

1-11-99

ORDINANCE NO. 23752

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. 92 (Eastside Warehouse District) comprised of the following described property ("the Property"), to wit:

BEING a tract of land in City Blocks 3/848, 6/849 and 851, said property located on Main Street and Commerce Street, southwest of Trunk Avenue, and containing 1.9 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. 92 comprised of the following described property ("the Property"), to wit:

BEING a tract of land in City Blocks 3/848, 6/849 and 851 in the City of Dallas, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the southeast line of Main Street (66 foot right-of-way) and the southwest line of the T.&N.O. Railroad right-of-way;

THENCE South 42°37'00" East along the southwest line of the T.&N.O. Railroad right-of-way, a distance of approximately 380 feet to a point for corner on the southeast line of Lot 7 in City Block 6/849;

THENCE South 37°45'50" West along said lot line, a distance of 24.68 feet to a point for corner on the southwest line of the T.&N.O. Railroad right-of-way;

THENCE South 44°09'51" East along the southwest line of the T.&N.O. Railroad right-of-way, a distance of approximately 105.80 feet to a point for corner, said point being in the north line of a spur track to the T.&N.O. Railroad (17 foot right-of-way), and being in a curve to the left with a radius of 237.70 feet, a central angle of 27°50'29", a tangent of 58.92 feet, a chord of South 89°51'40" West for a distance of 114.37 feet;

THENCE in a northwesterly direction along the north line of said spur track and around said curve to the left, a distance of approximately 115.5 feet to the end of said curve to a point for corner;

THENCE South 76°05'45" West, continuing along said spur track, a distance of 46.87 feet to a point for corner on the northwest line of a 20 foot wide public alley;

THENCE South 76°00'00" West along said alley line, a distance of approximately 171.68 feet to a point for corner on a line, said line being 18.5 feet southwest of and parallel to the common line between Lots 2 and 3 in City Block 6/849;

THENCE North 14°00'00" West along said line and its northwestward prolongation, a distance of approximately 150 feet to a point for corner on the centerline of Commerce Street;

THENCE in a northeasterly direction along the centerline of Commerce Street, a distance of approximately 18.5 feet to a point for corner on a line, said line being 100.00 feet northeast of and parallel to the northeast line of Murray Street;

THENCE in a northwesterly direction along said line, a distance of approximately 110.00 feet to a point for corner on the centerline of a 20 foot wide public alley;

THENCE in a southwesterly direction along the centerline of said alley, a distance of 3.25 feet to a point for corner on a line, said line being 96.75 feet northeast of and parallel to the northeast line of Murray Street;

THENCE in a northwesterly direction along said line, a distance of approximately 110.00 feet to a point for corner on the southeast line of Main Street;

THENCE in a northeasterly direction along the southeast line of Main Street, a distance of approximately 95.74 feet to the POINT OF BEGINNING, and containing approximately 1.90 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:
ANGELA K. WASHINGTON, Interim City Attorney

By *John Regue*
Assistant City Attorney

Passed JAN 13 1999

Exhibit A
PRESERVATION CRITERIA
Eastside Warehouse District
Tract 1: 3210 Main Street
Tract 2: 3221 Commerce Street
Tract 3: 3200 Commerce Street

Preservation Criteria for all tracts

1. GENERAL

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with 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.
- 1.3 A person may not alter a historic district site, or any portion of the exterior of a structure on the site, or place, construct, maintain, expand, remove, or demolish any structure in the historic district without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and the provisions of this ordinance. A person who violates this provision is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.
- 1.4 The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
- 1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.
- 1.6 The Landmark Commission may approve a certificate of appropriateness for work that does not strictly comply with these preservation criteria upon a finding that:
 - a. the proposed work is historically accurate and is consistent with the spirit and intent of these preservation criteria; and
 - b. the proposed work will not adversely affect the historic character of the property or the integrity of the historic district.

2. DEFINITIONS

- 2.1 Unless defined below, the definitions contained in CHAPTER 51A "PART II OF THE DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended, apply.
- 2.2 **APPROPRIATE** means typical of the historic architectural style, compatible with the character of the historic district, and consistent with these preservation criteria.
- 2.3 **CERTIFICATE OF APPROPRIATENESS** means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.4 **CONTRIBUTING STRUCTURE** means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to a historic district.
- 2.5 **CORNERSIDE FENCE** means a fence adjacent to a side street.
- 2.6 **CORNERSIDE YARD** means a side yard abutting a street.
- 2.7 **DISTRICT** means Historic Overlay District No. 92, the Eastside Warehouse District. This district contains the property described in Section 1 of this ordinance. This district includes the following three tracts:
- a. Tract 1, as shown on Exhibit B, contains the Lincoln Paint & Color Co./Acme Paint Manufacturers Co. Building located at 3210 Main Street.
 - b. Tract 2, as shown on Exhibit B, is the Chevrolet Motor Co./Hesse Envelope Co. Building located at 3221 Commerce Street.
 - c. Tract 3, as shown on Exhibit B, is a parking lot located at 3200 Commerce Street.
- 2.8 **ERECT** means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.9 **FENCE** means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.10 **INTERIOR SIDE FENCE** means a fence not adjacent to a street or alley.
- 2.11 **INTERIOR SIDE YARD** means a side yard not abutting a street or alley.
- 2.12 **MAIN BUILDING** means the Lincoln Paint & Color Co./Acme Paint Manufacturers Co. Building or the Chevrolet Motor Co./Hesse Envelope Co. Building as shown on Exhibit B.
- 2.13 **NO-BUILD ZONE** means that part of the district in which no new construction may take place.

- 2.14 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.15 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

Preservation criteria for Tract 1
The Lincoln Paint & Color Co. /Acme Paint Manufacturers Co. Building
3210 Main Street

3. BUILDING SITE AND LANDSCAPING

- 3.1 New construction is prohibited in the no-build zone shown on Exhibit B.
- 3.2 The main building is protected.
- 3.3 New driveways, sidewalks, steps, and walkways must be constructed of brick, brush finish concrete or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted.
- 3.4 Exterior lighting must be appropriate and enhance the structure.
- 3.5 Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
- 3.6 It is recommended that landscaping reflect the historic landscape design.
- 3.7 Existing trees are protected, except that unhealthy or damaged trees may be removed.
- 3.8 Any new mechanical equipment must be erected on the roof.
- 3.9 Fences in side yards must be located a minimum of 10 feet back from the front facade of the structure.
- 3.10 Fences in rear yards may not exceed eight feet in height. Cornerside fences may not exceed six feet in height.
- 3.11 Fences must be constructed of brick, cast stone, iron, steel, stone, a combination of these materials, or other appropriate materials. Fences along Trunk Street and Commerce Street must be at least 50 percent open.

4. FACADES

4.1 Protected facades.

- a. The facades shown on Exhibit B are protected.
- b. Reconstruction, renovation, repair or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.
- c. Historic solid-to-void ratios of protected facades must be maintained.
- d. Brick added to protected facades must match in color, texture, module size, bond pattern, and mortar color.
- e. Brick, cast stone and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted prior to the effective date of this ordinance may remain painted.
- f. Dock areas attached to the main building may be removed or modified if appropriate.

4.2 Nonprotected facades.

- a. Reconstruction, renovation, repair, or maintenance of nonprotected facades must be compatible with protected features.

4.3 Wood siding, trim, and detailing must be restored wherever practical.

4.4 All exposed wood must be painted, stained, or otherwise preserved.

4.5 Historic materials must be repaired if possible; they may be replaced only when necessary.

4.6 Paint must be removed in accordance with the Department of Interior standards prior to refinishing.

4.7 Aluminum siding, stucco, and vinyl cladding are not permitted.

4.8 An opening in the south facade, upper levels, is allowed to accommodate a pedestrian walkway connection between the Lincoln Paint & Color Co./Acme Paint Manufacturers Co. Building and the Chevrolet Motor Co./Hesse Envelope Co. Building, as shown on Exhibit B.

4.9 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.

4.10 Exposing and restoring historic finish materials is recommended.

- 4.11 Cleaning of the exterior of a structure must be in accordance with Department of Interior standards. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

5. FENESTRATION AND OPENINGS

- 5.1 Historic doors and windows must remain intact except when replacement is necessary due to damage or deterioration.
- 5.2 Replacement of doors and windows which have been altered and no longer match the historic appearance is recommended.
- 5.3 Replacement doors and windows must express profile, muntin and mullion size, light configuration, and material to match the historic.
- 5.4 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate.
- 5.5 Glass and glazing must match historic materials as much as practical. Films and reflective glazings are not permitted on glass.
- 5.6 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.
- 5.7 The Secretary of the Interior's Standards for Rehabilitation should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

6. ROOFS

- 6.1 The historic slope, massing, configuration, and materials of the roof must be preserved and maintained.
- 6.2 The following roofing materials are allowed: two-ply modified bitumen roofing system, or a build-up single ply membrane roofing system.
- 6.3 Historic eaves, coping, cornices, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module and color.
- 6.4 Mechanical equipment, skylights, and solar panels on the roof 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.

7. PORCHES AND CANOPIES.

- 7.1 Historic porches (recessed entry) on protected facades are protected.

- 7.2 New canopies are allowed at the front and rear doors. The design of new canopies should reflect historic porch design, where known.
- 7.3 Porches on the south facade are allowed (in alley).

8. EMBELLISHMENTS AND DETAILING

- 8.1 The following architectural elements are considered important features and are protected:
 - a. exterior windows,
 - b. rhythm of window openings,
 - c. exterior brick,
 - d. the cornice, and
 - e. the wood loading doors at the alley.

9. NEW CONSTRUCTION AND ADDITIONS

- 9.1 Stand-alone new construction is not permitted.
- 9.2 Vertical additions to the main building or contributing structures must be set back so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.
- 9.3 Horizontal additions to the main building are not permitted on protected facades, except:
 - a. A pedestrian skybridge may be constructed between the Lincoln Paint & Color Co./Acme Paint Manufacturers Co. Building and the Chevrolet Motor Co./Hesse Envelope Co. Building on the second and third story, if appropriate. The pedestrian skybridge must be open-air and industrial in design. The pedestrian skybridge must comply with the provisions of Dallas Development Code §51A-4.217(b)(12), "Pedestrian skybridges," as amended.
- 9.4 The color, details, form, materials, and general appearance of additions must be compatible with the existing historic structure.
- 9.5 Additions must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solids-to-voids ratios.
- 9.6 Aluminum siding, stucco, and vinyl cladding are not permitted.

- 9.7 Additions must be designed so that connections between additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between additions and the historic structure must be established and maintained. Historic details in the coping, eaves and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts additions.

10. SIGNS

- 10.1 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.
- 10.2 Signs may be erected if appropriate.
- 10.3 All signs must comply with the provisions of the Dallas City Code, as amended.

Preservation criteria for Tract 2
The Chevrolet Motor Co./Hesse Envelope Co. Building
3221 Commerce Street

11. BUILDING SITE AND LANDSCAPING

- 11.1 The entire one story non-contributing structure may be removed.
- 11.2 New driveways, sidewalks, steps, and walkways must be constructed of brick, brush finish concrete, stone, or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted.
- 11.3 Circular driveways and parking areas are not permitted in a front yard.
- 11.4 Outdoor lighting must be appropriate and enhance the structure.
- 11.5 Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
- 11.6 It is recommended that landscaping reflect the historic landscape design.
- 11.7 Existing trees are protected, except that unhealthy or damaged trees may be removed.
- 11.8 Any new mechanical equipment must be erected on the roof.
- 11.9 Fence location.
- a. Fences are not permitted in the front yard.

- b. Fences in side yards must be located a minimum of 10 feet back from the front facade of the structure.
- 11.10 Fences in rear yards and interior side yards may not exceed eight feet in height. Fences in cornerside yards may not exceed six feet in height.
- 11.11 Fences must be constructed of brick, cast stone, metal, stone, wood, a combination of these materials, or other appropriate materials.

12. FACADES

12.1 Protected facades.

- a. All facades of the main building are protected.
 - b. Reconstruction, renovation, repair or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.
 - c. Historic solid-to-void ratios of protected facades must be maintained.
 - d. Brick added to protected facades must match in color, texture, module size, bond pattern, and mortar color.
 - e. Brick, cast stone and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted prior to the effective date of this ordinance may remain painted.
- 12.2 Wood siding, trim, and detailing must be restored wherever practical.
 - 12.3 All exposed wood must be painted, stained, or otherwise preserved.
 - 12.4 Historic materials must be repaired if possible; they may be replaced only when necessary.
 - 12.5 Paint must be removed in accordance with the Department of Interior standards prior to refinishing.
 - 12.6 Resurfacing with vinyl or aluminum siding or stucco is not permitted.
 - 12.7 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should comply with any available documentation as to historic color.
 - 12.8 Exposing and restoring historic finish materials is recommended.
 - 12.9 Cleaning of the exterior of a structure must be in accordance with Department of Interior Standards. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

13. FENESTRATION AND OPENINGS

- 13.1 Historic doors and windows must remain intact except when replacement is necessary due to damage or deterioration.
- 13.2 Replacement of doors and windows which have been altered and no longer match the historic appearance is recommended.
- 13.3 Replacement doors and windows must express profile, muntin and mullion size, light configuration, and material to match the historic.
- 13.4 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate.
- 13.5 Glass and glazing must match historic materials as much as practical. Films and reflective glazings are not permitted on glass.
- 13.6 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.
- 13.7 Window openings (both existing and newly created ones) on the one story non-contributing structure may be in-filled with expanded metal or other screening materials.
- 13.8 The Secretary of the Interior's Standards for Rehabilitation should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

14. ROOFS

- 14.1 The historic slope, massing, configuration, and materials of the roof must be preserved and maintained, except that the roof of the one story non-contributing structure may be removed.
- 14.2 The following roofing materials are allowed: two-ply modified bitumen roofing system, or a build-up single ply membrane roofing system.
- 14.3 Historic eaves, coping, cornices, dormers, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module and color.
- 14.4 Mechanical equipment, skylights, and solar panels on the roof 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.

15. PORCHES AND CANOPIES

- 15.1 New canopies are allowed at the front and rear doors. The design of new canopies should reflect historic porch design, where known, or must be industrial in design.

- 15.2 New porches on the north facade are allowed if they are industrial in design.

16. NEW CONSTRUCTION AND ADDITIONS

- 16.1 Stand-alone new construction is not permitted.
- 16.2 New vertical additions are permitted on protected structures to the extent they can be set back so that they are not visible to a person standing at ground level on the opposite side of the adjacent right-of-way.
- 16.3 Horizontal additions to the main building are not permitted, except:
- a. A pedestrian skybridge may be constructed between the Lincoln Paint & Color Co./Acme Paint Manufacturers Co. Building and the Chevrolet Motor Co./Hesse Envelope Co. Building on the second and third story, if appropriate. The pedestrian skybridge must be open-air and industrial in design. The pedestrian skybridge must comply with the provisions of Dallas Development Code §51A-4.217(b)(12), "Pedestrian skybridges," as amended.
- 16.4 The color, details, form, materials, and general appearance of additions must be compatible with the existing historic structure.
- 16.5 Additions must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solids-to-voids ratios.
- 16.6 Aluminum siding, stucco, and vinyl cladding are not permitted.
- 16.7 Additions must be designed so that connections between additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between additions and the historic structure must be established and maintained. Historic details in the coping, eaves and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts additions.

17. SIGNS

- 17.1 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.
- 17.2 Signs may be erected if appropriate.
- 17.3 All signs must comply with the provisions of the Dallas City Code, as amended.

Preservation criteria for Tract 3
Parking lot
3200 Commerce Street

18. BUILDING SITE AND LANDSCAPING

- 18.1 New parking areas, driveways, sidewalks, steps, and walkways may be constructed of asphalt, brick, brush finish concrete, stone, or other appropriate material.
- 18.2 Outdoor lighting must be appropriate.
- 18.3 Landscaping must be appropriate and enhance the surroundings.
- 18.4 Any new mechanical equipment must be screened.
- 18.5 Fences.
 - a. A perimeter fence is permitted.
 - b. Fences may not exceed eight feet in height.
 - c. Fences must be constructed of brick, cast stone, metal, stone, wood, a combination of these materials, or other appropriate materials.
- 18.6 Off-street parking must comply with the provisions of the Dallas City Code, as amended.

19. NEW CONSTRUCTION

- 19.1 Stand-alone new construction is permitted if appropriate. Steel carports with gabled corrugated metal roofs are permitted.
- 19.2 The color, details, form, materials, and general appearance of new construction must be appropriate.
- 19.3 New construction must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solids-to-voids ratios.
- 19.4 The height of new construction must not exceed the height of the building located at 3210 Main Street.
- 19.5 Aluminum siding, stucco, and vinyl cladding are not permitted.

20. SIGNS

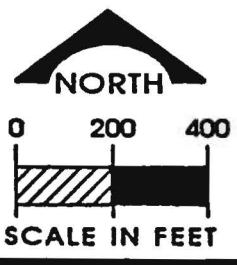
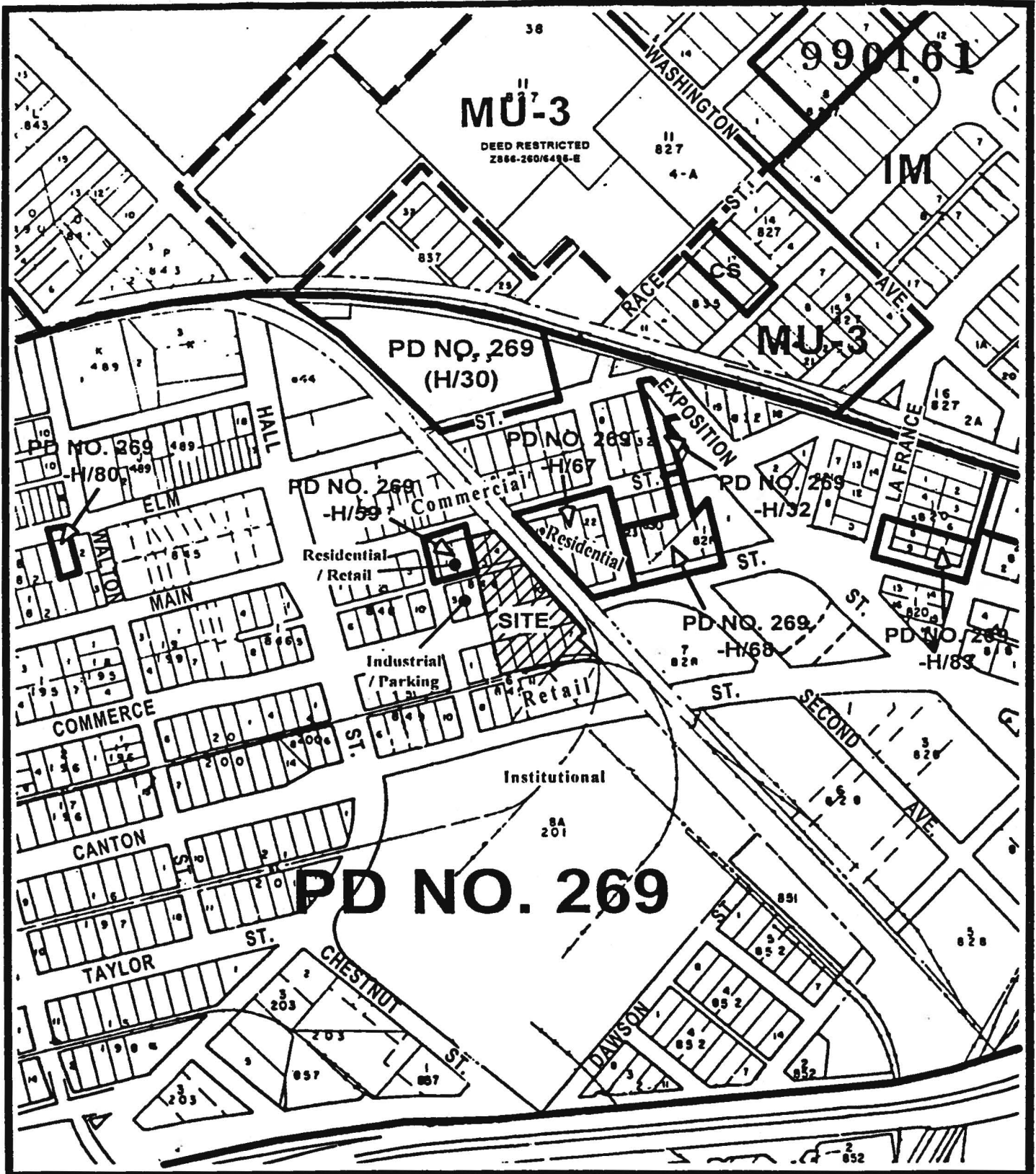
- 20.1 Temporary political campaign signs as defined in Chapter 15A of the Dallas City Code, as amended, and real estate signs may be erected without a certificate of appropriateness.

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20.2 Signs may be erected if appropriate.

20.3 All signs must comply with the provisions of the Dallas City Code, as amended.



ZONING AND LAND USE

MAP NO. J-8

CASE NO. Z978-358/10711-C(JA)