

9/28/87

ORDINANCE NO. 19697

An ordinance amending CHAPTERS 51 and 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by changing the zoning classification on the following described property:

Being a tract of land in City Block 76 at the northeast corner of Main Street and Akard Street, fronting 100 feet on the northwest line of Main Street and fronting 100 feet on the northeast line of Akard Street, and containing 10,000 square feet of land,

from a CA-1-CP Central Area District to a CA-1-CP Central Area District with Historic Overlay District No. 37; establishing new Historic Overlay District No. 37 (Busch-Kirby Building) and providing procedures, regulations, and preservation criteria pertaining to that district; providing a penalty not to exceed \$2000; 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 that property; and

WHEREAS, the city council finds that it is in the public interest to grant this change in zoning; Now, Therefore,

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

SECTION 1. That CHAPTERS 51 and 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, are amended by

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changing the zoning classification from a CA-1-CP Central Area District to a CA-1-CP Central Area District with Historic Overlay District No. 37 on the following described property ("the Property"):

Being a tract of land in City Block 76 and further described as follows:

Beginning at the intersection of the northwest line of Main Street and the northeast line of Akard Street;

Thence in a northwesterly direction along the northeast line of Akard Street, a distance of 100 feet to a point for corner on a line, said line being 100 feet northwest of and parallel to the northwest line of Main Street;

Thence in a northeasterly direction along said line, a distance of 100 feet to a point for corner in a line, said line being 100 feet northeast of and parallel to the northeast line of Akard Street;

Thence in a southeasterly direction along said line, a distance of 100 feet to a point for corner on the northwest line of Main Street;

Thence in a southwesterly direction along the northwest line of Main Street, a distance of 100 feet to a point on the northeast line of Akard Street, the place of beginning, and containing 10,000 square feet of land.

SECTION 2. That a person shall not make alterations to 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 3. 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 4. That the director of planning and development shall correct Zoning District Map No. J-7 in the offices of the city secretary, the building official, and the department of planning and development to reflect the changes in zoning made by this ordinance.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2000. 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 6. That CHAPTERS 51 and 51A, "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 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

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Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:

ANALESIE MUNCY, City Attorney

By Marsha Goodfriend
Assistant City Attorney

Passed and correctly enrolled SEP 30 1987

Zoning File No. Z867-231/8368-N

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EXHIBIT A

APPENDIX

Preservation Criteria - Busch/Kirby Building

No renovation, reconstruction or new development on the site shall adversely affect any historical or architectural feature of the resource building. All alterations, reconstructions, and additions to the exterior portions of the structure shall conform to the following criteria:

Preservation of Existing Structure1. Protected Elevations

The Main Street and Akard Street elevations of the existing resource structure are the critical facades which are the most visually sensitive portions of the building. These elevations shall be preserved and protected.

2. Surface Materials

Renovation or restoration of the protected elevations shall employ terra cotta, stone, or brick similar in color, module size, texture, and glaze to the existing materials. Any renovations or reconstructions of existing trim and detailing shall employ materials (terra cotta, stone, etc.) similar in color, module size, glaze, and texture to the existing trim and detailing.

3. Fenestrations and Openings

Any renovation or reconstruction of exposed elevations should retain all original window and door openings in their original configuration. Reflective, mirrored, or tinted glass will not be permitted. Any renovation which includes redesign of the ground story storefronts on Main and Akard Streets should include removal of the pedestrian arcade and reconstruction of appropriate storefronts in their original location and configuration. New openings will only be permitted on elevations other than Main or Akard Streets or in order to comply with health or safety code provisions.

4. Roof

The slope and configuration of the existing roof shall be maintained, and no new vertical extensions shall be allowed. The existing parapet around the perimeter and tower shall be retained.

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5. Embellishments and Detailing

All ornamental detailing, such as cornices and mouldings, architraves and friezes, and ornamental terra cotta, shall remain intact. Any reconstruction, renovation, or replacement of these items shall employ materials as identical in material, color, composition, size, and texture as practicable.

6. Color

No terra cotta, stone, or brick surfaces may be painted. All originally painted features, including windows, doors, frames, and trim, may be repainted the existing color under the routine maintenance procedures. It is recommended that original paint colors be determined and used where practicable, following review and approval by the Landmark Commission.

7. Lighting and Landscaping

Exterior lighting and any improvements in the public right-of-way shall be reviewed and approved by the Landmark Commission prior to commencement of work; such site features should enhance the structure and surroundings without obscuring significant views of the resource building.

8. Signs

All new signs shall be designed to be compatible with the architectural qualities of the original resource structure, and shall be approved by the Landmark Commission prior to issuance of a sign permit.

9. New Construction

Additions to the existing resource building shall be limited to the light court at the rear of the structure, shall be in harmony with the basic configuration created by the existing elevations' rhythm of fenestration, and shall comply with the requirements specified for a Central Area-1 District. Any new construction in the light court should be designed to be compatible with the original massing and architectural detail of the adjacent facade of the resource building. All new construction shall be reviewed and approved for compatibility by the Landmark Commission prior to issuance of a building permit.

