

9-8-98

ORDINANCE NO. 23658

An ordinance amending CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by establishing Historic Overlay District No. 89 (Mallory Drug Store/B & B Bicycle) comprised of the following described property ("the Property"), to wit:

BEING the northernmost 80.00 feet of Lot 11 in City Block 179/3238 in the G.L. Leonard Survey, Abstract No. 770, in the City of Dallas, Dallas County, Texas located at the southwest corner of West Jefferson Boulevard and Tyler Street, fronting 50.00 feet on the south line of West Jefferson Boulevard, and fronting 80.00 feet on the west line of Tyler Street, and containing 4,000 square feet of land,

providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

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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 CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended by establishing Historic Overlay District No. 89 comprised of the following described property ("the Property"), to wit:

BEING the northernmost 80.00 feet of Lot 11 in City Block 179/3238 in the G.L. Leonard Survey, Abstract No. 770, in the City of Dallas, Dallas County, Texas located at the southwest corner of West Jefferson Boulevard and Tyler Street, fronting 50.00 feet on the south line of West Jefferson Boulevard, and fronting 80.00 feet on the west line of Tyler Street, and containing 4,000 square feet of land.

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations contained 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, or remove any structure on the Property without first obtaining a certificate of appropriateness in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit A.

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

SECTION 5. That the director of planning and development shall correct Zoning District Map No. L-6 in the offices of the city secretary, the building official, and the department of planning and development to reflect the changes in zoning made by this ordinance.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, or maintenance of a building, structure, or land on the Property.

SECTION 7. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

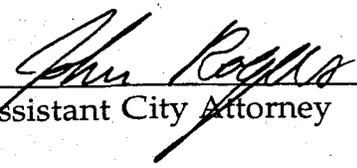
SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

ANGELA K. WASHINGTON, Interim City Attorney

By


Assistant City Attorney

Passed

SEP 23 1998

Exhibit A
PRESERVATION CRITERIA
Mallory Drug Store/B & B Bicycle
900-02 W. Jefferson Boulevard

1. GENERAL

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations contained in CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended. In the event of a conflict, these preservation criteria control.
- 1.3 A person may not alter a historic district site, or any portion of the exterior of a structure on the site, or place, construct, maintain, expand, remove, or demolish any structure in the historic district without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and the provisions of this ordinance. A person who violates this provision 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.
- 1.4 The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
- 1.5 Preservation and restoration materials and methods used must comply with the Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.
- 1.6 The Landmark Commission may approve a certificate of appropriateness for work that does not strictly comply with these preservation criteria upon a finding that:
 - a. the proposed work is historically accurate and is consistent with the spirit and intent of these preservation criteria; and
 - b. the proposed work will not adversely affect the historic character of the property or the integrity of the historic district.

2. DEFINITIONS

- 2.1 Unless defined below, the definitions contained in CHAPTER 51A "PART II OF THE DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended, apply.
- 2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of the historic 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 DISTRICT means Historic Overlay District No. 89, the Mallory Drug Store Historic Overlay District. This district contains the property described in Section 1 of this ordinance.
- 2.5 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.6 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.7 MAIN BUILDING means the Mallory Drug Store/B & B Bicycles building, as shown in Exhibit B.
- 2.8 NO-BUILD ZONE means that part of the district in which no new construction may take place.
- 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 New construction is prohibited in the no-build zone shown on Exhibit B.
- 3.2 The main building is protected.
- 3.3 New driveways, sidewalks, steps, and walkways must be constructed of brush finish concrete, stone, or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted.
- 3.4 Outdoor lighting must be appropriate and enhance the structure.

- 3.5 Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
- 3.6 It is recommended that landscaping reflect the historic landscape design.
- 3.7 Existing trees are protected, except that unhealthy or damaged trees may be removed.
- 3.8 Any new mechanical equipment must be erected in the rear yard or on the roof and must be screened or not seen from the street.
- 3.9 Fences are not permitted in the front yard.
- 3.10 Fences may not exceed 9 feet in height.
- 3.11 Fences must be constructed of brick, cast stone, iron, stone, wood, a combination of these materials, or other appropriate materials.

4. **FACADES**

- 4.1 Protected facades.
 - a. The facades shown on Exhibit B are protected.
 - b. Reconstruction, renovation, repair or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.
 - c. Historic solid-to-void ratios of protected facades must be maintained.
 - d. Brick added to protected facades must match in color, texture, module size, bond pattern, and mortar color.
 - e. Brick, cast stone and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted prior to the effective date of this ordinance may remain painted.
- 4.2 Nonprotected facades.
 - a. Reconstruction, renovation, repair, or maintenance of nonprotected facades must be compatible with protected features.
- 4.3 Brick, trim, and detailing must be restored wherever practical.
- 4.4 All exposed wood must be painted, stained, or otherwise preserved.

- 4.5 Historic materials must be repaired if possible; they may be replaced only when necessary.
- 4.6 Paint must be removed in accordance with the Department of Interior standards prior to refinishing.
- 4.7 Resurfacing with vinyl or aluminum siding or stucco is not permitted.
- 4.8 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.
- 4.9 Exposing and restoring historic finish materials is recommended.
- 4.10 Cleaning of the exterior of a structure must be in accordance with Department of Interior standards. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

5. FENESTRATION AND OPENINGS

- 5.1 Historic doors and windows must remain intact except when replacement is necessary due to damage or deterioration.
- 5.2 Replacement of doors and windows which have been altered and no longer match the historic appearance is recommended.
- 5.3 Replacement doors and windows must express muntin and mullion size, light configuration, profile and material to match the historic.
- 5.4 Storm doors and windows are permitted if they are appropriate and match the existing doors and windows in profile, width, height, proportion, glazing material, and color.
- 5.5 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate.
- 5.6 Glass and glazing must match historic materials as much as practical. Films and tinted or reflective glazings are not permitted on glass.
- 5.7 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.
- 5.8 The Secretary of the Interior's Standards for Rehabilitation should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

6. ROOFS

- 6.1 The historic slope, massing, configuration, and materials of the roof must be preserved and maintained.
- 6.2 The following roofing materials are allowed: clay tiles, synthetic clay tile, concrete tiles, and terra-cotta tiles. Built-up, metal, and single-ply membrane roofs are permitted on flat roof areas.
- 6.3 Historic eaves, coping, cornices, dormers, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module and color.
- 6.4 Mechanical equipment, skylights, and solar panels on the roof must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

7. EMBELLISHMENTS AND DETAILING

- 7.1 The following architectural elements are considered important features and are protected:
 - a. tile roofs;
 - b. original transom and arched windows; and
 - c. original exterior brick.

8. NEW CONSTRUCTION AND ADDITIONS

- 8.1 New construction is not permitted on protected facades.
- 8.2 The color, details, form, materials and general exterior appearance of new construction must be compatible with the existing historic structure.
- 8.3. New construction must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solids-to-voids ratios.
- 8.4. The height of new construction must not exceed the height of the historic structure.
- 8.5. No new vertical additions are permitted on protected structures.
- 8.6 Aluminum, stucco and vinyl cladding are not permitted.
- 8.7. The setback of new construction must conform to the setback of adjacent historic structures.

- 8.8 New construction must be designed so that connections between new construction and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new construction and the historic structure must be established and maintained. Historic details in the coping, eaves and parapet must be preserved and maintained where abutting new construction.

9. SIGNS

- 9.1 Temporary political campaign signs as defined in Chapter 15A of the Dallas City Code, as amended, and real estate signs may be erected without a certificate of appropriateness.
- 9.2 Signs may be erected if appropriate.
- 9.3 All signs must comply with the provisions of the Dallas City Code, as amended.

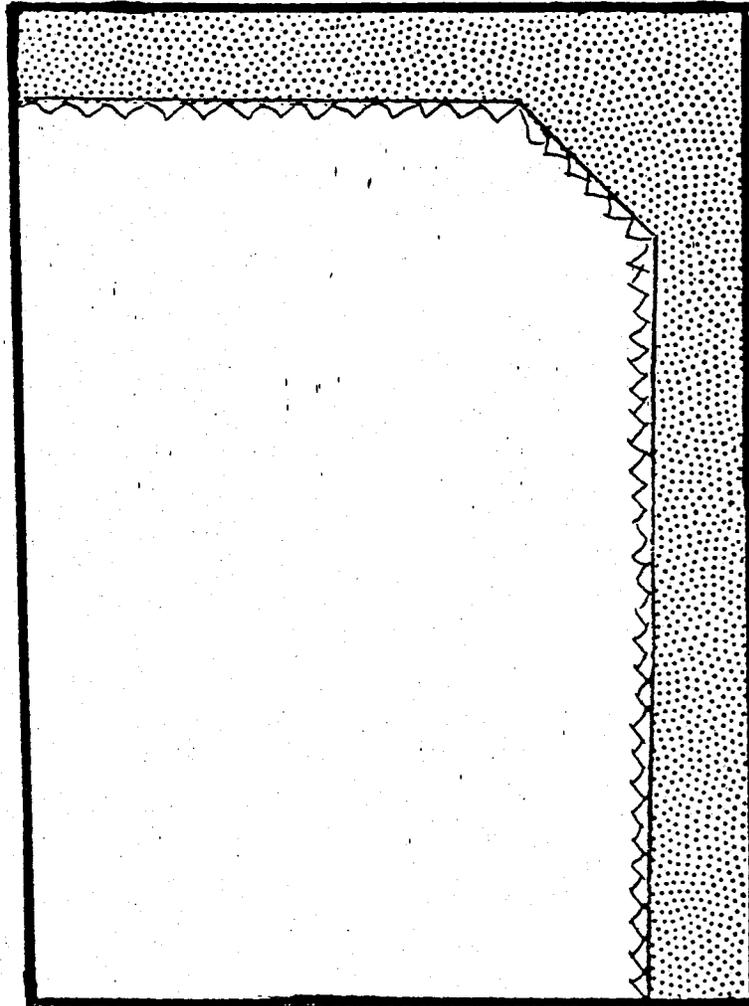
MALLORY DRUG STORE /

B&B BICYCLE

982761

23658

WEST JEFFERSON BLVD.



SOUTH

TYLER

NO BUILD ZONE



PROTECTED FACADE



AREA OF DESIGNATION

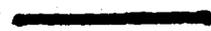
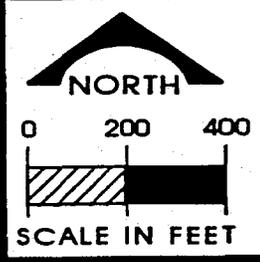
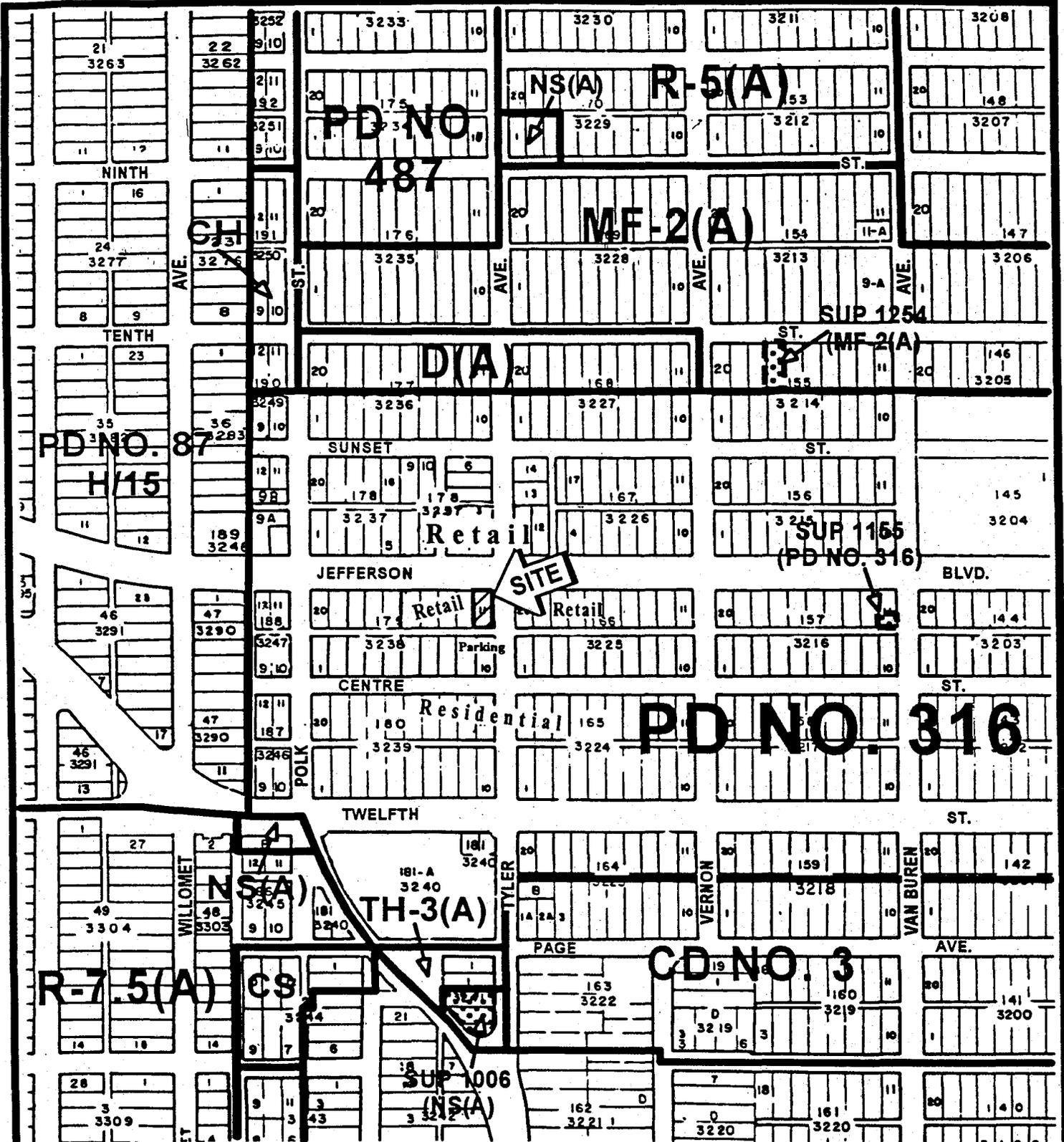


EXHIBIT B



**ZONING
AND LAND USE**

MAP NO. L-6
CASE NO. Z978-291/10632-SW(JA)