

ORDINANCE NO. 27772

An ordinance changing the zoning classification on the following property:

BEING all of Block 5/828 of the Hughes and Slaughter Tract of the City of Dallas located on the south corner of Hickory Street and Second Avenue, and containing 1.578 acres,

by establishing Historic Overlay District No. 136 (Gulf Refining Company Distributing Plant Hickory Street Annex); 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 ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property hereinafter described; 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:

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. 136 on the following property (“the Property”):

BEING all of Block 5/828 of the Hughes and Slaughter Tract of the City of Dallas located on the south corner of Hickory Street and Second Avenue, and containing 1.578 acres.

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 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, 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 the director of sustainable development and construction shall correct Zoning District Map No. J-8 in the offices of the city secretary, the building official, and the department of sustainable development and construction to reflect the changes in zoning made by this ordinance.

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

SECTION 7. 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 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:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

Passed DEC 09 2009

EXHIBIT A
PRESERVATION CRITERIA
GULF REFINING COMPANY DISTRIBUTING PLANT
HICKORY STREET ANNEX
501 Second Avenue

1. 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. See Section 11 for additional demolition regulations.

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 1921 to 1959.

2. DEFINITIONS.

2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.

2.2 **APPROPRIATE** means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.

2.3 **AREAWAY** means a small sunken area allowing access or light and air to basement doors or windows.

2.4 **BUILDING IDENTIFICATION SIGN** means an attached sign with numbers or letters that identify the buildings in the district.

2.5 **CERTIFICATE OF APPROPRIATENESS** means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.

2.6 **CONTRIBUTING STRUCTURE** means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to this district.

2.7 **CORNERSIDE FENCE** means a fence adjacent to a side street.

2.8 **CROSS FENCE** means a fence inside the district boundaries that is not a perimeter fence or a cornerside fence.

2.9 **DIRECTOR** means the Director of the Department of Sustainable Development and Construction or the Director's representative.

2.10 **DISTRICT** means Historic Overlay District No. 136, the Gulf Refining Company Distributing Plant Hickory Street Annex Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B.

2.11 **ERECT** means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.

2.12 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.

2.13 FLAT ATTACHED SIGN means an attached sign projecting four inches or less from a building with a face that is parallel to the building facade.

2.14 LOWER-LEVEL SIGN means an attached sign partially or wholly situated below the top of the highest first floor window of an individual building.

2.15 MONUMENT SIGN means a detached sign that is applied directly to a grade-level support structure (instead of a pole support) with no separation between the sign and grade.

2.16 NO-BUILD ZONE means that part of this district in which no new construction of structures may take place.

2.17 PAINTED APPLIED SIGN means a sign painted directly onto the exterior facade of a building.

2.18 PROJECTING ATTACHED SIGN means an attached sign, other than a roof sign, projecting 18 inches or more from a building.

2.19 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.

2.20 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

2.21 UPPER-LEVEL SIGN means a sign wholly situated above the top of the highest first floor window of an individual building.

3. BUILDING SITE AND LANDSCAPING.

3.1 New construction is prohibited in the no-build zone shown on Exhibit B, except for areaways, carports, green building elements, and fences that are not cross fences. If the approved final Texas Department of Transportation (TxDOT) design for improvements to I-30 requires demolition of a contributing structure, that contributing structure may be relocated into the no-build zone. See Section 9.8 regarding green building elements.

3.2 All contributing structures are protected.

3.3 New driveways, sidewalks, steps, and walkways must be constructed of brush finish concrete or other appropriate material.

3.4 Artificial grass, artificially-colored concrete, exposed aggregate, and outdoor carpet are not allowed.

3.5 Parking areas may be constructed of brush finish concrete, asphalt, brick, decomposed granite, or other appropriate material. Exposed aggregate is not allowed.

3.6 Carports are allowed only in the locations shown on Exhibit B. Carports must be compatible with but clearly differentiated from the historic nature of the complex. Carports may not have enclosed sides.

3.7 Except on contributing structures relocated into the no-build zone in accordance with Subsection 3.1, new mechanical equipment may not be erected in the no-build zone. Any new mechanical equipment erected outside the no-build zone or on contributing structures relocated into the no-build zone in accordance with Subsection 3.1 must be screened.

3.8 Landscaping.

a. Outdoor lighting must be appropriate and enhance the structures.

b. Landscaping must be appropriate, enhance the structures and surroundings, and not obscure significant views of protected facades.

3.9 Fences.

a. Except as provided in this subsection, fences are allowed along the perimeter of the district.

b. Fences are prohibited along Second Avenue, except that fences are allowed to provide security at the alley entrance between Buildings A-1 and A-2 and at the parking entry south of Building A-2.

c. Cornerside fences are allowed along Hickory Street if the fence is not constructed in front of a protected facade.

d. Cross fences are not allowed in the no-build zone.

e. Except when used to screen mechanical equipment, cross fences may not exceed four feet in height and must be at least 90 percent open.

f. Fences must be constructed of brick, chain link, metal, wood, a combination of these materials, or other appropriate materials.

4. FACADES.

4.1 Protected facades.

a. The following facades shown on Exhibit D are protected:

1. Building A-1: north, east, and west.
2. Building A-2: south, east, and west.
3. Building B: north and east.
4. Buildings C, D, and E: east and the eastern 25 percent of the north and south facades.

b. Reconstruction, renovation, repair, or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.

c. Historic solid-to-void ratios of protected facades must be maintained.

d. Brick added to protected facades must match in color, texture, module size, bond pattern, and mortar color.

e. Brick, stucco, and concrete elements on protected facades may not be painted, except that portions of the structures that had been painted before the effective date of this ordinance may remain painted.

4.2 Reconstruction, renovation, repair, or maintenance of nonprotected facades must be compatible with protected features.

4.3 All exposed wood must be painted, stained, or otherwise preserved.

4.4 Historic materials must be repaired if possible; they may be replaced only when necessary.

4.5 Paint must be removed 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, before refinishing.

4.6 Aluminum siding, EFIS, stucco, and vinyl cladding are not allowed, except that portions of the structures that had been stuccoed before October 14, 2009 (the date of creation of this historic district) may remain stuccoed.

4.7 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.

4.8 Exposing and restoring historic finish materials is recommended.

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 allowed.

4.10 Areaways may be constructed for Building B. Areaways may not detract from views of protected facades. The materials and design of the areaways must be compatible with the historic context.

4.11 Existing nonhistoric compatible awnings may remain if maintained. New awnings must match the existing awnings unless all awnings on a building are replaced. Awnings must be industrial in style and constructed of metal or other appropriate materials.

5. FENESTRATION AND OPENINGS.

5.1 Historic doors and windows must remain intact except when replacement is necessary due to damage or deterioration.

5.2 Replacement of doors and windows that have been altered and no longer match the historic appearance is recommended.

5.3 Replacement doors and windows must express profile, muntin and mullion size, light configuration, and material to match the historic.

5.4 Storm doors and windows are allowed if they are appropriate and match the existing doors and windows in profile, width, height, proportion, glazing material, and color.

5.5 Decorative ironwork and burglar bars are not allowed over doors or windows of protected facades. Interior mounted burglar bars are allowed if appropriate.

5.6 Glass and glazing must match historic materials as much as practical. Films and tinted or reflective glazings are not allowed on glass. Low-E film is allowed if it does not significantly change in color or visual characteristics.

5.7 New door and window openings in protected facades are allowed only where there is evidence that historic openings have been filled or the safety of life is threatened.

5.8 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 referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

5.9 Compatible infill is allowed in historic overhead door or truck bays to provide for new uses. Designs that express the original purpose of the bays are encouraged.

6. ROOFS.

6.1 The historic slope, massing, configuration, and materials of the roof must be preserved and maintained.

6.2 The following roofing materials are allowed: built-up, metal, and single-ply membrane. The following roofing materials are not allowed: clay tiles, composition shingles, slate tiles, terra-cotta tiles, wood shingles, synthetic wood shingle, and synthetic clay tile.

6.3 Historic coping, parapets, and roof trim must be retained and must be repaired with material matching in size, finish, module, and color.

6.4 Mechanical equipment, skylights, and solar panels placed on the roof 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 adjacent right-of-way. Solar panels are allowed on carports. Except on contributing structures relocated into the no-build zone in accordance with Subsection 3.1, mechanical equipment may not be erected in the no-build zone (See Section 3.6).

7. PORCHES AND BALCONIES.

7.1 Historic porches, stoops, and dock areas on protected facades are protected.

7.2 Restoration of modified historic docks is encouraged.

7.3 Porches, stoops, and docks on protected facades may not be enclosed.

7.4 Historic railings are protected, except if replacement or modification is required for safety or accessibility. New railings must be compatible in design and materials.

8. EMBELLISHMENTS AND DETAILING.

8.1 The following architectural elements are considered important features and are protected: existing historic painted applied signs, including logos, emblems, and building numbers.

9. NEW CONSTRUCTION AND ADDITIONS.

9.1 Stand-alone new construction is allowed only outside the no-build zone.

9.2 Vertical additions to contributing structures must be set back so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

9.3 Horizontal additions to contributing structures are not allowed on protected facades.

9.4 The color, details, form, materials, and general appearance of new construction and additions must be compatible with the existing historic structures.

9.5 New construction and additions must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solid-to-void ratios.

9.6 The height of new construction and additions may not exceed the height of Building B.

9.7 Aluminum siding, EFIS, and vinyl cladding are not allowed.

9.8 Construction of green building elements, such as solar panels, wind generators, and rainwater collection systems are allowed, including in the no-build zone, if placed in a manner that is sensitive to the historic context of the district.

9.9 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.

10. SIGNS.

10.1 In general.

a. Signs may be erected if appropriate.

b. Except as provided in this section, all signs must comply with the provisions of the Dallas City Code, as amended.

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

d. Existing historic signs may be restored.

e. Sign may not be illuminated by fluorescent or back lighting.

f. Fluorescent colors are not allowed, except for a brand or logo on a premise sign.

g. No sign may obscure or cover any portion of a major decorative feature, such as iron work or light fixtures.

10.2 Premise signs.

a. Premise sign standards that establish a consistent size, dimension, and design scheme are recommended.

b. Subject to other limitations on the number of specific types of signs in this section, the maximum number of premise signs is:

1. two per owner or occupant of the premises; and
2. one per facade per owner or occupant of the premises.

c. Premise signs may not exceed five square feet in total effective area.

10.3 Building identification signs.

a. Building identification signs are allowed if appropriate.

b. Building identification signs may not contain any character that exceeds 18 inches in height or width.

c. A maximum of two building identification signs are allowed for each structure.

10.4 Flat attached signs.

a. Lower-level flat attached signs.

1. For Buildings A-1, A-2, and B, the maximum number allowed is three per facade; maximum total effective area for each facade is 24 square feet.

2. For Buildings C, D, and E, the maximum number allowed is one per facade; maximum total effective area for each facade is six square feet.

3. Each lower-level flat attached sign may not:

- A. contain characters more than eight inches in height; or
- B. be more than six square feet in effective area.

b. Upper-level flat attached signs.

1. For Buildings A-1, A-2, and B, the maximum number allowed is one per facade; maximum total effective area for each facade is 30 square feet.

2. For Buildings C, D, and E, the maximum number allowed is one per facade; maximum total effective area for each facade is 10 square feet.

3. Upper-level flat attached signs must:

- A. contain characters more than eight inches in height;

- B. read horizontally from left to right; and
- C. not project above the building parapet.

10.5 Monument signs.

- a. Monument signs are only allowed in yards abutting Hickory Street or Second Avenue.
- b. The maximum number of monument signs allowed is:
 - 1. two along Hickory Street; and
 - 2. six along Second Avenue.
- c. The maximum effective area for each monument sign is 12 square feet.
- d. The maximum height of monument signs is three feet.

10.6 Painted applied signs.

- a. Historic painted applied signs may not be removed.
- b. New painted applied signs are allowed if they do not destroy historic painted applied signs.
- c. New lower-level painted applied signs may not contain characters more than eight inches in height.
- d. New upper-level painted applied signs may not contain more than eight characters; characters may not be more than eight inches in height and must read horizontally from left to right.
- e. No more than 20 percent of a building facade may be covered with painted applied signs.

10.7 Projecting attached signs.

- a. Projecting attached signs are only allowed on facades facing Hickory Street or Second Avenue.
- b. The maximum number of projecting attached signs allowed is:
 - 1. two along Hickory Street; and
 - 2. six along Second Avenue.

- c. Projecting attached signs:
 - 1. must be spaced at least 28 feet apart;
 - 2. may not exceed 16 square feet in effective area; and
 - 3. must be located at least 10 feet above grade.

11. DEMOLITION.

11.1 If a certificate for demolition is granted for a structure, the owner of the structure must provide the Director with documentation of the historic structure to be demolished that is equal to or exceeding HABS Level-3.

11.2 If a certificate for demolition is granted for a structure, it is strongly encouraged that any remaining protected facade be incorporated into new construction.

11.3 If a certificate for demolition is granted for a structure, use of reclaimed materials from the demolished structure is strongly encouraged in new construction within this district.

12. ENFORCEMENT.

12.1 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.

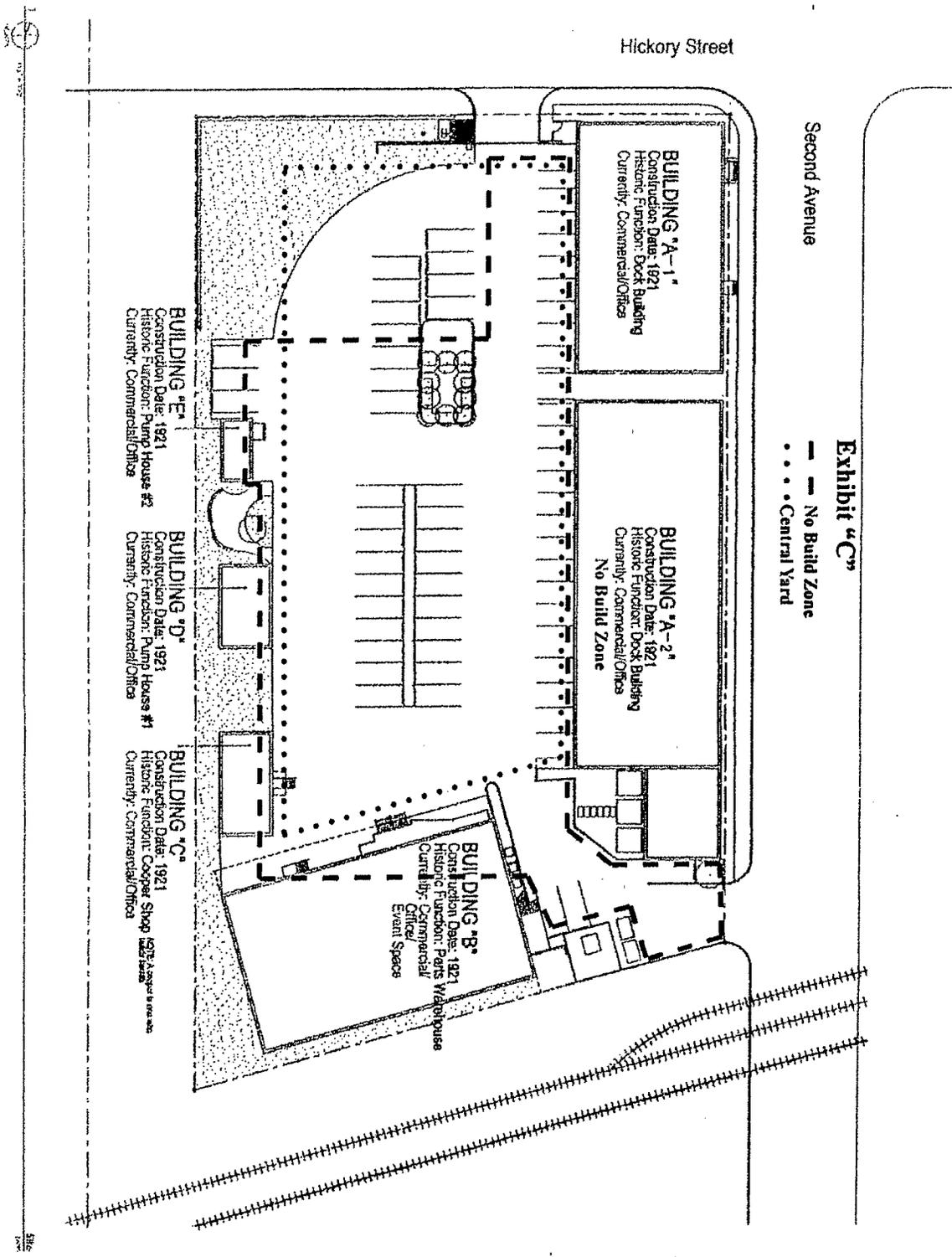
12.2 A person is criminally responsible for a violation of these preservation criteria if:

- 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.

12.3 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.

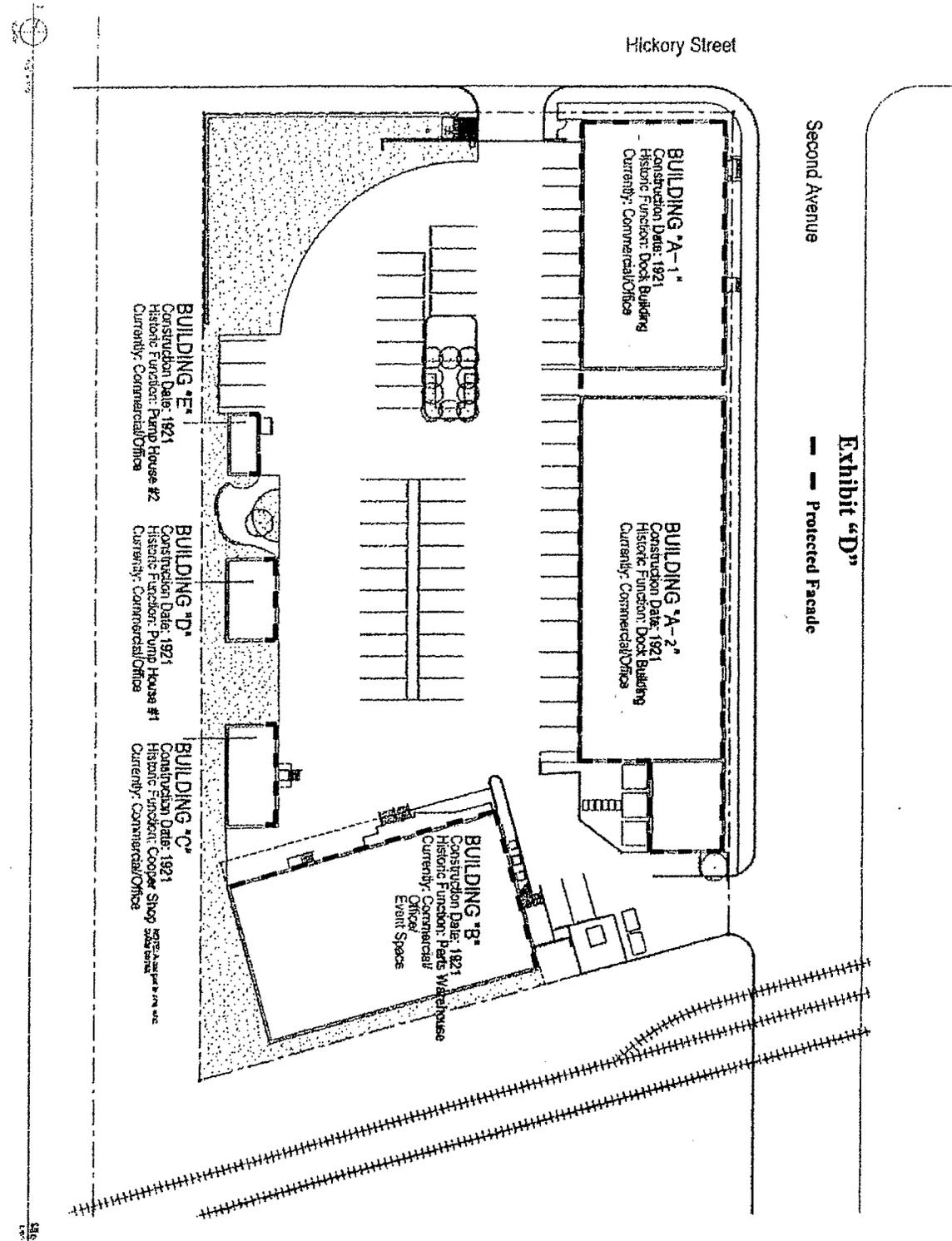
12.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

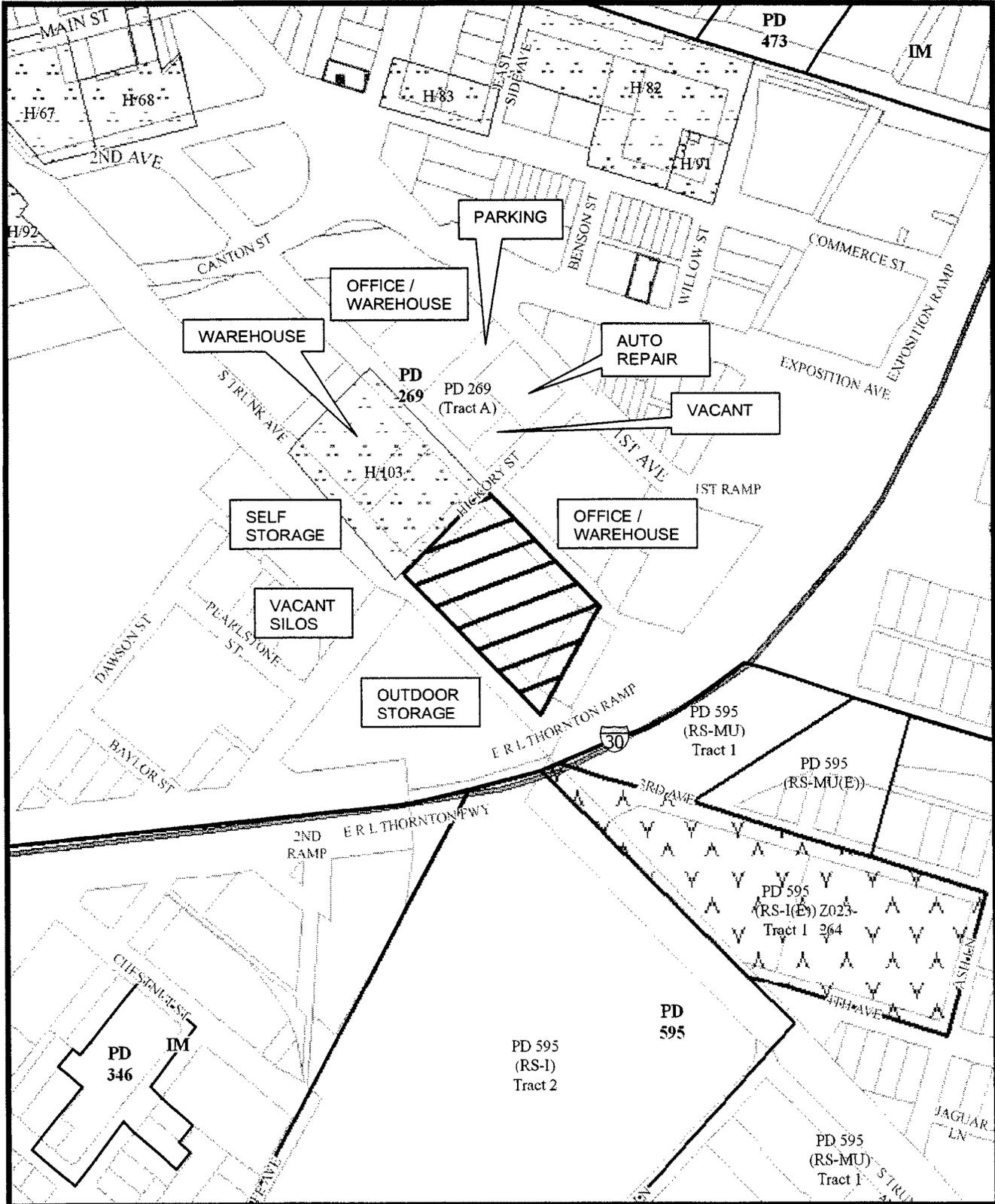
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ZONING AND LAND USE

Map no: J-8

Case no: Z089-142 MW