

10-04-01

ORDINANCE NO. 24750

An ordinance amending the zoning ordinances of the City of Dallas by establishing Historic Overlay District No. 112 (Texas Theatre) on the following described property ("the Property"), to wit:

BEING a tract of land out of the George L. Leonard Survey Abstract No. 770, and being a portion of Lots 3, 4, and 5 of Block 48/3168 of Dallas Land Loan Company's Addition No. 2 to Oak Cliff as recorded in Volume 106, Page 230 of the Deed Records of Dallas County, Texas, and being a portion of Lot 5 of Block 48/3168 of Dallas Land Loan Company's Addition No. 2 to Oak Cliff as recorded in Volume 106, Page 230 of the Deed Records of Dallas County, Texas, and containing 12,162.1712 square feet or 0.2793 acres of land,

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 applicable ordinances of the city, have given the required notices and have held the required public hearings regarding the rezoning of the Property; 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:

24750

SECTION 1. That the zoning ordinances of the City of Dallas are amended by establishing Historic Overlay District No. 112 comprised of the following described property ("the Property"), to wit:

BEING a tract of land out of the George L. Leonard Survey Abstract No. 770, and being a portion of Lots 3, 4, and 5 of Block 48/3168 of the Dallas Land Loan Company's Addition No. 2 to Oak Cliff as recorded in Volume 106, Page 230 of the Deed Records of Dallas County, Texas, and being a portion of Lot 5 of Block 48/3168 of Dallas Land Loan Company's Addition No. 2 to Oak Cliff as recorded in Volume 106, Page 230 of the Deed Records of Dallas County, Texas, described in metes and bounds as follows:

BEGINNING at an X found in the north line of W. Jefferson Avenue (a 100 foot right-of-way), said point being the southwest corner of said Lot 3;

THENCE North $00^{\circ}28'00''$ West, along the west line of said lot 3, a distance of 137.5 feet to a 3/8 inch iron rod found for corner in the northwest corner of said Lot 3;

THENCE East along the north line of said Lots 3, 4, and 5 a distance of 130.00 feet to a point for corner;

THENCE South $00^{\circ}28'00''$ East, a distance of 137.5 feet to an X in concrete in the south line of said Lot 5 and the north line of W. Jefferson Avenue;

THENCE West along the north line of W. Jefferson Avenue a distance of 6.1 feet to a point for corner;

THENCE North $00^{\circ}28'00''$ West, a distance of 60.75 feet to a 1/2 inch iron rod found for corner in the west line of Lot 5;

THENCE West a distance of 93.9 feet to a point for corner;

THENCE South $00^{\circ}28'00''$ East, a distance of 60.75 feet to an X in concrete in the north line of W. Jefferson Avenue;

THENCE West along the north line of W. Jefferson Avenue a distance of 30 feet to the PLACE OF BEGINNING and containing 12,162.1712 square feet or 0.2793 acres of land.

24750

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 contained in this ordinance control over the regulations of the underlying zoning district.

SECTION 3. Reconstruction of original signs and marquee to their documented historic size and appearance is permitted even if the original signs and marquee do not conform to the standards of the Jefferson Boulevard Special Provision Sign District.

SECTION 4. 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 5. 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 6. That the director of planning and development shall correct Zoning District Map No. L-6 in the offices of the city secretary, the building official, and the department of planning and development to reflect the changes in zoning made by this ordinance.

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 Dallas City Code shall remain in full force and effect, save and 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:

MADELEINE B. JOHNSON, City Attorney

By


Assistant City Attorney

Passed _____

OCT 10 2001

Exhibit A
PRESERVATION CRITERIA
Texas Theatre
231 West Jefferson Boulevard

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 contained in CHAPTER 51A, "DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended. In the event of 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.
- 1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards 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 for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1931 to 1963.

2. DEFINITIONS

- 2.1 Unless defined below, the definitions contained in CHAPTER 51A "DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended, apply.
- 2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of the historic 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 DISTRICT means Historic Overlay District No. 112, the Texas Theatre Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B.
- 2.5 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.6 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.7 MAIN BUILDING means the Texas Theatre building and theatre lobby, as shown on Exhibit B.
- 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. BUILDING SITE AND LANDSCAPING

- 3.1 The main building is protected.
- 3.2 New sidewalks and walkways must be constructed of brush finish concrete or other appropriate material. Artificial grass, asphalt, exposed aggregate, and outdoor carpet are not permitted.
- 3.3 Outdoor lighting must be appropriate and enhance the structure.
- 3.4 Landscaping must be appropriate.
- 3.5 New mechanical equipment must be erected to the rear of the structure and must be screened.
- 3.6 Fences must be constructed of brick, cast stone, iron, stone, wood, masonry, a combination of these materials, or other appropriate materials.

4. FACADES

- 4.1 Protected facades.
 - a. The facades shown on Exhibit B are protected.
 - 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 of original brick.
 - e. Brick, cast stone, and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted prior to the effective date of this ordinance may remain painted.
- 4.2 Nonprotected facades.
 - a. Reconstruction and renovation of nonprotected facades must be compatible with the historic appearance of the adjacent protected facade.
 - b. Repair and maintenance of nonprotected facades must be compatible with protected features.
- 4.3 Wood trim and detailing must be restored wherever practical.

24750

- 4.4 All exposed wood must be painted, stained, or otherwise preserved.
- 4.5 Historic materials must be repaired if possible; they may be replaced only when necessary.
- 4.6 Paint must be removed in accordance with the Secretary of the Interior's Standards and Preservation Briefs published by the United States Department of the Interior prior to refinishing.
- 4.7 Aluminum siding and vinyl cladding are not permitted.
- 4.8 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.
- 4.9 Exposing and restoring historic finish materials is recommended.
- 4.10 Cleaning of the exterior of a structure must be in accordance with the Secretary of the Interior's Standards and Preservation Briefs published by the United States Department of the Interior. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

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 which have been altered and no longer match the historic appearance is recommended.
- 5.3 Replacement doors and windows must express muntin and mullion size, light configuration, profile and material to match the historic.
- 5.4 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are not permitted.
- 5.5 Glass and glazing must match historic materials as much as practical. Films and tinted or reflective glazings are not permitted on glass.
- 5.6 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.
- 5.7 The Secretary of the Interior's Standards and Preservation Briefs published by the United States Department of the Interior should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

24750

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: clay tiles, composition roof, terra-cotta tiles, build-up, single-ply membrane, and synthetic clay tile.
- 6.3 Historic eaves, coping, cornices, dormers, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module, and color.
- 6.4 Mechanical equipment, skylights, and solar panels 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.

7. PORCHES AND MARQUEE

- 7.1 Historic porches and marquees on protected facades are protected.
- 7.2 Porches on protected facades may not be enclosed.
- 7.3 Historic pilasters, detailing, railings, and trim on porches and marquees are protected.
- 7.4 Porch floors must be appropriate.

8. EMBELLISHMENTS AND DETAILING

- 8.1 The following architectural elements are considered important features and are protected:
 - a. windows at the front facade and surrounding articulation;
 - b. cast stone ornamentation at the front facade;
 - c. terra-cotta coping at side and rear facades.

9. NEW CONSTRUCTION AND ADDITIONS

- 9.1 Stand-alone new construction is not permitted.
- 9.2 Vertical and horizontal additions are not permitted with the exception of reconstruction of the historic cupola, pediment and high parapet at the front facade.

10. SIGNS

- 10.1 Signs may be erected if appropriate.

- 10.2 All signs must comply with the provisions of the Dallas City Code, as amended.
- 10.3 Temporary political campaign signs as defined in Chapter 15A of the Dallas City Code, as amended, and real estate signs may be erected without a certificate of appropriateness.
- 10.4 Reconstruction of the historic marquee and attached sign is encouraged.

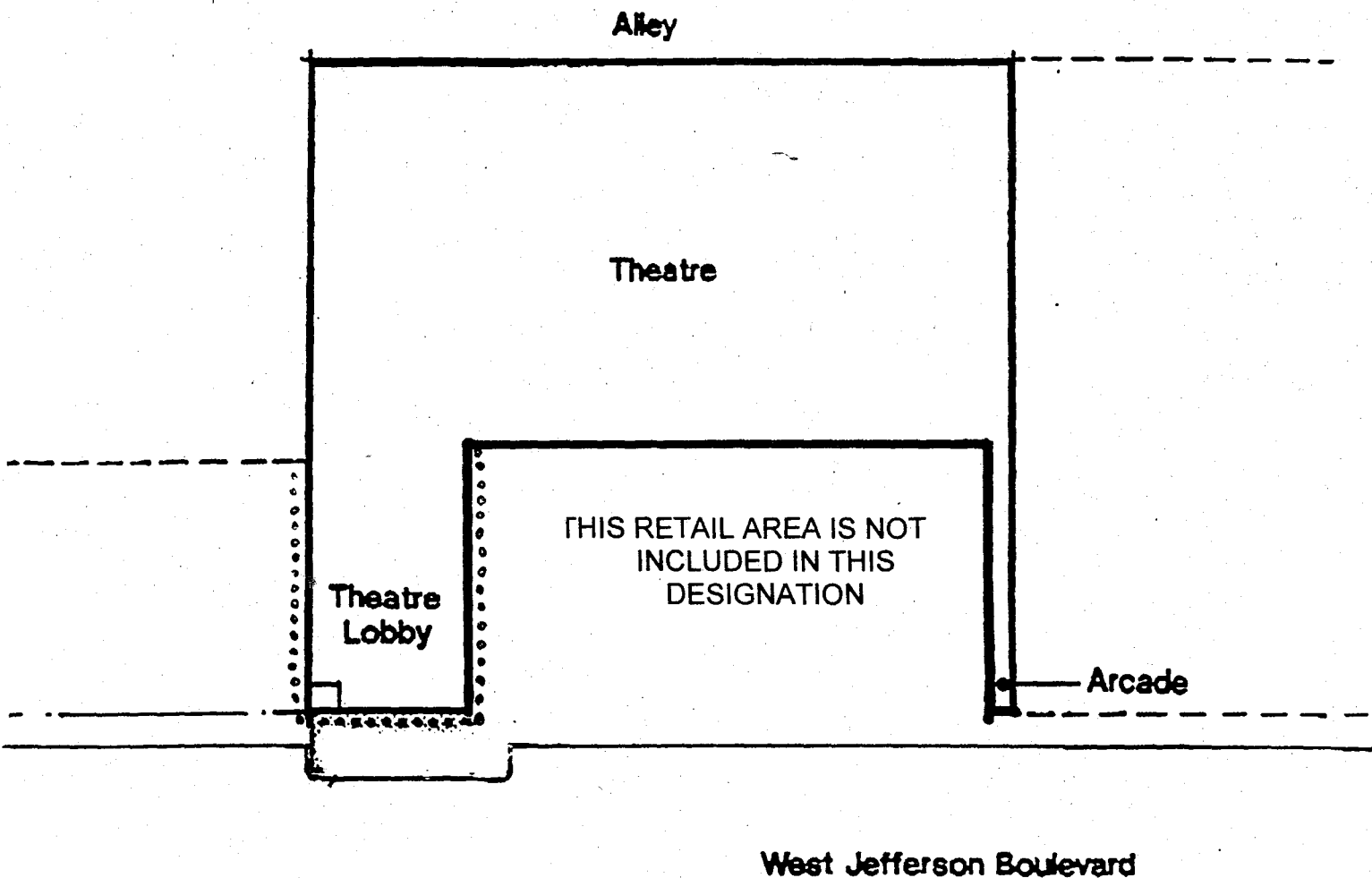
11. ENFORCEMENT

- 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 the person owns part or all of the property where the violation occurs, the person is the agent of the owner of the property and is in control of the property, or the person commits the violation or assists in the commission of the violation.
- 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.

24750

EXHIBIT B

TEXAS THEATRE HISTORIC DISTRICT



———— Area of Designation

..... Protected Facade