

ARTICLE 87.

PD 87.

SEC. 51P-87.101. LEGISLATIVE HISTORY.

PD 87 was established by Ordinance No. 15067, passed by the Dallas City Council on December 15, 1975. Ordinance No. 15067 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas. Ordinance No. 15067 was amended by Ordinance No. 15251, passed by the Dallas City Council on August 16, 1976. On October 14, 1981, the Dallas City Council adopted Ordinance No. 17164, which repealed Ordinance Nos. 15067 and 15251 and re-established PD 87. Ordinance No. 17164 was amended by Ordinance No. 18171, passed by the Dallas City Council on February 15, 1984. On August 15, 1984, the Dallas City Council passed Ordinance No. 18369, which combined the PD conditions and historic overlay district regulations of Ordinance No. 17165, passed by the Dallas City Council on October 14, 1981, and repealed portions of both Ordinance Nos. 17164 and 17165. Ordinance No. 18369 was amended by Ordinance No. 19493, passed by the Dallas City Council on March 4, 1987, and Ordinance No. 21794, passed by the Dallas City Council on September 8, 1993. (Ord. Nos. 10962; 15067; 15251; 17164; 17165; 18171; 18369; 19493; 21794; 25423)

SEC. 51P-87.102. PROPERTY LOCATION AND SIZE.

PD 87 is established on property generally located south of Davis Street, north of Twelfth Street, east of Waverly Drive, and west of Polk Street. The size of PD 87 is approximately 183.93 acres. (Ord. Nos. 17164; 18171; 25423)

SEC. 51P-87.103. RECONCILIATION WITH OTHER ORDINANCES.

(a) The provisions of Ordinance Nos. 17164 and 17165, and the Dallas Development Code, as amended, apply to the Winnetka Heights Historic District unless expressly modified or repealed by this article. In the event of a conflict, the provisions of this article control.

(b) Tracts I, II, and III are described in Ordinance No. 17164, as amended, and Tract III(a) is described in Ordinance No. 25550, passed by the Dallas City Council on April 14, 2004, and Tract III(b) is described in Ordinance No. 25552, passed by the Dallas City Council on April 14, 2004. Exhibit 87C is a graphic representation of the tracts in PD 87. (Ord. Nos. 18369; 25423; 25550; 25552)

SEC. 51P-87.104. INTERPRETATIONS.

(a) Unless otherwise stated, the interpretations in Chapter 51 apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51. (Ord. 25423)

SEC. 51P-87.105. DEFINITIONS.

(a) In this article:

- (1) BLOCK means an area bounded by streets on all sides.
- (2) BLOCKFACE means all of the lots on one side of a block.
- (3) CERTIFICATE OF APPROPRIATENESS means a certificate issued by the city to authorize certain work to be performed in this district. (See Section 51P-87.120 of this article and Section 51-4.501.)
- (4) COLUMN means the entire column, including the base and capital, if any.
- (5) COMMISSION means the city plan commission.
- (6) COMMITTEE means the landmark committee created under Section 51-3.103.
- (7) CORNER LOT means a lot that has frontage on two different streets.
- (8) CORNER SIDE FACADE means the facade of a main building on a corner lot that faces the side street.
- (9) CORNER SIDE YARD means a side yard that abuts a street.
- (10) FENCE means a structure or hedgerow that provides a physical barrier, and includes a fence gate.
- (11) FINISHED PORCH FLOOR ELEVATION means the vertical distance measured from grade to the completed floor surface of the porch.
- (12) FRONT YARD means the portion of a lot that abuts a street and extends across the width of the lot between the street and the main building and lines parallel to and extending outward from the front facade of the main building.
- (13) LOT means a building site, as defined in the Dallas Development Code.
- (14) MOVE-IN BUILDING means a building that has been moved onto an existing lot.
- (15) ONE-HALF STORY means a finished room in the attic.
- (16) PARKWAY means the area between a public sidewalk and the street.
- (17) PERIOD COMMERCIAL BUILDING means a building originally constructed for nonresidential uses and representing Art Deco, Spanish Colonial Revival, or English Tudor influenced architectural styles typical of the period from 1900 to 1935.
- (18) PLANTER BOX means a permanent container for plants that is non-movable.
- (19) PRESERVATION CRITERIA means the standards considered by the director, committee, commission, and city council in determining whether a certificate of appropriateness should be granted or denied.
- (20) REAR YARD means:

(A) on an interior lot, the portion of the lot between the side lot lines that extends across the width of the lot between the main building and lines parallel to and extending outward from the rear facade of the main building and the rear lot line; and

(B) on a corner lot, the portion of the lot that extends between the interior side lot line and a line parallel to and extending outward from the rear of the corner side facade, and between the rear lot line and the main building and a line parallel to and extending outward from the interior side corner of the rear facade.

(21) RESIDENTIAL BUILDING means a building that contains only residential uses.

(22) SCREENING means a structure or planting that provides a visual barrier.

(23) SIDE YARD means any portion of a lot not occupied by a main building that is not a front or rear yard. "Side yard" includes "corner side yard."

(24) STORY means the portion of a building between any two successive floors, or between any given floor and the ceiling above it.

(25) THIS DISTRICT means the Winnetka Heights Historic District.

(26) TRIM COLOR means a paint color other than the dominant color. Wood colored translucent stains are not trim colors. Furthermore, trim color does not include the color of screen and storm doors and windows, gutters, downspouts, porch floors, and ceilings.

(b) Except as otherwise provided in this section, the definitions in Section 51-2.102 apply to this article. In the event of a conflict, the definitions in this section control. (Ord. Nos. 18369; 25423)

SEC. 51P-87.106. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS.

(a) In general. The review procedure for routine maintenance and replacement and the standard review procedure outlined in Section 51-4.501 apply to this district, except as expressly modified by this section.

(b) Review by the director.

(1) Routine maintenance and replacement. The director shall review applications for routine maintenance and replacement in accordance with the procedure outlined in Section 51-4.501. Routine maintenance and replacement includes, but is not limited to the process of cleaning (including water blasting and stripping); repainting an item the same color; and replacing, duplicating, or stabilizing deteriorated or damaged architectural features. (For more information regarding routine maintenance and replacement, see Section 51-4.501.)

(2) Minor exterior alterations. In addition to the above, the director shall review an application for a certificate of appropriateness for one or more of the following minor exterior alterations as if the work were routine maintenance and replacement:

(A) the application, installation, maintenance, or replacement of:

(i) storm windows and doors;

- trim color;
- (ii) window and door screens;
 - (iii) gutters and downspouts of the same color as the dominant or a trim color;
 - (iv) skylights and solar panels;
 - (v) a wood or chain link fence that is not painted or stained;
 - (vi) a chimney located on an accessory building, or on the rear 50 percent of a main building and not part of the corner side facade;
 - (vii) an awning located on an accessory building, or on the rear facade of a main building; and
 - (viii) lights located at ground level, in a tree or shrub, along eaves and soffits, or on accessory buildings; and

(B) the restoration of original architectural elements that does not include the use of paint of a color other than the current dominant color.

(c) Review by the committee, commission, and city council.

(1) The standards contained in this section should be used by the committee in making its recommendation to the commission, and by the city council when considering an appeal from a decision made by the commission.

(2) The commission shall review all applications for certificates of appropriateness forwarded to it by the director and committee. In reviewing an application, the commission shall determine whether the proposed work complies with the preservation criteria and regulations contained in this article and all other applicable ordinances. If the proposed work complies, the commission shall grant the certificate.

(3) Except as otherwise provided in this section, if the proposed work does not comply with or is not addressed by the preservation criteria and regulations contained in this article or any other applicable ordinance, the commission shall deny the certificate.

(4) If the proposed work is the restoration of original architectural elements and will not have an adverse effect on the external architectural features, future preservation, maintenance, or use of a structure or blockface in this district, or of this district as a whole, the commission shall grant the certificate. In determining whether the proposed work constitutes the restoration of original architectural elements, the commission shall consider all available materials, including but not limited to photographs and drawings showing the original appearance of the building and its surrounding property at the time of construction.

(5) If the proposed work is not addressed by the preservation criteria and regulations contained in this article and all other applicable ordinances, and will not have an adverse effect on the external architectural features, future preservation, maintenance, or use of a structure or blockface in this district, or of this district as a whole, the commission shall grant the certificate.

(d) Appeals. A decision made by the director or commission to grant a certificate of appropriateness may not be appealed. A decision made by the director or the commission to deny a certificate of appropriateness may be appealed only by the applicant. (Ord. Nos. 18369; 25423)

SEC. 51P-87.107.

NOTICE REQUIREMENTS.

The following notice requirements apply to this district:

(1) When required. The director shall give the notice required by this section only when a person applies for a certificate of appropriateness to construct a new main building, or to move a main building onto an existing lot.

(2) Content of notice. The notice required by this section must contain a description of the lot where the main building will be constructed or moved, and the date, time, and location of the committee meeting at which the application will be considered.

(3) Manner of notification. The notice required by this section is a written notice to be given not less than 21 days before the committee meeting at which the application will be considered. Notice is given by depositing the notice properly addressed and postage paid in the United States Mail to the property owners entitled to notice under Paragraph (4) of this section as evidenced by the last approved city tax roll.

(4) Who must be notified. The director shall notify the following persons in this district whenever notice is required by this section:

(A) The owners of all lots in the blockface of the area of request.

(B) The owners of all lots in the blockface across the street from the area of request.

(C) If the area of request is a corner lot, the owners of all other corner lots at the same intersection. (Ord. Nos. 18369; 25423)

SEC. 51P-87.108.

PROCEDURAL CHANGES WHEN NOTICE IS REQUIRED.

The procedural time requirements in Section 51-4.501 applicable to the committee and the commission apply to this district, except in those cases where notice is required under Section 51P-87.107 of this article. In such cases, the committee shall make its recommendation within 45 days of receipt of the application by the director. If final action has not been taken by the committee and the commission within 55 days of the director's receipt of the application:

(1) the director shall issue a certificate of appropriateness to the applicant for the proposed work; and

(2) if all requirements of the Dallas Development Code and the construction codes are met and a building permit is required for the proposed work, the building official shall issue a building permit to the applicant for the proposed work. (Ord. Nos. 18369; 25423)

SEC. 51P-87.109.

USE REGULATIONS FOR TRACT I.

The following use regulations apply to all property in Tract I:

(1) Uses that were illegal on October 14, 1981, are illegal uses under this article. Nonconforming uses only terminate under the provisions of Sections 51-4.704(a)(1), (2), (3), and (4).

(2) Except as otherwise provided below, uses are limited to residential uses (including single-family, duplex, and multiple-family uses) and other uses permitted in an R-7.5 Single-Family District.

(3) The number of dwelling units in a structure may not be increased. If the number of dwelling units in a structure is reduced, or the structure is replaced with another structure containing a lesser number of dwelling units, the structure shall thereafter be limited to the lesser number of dwelling units.

(4) A club house use is permitted in Block A/3269 at the northwest corner of Rosemont Avenue and Eighth Street.

(5) The community service facility use currently being operated by the Salvation Army is permitted at the northeast corner of Jefferson Avenue and Rosemont Avenue on Lots 1, 2, 3, 4, 5, and 6 in City Block 29/3286. Required off-street parking for the facility is permitted on Lot 11 in City Block 30/3287. (Ord. Nos. 18369; 25423)

SEC. 51P-87.110.

DEVELOPMENT STANDARDS FOR TRACT I.

(a) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code, as amended, applicable to an R-7.5 Single-Family District apply to all property in Tract I. In the event of a conflict, the provisions of this section control.

(b) Height requirements. Maximum permitted heights for all buildings and structures are:

(1) 36 feet for a main building or structure; and

(2) 24 feet for an accessory building or structure.

(c) Lot size requirements. Lots must conform to the following standards:

(1) Each lot must have a minimum area of 7,500 square feet and a minimum depth of 150 feet.

(2) Each corner lot must have a width of no less than 50 feet and no more than 100 feet.

(3) Each interior lot must have a width:

(A) of no less than 50 feet and no more than 75 feet; or

(B) that is within five percent of the average width of all interior lots on the blockface.

(4) Lots platted on or before October 14, 1981, are legal building sites, even though they may not conform to the requirements of this section.

(d) Maximum lot coverage. Maximum permitted lot coverage for all buildings and structures combined is 35 percent.

(e) Minimum front yard.

- (1) All buildings and structures must have a minimum front yard setback of 25 feet.
- (2) A main building on an interior lot must have a front yard setback that is:
 - (A) equal to that of the closest main building on either side of the lot in the same blockface; or
 - (B) between those of the closest main buildings on either side of the lot in the same blockface.
- (3) A main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.

(f) Minimum rear yard. Minimum permitted rear yard setbacks for all buildings and structures are:

- (1) 15 feet for a main building or structure; and
- (2) five feet for an accessory building or structure.

(g) Minimum side yards. All buildings and structures must have a minimum side yard setback of 10 feet if the side yard contains a driveway not covered by a porte cochere. Otherwise, minimum side yard setback is five feet.

(h) Off-street parking requirements.

(1) Single-family and duplex uses must provide at least one off-street parking space for each dwelling unit.

(2) The off-street parking requirements in the Dallas Development Code, as amended, applicable to multiple-family uses in an MF-1 Multiple-Family District apply to multiple-family uses in this tract.

(3) The off-street parking requirements in the Dallas Development Code, as amended, applicable to nonresidential uses in residential districts apply to nonresidential uses in this tract.

(i) Screening.

(1) In general. Screening is required in the rear and side yards of a nonresidential use constructed after October 14, 1981, if the use is adjacent to a residential use, whether separated by an alley or not. All screening must be at least six feet in height.

(2) Materials. Screening must consist of a solid fence or natural vegetation of an evergreen variety of at least 60 percent density at the time of planting. Natural vegetation must be maintained in a healthy growing condition at all times. [See Section 51P-87.111(b)(2) for more specific standards regarding fences.]

(j) Signs.

(1) In general. The provisions for non-business zoning districts in Article VII, "Sign Regulations," apply to all signs in this tract.

(2) Size restrictions. A detached sign must have a height of eight feet or less, and an effective area of 32 square feet or less. [See Section 51P-87.111(a)(15) for additional standards applicable to signs.]

(k) Story requirements.

(1) All buildings on one or more of the following lots must have at least two stories:

- (A) All lots in Part A of City Block 1/3269.
- (B) Lots 8 and 9 in City Block 1/3318.
- (C) Lots 12 through 22 in City Block 16/3275.
- (D) Lots 9 through 15 in City Block 38/3295.
- (E) Lots 3 and 4 in City Block 3/3267.
- (F) Lots 1 and 2 in City Block 32/3289.
- (G) Lots 6 through 10 in City Block 14/3271.

(2) All buildings on one or more of the following lots must have less than two stories:

- (A) Lots 1 through 6 in Block 29/3286.
- (B) Lots 1 and 2 in Block 3/3267.
- (C) Lots 7 through 9 in Block 37/3294.
- (D) Lots 1 through 5 in Block 10/3260.
- (E) Lots 1 through 5 in Block 9/3261.
- (F) Lots 6 through 12 in Block 33/3280.
- (G) Lots 1 through 8 in Block 24/3277.
- (H) Lots 9 through 13 in Block 46/3291.
- (I) Lots 28 through 30 in Block 45/3292.
- (J) Lots 1 through 11 in Block 21/3263. (Ord. Nos. 18369; 25423)

SEC. 51P-87.111.

PRESERVATION CRITERIA FOR TRACT I.

(a) Building placement, form, and treatment.

(1) Accessory buildings. Accessory buildings are only permitted in the rear yard and must be compatible with the scale, shape, roof form, materials, detailing, and color of the main building.

(2) Additions. All additions to a building must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing, and color of the building.

(3) Architectural detail. Materials, colors, structural and decorative elements, and the manner in which they are used, applied, or joined together must be typical of the style and period the main building and compatible with the other buildings on the blockface.

(4) Awnings. Metal and corrugated plastic awnings are only permitted on an accessory building or the rear facade of a main building. Other awnings must be typical of the style and period of the main building.

(5) Building placement. All buildings must be placed so as not to adversely affect the rhythm of spaces between buildings on the blockface.

(6) Building widths. Minimum permitted widths for main buildings are:

(A) 25 feet for a main building on an interior lot; and

(B) 35 feet for a main building on a corner lot.

(7) Chimneys. All chimneys must be compatible with the style and period of the main building. Chimneys on the front 50 percent of a main building or on a corner side facade must be:

(A) constructed of brick, stucco, natural stone, or other materials that match or are compatible in texture, color, and style with the main building; and

(B) of a style and proportion that is typical of the style and period of the main building.

(8) Color.

(A) Brick surfaces. Brick surfaces not previously painted must not be painted unless the applicant establishes that:

(i) the painting is absolutely necessary to restore or preserve the brick; or

(ii) the color and texture of replacement brick cannot be matched with that of the existing brick surface.

(B) Certain colors prohibited. Fluorescent and metallic colors are not permitted on the exterior of any structure in this district.

(C) Dominant and trim colors. All structures must have a dominant color and no more than two trim colors. The colors of a structure must be complementary of each other and the overall character of this district.

(D) Gutters and downspouts. Gutters and downspouts must be of a color that matches or complements the color scheme of the structure.

(E) Roof colors. Roof colors must complement the style and overall color scheme of the structure.

(F) Stain. The use and color of stain must be typical of the style and period of the structure.

(9) Columns.

(A) Function. Columns are only permitted as vertical supports near the front entrance of the main building or as vertical supports for porches.

(B) Materials. Columns must be constructed of brick, stucco, wood, cut stone, or other materials that look typical of the style and period of the main building. No pipe or wrought iron columns are permitted.

(C) Style. Columns must be of a style typical of the style and period of the main building.

(D) Width dimensions. The width of a column shaft at its widest point must be at least:

(i) one-eighth of the height of the column for a one-story column;
and

(ii) one-tenth of the height of the column for a two-story column.

(10) Facade materials.

(A) In general. The only permitted facade materials are brick, wood siding, cut stone, and stucco. All facade treatments and materials must be typical of the style and period of the main building.

(B) Brick. All exposed brick on facades must be fired brick as defined by the American Standard Testing Materials Designation C-1267-5A, Type Grade FBS-SW.

(C) Wood facades. Existing wood facades must be preserved as wood facades. Wood shingles are not permitted as a primary facade material, but may be used in roof gables and on columns and foundation skirts in a manner that is typical of the style and period of the main building.

(11) Front entrances and porches.

(A) Detailing. Railings, moldings, tilework, carvings, and other detailing and architectural decorations on front entrances and porches must be typical of the style and period of the main building.

(B) Enclosures. A front entrance or porch may not be enclosed with any material, including iron bars, glass, and mesh screening.

(C) Facade openings. Porches must not obscure or conceal any facade openings in the main building.

(D) Floor coverings. Carpeting is not permitted as a porch floor or step covering.

(E) Style. Each main building must have a front porch or entry treatment with a shape, roof form, materials, and colors that are typical of the style and period of the building. A front entrance or porch must reflect the dominant horizontal and vertical characteristics of the main building.

(12) Garages. Doors on garages attached to the main building may not face the street.

(13) Porte cocheres. Porte cocheres must be preserved as architectural features and not be enclosed by fences, gates, or other structures or materials.

(14) Roof forms.

(A) Eaves or soffit height. The eaves or soffit height of a main building must be within 10 percent of the eaves or soffit height of the closest main building in this district of a similar style and having the same number of stories.

(B) Materials and colors. Roof materials and colors must complement the style and overall color scheme of the structure. Tar and gravel (built-up) is only permitted as a roof material on covered porches and porte cocheres with flat roofs.

(C) Overhang. Minimum permitted roof overhang for a new or move-in main building is 18 inches. A replacement roof on an existing building must have an overhang that is equal to or greater than the overhang of the roof it replaces.

(D) Patterns. Roof patterns of a main building must be typical of the style and period of the architecture of the building.

(E) Skylights and solar panels.

(i) Except as otherwise provided in this subsection, skylights and solar panels are only permitted on:

(aa) the rear 50 percent of the roof of a main building on an interior lot;

(bb) the rear inside quadrant of the roof of a main building on a corner lot; and

(cc) the roof of an accessory building in the rear yard.

(ii) The commission may allow skylights and solar panels at another location on a building if their placement does not have an adverse effect on the architecture of the building, blockface, or this district a whole.

(F) Slope and pitch. The degree and direction of roof slope and pitch must be typical of the style and period of the main building and compatible with existing building forms in this district. Flat or Mansard roof designs are not permitted on main or accessory buildings or structures, except that a covered porch or porte cochere may have a flat roof that is typical of the style and period of the main building.

(15) Signs. Signs must not obscure significant architectural features of a building. The shape, materials, color, design, and letter style of signs must be typical of and compatible with the

style and period of the architecture of buildings on the same premise and in this district as a whole. [See Section 51P-87.110(j) for additional standards applicable to signs.]

(16) Stairs. Second and third story exterior staircases are only permitted on accessory buildings and the rear 50 percent of the main building, except that they are not permitted on a corner side facade.

(17) Windows and doors.

(A) Front facade openings. The total number of window and door openings (combined) in the front facade of the main building must be equal to or greater than the total number of original window and door openings (combined) in that facade. The number of door openings in the front facade of the main building must not be increased. Each story of a front facade of the main building must contain at least two windows or one window and a door.

(B) Glass. Clear, decorative stained, and clear leaded glass may be permitted in any window opening, except that decorative stained glass is not permitted in a front door. Reflective, tinted, opaque, and mirrored glass and plastic are not permitted in any opening. Translucent glass is not permitted, except in a bathroom window.

(C) Screens, storm doors, and storm windows. Screens, storm doors, and storm windows may be permitted if:

(i) their frames are painted or colored to match or complement the color scheme of the main building; and

(ii) they do not obscure significant features of the windows and doors they cover.

(D) Security and ornamental bars. Security and ornamental bars are only permitted on an accessory building or the rear facade of the main building.

(E) Shutters. Shutters must be typical of the style and period of the building and appear to be installed in a manner to perform their intended function.

(F) Style.

(i) All windows and doors in the front facade of the main building must be proportionally balanced in a manner typical of the style and period of the building.

(ii) No single, fixed plate glass is allowed except as part of an original period design. The size and proportion of window and door openings located on the front and side facades of the main building must be typical of the style and period of the building.

(iii) All windows, doors, and lights in the front and side facades of the main building must be typical of the style and period of the building. Windows must contain at least two lights (window panes). Front doors must contain at least one light. Sidelights must be compatible with the door.

(iv) The frames of windows must be trimmed in a manner typical of the style and period of the building.

(b) Landscaping.

(1) Certain items prohibited in front and corner side yards. The following items are not permitted in the front and corner side yards:

- (A) Above-ground meters.
- (B) Berms.
- (C) Cacti.
- (D) Pylons and similar structures.
- (E) Rock or sculpture gardens.
- (F) Vegetable gardens.

(2) Fences.

(A) Form.

- (i) Fences must be constructed and maintained in a vertical position.
- (ii) The top edge of a fence must be along a line that is either horizontal, or substantially parallel to grade. Except in the case of a picket, chain link, or wrought iron fence, the top edge of a fence must be flat.

(B) Height. Maximum permitted height for a fence is nine feet.

(C) Location.

(i) The following are the only types of fences permitted in the front yard: white wood picket fences and dark green, dark brown, or black wrought iron fences. A fence in the front yard may not exceed two feet in height unless a taller fence is needed to satisfy screening requirements for parking in front of nonresidential uses.

(ii) A fence in an interior side yard must be located in the rear 50 percent of the side yard and behind the rearmost side projection of the main building, except that the commission may allow a fence to be located anywhere in an interior side yard if it determines that the fence does not screen all or any portion of a significant architectural feature of a main building on the same or an adjacent lot.

(iii) A fence in the corner side yard must not be directly in front of the corner side facade, except that the commission may allow a fence that is directly in front of all or any portion of the rear 50 percent of the corner side facade if:

(aa) more screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and

(bb) the fence does not screen all or any portion of a significant architectural feature of the main building.

(iv) A fence in the corner side yard must be set back a minimum of two feet from a public sidewalk.

(v) A fence must run either parallel or perpendicular to a building wall or lot line.

(vi) A fence on a vacant lot must be set back a distance that is equal to or greater than the setback of the front facade of the closest main building in the same blockface. In the case of a single interior vacant lot, the setback of the fence must be equal to or greater than the setback of the front facade of the main building on the adjacent lot with the greater setback.

(D) Materials. A fence must be constructed of one or more of the following materials: metal or plastic-coated chain link, wrought iron, wood, or stucco. The use of brick in a fence is not permitted, except as part of a structural column, or a base that is two feet or less in height. Exposed concrete blocks are not permitted.

(E) Masonry columns and bases.

(i) The color, texture, pattern, and dimensions of masonry and the color, width, type, and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of the main building as nearly as practicable.

(ii) All exposed brick in a fence column or base must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A, Type Grade FBS-SW.

(F) Metal fences.

(i) Wrought iron and metal fences must be compatible with the style and period of the main building.

(ii) If a wrought iron or metal fence is painted or colored, the color must be black, dark green, or dark brown and complement the color of the main building.

(G) Wooden fences.

(i) All wooden structural posts must be at least four inches in diameter (nominal size).

(ii) The side of a wooden fence facing a public street must be the finished side.

(iii) Wooden fences may be painted or stained a color that is complementary to the main building.

(3) Foundation plantings. Foundation plantings may not:

(A) screen significant architectural features of the main building; or

(B) exceed two feet in height above the finished porch floor elevation unless they are part of an overall landscape plan approved by the commission.

(4) Outdoor lighting. Outdoor light fixtures must be compatible with the style and period of the main building and not obscure or conflict with significant architectural details of the building. Overhead and exposed wiring and conduit for outdoor lighting is not permitted.

(5) Parkway plantings. Only grass, trees, and flowers are permitted in the parkway. All trees in the parkway must be selected from the list labelled as Exhibit 87B, placed a uniform distance apart, and planted along a line parallel to the street. Flower beds may not comprise more than 50 percent of the parkway area.

(6) Pavement, filler, and edging materials. Pavement and filler and edging materials, such as landscape timbers, gravel, and bark, used in landscape beds in the front and corner side yards must be reviewed by the commission as part of an overall landscape plan if the landscape beds collectively comprise more than 25 percent of the combined areas of the front and corner side yards. No more than 50 percent of the front yard of a residential use may be covered by pavement or filler materials.

(7) Planter boxes. Planter boxes must be:

(A) 18 inches or less in height;

(B) 36 inches or less in depth;

(C) an integral part of the main building; and

(D) constructed of brick, natural stone, or smooth-finished concrete that matches or is compatible in texture, color, and style with the main building.

(8) Retaining walls. Retaining walls are not permitted in the front and side yards, except to preserve a natural or existing slope, or to make a slope similar to that of an adjacent lot. The height of a retaining wall may not exceed the height of the slope it retains. A retaining wall must be constructed of unpainted natural stone, brick, stucco, or smooth-finished concrete that is compatible in texture, color, and style with the main building.

(9) Sidewalks, driveways, and curbing.

(A) Materials.

(i) No exposed aggregate, asphaltic, or artificially colored concrete or epoxy resin is permitted as a sidewalk, driveway, or curbing material.

(ii) All public sidewalks and curbing must be constructed of brush finish concrete.

(iii) All private sidewalks and driveways must be constructed of concrete, gravel, or brick that matches or is compatible in texture, color, and style with the main building.

(B) Width, style, and spacing.

(i) The maximum permitted width of a driveway in the front yard is 10 feet. The driveway width may be expanded to 20 feet at any point behind the front facade.

(ii) Ribbon driveways are permitted, but only if the ribbons are at least one foot wide.

(iii) Circular driveways are not permitted in the front yard.

(iv) A driveway constructed in the front yard must be spaced a minimum of one foot from an existing driveway on an adjacent lot. (Ord. Nos. 18369; 25423)

SEC. 51P-87.112.**USE REGULATIONS FOR TRACT II.**

The following use regulations apply to all property in Tract II:

(1) Uses that were illegal on October 14, 1981, are illegal uses under this article. Nonconforming uses only terminate under the provisions of Sections 51-4.704(a)(1), (2), (3), and (4).

(2) Except as otherwise provided below, uses are limited to those uses permitted in an O-1 Office District.

(3) A self-service laundry or dry cleaning use is permitted on Lot 1 in City Block 41/3298.

(4) Lot 13 in City Block 35/3282 and Lot 11 in City Block 36/3283 must be used as parking for adjacent office uses, or may be developed with uses permitted in an R-7.5 Single-Family District. (Ord. Nos. 18369; 25423)

SEC. 51P-87.113.**DEVELOPMENT STANDARDS FOR TRACT II.**

(a) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code, as amended, applicable to an O-1 Office District apply to all property in Tract II. In the event of a conflict, the provisions of this section control.

(b) Off-street parking requirements.

(1) Single-family uses must provide at least one off-street parking space for each dwelling unit.

(2) The off-street parking requirements in the Dallas Development Code, as amended, applicable to multiple-family uses in an MF-1 Multiple-Family District apply to multiple-family uses in this tract.

(3) The off-street parking requirements in the Dallas Development Code, as amended, applicable to nonresidential uses in an O-1 Office District apply to nonresidential uses in this tract.

(c) Screening.

(1) In general. Screening is required in the rear and side yards of a nonresidential use constructed after October 14, 1981, if the use is adjacent to a residential use, whether separated by an alley or not. All screening must be at least six feet in height.

(2) Materials. Screening must consist of a solid wood fence, masonry fence, or natural vegetation of an evergreen variety of at least 60 percent density at the time of planting. Natural vegetation must be maintained in a healthy growing condition at all times. [See Sections 51P-87.114(b) and 51P-87.111(b)(2) for more specific standards regarding fences.]

(d) Setbacks. All new buildings and parking areas must be located on or behind the front setback line of the closest main residential building fronting on a north/south street.

(e) Signs.

(1) In general. The provisions for non-business zoning districts in Article VII, "Sign Regulations," apply to all signs in this tract.

(2) Size restrictions. A detached sign located on a premise fronting on Jefferson Boulevard must have a height of eight feet or less, and an effective area of 32 square feet or less. [See Section 51P-87.114(a)(4) for additional standards applicable to signs.] (Ord. Nos. 18369; 25423)

SEC. 51P-87.114. PRESERVATION CRITERIA FOR TRACT II.

(a) Building placement, form, and treatment.

(1) Awnings. Awnings must be made of fabric and complement the main building in style and color.

(2) Facade materials. Primary facade materials are limited to wood, brick, stone, and stucco.

(3) New or move-in buildings. The scale and style of new and move-in buildings fronting on Jefferson Boulevard must complement the scale and style of surrounding residential structure in this district.

(4) Signs. Signs must not obscure significant architectural features of a building. The shape, materials, color, design, and letter style of signs must be typical of and compatible with the style and period of the architecture of buildings on the same premise and in this district as a whole. [See Section 51P-87.113(e) for additional standards applicable to signs.]

(b) Landscaping. Except as otherwise provided below, the preservation criteria for landscaping in Tract I apply to all property in Tract II. For nonresidential uses only:

(1) asphaltic concrete is permitted as a driveway or parking surface material; and

(2) driveways providing ingress and egress from Jefferson Boulevard may have a maximum width of 25 feet. (Ord. Nos. 18369; 25423)

SEC. 51P-87.115. USE REGULATIONS FOR TRACT III, TRACT III(a), AND TRACT III(b).

The following use regulations apply to all property in Tract III, Tract III(a), and Tract III(b):

(1) Uses that were illegal on October 14, 1981, are illegal uses under this article. Nonconforming uses only terminate under the provisions of Sections 51-4.704(a)(1), (2), (3), and (4).

(2) Except as otherwise provided below, uses are limited to nonresidential uses permitted in an NS Neighborhood Service District.

(3) In Tract III(a), a nursery, garden shop, or plant sales use is permitted in addition to Tract III uses. The nursery, garden shop, or plant sales use may only operate between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, and on Sunday between 10:00 a.m. and 5:00 p.m. Deliveries to and from the nursery, garden shop, or plant sales use may only be made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday and on Saturday between the hours of 9:00 a.m. and 4:00 p.m.

(4) In Tract III(b), multiple-family uses are permitted in addition to Tract III uses. (Ord. Nos. 21794; 25423; 25550; 25552)

SEC. 51P-87.116. DEVELOPMENT STANDARDS FOR TRACT III, TRACT III(a), AND TRACT III(b).

(a) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code applicable to an NS Neighborhood Service District apply to all property in Tract III, Tract III(a), and Tract III(b). In the event of a conflict, the provisions of this section control.

(b) Screening.

(1) In general. Screening is required in the rear and side yards of a nonresidential use constructed after October 14, 1981, if the use is adjacent to a residential use, whether separated by an alley or not. All screening must be at least six feet in height.

(2) Materials. Screening must consist of a solid wood fence, masonry fence, or natural vegetation of an evergreen variety of at least 60 percent density at the time of planting. Natural vegetation must be maintained in a healthy growing condition at all times. [See Sections 51P-87.117(b) and 51P-87.111(b)(2) for more specific standards regarding fences.]

(c) Setback from Davis Street. There is no front yard setback requirement for buildings fronting on Davis Street.

(d) Signs. The provisions for non-business zoning districts in Article VII, "Sign Regulations," apply to all signs in Tract III, Tract III(a), and Tract III(b). [See Section 51P-87.117(a)(8) for additional standards applicable to signs.] (Ord. Nos. 18369; 25423; 25550; 25552)

SEC. 51P-87.117. PRESERVATION CRITERIA FOR TRACT III, TRACT III(a), AND TRACT III(b).

(a) Building placement, form, and treatment.

(1) Additions. All additions to a building must be architecturally compatible with the building and complementary to its horizontal and vertical characteristics, scale, shape, roof form, materials, and color.

(2) Alterations. An alteration to a period commercial building must preserve the original architectural style of the building. An alteration to any other type of building must be typical of the style and period of the building.

(3) Awnings. Awnings must be made of fabric and complement the main building in style and color.

(4) Facade materials. All facade treatments and materials must be typical of the style and period of the building. Wood, brick, ceramic tile, stone, and stucco are permitted facade materials. Other facade materials, including glass block and stained glass, may be permitted as part of a facade treatment that is compatible with the style and architecture of period commercial buildings.

(5) Main entrances. The main entrance of a commercial building fronting on Davis Street must face that street.

(6) New buildings. New buildings must be complementary in scale, proportion, setback, height, facade materials, roof form, and color to one or more of the existing period commercial buildings in this tract.

(7) Screening materials. Screening must consist of a solid wood fence, masonry wall, or natural vegetation of an evergreen variety of at least 60 percent density at the time of planting. Concrete blocks are not permitted. Natural vegetation must be maintained in a healthy growing condition at all times.

(8) Signs. Attached signs must not obscure significant architectural features of a building. The shape, design, materials, color, and letter style of signs should be typical of the style and period of the architecture of buildings on the same premise and in this district as a whole. [See Section 51P-87.116(d) for additional standards applicable to signs.]

(9) Windows and doors. Mirrored, opaque, and translucent glasses are not permitted in a window or door opening.

(10) Fences. In Tract III(a), fences are permitted in the front and corner side yard only if they at least 70 percent open, made of metal, and do not exceed eight feet in height. In Tract III(a), chain link fences are allowed only if they are not in a yard that fronts on a street.

(b) Landscaping. Except as otherwise provided below, the preservation criteria for landscaping in Tract I apply to all property in Tract III, Tract III(a), and Tract III(b). For nonresidential uses only:

- (1) asphaltic concrete is permitted as a driveway or parking surface material; and
- (2) driveways may have a maximum width of 25 feet. (Ord. Nos. 18369; 25423; 25550; 25552)

SEC. 51P-87.118. NONCONFORMING USES AND STRUCTURES.

(a) In general. Except as otherwise provided in this section, Section 51-4.704, relating to nonconforming uses and structures, applies to all uses and structures in this district.

(b) Rebuilding damaged or destroyed structures. If a nonconforming structure is damaged or destroyed, the structure may be rebuilt at the same location without the approval of the board of adjustment. (Ord. Nos. 18369; 25423)

SEC. 51P-87.119. GRAPHICS.

Graphics that illustrate the requirements of this article are labelled as Exhibit 87A. In the event of a conflict, the text of this article controls over any graphic display in Exhibit 87A. (Ord. Nos. 18369; 25423)

SEC. 51P-87.120. ENFORCEMENT.

(a) Certificate of appropriateness required. A person commits an offense if, without first obtaining a certificate of appropriateness from the city expressly authorizing the act, he:

- (1) places or constructs a main or accessory building on property in this district;
- (2) makes exterior alterations to a main or accessory building in this district; or
- (3) places, constructs, installs, or maintains a structure (including a tent), plant, or landscape item outside of a building on property in this district.

(b) Defenses to prosecution.

- (1) It is a defense to prosecution under Subsections (a)(2) and (a)(3) that the act was:
 - (A) performed in a rear yard and the alteration, structure, or item is six feet or less in height;
 - (B) performed in a side yard, and the alteration, structure, or item is six feet or less in height or totally screened by a fence or hedge;
 - (C) the installation, maintenance, or replacement of plant materials not prohibited in the preservation criteria for the property;
 - (D) the installation, maintenance, or replacement of security or ornamental bars on the rear facade of the main building or on an accessory building;
 - (E) the installation, maintenance, or replacement of a lawn sprinkler system;
 - (F) the installation, maintenance, and replacement of an air conditioning unit in a side or rear yard; or
 - (G) the installation or maintenance of a special purpose sign.

(2) It is a defense to prosecution under Subsection (a)(3) that the structure, plant, or landscape item was temporarily placed, constructed, or installed. For purposes of this subsection, an act is temporary in nature if it occurs no more than two time periods during the calendar year for a maximum of five days per time period.

(3) There is no defense to prosecution for a violation of Subsection (a)(1).

(c) Additional offenses. A person commits an offense if he violates the use regulations or development standards in Sections 51P-87.109, 51P-87.110, 51P-87.112, 51P-87.113, 51P-87.115, and 51P-87.116 of this article.

(d) Criminal responsibility. A person is criminally responsible for a violation if he:

- (1) commits or assists in the commission of an act in violation; or
- (2) owns part or all of the land or a structure on the land where a violation exists.
(Ord. Nos. 18369; 25423)

SEC. 51P-87.121.**STREETS AND PAVING.**

All paved areas, permanent drives, streets, and drainage structures, if any, shall be constructed in accordance with standard city specifications adopted for such purpose to the satisfaction of the director of public works and transportation. (Ord. Nos. 17164; 25423; 26102)

SEC. 51P-87.122.**BUILDING OFFICIAL.**

The building official shall not issue a building permit or certificate of occupancy for a use in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 18369; 25423; 26102)

SEC. 51P-87.123.**ZONING MAP.**

PD 87 is located on Zoning Map No. L-6. (Ord. Nos. 19493; 25423)