form.
 - e. Wood siding and siding trim.

9. NEW CONSTRUCTION AND ADDITIONS

- 9.1 Stand-alone new construction is permitted in the areas shown on Exhibit B.
- 9.2 Vertical additions to the main building are not permitted.
- 9.3 Horizontal additions to the main building are permitted only in the areas shown on Exhibit B.