

9-9-15

ORDINANCE NO. 29844

An ordinance expanding Historic Overlay District No. 36 (the Adolphus) by changing the zoning classification on the following property:

BEING a tract of land in City Block A/70; fronting approximately 50 feet on the south line of Main Street between Akard Street and Field Street; and containing approximately 0.4454 acre, amending Ordinance No. 19696, passed by the Dallas City Council on September 30, 1987 to reflect the expansion of the historic overlay district; providing new preservation criteria for Historic Overlay District No. 36; providing a new overall property description, 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 expansion of and amendment to Historic Overlay District No. 36; and

WHEREAS, the city council finds that the Property, including the area of expansion, 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 expand and amend Historic Overlay District No. 36 as specified herein; Now, Therefore,

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

SECTION 1. That the zoning classification is changed by expanding Historic Overlay District No. 36 to include the property described in Exhibit A (“the Property”), which is attached to and made a part of this ordinance.

SECTION 2. That the Exhibit A attached to Ordinance No. 19696 is replaced by the Exhibit B attached to this ordinance.

SECTION 3. That the property description in Section 1 of Ordinance No. 19696 is replaced by the property description in the Exhibit D attached to this ordinance.

SECTION 4. That the expansion 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 5. 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 B.

SECTION 6. 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 7. 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 8. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, except as amended by this ordinance.

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:

WARREN M.S. ERNST, City Attorney

By  \_\_\_\_\_  
Assistant City Attorney

Passed SEP 09 2015

**Exhibit A**

Being a 0.4454 acre tract of land, said tract being a portion of Lot 1A, Block A/70, of The Adolphus Hotel Addition No. 2, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 95207, Page 3903, Map Records, Dallas County, Texas; said tract being a portion of that tract of land described as Tract I in deed from Corrigan Properties, Inc. to The Adolphus Associates, recorded in Volume 80026, Page 2901, Deed Records, Dallas County, Texas, said tract being more particularly described as follows;

BEGINNING, at a point on the northerly right-of-way line of Commerce Street, said point being South 76 degrees 00 minutes 00 seconds West, a distance of 162 feet from a "+" cut in concrete found at the Intersection of the northerly right-of-way line of Commerce Street (78.7 feet wide) with the westerly right-of-way line of Akard Street (50 feet wide);

THENCE, South 76 degrees 00 minutes 00 seconds West, with said northerly right-of-way line of Commerce Street, a distance of 138.00 feet to a point for corner;

THENCE, North 14 degrees 00 minutes 00 seconds West, a distance of 100.00 feet to a point far corner;

THENCE, North 76 degrees 00 minutes 00 seconds East, at a distance of 83.38 feet pass the Southwest corner of a tract of land conveyed to Bryan S. Poster by deed recorded in Instrument No. 20080152146, Deed Records, Dallas County, Texas, at 121.50 feet pass the Southeast corner of said Foster tract, in all, a distance of 127.32 feet to a point for corner; said point being on a non-tangent curve to the right whose center bears North 82 degrees 45 minutes 00 seconds East, a radial distance of 17.00 feet from said point;

THENCE, northeasterly, with said curve to the right, through a central angle of 83 degrees 15 minutes 00 seconds (83 degrees 14 minutes 14 seconds - Deed), an arc distance of 24.70 feet to the end of said curve;

THENCE, North 76 degrees 00 minutes 00 seconds East, at a distance of 2.30 feet pass the Southwest corner of a tract of land conveyed to 1404 Main Building, LLC by deed recorded in Instrument NO. 20080168722, Deed Records, Dallas County, Texas, continuing, with the South line of said 1404 Main Building, LLC tract, in all, a distance of 27.30 feet to its Southeast corner;

THENCE, North 14 degrees 00 minutes 00 seconds West, with the East line of said 1404 Main Building, LLC tract, a distance of 85.00 feet to a point for corner on the southerly line of Main Street;

29844

151673  
GIS Approved

THENCE, North 76 degrees 00 minutes 00 seconds East, with said South line of Main Street, a distance of 50.00 feet to a point for corner, said point being the Northwest corner of Lot 2, Block A/70 of said Adolphus Hotel Addition No. 2;

THENCE, South 14 degrees 00 minutes 00 seconds East, with the West line of said Lot 2, a distance of 100.00 feet to a point for corner;

THENCE, South 76 degrees 00 minutes 00 seconds West, a distance of 83.5 feet to a point for corner;

THENCE, South 14 degrees 00 minutes 00 seconds East with said West line of Akard Street a distance of 100.00 feet to the POINT OF BEGINNING.

Containing, 19,403 square feet or 0.4454 acres of land, more or less.

**EXHIBIT B**  
**PRESERVATION CRITERIA**  
**THE ADOLPHUS HISTORIC OVERLAY DISTRICT**  
**COMMERCE STREET AT AKARD STREET**

**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.
- 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 1912 to 1950.

## **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 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.4 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.
- 2.5 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.
- 2.6 DISTRICT means Historic Overlay District No. 36, the Adolphus Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit C.
- 2.7 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.8 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.9 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

**3. IN GENERAL.**

- 3.1 All contributing structures are protected.
- 3.2 Existing exposed brick must be maintained. Removal of stucco and restoration of original brick is encouraged if practicable. The application of stucco to original exposed brick is prohibited except in making repairs to existing stucco.
- 3.3 No terra cotta, stone, or brick surfaces may be painted. Painted stucco must be painted to match the existing color or a color compatible with the original construction. All originally painted features, including windows, doors, frames, and trim, may be repainted the existing color under the routine maintenance procedures. It is recommended that original paint colors be determined and used where practicable, following review and approval by the landmark commission.
- 3.4 All ornamental detailing, such as cornices and moldings, architraves and friezes, and ornamental terra cotta and metalwork must remain intact. Any reconstruction, renovation, or replacement of these items must employ materials as identical in material, color, composition, size, and texture as practicable.
- 3.5 Exterior lighting and any improvements in the public right-of-way must be reviewed and approved by the landmark commission prior to commencement of work; such site features should enhance the structure and surroundings without obscuring significant views of the contributing structures.
- 3.6 Except for reconstruction of previously-removed portions of Tower 2, additions to a contributing structure are only permitted in areas that are not visible from Commerce Street, Main Street, or Akard Street.

**4. TOWER 1 (ORIGINAL 1912 ADOLPHUS HOTEL).**

- 4.1 The Commerce Street and Akard Street facades, as well as the exposed portions of the west facade, are protected.
- 4.2 Renovation or restoration of the protected facades must employ terra cotta, stone, or brick similar in color, module size, glaze, and texture to the existing materials.
- 4.3 Any renovations or reconstructions of existing trim and detailing must use materials (terra cotta, stone, etc.) similar in color, module size, glaze, and texture to the existing trim and detailing.
- 4.4 Decorative metal elements, including copper, aluminum, and bronze detailing in the roof, cresting, and window grilles must be preserved whenever possible, or replaced using materials similar in composition and design.



4.5 Any renovation or reconstruction of exposed facades must retain all original window and door openings in their original configuration. Reflective, mirrored, or tinted glass is not allowed. New openings are only allowed on facades facing Commerce Street, Akard Street, or exposed portions of the west facade if they are required to comply with health or safety code provisions.

4.6 The slope and configuration of the existing roof must be maintained, and no new vertical extensions are allowed. All existing parapets and other decorative elements must be retained.

**5. TOWER 2 (1916).**

5.1 Reconstruction or restoration of the Commerce Street facade and exposed portions of the east and west facades is recommended. Modifications or alterations to the Commerce Street facade and exposed portions of the east and west facades must be compatible with Tower 1.

5.2 Reconstruction or restoration of the exposed portion of the north facade is recommended. Modifications or alterations to the exposed portions of the north facade must be appropriate.

**6. TOWER 3 (1925-1926).**

6.1 The monumental one story stone and terra cotta feature, attached at the west of Tower 1, is a critical portion of the facade and is protected.

6.2 It is recommended that the 22-story section of the Commerce Street facade and exposed portions of the west and north facades be restored to their appearance in 1926.

6.3 Modifications or alterations to the 22-story section of the Commerce Street facade and exposed portions of the west and north facades must be compatible with Tower 1.

6.4 The slope and configuration of the roof as it exists on September 9, 2015 must be maintained and no new vertical additions are allowed. All existing parapets and other decorative elements must be retained. The projecting cornice and hipped roof on the 22-story section are protected.

6.5 Renovation or restoration of the Commerce Street facade and exposed portions of the north and west facades must use terra cotta, stone, or brick similar in color, module size, glaze, and texture to the original materials.

6.6 Any renovations or reconstructions of trim and detailing existing on September 9, 2015 must use materials (terra cotta, stone, etc.) similar in color, module size, glaze, and texture to the existing trim and detailing.

- 6.7 Decorative metal elements, including copper and bronze detailing in the roof, roof tiles, cresting, and window grilles must be preserved whenever possible, or replaced using materials similar in composition and design.
  - 6.8 Any renovation or reconstruction of exposed facades must retain all original window openings in their original configuration. Reflective, mirrored, or tinted glass is not allowed. New windows in original openings must match the original windows as closely as possible and appear as double-hung.
- 7. TOWER 4 (1951).**
- 7.1 The north and west facades are protected.
  - 7.2 Renovation or restoration of protected facades must use brick similar in color, module size, and texture to the existing materials.
  - 7.3 Any renovations or reconstructions of existing trim and detailing must use materials (brick, stucco, stone, etc.) similar in color, module size, and texture to the original trim and detailing.
  - 7.4 Decorative metal elements, including the vertical metal bands on the Main Street facade must be preserved whenever possible, or replaced using materials matching the original in composition, color, finish, and design.
  - 7.5 Storefronts must be compatible with the historic design.
  - 7.6 Any renovation or reconstruction of exposed facades must retain all original window openings in their original configuration. Reflective, mirrored, or tinted glass is not allowed. New windows in original openings must match the original windows as closely as possible and appear as double-hung.
- 8. SIGNS.**
- 8.1 Signs may be erected if appropriate.
  - 8.2 All signs must comply with the provisions of the Dallas City Code, as amended.
  - 8.3 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

**9. ENFORCEMENT.**

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 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.

29844

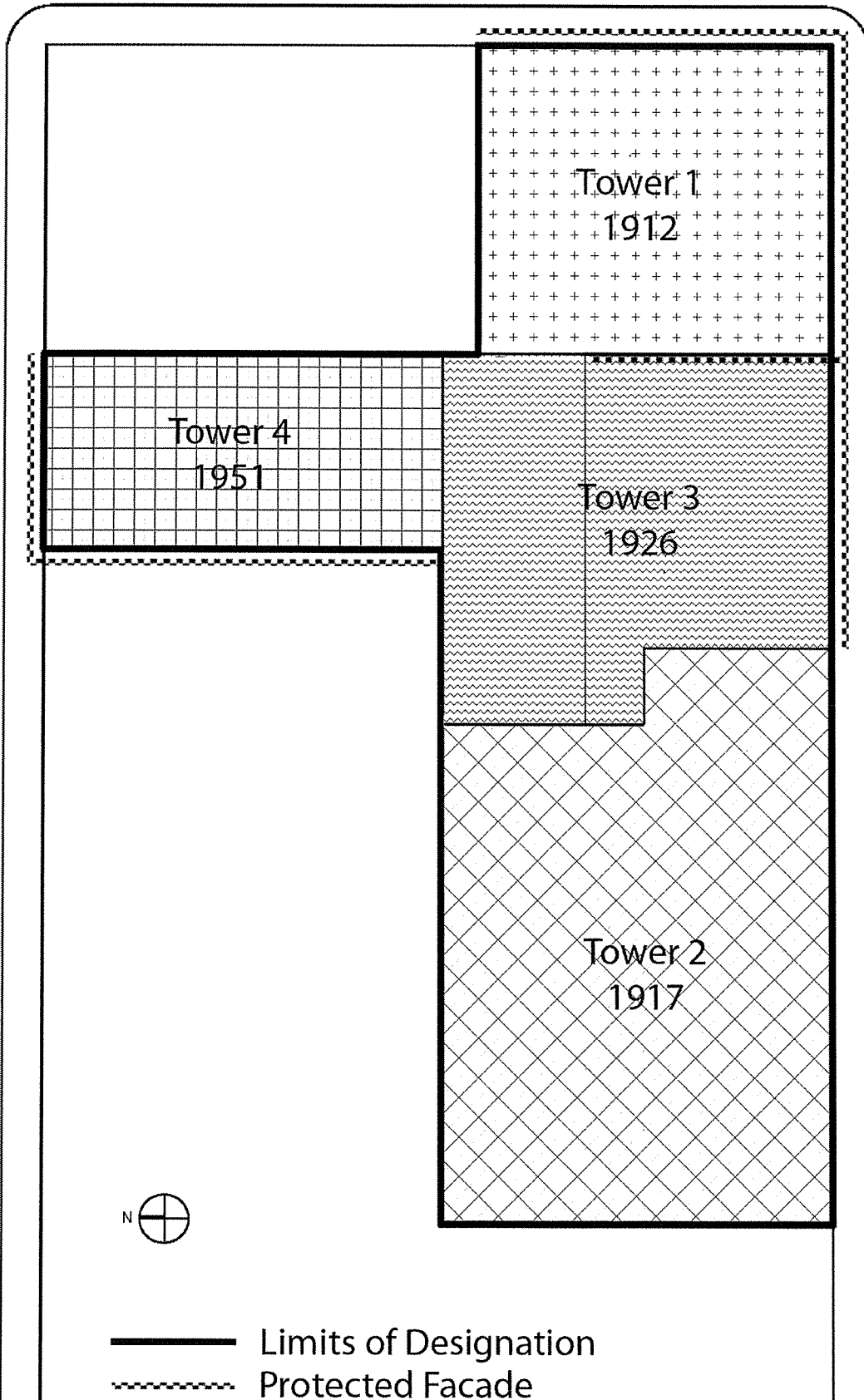
151673

Exhibit C  
Adolphus Hotel  
1315 Commerce St

S AKARD ST.

MAIN ST.

COMMERCE ST.



29844

151673

Exhibit C  
Adolphus Hotel  
1315 Commerce St





29844

151673

Exhibit C  
Adolphus Hotel  
1315 Commerce St



29844

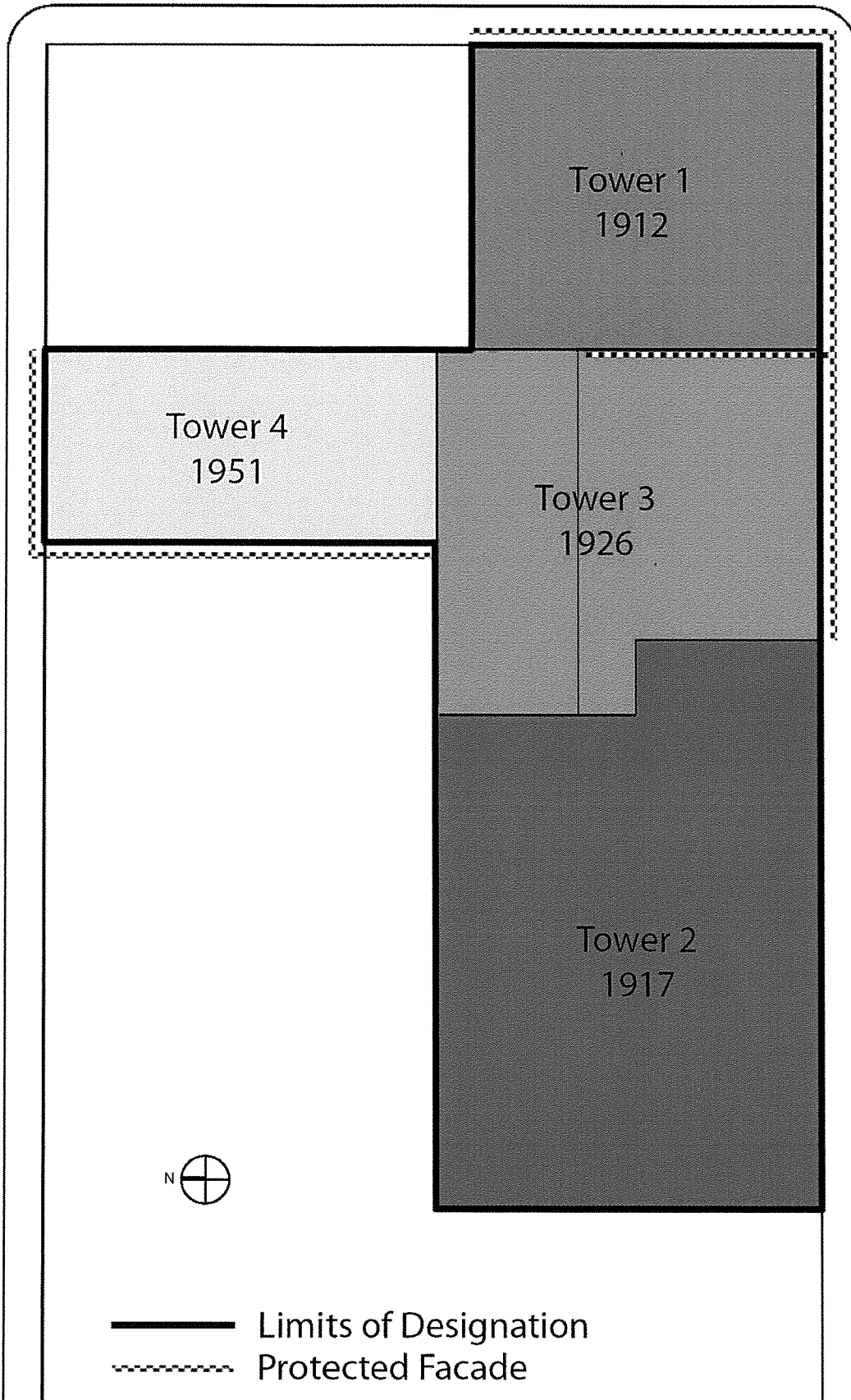
151673

Exhibit C  
Adolphus Hotel  
1315 Commerce St

S AKARD ST.

MAIN ST.

COMMERCE ST.









29844

151673

Exhibit C  
Adolphus Hotel  
1315 Commerce St



-  Tower 1 - 1912
-  Tower 2 - 1917
-  Tower 3 - 1926
-  Tower 4 - 1951







29844

151673

Exhibit C  
Adolphus Hotel  
1315 Commerce St

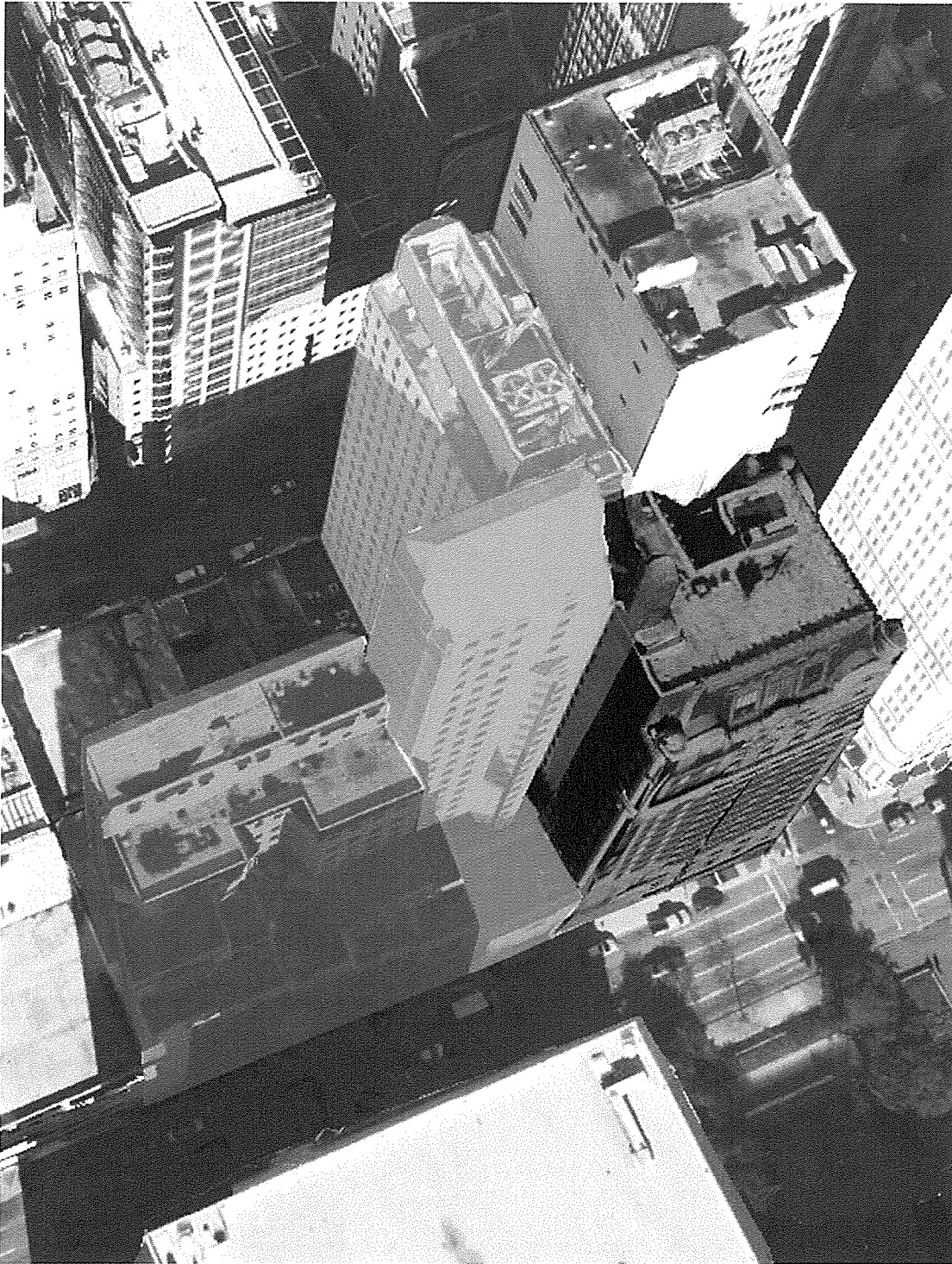






-  Tower 1 - 1912
-  Tower 2 - 1917
-  Tower 3 - 1926
-  Tower 4 - 1951

29844

151673

Exhibit C  
Adolphus Hotel  
1315 Commerce St



-  Tower 1 - 1912
-  Tower 2 - 1917
-  Tower 3 - 1926
-  Tower 4 - 1951

## Exhibit D

## SURVEY DESCRIPTION (TRACT I)

Being a 0.7993 acre tract of land, said tract being a portion of Lot 1A, Block A/70, of The Adolphus Hotel Addition No. 2, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 95207, Page 3903, Map Records, Dallas County, Texas; said tract being a portion of that tract of land described as Tract I in deed from Corrigan Properties, Inc. to The Adolphus Associates, recorded in Volume 80026, Page 2901, Deed Records, Dallas County, Texas, said tract being more particularly described as follows;

BEGINNING, at a "+" cut in concrete found at the Intersection of the northerly right-of-way line of Commerce Street (78.7 feet wide) with the westerly right-of-way line of Akard Street (50 feet wide);

THENCE, South 76 degrees 00 minutes 00 seconds West, with said northerly right-of-way line of Commerce Street, a distance of 300.00 feet to a point for corner;

THENCE, North 14 degrees 00 minutes 00 seconds West, a distance of 100.00 feet to a point far corner;

THENCE, North 76 degrees 00 minutes 00 seconds East, at a distance of 83.38 feet pass the Southwest corner of a tract of land conveyed to Bryan S. Poster by deed recorded in Instrument No. 20080152146, Deed Records, Dallas County, Texas, at 121.50 feet pass the Southeast corner of said Foster tract, in all, a distance of 127.32 feet to a point for corner; said point being on a non-tangent curve to the right whose center bears North 82 degrees 45 minutes 00 seconds East, a radial distance of 17.00 feet from said point;

THENCE, northeasterly, with said curve to the right, through a central angle of 83 degrees 15 minutes 00 seconds (83 degrees 14 minutes 14 seconds - Deed), an arc distance of 24.70 feet to the end of said curve;

THENCE, North 76 degrees 00 minutes 00 seconds East, at a distance of 2.30 feet pass the Southwest corner of a tract of land conveyed to 1404 Main Building, LLC by deed recorded in Instrument N0. 20080168722, Deed Records, Dallas County, Texas, continuing, with the South line of said 1404 Main Building, LLC tract, in all, a distance of 27.30 feet to its Southeast corner;

THENCE, North 14 degrees 00 minutes 00 seconds West, with the East line of said 1404 Main Building, LLC tract, a distance of 85.00 feet to a point for corner on the southerly line of Main Street;

THENCE, North 76 degrees 00 minutes 00 seconds East, with said South line of Main Street, a distance of 50.00 feet to a point for corner, said point being the Northwest corner of Lot 2, Block A/70 of said Adolphus Hotel Addition No. 2;

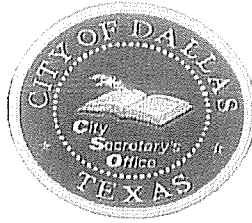
THENCE, South 14 degrees 00 minutes 00 seconds East, with the West line of said Lot 2, a distance of 110.00 feet to a point for corner;

THENCE, North 76 degrees 00 minutes 00 seconds East, with the South line of said Lot 2, a distance of 78.50 feet to a "+" cut in concrete found for corner on said westerly right-of-way line of Akard Street;

THENCE, South 14 degrees 00 minutes 00 seconds East with said West line of Akard Street a distance of 90.00 feet to the POINT OF BEGINNING.

Containing, 34,818 square feet or 0.7993 acres of land, more or less.

151673



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.

SEP 09 2015

DATE ADOPTED BY CITY COUNCIL \_\_\_\_\_

ORDINANCE NUMBER 29844

DATE PUBLISHED SEP 12 2015

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose C. Lisi".