

3-27-18

ORDINANCE NO. **30812**

An ordinance amending Historic Overlay District No. 48 (Harwood) by changing the zoning classification on the following property:

BEING a tract of land in City Block 94; fronting approximately 101 feet on the east line of St. Paul Street; fronting approximately 140 feet on the north line of Elm Street; and containing approximately 0.325 acres;

from Tract A within Historic Overlay District No. 48 to Tract C within Historic Overlay District No. 48; amending Ordinance No. 20575, passed by the Dallas City Council on February 28, 1990, as amended by Ordinance No. 27421, passed by Dallas City Council on December 10, 2008 by amending the preservation criteria in Historic Overlay District No. 48 and providing a new district map; creating a new Tract C; providing a revised overall and tract property descriptions; 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 ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to Historic Overlay District No. 48; 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 amend Historic Overlay District No. 48 as specified herein; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from Tract A within Historic Overlay District No. 48 to Tract C within Historic Overlay District No. 48 on the property described in Exhibit A (“the Property”), which is attached to and made a part of this ordinance.

SECTION 2. That the Exhibit A attached to Ordinance No. 20575, as amended, is replaced by Exhibit B attached to this ordinance.

SECTION 3. That the Exhibit B attached to Ordinance No. 20575, as amended, is replaced by Exhibit C attached to this ordinance.

SECTION 4. That the Exhibit C attached to Ordinance No. 27421 is replaced by Exhibit D attached to this ordinance.

SECTION 5. That the Exhibit D attached to Ordinance No. 27421 is replaced by Exhibit C attached to this ordinance.

SECTION 6. That the amendment to 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 in this ordinance control over the regulations of the underlying zoning district.

SECTION 7. 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, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal 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 B.

SECTION 8. 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 ordinances, rules, and regulations of the City of Dallas.

SECTION 9. 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, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 10. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.


SECTION 11. 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 12. 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:

LARRY E. CASTO, City Attorney

By 
Assistant City Attorney

Passed MAR 28 2018

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GIS_Approved

EXHIBIT A
LEGAL DESCRIPTION

Tract C

BEING a 0.3250 acre tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, and being a portion of the Official City of Dallas Block No. 94, City of Dallas, Dallas County, Texas, being part of a tract of land conveyed to Petrocorrigan Towers, a Texas limited Partnership, recorded in Instrument No. 201200173299 of the Official Public Records of Dallas County, Texas, being part of St. Paul Street (a 60' right-of-way) and part of Elm Street (an 80' right-of-way, and being more particularly described as follows:

BEGINNING at the centerline intersection of said St. Paul Street and said Elm Street;

THENCE North 14°58'09" West, along the centerline of said St. Paul Street a distance of 101 feet to a point for corner;

THENCE N 74°59'53" E, a distance of 140.38 feet to a point for corner in the west line of a tract of land conveyed to Pacific Place Partners, Ltd., recorded in Instrument No. 201000289927 of the Official Public Records of Dallas County, Texas;

THENCE S 14°46'50" E, along the west line of the aforesaid Pacific Place Partners, Ltd. tract, passing at a distance of 61 feet, a "PK" nail (found) in brick in the north right of way line of said Elm Street, said point being the southwest corner of the aforesaid Pacific Place Partners, Ltd. tract and continuing along the prolongation of aforesaid west line a total distance of 101 feet to a point on the centerline of said Elm Street;

THENCE S 75°02'13" W, along the centerline of said Elm Street a distance of 140 feet to a point for corner at the centerline intersection of said Elm Street and said St. Paul Street;
to the POINT OF BEGINNING, containing a computed area of 14,159 square feet (0.3250 acre) of land.

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GIS_Approved

OVERALL LEGAL DESCRIPTION**Perimeter**

The Harwood Historic District legal description consists of the following city Blocks and Lots and being further divided into two subdistricts:

BEING in the John Grigsby Survey, Abstract No. 495 in the City of Dallas, Dallas County, Texas, and being all of City Block 94, all of City Block 107, City Block 108, part of City Block 97, part of City Block 98-1/2, all of City Block 117, all of city Block 118, all of City Block 124, all of City Block 125, part of City Block 33/125, all of City Block 126, part of City Block 32/126, part of city Block 127, part of City Block 128, all of city Block 129, part of City Block 29/129, and part of City Block 130, and further described as follows:

BEGINNING at the intersection of the centerline of Pacific Avenue (an 80 foot wide right-of-way) and the centerline of St. Paul Street (a 60 foot right-of-way);

~~THENCE in a southeasterly direction along the centerline of St. Paul Street to its intersection with the centerline of Commerce Street (an 80 foot right of way);~~

THENCE in a southeasterly direction along the centerline of St. Paul Street, a distance of approximately 179 feet to a point for corner on said centerline, said point being 101 feet northwest of the centerline intersection of said St. Paul Street and Elm Street (an 80' right-of-way);

THENCE N 74°59'53" E, a distance of 140.38 feet to a point for corner in the west line of a tract of land conveyed to Pacific Place Partners, Ltd., recorded in Instrument No. 201000289927 of the Official Public Records of Dallas County, Texas;

THENCE S 14°46'50" E, along the west line of the aforesaid Pacific Place Partners, Ltd. tract, passing at a distance of 61 feet, a "PK" nail (found) in brick in the north right of way line of said Elm Street, said point being the southwest corner of the aforesaid Pacific Place Partners, Ltd. tract and continuing along the prolongation of aforesaid west line a total distance of 101 feet to a point on the centerline of said Elm Street;

THENCE S 75°02'13" W, along the centerline of said Elm Street a distance of 140 feet to a point for corner at the centerline intersection of said Elm Street and said St. Paul Street;

THENCE in a southeasterly direction along the centerline of St. Paul Street to its intersection with the centerline of Commerce Street (an 80 foot right of way).

THENCE in a northeasterly direction along the centerline of Commerce Street, a distance of approximately 342.86 feet to a point for corner on a line, said line being 100 feet southwest of and parallel to the southwest line of Harwood Street;

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THENCE in a southeasterly direction along said line, a distance of approximately 139.35 feet to a point for corner on a line, said line being 100 feet southeast of and parallel to the southeast line of Commerce Street;

THENCE in a southwesterly direction along said line, a distance of 50 feet to a point for corner on a line, said line being 150 feet southwest of and parallel to the southwest line of Harwood Street;

THENCE in a southeasterly direction along said line, a distance of approximately 125 feet to a point for corner on the centerline of Jackson Street (a 50 foot right-of-way);

THENCE in a northeasterly direction along the centerline of Jackson street, a distance of approximately 41.92 feet to a point for corner on a line, said line being approximately 108.08 feet southwest of and parallel to the southwest line of Harwood Street;

THENCE in a southeasterly direction along said line, a distance of approximately 115.08 feet to a point for corner on a line, said line being approximately 90.08 feet southeast of and parallel to the southeast line of Jackson Street;

THENCE in a northeasterly direction along said line, a distance of approximately 18.08 feet to a point for corner on a line, being 90 feet southwest of and parallel to the southwest line of Harwood Street;

THENCE in a southeasterly direction along said line, a distance of 93.75 feet to a point for corner on the centerline of Wood Street;

THENCE in a southwesterly direction along the centerline of Wood Street, a distance of approximately 30 feet to a point for corner on the northwesterly prolongation of the centerline of Park Avenue;

THENCE in a southeasterly direction along the northwesterly prolongation of Park Avenue, and continuing along the centerline of Park Avenue, crossing Young street, and extending to its intersection with the centerline of Marilla Street;

THENCE in a northeasterly direction along the centerline of Marilla Street to its intersection with the centerline of Canton Street (a 64 foot right-of-way);

THENCE in a northeasterly direction along the centerline of Canton Street, crossing Harwood Street, and extending to its intersection with the southeasterly prolongation of the common line between Lots 10 and 11 in City Block 29/129;

THENCE in a northwesterly direction along said line, continuing along the common line between Lots 10 and 11 and the common line between Lots 13 and 14 in City Block 29/129, and continuing along the northwesterly prolongation of said common line between Lots 13 and 14 to its intersection with the centerline of Young Street;

THENCE in a southwesterly direction along the centerline of Young Street to a point for corner on a line, said line being 90 feet northeast of and parallel to the northeast line of Harwood Street;

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THENCE in a northwesterly direction along said line to its intersection with the centerline of Wood Street;

THENCE in a northwesterly direction along a line, said line being the southeasterly prolongation of the common line between City Blocks 128 and 30/128 and continuing in a northwesterly direction along said common block line to a point for corner on the common line between Lots F and G in City Block 128;

THENCE in a southwesterly direction along said common lot line, a distance of 25 feet to a point for corner in the common line between Lots E and F in City Block 128;

THENCE in a northwesterly direction along said common lot line and its northwesterly prolongation to its intersection with the centerline of Jackson Street;

THENCE in a southwesterly direction along the centerline of Jackson street, a distance of approximately 45 feet to a point for corner on a line, said line being 203.5 feet northeast of and parallel to the northeast line of Harwood Street;

THENCE in a northwesterly direction along said line to its intersection with a line, said line being 100 feet southeast of and parallel to the southeast line of Commerce Street;

THENCE in a southwesterly direction along said line to its intersection with a line, said line being 50 feet southwest of and parallel to the common line between City Blocks 127 and 31/127;

THENCE in a northwesterly direction along said line and its northwesterly prolongation to its intersection with the centerline of Commerce Street (a 78.7 foot right-of-way);

THENCE in a northeasterly direction along the centerline of Commerce Street to its intersection with a line, said line being the southeasterly prolongation of the common line between Lots 8 and 9 in City Block 32/126;

THENCE in a northwesterly direction along said line, continuing along the common line between said Lots 8 and 9, and continuing along the common lines between Lots 10 and 10-1/2 in City Block 32/126, and further continuing along the northwesterly prolongation of said common lot line to its intersection with the centerline of Main Street (a 79.5 foot right-of-way);

THENCE in a southwesterly direction Main street to its intersection with a the southeasterly prolongation of the in City Block 33/125; along the centerline of line, said line being southwest line of Lot 1A;

THENCE in a northwesterly direction along said line, continuing along the northwest line of Lot 1A in City Block 33/125, and continuing along its northwesterly prolongation to its intersection with the centerline of Elm Street (an 80 foot right-of-way);

THENCE in a northeasterly direction along the centerline of Elm Street to its intersection with the

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southeasterly prolongation of the centerline of Olive Street (a 42 foot right-of-way);

THENCE in a northwesterly direction along said line, and continuing along the centerline of Olive Street in a northwesterly direction to its intersection with the centerline of Pacific Avenue (an 80 foot right-of-way);

THENCE in a southwesterly direction along the centerline of Pacific Avenue to its intersection with the centerline of St. Paul Street, the PLACE OF BEGINNING.

Tract A

Those city Lots and Blocks of the district described above not further described as TRACT B below.

Tract B

BEING in the John Grigsby Survey, Abstract No. 495 in the City of Dallas, Dallas County, Texas, and being Lots 5 through 8 and 11 through 14 in all of City Block 108.

Tract C

BEING a 0.3250 acre tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, and being a portion of the Official City of Dallas Block No. 94, City of Dallas, Dallas County, Texas, being part of a tract of land conveyed to Petrocorrigan Towers, a Texas limited Partnership, recorded in Instrument No. 201200173299 of the Official Public Records of Dallas County, Texas, being part of St. Paul Street (a 60' right-of-way) and part of Elm Street (an 80' right-of-way, and being more particularly described as follows:

BEGINNING at the centerline intersection of said St. Paul Street and said Elm Street;

THENCE North 14°58'09" West, along the centerline of said St. Paul Street a distance of 101 feet to a point for corner;

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THENCE S 14°46'50" E, along the west line of the aforesaid Pacific Place Partners, Ltd. tract, passing at a distance of 61 feet, a "PK" nail (found) in brick in the north right of way line of said Elm Street, said point being the southwest corner of the aforesaid Pacific Place Partners, Ltd. tract and continuing along the prolongation of aforesaid west line a total distance of 101 feet to a point on the centerline of said Elm Street;

THENCE S 75°02'13" W, along the centerline of said Elm Street a distance of 140 feet to a point for corner at the centerline intersection of said Elm Street and said St. Paul Street; to the POINT OF BEGINNING, containing a computed area of 14,159 square feet (0.3250 acre) of land.

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**EXHIBIT B
PRESERVATION CRITERIA
HARWOOD HISTORIC DISTRICT**

All public and private right-of-way improvements, renovation, repairs, demolition, maintenance, site work, and new construction on building sites in this district must 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 must conform 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 BUILDING BASE or BASE means the bottom portion of a building from grade up to a height of approximately 50 feet as determined on a case by case basis.
- 1.4 BUILDING SHAFT or SHAFT means the middle portion of a building extending from the top of the base to the roof.
- 1.5 BUILDING TOP means the uppermost portion of a building.
- 1.6 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 1.7 CLADDING means the material used on the facade of a building.
- 1.8 COLUMN means the entire column including the base and capital, if any.
- 1.9 COMPATIBLE STRUCTURE means a structure that is supportive of the district in age, style and massing but not representative of the significant style, period, or detailing typical in the district.
- 1.10 CONTRIBUTING STRUCTURE means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to the district.

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- 1.11 CORNERSIDE FACADE means a main building facing a side street.
- 1.12 CORNER LOT means a lot that has frontage on two intersecting streets.
- 1.13 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.
- 1.14 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.15 GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure.
- 1.16 HEIGHT means the vertical distance from grade to:
- a. for a structure with a gable, hip, or gambrel roof, the midpoint of the vertical dimension between the lowest eaves and the highest ridge of the structure;
 - b. for a structure with a dome roof, the midpoint of the vertical dimension of the dome; and
 - c. for any other structure, the highest point of the structure.
- 1.17 INTERIOR LOT means a lot with side yards adjacent to another lot.
- 1.18 LOT means a building site, as defined in the Development Code, as amended, that fronts public or private street.
- 1.19 MASSING means the relationship between the volume and proportion of the different segments of a building.
- 1.20 MINOR EXTERIOR ALTERATIONS means the installation of or alteration to awnings, fences, free-standing walls, gutters, downspouts, or incandescent lighting fixtures; restoration of original architectural features; additions and changes not visible from any street to the rear of the main structure or to an accessory structure; the removal of immature trees; and those listed specifically in the criteria for Tract B.
- 1.21 NO-BUILD ZONE means an undeveloped part of a lot upon which no structure other than a fence may be constructed.
- 1.22 NON-CONTRIBUTING BUILDING means a building that is intrusive and detracts from the character of the district.
- 1.23 PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be

granted or denied.

- 1.24 PROTECTED FACADE means a facade that must maintain its original appearance, as near as practical, in all aspects.
- 1.25 REAR YARD means:
- a. on an interior lot, the portion of the lot between the side lot lines that extends across the width of the lot between the main building and lines parallel to and extending outward from the rear facade of the main building and the rear lot line; and
 - b. on a corner lot, the portion of the lot that extends between the interior side lot line and a line parallel to and extending outward from the rear corner of the cornerside facade, and between the rear lot line and the main building and a line parallel to and extending outward from the interior side corner of the rear facade.
- 1.26 SETBACK means the distance that a building may be erected from a street, alley, or lot line.
- 1.27 SHAFT (see BUILDING SHAFT)
- 1.28 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 yard.
- 1.29 SOLID TO VOID RATIO means the relationship between the exterior walls and the window openings.
- 1.30 STORY means the portion of a building between any two successive floors, or between the top floor and the ceiling above it.
- 1.31 STRUCTURE in Tract B refers to a building or site element that has a floor, perimeter walls that enclose at least 60 percent of the perimeter, and a solid or opaque roof. Examples of structures include buildings that meet these criteria such as restaurants, concession stands, and elevator or vent shafts to an underground parking garage. Site elements such as shade structures with walls that comprise less than 60 percent of its perimeter or columns and open roofed structures such as trellis construction, walls, and garden structures are not considered structures.
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- 1.32 "THIS DISTRICT" or "THE DISTRICT" means the Harwood Historic District.
- 1.33 ROUTINE MAINTENANCE AND REPLACEMENT means the process of cleaning, including water blasting and stripping; stabilizing deteriorated or damaged architectural features; or substituting a duplicate item for an item that is deteriorated or damaged.

2. SITE AND SITE ELEMENTS IN TRACT A & TRACT C.

- 2.1 Structures located in this district which have previously been designated as City of Dallas Landmarks are subject to these criteria as well as their respective preservation criteria.
- 2.2 No-build zones, which are indicated on the attached district map (Exhibit C), must be maintained, except that the destruction or demolition of a contributing structure voids any no-build zones pertaining thereto and any new construction on the site of the destroyed or demolished structure must conform to the setback guidelines established in Section 4.3 of these criteria.
- 2.3 Existing building setbacks of contributing structures along Harwood Street must be preserved and maintained.
- 2.4 Landscaping and exterior lighting installed after February 28, 1990, must enhance the structure and its surroundings and must not obscure significant views of or from contributing structures.
- 2.5 Surface parking fronting on Harwood Street that was not in existence on February 28, 1990, must be screened by a continuous wall of shrub mass with a minimum height of 30 inches. No curb cuts for this parking are permitted along Harwood Street.
- 2.6 Unless in existence on February 28, 1990, no service or storage areas, bays, or docks are permitted to front onto Harwood Street.

3. CONTRIBUTING STRUCTURES IN TRACT A & TRACT C.

- 3.1 Facades.
 - a. All facades of the contributing structures in this district are protected facades.
 - b. Reconstruction, renovation, or repair of opaque elements must employ materials similar to the original materials in texture, color, pattern, grain, and module size.
 - c. Brick and stone must match in color, texture, module size, bond pattern, and mortar color. No painting of original face brick and stone is permitted. When restoring painted brick to its original finish, it must be cleaned per Department of the Interior standards.
 - d. Masonry cleaning must be accomplished in accordance with Department of the Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.

- e. Stone, cast stone, concrete, and cast concrete elements must be renovated or repaired with materials similar in size, grain, texture, and color to the original elements.
- f. Wood trim and detailing must be carefully restored wherever practical. Historic materials may be replaced only when necessary. Deteriorated paint must 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 or aluminum siding is permitted.
- g. Historic finish materials should be uncovered and restored wherever practical.
- h. 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.

3.2 Fenestrations and openings.

- a. Original doors and windows and their openings must remain intact and be preserved and renovated whenever practical. Where replacement is proposed due to damage or structural deterioration, replacement doors and windows must 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.
- b. Except for purposes of eliminating a safety hazard, new door and window openings are permitted only in locations where there is evidence that original openings have been infilled with other material.
- c. Glass and glazing must match original materials as near as practical. No tinted glass or reflective glazing is permitted.

3.3 Roofs.

- a. 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.
- b. No vertical extensions are permitted.

- c. Penthouses and mechanical equipment installed on the roof and visible from the public right-of-way must be screened. Screening materials and methods must be compatible with the roof as determined through the certificate of appropriateness review process.
- 3.4 Porches and balconies.
 - a. Original porches and balconies on protected facades must be retained and preserved.
 - b. Enclosure of original porches and balconies is not permitted.
 - c. Original columns and railings that are part of the porch or balcony configuration must be preserved.
- 3.5 Original embellishments and detailing should be preserved and maintained, including, but not limited to, window mullions; cornices; parapets and gables; columns and railings; window sills; light fixtures; and decorative detailing. Any replacement due to maintenance, renovation, or reconstruction must be compatible with the original in terms of size, shape, materials, and color.
- 4. **NEW CONSTRUCTION AND ADDITIONS TO EXISTING STRUCTURES IN TRACT A & TRACT C.**
 - 4.1 Buildings must be designed with an expressed base, shaft, and building top. The base must be compatible with the character and design of adjacent contributing structures. Building entrances must be emphasized.
 - 4.2 Building height, density, and floor area ratio requirements set out in the Dallas Development Code are not restricted by these criteria.
 - 4.3 Building setbacks: Along Harwood Street, the building base of new construction must extend to the property line except that new construction on the site of a demolished or destroyed contributing structure may conform to the setback of that former structure.
 - 4.4 The building base must be architecturally differentiated from the building shaft. Where feasible, the base is encouraged to provide maximum visibility into the structure at the first and second levels through the use of storefronts and window openings. Arcades, loggias, and canopies may be incorporated into the base design. This is encouraged when the building fronts onto pedestrian walkways or entry plazas.
 - 4.5 Facade materials of the base must be compatible with existing buildings. The following materials are prohibited: aluminum, galvanized steel, wood, and plastic. All other materials must be reviewed for compatibility through the certificate of

appropriateness review process. With the exception of glass, no more than two building materials may be used as the dominant exterior cladding.

- 4.6 The massing of the building base must be compatible with the existing grid patterns of massing present in buildings along Harwood Street, but must not overpower the existing contributing structures.
- 4.7 Window openings on the base must not be greater than 70 percent nor less than 30 percent of the base facade.
- 4.8 No sheer glass wall facades are permitted on the building base. Curtain glass walls are permitted if they fall within the above percentages.
- 4.9 No reflective glass is permitted on the base.
- 4.10 Tinted glass must be reviewed for its shade coefficient and compatibility with adjacent base facade material. Acceptable color ranges are grays, blues, greens, and bronzes as approved through the certificate of appropriateness review process.
- 4.11 Stained glass is permitted on the base, Subject to the certificate of appropriateness review process.

5. SKYBRIDGES IN TRACT A & TRACT C.

- 5.1 No skybridge is permitted to span Harwood Street.
- 5.2 No skybridge connection is permitted to penetrate any facade of the contributing or compatible structures.

6. PARKING STRUCTURES IN TRACT A & TRACT C.

- 6.1 All parking structure facades that front on a public right-of-way, pedestrian walkway, park, or plaza must be architecturally finished to complement adjacent buildings.
- 6.2 Parking structures that front on plazas or pedestrian walkways are encouraged to provide service, retail, or commercial space at grade level.
- 6.3 The grade level of all parking structures must be screened.
- 6.4 The solid to void ratio of garage facades should not encourage horizontal or vertical banding.
- 6.5 Parking structures must be located at the rear or sides of building lots when possible.

- 6.6 Pedestrian and vehicular entrances must be clearly defined with architectural features and appropriate signs.

7. SIGNS IN TRACT A.

- 7.1 Signs must be compatible with the significant architectural qualities of the district. All signs must comply with Article VII of the Dallas Development Code, as amended, and are subject to the certificate of appropriateness review process.

8. SIGNS IN TRACT C.

- 8.1 Signs must be compatible with the significant architectural qualities of the district.
- 8.2 The historic Tower Theater blade sign on Elm Street may be replicated in size and design, as much as practical, based on research and photographic evidence. Materials and illumination types, such as LED, may be used provided they convey an appropriate visual appearance to match the historic materials and neon lighting. Signage text must match the font of the historic Tower Theater blade sign.
- 8.3 All signs must be approved through the certificate of appropriateness process.
- 8.4 Except as provided in Section 8.2, all signs must comply with the provisions of the Dallas City Code, as amended, prior to issuance of a sign permit.

9. SITE AND SITE ELEMENTS FOR TRACT B.

- 9.1 The public park in Tract B is intended to create a permanent open space that will be compatible with and complement the surrounding historic buildings within the district. To achieve this, several distinct zones are designated within this tract.
- 9.2 Open zone.
 - a. The open zone, as shown in Exhibit D, must maintain view corridors towards the Dallas Municipal Building.
 - b. No combination of structures and permanent artwork may obstruct a person's view of more than 15 percent of the front facade of the Dallas Municipal Building. This is measured by using a two-dimensional elevation diagram showing the front facade of the Dallas Municipal Building and the proposed structure or permanent artwork, as seen from directly behind the proposed structure or permanent artwork, standing at the mid-point of the tract between St. Paul and Harwood Streets, as shown on Exhibit D.
 - c. The use of deciduous trees is encouraged in the open zone.

9.3 Limited height zone.

- a. The limited height zone, as shown in Exhibit D, is comprised of a 40 foot band around the perimeter of the property line.
- b. Maximum height for all structures and site elements in the limited height zone is 20 feet, measured from grade to the top of the structure or site element.
- c. The creation of a definitive edge between the park and the public sidewalk along the existing property line that aligns approximately with the building line of adjacent structures within the district is encouraged, and may be reflected in site elements such as walls, edges of paving, and landscape areas.

9.4 Artwork exceeding 12 feet in height may not be located within the limited artwork zone, as shown in Exhibit D.

9.5 Other requirements.

- a. Site elements must reflect their own time, place, and use and must not create a false sense of historic development. This does not prohibit or discourage the incorporation of historic artifacts from the previous buildings located on the site in the design and construction of site elements and structures.
- b. New landscaping and exterior lighting must enhance the area without obscuring significant views of the adjacent buildings or views into the park.
- c. Ramps for underground parking garages are allowed along Commerce Street and St. Paul Street. The landmark commission may consider a ramp along Main Street if locations along Commerce Street and St. Paul Street are infeasible.
- d. New curb cuts for parking are not allowed along Harwood Street.

10. NEW CONSTRUCTION IN TRACT B.

- 10.1 New construction must consist of structures (as defined in Section 1.31), buildings, site elements, and walls as conceptually indicated in Exhibit E.
- 10.2 New construction must reflect its own time, place, and use and must not create a false sense of historic development.
- 10.3 The following facade materials are prohibited: reflective glass, wood, vinyl or metal siding, and corrugated metals. All facade materials must be reviewed through the certificate of appropriateness process.

11. SIGNS IN TRACT B.

- 11.1 Signs and signage are intended to provide information, directions, and promote activity within the park.
- 11.2 Signs must reflect their own time, place, and use and must not create a false sense of historic development.
- 11.3 Illuminated signs, pylons, and posts with banners that will add interest and color to the public park are encouraged.
- 11.4 Signs must be approved through the certificate of appropriateness process and must conform to appropriate city codes prior to the issuance of a sign permit.

12. WAIVER OF CERTAIN REQUIREMENTS IN TRACT B.

- 12.1 The requirements of Sections 51P-619.104, 51P-619.106.4, and 51P-619.112 of the Dallas Development Code are not applicable.
- 12.2 Sections 51A-4.601(a)(4) of the Dallas Development Code applies for purposes of determining a legal building site.
- 12.3 The requirements of Section 51A-4.124(a)(8)(C) of the Dallas Development Code pertaining to minimum sidewalk widths are not applicable.

13. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS.

- 13.1 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.
- 13.2 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 alterations; or (C) work requiring review by the landmark commission.
- 13.3 The director shall review and grant or deny a certificate of appropriateness for proposed work that falls into either category A or B listed in Subsection 13.2 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.
- 13.4 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 10 days after the decision to deny.

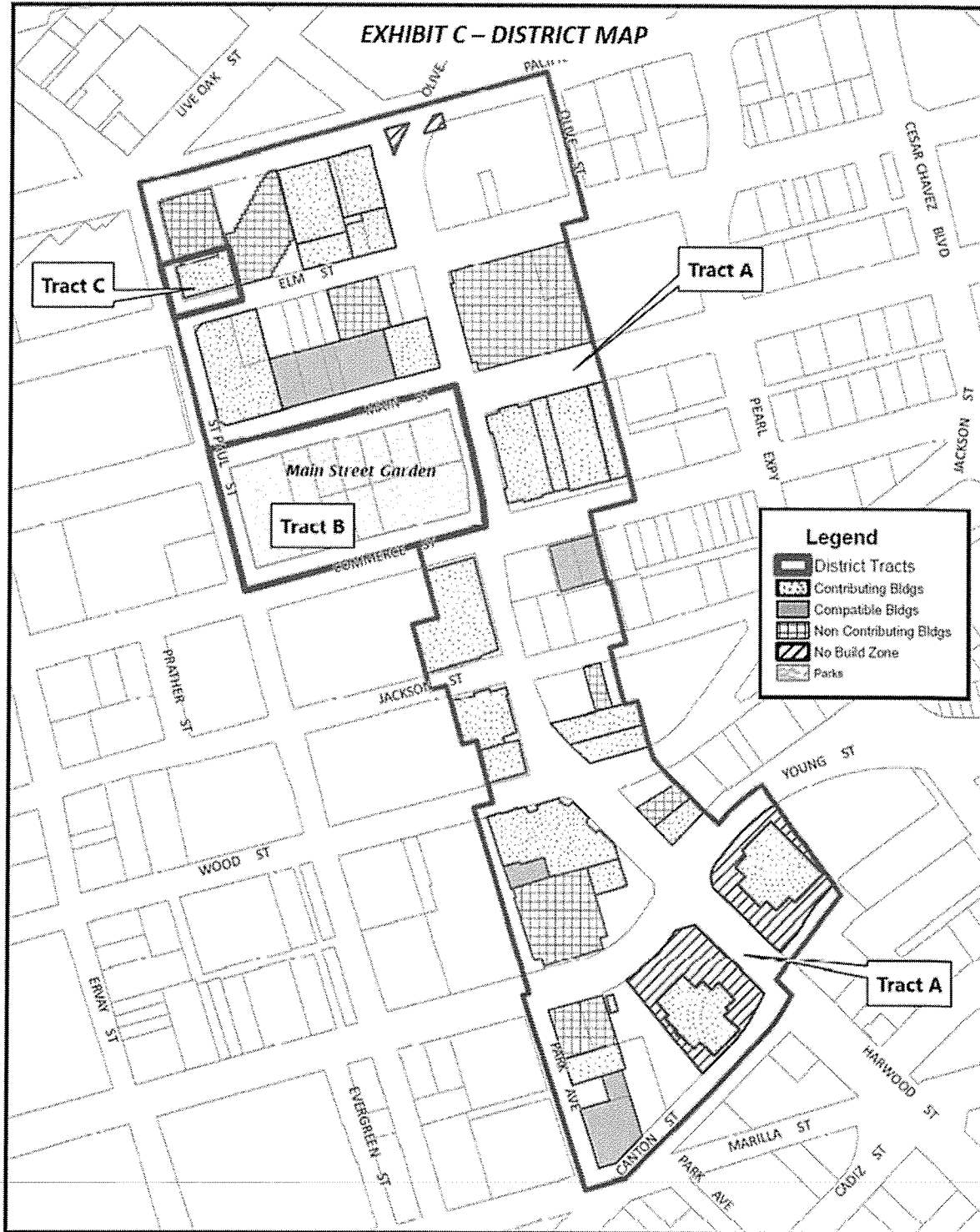
- 13.5 Proposed work not falling into either category A or B shall be reviewed by the landmark commission following the standard review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended.
- 13.6 Exemption: Requests categorized by the director as either routine maintenance and replacement or minor exterior alterations on non-contributing buildings are exempt from the certificate of appropriateness review process.
- 13.7 In Tract B, a certificate of appropriateness is NOT required for the following:
- a. Landscape and planting with a mature height less than six feet; this includes, but is not limited to, trees, shrubs, plantings areas, and plants.
 - b. Artwork, sculptures, and pylons that are less than six feet by six feet in plan, as measured to the largest dimension in each direction, and less than eight feet in height, as measured from the adjacent grade.
 - c. Movable or temporary seating, tables, heaters and other furnishings.
 - d. Temporary tents, canopies, and awnings that will be installed at the site for 30 days or less.
 - e. Temporary and seasonal trees, plantings, and lighting that will be installed at the site for 45 days or less.
- 13.8 In Tract B, the following work is considered minor exterior alterations:
- a. Repair or replacement of like materials.
 - b. Hardscape features less than four feet in height, as measured from the adjacent finished grade; for retaining walls, this will be measured from the adjacent finished grade at the lowest side. This includes site walls and fences, retaining walls, berms and other landscape features, sidewalks, walkways and other paved or non-porous surfaces, lawn areas, water features and fountains, and seating and tables; review includes materials and colors.
 - c. Temporary signage and banners.
 - d. Temporary tents, canopies, and awnings installed for between 31 and 90 days.
 - e. Temporary movie screens or walls and accompanying projector equipment/stands. It is encouraged that such screens or walls be portable

and be moved or pivot in place when not in use to avoid obscuring the facades of adjacent historic buildings.

- f. Lighting throughout the site.

14. APPEAL TO THE CITY PLAN COMMISSION.

- 14.1 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.



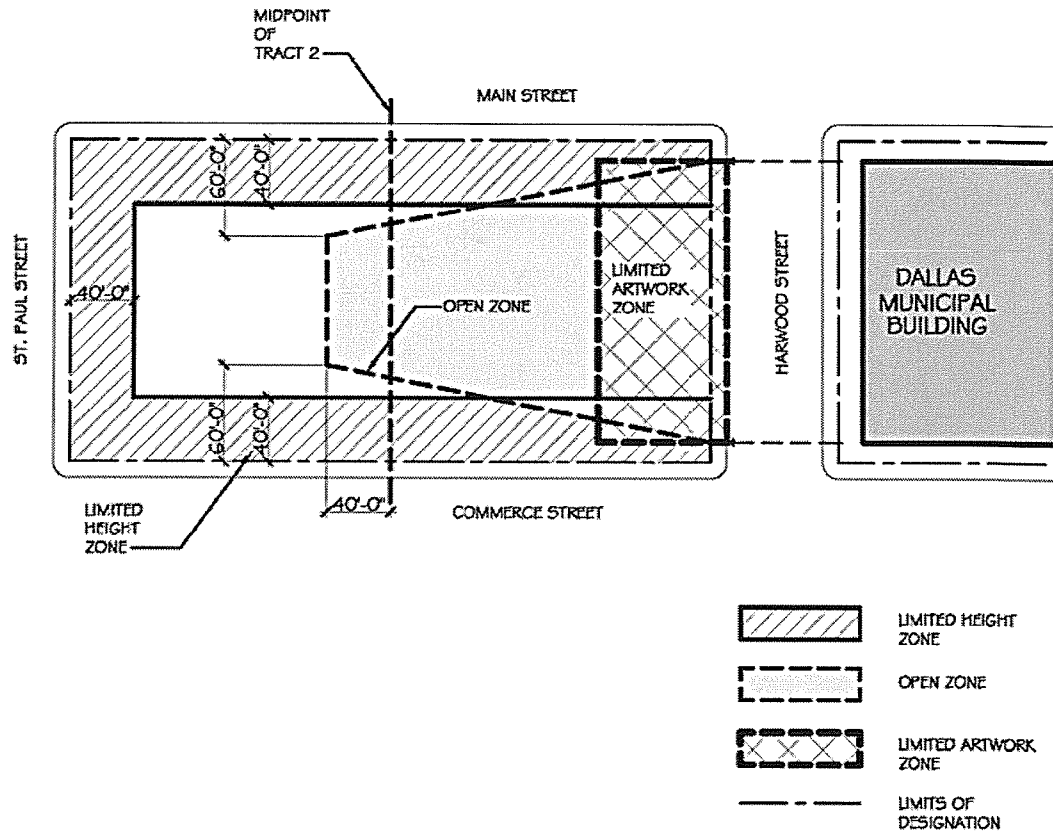
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Z167-351(LC)_H/48 create at new Tract C

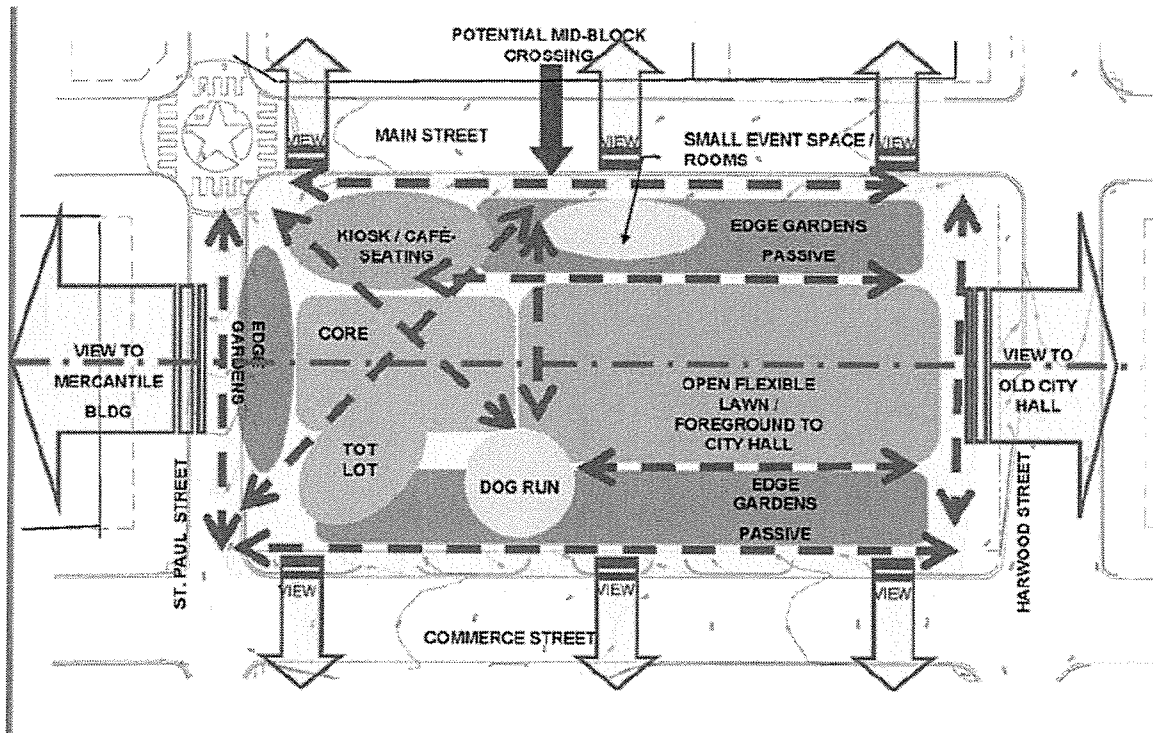
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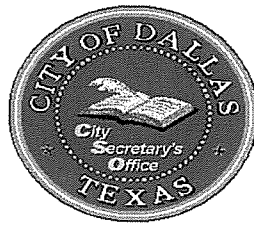
**EXHIBIT D
TRACT 2 PLANNING ZONES**



30812

EXHIBIT E
TRACT 2 CONCEPTUAL PLAN





PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAR 28 2018

ORDINANCE NUMBER 30812

DATE PUBLISHED MAR 31 2018

ATTESTED BY: