

6-13-95

ORDINANCE NO. 22464

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. 73 (Western Union Telegraph Company Building) comprised of the following described property ("the Property"), to wit:

BEING all of Lots 15, 16, 17, and 18 in City Block 32/126 in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, said lots located at the southwest corner of Main Street and Pearl Expressway, fronting 100 feet on the south line of Main Street and fronting 90 feet on the west line of Pearl Expressway, and containing 9,000 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

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

BEING all of Lots 15, 16, 17, and 18 in City Block 32/126 in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, said lots located at the southwest corner of Main Street and Pearl Expressway, fronting 100 feet on the south line of Main Street and fronting 90 feet on the west line of Pearl Expressway, and containing 9,000 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.

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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 \$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.

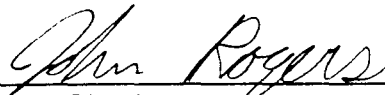
SECTION 7. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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 
Assistant City Attorney

Passed JUN 14 1995

Zoning File No. Z945-216/9856-N

Exhibit A**PRESERVATION CRITERIA
Western Union Telegraph Company Building**

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 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 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 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 and 51A-7.102 of the Dallas City Code, as amended, apply.

- 1.1 **APPLICANT** means an owner of property within this district, or an owner's duly authorized agent.
- 1.2 **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.
- 1.3 **COLUMN** means the entire column, including the base and capital, if any.
- 1.4 **COMMISSION** means the Landmark Commission of the City of Dallas.
- 1.5 **CORNERSIDE FACADE** means a building facade facing a side street.
- 1.6 **DIRECTOR** means the director of the Department of Planning and Development or that person's representative.
- 1.7 **DISTRICT** means the Western Union Telegraph Company Building Historic Overlay District. This district contains the property described in Section 1 of this ordinance.

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- 1.8 ERECT means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw or otherwise construct.
- 1.9 MAIN BUILDING means the Western Union Telegraph Company Building as shown in Exhibit B.
- 1.10 PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.11 PROTECTED FACADE means a facade that must maintain its original appearance, as near as practical, in all aspects.
- 1.12 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 The main building must be retained and protected.
- 2.2 New sidewalks, walkways, steps, and driveways must be of brush finish concrete, brick, stone, or other material deemed appropriate. No exposed aggregate, artificial grass, carpet, asphalt or artificially-colored monolithic concrete paving is permitted.
- 2.3 Exterior lighting must be appropriate to and enhance the structure.
- 2.4 Landscape must be appropriate and compatible, must enhance the main building and surroundings, and must not obscure significant views of the main building or from the main building.

3. STRUCTURE

Facades

- 3.1 All four 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, textual, module size, bond pattern and mortar color. Original brick on a facade may not be painted, with the exception that portions of the main building that had previously been painted may remain painted.

- 3.5 Stone, cast stone, metal and brick elements must be renovated or repaired only with materials similar in size, grain, texture, and color to the original materials. Those surfaces which have previously been 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 must be erected on the roof or on the second story recess. New mechanical equipment 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 must be protected and preserved unless otherwise determined by the Commission: original doors, windows, stone, brick, cornice and cast stone detailing.

Fenestrations and Openings

- 3.11 Original doors and windows and their openings must remain intact and be preserved except those allowed to be modified as approved by the Landmark Commission. Such modifications may allow the addition of exterior doors in place of exterior windows on the south (rear) first floor elevation, the enclosing of exterior windows and the addition of an exterior door in place of an exterior window at the recess on the west (side) second and third floor elevation and the addition of a storefront below grade and fronting a depressed courtyard on the west (side) basement floor elevation. Replacement doors, windows and storefront must express size, light configuration and material to match the original doors, windows and storefront.
- 3.12 Where replacement of an original door or window is necessary due to damage or structural deterioration, replacement doors and windows must express mullion size, light configuration, and material to match the original. Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly encouraged. The opaque elements in all altered windows should be removed and replaced with clear glass.
- 3.13 Glass and glazing must match original materials as much as practical. No reflective glazing or films is permitted. Type 3 tinted panes for energy efficiency will be 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.
- 3.16 The following roofing materials are allowed: built-up, single-ply membrane or other material deemed appropriate.
- 3.17 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.
- 3.18 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.

Porches and balconies.

- 3.19 Balconies are permitted only on the second story recess in the west facade. The balcony doors must match original doors. The style of the balcony railings must be of simple industrial style, be made of steel, and painted a dark color.
- 3.20 All original columns, railings, and other trim and detailing that are original must be preserved.
- 3.21 Canopies are allowed only when based upon available documentation as to their original architectural style and location.
- 3.22 Railings are allowed on the roof, must be of compatible architectural style, and extend no more than 42 inches above the roof plate, unless dictated by Building Codes. Railings must be set back from the parapet so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

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 must be compatible with the existing historic structure.
- 4.2 New construction, additions to main building, accessory buildings, porches, and balconies must be of appropriate massing, roof form, shape, materials, detailing and color and have fenestration patterns and solids-to void ratios that are similar to the main building.
- 4.3 Vinyl and aluminum are not acceptable cladding materials for construction of a new accessory building in this district.

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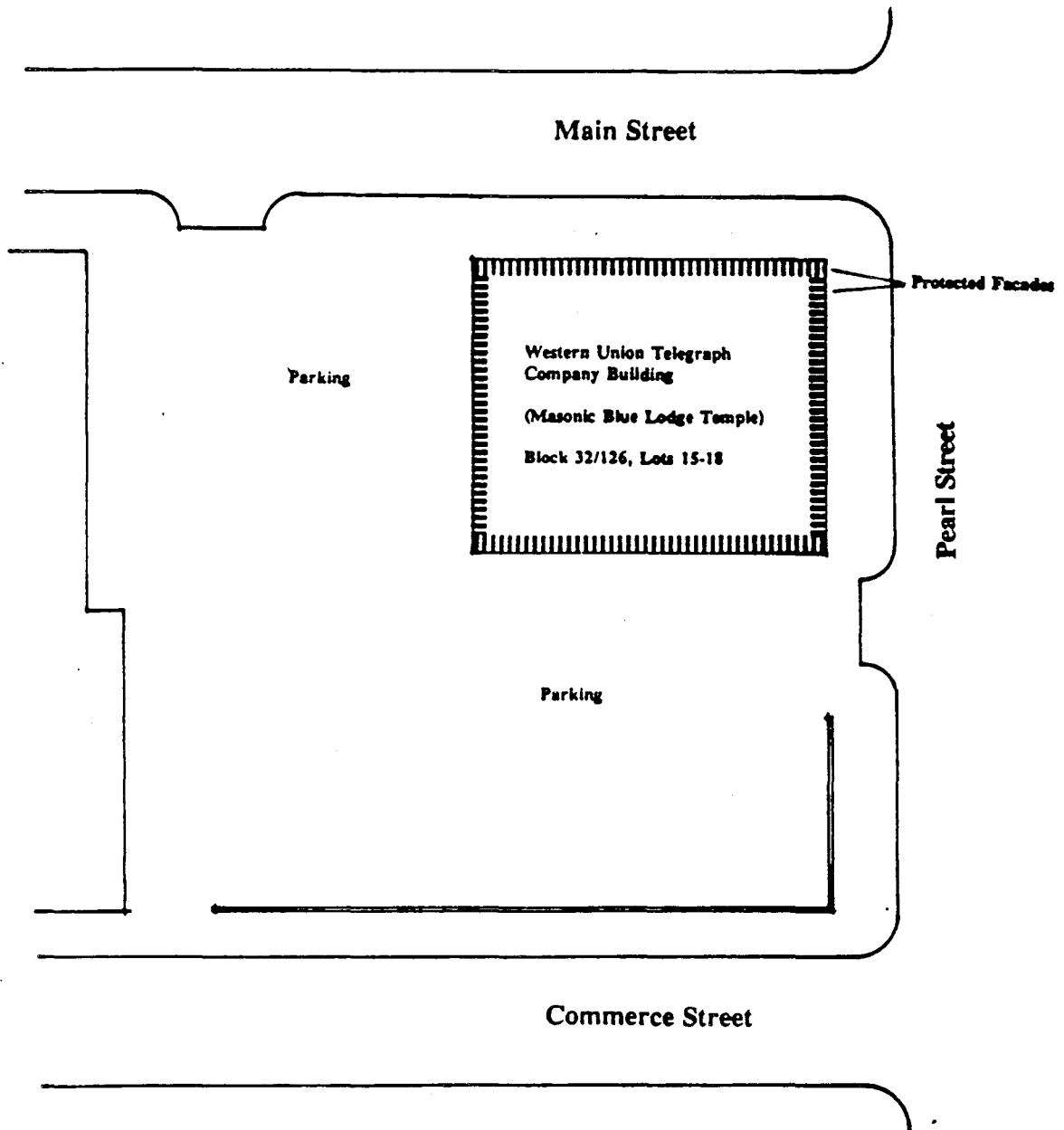
- 4.4 New construction and connections between new and existing construction must be designed so that they are clearly discernible from the existing historic structures as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new and existing construction must be established and maintained.

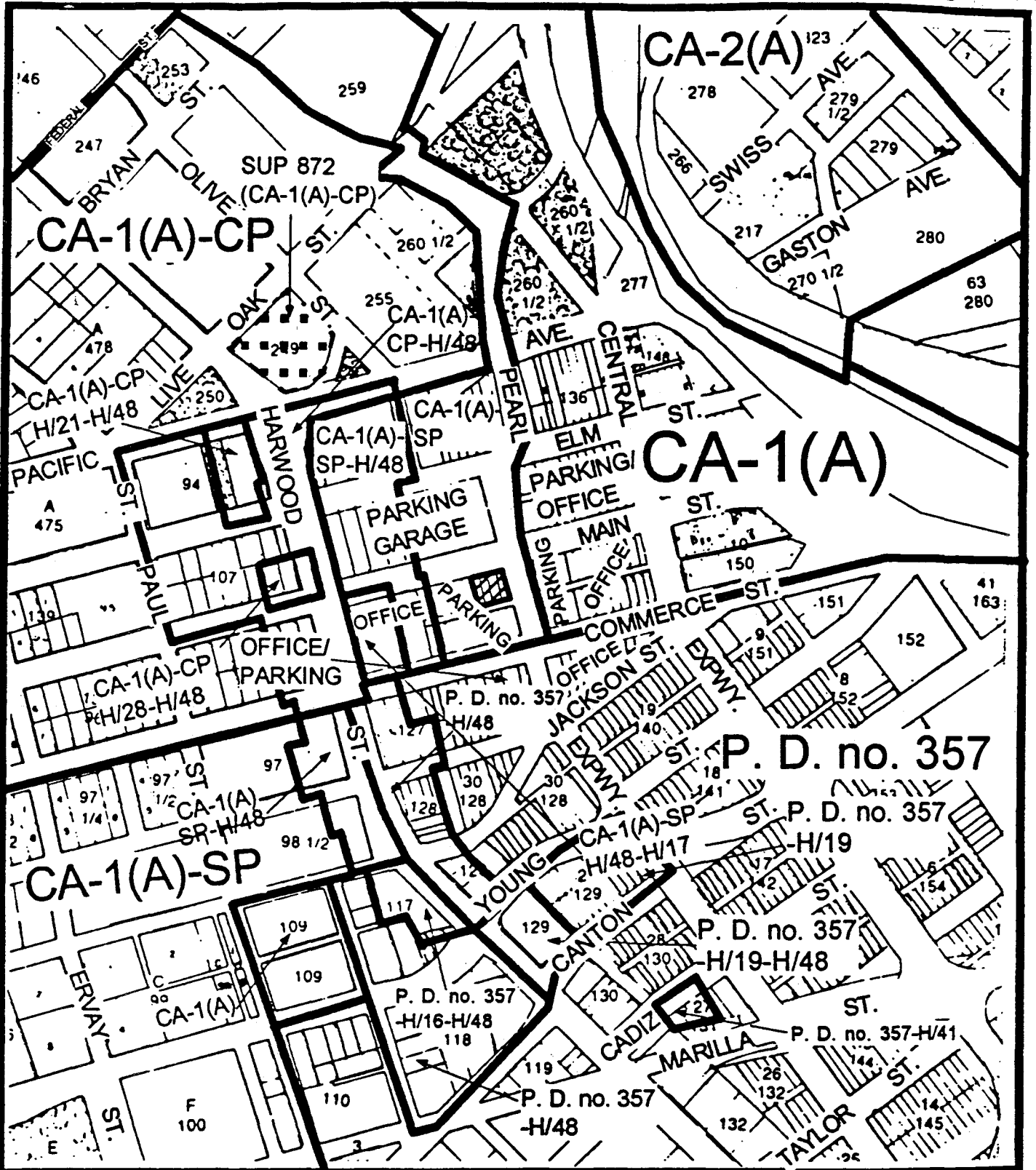
Historic details in the parapet and coping must be preserved and maintained where abutting new construction.

5. SIGNS

- 5.1 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.
- 5.2 Street signs, protective signs, movement control signs, and historical markers may be erected. A certificate of appropriateness is required to erect one of these signs to ensure that the sign is sensitive and compatible with the appearance of the structure.
- 5.3 All signs must conform with all applicable provisions of the Dallas City Code, as amended.
- 5.4 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.
- 5.5 With the exception of vinyl letters and vinyl-coated or plastic-coated panels, no plastic is permitted on the exterior of signs.
- 5.6 No lights may be attached to or placed underneath a canopy sign.
- 5.7 Marquee signs are not appropriate for this building.

Exhibit B



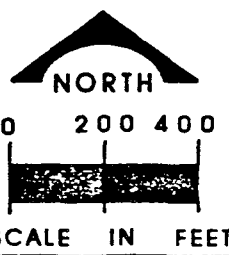


CA-1(A)

P. D. no. 357

P. D. no. 357

P. D. no. 357-H/41



ZONING AND LAND USE

MAP NO. J-7

CASE NO. Z945-216/9856-N