

2/11/91

ORDINANCE NO. 20903

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. 51 (Park Bros. Warehouse) comprised of the following described property, to wit:

Being all of Lot 1-A in City Block 286 at the northwest corner of Elm Street and July Alley, fronting 61.24 feet on the northwest line of Elm Street, beginning at its intersection with the southwest line of July Alley, and containing 0.1502 acres 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,

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

CHECKED BY

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

Being all of Lot 1-A in City Block 286 at the northwest corner of Elm Street and July Alley, fronting 61.24 feet on the northwest line of Elm Street, beginning at its intersection with the southwest line of July Alley, and containing 0.1502 acres of land.

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the above described 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. J-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 6. 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 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.

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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:
ANALES LIE MUNCY, City Attorney

By Chris Bowers
Assistant City Attorney

Passed MAR 13 1991

Zoning File No. Z901-142/6377-E

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EXHIBIT A

PRESERVATION CRITERIA

PARKS BROS. WAREHOUSE BUILDING

All public and private right-of-way improvements, renovation, repairs, demolition, maintenance, site work, and new construction in the district must conform to the following guidelines and a certificate of appropriateness must be obtained for such work prior to its commencement. The explicit requirement to obtain a certificate of appropriateness in these criteria does not imply that no certificate is needed for other improvements, renovation, repairs, demolition, maintenance, site work, or new construction.

Except as otherwise provided in these Preservation Criteria, any such alterations to the property must conform to the provisions of Ordinance No. 19532, the Deep Ellum/Near East Side Planned Development District, and Division 51A-7.1300, "Provisions for Deep Ellum/Near East Side Sign District," of Article VII, "Sign Regulations," of 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.

Unless otherwise specified, preservation and restoration materials and methods used must 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

Unless provided below or the context clearly indicates otherwise, the definitions contained in Sections 51A-2.102, 51A-7.102, and 51A-7.1303 of the Dallas City Code, as amended, apply.

- 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 BANNER means a sign attached to or applied on a strip of cloth and temporarily attached to a building or structure. Canopy signs and political flags are not banners.

- 1.4 CANOPY SIGN means a sign attached to or applied on a canopy or awning.
- 1.5 CERTIFICATE means a certificate of appropriateness issued by the city as per Section 51A-4.501 of the Dallas City Code, as amended, 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 site, or the placement, construction, maintenance, expansion, or removal of any structure on or from the site.
- 1.6 COLUMN means the entire column including the base and capital, if any.
- 1.7 COMMISSION means the landmark commission of the City of Dallas.
- 1.8 DIRECTOR means the director of the department of planning and development or his representative.
- 1.9 EFFECTIVE AREA means:
- a. for a detached sign, the area within a minimum imaginary rectangle of vertical and horizontal lines that fully contains all extremities of the sign, excluding its supports. This rectangle is calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for this projection that produces the largest rectangle must be used. If elements of the sign are movable or flexible, such as a flag or a string of lights, the measurement is taken when the elements are fully extended and parallel to the plane of view.
 - b. for a attached sign, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of effective area.
- 1.10 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.11 FLAT ATTACHED SIGN means an attached sign projecting eighteen or less inches from a building and parallel to the building facade.

- 1.12 HEIGHT means the vertical distance measured:
- a. for a structure, from grade to the highest point of the structure.
 - b. for a sign, between the highest part of the sign or its supporting structure, whichever is higher, and a level plane going through the nearest point of the vehicular traffic surface of the adjacent improved public right-of-way, other than an alley. In the event a sign is equidistant from more than one improved public right-of-way, none of which are alleys, the highest point shall be used.
- 1.13 LOT means a building site that fronts on a public or private street.
- 1.14 LOWER LEVEL SIGN means a sign partially or wholly situated below the top of the first floor windows or, if there are no first floor windows, below a point 12 feet above grade.
- 1.15 MINOR EXTERIOR ALTERATION means the installation of or alteration to awnings; fences; gutters and downspouts; incandescent lighting fixtures; landscaping that comprises less than 25 percent of the front or side yard; restoration of original architectural features; banners; and the removal of immature trees visible from any street.
- 1.16 PAINTED APPLIED SIGN means a sign painted directly onto the exterior facade of a building, not including doors and windows.
- 1.17 PROJECTING ATTACHED SIGN means an attached sign projecting more than eighteen inches from a building.
- 1.18 PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate should be granted or denied.
- 1.19 PROTECTED FACADE means a facade that, except as otherwise provided, must maintain its original appearance, as near as practical, in all aspects.
- 1.20 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.

- 1.21 SITE means the property described in Section 1 of this ordinance.
- 1.22 STORY means the portion of a building between any two successive floors, or between the top floor and the ceiling above it.
- 1.23 TRIM COLOR means a paint color other than the dominant color. The color of gutters, downspouts, screen and storm doors and windows, porch floors or ceilings, or wood colored translucent stains are not considered trim colors.
- 1.24 UPPER LEVEL SIGN means a sign wholly situated above the top of the first floor windows, or if there are no first floor windows, above a point 12 feet above grade.
- 1.25 WIND DEVICE means any flag, banner, pennant, streamer, or similar device that moves freely in the wind. All wind devices are considered to be signs and are regulated and classified as attached or detached by the same rules as other signs.
- 1.26 WINDOW SIGN means a sign painted on or affixed to a window. A sign placed in a window shall be treated as a flat attached sign.

2. SITE AND SITE ELEMENTS

- 2.1 All existing original historic structures must be retained and protected.
- 2.2 New sidewalks, walkways, steps, and driveways must consist of brush finish concrete, brick, stone, or other material and a certificate must be obtained for any such alteration. No exposed aggregate, artificial grass, carpet, asphalt, or artificially-colored monolithic concrete paving is permitted.
- 2.3 A certificate must be obtained for the installation of any new landscaping and exterior lighting. Landscaping and exterior lighting must enhance the structure and its surroundings and must not obscure significant views of or from the building. It is recommended that landscaping modifications reflect the original historic landscape design when appropriate.

- 2.4 Existing mature trees must be protected. Unhealthy or damaged trees may be removed after obtaining a certificate.

3. STRUCTURE

Facades

- 3.1 The Main Street and Murray Street facades of the building are protected facades.
- 3.2 Reconstruction, renovation, or repair of opaque elements must employ materials similar to the original materials in texture, color, pattern, grain, and module size whenever practical. However, stucco or galvanized metal siding is permitted on the elevator penthouse.
- 3.3 Brick must match in color, texture, module size, and bond pattern. Original face brick may not be painted; however, original structures that have been previously painted may remain painted.
- 3.4 Stone, cast stone, and concrete elements must be renovated or repaired only with materials similar in size, grain, texture, and color to the original materials.
- 3.5 Wood trim and detailing must be carefully restored wherever practical. Historic materials may be replaced only when necessary and a certificate must be obtained for such replacement. Badly deteriorated paint should be removed in accordance with Department of the Interior standards prior to refinishing. All exposed wood must be painted, stained, or otherwise protected. No resurfacing with vinyl aluminum siding or stucco is permitted except as provided in subsection 3.2.
- 3.6 The original color of original materials must be preserved and maintained whenever practical. Paint and other color schemes should be based upon any available documentation as to original conditions. A certificate must be obtained for any paint or other color scheme.
- 3.7 Exposing and restoring original historic finish materials is encouraged.
- 3.8 Exterior cleaning must be accomplished in accordance with Department of Interior standards. No

sandblasting or other mechanical abrasive cleaning processes are permitted.

Embellishments and Detailing

- 3.9 The following architectural elements are considered special features and must be protected and preserved unless a certificate is obtained for their alteration: the Elm Street cornice and facade brick detailing.

Fenestration and Openings

- 3.10 Unless otherwise specified in these criteria, original doors and windows and their openings must remain intact and be preserved. Where replacement is necessary due to damage or structural deterioration, replacement doors and windows must express mullion and muntin size, pattern, light configuration, and material to match original doors and windows. Replacement of windows and doors that have been altered and no longer match the historic appearance is strongly recommended. Exterior storm windows and doors are permitted if they are sensitive additions and match existing windows in frame width and proportion, glazing material, and color. No decorative ironwork or burglar bars are permitted over doors and windows. Original exterior mounted burglar bars are permitted on the rear and Cantegral Street facades only. Interior mounted burglar bars of appropriate color and design are permitted, but a certificate must be obtained for the alteration. Awnings are permitted only below the second story.
- 3.11 Glass and glazing must match original materials as near as practical. No tinted, opaque, or reflective glazing is permitted.
- 3.12 On nonprotected facades, new windows must match the original windows in material and must relate to the mullion and muntin size, and the light configuration of the original windows.
- 3.13 The original Elm Street freight door must be represented by a similarly sized and configured opening, which may be adapted to other uses.
- 3.14 The Department of the Interior standards should be referred to for acceptable techniques to improve the energy efficiency of historic fenestrations.

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Roof

- 3.15 The slope, massing, configuration, and materials of the roof must be preserved and maintained. Existing parapets, cornices, and copings must be retained and when repaired, must be done so with material matching in size, finish, module, and color.
- 3.16 Rooftop decks, solar panels, skylights, and mechanical equipment must not be visible from ground level on the opposite side of any adjacent public right-of-way.
4. NEW CONSTRUCTION AND ADDITIONS TO EXISTING STRUCTURES
- 4.1 The form, materials, and general exterior appearance of new construction, accessory buildings, and vertical extensions to the existing structure must be compatible with the existing historic structure in terms of massing, roof form, shape, materials, detailing, color, and window mullion and muntin pattern and a certificate must be obtained for any such work.
- 4.2 Except for the fire exit and associated fencing on July Alley, vertical extensions must not be visible from ground level on the opposite side of any adjacent public right-of-way.
- 4.3 New construction and connections between new and existing construction must be designed so that they are clearly discernible from the existing historic structure.
- 4.4 Where new construction abuts an existing facade, a clear definition of the transition between new and existing construction must be established and maintained.
5. SIGNS
- 5.1 Except as otherwise provided in these criteria, all signs must conform to Article VII of Chapter 51A of the Dallas City Code, as amended.
- 5.2 All signs must be compatible with the architectural qualities of the historic structure. A certificate must be obtained prior to the erection of any sign as per Section 51A-4.501 of the Dallas City Code, as amended. No sign may obscure window or door openings, the architectural details of the building, or the views of or from the building.

- 5.3 In addition to the requirements of subsection 5.2, a certificate of appropriateness for the erection of any sign must be obtained from the city plan commission after that commission and the special sign district advisory committee have reviewed the application in accordance with Section 51A-7.505 of the Dallas City Code.
- 5.4 No sign may be placed within the public right-of-way.
- 5.5 No attached sign may exceed 30 square feet in effective area.
- 5.6 No lower level flat attached sign may exceed six square feet in effective area.
- 5.7 The maximum permitted effective area for all upper level flat attached signs combined is 30 square feet.
- 5.8 No new painted applied sign is permitted on a protected facade. The historic painted applied "ghost" sign above the first story on the Elm Street facade must be preserved. A certificate must be obtained prior to any alteration or restoration of that sign.
- 5.9 The height of characters on a window sign may not exceed eight inches. No painted background is permitted on a window sign.
- 5.10 No projecting attached sign may:
- a. project vertically above the second story of the building,
 - b. exceed 20 square feet in effective area, or
 - c. extend lower than 10 feet above grade.
- 5.11 No billboards or rooftop signs of any kind, including parapet signs, are permitted.
- 5.12 No sign may move or rotate. With the exception of banners and flags, no wind devices are permitted.
- 5.13 No sign may be illuminated by fluorescent or back-lighting. The use of indirect lighting is permitted. A lighted marquee sign is permitted. No lights may be attached to or placed underneath a canopy sign.
- 5.14 No plastic is permitted on the exterior of a sign.

5.15 With the exception of neon lights, no fluorescent colors are permitted on a sign.

6. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

6.1 Except as expressly modified by this section, the standard review procedure outlined in Section 51A-4.501 of the Dallas City Code, as amended, applies to this district.

6.2 Upon receipt of an application for a certificate, the director shall categorize the request as 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 a certificate for proposed work that falls into either category A or B listed in subsection 6.2 within ten days of receipt of a completed application for a certificate. To be considered complete, an application must include any exhibits or attachments deemed necessary by the director.

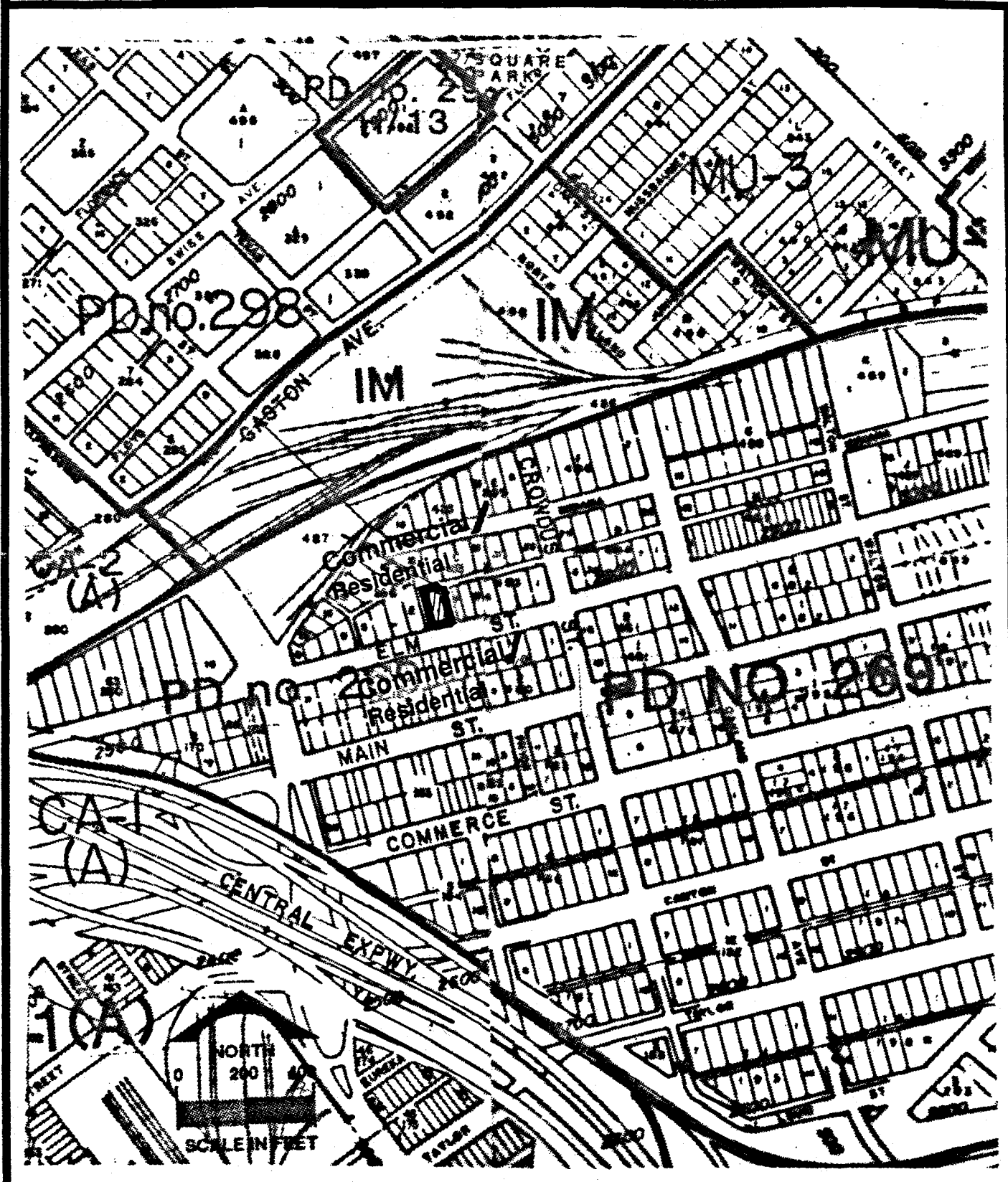
6.4 A decision by the director to approve a certificate for proposed work falling within category A or B may not be appealed. A decision to deny a certificate in such instances may be appealed by the applicant or property owner. An appeal is made to the landmark commission by submitting a written request for appeal to the director within 10 days after the decision to deny.

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

7. APPEAL TO THE CITY PLAN COMMISSION

7.1 Certificates denied by the landmark commission may be appealed to the city plan commission in accordance with Section 51A-4.501 of the Dallas City Code, as amended.

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ZONING AND LAND USE

Map No. J-7

Case No. Z901-142/6377-E