

4-9-18

ORDINANCE NO. 30832

An ordinance expanding Historic Overlay District No. 46 (Knights of Pythias) by changing the zoning classification on the following property:

BEING a tract of land situated in City Blocks 280 and G3/280; fronting approximately 78.52 feet on the west line of Good Latimer Expressway southeast of Pacific Avenue; and containing approximately 0.14 acre,

amending Ordinance No. 20492, passed by the Dallas City Council on October 25, 1989 by providing new preservation criteria for Historic Overlay District No. 46; 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 expansion and amendment to Historic Overlay District No. 46; 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 expand and amend Historic Overlay District No. 46 as specified herein; Now, Therefore,

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

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SECTION 1. That the zoning classification is changed by expanding Historic Overlay District No. 46 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 property description in Section 1 of Ordinance No. 20492 is replaced by Exhibit A1 attached to this ordinance.

SECTION 3. That the Exhibit A attached to Ordinance No. 20492 is replaced by Exhibit B attached to this ordinance.

SECTION 4. That the site plan included in Exhibit A attached to Ordinance No. 20492 is replaced by Exhibit C attached to this ordinance.

SECTION 5. 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 6. 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 7. 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.

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SECTION 8. 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 9. 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 10. 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 11. 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:

LARRY E. CASTO, City Attorney

By 

Assistant City Attorney

APR 11 2018

Passed \_\_\_\_\_

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GIS\_Approved

**EXHIBIT A  
LEGAL DESCRIPTION**

**Expansion Area**

BEING a 6,200 square foot or 0.14 acre tract of land situated in the John Grisby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas; and being part of City of Dallas Block Nos. 280 & G3/280; and being part of Lot 11 shown on Goods Addition found unrecorded in Block Book 280 of the Murphy & Bolanz Block and Addition Book Records of Dallas County, Texas; and being part of a tract of land described in Special Warranty Deed to Epic Hotel Dallas, LP, recorded in Instrument No. 201700027379 of the Official Public Records of Dallas County, Texas and part of a tract of land described in Corrected Quitclaim Deed to Epic Hotel Dallas, LP, recorded in Instrument No. 201700321863 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found at the east end of a right-of-way corner clip located at the intersection of the west right-of-way line of Good-Latimer Expressway (a variable width right-of-way) described in Volume 2523, Page 516 of the Deed Records of Dallas County, Texas, and the north right-of-way line of Elm Street (a 60-foot wide right-of-way) described in Ordinance Volume 1A, Page 133 of said Deed Records at the beginning of a curve to the left having a central angle of 23°46'46", a radius of 337.04 feet, a chord bearing and distance of North 32°57'40" West, 138.88 feet;

THENCE with said west right-of-way line, the following courses and distances:

In a northwesterly direction, with said curve to the right, an arc distance of 139.88 feet to a 1" iron pipe found;  
North 44°51'03" West, a distance of 125.50 feet to the POINT OF BEGINNING;

THENCE departing said west right-of-way line of Good-Latimer Expressway, the following courses and distances:

South 59°24'25" West, a distance of 67.36 feet to a point for corner;  
South 14°35'35" East, a distance of 42.00 feet to a point for corner;  
North 45°01'48" West, a distance of 22.74 feet to a point for corner;  
North 31°24'30" West, a distance of 108.25 feet to a point for corner;  
North 75°24'25" East, a distance of 60.53 feet to a point for corner in said west right-of-way line of Good-Latimer Expressway;

THENCE with said west right-of-way line of Good-Latimer Expressway, the following courses and distances:

South 53°38'33" East, a distance of 59.34 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

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South 44°51'03" East, a distance of 19.18 feet to the POINT OF BEGINNING and containing 6,200 square feet or 0.14 acres of land.

Bearing system based on the State Plane Coordinate System of 1983, Texas North Central Zone (4202), North American Datum of 1983(2011).

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GIS\_Approved

**EXHIBIT A1  
OVERALL LEGAL DESCRIPTION**

BEING a 41,708 square foot or 0.96 acre tract of land situated in the John Grisby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas; and being part of City of Dallas Block No. G3/280; and being all of Lot 12 and part of Lot 13 shown on Goods Addition found unrecorded in Block Book 280 of the Murphy & Bolanz Block and Addition Book Records of Dallas County, Texas; and being part of a tract of land described in Special Warranty Deed to Epic Hotel Dallas, LP, recorded in Instrument No. 201700027379 of the Official Public Records of Dallas County, Texas and part of a tract of land described in Corrected Quitclaim Deed to Epic Hotel Dallas, LP, recorded in Instrument No. 201700321863 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the east end of a right-of-way corner clip located at the intersection of the west right-of-way line of Good-Latimer Expressway (a variable width right-of-way) described in Volume 2523, Page 516 of the Deed Records of Dallas County, Texas, and the north right-of-way line of Elm Street (a 60-foot wide right-of-way) described in Ordinance Volume 1A, Page 133 of said Deed Records;

THENCE with said right-of-way corner clip, South 43°24'55" West, a distance of 69.50 feet to a "X" cut in concrete found for corner at the west end of said right-of-way corner clip;

THENCE with said north right-of-way line of Elm Street, South 75°24'25" West, a distance of 112.81 feet to the southwest corner of said Lot 12;

THENCE departing said north right-of-way line of Elm Street and with the west line of said Lot 12, North 14°35'35" West, a distance of 216.46 feet to a point for corner;

THENCE North 45°01'48" West, a distance of 22.74 feet to a point for corner;

THENCE North 31 °24'30" West, a distance of 108.25 feet to a point for corner;

THENCE North 75°24'25" East, a distance of 60.53 feet to a point for corner in the west right-of-way line of said Good-Latimer Expressway;

THENCE with said west right-of-way line of Good-Latimer Expressway, the following courses and distances:

South 53°38'33" East, a distance of 59.34 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 44°51'03" East, a distance of 144.68 feet to a 1-inch iron pipe found at the beginning of a tangent curve to the right having a central angle of 23°46'46", a radius of 337.04 feet, a chord bearing and distance of South 32°57'40" East, 138.88 feet;

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In a southeasterly direction, with said curve to the right, an arc distance of 139.88 feet to the POINT OF BEGINNING and containing 41,708 square feet or 0.96 acres of land.

Bearing system based on the State Plane Coordinate System of 1983, Texas North Central Zone (4202), North American Datum of 1983(2011).

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**EXHIBIT B  
PRESERVATION CRITERIA  
KNIGHTS OF PYTHIAS BUILDING  
2551 ELM 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



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published by the United States Department of the Interior, copies of which are available at the Dallas Public Library or on the National Park Service website.

- 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 1915-1916.

## **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 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.
- 2.5 DISTRICT means Historic Overlay District No. 46, the Knights of Pythias Building Historic Overlay District. This district contains the property described in Exhibit A1 of this ordinance and as shown on Exhibit C.
- 2.6 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.7 MAIN BUILDING means the resource building, as shown on Exhibit C.
- 2.8 NO-BUILD ZONE means that part of this district in which no new construction may take place, shown on Exhibit C.

- 2.9 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.10 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

**3. BUILDING SITE AND LANDSCAPING.**

- 3.1 No development on the site may adversely affect any historical or architectural feature of the main building.
- 3.2 New construction is prohibited in the no-build zone shown on Exhibit C, except as allowed in Section 3.3.
- 3.3 The following are permitted in the no-build zone shown on Exhibit C: landscaping, fire pits, swimming pool, portable cabana changing room, deck areas, paving, seating, tables, fencing, retaining and screen walls, temporary tents, trellises, cable lights, light poles, utilities, and similar improvements.
- 3.4 Lighting and landscaping.
- a. Exterior lighting and the placement and removal of trees or other landscaping may be reviewed and approved under the routine maintenance procedure in the certificate of appropriateness process prior to commencement of work; such site features must enhance the structure and surroundings without obscuring significant views of the main building.
  - b. Light poles located in the no-build zone may not exceed 12 feet in height.
- 3.5 Fences.
- a. Fencing may be constructed in the no-build zone to meet pool safety requirements.
  - b. Fences may not exceed eight feet in height and must be at least 30 percent transparent.
- 3.6 Public improvements.
- a. All proposed public improvements of curbs, sidewalks, and associated right-of-way abutting the main building must be approved in the certificate of appropriateness process prior to commencement of work.

- b. Public improvements may include, but are not limited to, the following: trees, landscaping, water features, benches, bike racks, bollards, sidewalks, and pedestrian furniture.

#### 4. FACADES.

##### 4.1 Protected facades.

- a. The south and east facades (elevations A & B as shown on Exhibit C) of the existing main building are the critical facades which are the most visually sensitive portions of the building, and are protected. These elevations must be preserved and protected by the no-build zone as shown on Exhibit C, to protect sightlines to the main building and preserve the significant elevations from additional construction.
- b. The west and north facades (elevations C & D as shown on Exhibit C) are not protected, but all work on these facades is subject to the certificate of appropriateness process.

4.2 Renovation or reconstruction of protected elevations A & B, or portions of elevations C & D remaining unobscured by new construction, must employ brick that is similar to the existing in color, module size, and texture, as much as practical. Any renovations or reconstructions of existing trim and detailing must employ materials (cast stone, concrete, etc.) similar in color, module size, and texture to the existing trim and detailing, as much as practical.

4.3 Alterations to retail storefronts are allowed, and may be reviewed and approved under the routine maintenance procedure in the certificate of appropriateness process prior to commencement of work.

##### 4.4 Color.

- a. Any renovation or rehabilitation project should include investigation of removal of paint from original brick and cast stone surfaces to restore the building to its historic and original unpainted form. If brick and mortar joints have deteriorated to a point where they must be replaced and the original brick color cannot reasonably match the old color, the building may be painted to match the original brick color; repainting to match the original brick color must be reviewed and approved by the landmark commission through the certificate of appropriateness process.
- b. All originally painted features, including windows, doors, frames, and trim, may be repainted the existing color under the routine maintenance

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procedures. It is recommended that original paint colors be determined and used where practicable, following review and approval in the certificate of appropriateness process.

**5. FENESTRATION AND OPENINGS.**

- 5.1 Any renovation or reconstruction of exposed elevations should restore all original window and door openings to their original configuration where possible. Such renovation should include removal of the one story addition on the southeast corner, restoration of original openings the addition covered, and construction of an appropriate entrance feature reflecting the original configuration.
- 5.2 The opaque elements in all altered, arched windows should be removed and replaced with clear glass.
- 5.3 New openings or alterations to existing openings are only permitted on elevations B, C, & D if they are a result of abutting new construction, including construction of patio or outdoor dining space, or in order to comply with health or safety code provisions.
- 5.4 Window sills on levels one and two on elevation C may be raised up to a maximum of three feet if the change is a result of new construction.
- 5.5 Except as provided in 5.4, if the elevator shaft on elevation C is removed, and if the elevation remains exposed, the original window configuration must be restored.

**6. EMBELLISHMENTS AND DETAILING.**

- 6.1 All ornamental detailing enumerated below must remain intact. Any reconstruction, renovation, or replacement of these items must employ materials as identical in color, composition, size, and texture as practicable.
  - a. Cornices and mouldings.
  - b. Architrave & frieze.
  - c. Fraternal order name inscribed on south elevation.

**7. ROOF.**

- 7.1 Except for mechanical equipment associated with a renovation of the existing main building, and vertical additions as allowed in Section 8, the slope and configuration of the existing roof must be maintained.

- 7.2 Any mechanical equipment, including skylights, solar panels, and cell antennae equipment on the roof must be set back or screened with materials compatible with the main building so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.
- 7.3 The existing parapet must be retained, or restored to its original profile, as much as practical.
- 7.4 Metal flashing, required for waterproofing, may be installed to cap a parapet, but must follow the original parapet profile. The color of metal flashing must match the historic cast stone coping on the parapet.

## **8. NEW CONSTRUCTION AND ADDITIONS.**

- 8.1 Horizontal additions to the existing main building are limited to areas adjacent to elevations C & D.
- 8.2 Additions within the historic overlay to the existing main building on elevation D must be reviewed and approved for compatibility in the certificate of appropriateness process prior to issuance of a building permit, and must be in harmony with the basic configuration created by the facade rhythm of fenestrations on the existing building.
- 8.3 New construction physically attached to the area shown as elevation D may use masonry or a metal panel exterior wall system that is compatible with the existing building as a building material. Additions on elevation D are limited to one story.
- 8.4 An addition within the historic overlay on elevation C, as part of a larger addition outside of the historic overlay, may be constructed of glass material, masonry, or a metal panel exterior wall system that is compatible with the existing building, and must be reviewed and approved for compatibility through the certificate of appropriateness process. Any other new construction on the site outside of the historic overlay, including the construction connected to the addition on elevation C does not require a certificate of appropriateness.
- 8.5 Elevation C may be connected to an addition with a ground-floor lobby constructed primarily of glass material that is compatible with the existing building.
- 8.6 Any new construction on the site must be complimentary to the significant architectural features of the main building, including masonry and windows that complement the historic windows and cornice lines of the existing main building.

- 8.7 Any new construction or vertical additions that are taller than the existing cornice must be set back at least one foot from the cornice line.

**9. SIGNS.**

- 9.1 All new signs must be designed to be compatible with the architectural qualities of the original main building, and must be approved in the certificate of appropriateness process prior to issuance of a sign permit.
- 9.2 Alterations to retail storefront signage are allowed and may be reviewed under the routine maintenance procedure in the certificate of appropriateness process prior to issuance of a sign permit.
- 9.3 All signs must comply with the provisions of the Dallas City Code, as amended.
- 9.4 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

**10. DEVELOPMENT RIGHTS.**

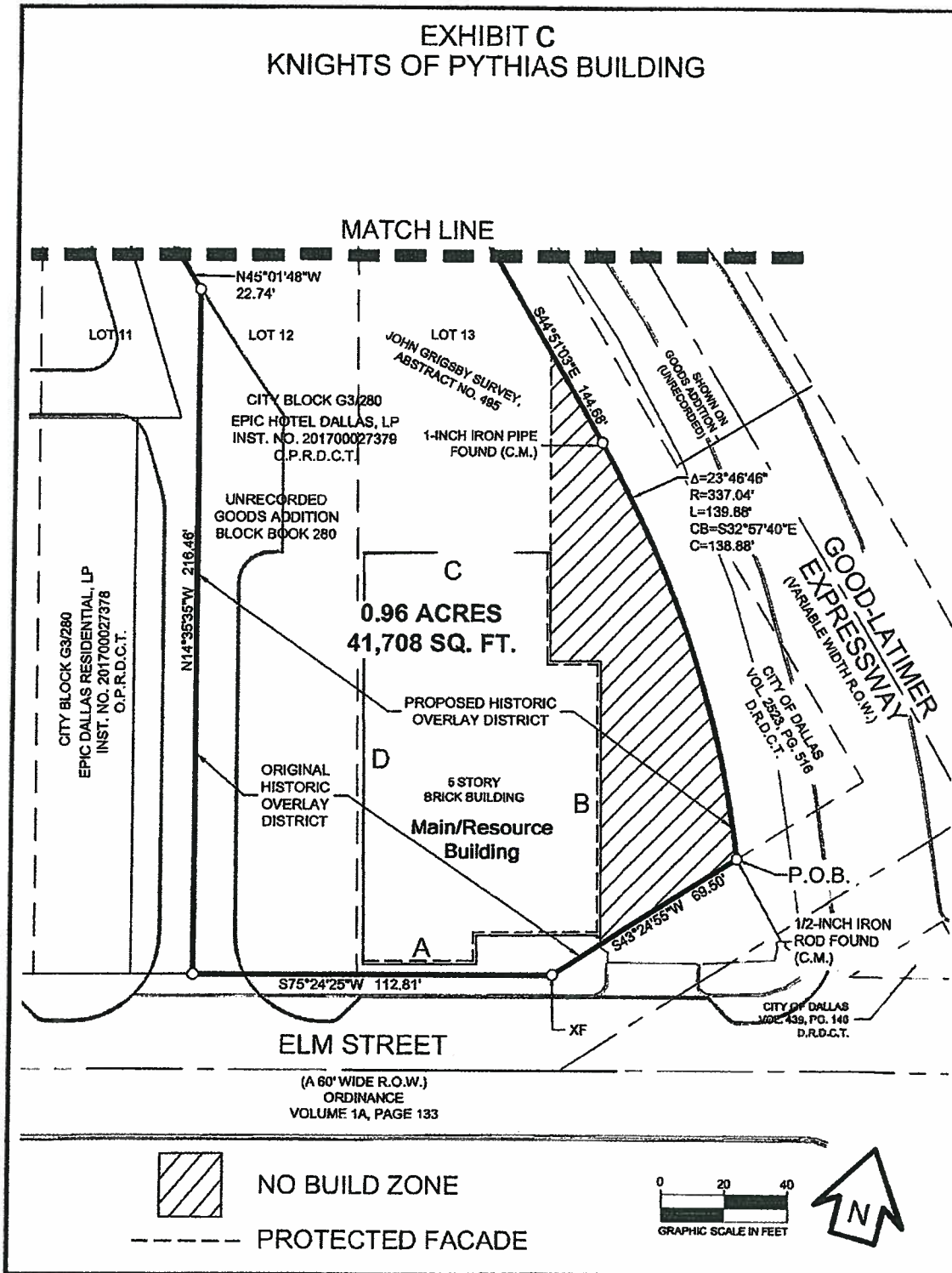
- 10.1 The floor area equivalent to that limited on Lots 12-13 by the no-build zone and main building preservation criteria (approximately 381,000 square feet) may be transferred to the remainder of the site in order to allow for full development rights on the property.

**11. ENFORCEMENT.**

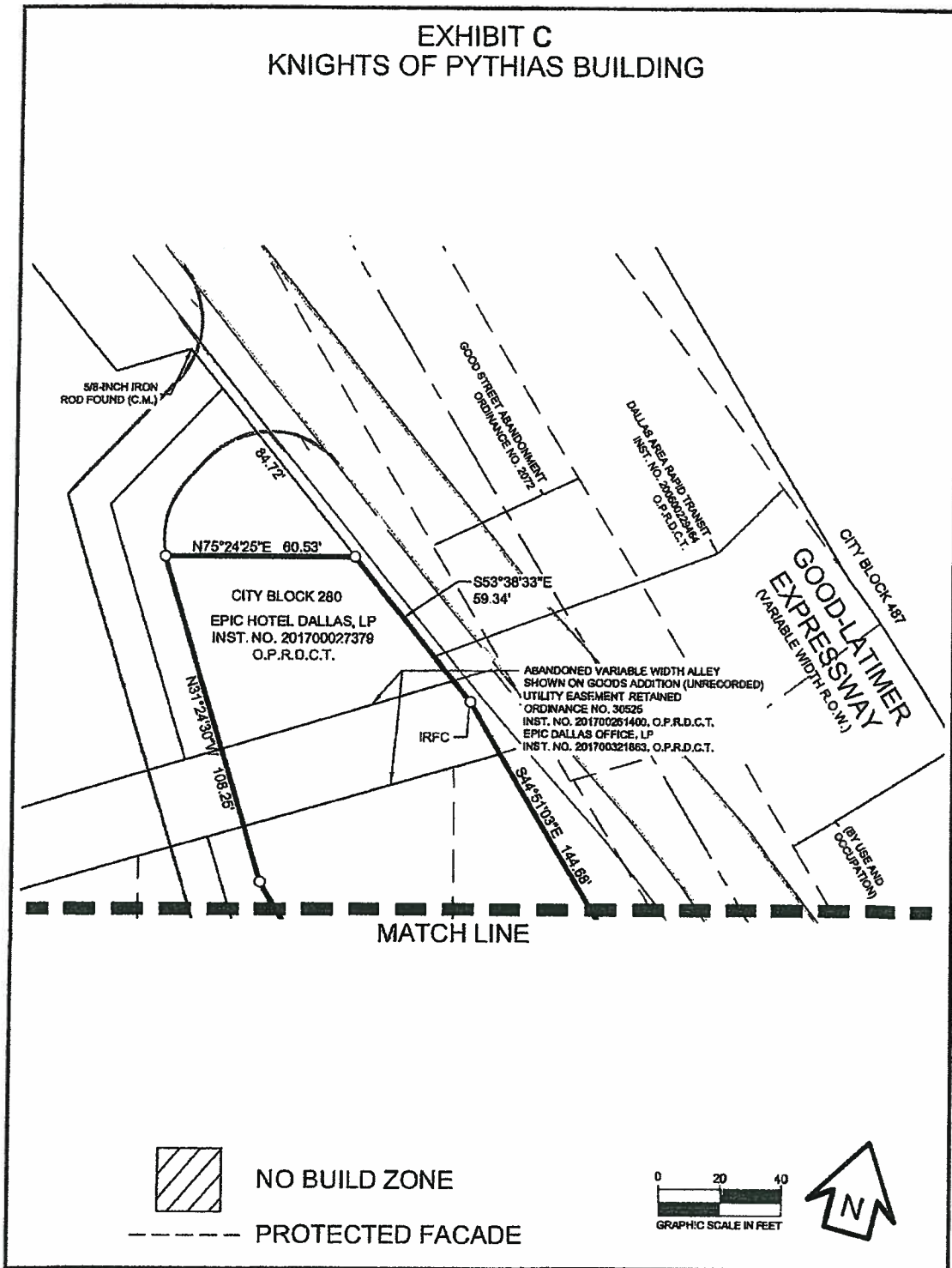
- 11.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.
- 11.2 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.
- 11.3 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.
- 11.4 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.

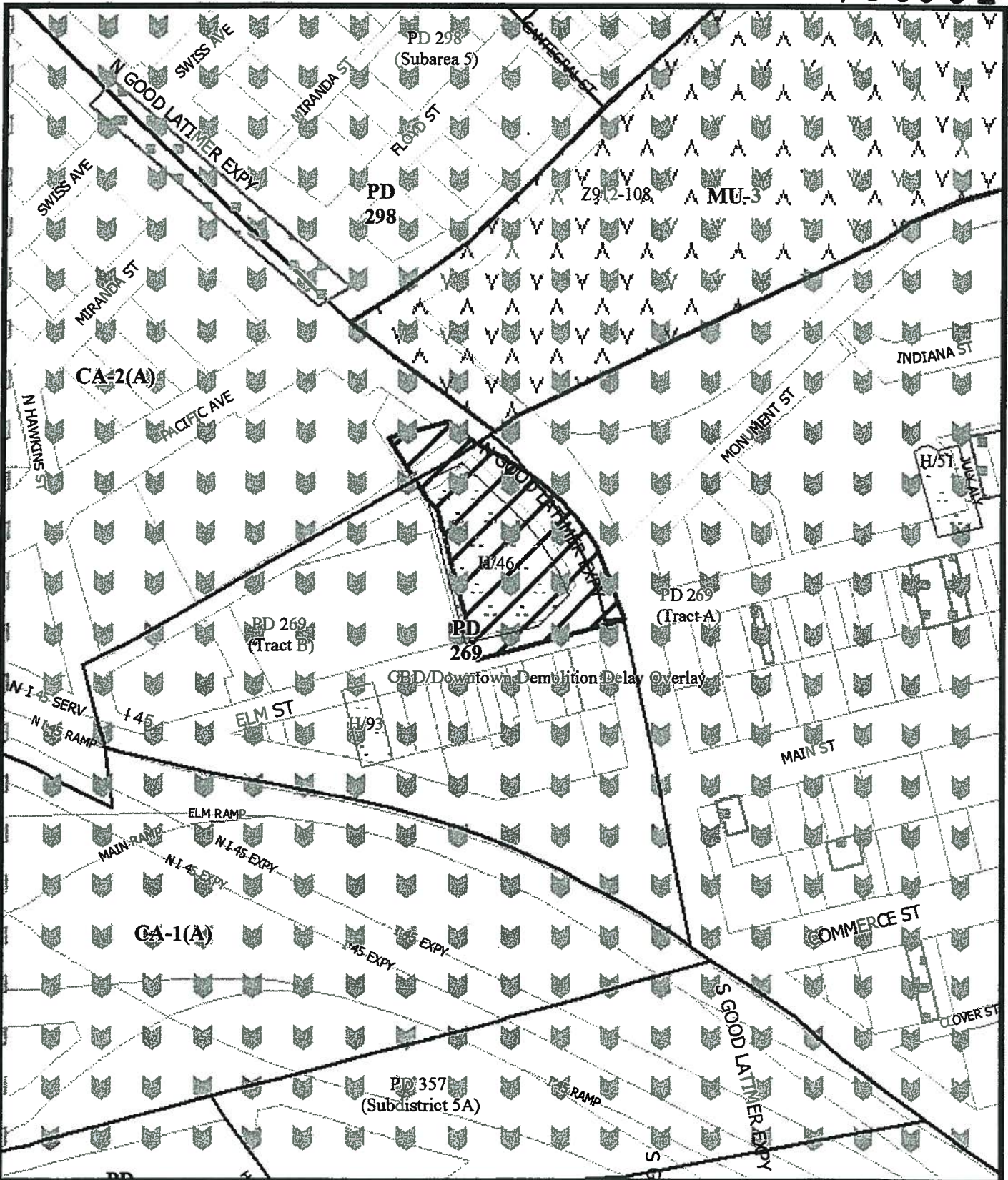






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# ZONING MAP

Case no: Z167-270

Date: 2/13/2018



## 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 APR 11 2018

ORDINANCE NUMBER 30832

DATE PUBLISHED APR 14 2018

ATTESTED BY:

OFFICE OF CITY SECRETARY

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