

3-16-20

ORDINANCE NO. 31494

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51A-7.1303, 51A-7.1305, 51A-7.1306, 51A-7.1307, and 51A-7.1308; providing definitions and regulations for wallscape signs, A-frame signs, cultural event or activity signs, and district identification signs; 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-7.1303, "Definitions," of Division 51A-7.1300, "Provisions for Deep Ellum/Near East Side 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) In this division:

(1) A-FRAME SIGN means a premise sign that is a portable detached structure that is hinged at the top and is made of durable, rigid materials such as wood, plastic, or metal.

(2) ARTWORK means any pictorial or image presentation or design.

~~[(2) BANNER means a sign attached to or applied on a strip of cloth and temporarily attached to a building or structure. Canopy signs and political flags are not banners.]~~

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(3) AWNING means a fabric or vinyl surface supported by a metal structure, which is applied to the face of a building. [~~CANOPY SIGN means a sign attached to or applied on a canopy or awning.~~]

(4) AWNING SIGN means a sign attached to, painted on, or otherwise applied to an awning. [~~FLAT ATTACHED SIGN means an attached sign projecting 18 inches or less from a building and parallel to the building facade.~~]

(5) DISTRICT IDENTIFICATION SIGN means an attached or detached sign identifying only this district.

(6) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels or words.

(7[6]) PAINTED APPLIED SIGN means a sign that is painted, or that is made to look painted, directly onto the face of the exterior facade of a building not including doors and windows. Signs of this type must naturally conform to the textured surface of the facade. [~~PROJECTING ATTACHED SIGN means an attached sign projecting 18 or more inches from a building.~~]

(8[7]) THIS DISTRICT means the Deep Ellum/Near East Side Sign District.

(9[8]) WALLSCAPE SIGN means a sign meeting the requirements set forth in Section 51A-7.1306(g)[~~51A-7.1308~~].

(10[9]) WINDOW SIGN means a sign painted or affixed onto a window.”

SECTION 2. That Section 51A-7.1305, “Special Provisions for All Signs,” of Division 51A-7.1300, “Provisions for Deep Ellum/Near East Side 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-7.1305. SPECIAL PROVISIONS FOR ALL SIGNS.

(a) Signs in this district are permitted to overhang the public right-of-way subject to city franchising requirements.

(b) Except for wallscape signs, painted applied signs, and district identification signs, no sign may exceed 150 square feet unless it is located more than 65 feet above grade, at which point no sign may exceed 300 square feet.

(c) Except as otherwise provided in Subsections (d)(e) and (e)(d), the maximum effective area of all signs combined on a premise, not including A-frame signs, painted applied signs on certain facades, and district identification signs, is 10 percent of the total area of all building facades facing public right-of-way that is adjacent to the premise, not to exceed 1,200 square feet. Where a premise has only one facade facing an adjacent public right-of-way, the maximum effective area can be increased to 15 percent of that facade, not to exceed 500 square feet.

(d(e)) Excluding A-frame signs, painted applied signs on certain facades, and district identification signs, w[~~W~~]hen more than 50 percent of the total effective area of all signs combined on a premise is devoted to artwork, and there is no wallscape sign on the premise, the maximum effective area of all signs combined on a premise is 15 percent of the total area of all building facades facing public right-of-way that is adjacent to the premise, not to exceed 1,400 square feet. Where a premise has only one facade facing an adjacent public right-of-way, the maximum effective area can be increased to 20 percent of that facade, not to exceed 600 square feet.

(e(d)) When there is a wallscape sign on the premise, the maximum effective area of all signs combined on a premise is 90 percent of the total area of all building facades facing a public right-of-way that is adjacent to the premise.

(f(e)) Except for wallscape signs, all signs must be premise signs or convey a noncommercial message.

(g(f)) Special purpose signs may be erected on a premise no more than twice [~~one~~] each calendar year. The maximum number of consecutive days that a special purpose sign may be maintained is 45 [~~15~~]. Special purpose signs may not exceed 10 percent of the facade to which they are attached. Detached special purpose signs are prohibited.

(h(g)) The use of neon or single incandescent bulbs is permitted.

(i) Digital displays are prohibited.

(j(h)) No portions of a sign other than the words themselves may be illuminated by back-lighting.

(k(i)) No portion of a sign may have a luminance greater than 200 footlamberts.

(l(j)) The following materials are suggested, but not required, for signs in this district:

- (1) Metal.
- (2) Glass.
- (3) Wood.”

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SECTION 3. That Section 51A-7.1306, "Special Provisions for Attached Signs," of Division 51A-7.1300, "Provisions for Deep Ellum/Near East Side 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-7.1306. SPECIAL PROVISIONS FOR ATTACHED SIGNS.

The regulations relating to the erection of attached signs in this district are hereby expressly modified as follows:

(a) Attached signs in general.

(1) No portion of an attached sign may be located:

(A) more than 10 feet from the facade to which it is attached; or

(B) less than two feet from the back of a street curb.

(2) Although not required, the use of three-dimensional projecting attached signs is encouraged.

(b) Cultural event or activity signs [Banners].

(1) Cultural event or activity signs [Banners] are permitted in this district to promote cultural events or activities happening within the district and within one-half mile of the district.

(2) Cultural event or activity signs are temporary signs that may only be displayed up to 45 days prior to the event or activity being promoted and must be removed no later than 45 after the event or activity.

(3) If the cultural event or activity has a sponsor, no more than 10 percent of the effective area of a cultural event or activity sign [the banner] may be utilized for sponsor identification.

(4[3]) No portion of a cultural event or activity sign [banner] may be used to advertise a specific product or service other than the cultural event or activity.

(c) Awning [Canopy] signs. Awning [Canopy] signs must be flat attached, imprinted, painted on the face of an awning, or attached to and hanging from the bottom of an awning [or painted directly onto the surface of the canopy]. Signs hanging from the bottom of an awning must meet the following requirements:

(1) The bottom of the awning sign must be a minimum of 10 feet above the ground surface when projecting over a private or public walkway.

(2) Awning signs must project no more than five feet into a public right-of-way and must project no closer than two feet from the face of the curb line without projecting past the edge of the awning. All necessary city licenses and permits must be obtained.

(d) Marquee signs.

(1) No premise may have more than one marquee sign.

(2) The length of a marquee sign must not exceed two-thirds of the length of the facade to which it is attached.

(3) Marquee signs may incorporate moving patterns or bands of light, except that the use of illumination to produce apparent motion of a visual image, such as expanding or contracting shapes, rotation, or similar effects of animation, is prohibited.

(e) Window sign. No window sign may cover more than 25 percent of the window surface area.

(f) Painted applied signs.

(1) On facades where less than 10 percent of the facade is comprised of windows, painted applied signs may cover up to 40 percent of the facade.

(2) No portion of a painted applied sign, on any facade, may cover a significant decorative feature of the facade.

(g) Wallscape signs.

(1) Definitions. In this section, [:

(A) ~~SUPERGRAPHIC SIGN means an attached premise or non-premise sign on a mesh type surface.~~

(B) WALLSCAPE SIGN means [a ~~supergraphic sign or~~] an attached premise or non-premise sign on a mesh type surface or painted directly onto the face of a building.

(2) Visual display and coverage.

(A) A wallscape sign must have at least 84 percent of non-textual graphic content (a maximum of 16 percent of the effective area of the sign may contain text).

(B) A wallscape sign must have a single message; it may not have multiple messages or function as multiple signs.

(C) The lower 15 feet of the face may not be covered.

(3) Minimum effective area. Minimum effective area of a [A] wallscape sign is 1,200 [must exceed 3,000] square feet.

(4) Location. The building to which a wallscape sign is attached or applied must be more than 80 feet in height, and only those portions of a building covering at least 1,100 square feet in floor area may be used to determine the height of the building for the purpose of this paragraph. No wallscape sign may be attached to a building or structure erected after June 1, 2005.

(5) Number of signs permitted, and spacing requirement. One wallscape per face is permitted in this district. The signs may be spaced immediately adjacent to each other on different faces of the building.

(6) Removal of wallscape sign. If a wallscape sign is proposed that will be painted onto the face of a building, the applicant must provide a bond in the amount of the cost of removal of the wallscape sign, that provides that the wallscape sign will be removed within 30 days of the expiration of the permitted message duration.

(7) Sign permit application review. All applications for sign permits for wallscape signs shall be reviewed using the director procedure in Division 51A-7.500.

(8) Mandatory removal in 2030 [2018]. All wallscape signs must be removed on or before July 1, 2030 [2018]. This section does not confer a nonconforming or vested right to maintain a wallscape sign after July 1, 2030 [2018], and all permits authorizing wallscape signs shall automatically expire on that date.

(9) Sunset. This section expires on July 1, 2030 [2018], unless reenacted with amendment prior to that date. The city plan commission and city council shall review this section prior to its expiration date.

(h) District identification signs.

(1) Recognizing the historical, cultural, artistic, and architectural importance and significance of this district to the citizens of the City of Dallas, the provisions in this subsection are specifically tailored to preserve and enhance the district, and to strengthen district identity.

(2) There is no limit to the number of attached district identification signs.”

SECTION 4. That Section 51A-7.1307, "Special Provisions for Detached Signs," of Division 51A-7.1300, "Provisions for Deep Ellum/Near East Side 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-7.1307. SPECIAL PROVISIONS FOR DETACHED SIGNS.

The regulations relating to the erection of detached signs in this district are hereby expressly modified as follows:

(1) No premise having an attached sign of any type, except for cultural event or activity signs, special purpose signs, or district identification signs [banners], may have a detached sign, except for A-frame signs, unless the maximum effective area for all signs on the premise, as established in 51A-7.1305(c), 51A-7.1305(d), or 51A-7.1305(e), is reduced by 25 percent for each detached sign located on the premise not to exceed a total reduction of 75 percent of the maximum effective area. Where the premise has only one facade facing an adjacent public right-of-way, the maximum effective area is to be reduced by 75 percent.

(2) A premise [~~that has no attached signs other than banners, and that has frontage along more than one street,~~] may have no more than one detached sign along each street frontage.

(3) No detached sign support may be located in the public right-of-way.

(4) A-frame signs.

(A) Only one A-frame sign is permitted for each business use.

(B) The maximum size of an A-frame sign is 32 inches wide and 36 inches tall.

(C) An A-frame sign may only be displayed when the business it identifies is open.

(D) A-frame signs may be located on the sidewalk if a minimum of four feet of unobstructed sidewalk area is provided and all necessary city licenses and permits have been obtained.

(E) A-frame signs may not be located within 25 feet of an intersection or within a visibility triangle.

(5) District identification signs. Recognizing the historical, cultural, artistic, and architectural importance and significance of this district to the citizens of the City of Dallas,

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the provisions in this paragraph are specifically tailored to preserve and enhance the district, and to strengthen district identity.

(A) The maximum number of district identification signs is nine.

(B) Except as otherwise provided in this paragraph, district identification signs may only be located in or over and span across the rights-of-way at the following locations:

(i) Four of the district identification signs are limited to 1,000 square feet in effective area and may be located at any of the following locations:

(aa) Along Hall Street, between Crutcher Street and Elm Street.

(bb) Main Street & Deep Ellum Trailhead.

(cc) Exposition Avenue & 1st Avenue.

(dd) Malcolm X Boulevard & Hall Street.

(ee) Elm Street & Interstate-345.

(ii) Four other district identification signs are limited to 250 square feet in effective area and may be located at any of the previously stated locations that do not already have a district identification sign or at any of the following locations:

(aa) Canton Street & Henry Street.

(bb) Main Street & Malcolm X Boulevard.

(cc) Main Street & Good-Latimer Expressway.

(iii) The final district identification sign is limited to 250 square feet in effective area and may be located at any location within the district that does not already have a district identification sign.

(C) Minimum clearance for a district identification sign located in or over and spanning across a right-of-way must be determined by the director before a district identification sign permit may be issued and all necessary city licenses and permits are obtained.

(D) A district identification sign that is located over and spanning across a right-of-way may not resemble or obstruct traffic control devices.

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(E) A district identification sign may not be located in or visually obstruct a visibility triangle as defined in the visual obstructions regulations in Section 51A-4.602(d).

SECTION 5. That Section 51A-7.1308, "Parking Ad Signs," of Division 51A-7.1300, "Provisions for Deep Ellum/Near East Side 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-7.1308. COMMERCIAL PARKING LOTS [AD-SIGNS].

For commercial parking lots, one sign is permitted for each street frontage. Commercial parking lot signs are limited to 20 square feet in effective area and 15 feet in height.

~~[(1) Definition. In this section, PARKING AD SIGN means a standardized detached sign that meets the requirements of this section.~~

~~(2) Content.~~

- ~~(A) Parking ad signs may display premise or non-premise messages.~~
- ~~(B) Parking ad signs must display a standardized parking emblem.~~
- ~~(C) Parking ad signs must display a standardized district identification.~~
- ~~(D) Parking ad signs must display way-finding information at pedestrian level.~~

~~(3) Location.~~

~~(A) Parking ad signs may only be located on a lot containing a commercial parking lot or garage use or a surface parking use.~~

~~(B) Parking ad signs may only be located on a lot with frontage on Main Street, Elm Street, or Commerce Street.~~

~~(4) Size and effective area.~~

- ~~(A) Parking ad signs may not exceed 20 feet in height.~~
- ~~(B) Parking ad signs may not exceed 40 square feet in total effective area. Way-finding information does not count toward the total effective area.~~

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(C) ~~The premise or non-premise message on a parking ad sign may not exceed 25 square feet in effective area.~~

(5) ~~Lighting. Parking ad signs may not be illuminated by a detached, independent light source.~~

(6) ~~Landscaping. Lots with parking ad signs must have a landscaped area located within 20 feet of the street right of way of a minimum of 150 square feet or three percent of the lot area, whichever is greater and containing a combination of ground cover, shrubs, or trees.~~

(7) ~~Number.~~

(A) ~~Lots with parking ad signs may only have one detached sign.~~

(B) ~~A maximum of 20 parking ad signs are allowed in this district.~~

(8) ~~HBA prohibition. Parking ad signs may not be Highway Beautification Act (HBA) signs.~~

(9) ~~Mandatory removal. All permits authorizing parking ad signs automatically expire on September 1, 2015. All parking ad signs must be removed by September 1, 2015. This section shall not be construed to confer nonconforming or vested rights to maintain parking ad signs after September 1, 2015.~~

(10) ~~Sunset. This section expires on September 1, 2015, unless reenacted with amendment prior to that date. The city plan commission and city council shall review this section prior to its expiration.]”~~

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 7. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. 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.

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SECTION 9. 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 10. 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 Casey Busch
Assistant City Attorney

Passed MAR 25 2020

200517



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 MAR 25 2020

ORDINANCE NUMBER 31494

DATE PUBLISHED MAR 28 2020

ATTESTED BY: