

4-1-15

ORDINANCE NO. 29719

An ordinance amending Ordinance No. 21920, passed by Dallas City Council on December 8, 1993, as amended by Ordinance No. 21983, passed by the Dallas City Council on March 9, 1994, amending the preservation criteria for Historic Overlay District No. 64 (Magnolia Petroleum); providing a new site plan; providing a building heights exhibit; 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 Historic Overlay District No. 64;

WHEREAS, the city council finds that it is in the public interest to amend Historic Overlay District No. 64 as specified herein; Now, Therefore,

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

SECTION 1. That the Exhibit A attached to Ordinance No. 21920, as amended, is replaced by the Exhibit A attached to this ordinance.

SECTION 2. That the Exhibit B attached to Ordinance No. 21920, as amended, is replaced by the Exhibit B attached to this ordinance.

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, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal 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 ordinances, rules, and regulations of the City of Dallas.

SECTION 5. 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, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 6. That the zoning ordinances of the City of Dallas, 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.

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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 Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By 
Assistant City Attorney

Passed APR 22 2015

EXHIBIT A

PRESERVATION CRITERIA
MAGNOLIA PETROLEUM1. **GENERAL.**

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness.
 - a. A person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
 - b. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
 - c. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.
 - d. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.
- 1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.
- 1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

- 1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1911 to 1951.

2. DEFINITIONS.

- 2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.
- 2.2 APPLICANT means an owner of property within this district, or an owner's duly authorized agent.
- 2.3 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.
- 2.4 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.5 COMMISSION means the City of Dallas Landmark Commission.
- 2.6 CORNERSIDE FACADE means a facade facing a side street.
- 2.7 DIRECTOR means the director of the Department of Sustainable Development and Construction or the Director's representative.
- 2.8 DISTRICT means Historic Overlay District No. 64, the Magnolia Petroleum Historic Overlay District. This district contains the property described in Section 1 of this ordinance and shown on Exhibit B.
- 2.9 ERECT means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw, or otherwise construct.
- 2.10 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.

- 2.11 NO-BUILD ZONE means that part of this district in which no new construction may take place.
- 2.12 PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 2.13 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.14 PROTECTED FACADE means a facade that must maintain its original appearance, to the extent practical, in all aspects.
- 2.15 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

3. SITE AND SITE ELEMENTS.

- 3.1 New construction is prohibited in the area designated as a "No-Build Zone" on Exhibit B, except that a one-story enclosed connection may be constructed between Buildings E and J, not to protrude beyond the decorative band on Building E, as shown on Exhibit B. Carports, open exterior structures for car parking, children's play yards and equipment, swimming pools, umbrellas, pavilions or other minor open-air recreational elements, and other non-structural or recreational amenities are allowed in the No-Build Zone, if deemed appropriate.
- 3.2 The existing original and historic structures and the concrete retaining wall and steps must be retained and protected.
- 3.3 New sidewalks, walkways, and steps must be of brush finish concrete or other material if deemed appropriate. New driveways must be of brush finish concrete or other material if deemed appropriate. No exposed aggregate, artificial grass, carpet, asphalt, or artificially-colored monolithic concrete paving is permitted for sidewalks, walkways, steps, and driveways.
- 3.4 Outdoor lighting must be appropriate and enhance the structures.
- 3.5 Landscaping must be appropriate and compatible, enhance the structure and surroundings, and not obscure significant views of the buildings or from the buildings. It is recommended that landscaping modifications reflect the historic era of the site design when appropriate.

- 3.6 Existing mature trees within the No-Build Zone are protected.
- 3.7 Trees outside the No-Build Zone may be removed. Any trees removed for new construction must be mitigated in accordance with Article X of the Dallas Development Code. Unhealthy or damaged trees may be removed if deemed appropriate.
- 3.8 Fences must be appropriate to and enhance the structures and site. Fences must be constructed of one or more of the following materials: iron, brick, stone, a combination of those materials, or other materials if deemed appropriate.
- 3.9 Carports or exterior structures for car parking are not permitted in front of or adjacent to any historic building on the site.
- 3.10 A minimum of four of the existing tank cradles must be preserved and incorporated into the site or design of any new structures.

4. **STRUCTURES.**

Facades

- 4.1 The front, side, and rear facades of Buildings A, B, C, D, E, and F, as shown on Exhibit B, are protected facades.
- 4.2 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 to the extent practical.
- 4.3 The existing solid-to-void ratios of non-protected facades must be maintained to the extent practical. All additions and alterations must be architecturally sensitive and appropriate to the overall design of the existing structure.
- 4.4 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 original structures, including the painted wall and the "ghost" (faded) signs, that had previously been painted may remain painted.
- 4.5 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.

- 4.6 Wood trim and detailing must be carefully restored when practical. Historic materials should be repaired; they should be replaced only when necessary. Badly deteriorated paint should be removed in accordance with the Secretary of the Interior's Standards for Rehabilitation before refinishing. All exposed wood must be painted, stained, or otherwise protected. Resurfacing with vinyl or aluminum siding or stucco is not permitted.
- 4.7 Original color and original materials must be preserved and maintained when practical. Paint and other color schemes for non-masonry elements should be based upon any available documentation as to original conditions.
- 4.8 Exposing and restoring original historic finish materials is encouraged.
- 4.9 Cleaning of the exterior of a structure must be in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.
- 4.10 After the effective date of this ordinance, any new mechanical equipment must be erected in the side or rear yards and be screened, or must be erected on the roof.

Embellishments and Detailing

- 4.11 The following architectural elements are considered special features and must be protected and preserved unless otherwise determined by the Commission:
- a. brick cornices and exterior stone decoration of Buildings A, B, C, D, E, and F;
 - b. original stone window sills on Buildings A, B, C, D, and E;
 - c. original steel windows on Building C;
 - d. the original front concrete porch of Building D; and
 - e. the concrete retaining wall and steps located near Buildings B, E, and J.

Fenestrations and Openings

- 4.12 Original doors and windows and their openings must remain intact and be preserved. When replacement of an original door or window is necessary due to damage or structural deterioration, replacement doors and windows must express mullion size, light configuration, and material to match the original doors and windows. Replacement of windows and doors that have been altered and no longer match the historic appearance is strongly recommended. Doors and windows in original openings of buildings housing non-original uses must express design arrangement, mullion size, light configuration, and material of the historic era. Exterior storm windows and storm doors may be permitted if they are sensitive additions and match the existing windows and doors in frame width and proportion, glazing material, and color.
- 4.13 No decorative iron work or burglar bars are permitted over doors and windows of protected facades. Interior mounted burglar bars of appropriate color and design are permitted in doors and windows of any facade, if deemed appropriate.
- 4.14 Glass and glazing must match original materials to the extent practical. No tinted or reflective glazing or films are permitted.
- 4.15 Canopies are allowed only on Buildings A, B, and D. On those buildings, a canopy may be installed only on a facade where there is evidence that a canopy originally existed. The canopy must be deemed appropriate to the structure.
- 4.16 The Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, should be referenced for acceptable techniques to improve the energy efficiency of historic fenestrations.

Roofs

- 4.17 The slope, massing, and configuration of roofs must be preserved and maintained. Existing parapets, cornices, copings, and roof trims must be retained, and, when repaired, must be repaired with material matching in size, finish, module, and color.
- 4.18 No wood shingles and composition shingles are allowed as roofing materials. Built-up and single-ply membrane roofs are allowed as roofing materials. Existing corrugated metal roofing may remain.

- 4.19 Roof decks, exterior furniture, solar panels, skylights, and mechanical equipment must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of any open space within the site.

Porches and Balconies

- 4.20 Existing porches and balconies on protected facades must be retained and preserved and may not be enclosed.
- 4.21 Porch and deck floor finishes must be of concrete, brick, wood, or stone only; these floors may not be covered with paint or carpet. A clear sealant is acceptable.

5. NEW CONSTRUCTION AND ADDITIONS.

- 5.1 The form, materials, general exterior appearance, color, and details of any new construction of buildings must be compatible with the existing historic structures.
- 5.2 Except as provided in Item 5.3, the height of new construction, accessory buildings, or horizontal additions to existing structures may not exceed the height of the historic structures. See Exhibit C.
- 5.3 Maximum structure height for Building J is 70 feet. Elevator penthouses or bulkheads, mechanical equipment, skylights, clerestory, visual screens which surround mechanical equipment, chimneys, or vent stacks may project up to 12 feet above the maximum structure height. Parapet walls may project up to four feet above the maximum structure height.
- 5.4 Vinyl, aluminum, and wood are not acceptable cladding materials for the construction of a new structure in this district. Stucco may be used on new construction only above height of Building E.
- 5.5 No new vertical extensions or additions are permitted at Buildings A, B, C, D, E, and F.

5.6 New construction and additions must be designed so that connections between new construction or additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new construction or additions and the historic structure must be established and maintained. Historic details in the coping, eaves, and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.

6. **SIGNS.**

6.1 Painted signs are allowed on new construction.

6.2 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

6.3 Street signs, protective signs, movement control signs, and historical markers may be erected.

6.4 All signs must comply with the provisions of the Dallas City Code, as amended.

7. **ENFORCEMENT.**

7.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

7.2 A person is criminally responsible for a violation of these preservation criteria if:

- a. the person knowingly commits the violation or assists in the commission of the violation;
- b. the person owns part or all of the property and knowingly allows the violation to exist;
- c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or

- d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.

- 7.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.

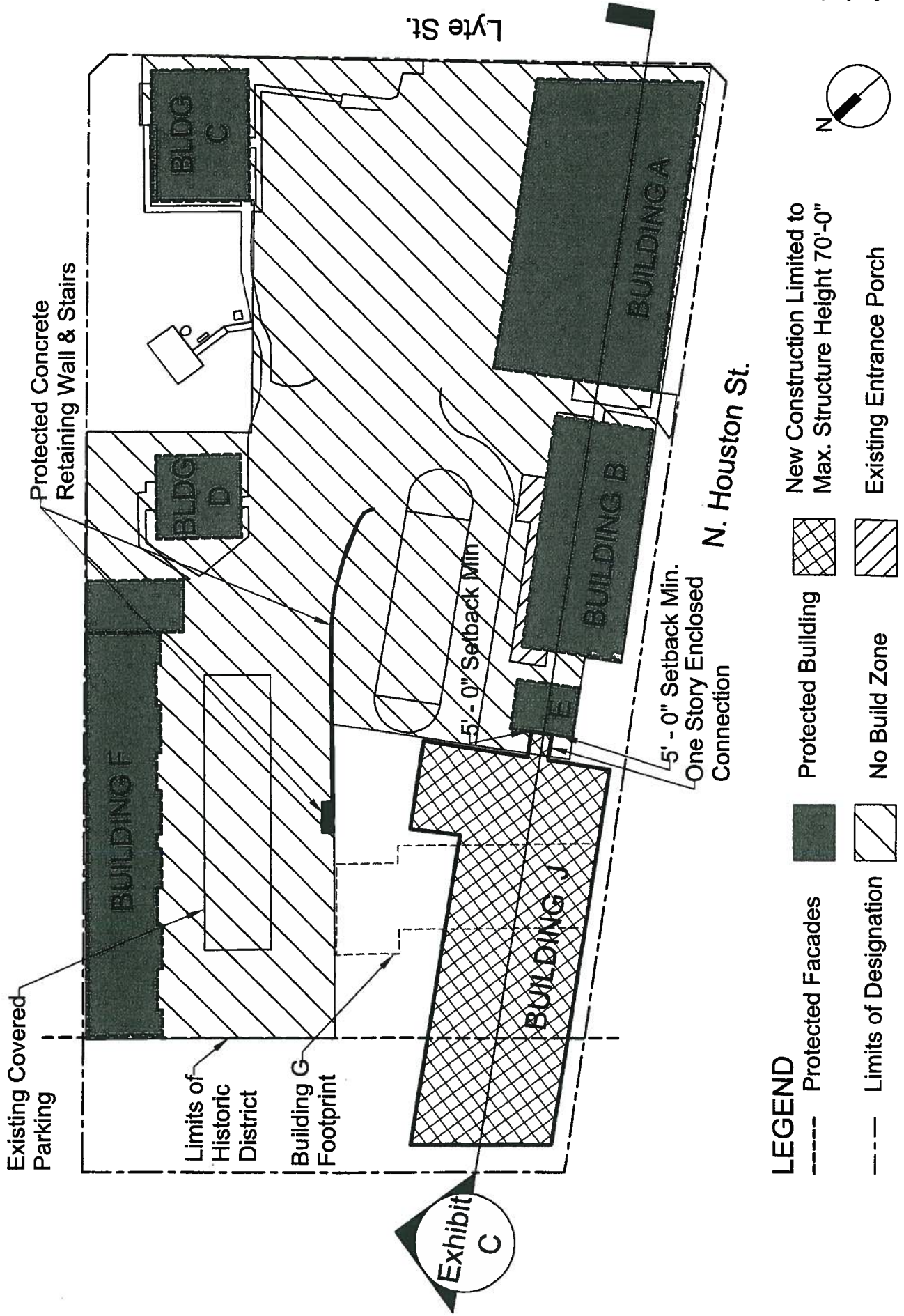
- 7.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

Exhibit B: 1607 Lyte Street, Dallas, TX 75201

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Lyte St.

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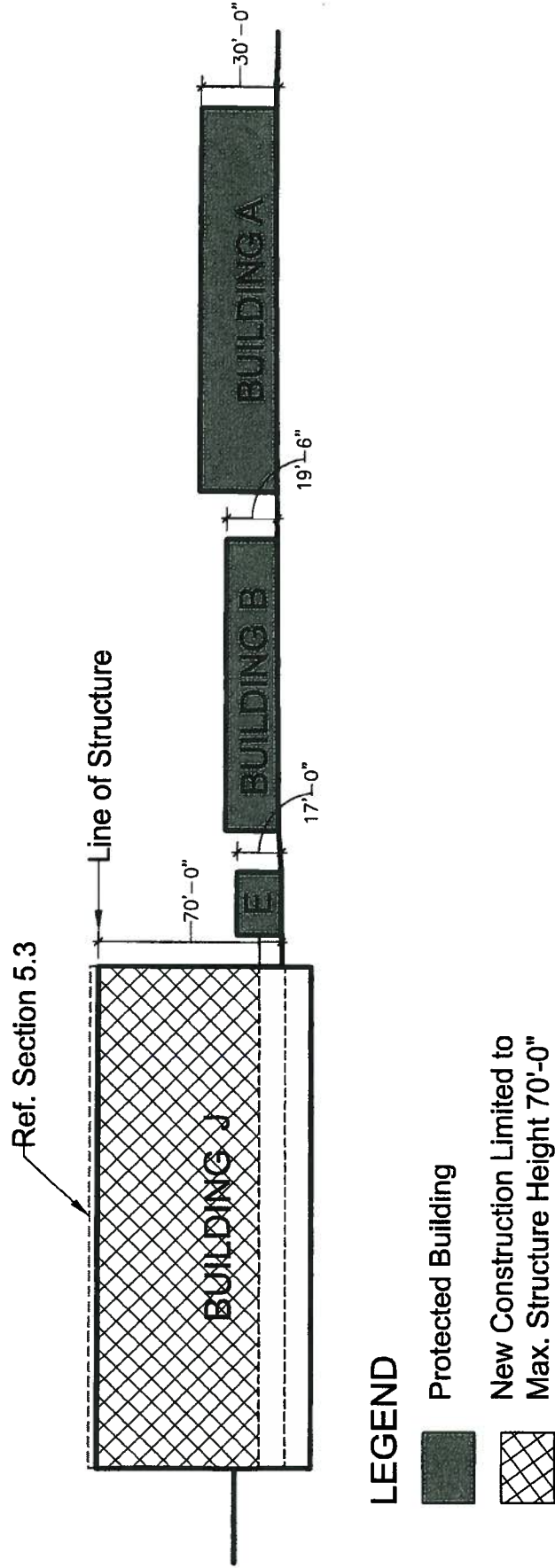


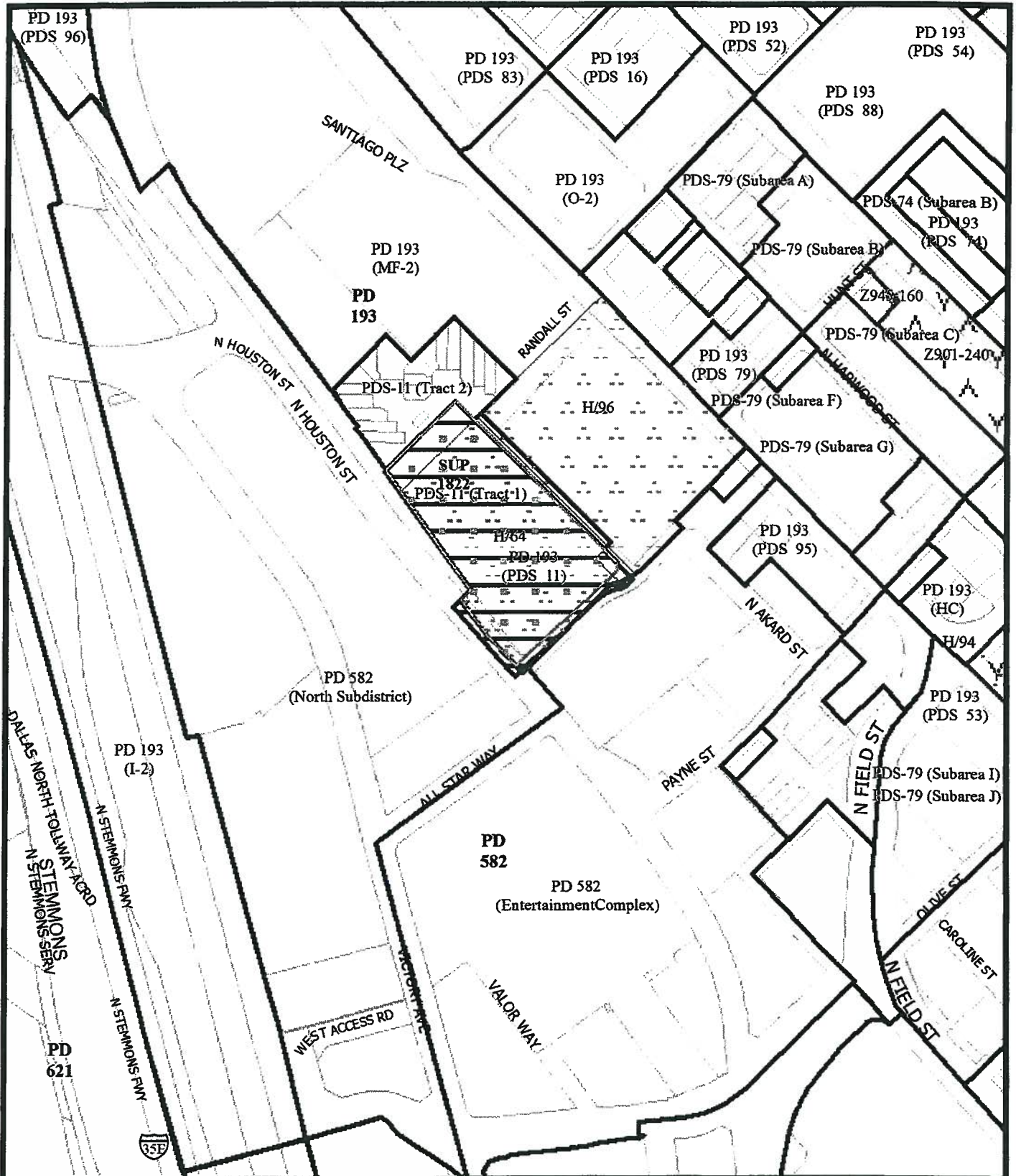
LEGEND

- Protected Facades
- Protected Building
- New Construction Limited to Max. Structure Height 70'-0"
- Limits of Designation
- No Build Zone
- Existing Entrance Porch

Date: 11.24.14







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ZONING MAP

Case no: Z134-140

Date: 2/19/2015