

ORDINANCE NO. 28875

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block A/8712 located southeast of the intersection of Grady Niblo Parkway and Spur 408; and containing approximately 127,610 square feet of land,

by establishing Historic Overlay District No. 143 (Sharrock/Niblo Historic District Overlay); providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property described in this ordinance; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to establish this historic overlay district; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. 143 on the property described in Exhibit A ("the Property"), which is attached to and made a part of this ordinance.

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 3. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit B.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

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

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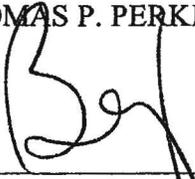
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SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By  _____
Assistant City Attorney

Passed JAN 09 2013

**FIELD NOTES
2.930 ACRES OUT OF
LOT 54, BLOCK A/8712
THE ESTATES AT GRADY NIBLO, PHASE 1
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a 127,610 square feet (2.930 acres) tract of land situated in the E. Sharrock Survey, Abstract No. 1314, in the City of Dallas, Dallas County, Texas, and being out of Lot 54, Block A/8712 of The Estates at Grady Niblo, Phase 1, an addition to the City of Dallas, according to the plat thereof recorded in Instrument No. 200700113085 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), also being out of that tract of land conveyed to the City of Dallas, according to the deed thereof recorded in Instrument No. 200600481046, O.P.R.D.C.T., and being more particularly described by metes and bounds as follows:

COMMENCING at ½-inch iron rod found at the intersection of the southerly right-of-way line of Grady Niblo Road (60-foot right-of-way) and the westerly right-of-way line of Old Settlers Way (80-foot right-of-way), said point also being the most northerly northeast corner of said Lot 54;

THENCE North 89 degrees 58 minutes 25 seconds West, along the southerly right-of-way line of said Grady Niblo Road and the northerly line of said Lot 54, a distance of 329.83 feet to a ½-inch iron rod found;

THENCE South 10 degrees 46 minutes 42 seconds East, departing the southerly right-of-way line of said Grady Niblo Road and along the westerly line of said Lot 54, a distance of 531.18 feet to a ½-inch iron rod found;

THENCE South 54 degrees 20 minutes 09 seconds West, continuing along the westerly line of said Lot 54, a distance of 51.57 feet to ½-inch iron rod found for THE POINT OF BEGINNING of the herein described tract;

THENCE South 03 degrees 32 minutes 53 seconds West, departing the west line of said Lot 54, a distance of 362.24 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" for corner;

THENCE North 90 degrees 00 minutes 00 seconds West, a distance of 371.29 feet to a point for corner in the westerly line of said Lot 54;

THENCE North 05 degrees 41 minutes 02 seconds East, along the westerly line of said Lot 54, a distance of 107.77 feet to a point for corner;

THENCE North 16 degrees 58 minutes 14 seconds East, continuing along the westerly line of said lot 54, a distance of 115.65 feet to a point for corner;

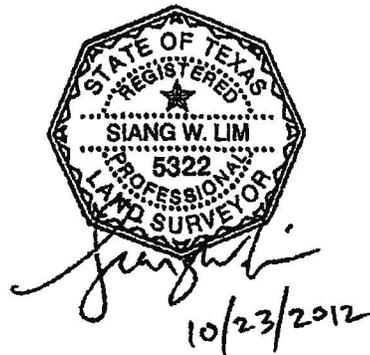
THENCE North 31 degrees 52 minutes 01 second East, continuing along the westerly line of said lot 54, a distance of 130.15 feet to a point for corner;

THENCE North 49 degrees 09 minutes 58 seconds East, continuing along the westerly line of said lot 54, a distance of 96.07 feet to a point for corner;

THENCE North 78 degrees 29 minutes 07 seconds East, continuing along the westerly line of said lot 54, a distance of 69.28 feet to a point for corner;

THENCE South 72 minutes 44 minutes 37 seconds East, continuing along the westerly line of said Lot 54, a distance of 146.59 feet to the POINT OF BEGINNING and containing 127,610 square feet or 2.930 acres of land, more or less.

BASIS OF BEARING is the southerly line of Grady Niblo Road, being South 89 degrees 58 minutes 25 seconds East, according to the plat thereof recorded in Instrument No. 20070013085, O.P.R.D.C.T.



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EXHIBIT B
PRESERVATION CRITERIA
SHARROCK/NIBLO HISTORIC OVERLAY DISTRICT
6900 GRADY NIBLO ROAD

1. GENERAL.

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness.
 - a. A person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
 - b. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
 - c. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.
 - d. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.
- 1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.
- 1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

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- 1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1846 to 1853.

2. DEFINITIONS.

- 2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.
- 2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.
- 2.3 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.4 CONTRIBUTING STRUCTURE means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to this district, as listed in Subsection 3.1 and shown on Exhibit C.2.
- 2.5 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.
- 2.6 DISTRICT means Historic Overlay District No. 143, the Sharrock/Niblo Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibits C.1 and C.2.
- 2.7 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.8 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.9 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.10 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

3. BUILDING SITE AND LANDSCAPING.

- 3.1 All contributing structures and site elements are protected:
- a. Log cabin.
 - b. Log barn.
 - c. Hand-dug well.
 - d. Root cellar.
- 3.2 New driveways are permitted as required for fire lane access and service vehicles and must be constructed of gravel, decomposed granite, colored or tinted concrete or other approved material. Brick, brush finish concrete, stone, artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted.
- 3.3 New walkways, sidewalks and steps are permitted and must be constructed of gravel, decomposed granite, dirt or other hard-surface approved material. Brick, brush finish concrete, stone, artificial grass, and asphalt are not permitted.
- 3.4 Parking areas, carports, and garages are not permitted.
- 3.5 Any new mechanical equipment must be located in the rear or side areas of the historic structures and must be visually screened.
- 3.6 Landscaping.
- a. Outdoor lighting must be appropriate and enhance the structures and site elements.
 - b. Landscaping must be appropriate to the period of significance as designed by a cultural landscape historian, enhance the structures and surroundings, and not obscure significant views of protected structures and site elements.
 - c. Vines, undergrowth, and other intrusive, non-historic landscaping that is not consistent with the period of significance may be removed.
- 3.7 Fences are not permitted with the exception of the following:
- a. Perimeter fencing is allowed within the historic district but must be at least 75 feet from the historic log cabin and log barn.

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- b. Perimeter fences must be wrought iron or other appropriate metal and be a minimum of 70% open.
- c. Perimeter fences must not exceed nine feet in height.
- d. Interior fences may not be erected surrounding the log cabin or log house.
- e. Fences to define agrarian (livestock), garden, or field areas are allowed within the historic district and must be constructed of wood, stacked local stone, wire, or other appropriate materials, and shall not exceed 4-1/2 feet in height.

4. FACADES.

4.1 Protected facades.

- a. All facades of contributing buildings are protected.
- b. Reconstruction, renovation, repair, or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.
- c. Historic solid-to-void ratios of protected facades must be maintained.

4.2 Restoration, renovation, repair, or maintenance of contributing log structures must be in compliance with the National Park Service's Preservation Brief No. 26, *The Preservation and Repair of Historic Log Buildings*, and the Secretary of the Interior's *Standards for Preservation and Standards for Restoration*.

4.3 Structural wood, wood logs, trim, and detailing must be restored wherever practical.

4.4 All exposed wood must be painted, stained, or otherwise preserved with the exception of logs used in the log cabin and barn.

4.5 Historic materials must be repaired if possible; they may be replaced only when necessary.

4.6 Aluminum siding, stucco, vinyl, and other cladding materials are not permitted.

4.7 Stone must not be painted.

4.8 Reconstruction, renovation, repair, or maintenance of non-contributing structures must be compatible with the non-contributing structure's historical or existing features.

- 4.9 Cleaning of the exterior of a structure must be in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

5. FENESTRATION AND OPENINGS.

- 5.1 Historic doors must remain intact except when replacement is necessary due to damage or deterioration.
- 5.2 Replacement of doors which have been altered and no longer match the period of significance is recommended.
- 5.3 Replacement doors must express profile, configuration, and materials to match the historic. If the historic appearance of doors is not known, replacement doors must be appropriate to those of log cabins, barns, or storm cellars in the North Texas area within the period of significance.
- 5.4 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate.
- 5.5 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.

6. ROOFS.

- 6.1 The historic slope, massing, configuration, and materials of roofs must be preserved and maintained.
- 6.2 The only roofing materials allowed are wood shingles and wood shakes.
- 6.3 Historic eaves, cornices, gables, and roof trim must be retained, and should be repaired with material matching in size, module, and color.
- 6.4 Mechanical equipment, skylights, and solar panels may not be placed on roofs.

7. EMBELLISHMENTS AND DETAILING.

- 7.1 The following features, structures, and site elements are considered important and are protected:
- a. Log construction of cabin and barn.
 - b. Dry-stacked stone chimney.
 - c. Open-log construction of barn.

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- d. Large, open area of site between log cabin and log barn.
- e. Hand-dug well.
- f. Root cellar construction.

8. PRESERVATION CRITERIA FOR THE INTERIOR.

8.1 The following interior elements are considered important features and are protected:

- a. Log barn: interior center passage and interior walls.
- b. Log barn: interior of two cribs.
- c. Log cabin: interior space, including chimney and fireplace.

8.2 The removal of the non-historic concrete floor in the log cabin is encouraged

9. NEW CONSTRUCTION AND ADDITIONS.

- 9.1 Stand-alone new construction is not permitted in the historic district.
- 9.2 Vertical additions are not permitted to buildings within the historic district.
- 9.3 Horizontal additions are not permitted to buildings within the historic district.

10. TEMPORARY ENCLOSURES AND STABILIZATION.

10.1 Measures, including temporary enclosures, taken to temporarily protect, stabilize and preserve the historic structures are allowed.

11. SIGNS.

11.1 The following type of signs are allowed, but shall be reviewed through the certificate of appropriateness process:

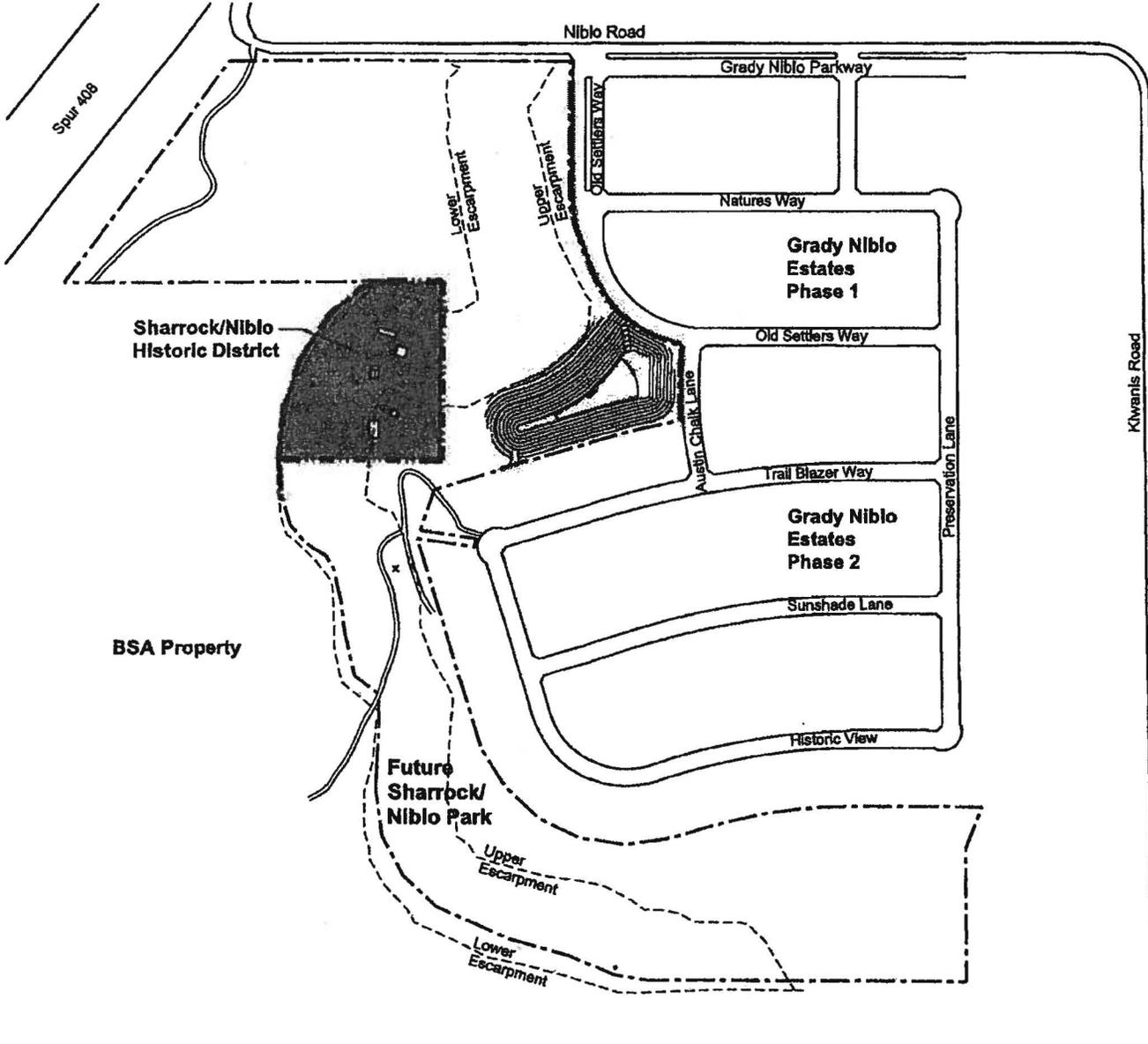
- a. Directional signage.
- b. Educational signage.

12. ENFORCEMENT.

- 12.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.
- 12.2 A person is criminally responsible for a violation of these preservation criteria if:
- a. the person knowingly commits the violation or assists in the commission of the violation;
 - b. the person owns part or all of the property and knowingly allows the violation to exist;
 - c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or
 - d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.
- 12.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.
- 12.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

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Exhibit C.1
Sharrock/Niblo Historic District
6900 Grady Niblo Road
Dallas, Texas



LEGEND

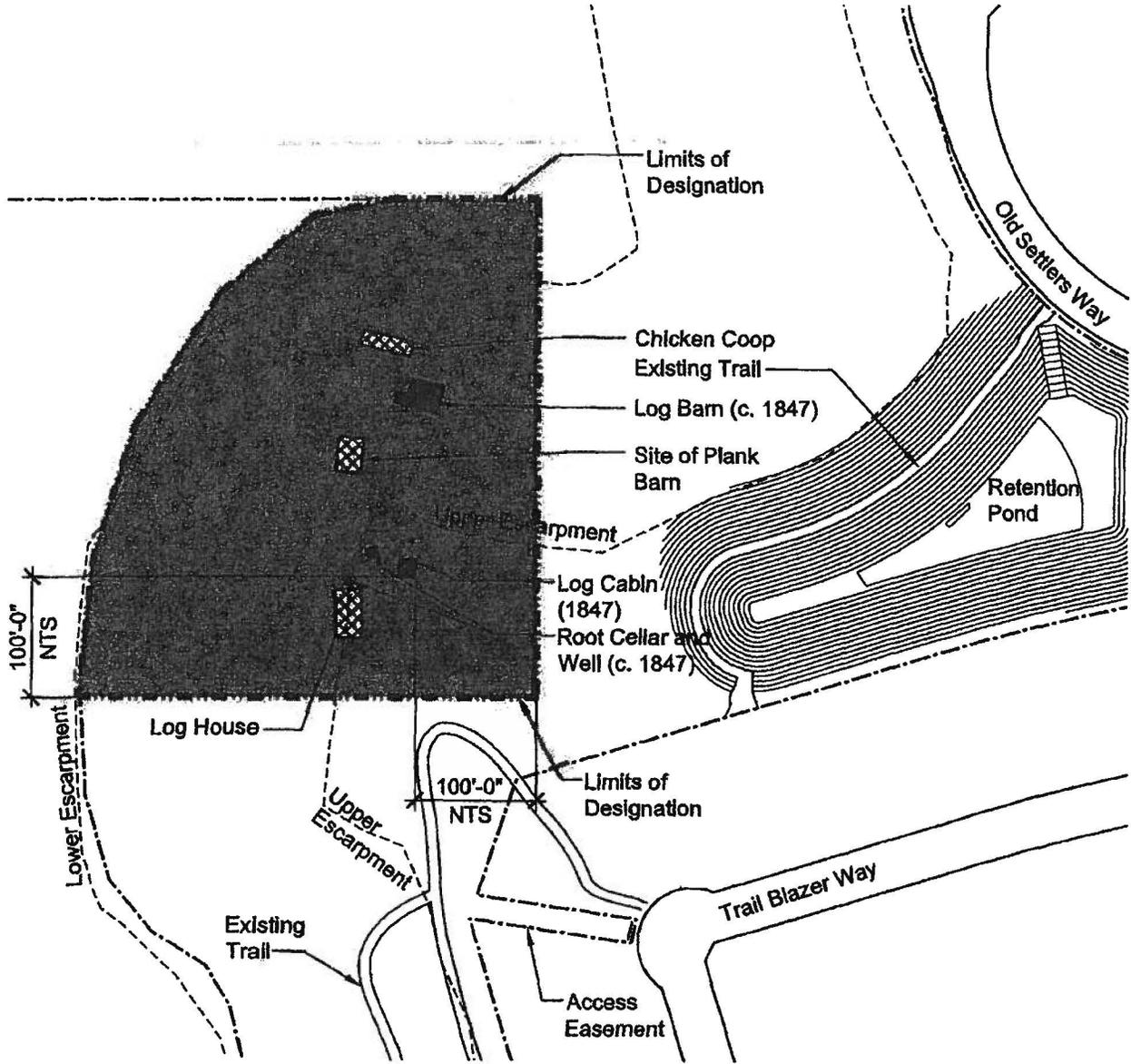
- Property Line
- Limits of Designation
-  Sharrock/Niblo Historic District
See Exhibit C.2



July 24, 2012

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Exhibit C.2
Sharrock/Niblo Historic District
6900 Grady Niblo Road
Dallas, Texas



LEGEND

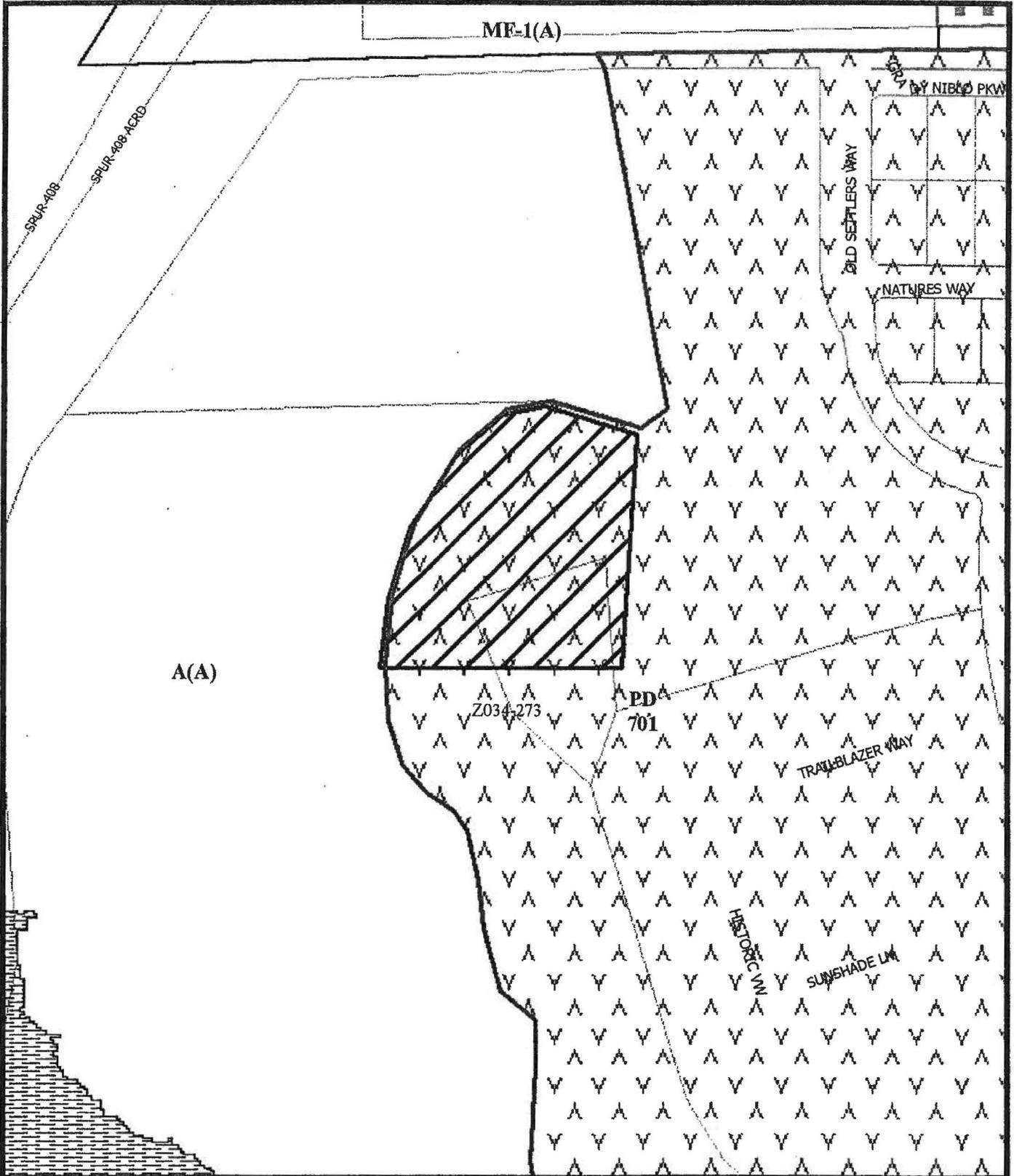
- Property Line
- - - - Limits of Designation
- Protected Site
- Protected Structures
- ▣ Non-Protected Structures



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ZONING AND LAND USE

Case no: Z112-317

Date: 11/5/2012