

6-19-17

ORDINANCE NO. 30527

An ordinance changing the zoning classification on the following property:

BEING part of City Block 61, part of City Block 69, and part of Murphy Street (now abandoned); located at the northeast corner of Main Street and Griffin Street; fronting approximately 489 feet on the north line of Main Street; and containing approximately 2.43 acres,

by establishing Historic Overlay District No. 150 (One Main Place); 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 ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property described in this ordinance; 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:

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. 150 on the property described in Exhibit A ("the Property"), which is attached to and made a part of this ordinance.

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

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 6. 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 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By  Assistant City Attorney

JUN 28 2017

Passed _____

30527

171088

GIS_Approved

**EXHIBIT A
LEGAL DESCRIPTION**

Being all those certain lots, tracts or parcels of land with the buildings and improvement now or hereafter thereon, lying and being situated in the City and County of Dallas, State of Texas, and being a part of city block 61, a part of city block 69, and a part of Murphy Street (now abandoned), described as follows, to-wit;

Beginning at a found brass marker at the intersection of the south line of Elm Street (80 feet wide), with the west line of Field Street (50 feet wide);

Thence in a southerly direction along the west line of Field Street south 14 degrees 00 minutes 52 seconds east, a distance of 100.00 feet to a found nail in building corner;

Thence angle right 90 degrees 00 minutes 52 seconds in a westerly direction, south 76 degrees 00 minutes 00 seconds east, a distance of 50.00 feet to a building corner for corner;

Thence angle left 90 degrees 00 minutes 52 seconds in a southerly direction, south 14 degrees 00 minutes 52 seconds east, a distance of 100.00 feet to a building corner in the north line of Main Street (79.5 feet wide);

Thence angle right 90 degrees 00 minutes 52 seconds in a westerly direction, south 76 degrees 00 minutes 00 seconds west, along the north line of Main Street, a distance of 489.50 feet to a point for corner in the east line of griffin street (100 feet wide);

Thence angle right 89 degrees 59 minutes 08 seconds in a northerly direction, north 14 degrees 00 minutes 52 seconds west, along the east line of Griffin Street, a distance of 200.00 feet to a brass marker found for corner in the south line of Elm Street;

Thence angle right 90. Degrees 00 minutes 52 seconds in a easterly direction, north 76 degrees 00 minutes 00 seconds east, along the south line of elm street, a distance of 539.50 feet to the place of beginning.

EXHIBIT B**PRESERVATION CRITERIA
ONE MAIN PLACE HISTORIC OVERLAY DISTRICT
1201 MAIN STREET****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 in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness.
 - a. A person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
 - b. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
 - c. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.
 - d. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.
- 1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.
- 1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

- 1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is 1968.

2. DEFINITIONS.

- 2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.
- 2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.
- 2.3 ARCADES means covered passages at the base of the main building between the storefronts and the exterior structural wall.
- 2.4 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.5 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.
- 2.6 DISTRICT means Historic Overlay District No. 150, the One Main Place Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit C.
- 2.7 EAST PLAZA means the portion of the site below street level that is located along the east side of the Property, and is visible from the street-level sidewalk, as shown on Exhibit C.
- 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 MAIN BUILDING means the One Main Place Tower building, as shown on Exhibit C.

- 2.11 MARQUEE means a projecting structure placed over the entrance to a building, and may include a sign or signs.
- 2.12 NO-BUILD ZONE means that part of this district in which no new construction may take place.
- 2.13 PORTE-COCHERE means a portico-like structure at a main or secondary entrance to a building through which a motor vehicle can pass in order for the occupants to alight under cover, protected from the weather.
- 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.
- 2.16 STREET LEVEL PLAZA means the paved open space around the main building at ground floor level.
- 2.17 WEST PLAZA means the portion of the site below street level that is located along the west side of the Property, and is visible from the street-level sidewalk, as shown on Exhibit C.

3. BUILDING SITE AND LANDSCAPING.

- 3.1 New construction is prohibited in the no-build zone shown on Exhibit C.
- 3.2 The main building, including arcades, is protected.
- 3.3 Exposed-aggregate street-level guard rails at the East and West Plazas are protected but may be modified for safety reasons.
- 3.4 Exterior staircases at the northwest corner of the site and the East Plaza are protected.
- 3.5 New driveways, sidewalks, steps, and walkways must be constructed of exposed aggregate concrete, stone, or other appropriate material. Artificial grass, asphalt, and outdoor carpet are not permitted. Exposed aggregate concrete must be compatible with original paving or main building.
- 3.6 Access to driveways and parking areas are not permitted off Griffin Street or Field Street.
- 3.7 New mechanical equipment may be erected on the roof of the main building only.

3.8 Landscaping.

- a. Outdoor lighting must be appropriate and enhance the structure.
- b. Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
- c. Original planters in the East and West Plazas are protected and must contain plant material in a healthy, growing condition.

3.9 Fences.

- a. Fencing is allowed in the no-build zone only to enclose outdoor bar/restaurant patio areas or limit access at stairways. Other fencing is prohibited.
- b. Fences must be constructed of metal, glass, or other appropriate materials and may not exceed four feet in height. Fences and gates may not be constructed of wood, vinyl, or plastic.

4. **FACADES.**

4.1 Protected facades.

- a. All facades 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. Repairs to exposed-aggregate concrete on protected facades must match in color, texture, aggregate size and type, and cement composition as much as practical.
- e. Concrete elements on protected facades may not be painted.

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

4.3 Paint must be removed in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior.

4.4 Aluminum siding, stucco, and vinyl cladding are prohibited.

- 4.5 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.
- 4.6 Exposing and restoring historic finish materials is recommended.
- 4.7 Cleaning of the exterior of a structure must be in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library and online on the National Park Service website. Light abrasive blasting of exposed aggregate concrete may be considered appropriate but is subject to Landmark Commission approval and must be in accordance with National Park Service standards.

5. FENESTRATION AND OPENINGS.

- 5.1 Historic revolving doors are to be retained except for conversion to hotel use. In such a case, one revolving door may be replaced with a new revolving door that accommodates baggage. New revolving doors must be compatible with the original doors.
- 5.2 Replacement of doors and windows that 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 as much as practical.
- 5.4 New storefront doors and openings are permitted if they are appropriate and match the existing doors and windows in profile, width, height, proportion, glazing material, and color as much as practical.
- 5.5 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades.
- 5.6 Glass and glazing must match historic tinted materials as much as practical. Films and reflective glazing are not permitted on glass.
- 5.7 The existing vertical location of the glazing and its relationship to the building's concrete structural frame must be maintained.
- 5.8 Replacement or modified storefronts must match the original in profile, width, height, proportion, glazing material, and color and detail as much as practical.
- 5.9 Storefronts at the street and plaza levels are to be retained except where replacement is necessary due to deterioration or where modification of the storefronts is

necessary to meet city code or accommodate access to tenant spaces. Replacement and modifications of storefronts must be appropriate.

- 5.10 The Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library and on the National Park Service website, should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

6. ROOF.

- 6.1 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. ARCADES

- 7.1 Historic arcades on protected facades are protected.
- 7.2 Arcades on protected facades may not be enclosed. It is recommended that existing enclosed arcades be restored to their historic appearance.

8. PLAZAS

- 8.1 The East and West Plazas are protected, with the exception of new construction in the West Plaza as allowed in Section 8.5.
- 8.2 Removal or full enclosure of the East and West Plazas is prohibited.
- 8.3 Planters, benches, and other construction within the West Plaza that are not part of the original design are not protected.
- 8.4 Reconstruction, restoration, or interpretation of the original design of the West Plaza is encouraged.
- 8.5 New construction within the West Plaza must not cover more than 50 percent of the plaza area and must not significantly degrade the interpretation of the plaza as an open space.
- 8.6 The height of new construction and additions within the West Plaza must not exceed the height of the street-level guard rail.

9. NEW CONSTRUCTION AND ADDITIONS.

- 9.1 Stand-alone new construction is permitted only in the West Plaza as shown on Exhibit C, and at the north and south facades of the tower for construction of porte-cochere and marquee structures as allowed in this section.
- 9.2 Vertical additions to the main building are not permitted.
- 9.3 Horizontal additions to the main building are not permitted, with the exception of porte-cocheres and marquee structures as allowed in this section.
- 9.4 The construction of one porte-cochere per facade is permitted for hotel use on both the north and south facades. A porte-cochere may not cover more than 35 percent of the total facade area of the ground floor portion of the facade.
- 9.5 A maximum of two marquees per facade are permitted on both the north and south facades. Marquees may not cover more than 35 percent of the total facade area of the ground floor portion of the facade.
- 9.6 No facade may contain both a porte-cochere and a marquee structure.
- 9.7 Porte-cochere and marquee structures must be self-supporting and fully reversible with minimal or no damage to the protected facades.
- 9.8 The color, details, form, materials, and general appearance of new construction and additions must be compatible with the existing historic structure.
- 9.9 New construction and additions must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solid-to-void ratios.
- 9.10 Aluminum siding, stucco, and vinyl cladding are not permitted.
- 9.11 New construction and additions must be designed so that connections between new construction or 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 new construction or additions and the historic structure must be established and maintained. Historic details of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.

10. SIGNS.

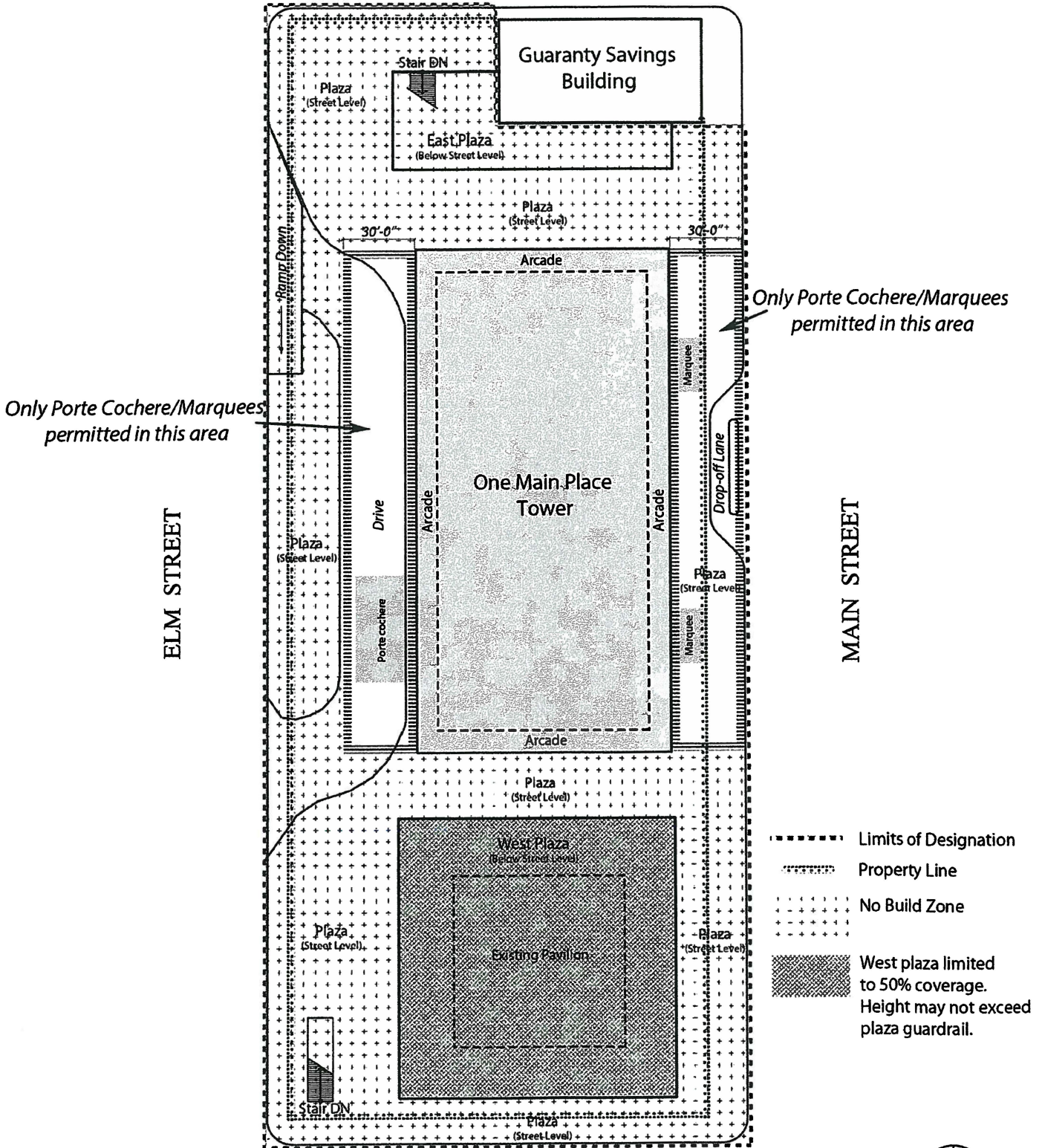
- 10.1 Signs may be erected if appropriate.
- 10.2 All signs must comply with the provisions of the Dallas City Code, as amended.

- 10.3 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

11. ENFORCEMENT.

- 11.1 A person who violates these preservation criteria 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.
- 11.2 A person is criminally responsible for a violation of these preservation criteria if:
- a. the person knowingly commits the violation or assists in the commission of the violation;
 - b. the person owns part or all of the property and knowingly allows the violation to exist;
 - c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or
 - d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.
- 11.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.
- 11.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

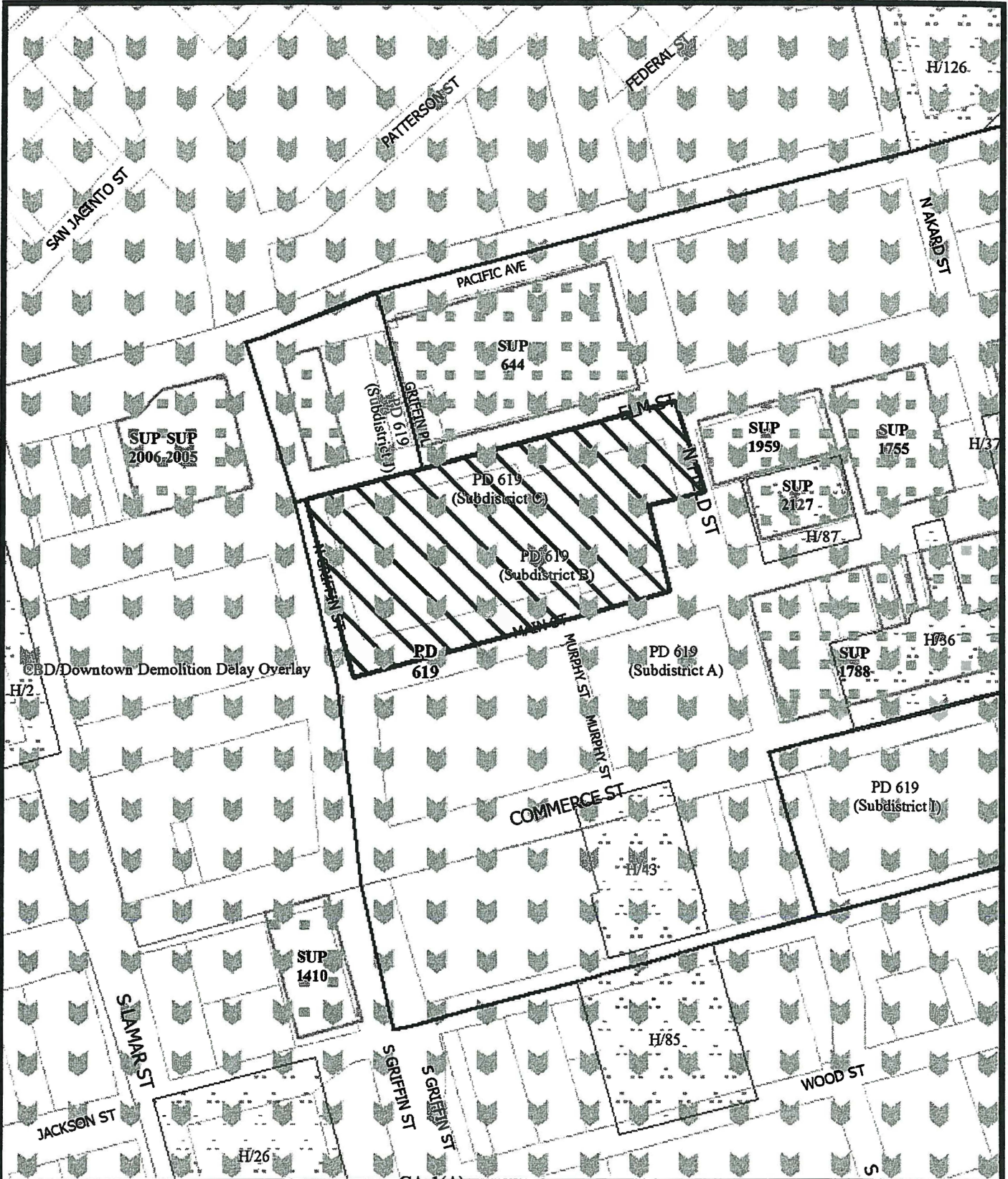
FIELD STREET



GRIFFIN STREET

EXHIBIT "C"





1:2,400

ZONING MAP

Case no: Z167-130

Date: 11/29/2016



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 JUN 28 2017

ORDINANCE NUMBER 30527

DATE PUBLISHED JUL 01 2017

ATTESTED BY: