

12-10-97

ORDINANCE NO. 23371

An ordinance amending Ordinance No. 16115, as amended, which amended CHAPTER 51, "PART I OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, amending the preservation criteria for Historic Overlay District No. 7 (Magnolia Building); 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 applicable ordinances of the city, have given the required notices and have held the required public hearings; Now, Therefore,

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

SECTION 1. That the preservation criteria contained in Ordinance No. 16115, as amended, are amended to read as follows:

PRESERVATION CRITERIA FOR THE MAGNOLIA BUILDING

- I. THE EXTERIOR ENVELOPE OF THE MAGNOLIA BUILDING, AS INDICATED IN ATTACHMENTS A AND B, MUST BE PRESERVED INTACT AND REMAIN UNOBSTRUCTED, INCLUDING THE PEGASUS SIGN AND ITS SUPPORTING STRUCTURE WHICH MUST BE MAINTAINED IN GOOD WORKING ORDER, WITH THE FOLLOWING EXCEPTIONS:
- A. The five altered portions, as indicated in paragraph II of these Preservation Criteria, may be retained in their present state or modified with the approval of the Landmark Commission.

- B. New construction may occur in the light court, from floors 4 through 27, with the approval of the Landmark Commission.
- C. The north elevation and the northernmost bay of the east elevation may be altered from floors 1 through 25 if the alterations are obscured by any adjacent building, with the approval of the Landmark Commission.
- D. The adjoining 2-story Mobil-Keating Building may be removed or modified with the approval of the Landmark Commission. The party wall at the east end of the Magnolia Annex, which would be exposed by removal of the Mobil-Keating Building, may be modified with the approval of the Landmark Commission.

II. TREATMENT OF ALTERED PORTIONS: The following may be retained in their present state, or altered with Landmark Commission approval, according to the following guidelines, as indicated in Attachments C, D and E:

- A. The first and second floor elevations on Commerce Street and Akard Street, which were altered in 1949: may be retained and maintained in their present state until any exterior remodeling of the first and second floor elevations occurs; any remodeling must be a restoration of the original elevations, including color, materials, and design, as indicated in Attachments C and D, with these exceptions permitted:
 - 1. necessary changes in identifying signs;
 - 2. new openings for entrances are permitted in the infill area indicated in Attachments C and D; and
 - 3. restoration of the decorative metal grillwork of the original design is optional.
- B. The metal pipe railings which replaced the original stone balustrades at the first and second penthouse levels: may be retained in their present state until exterior remodeling begins above the second floor. When any exterior remodeling occurs above the second floor, the pipe railings must be replaced by balustrades which restore the color and general composition of the original balustrades, as indicated in Attachment E.
- C. The water storage tanks and protective enclosure cages atop the building, as indicated in Attachment A: Alterations should make these no more visually obtrusive than at present.

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- D. The 25-story mini-wing added for mechanical equipment as indicated in Attachment B: Alterations which may be approved are:
1. removal of the wing and restoration of the resulting exposed wall; and
 2. connection to an adjacent new building.
- E. The 2-story party wall on the north elevation: Alterations should be compatible with the rest of the elevation, unless it is obscured by an adjacent building.

III. THE LIGHT COURT CANNOT BE ENCLOSED.

IV. MINIMUM STANDARDS FOR LANDMARK COMMISSION APPROVAL OF ALTERATION TO THE NORTH ELEVATION OR THE NORTHERN-MOST BAY OF THE EAST ELEVATION, INDICATED IN ATTACHMENT B:

- A. Alteration will be allowed to provide a connection with an adjacent new building, from floors 1 through 25, provided such alteration is below the main cornice.
- B. Only those portions of these elevations may be altered which are obscured by an attached new building.
- C. The attachment of a new building on the north elevation must allow the building's original northwest corner detail to remain visible.
- D. The limestone walls and details must not be removed or defaced for the attachment except where permitted by the Landmark Commission.

V. WINDOW TREATMENT AND GLAZING:

- A. Windows must be glazed with transparent glass, must be unobstructed, and may not be blocked-off by opaque material.
- B. Clear or dark tinted glass is permissible, provided all glazing is consistent. Reflective glass or reflective film is prohibited in any window.
- C. Original window frames and sashes should be retained, and should remain a light color similar to the color of the limestone. If replacement is necessary, the one-over-one light, width and color of original frames and sashes, and the setback of glass within the frame, must be retained in the new windows.

- D. Window sashes and glazings may be removed to create open areas in place of windows, if appropriate.
- E. Windows and louvers in the mini-wing at the building's northeast corner may be substituted for each other. The replacement windows or louvers must match the existing.

VI. BUILDABLE VOLUME WITHIN THE SITE, INDICATED IN ATTACHMENT B:

New building volume outside the present exterior envelope of the Magnolia Building is not permitted within the 160' X 100.13' site, with the following exceptions:

- A. New building in the light court is permitted with the approval of the Landmark Commission.
- B. An entrance canopy at the first or second floor level may project into the 4' setback along Akard Street which occurs between the property line and the building line.
- C. New building may occur within the buildable volume indicated on Attachment B, on the site of the Mobil-Keating Building, three stories high on the front portion of approximately 80', and 25 stories high on the rear portion of approximately 20', aligned with the depth of the mini-wing.

VII. THE LANDMARK COMMISSION MAY APPROVE A CERTIFICATE OF APPROPRIATENESS FOR WORK THAT DOES NOT STRICTLY COMPLY WITH THESE PRESERVATION CRITERIA UPON A FINDING THAT:

- A. the proposed work is historically accurate and is consistent with the spirit and intent of these preservation criteria; and
- B. the proposed work will not adversely affect the historic character of the property or the integrity of the historic district.

SECTION 2. 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, or remove any structure on the Property without first obtaining a certificate of

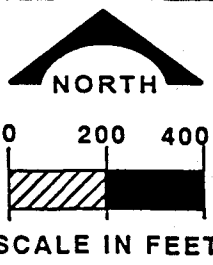
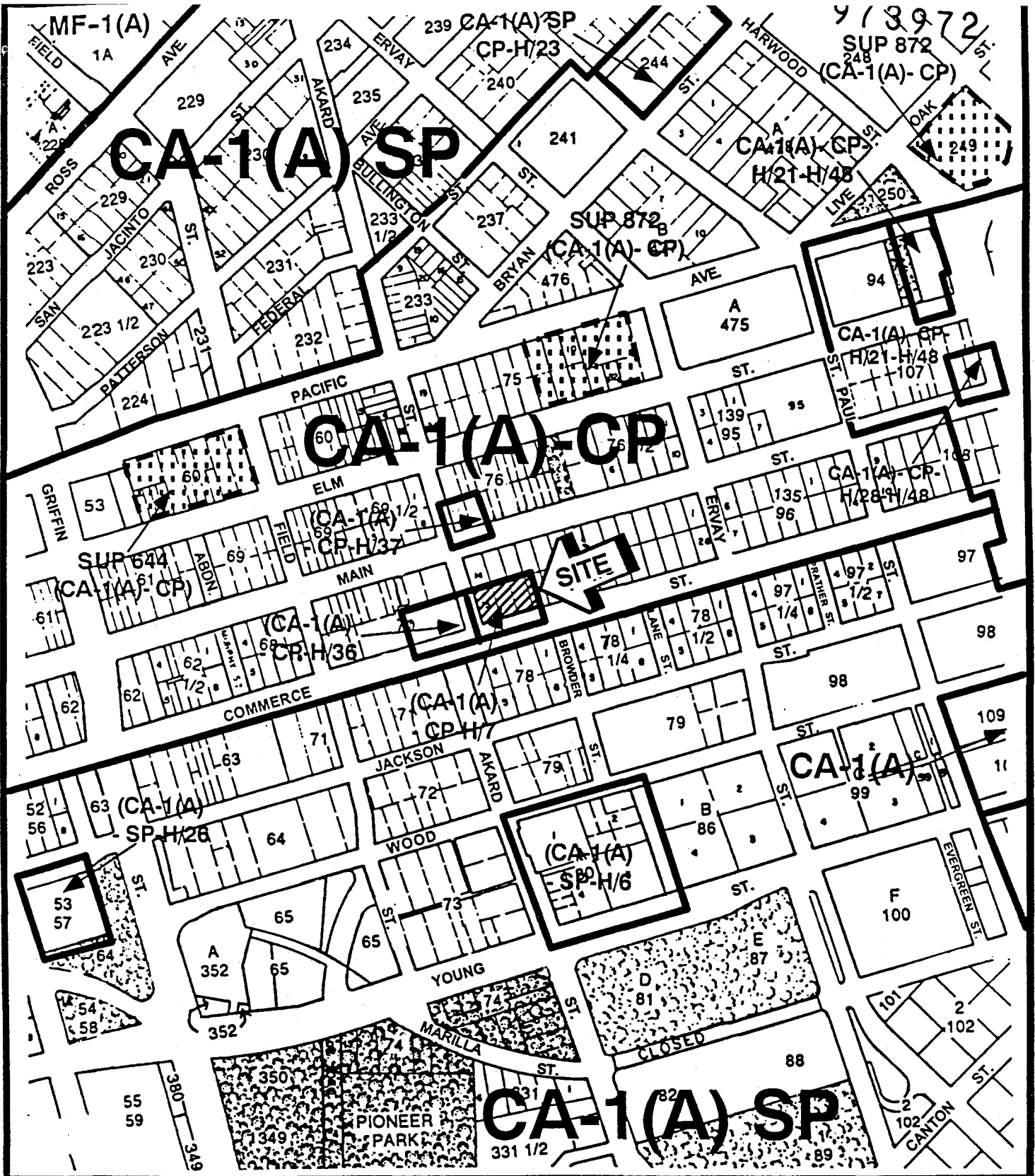
appropriateness in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria.

SECTION 3. 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 applicable ordinances, rules, and regulations of the City of Dallas.

SECTION 4. 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, or maintenance of a building, structure, or land on the Property.

SECTION 5. That CHAPTER 51, "PART I OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. 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.



ZONING AND LAND USE

MAP NO. J-7
CASE NO. Z967-332/4619-C(JA)

SECTION 7. 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:

SAM A. LINDSAY, City Attorney

By John Rogers
Assistant City Attorney

Passed DEC 10 1997