

## **ARTICLE 99.**

### **PD 99.**

#### **SEC. 51P-99.101. LEGISLATIVE HISTORY.**

PD 99 was established by Ordinance No. 15822, passed by the Dallas City Council on April 26, 1978. Ordinance No. 15822 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code. Subsequently, Ordinance No. 23069, passed by the Dallas City Council on March 26, 1997, expanded PD 99 by including property zoned a CR Community Retail District, amended the conditions of the PD, and repealed Ordinance No. 15822. (Ord. Nos. 10962; 15822; 23069; 25423)

#### **SEC. 51P-99.102. PROPERTY LOCATION AND SIZE.**

PD 99 is established on property generally located on both sides of Gaston Avenue between Fitzhugh Avenue and a line midway between Nesbitt Street and Paulus Street, and also including those lots on the southwest side of Beacon Street, northwest of Junius Street. The size of PD 99 is approximately 74.20 acres. (Ord. Nos. 23069; 25423)

#### **SEC. 51P-99.103. PURPOSE.**

This article provides standards specifically tailored to meet the needs of the Gaston Avenue Area, between Fitzhugh Avenue and the alley between Nesbitt Street and Paulus Street, which is hereby designated as an area of historical, cultural and architectural importance and significance to the citizens of the City of Dallas. The general objectives of these standards are to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and, in part, to achieve the following:

- (1) Accommodate the existing mix of uses in the area.
- (2) Protect the internal and adjacent stable residential neighborhoods.
- (3) Preserve and enhance the historical, architectural, and cultural significance of the area.
- (4) Strengthen neighborhood identity. (Ord. Nos. 23069; 25423)

#### **SEC. 51P-99.104. DEFINITIONS.**

- (a) Unless otherwise stated, the definitions contained in Chapter 51A apply to this article.
- (b) Unless the context clearly indicates otherwise, in this article:
  - (1) **BLOCKFACE** means all of the lots on one side of a block.
  - (2) **CIRCULAR DRIVE** means a non-permeable surface located in a front yard or cornerside yard, and used as an access to off-street parking or for off-street parking and containing two curb cuts onto the same street.

(3) CONTRIBUTING STRUCTURE means an historical structure built in accordance with the stylistic characteristics that are outlined in Exhibit 99D.

(4) CORNER LOT means a lot that has frontage on two different streets.

(5) CORNERSIDE FACADE means the building facade facing a side street.

(6) CORNERSIDE YARD means a front yard that is treated as a side yard under the following instances:

(A) In Area I, if a corner lot has two street frontages of equal distance, the street frontage that is perpendicular to Gaston Avenue is governed by the side yard regulations of Chapter 51A. In Area III, if a corner lot has two street frontages of equal distance, the street frontage that is perpendicular to Beacon Street is governed by the side yard regulations of Chapter 51A.

(B) If a corner lot has two street frontages of unequal distance, the longer frontage is governed by the side yard regulations of Chapter 51A.

(7) DOCUMENTED ASSURANCE means an architectural drawing or photograph delineating the original or existing appearance of the structure.

(8) EXISTING STRUCTURE means a structure located in this district on March 26, 1997. A map showing existing structures and land uses is labelled Exhibit 99C.

(9) FACADE means the vertical elevation or surface of a building.

(10) NONCONTRIBUTING STRUCTURE means a structure not built in accordance with the stylistic characteristics that are outlined in Exhibit 99B.

(11) NOTCH means a setback in the building facade with a change in plane in width and depth.

(12) REMODEL means renovation or repair of the exterior of a structure that either changes the appearance of the structure or replaces original material with another material.

(13) STRIP WINDOW means a continuous window with vertical mullions and the length greater than the height of the window.

(14) TOWNHOUSE means a minimum of five attached single family dwelling units on individually platted lots.

(15) TURRET means an architectural tower element that may be round or angular with a separate sloped roof. (Ord. Nos. 23069; 25423)

## **SEC. 51P-99.105. INTERPRETATIONS.**

(a) Unless otherwise stated, all references to code articles, divisions, or sections in this article refer to articles, divisions, or sections in Chapter 51A.

(b) The following rules apply in interpreting the use regulations in this article.

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(3) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. (“DIR” means “development impact review.” For more information regarding development impact review generally, see Division 51A-4.800.)

(4) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. (“RAR” means “residential adjacency review.” For more information regarding residential adjacency review generally, see Division 51A-4.800.)

(c) This district is considered to be a residential zoning district for purposes of interpreting Chapter 51A.

(d) The provisions of Section 51A-4.702, “Planned Development (PD) District Regulations,” relating to the PD preapplication conference, site plan procedure, site analysis, conceptual plan, development schedule, development plan, and amendments to the development plan, do not apply to this district.

(e) Any special exception available in Chapter 51A is also available for corresponding regulations in this district. For example, a property owner in this district may apply to the board of adjustment for the fence height special exception contained in Section 51A-4.602(a)(6) subject to the rules and procedures applicable to that special exception. (Ord. Nos. 23069; 25423)

#### **SEC. 51P-99.106. CREATION OF AREAS.**

(a) A map, labelled Exhibit 99A, shows the boundaries of the district and the three areas. Property descriptions of the areas are attached to Ordinance No. 23069 as Exhibit A. In the event of a conflict between Exhibit A of Ordinance No. 23069 and Exhibit 99A, Exhibit A controls.

(b) The areas are hereby established for purposes of this article. Use regulations and development standards for each area are set out below. (Ord. Nos. 23069; 25423)

#### **SEC. 51P-99.107. GENERAL DEVELOPMENT STANDARDS.**

(a) Development of lots that were vacant on March 26, 1997, is limited to those uses permitted in the specific area in which they are located, as shown on Exhibit 99A.

(b) Development of lots that become vacant after March 26, 1997, but having contained a structure originally built as a single family structure and in existence on March 26, 1997, is limited to single family structures for single family uses. See Exhibit 99C for a map indicating existing land uses within this planned development district on March 26, 1997.

(c) Single family structures in existence on March 26, 1997, but utilized for more than one dwelling unit, may not be remodeled to exceed the existing number of dwelling units. Any such structure

that is remodeled with a lesser number of units will thereafter be limited to the more restrictive number of units. (Ord. Nos. 23069; 25423)

**SEC. 51P-99.108. PERMITTED USES AND DEVELOPMENT STANDARDS.**

(a) Main uses permitted.

(1) Area I.

(A) Institutional and community service uses.

- Child-care facility. *[L]*
- Church.

(B) Recreation uses.

- Public park, playground, or playground. *[SUP]*

(C) Residential uses.

- Duplex.
- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3) is not met.]*
- Multifamily.
- Retirement housing.
- Single family.

(D) Transportation uses.

- Transit passenger shelter. *[See Section 51A-4.211.]*

(2) Area II.

(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

- Building repair and maintenance shop. *[RAR]*
- Catering service.
- Custom business services.
- Electronics service center.
- Medical or scientific laboratory. *[SUP]*
- Tool or equipment rental.

(C) Industrial uses.

- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convent or monastery.
- Hospital. [SUP]
- Library, art gallery, or museum.
- Public or private school. [RAR]

(E) Lodging uses.

- Hotel and motel. [SUP]
- Lodging or boarding house. [SUP]
- Overnight general purpose shelter. [SUP. Maximum number of overnight guests is 20.]

(F) Miscellaneous uses.

- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

- College dormitory, fraternity, or sorority house.
- Duplex.
- Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(3.1) is not met.]
- Multifamily.
- Retirement housing.
- Single family.

(J) Retail and personal service uses.

- Alcoholic beverage establishments. [SUP]
- Ambulance service. [RAR]

- Animal shelter or clinic without outside runs. *[RAR]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[DIR]*
- Commercial amusement (inside). *[Permitted in this area subject to the same conditions applicable in the CR Community Retail District, as set out in the Dallas Development Code, as amended.]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard. *[DIR]*
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Swap or buy shop. *[SUP]*
- Temporary retail use.
- Theater.

(K) Transportation uses.

- Transit passenger shelter. *[See Section 51A-4.211.]*
- Transit passenger station or transfer center. *[By SUP or city council resolution. See Section 51A-4.211.]*

(L) Utility and public service uses.

- Commercial radio and television transmitting station.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television or microwave tower. *[SUP]*
- Tower/antenna for cellular communication. *[Permitted in this area subject to the same conditions applicable in the CR Community Retail District, as set out in the Dallas Development Code, as amended. See Section 51A-4.212(10.1).]*
- Utility or government installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

- Mini-warehouse. *[SUP]*

- Recycling buy-back center. *[Permitted in this area subject to the same conditions applicable in the CR Community Retail District, as set out in the Dallas Development Code, as amended.]*
- Recycling collection center.

(3) Area III.

(A) Institutional and community service uses.

- Child-care facility. *[L]*
- Church.

(B) Recreation uses.

- Public park or playground. *[SUP]*

(C) Residential uses.

- Duplex.
- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3) is not met.]*
- Multifamily.
- Retirement housing.
- Single family.

(D) Transportation uses.

- Transit passenger shelter. *[See Section 51A-4.211.]*

(b) Accessory uses. As a general rule, an accessory use is permitted on any lot in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(1) The following accessory uses are not permitted in this district:

- Accessory community center (private).
- Accessory helistop.
- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory outside storage.
- Amateur communication tower.
- Day home.
- Private stable.

(2) The accessory game court (private) use is permitted by SUP only.

(3) If the main use on a lot is a single family use, one additional dwelling unit is permitted on the same lot as an accessory use if:

- (A) it is detached from the main structure or attached to the rear facade;
- (B) it is located on the rear 50 percent of the lot; and

(C) it contains no more than 1,200 square feet of floor area.

(c) Yard, lot, and space regulations.

(1) Front yard.

(A) Areas I and III. As provided below, the minimum front yard is 25 feet or the average of the existing contributing structures' building setback on the blockface, whichever is greater. If the average of the existing contributing structures' building setback on the blockface exceeds 25 feet, the greater setback must be provided for the first 40 feet of the lot adjoining a lot with a contributing structure. After the first 40 feet, the minimum front yard setback is 25 feet. See Exhibit 99E for existing building setbacks of contributing structures. See Exhibit 99F for a graphic example of the application of this provision.

(B) Area II. Minimum front yard is 25 feet.

(C) Accessory structures. No accessory structures are permitted in the front yard or parkway. Accessory structures include, but are not limited to, mail boxes, public telephones, pylons, and satellite dishes (to the extent permitted by federal law).

(2) Side and rear yard.

(A) Area I.

(i) Minimum cornerside yard for townhouse structures is eight feet.

(ii) No minimum side yard for townhouse structures.

(iii) Minimum rear yard for townhouse structures is 15 feet.

(iv) Minimum side or cornerside yard for all other permitted structures is eight feet.

(v) Minimum rear yard for all other permitted structures is 15 feet.

(B) Area II. Minimum side, cornerside, and rear yard is 20 feet.

(C) Area III.

(i) Minimum cornerside yard for townhouse structures is five feet.

(ii) No minimum side yard for townhouse structures.

(iii) Minimum rear yard for townhouse structures is 15 feet.

(iv) Minimum side or cornerside yard for all other permitted structures is five feet.

(v) Minimum rear yard for all other permitted structures is 15 feet.

(D) Accessory structures. No accessory structures are permitted in the side yard, cornerside yard, or parkway. Accessory structures include, but are not limited to, mail boxes, public telephones, pylons, and satellite dishes (to the extent permitted by federal law).

- (3) Density. No maximum dwelling unit density.
- (4) Floor area ratio. Maximum floor area ratio is 0.5.1.
- (5) Height.

(A) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion of the structure may not be located above a residential proximity slope. Exception: Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(B) Maximum height. Unless further restricted under Subparagraph (A), maximum structure height is as follows:

(i) Areas I and III. Maximum height at the eave is 26 feet, and maximum structure height is 36 feet.

(ii) Area II. Maximum height at the eave is 26 feet, and maximum structure height is 30 feet for nonresidential structures and 36 feet for residential structures.

(6) Lot coverage. Maximum lot coverage is:

- (A) 45 percent for single family and duplex structures;
- (B) 65 percent for townhouse structures;
- (C) 50 percent for multifamily structures; and
- (D) 40 percent for nonresidential structures.

(7) Lot size. Minimum lot area per dwelling unit is as follows:

<u>TYPE OF STRUCTURE</u>	<u>MINIMUM LOT AREA PER DWELLING UNIT</u>
Single family	10,000 square feet
Duplex	5,000 square feet
Townhouse	2,000 square feet with a minimum of 25 feet of street frontage
<u>Multifamily:</u>	
No separate bedroom	1,000 square feet
One bedroom	1,400 square feet
Two bedrooms	1,800 square feet
More than two bedrooms (add this amount for each bedroom over two)	200 square feet

(8) Stories.

(A) Areas I and III. Minimum number of stories is two, and maximum number of stories is three.

(B) Area II. No minimum number of stories, and maximum number of stories is three.

(d) Off-street parking and loading.

(1) Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq) for information regarding off-street parking and loading generally.

(2) In Areas I and III, surface parking is prohibited between the property line and the front facade.

(3) For residential uses in Area II, surface parking is prohibited between the property line and the front facade.

(4) In Areas I and III, circular driveways and vehicular paving, excluding driveways to off-street parking areas located behind the front facade, are prohibited between the property line and the front facade.

(5) For residential uses in Area II, circular driveways and vehicular paving, excluding driveways to off-street parking areas located behind the front facade, are prohibited between the property line and the front facade.

(6) Circular driveways are permitted on corner lots. Points of ingress and egress are limited to the cornerside yard.

(7) For single family and duplex structures, maximum pavement width for driveways is 16 feet.

(8) Special parking, as defined in Section 51A-4.320, is prohibited.

(9) Section 51A-4.301(f)(1), regarding the screening of off-street parking for multifamily uses when the parking is contiguous to single family and duplex uses, becomes applicable to a lot when an application is made for a building permit for:

(A) construction work that within a 24-month period increases the number of stories, floor area ratio, or nonpermeable coverage on the lot; or

(B) remodeling work that within a 24-month period amounts to a cost in excess of 25 percent of the assessed value of the structure prior to remodeling.

(e) Access.

(1) For townhouse structures, individual lot access to Gaston Avenue is prohibited. Two or more townhouse lots may, however, share access on to Gaston Avenue.

(2) Access easements for townhouse structures must be accessed off a public street and be parallel or perpendicular to Gaston Avenue.

(f) Environmental performance standards. See Article VI.

(g) Landscaping.

(1) Except as otherwise provided in this subsection, landscaping must be provided in accordance with Article X.

(2) Section 51A-10.126, requiring the selection of two design standards, does not apply to this district.

(3) Parkway landscaping is required and must consist of a minimum four-foot-wide landscape buffer consisting of one large canopy tree, a minimum of four inches in caliper, planted 35 feet on-center, and located between the property line and the curb line.

(4) For that portion of the foundation of a building that faces Gaston Avenue, a foundation planting strip is required and must consist of a minimum five-foot-wide planting area extending along that portion of the foundation.

(5) In addition to those instances listed in Section 51A-10.121(c), Subsections (g)(3) and (g)(4) become applicable to a lot when an application is made for a building permit for the remodeling or renovation of an existing structure that within a 24-month period:

(A) remodels or renovates in excess of 2,500 square feet of the structure; or

(B) remodels or renovates the structure in excess of 25 percent of the assessed value of the existing structure.

(6) For all nonresidential and residential uses, exclusive of single family, a four-foot-wide landscape buffer strip must be provided along the entire length of a side yard adjacent to a single family use.

(7) Landscape berms are prohibited for that portion of a lot that fronts on any public street.

(h) Private license granted. The city council hereby grants a private license to the owners of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this section. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a landscape permit in accordance with the Dallas Building Code. The private license shall not terminate at the end of any specific time period, however, the city council retains the right to terminate this license whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or whenever the purpose or use of this license is likely to become a nuisance.

(i) Parkway landscaping.

(1) Upon receipt of an application to locate trees, landscaping, or pavement (other than for sidewalk requirements) in the parkway and any required fees, the building official shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the building official determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, that official shall issue a landscape permit to the property owner; otherwise, that official shall deny the permit.

(2) A property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the building official's denial of a landscape permit.

(3) A landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the building official's revocation of a landscape permit.

(4) The issuance of a landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of-way.

(j) Fences. Maximum fence height in the front yard is six feet, and maximum fence height in the side and rear yard is nine feet. The portion of a fence or wall located in a side yard that is above six feet in height must be located a minimum of five feet behind the front facade.

(k) Signs.

(1) Except as provided below, signs must comply with the provisions for non-business zoning districts contained in Article VII.

(2) No sign may:

(A) exceed fifteen square feet in effective area;

(B) exceed five feet in width or height;

(C) face more than two directions;

(D) be illuminated from within or make use of lighting elements as part of its message or design; or

(E) use removable lettering.

(3) Banners and temporary signs are prohibited. (Ord. Nos. 23069; 25423)

## **SEC. 51P-99.109.**

### **ARCHITECTURAL PROVISIONS.**

(a) In general.

(1) New construction on vacant lots or on lots where structures have been willfully demolished must comply with one of the architectural styles permitted by this section. Future remodeling, reconstruction, or alteration of new construction must also comply with one of the architectural styles permitted by this section. All of the required criteria of the style selected must be incorporated into the new construction.

(2) All remodeling, reconstruction, or alteration of an existing contributing structure must comply with the requirements of the contributing structure's designated style as established in Exhibit 99D. All of the required criteria of the contributing style set forth in this subsection must be incorporated into the new construction.

(3) As an alternative to compliance with a contributing structure's designated style, the property owner may provide the director with documented assurance that the proposed work will reconstruct the original or existing architectural style and materials of the structure.

(4) Existing noncontributing structures may be remodeled or altered without complying with the architectural style requirements described in this section unless the remodeling work within a 24-month period exceeds a value of 60 percent of the replacement cost of the structure, or structures if more than one structure is located on the lot. If remodeling or alteration of a noncontributing structure within a 24-month period exceeds a value of 60 percent of the replacement cost of the structure, or structures if more than one structure is located on the lot, the alteration or remodeling must comply with one of the architectural styles permitted by this section. The board of adjustment may grant a special exception to the requirements of this section upon making a special finding from the evidence presented that:

(A) strict compliance with the requirements of this section will unreasonably burden the use of the property;

(B) the remodeling proposed is not tantamount to construction of a new structure; and

(C) the special exception will not adversely affect neighboring property.

(5) Structures associated with utility and transportation uses and erected in a public right-of-way or easement are exempt from the architectural provisions of this article.

(6) Except for townhouse structures, all future development in this district must be in compliance or compatible with the eight architectural styles represented by the contributing structures within this planned development district and adjoining district(s): Prairie, Mission, Italian Renaissance, Craftsman, Spanish Eclectic, Neo Classical, Colonial, and Revival Tudor, as shown on Exhibit 99B.

(7) For townhouse structures, compatible townhouse styles must be in compliance or compatible with: Colonial Revival, Georgian, Greek Revival, Italianate, Italian Renaissance, Mission, and Revival Tudor, as shown on Exhibit 99B.

(8) All construction or remodeling of accessory structures visible from the street must be compatible.

(b) Architectural design regulations.

(1) Building envelope.

(A) Change in plane. The building must have at least one setback or change in plane along the street facade. The maximum length between changes in plane or setback is 20 feet. The minimum depth of the change of plane is three feet. A porch is considered a change in plane; a balcony does not qualify as a change in plane.

(B) Notches. For facades with a length greater than 70 feet, a notch in the facade must be constructed at a minimum spacing distance of 70 feet. The notch must be a minimum of 15 feet in width and 10 feet in depth.

(2) Roof slope. The roof must slope at an angle between 20 and 50 degrees.

(3) Roof eaves. The roof eave must be greater than one foot-six inches for the following architectural styles: Craftsman, Prairie, Mission, Italian Renaissance, and Italianate.

(4) Fenestrations. Fenestrations may not exceed more than 50 percent of the facade surface.

(5) Required features. The structure must contain one of the following features within each 70 feet of facade length:

(A) Decorative window. Decorative window means a window displaying craftsmanship, with a geometrical subdivision of glass. Leaded, stained, and carved glass are permissible. The maximum size of the window is 24 square feet.

(B) Porch. The minimum depth of the porch is six feet from the wall to the inside face of the railing. The columns and the railings must exhibit a compatible style to the designated styles listed in Exhibit 99B.

(C) Balustrade. The balustrade must exhibit a compatible style to the designated styles listed in Exhibit 99B.

(D) Dormers. All dormers must exhibit a compatible style to the designated styles in Exhibit 99B. The minimum width of a dormer is six feet. Except for Georgian, Colonial, and Tudor, the maximum width of a dormer is a width not to exceed one-third the width of the facade. For Georgian, Colonial, and Tudor, the minimum width is three feet.

(E) Bay windows. Bay windows must extend out from the surface of the facade a minimum of three feet and a maximum of six feet and must be compatible with the designated styles listed in Exhibit 99B.

(F) Turrets. A turret must extend to the ground and be compatible with the designated styles listed in Exhibit 99B.

(6) Doors and windows. Windows and doors must be built as separate openings (strip windows are prohibited). No window may be larger than 42 square feet with mullions dividing the glazing into pieces no larger than 12 square feet. No more than four individual windows may be built together in a single wall opening.

(7) Permitted materials.

(A) Facade materials. Facades must consist of brick, wood, stucco, or stone veneer construction.

(B) Roofs. Roofs must be composed of asphalt shingle, cedar shingle, ceramic tile, slate or composite roofing replicating historic materials.

(C) Fences. Except as otherwise provided in this subparagraph, all fences in the front yard must be constructed of wrought iron or materials resembling wrought iron. A solid masonry wall may be erected in the front yard if the wall does not exceed a height of 30 inches above grade. Solid fences are permitted in the side and rear yards.

(D) Retaining walls. Materials for retaining walls must be the same or compatible with the cladding of the primary structure and may consist of masonry surface construction. Retaining walls located in the front yard may not exceed 30 inches in height and must be located a minimum of three feet from the right-of-way.

(8) Color. The body and trim colors of a structure must conform with those color ranges listed in Exhibit 99G.

(9) Handicapped accessibility ramps. If a ramp is visible from the street, the ramp must be screened with a three-foot-wide landscape buffer. Materials for the ramp must be the same as that of the primary structure. No roof may be erected on or over a ramp, and the underside of a ramp must be enclosed from the ramp to grade.

(10) Chimneys. The size and scale of the chimney must be compatible with the style of the structure. The width of the chimney may not exceed six feet. Chimneys must be constructed of brick.

(11) Awnings, shutters, and security bars. Awnings, shutters, and security bars must be compatible with the style of the structure. All awnings must be made out cloth. Only wood shutters are permitted. All security bars must be constructed of wrought iron, and the bars may be painted. (Ord. Nos. 23069; 25423)

## **SEC. 51P-99.110. REVIEW PROCEDURES.**

### **(a) Building permit review.**

(1) Upon receipt of an application for a building permit for work on any new or contributing structure in this district, if the proposed construction or modification is located on a facade, the building official shall refer the permit application and plans to the director to determine whether the project meets the requirements of this article. The review must be conducted so that the decision on issuance of the building permit can be completed no later than 30 days from the date of submission of the completed application to the building official.

(2) If the director determines that the application complies with the requirements of this article, he or she shall refer the permit application, plans, and all other relevant information to the building official, who shall issue the permit if all requirements of the construction codes and other applicable ordinances have been met.

(3) If the director determines that the application does not comply with the requirements of this article, he or she shall state in writing the specific requirements to be met before issuance of a permit to authorize the work requested, and the building official shall deny the permit. The director shall give written notice to the applicant of the reason for recommending denial of a building permit application. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice must be sent to the address shown on the application.

(b) Work not requiring a building permit. This article applies to any exterior work on a lot regardless of whether the work requires a building permit. Any violation of a provision of this article is subject to civil and criminal enforcement. (Ord. Nos. 23069; 25423)

## **SEC. 51P-99.111. APPEALS.**

(a) An applicant may appeal any decision made by the director pursuant to this article to the board of adjustment by filing a written request for appeal with the department of development services within 10 days after notice is given to the applicant of the director's decision.

(b) Appeal to the board constitutes the final administrative remedy available to an applicant.

(c) In considering the appeal, the sole issue before the board shall be whether the director erred in his or her decision. The board shall consider the same standards that were required to be considered by the director in making his or her decision. (Ord. Nos. 23069; 25423)

**SEC. 51P-99.112. NOTICE OF HEARING.**

(a) The board shall hold a public hearing on all appeals.

(b) The director shall send written notice of the public hearing on the appeal to the board to the appellant and all owners of real property located within 200 feet, including streets and alleys, from the boundary of the area upon which the appeal is made. The notice must be given not less than 10 days before the day set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.

(c) The director shall give notice of the time and place of the public hearing in the official newspaper of the city at least 10 days before the hearing. (Ord. Nos. 23069; 25423)

**SEC. 51P-99.113. MAINTENANCE OF THE PROPERTY REQUIRED.**

The Property must be maintained in a state of good repair and neat appearance. (Ord. Nos. 23069; 25423)

**SEC. 51P-99.114. COMPLIANCE WITH ALL OTHER LAWS.**

Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 23069; 25423; 26102)

**SEC. 51P-99.115. STREETS AND PAVING.**

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications to the satisfaction of the director of public works and transportation. (Ord. Nos. 23069; 25423; 26102)

**SEC. 51P-99.116. COMPLIANCE WITH CONDITIONS.**

The building official shall not issue a certificate of occupancy for a use in this special purpose district until there has been full compliance with this article, as amended, and with the construction codes and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 23069; 25423)

**SEC. 51P-99.117. ZONING MAP.**

PD 99 is located on Zoning Map No. I-8. (Ord. Nos. 23069; 25423)