ORDINANCE NUMBER	

ORDINANCE NO. \_\_\_\_\_ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING AN HISTORIC PRESERVATION OVERLAY ZONING DISTRICT ON A TRACT OF LAND LOCATED IN AN AREA BOUNDED BY BELT LINE ROAD, PERRY ROAD, THE COTTON BELT RAILROAD AND MAIN STREET; AMENDING THE OFFICIAL ZONING MAP; PROVIDING FOR ITS RECORDING; AND PROVIDING FOR A PENALTY OF \$2,000 PER DAY, SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at its regular meeting held on the 5th day of February, 2003, the Historic Preservation Advisory Committee considered and made recommendations on a certain request for an historic preservation overlay zoning district (Case No. 11-02Z1);

WHEREAS, at its regular meeting held on the 6th day of March, 2003, the Planning and Zoning Commission considered and made recommendations on a certain request for an historic preservation overlay zoning district (Case No. 11-02Z1);

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined that the district satisfies the criteria for designation established by Article XX.3, Section C (2) of the Comprehensive Zoning Ordinance, and the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS:

#### Section 1.

That an historic preservation overlay zoning district is hereby established for a certain 23 acre tract of land located in the area bounded by Main Street, Belt Line Road, Perry Road and the Cotton Belt Railroad, situated in the Joshua B. Lee Survey, Abstract No. 798, Dallas County, Texas, and more specifically described on the attached Exhibit "A" & "B," which is hereby designated as a "HP" Historic Preservation Overlay District. Development shall conform to all conditions, restrictions and regulations of such "HP" district in addition to any underlying zoning district classification as described in the Comprehensive Zoning Ordinance, as amended, except as provided in Section 2 below.

#### Section 2.

That the Carrollton Heights neighborhood is a unique collection of structures illustrating an approximately fifty-year history of middle class American domestic architecture and urban design spanning the years of 1910 to 1960. To aide in the preservation of the area's historic and architectural integrity and atmosphere the following rules shall apply to future development within the boundaries of the historic district, provided however, that only the exterior appearance of structures is hereby regulated:

#### A. New Construction -

- 1. All future new construction shall conform to architectural styles existing between the years of 1910 and 1960 and already represented within the Carrollton Heights Historic District. Such styles being listed as follows and defined in *A Field Guide to American Houses* by Virginia and Lee McAlester, 1990, Alfred Knopf Press, New York. (See Appendices 1 for examples.) Styles found between 1910 and 1960 in Carrollton Heights are defined as: Folk Victorian, Colonial Revival, Neoclassical, Tudor, French Eclectic, Prairie, Craftsman, Minimal Traditional, and Ranch.
- 2. All new construction shall conform to the scale and appearance of similar existing structures within the district dating from between 1910 and 1960. Building size shall be similar to existing structures of the same architectural style in the district. Examples: The average Craftsman Bungalow found in Carrollton Heights is single story and has an average size of 1200 to 1500 square feet. The average Ranch style home found in Carrollton Heights is single story and has an average size of 2000 to 2500 square feet. The average Prairie style home found in Carrollton Heights is split-level, multi-storied and has an average size of 3000 to 3800 square feet.
- 3. All new construction shall be of materials appropriate to the style selected and already represented within the Carrollton Heights Historic District in existing structures of that same style where possible. Alternate materials, if any, must be visually comparable with existing examples in the designated district.
- 4. Structures built in a post-1960 style, regardless of when built, which are destroyed by flood, natural disaster, act of God, or accidental fire may be rebuilt in their original style and footprint.

## B. Additions to existing structures-

- 1. All additions made to existing structures shall be made in the same style as the original portion of the building.
- 2. All additions to existing structures shall be made with the same building materials as the original portion of the building where possible. Alternate materials must be visually comparable with the existing original portion of the structure and any existing original decorative elements.
- 3. All additions to existing structures shall be within the same scale and proportion as the original portion of the building being amended.
- 4. Additions made to existing structures prior to 1960 may stylistically be considered integral parts of the building's architectural history.
- 5. Materials used in additions to existing structures should be the same building materials as the original portion of the building where possible. Alternate materials must be visually comparable with the existing original portion of the structure and any existing original decorative elements.

## C. Remodeling of existing structures-

- 1. No existing structure shall be remodeled in such a way as to change its original architectural style.
- 2. Original existing decorative elements shall be retained or replicated in all remodeling projects. Examples: Triangular Knee-brace brackets supporting Craftsman style roofs must be retained or replicated during remodeling. Square Prairie style porch supports may not be replaced with rounded pillars.
- 3. When past alterations made after 1960 are remodeled or removed every attempt shall be made to return the structure to its original architectural and decorative style; changes made to existing structures prior to 1960 may stylistically be considered integral parts of the buildings architectural history. Examples: Victorian spindle-work, turned balusters, or porch posts added to a Craftsman style bungalow porch post-1960 shall be removed should the porch be remodeled and correct Craftsman style decorative elements shall be used in such a porch remodeling. A French Provincial front door and surround added to a Prairie style house post-1960 shall be removed during facade remodeling and replaced with an appropriately Prairie-styled door and surround.

4. Materials used in remodeling should be the same building materials as the original portion of the building where possible. Alternate materials must be visually comparable with the existing original portion of the structure and any existing original decorative elements.

### D. Setbacks-

Setbacks for new construction within the Carrollton Heights Historic District shall be determined by an average of the setbacks of existing structures in the block where the new construction is to take place in order to maintain a cohesive streetscape and appearance.

E. Articulation of new construction facades-

Every façade on new construction within the Carrollton Heights Historic District shall present an uninterrupted face similar in length to other structures of the same architectural style within the district, and in conformance with their architectural style, in order to maintain a cohesive streetscape and appearance.

#### F. Lot Size

The maximum lot size in this district shall be 30,000 square feet, or the existing size of the lot on the effective date of this ordinance, whichever is greater.

### Appendix

1. Architectural definitions -

Examples of styles per *A Field Guide to American Houses* by Virginia and Lee McAlester, 1990, Alfred Knopf Press, New York:

Folk Victorian
Colonial Revival
Neoclassical
Tudor
French Eclectic
Prairie
Craftsman
Minimal Traditional
Ranch

### Section 3.

That the Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

# Section 4. Recording Clause

That the designation shall be recorded as outlined in Article XX.3, Section C (3) (c) of the Comprehensive Zoning Ordinance.

# Section 5. Penalty Clause

That any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

## Section 6. Severability Clause

That the provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

## Section 7. Savings Clause

That Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

## Section 8.

That this ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the 6th day of May, 2003.

	CITY OF CARROLLTON	
	Ву:	Mark Stokes, Mayor
ATTEST:		
Pamela Schmidt City Secretary		
APPROVED AS TO FORM:		APPROVED AS TO CONTENT:
Regina A. Edwards Assistant City Attorney		Christopher Barton, AICP Chief Planner