

11-22-94

ORDINANCE NO. 22288

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. 70 (Olive and Myers Building Historic District) comprised of the following described property ("the Property"), to wit:

TRACT I: BEING all of Lots 1 through 8 in City Block 7/153, fronting 100 feet on the southeast line of Canton Street, beginning at a point 250 feet northeast of the northeast line of Central Expressway, and containing 20,000 square feet of land.

TRACT II: BEING all of Lots 5 through 8 in City Block 6/154, fronting 100 feet on the southeast line of Cadiz Street, beginning at a point 250 feet northeast of the northeast line of Central Expressway, and containing 10,000 square feet of land;

providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding the rezoning of the Property; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to establish this historic overlay district; Now, Therefore,

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

CHECKED BY

JCK

SECTION 1. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended by establishing Historic Overlay District No. 70 comprised of the following described property ("the Property"), to wit:

TRACT I:

BEING Lots 1, 2, 3, 4, 5, 6, 7, and 8 in Block 7/153 of Rail Road Addition to the City of Dallas, Texas, according to the Revised Map thereof recorded in Volume 40, Page 109 of the Deed Records of Dallas County, Texas, and transcribed in Volume 4, Page 350 of the Map Records of Dallas County, Texas, and being described more particularly as follows:

BEGINNING at a steel pin in concrete at the south corner of said Lot 1 at the intersection of the northwest line of Cadiz Street (80 feet wide) with the northeast line of a 25.0 foot wide alley in said Block;

THENCE North $35^{\circ}51'$ West along the northeast line of said alley, a distance of 200.00 feet to a steel rod at the west corner of said Lot 8 on the southeast line of Canton Street (80 feet wide);

THENCE North $54^{\circ}09'$ East along the southeast line of Canton Street, a distance of 100.00 feet to the north corner of said Lot 8 on the southwesterly line of the 300 foot wide railroad reservation shown on said Rail Road Addition plat;

THENCE South $35^{\circ}51'$ East along the southwest line of said railroad reservation, a distance of 200.00 feet to a steel pin in concrete at the east corner of said Lot 1 on the northwest line of Cadiz Street;

THENCE South $54^{\circ}09'$ West along the northwest line of Cadiz Street, a distance of 100.00 feet to the PLACE OF BEGINNING, and containing 20,000 square feet of land, more or less.

TRACT II:

BEING Lots 5, 6, 7, and 8 in Block 6/154 of Rail Road Addition to the City of Dallas, Texas, according to the Revised Map thereof recorded in Volume 40, Page 109 of the Deed Records of Dallas County, Texas, and transcribed in Volume 4, Page 350 of the Map Records of Dallas County, Texas, and being described more particularly as follows:

BEGINNING at a steel rod at the west corner of said Lot 8 at the intersection of the southeast line of Cadiz Street (80 feet wide) with the northeast line of the 25.0 foot wide alley in said Block;

THENCE North 54°09' East along the southeast line of Cadiz Street, a distance of 100 feet to a steel rod at the north corner of said Lot 8 on the southwest line of the 300 foot wide railroad reservation shown on said Rail Road Addition plat;

THENCE South 35°51' East along the southwest line of said railroad reservation, a distance of 100 feet to the east corner of said Lot 5;

THENCE South 54°09' West along the southeast line of said Lot 5, a distance of 100 feet to a steel rod at the south corner of said Lot 5 on the northeast line of said alley;

THENCE North 35°51' West along said alley line, a distance of 100 feet to the PLACE OF BEGINNING, and containing 10,000 square feet of land, more or less.

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-7 in the offices of the city secretary, the building official, and

the department of planning and development to reflect the changes in zoning made by this ordinance.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, or maintenance of a building, structure, or land on the Property.

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

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:

SAM A. LINDSAY, City Attorney

By Chris Bowers
Assistant City Attorney

Passed DEC 14 1994

Zoning File No. Z945-106/9732-N

EXHIBIT A**PRESERVATION CRITERIA
Olive and Myers Building Historic District
2220 Canton**

Except as otherwise provided in these Preservation Criteria, all public and private right-of-way improvements, renovation, repairs, demolition, maintenance, site work, and new construction in this district must conform to the following guidelines and a certificate of appropriateness must be obtained for such work prior to its commencement.

Except as otherwise provided in these Preservation Criteria, any such alterations to the property must conform to the regulations contained in CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended. In the event of a conflict, these Preservation Criteria control.

Unless otherwise specified, preservation and restoration materials and methods used must conform to those defined in the Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

SECTION 1. DEFINITIONS

Unless provided below or the context clearly indicates otherwise, the definitions contained in Sections 51A-2.102 and 51A-7.102 of the Dallas City Code, as amended, apply.

- 1.1 **CERTIFICATE OF APPROPRIATENESS** means a certificate issued by the city in accordance with Section 51A-4.501 of the Dallas City Code, as amended, to authorize the alteration of the physical character of real property in the district or any portion of the exterior of a structure in the district, or the placement, construction, maintenance, expansion, or removal of any structure in or from the district.
- 1.2 **COMMISSION** means the landmark commission of the city of Dallas.
- 1.3 **DISTRICT** means the Olive and Myers Building Historic Overlay District. This district contains the property described in Section 1 of this ordinance.
- 1.4 **ERECT** means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw or otherwise construct.

- 1.5 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.6 MAIN BUILDING means a building on a lot intended for occupancy by the main use.
- 1.7 NO BUILD ZONE means that part of a lot on which no new construction may take place.
- 1.8 PRESERVATION CRITERIA means the standards contained in this exhibit, which must be considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.9 PROTECTED FACADE means a facade that must maintain its original appearance, as near as practical, in all aspects.
- 1.10 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

SECTION 2. SITE AND SITE ELEMENTS

- 2.1 New construction is prohibited in the area designated as a "No Build Zone" on Exhibit B.
- 2.2 The existing original and historic structure must be retained and protected.
- 2.3 New sidewalks, walkways, steps, and driveways must be of brush finish concrete, stone, or other material if deemed appropriate. No exposed aggregate, artificial grass, carpet, asphalt or artificially-colored monolithic concrete paving is permitted.
- 2.4 Exterior lighting must be appropriate to and enhance the structure.
- 2.5 Landscaping must be appropriate and compatible, enhance the structure and surroundings, and not obscure significant views of or from the main building.
- 2.6 Fences are permitted in the side and rear yards and may not exceed nine feet in height from grade. Fences must be constructed of one or more of the following materials: brick, stone, cast concrete, iron, or a combination of these materials. Fences must be 90 percent open.

SECTION 3. STRUCTURE**Facades**

- 3.1 All facades of the main structure are protected facades.
- 3.2 Reconstruction, renovation, or repair of the opaque elements of the protected facades must employ materials similar to the original materials in texture, color, pattern, grain, and module size as much as practical.
- 3.3 All additions and alterations must be architecturally sensitive and appropriate to the overall design of the existing structure.
- 3.4 Brick must match in color, texture, module size, bond pattern, and mortar color. Original brick on a facade may not be painted, with the exception that portions of the original structures that have previously been painted may remain painted.
- 3.5 Stone, cast stone, and concrete elements must be renovated or repaired only with materials similar in size, grain, texture, and color to the original materials. Those surfaces which have been previously painted may remain painted.
- 3.6 Original color and original materials must be preserved and maintained wherever practical. Paint and other color schemes for non-masonry elements should be based upon any available documentation as to original conditions.
- 3.7 Exposing and restoring original historic finish materials is encouraged.
- 3.8 Exterior cleaning must be accomplished in accordance with U.S. Department of Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.
- 3.9 Any new mechanical equipment must be erected on the roof so as not to be visible at ground level from the opposite side of any adjacent right-of-way.

Embellishments and Detailing

- 3.10 The following architectural elements are considered special features and must be protected and preserved unless otherwise determined by the commission: original doors, windows, brick, concrete, fire escapes and water tower.

Fenestration and Openings

- 3.11 Doors and openings must remain, except exterior windows may be replaced with exterior doors and loading dock roll doors may be replaced with windows and door openings. Replacement doors and windows must express size, light configuration, and material to match the original doors and windows.
- 3.12 Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly recommended.
- 3.13 Glass and glazing must match original materials as much as practical. No reflective glazing or films is permitted. Type 3 tinted panes for energy efficiency are permitted.
- 3.14 The U.S. Department of the Interior standards should be referred to for acceptable techniques to improve the energy efficiency of historic fenestrations.

Roofs

- 3.15 The slope, massing, configuration, and materials of the roof must be preserved and maintained. Existing parapets, cornices, coping, and roof trim must be retained, and when repaired, should be done so with material matching in size, finish, module, and color.
- 3.16 The following roofing materials are allowed: built-up, single-ply membrane, or other material if deemed appropriate.
- 3.17, Solar panels and skylights must be set back or screened so as not to be visible at ground level from the opposite side of any adjacent right-of-way.
- 3.18 Mechanical units must be placed on the roof so as not to be visible at ground level from the opposite side of any adjacent right-of-way.

Porches and balconies

- 3.19 Balconies are permitted but must be at existing openings. Balconies must be of a simple industrial style. Material for balconies must be steel and painted black.
- 3.20 All original columns, railings, and other trim and detailing must be preserved.

- 3.21 Handrails for the loading dock must be made of steel, painted black, and have a simple industrial design similar to the balcony railings.
- 3.22 Canopies are allowed and must be industrial in nature.
- 3.23 Railings on the roof must be industrial in nature and extend no more than 36 inches above the parapet wall.

SECTION 4. NEW CONSTRUCTION AND ADDITIONS

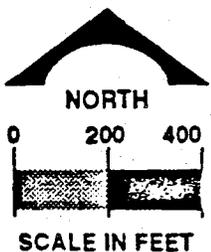
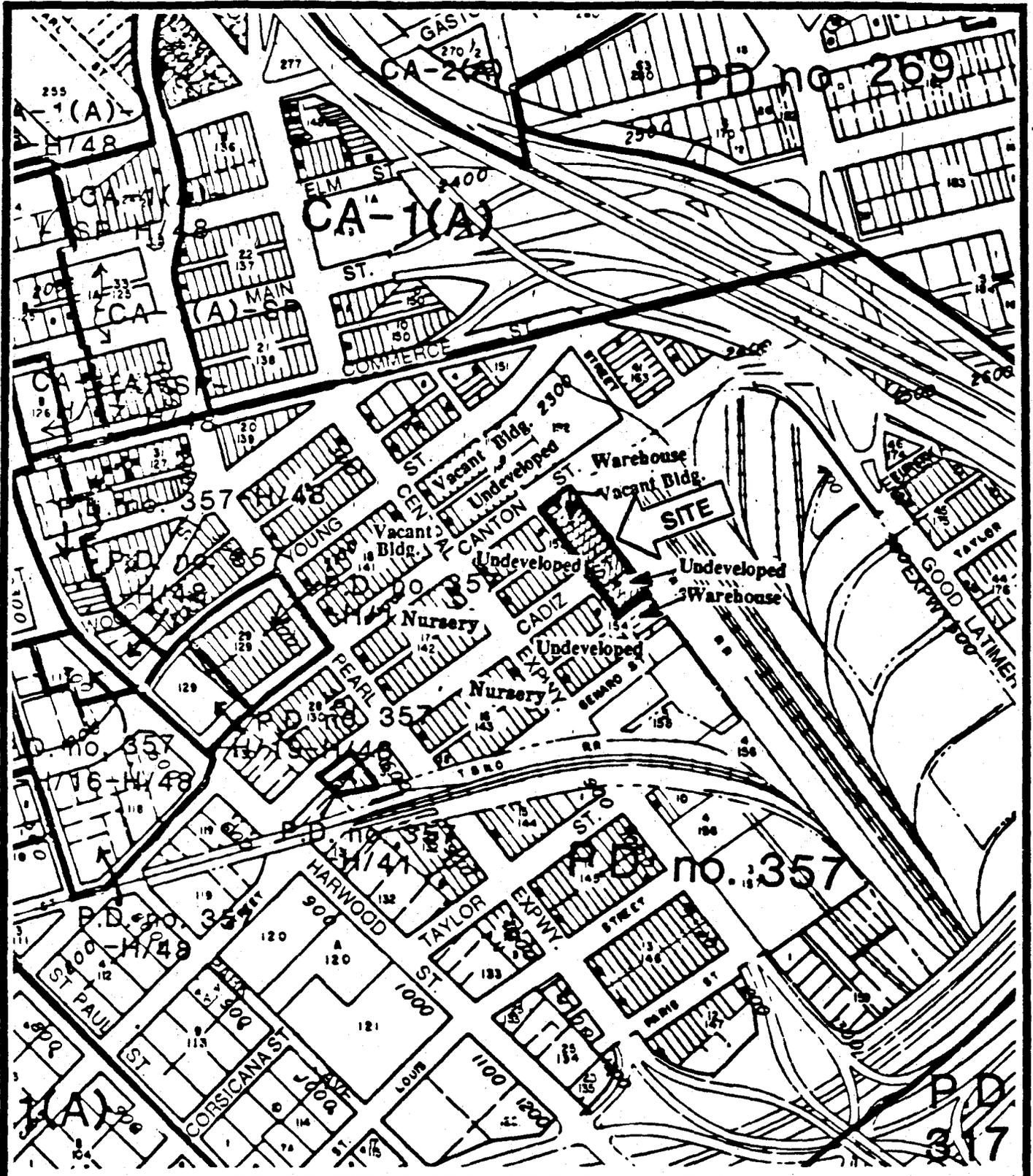
- 4.1 The form, materials, general exterior appearance, color, and details of any new construction of accessory buildings or vertical extensions to existing non-protected areas of the structures must be compatible with the existing historic structure.
- 4.2 New construction, additions to historic structures, accessory buildings, porches, and balconies must have appropriate massing, roof form, shape, materials, detailing, color, fenestration patterns, and solids-to-voids ratios that are typical of the historic structure.
- 4.3 The height of new construction, accessory buildings, or vertical or horizontal additions to existing non-protected structures may not exceed the height of the historic structure.
- 4.4 Carports are permitted behind the south facade of the building. The structure must be of one or more of the following materials: steel, metal (roof material), brick, and cast stone/concrete. The roofline must be compatible with the main structure.
- 4.5 Vinyl, aluminum, and stucco are not acceptable cladding materials for the construction of a new accessory structure in this district.
- 4.6 New construction and connections between new and existing construction must be designed so that they are clearly discernible from the existing historic structures as suggested by the U.S. Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new and existing construction must be established and maintained.
- 4.7 Historic details in the parapet and coping must be preserved and maintained where abutting new construction.

SECTION 5. SIGNS

- 5.1 Temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) and real estate signs are permitted.
- 5.2 All signs must conform with all applicable provisions of the Dallas City Code, as amended.

SECTION 6. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS.

- 6.1 The review procedure outlined in Section 51A-4.501 of the Dallas City Code, as amended, applies to this district, except that a certificate of appropriateness is not required to erect temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) or real estate signs.



ZONING AND LAND USE

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Map No. J-7

Case No. Z945-106/9732-N