

4-19-19

ORDINANCE NO. 31191

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51A-7.901.1, 51A-7.903, 51A-7.907, and 51A-7.911; creating a new Discovery Subdistrict within the Downtown Special Provision Sign District; providing regulations for a media wall sign within the Discovery 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 Subsection (a) of 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:

"(a) This district is divided into nine [~~eight~~] subdistricts: Retail Subdistrict A, Retail Subdistrict B, the General CBD Subdistrict, the Downtown Perimeter Subdistrict, the Main Street Subdistrict, the Convention Center Subdistrict, the Akard Station Subdistrict, [~~and~~] the Whitacre Tower Subdistrict, and the Discovery Subdistrict."

SECTION 2. 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

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51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Subsection (j) to read as follows:

"(j) The Discovery Subdistrict is that area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. _____, passed by the Dallas City Council on April 24, 2019."

SECTION 3. That Section 51A-7.903, "Definitions," 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 by adding a new Paragraph (21.1) to read as follows:

"(21.1) MEDIA CENTER PLAZA means an outdoor area that is accessible to the public, and includes:

- (A) a plaza that is at least 120,000 square feet in size; and
- (B) structures containing ground-floor retail and restaurant uses."

SECTION 4. That Section 51A-7.903, "Definitions," 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 by adding a new Paragraph (21.2) to read as follows:

"(21.2) MEDIA WALL SIGN means an attached sign projecting no more than five feet from a building, the face of which is parallel to the building facade, and which may wrap around the corner of a building. A media wall sign must be located adjacent to a media center plaza. A media wall sign must be a changeable message sign, and must incorporate changeable messages, including streaming."

SECTION 5. That the title preceding Section 51A-7.907, "General Provisions," 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:

“Special Provisions for Signs within the General CBD, Main Street, Convention Center, [~~and~~] Retail, and Discovery Subdistricts.”

SECTION 6. That Paragraph (3) of Subsection (a), “Attached Signs in General,” of Section 51A-7.911, “Attached Premise Signs,” 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:

“(3) The total effective area for all signs on a facade, excluding media wall signs in the Discovery Subdistrict, may not exceed:

- (A) 30 percent of the area in the lower level sign area;
- (B) 20 percent of the area in the middle level sign area; and
- (C) 30 percent of the area in the upper level sign area.”

SECTION 7. That Section 51A-7.911, “Attached Premise Signs,” 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 by adding a new Subsection (h), “Media Wall Signs,” to read as follows:

“(h) Media wall signs.

- (1) One media wall sign is permitted in the Discovery Subdistrict only.
- (2) A media wall sign may be located no lower than 15 feet from grade and may be located no higher than 125 feet from grade.
- (3) Non-premise messages are permitted only when streaming live or pre-recorded media content that is not simply an advertisement or commercial.
- (4) For purposes of a media wall sign, PREMISE means the property within the Discovery Subdistrict and the property within the Media Center Plaza abutting the Discovery Subdistrict.
- (5) For purposes of a media wall sign, PREMISE SIGN means any sign that contains content that relates to the premise and referring exclusively to the following:

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(A) the name, trade name, or logo of the owner or occupant of the premises, or the identification of the premise;

(B) accommodations, services, or activities offered or conducted on the premise;

(C) products or media content sold, other than incidentally, on the premise, the intent of which is not to promote third-party advertising but to allow the products and media content of the premise, but does not include monetization from third-party advertising;

(D) the sale, lease, or construction of the premise;

(E) products or media content owned by the owner or its affiliates, or by the occupant of the premise;

(F) public service or sponsorship announcements; and

(G) the streaming of live or pre-recorded content.

(6) Media wall signs may be a maximum 9,300 square feet in effective area. For a media wall sign that wraps around the side of a building, a maximum of 6,650 square feet in effective area is permitted on the north/Jackson Street side of the building, and a maximum of 2,650 square feet in effective area is permitted on the west/Akard Street side of the building.

(7) A media wall sign:

(A) must contain a default mechanism that freezes the image in one position in case of a malfunction.

(B) must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:

(i) the ambient light level measured in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then

(ii) the dimming level, multiplied by .0039 equals the brightness level; then

(iii) the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed sign brightness, measured in nits. For example:

$$32,768 \text{ (ambient light in luxes)} \div 256 = 128 \text{ (dimming level)}$$

$$128 \text{ (dimming level)} \times .0039 = 0.4992 \text{ (brightness level)}$$

0.4992 (brightness level) \times $9,000$ (maximum brightness of the example sign) = 4492.8 (allowed brightness in nits);

(C) between 1:00 a.m. and 7:00 a.m., Monday through Friday, and between 2:00 a.m. and 8:00 a.m. on Saturday and Sunday,

(i) must display at no more than 300 nits or five percent of the total brightness of the sign capabilities, whichever is less; and

(ii) may utilize no more than 50 percent of the sign's total diodes and display no text;

(D) may not display light of such intensity or brilliance as to cause glare, impair the vision of an ordinary driver, or constitute a nuisance;

(E) must have a color display able to display a minimum of 281 trillion color shades; and

(F) must be able to display a high-quality image with a minimum pixel pitch of six mm.

(8) Before the issuance of a media wall sign permit, the applicant shall provide written certification from the sign manufacturer or vendor that:

(A) the light intensity has been programmed to comply with the maximum brightness and dimming formula in Section 51A-7.911(h)(7)(B); and

(B) the light intensity is protected from end-user manipulation by password-protected software, or other method satisfactory to the building official.

(9) Media wall sign operators must respond to a malfunction or safety issue within one hour after notification."

SECTION 8. That the city attorney is authorized to insert the enrolled number of this ordinance in Section 51A-7.901.1(j).

SECTION 9. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 10. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

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SECTION 11. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.


SECTION 12. 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 13. 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:

CHRISTOPHER J. CASO, Interim City Attorney

By


Assistant City Attorney

APR 24 2019

Passed _____

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EXHIBIT A

Block 124/79 and an abandoned portion of Browder Street
Smith, Murphy & Martin's Addition
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

DOWNTOWN SPSD
DISCOVERY ZONE SUBDISTRICT

BEING a 51,755 square foot (1.1881 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being all of Block 124/79, Smith Murphy & Martin's Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas and all of a called 0.1023 acre tract of land described in a Quitclaim Deed to Southwestern Bell Telephone Company, recorded in Instrument Number 201400201550, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the southerly right-of-way line of Jackson Street (50' right-of-way) and the easterly right-of-way line of Akard Street (variable width right-of-way), being the northwest corner of said Block 124/79;

THENCE North 76° 00' 00" East, along the southerly right-of-way line of said Jackson Street, a distance of 276.34 feet to the intersection of the southerly right-of-way line of said Jackson Street and the westerly right-of-way line of Browder Street (variable width right-of-way), said intersection being the northeasterly corner of said 0.1023 acre tract;

THENCE, along the westerly right-of-way line of said Browder Street, the following bearings and distances:

South 14° 28' 02" East, a distance of 7.18 feet to a point for corner;

South 11° 26' 56" East, a distance of 95.94 feet to a point for corner;

South 13° 56' 14" East, a distance of 64.64 feet to a point for corner;

North 76° 03' 46" East, a distance of 3.75 feet to a point for corner;

South 13° 56' 14" East, a distance of 10.83 feet to a point for corner;

South 76° 03' 46" West, a distance of 3.75 feet to a point for corner;

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GIS_Approved

South $13^{\circ} 56' 14''$ East, a distance of 10.38 feet to the intersection of the westerly right-of-way line of said Browder Street and the northerly right-of-way line of Wood Street (50' right-of-way), said intersection being the southeasterly corner of said 0.1023 acre tract;

THENCE South $75^{\circ} 52' 20''$ West, along the northerly right-of-way line of said Wood Street, a distance of 272.03 feet to the intersection of the northerly right-of-way line of said Wood Street and the easterly right-of-way line of said Akard Street, said intersection being the southwesterly corner of said Block 124/79;

THENCE North $14^{\circ} 00' 14''$ West, along the easterly right-of-way line of said Akard Street, a distance of 189.49 feet to the **POINT OF BEGINNING**, containing 51,755 square feet or 1.1881 acres, more or less.



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 APR 24 2019

ORDINANCE NUMBER 31191

DATE PUBLISHED APR 27 2019

ATTESTED BY: