

06/17/92

21340

ORDINANCE NO.

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. 56 (Good Luck Gas Station) comprised of the following described property ("the Property"), to wit:

Being a tract of land in City Block 420 at the east corner of South Lamar Street and Cadiz Street, fronting 90 feet on the northeast line of South Lamar Street and 90 feet on the southeast line of Cadiz Street, and containing 8100 square feet of land;

providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2000; 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 that property; and

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

CHECKED BY

JCK

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. 56 comprised of the following described property ("the Property"), to wit:

BEING a tract of land in City Block 420 in the John Neeley Bryan Survey, Abstract No. 149, City of Dallas, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the northeast line of South Lamar Street and the southeast line of Cadiz Street;

THENCE in a northeasterly direction along the southeast line of Cadiz Street, a distance of 90 feet to a point for corner on a line, said line being 90 feet northeast of and parallel to the northeast line of South Lamar Street;

THENCE in a southeasterly direction along said line, a distance of 90 feet to a point for corner on a line, said line being 90 feet southeast of and parallel to the southeast line of Cadiz Street;

THENCE in a southwesterly direction along said line, a distance of 90 feet to a point on the northeast line of South Lamar Street;

THENCE in a northwesterly direction along the northeast line of South Lamar Street, a distance of 90 feet to the PLACE OF BEGINNING, and containing 8100 square feet of land.

SECTION 2. That, except as provided in Section 3 of this ordinance, 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, in addition to the uses permitted in the underlying zoning classification, the single family use is permitted in this historic overlay district. The single family and office uses may simultaneously occupy the structure in this district. This section controls over Section 9(d) of Ordinance No. 20395 (the Cedars Area Special Purpose District), passed by the Dallas City Council on July 26, 1989, and is enacted in accordance with Section 51A-4.501(a)(4) of the Dallas Development Code, which permits a historic overlay ordinance to provide additional regulations for the historic overlay district.

SECTION 4. 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 5. 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 6. That the director of planning and development shall correct Zoning District Map No. K-7 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 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2000. 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 8. 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 9. 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.

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SECTION 10. 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:
SAM LINDSAY, City Attorney

By Chris Bowers
Assistant City Attorney

Passed JUN 24 1992

Zoning File No. Z912-188/9048-S

9792E

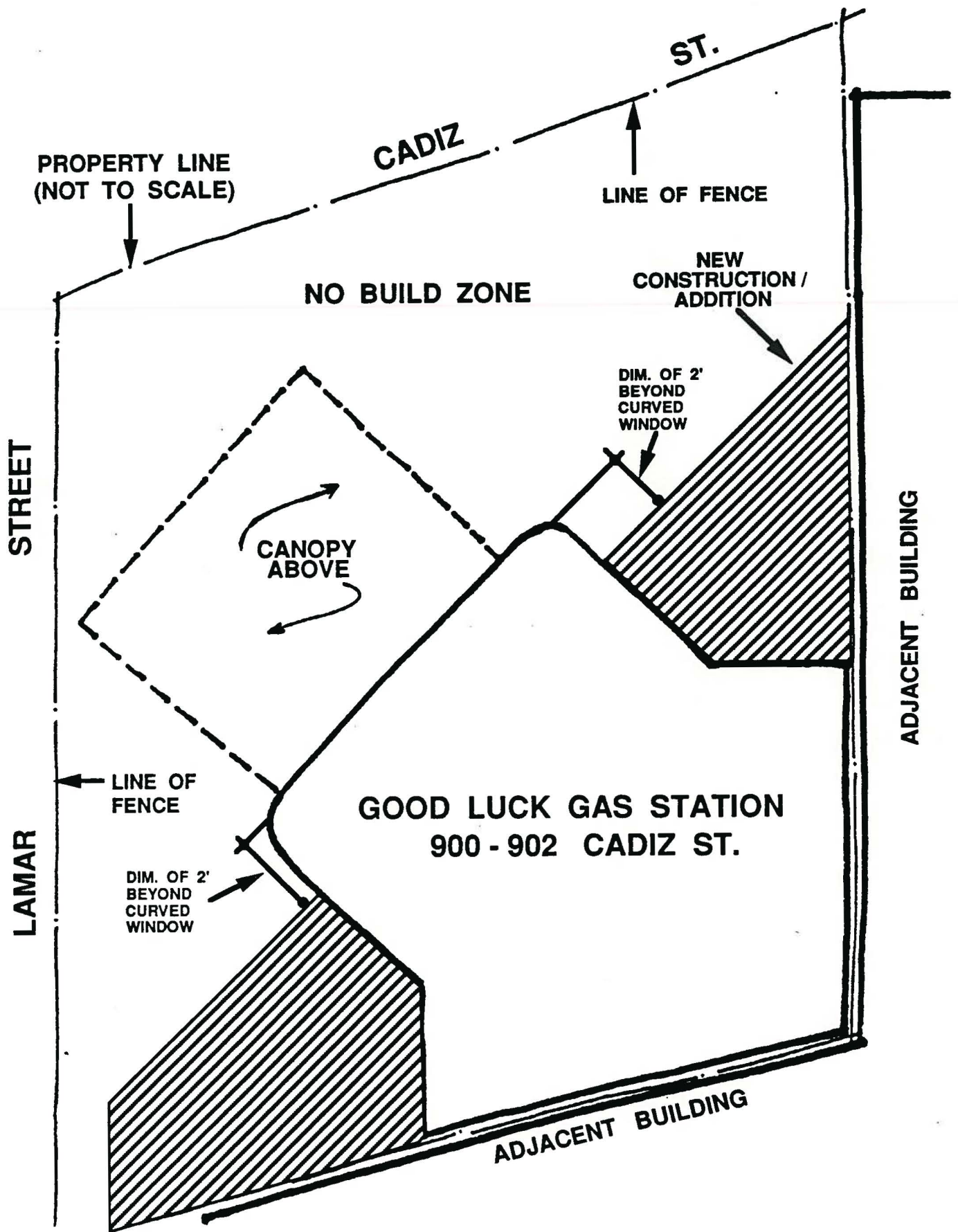


Exhibit A
PRESERVATION CRITERIA
Good Luck Gas Station

All public and right-of-way improvements, renovation repairs, demolition, maintenance, site work, and new construction on the building site shall conform to the following guidelines and be approved through the certificate of appropriateness review process prior to commencement.

Unless otherwise specified, preservation and restoration materials and methods used shall conform to those defined in the Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

1. DEFINITIONS

1.1 **ACCENT COLOR** means color used in small amounts to trim and accentuate detailed architectural features such as narrow decorative moldings and window sashes.

1.2 **APPLICANT** means the property owner(s) or the owner's duly-authorized agent.

1.3 **CERTIFICATE OF APPROPRIATENESS** means of certificate issued by the city through the Landmark Commission to authorize the alteration of the physical character of real property on this site, of any portion of the exterior of a structure on the property, or the placement, construction, maintenance, expansion, or removal of any structure on or from the property.

1.4 **COLUMN** means the entire column, including the base and capital, if any.

1.5 **COMMISSION** means the Landmark Commission.

1.6 **CORNER LOT** means a lot that has frontage on two intersecting streets.

1.7 **CORNERSIDE FACADE** means a building facade facing a side street.

1.8 **CORNERSIDE YARD** means a side yard that abuts a street.

1.9 **DIRECTOR** means the director of the Department of Planning and Development or his representative.

1.10 **FENCE** means a structure or hedgerow that provides a physical barrier, including a fence gate.

1.11 **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 setback line.

1.12 **HEIGHT** means the vertical distance from grade to the highest point of the structure.

1.13 **MINOR EXTERIOR ALTERATIONS** means the installation of or alterations to awnings; fences; gutters and down spouts; incandescent lighting fixtures; landscaping that comprises less than 25 percent of the front or side yard; restoration of original architectural features and additions and changes not visible from any street.

1.14 **NO-BUILD ZONE** means that part of a lot in which no new construction may take place.

1.15 **PRESERVATION CRITERIA** means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.

1.16 **PROTECTED FACADE** means a facade that must maintain its original appearance, as near as practical, in all aspects.

1.17 **ROUTINE MAINTENANCE AND REPLACEMENT** means the process of cleaning, including water blasting and stripping; stabilizing deteriorated or damaged architectural features, including repainting an item the same color; or substituting a duplicate item for an item that is deteriorated or damaged.

1.18 **SETBACK LINE** means a line marking the distance a building must be erected from a street, alley or other lot line.

1.19 **SIDE YARD** means that portion of a lot which is between a lot line and a setback line but is not a front or rear line.

1.20 **THIS SITE** means the Good Luck Gas Station Historic Site.

1.21 **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 porch floors or ceilings.

2. SITE AND SITE ELEMENTS

2.1 New construction is prohibited in the areas designated as "No Build Zones" on the attached site plan.

2.2 The existing original and historic structure must be retained and protected.

2.3 New sidewalks, walkways, steps, and driveways must be of brush finish concrete, brick, stone, or other material approved through the certificate of appropriateness review process. No exposed aggregate, artificial grass, carpet, asphalt or artificially-colored monolithic concrete paving is permitted.

2.4 Exterior lighting must be appropriate to and enhance the structure as determined through the certificate of appropriateness review process.

2.5 Landscape must be appropriate and compatible, must enhance the structure and surroundings, and must not obscure significant views of the building or from the building. It is recommended that landscaping modifications reflect the original historic landscaping design when appropriate.

2.6 Fences shall be permitted in those areas of the front yard as indicated on the attached site plan.

2.7 Fences shall be constructed of metal, in a design that is at least 75% open, and may have a stone, concrete or similar base that is a maximum of three feet in height. Fences must be appropriate to and enhance the structure as determined through the certificate of appropriateness process.

3. STRUCTURE

Facades

- 3.1 Front and side facades are protected facades.
- 3.2 Reconstruction, renovation or repair of the opaque elements of the building facades must employ materials similar to the original materials in texture, color, pattern, grain and module size as much as practical.
- 3.3 Concrete and plaster elements must be renovated or repaired only with materials similar in size, grain, texture, and color to the original materials.
- 3.4 Original color and original materials shall be preserved and maintained wherever practical. Paint and other color schemes for non-masonry elements should be based upon any available documentation as to original conditions and shall be reviewed through the certificate of appropriateness process.
- 3.5 Exposing and restoring original historic finish materials is encouraged.
- 3.6 Exterior cleaning shall be accomplished in accordance with Department of Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.
- 3.7 No mechanical equipment shall be placed on the side or front yard of the structure.

Embellishments and Detailing

3.8 The following architectural elements are considered special features and will be protected and preserved unless otherwise determined by the Landmark Commission: the curvilinear windows at the front of the building, the vertical roof pylon, and the front canopy and columns.

The curvilinear windows at the front of the building may be obscured by additions to the structure if the actual windows remain intact inside this addition.

Fenestration and Openings

3.9 Original doors and windows and their openings shall remain intact and be preserved, with the exception of the front curvilinear windows previously mentioned and the two overhead doors. Where replacement is necessary due to damage or structural deterioration, replacement doors and windows shall express mullion size, light configuration, and material to match original doors and windows. Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly recommended. No decorative ironwork or burglar bars are permitted over doors or windows. Interior mounted burglar bars of appropriate color and design are permitted, but must be reviewed through the certificate of appropriateness review process.

3.10 Glass and glazing shall match original materials. No tinted or reflective glazing or films is permitted.

3.11 Refer to Department of the Interior standards for acceptable techniques to improve the energy efficiency of historic fenestrations.

Roofs

3.12 The slope, massing, configuration and materials of the roof shall be preserved and maintained. Existing parapets, cornices and coping must be retained and when repaired, should be done so with material matching in size, finish, module and color.

3.13 Solar panels, skylights, and roof-mounted mechanical equipment must be set back or screened so that it is not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

Railings or guardrails for safety purposes at the roof parapet shall be allowed. These railings shall be metal and shall be attached to the roof surface or to the back of the roof parapet, and shall be no more than 3'-6" high above the roof. The design of the railings shall be approved through the certificate of appropriateness process.

Canopy

3.17 The existing canopy must be retained. If this canopy is enclosed; such enclosure must be at least 50% translucent material and such as glazing, glass block, and plastic or plexiglass windows. All enclosures should be built to be removable without adversely affecting the original building.

This enclosure must be approved through the certificate of appropriateness process.

4. NEW CONSTRUCTION AND ADDITIONS

4.1 The form, materials, general exterior appearance, color, and details of any additions or new construction must be compatible with the existing historic structure as determined through the certificate of appropriateness process.

4.2 The height of any additions or new construction must not exceed the parapet height of the historic structure on the site.

4.3 No new vertical extensions which extend above the roof are permitted between new and existing construction shall be established and maintained.

5. SIGNS

5.1 With the exception of temporary political or real estate related signs, which must be removed at the conclusion of the election or upon sale of the property, only street address labels, business identification signs, signs for bonafide security services and directional signs which are sensitive and appropriate to the appearance of the structure as determined through the certificate of appropriateness review process are permitted

It is encouraged that the original "Good Luck" sign be either replicated or imitated on the building in the location of this original sign. This sign shall be reviewed through the certificate of appropriateness review process.

5.2 All signs must conform to appropriate city codes and be compatible with the architectural qualities of the historic structure as determined through the certificate of appropriateness review process.

6. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

6.1 Unless in conflict with this section, the standard review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this site.

6.2 Upon receipt of an application for a certificate of appropriateness, the director shall categorize requests one of the following; (A) routine maintenance and replacement; (B) minor exterior alteration; or (C) work requiring review by the commission.

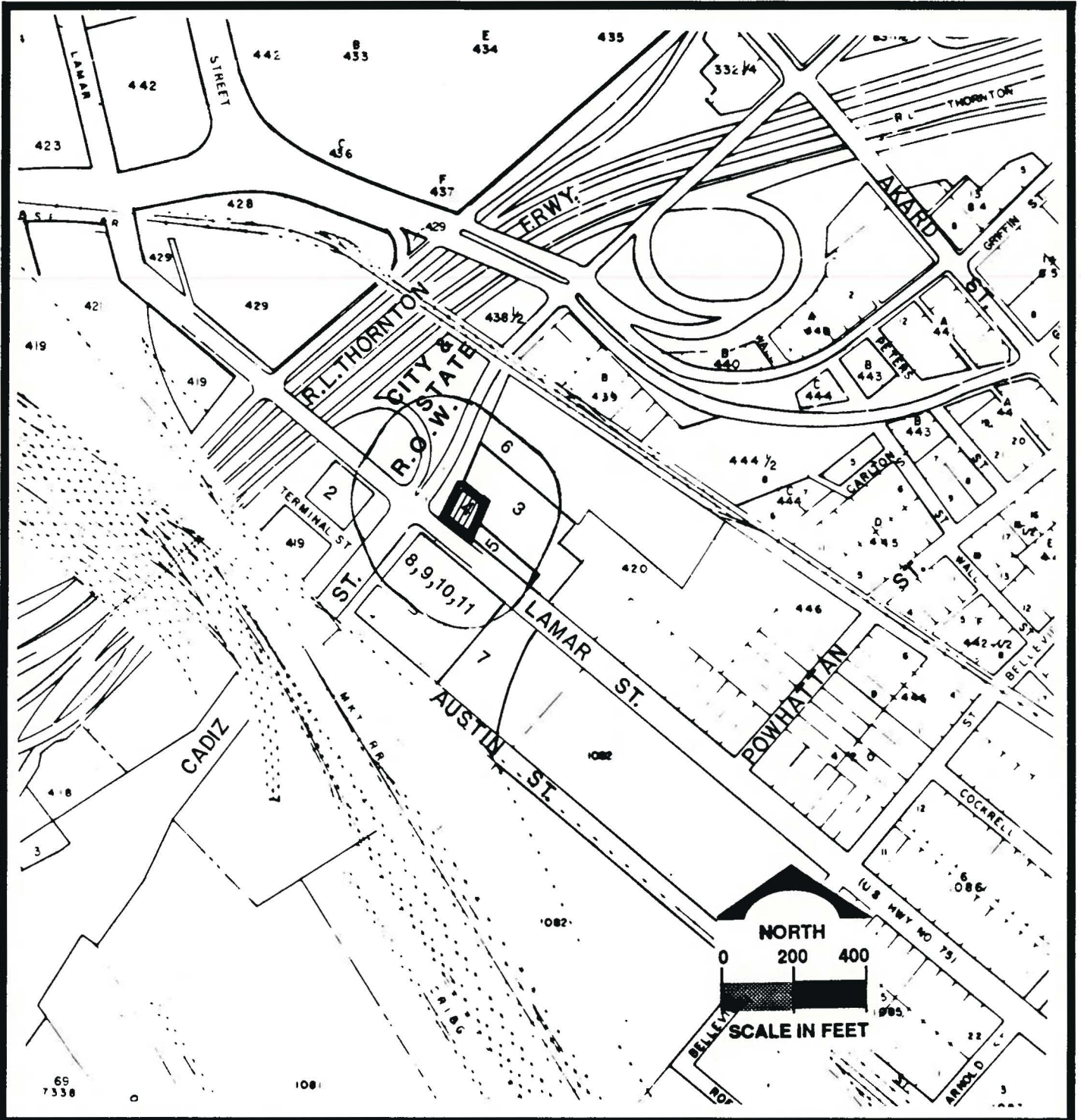
6.3 The director shall review and grant or deny certificates of appropriateness for proposed work that falls into either category A or B listed in subsection 6.2 within 10 days of receipt of a completed application for a certificate of appropriateness. To be considered complete, an application must include any exhibits or attachments deemed necessary by the director.

6.4 No decision by the director to approve a certificate of appropriateness for proposed work falling within category A or B may be appealed. A decision to deny a certificate of appropriateness in such instances may be appealed by the applicant or property owner. Appeal is made to the Landmark Commission by submitting a written request for appeal to the director within ten days after the decision to deny.

6.5 Proposed work falling into category C shall be reviewed by the commission within 45 days following the standard review procedure outlined in section 51A-4.501 of the Dallas Development Code, as amended.

6.6 Category C certificates of Appropriateness denied by the Landmark Commission may be appealed to the City Plan Commission in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.

April 2, 1992



NOTIFICATION

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Property Owners
Notified

200'

Area of
Notification

Map No. K - 7

Case No. Z912-188/9048-S

Z912-188/9048-S

1. LANDMARK COMMISSION AUTHORIZED HEARING
2. CENTENNIAL LIQUOR STORE
3. CENTRAL GREYHOUND LINES
4. GEORGAS NICK TR
5. SHAW GILBERT
6. FDIC
7. BEER A ROBERT TR
8. STEVENS LOUISE C
9. MELTON RUTH ELINOR WILSON
10. BURKE ALICE NAOMI WILSON
11. WILSON WYNANT STONE
12. STATE OF TEXAS

CPC 5-14-92/CT