

3-21-95

ORDINANCE NO. 22362

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. 67 (The Dallas Tent and Awning/Murray Building Historic Overlay District) comprised of the following described property ("the Property"), to wit:

BEING all of City Block 829 and the right-of-way for Second Avenue, said property bounded by Main Street, the eastern right-of-way line of Second Avenue, Commerce Street, and Trunk Avenue, and containing approximately 1.07 acres 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

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

JCK

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

BEING a tract of land in City Block 829 and a portion of the right-of-way for Second Avenue in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the north line of Commerce Street (80 foot wide right-of-way) and the northeast line of Trunk Avenue (15 foot right-of-way);

THENCE North 43°03' West along the northeast line of Trunk Avenue, a distance of 257.82 feet to a point for corner on the south line of Main Street (60 foot right-of-way);

THENCE North 75°43' East along the south line of Main Street, a distance of 268.49 feet to a point for corner on the east line of Second Avenue (50 foot right-of-way);

THENCE South 14°17' East along the east line of Second Avenue, a distance of 226 feet to a point for corner on the north line of Commerce Street;

THENCE South 75°43' West along the north line of Commerce Street, a distance of 144.42 feet to the point of POINT OF BEGINNING, and containing 1.07 acres 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. 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 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:

SAM A. LINDSAY, City Attorney

By *John Rogers*  
Assistant City Attorney

Passed MAR 22 1995

Zoning File No. Z945-118/9743-E

## EXHIBIT A

**PRESERVATION CRITERIA**  
**Texas Farm and Ranch Building Historic District**  
**3306 Main Street**

Except as otherwise provided in these Preservation Criteria, all public and private right-of-way improvements, renovation, repairs, demolition, maintenance, site work and new construction in this district shall 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 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.

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**

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

- 1.1 CERTIFICATE OF APPROPRIATENESS means a certificate issued by the city in accordance with Section 51A-4.501 of the Dallas City Code, as amended, to authorize the alteration of the physical character of real property in the district or any portion of the exterior of a structure in the district, or the placement, construction, maintenance, expansion, or removal of any structure in or from the district.
- 1.2 COLUMN means the entire column, including the base and capital, if any.
- 1.3 COMMISSION means the Landmark Commission of the City of Dallas.
- 1.4 DIRECTOR means the director of the Department of Planning and Development or that person's representative.

- 1.5 DISTRICT means the Texas Farm and Ranch Building Historic Overlay District. This district contains the property described in Section 1 of this ordinance.
- 1.6 ERECT means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw or otherwise construct.
- 1.7 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.8 INTERIOR FENCE means a fence not adjacent to a street or alley.
- 1.9 MAIN BUILDING means the existing 1921 original and historic three story structure and adjoining one story structure shown as Texas Farm and Ranch Building on Exhibit B.
- 1.10 NO BUILD ZONE means that part of a lot on which no new construction may take place.
- 1.11 PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.12 PROTECTED FACADE means a facade that must maintain its original appearance, as near as practical, in all aspects.
- 1.13 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

## 2. SITE AND SITE ELEMENTS

- 2.1 New construction is prohibited in an area designated as a "No Build Zone" on Exhibit B with the exception of carports as described in 4.4.
- 2.2 The main building must be retained and protected.
- 2.3 New sidewalks, walkways, steps, and driveways must be of brush finish concrete, brick, crushed stone, or other material deemed appropriate. 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 main building.

- 2.5 Landscaping must be appropriate and compatible, must enhance the main building and surroundings, and must not obscure significant views of or from the main building.
- 2.6 Fences that face a public right-of-way or are within 30 feet of the right-of-way must be 40 percent open and may not exceed nine feet in height from grade. Fences must be constructed of one or more of the following materials: iron, brick, cast stone or concrete. Fences must be a dark color. Chain link is not acceptable.

Fences further than 30 feet from the public right-of-way or interior fences may be solid.

### 3. STRUCTURE

#### Facades

- 3.1 Main Street and Second Avenue facades of the main building are protected facades.
- 3.2 Reconstruction, renovation or repair of the opaque elements of the protected facades must employ materials similar to the original materials in texture, color, pattern, grain and module size as much as practical.
- 3.3 All additions and alterations must be architecturally sensitive and appropriate to the overall design of the main building.
- 3.4 Brick must match in color, texture, module size, bond pattern and mortar color. Original brick on a facade may not be painted, except that portions of the main building that have been previously painted may remain painted.
- 3.5 Stone, cast stone, metal cornice, and brick elements may be renovated or repaired only with materials similar in size, grain, texture, and color to the original materials. Those surfaces which have been previously painted may remain painted.
- 3.6 Original color and original materials must 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.
- 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.

- 3.9 After the effective date of this ordinance, any new mechanical equipment that is erected on the roof must not be visible to a person standing at ground level on the opposite side of any adjacent right-of-way or must be screened.

### **Embellishments and Detailing**

- 3.10 The following architectural elements are considered special features and will be protected and preserved unless otherwise determined by the Commission: original doors, windows, brick, cornice and cast stone.

### **Fenestrations and Openings**

- 3.11 Original exterior doors and openings must remain, except those modifications deemed appropriate. Such modifications may permit the addition of exterior openings at the side facades and may permit exterior doors, windows and balconies at the rear facade. Where replacement of an original door or window is necessary due to damage, structural deterioration or accessibility requirements, replacement doors and windows must express mullion size, light configuration and material to match the original.

Exterior balconies are permitted on new construction at the west facade (Trunk Avenue). The style of the balconies must be as outlined in 3.20.

- 3.12 Replacement windows and doors must express size, light configuration and material to match the original windows and doors.

Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly recommended.

- 3.13 Glass and glazing must match original materials as much as practical. Reflective glazing or films are not permitted. Type 3 tinted panes for energy efficiency are permitted.

- 3.14 The Department of the Interior standards should be referred to for acceptable techniques to improve the energy efficiency of historic fenestrations.

### **Roofs**

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

- 3.16 The following roofing materials are permitted on the main building: built-up, single-ply membrane, or other material if deemed appropriate.



- 3.17 Solar panels and skylights 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.
- 3.18 Mechanical units must be placed on the roof so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way. If visible, mechanical units must be screened.
- 3.19 Dumpsters must be screened with walls of solid wood, brick or like materials.

#### **Porches and balconies.**

- 3.20 Exterior balconies are permitted only on the rear facade and on new construction at the west facade (Trunk Avenue). The style of the balconies must be a compatible industrial style. Materials for balconies must be steel and painted a dark color.
- 3.21 All original columns, railings, and other trim and detailing that are original must be preserved.
- 3.22 New handrails for the loading dock and handicap ramp must be made of steel, painted a dark color, be of a compatible industrial design, and similar to the balcony railings.
- 3.23 Canopies are allowed and must be industrial in nature.
- 3.24 Railings are permitted on the roof. Roof railings must be industrial in nature. Roof railings may not extend more than 36 inches above the parapet wall, unless dictated by life safety codes.

#### **4. NEW CONSTRUCTION AND ADDITIONS**

- 4.1 The form, materials, general exterior appearance, color and details of any new construction of accessory buildings or vertical extensions to existing non-protected areas of the structures must be compatible with the main building.
- 4.2 New construction, additions to historic structures, accessory buildings, porches, and balconies must be of appropriate massing, roof form, shape, materials, detailing and color, and have fenestration patterns and solids-to voids ratios that are typical of the main building.
- 4.3 The height of new construction, accessory buildings, or vertical or horizontal additions to existing non-protected structures may not exceed the height of the main building by more than 12 feet.

- 4.4 Carports are permitted in the No Build Zone and behind the rear facade of the main building. Carport structures must be of one or more of the following materials: steel, brick, cast stone, and concrete, with metal permitted only as a roof material.
- 4.5 Vinyl and aluminum are not acceptable cladding materials for the construction of a new accessory structure.
- 4.6 New construction and connections between new and existing construction must be designed so that they are clearly discernible from the existing historic structures as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new and existing construction must be established and maintained. Historic details in the parapet and coping must be preserved and maintained where abutting new construction.
- 4.7 A handicap accessible ramp on the rear or side facades is permitted. The railing must comply with 3.22.

## 5. SIGNS

- 5.1 Temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) and real estate signs and banners may be erected without a certificate of appropriateness.
- 5.2 Street signs, protective signs, movement control signs, and historical markers may be erected if deemed appropriate. They are appropriate if sensitive and compatible with the main building.
- 5.3 Except as otherwise provided in these criteria, all signs must conform with the Dallas City Code, as amended, and the Deep Ellum Sign Ordinance, as amended.
- 5.4 Signs must not obscure window or door openings or the architectural details of the main building, and must not obscure views of or from the main building.
- 5.5 Detached signs may not be placed within the public right-of-way.
- 5.6 Upper-level flat, attached signs may not exceed 30 square feet in effective area.
- 5.7 Lower-level flat, attached signs may not exceed six square feet in effective area.
- 5.8 The maximum permitted effective area for all upper-level flat, attached signs combined is 30 square feet on each protected facade.

- 5.9 Painted applied signs are not permitted on a protected facade. Historic painted signs may remain on unprotected facades.
- 5.10 The maximum letter height for window signs is eight inches. Painted background is not permitted on window signs.
- 5.11 Projecting attached signs may not:
- a. project vertically above the sill of the third story of the main 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 may not exceed 90 square feet in effective area.
- 5.12 Billboards or rooftop signs of any kind, including parapet signs, are not permitted.
- 5.13 Signs may not move or rotate. With the exception of banners and flags, wind devices are not permitted.
- 5.14 Signs may not be illuminated by fluorescent or back-lighting. The use of indirect lighting is permitted. With the exception of neon, fluorescent color is not permitted. A lighted marquee sign is permitted.
- 5.15 With the exception of vinyl letters, and vinyl-coated or plastic-coated cloth marquee panels, plastic is not permitted on the exterior of a sign.
- 5.16 Lights may not be attached to or placed underneath a canopy sign.
- 5.17 Marquee signs must conform to the following requirements:
- a. The district may not 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 approved through the certificate of appropriateness process.

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

**6. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS**

- 6.1 The review procedure outlined in Section 51A-4.501 of the Dallas City Code, as amended, applies to this district.

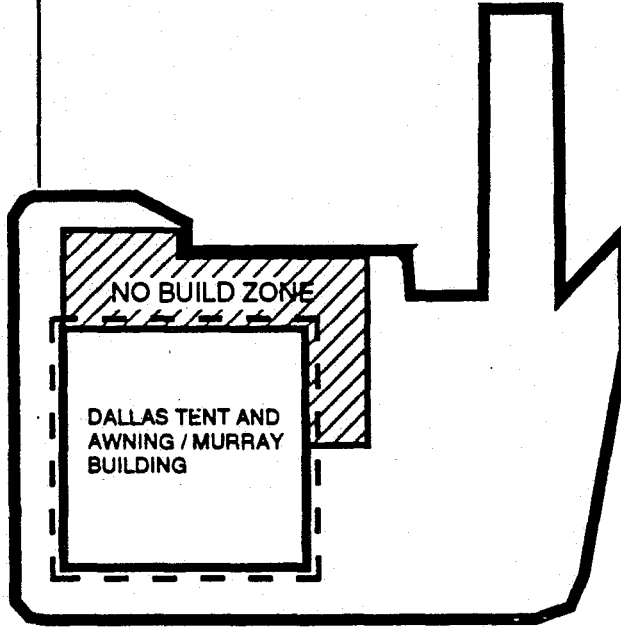
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DALLAS TENT AND AWNING / MURRAY BUILDING




MAIN STREET

SECOND AVENUE



COMMERCE STREET

LEGEND:

-  - DISTRICT BOUNDARY
-  - MAIN BUILDING OUTLINE
-  - NON-BUILD ZONE

SITE PLAN

