

5-27-15

ORDINANCE NO. 29751

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section 51A-7.901.1; adding Section 51A-7.932 to create the Akard Station Subdistrict; providing regulations for the Akard Station Subdistrict; providing a property description of the Akard Station Subdistrict; 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 the Dallas City Code; Now, Therefore,

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

SECTION 1. That Section 51A-7.901.1, "Designation of Subdistricts," of Division 51A-7.900, "Downtown Special Provision Sign District," of Article VII, "Sign Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

**"SEC. 51A-7.901.1. DESIGNATION OF SUBDISTRICTS.**

(a) This district is divided into seven [~~six~~] subdistricts: Retail Subdistrict A, Retail Subdistrict B, the General CBD Subdistrict, the Downtown Perimeter Subdistrict, the Main Street Subdistrict, [~~and~~] the Convention Center Subdistrict, and the Akard Station Subdistrict.

(b) Retail Subdistrict A is that central area of downtown within the following described boundaries:

BEGINNING at a point being the intersection of the centerlines of Pacific Avenue and Lamar Street;

THENCE with said centerline of Pacific Avenue proceeding easterly to the intersection of South Field Street;

THENCE with said centerline of South Field Street proceeding southeasterly to the intersection of Elm Street;

THENCE with said centerline of Elm Street proceeding northeasterly to the intersection of Akard Street;

THENCE with said centerline of Akard Street proceeding northwesterly to the intersection of Pacific Avenue;

THENCE with said centerline of Pacific Avenue proceeding easterly to the intersection of Pacific Avenue and Bryan Street;

THENCE with said centerline of Bryan Street proceeding northeasterly to the intersection of IH-45;

THENCE with said centerline of IH-45 proceeding southerly to the intersection of Commerce Street and IH-45;

THENCE with said centerline of Commerce Street proceeding westerly to the intersection of Harwood Street;

THENCE with said centerline of Harwood Street proceeding southerly to the intersection of Wood Street;

THENCE with said centerline of Wood Street proceeding westerly to the intersection of Griffin Street;

THENCE with the said centerline of Griffin Street proceeding northerly to the intersection of Jackson Street;

THENCE with the said centerline of Jackson Street proceeding westerly to the intersection of Austin Street;

THENCE with the said centerline of Austin Street proceeding northerly to the intersection of Main Street;

THENCE with the said centerline of Main Street proceeding easterly to the intersection of Griffin Street;

THENCE with the said centerline of Griffin Street proceeding northerly to the intersection of Elm Street;

THENCE with the said centerline of Elm Street proceeding westerly to the intersection of Lamar Street;

THENCE with the said centerline of Lamar Street proceeding northerly to the intersection, and point of origin, of Pacific Avenue, save and except that area that is in the Main Street Subdistrict.

(c) Retail Subdistrict B is that central area of downtown within the following described boundaries:

BEGINNING at a point being the intersection of the centerlines of Elm Street and Lamar Street;

THENCE with said centerline of Elm Street proceeding easterly to the intersection of Griffin Street;

THENCE with said centerline of Griffin Street proceeding southerly to the intersection of Main Street;

THENCE with said centerline of Main Street proceeding westerly to the intersection of Lamar Street;

THENCE with said centerline of Lamar Street proceeding northerly, to the POINT OF BEGINNING.

(d) The General CBD Subdistrict is that area of the district within the Freeway Loop, more particularly described in metes and bounds as follows:

BEGINNING at a point being the intersection of the centerlines of Woodall Rodgers Freeway and IH-45;

THENCE with said centerline of IH-45 proceeding southerly to the intersection of IH-30;

THENCE with said centerline of IH-30 proceeding westerly to the intersection of IH-35E;

THENCE with said centerline of IH-35E proceeding northerly to the intersection of the Woodall Rodgers Freeway;

THENCE with said centerline of Woodall Rodgers Freeway easterly to the intersection, and point of origin, of IH-45, except that area that is in the Convention Center Subdistrict, the Main Street Subdistrict, Retail Subdistrict A, ~~and~~ Retail Subdistrict B, and the Akard Station Subdistrict or any other special provision sign district created under this article.

(e) The Downtown Perimeter Subdistrict is that area outside of the freeway loop within the downtown sign district.

(f) The Main Street Subdistrict is that area of downtown near Main Street described in Exhibit A attached to Ordinance No. 24925.

(g) The Convention Center Subdistrict is that area of downtown near the convention center, more particularly described in metes and bounds as follows:

BEGINNING at a point being the intersection of the centerline of R.L. Thornton Freeway with the centerline of Hotel Street;

THENCE, in a northwesterly direction along the centerline of Hotel Street to its intersection with the centerline of the Jefferson Boulevard Viaduct/Market Street;

THENCE, in a northeasterly and northwesterly direction along the centerline of the Jefferson Boulevard Viaduct/Market Street to its intersection with the centerline of Jackson Street;

THENCE, in a northeasterly direction along the centerline of Jackson Street to its intersection with the centerline of South Griffin Street;

THENCE, in a southeasterly direction along the centerline of South Griffin Street to its intersection with the centerline of Wood Street;

THENCE, in a northeasterly direction along the centerline of Wood Street to its intersection with the centerline of Akard Street;

THENCE, in a southeasterly direction along the centerline of Akard Street to its intersection with the centerline of R.L. Thornton Freeway;

THENCE, in a southwesterly direction along the centerline of R.L. Thornton Freeway, to the POINT OF BEGINNING.

(h) The Akard Station Subdistrict is that area of downtown that is more particularly described in metes and bounds as follows:

BEGINNING at a point being the intersection of the centerline of Elm Street with the centerline of Field Street;

THENCE, in a northwesterly direction along the centerline of Field Street to its intersection with the centerline of the Pacific Avenue;

THENCE, in a northeasterly direction along the centerline of Pacific Avenue to its intersection with the centerline of Akard Street;

THENCE, in a southeasterly direction along the centerline of Akard Street to its intersection with the centerline of Elm Street;

THENCE, in a southwesterly direction along the centerline of Elm Street to its intersection with the centerline of the Field Street, the POINT OF BEGINNING.”

SECTION 2. That Division 51A-7.900, “Downtown Special Provision Sign District,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Section 51A-7.932, “Akard Station Subdistrict,” to read as follows:

**“SEC. 51A-7.932. AKARD STATION SUBDISTRICT.**

(a) Purpose. It is the intent of this subdistrict to:

(1) create an aesthetically pleasing environment that promotes an atmosphere of vitality appropriate for a place where thousands of citizens gather for living, working, commuting, entertainment, and celebration;

(2) encourage the use of innovative, colorful, and entertaining signs, and signs that bring a distinctive character and attract people to downtown;

(3) identify and promote Akard Station as a vibrant centerpiece of ingress and egress in the heart of the Central Business District;

(4) encourage signs with a style, orientation, and location that take into consideration the high number of pedestrians and commuters expected within this district;

(5) communicate clear directions to and through the subdistrict; and

(6) promote the economic success of businesses within the subdistrict.

(b) In general. Except as provided in this section, signs must comply with the Downtown Special Provision Sign District in Division 51A-7.900. If there is a conflict between the text of this section and this division, the text of this section controls.

(c) Definitions. In this section:

(1) **BUILDING IDENTIFICATION SIGN** means a sign identifying a building within the subdistrict.

(2) **FACADE-INTEGRATED SIGN** means a sign that is part of a skin system for a portion of a building facade, has no fenestration, projects no more than 12 inches from the building facade, and the sign hardware is visually concealed from public rights-of-way.

(3) MIDDLE-LEVEL SIGN AREA means that portion of a building facade that is between the lower-level sign area and the upper-level sign area not to exceed 100 feet above grade.

(4) UPPER-LEVEL SIGN AREA means that portion of a building facade 36 feet or less from the top of a building.

(d) Special provisions for all signs.

(1) The maximum effective area of all signs combined is 10 percent of the total area of all building facades within this subdistrict.

(2) Permits for all signs in the Akard Station Subdistrict are subject to the director procedure in Section 51A-7.505(4).

(3) Except as otherwise limited by maximum effective areas allowed in this subdistrict, there is no maximum size or number of individual signs.

(e) Non-premise signs.

(1) Non-premise signs are only allowed on a building constructed before 1970 that contains at least 1,000,000 square feet of floor area.

(2) Non-premise signs may only be located in the middle-level sign area.

(3) Maximum total effective area of non-premise signs is 19,100 square feet. Minimum effective area of a single non-premise sign is 3,000 square feet. A message that wraps a building corner is considered one sign.

(4) Not more than 50 percent of all non-premise signage may be digital.

(5) The portion of a non-premise facade-integrated sign not devoted to building identification must be one large visual display with a minimum of 80 percent non-textual graphic content (no more than 20 percent text).

(6) A maximum of six signs may display non-premise messages at one time.

(7) No more than two non-premise signs may be displayed on a facade at one time.

(8) The same non-premise sign message may not be displayed for a period longer than 12 consecutive months.

(f) Digital signs.

(1) Digital signs must be facade-integrated signs and may only be located in the middle-level sign area.

(2) Digital signs must comply with the operational requirements for attached videoboard signs in Section 51A-7.910.

(g) HBA signs. No sign may be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.

(h) Lower-level sign area.

(1) The total effective area for all signs in the lower-level sign area is 7,500 square feet.

(2) Premise signs located behind a window with at least 75 percent non-textual graphic content are not included in the calculation of effective area of signage within the lower-level sign area.

(3) Signs may be attached to a window or glass door and may exceed 15 percent of the area of that window or glass door or be located within the upper two-thirds of that window or glass door if the building official determines that the proposed signs do not eliminate visibility into or out of the premise. A sign authorized by this paragraph:

(A) must be made of translucent vinyl or a similar material with at least a 65/35 perforation pattern (a maximum of 65 percent of the area is closed, a minimum of 35 percent of the area is open); and

(B) may only have images; any text or characters on the sign are limited to 15 percent of the window area and are only permitted in the lower one-third of the window.

(4) Facade-integrated signs are not allowed in the lower-level sign area.

(i) Middle-level sign area.

(1) The total effective area for all signs in the middle-level sign area is 30,000 square feet.

(2) Middle-level signs must be facade-integrated signs. Facade-integrated signs may be digital signs or static signs with a light source that is not directly visible.

(3) To effectively balance the desire for significant signage and vibrancy within this subdistrict, a minimum of 1,400 square feet of effective area must display promotional messages in the Central Business District. An additional minimum of 1,500 square feet of effective area must display:

(A) promotional messages in the Central Business District, or

(B) images of artwork, historically significant buildings, or events within the city.

(4) A minimum of 1,800 square feet of the effective area of facade-integrated signs must be a building identification signage. Building identification signage may be included within or as a portion of any other sign.

(5) Digital signs are prohibited on a building facade facing Akard Street.

(6) Each new non-premise sign permit application for signs in the middle-level sign area must be submitted with a form provided by the department of sustainable development and construction detailing compliance with this section.

(j) Upper-level sign area.

(1) The total effective area for all signs in the upper-level sign area is 6,500 square feet.

(2) Facade-integrated signs are not allowed in the upper-level sign area.”

(k) Signage study.

(1) Property owner or operator shall submit a signage study evaluating the types and ratio of signs in this subdistrict. The signage study must be in writing, must be submitted to the director between 60 and 90 days before December 31, 2021, and must include:

(A) a summary of all middle-level sign permit applications, including the forms submitted detailing compliance with this section; and

(B) the total number of notices of violation and citations issued by the City of Dallas for violating this section since May 27, 2015.

(2) Within 30 days after submission of the signage study, the director shall forward to the city council. If no signage study is submitted by the deadline, the director shall notify city council.

(j) Nonconforming or vested rights. This section does not confer a nonconforming or vested right to maintain a non-premise sign after the maximum period allowed for a non-premise message has expired.



SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

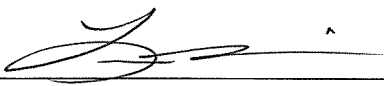
SECTION 4. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. 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.

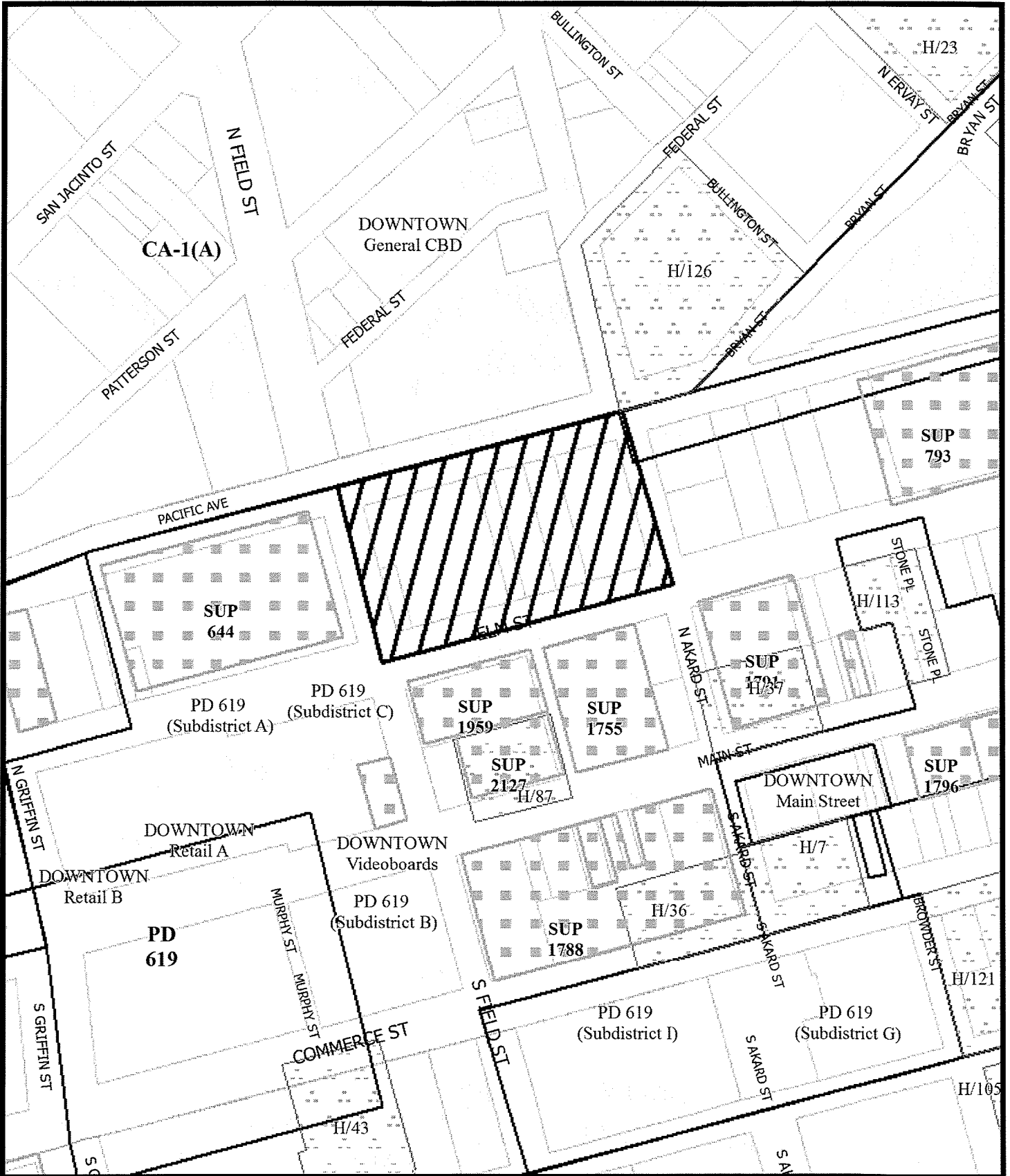
SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

By  Assistant City Attorney

Passed                     MAY 27 2015

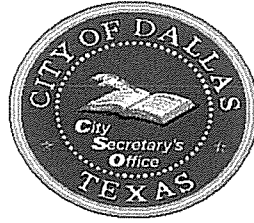


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# ZONING MAP

Case no: SPSD134-005

Date: 3/11/2015



## 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 MAY 27 2015

ORDINANCE NUMBER 29751

DATE PUBLISHED MAY 30 2015

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose C. Liss".