

9/25/91

ORDINANCE NO. 21082

An ordinance amending and reorganizing Ordinance No. 20709, which established Historic Overlay District No. 50 (Interstate Forwarding Building) on the following described property, to wit:

Being all of Lot 1 and part of Lot 2 in City Block 3/848 at the southeast corner of Main Street and Murray Street, fronting approximately 96.26 feet on the south line of Main Street and fronting 100.00 feet on the east line of Murray Street, and containing approximately 9,632 square feet or 0.2211 acres of land;

changing Exhibit A, "Preservation Criteria," regulations so as to permit and regulate large marquee signs in the district; retaining the other regulations in Exhibit A, "Preservation Criteria," which provide procedures, regulations, and preservation criteria pertaining to that 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 these amendments; and

WHEREAS, the city council finds that it is in the public interest to amend and reorganize Ordinance No. 20709 as shown below; Now, Therefore,

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

SECTION 1. That Ordinance No. 20709, which established Historic Overlay District No. 50, is amended by changing portions of Exhibit A, "Preservation Criteria," regulations so as to permit and regulate large marquee signs on the following described property ("the Property"), to wit:

BEING a tract of land in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, and being all of Lot 1 and part of Lot 2 in City Block No. 3/848 of the Jacob Bopp, Sr. Homestead Subdivision, an addition to the City of Dallas as per map recorded in Volume 106, Page 148, Deed records, Dallas County Texas, and being more particularly described as follows:

BEGINNING at the intersection of the south line of Main Street (66.0 feet wide) with the east line of Murray Street (50.0 feet wide);

THENCE, N 76°09'00" E along the south line of Main Street, a distance of 96.26 feet to a point on the prolongation of the east edge of a six story brick building, same being the west edge of a three story brick building;

THENCE, S 13°55'00" E along the east edge of said six story building, a distance of 100.0 feet to a point for corner;

THENCE, S 76°09'00" W along the north line of a 20 foot wide alley, passing at 46.38 feet the southwest corner of Lot 2 in City Block 3/848, continuing for a total distance of 96.38 feet to a point for corner in the east line of Murray Street;

THENCE, N 13°51'00" W along the east line of Murray Street, a distance of 100.0 feet to the POINT OF BEGINNING, and containing 9,632 square feet or 0.2211 acres of land, more or less.

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SECTION 2. That a person shall not make alterations to 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 3. 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 4. That the director of planning and development shall correct Zoning District Map No. J-8 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 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, or maintenance of a building, structure, or land on the Property.

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SECTION 6. That CHAPTER 51A of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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:

ANALESIE MUNCY, City Attorney

By Chris Bowers
Assistant City Attorney

Passed OCT 9 1991

Zoning File No. Z901-223/6377-E

2434E

EXHIBIT A

PRESERVATION CRITERIA

INTERSTATE FORWARDING BUILDING

All public and private right-of-way improvements, renovation, repairs, demolition, maintenance, site work, and new construction on the building site must conform to the following guidelines and a certificate of appropriateness must be obtained for such work prior to its commencement.

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

Except as otherwise provided in these criteria, the definitions contained in Sections 51A-2.102, 51A-7.102, and 51A-7.1303 apply. In the event of a conflict, these Preservation Criteria control.

- 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 OF APPROPRIATENESS means a certificate issued by the city 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.

- 1.6 COLUMN means the entire column including the base and capital, if any.
- 1.7 COMMISSION means the landmark commission.
- 1.8 DIRECTOR means the director of the department of planning and development or his representative.
- 1.9 EFFECTIVE AREA, for detached signs, means the area enclosed by the minimum imaginary rectangle of vertical and horizontal lines which fully contains all extremities of the sign, exclusive of its supports. This rectangle is to be calculated from an orthographic projection of the sign viewed horizontally. A viewpoint for this projection is to be taken which gives the largest rectangle of that kind, as the viewpoint is rotated horizontally around the sign. If elements of the sign are movable or flexible, as a flag or a string of lights, the measurement shall be taken when the elements are fully extended and parallel to the plane of view. The effective area for attached signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular facade. The definition shall also apply to signs which are composed solely of words which identify a premise and which are attached to free-standing walls not over six feet in height.
- 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 MARQUEE SIGN means a projecting attached sign that is attached to, applied on, or supported by a projection from a main building facade and consists primarily of changeable panels and characters.
- 1.16 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.
- 1.17 PAINTED APPLIED SIGN means a sign painted directly onto the exterior facade of a building, not including doors and windows.
- 1.18 PILASTER means the entire engaged column or pier including the base and capital, if any.
- 1.19 PROJECTING ATTACHED SIGN means an attached sign projecting more than eighteen inches from a building.
- 1.20 PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.21 PROTECTED FACADE means a facade that, except as otherwise provided, must maintain its original appearance, as near as practical, in all aspects.
- 1.22 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; substituting a duplicate item for an item that is deteriorated or damaged; or the regular removal and replacement of panels or words on a marquee sign.

- 1.23 THIS SITE means the property described in Section 1 of this ordinance.
- 1.24 STORY means the portion of a building between any two successive floors, or between the top floor and the ceiling above it.
- 1.25 TRIM COLOR means a paint color other than the dominant color. The color of porch floors or ceilings, or wood colored translucent stains are not considered trim colors.
- 1.26 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.
- 1.27 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.
- 1.28 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 be 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.
- 2.3 Landscaping and exterior lighting installed after the passage of this ordinance are subject to the certificate of appropriateness review process. They 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 as determined through the certificate of appropriateness review process.

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 as determined through the certificate of appropriateness review process. Badly deteriorated paint should be removed in accordance with Department of 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 and must be reviewed through the certificate of appropriateness review process.
- 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 otherwise determined through the certificate of appropriateness review process: concrete pilasters, steel casement windows, and recessed brick panels located at tops of pilasters.

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 on any facade 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 which 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. Exterior mounted burglar bars are permitted on the rear facade only. Interior mounted burglar bars of appropriate color and design are permitted, but must be reviewed through the certificate of appropriateness review process. Awnings are permitted only below the second story.
- 3.11 Glass and glazing must match original materials as near as practical. No reflective glazing is permitted. Tinted opaque glass or lexan is permitted on basement windows only.
- 3.12 No new door and window openings are permitted on protected facades except:
- a. to eliminate a safety hazard, and
 - b. in locations on the Murray Street facade where there is evidence that original openings have been infilled with other materials.
- 3.13 The basement windows within the fifth from the left bay on the Murray Street facade may be removed and replaced with plaster to allow reuse of the materials to replace deteriorated muntins on other basement windows.

- 3.14 On non-protected facades, new windows must match originals in material and must relate to the mullion and muntin size, and the light configuration of the original windows.
- 3.15 The main entry vestibule may be reconfigured to include new doors and sidelights.
- 3.16 Refer to Department of Interior standards for acceptable techniques to improve the energy efficiency of historic fenestrations.

Roof

- 3.17 Modifications to the elevator penthouse are permitted as provided in subsection 3.2.
- 3.18 The slope, massing, configuration, and materials of the roof must be preserved and maintained. With the exception of parapets on non-protected facades, existing parapets, cornices, and copings must be retained and when repaired, must be done so with material matching in size, finish, module, and color.
- 3.19 Solar panels, skylights, and mechanical equipment must not be visible from ground level on the opposite side of any adjacent public right-of-way.

Porches and balconies

- 3.20 Original porches and balconies on protected facades must be retained and preserved.
- 3.21 Enclosure of original porches and balconies is not permitted.
- 3.22 Original columns, railings, and other trim and detailing that are part of the porch or balcony configuration must be preserved.
- 3.23 Porch floor finishes must be concrete, brick, wood, or stone. Concrete, brick, or stone floors may not be covered with paint or carpet. A clear sealant is permitted.

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 as determined through the certificate of appropriateness review process.

- 4.2 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. Historic details in the eaves must be preserved and maintained where abutting new construction.

5. SIGNS

- 5.1 Except as otherwise provided in these criteria, all signs must conform to Article VII of the Dallas Development Code, as amended. In addition, prior to the erection of any sign, certificates of appropriateness must be obtained in accordance with Sections 51A-4.501 and 51A-7.505 of the Dallas City Code, as amended.
- 5.2 Signs must not obscure window or door openings or the architectural details of the building, and must not obscure views of or from the building.
- 5.3 No detached sign may be placed within the public right-of-way.
- 5.4 No upper level flat attached sign may exceed 30 square feet in effective area.
- 5.5 No lower level flat attached sign may exceed six square feet in effective area.
- 5.6 The maximum permitted effective area for all upper level flat attached signs combined is 30 square feet on each protected facade.
- 5.7 No painted applied sign is permitted on a protected facade.

- 5.8 The maximum letter height for window signs is eight inches. No painted background is permitted on window signs.
- 5.9 Projecting attached signs must not:
- a. project vertically above the sill of the third story of the building,
 - b. extend lower than 10 feet above grade, or
 - c. exceed 20 square feet in effective area, unless the sign is a marquee sign, in which case the sign must not exceed 90 square feet in effective area.
- 5.10 No billboards or rooftop signs of any kind, including parapet signs, are permitted.
- 5.11 No sign may move or rotate. With the exception of banners and flags, no wind devices are permitted.
- 5.12 No sign may be illuminated by fluorescent or back-lighting. The use of indirect lighting is permitted. With the exception of neon, no fluorescent color is permitted. A lighted marquee sign is permitted.
- 5.13 With the exception of vinyl letters, vinyl-coated, or plastic-coated cloth marquee panels, no plastic is permitted on the exterior of a sign.
- 5.14 No lights may be attached to or placed underneath a canopy sign.
- 5.15 Marquee signs must conform to the following requirements:
- a. No premise may have more than one marquee sign.
 - b. If a marquee sign is within the public right-of-way, a franchise must be obtained by filing an application with the Department of Property Management and receiving approval from the city in accordance with all applicable law.
 - c. All panels on a marquee sign must consist of exterior grade fabric (14 oz. minimum weight), metal, or wood.
 - d. Fluorescent and metallic colors are not permitted. Other colors must be reviewed during the certificate of appropriateness process.

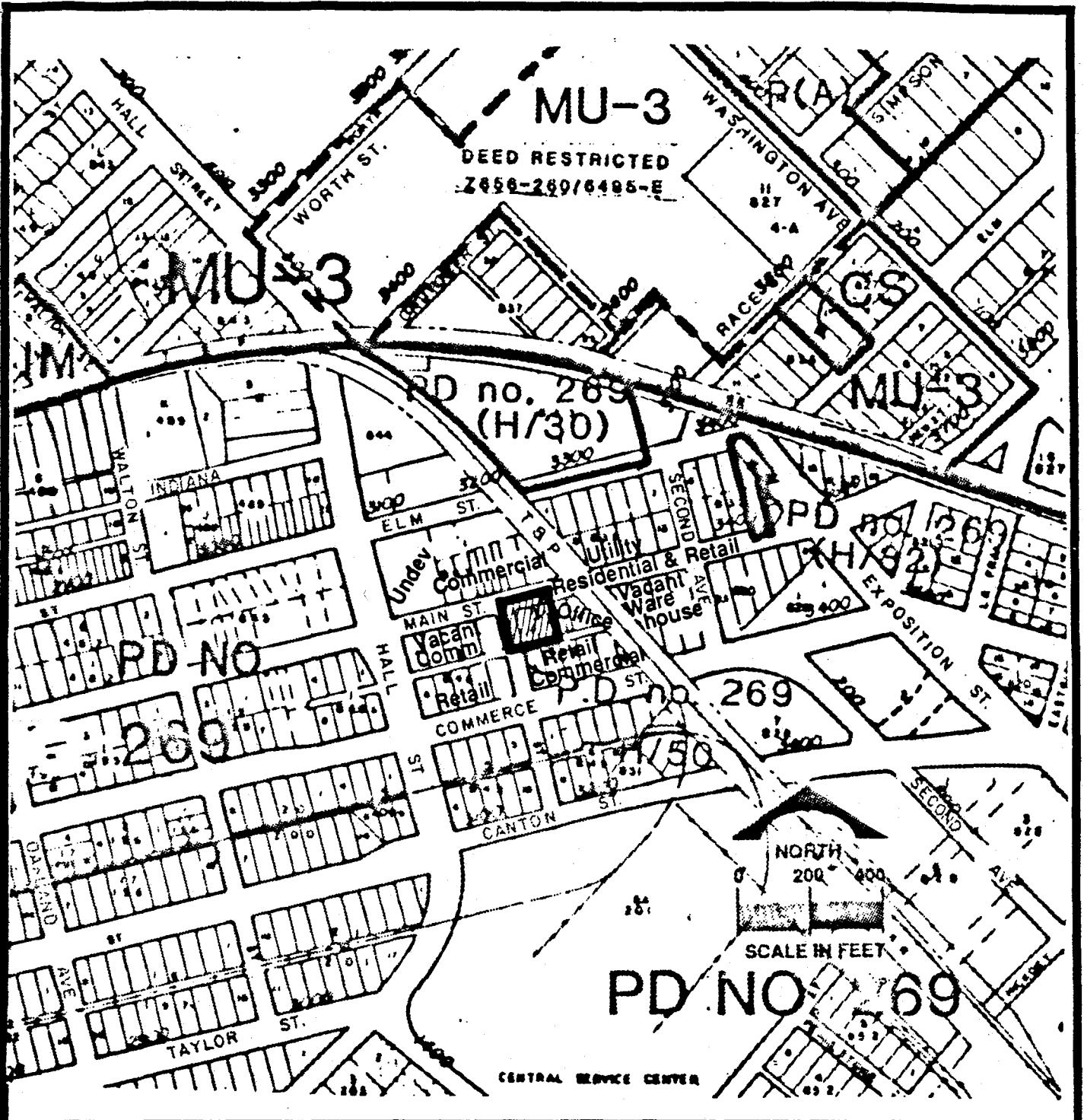
- e. A certificate of appropriateness is required to remove a panel from a marquee sign. This certificate may not be granted unless at least one panel replaces the panel(s) proposed for removal.

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 Development Code, as amended, applies to this district.
- 6.2 Upon receipt of an application for a certificate of appropriateness, 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 certificates of appropriateness 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 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 not falling into either category A or B must be reviewed by the commission following the standard review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, within 45 days.

7. APPEAL TO THE CITY PLAN COMMISSION

- 7.1 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.



ZONING AND LAND USE

Map No. J-8

Case No. Z901-223/6377-E