

04/10/92

4-22-92

ORDINANCE NO. 21270

An ordinance amending CHAPTER 51, "PART I OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by re-establishing and amending Historic Overlay District No. 21 (Majestic Theatre) comprised of the following described property ("the Property"), to wit:

BEING a tract of land in City Block 94, fronting 100 feet on the north line of Elm Street, beginning at a point 85 feet west of the west line of Harwood Street, and fronting 110 feet on the south line of Pacific Avenue, beginning at a point 75 feet west of the west line of Harwood Street, and containing 21,200 square feet of land;

allowing the erection of a larger projecting sign than is currently permitted in the underlying zoning district; retaining the other procedures, regulations, and preservation criteria for structures and property in the district; repealing Ordinance No. 17750; providing a penalty not to exceed \$200; 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 that property; and

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WHEREAS, the city council finds that it is in the public interest to re-establish and amend this historic overlay district; Now, Therefore,

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

SECTION 1. That CHAPTER 51, "PART I OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended by establishing Historic Overlay District No. 21 (Majestic Theatre) comprised of the following described property ("the Property"), to wit:

BEING a tract of land in City Block 94 and further described as follows:

BEGINNING at a point on the north line of Elm Street, said point being 85 feet west of the west line of Harwood Street;

THENCE in a westerly direction along the north line of Elm Street, a distance of 100 feet to a point for corner in a line, said line being 185 feet west of and parallel to the west line of Harwood Street;

THENCE in a northerly direction along said line, a distance of 200 feet to a point for corner in the south line of Pacific Avenue;

THENCE in an easterly direction along the south line of Pacific Avenue, a distance of 110 feet to a point for corner in a line, said line being 75 feet west of and parallel to the west line of Harwood Street;

THENCE in a southerly direction along said line, a distance of 120 feet to a point for corner in a line, said line being 80 feet north of and parallel to the north line of Elm Street;

THENCE in a westerly direction along said line, a distance of 10 feet to a point for corner in a line, said line being 85 feet west of and parallel to the west line of Harwood Street;

THENCE in a southerly direction along said line, a distance of 80 feet to a point on the north line of Elm Street, the place of beginning, and containing 21,200 square feet of land.

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SECTION 2. That, except as provided in Section 3 of this ordinance, 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. That a projecting sign may not exceed 450 square feet in effective area in this historic overlay district. This section controls over Sections 51-7.911(e)(2) and 51A-7.911(e)(2) of the Dallas Development Code, and is enacted in accordance with Section 51-4.501(a)(3) of the Dallas Development Code, which permits a historic overlay ordinance to provide additional regulations for the historic overlay ordinance.

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, 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 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

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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. J-7 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 Ordinance No. 17750, passed by the Dallas City Council on March 16, 1983, is repealed.

SECTION 8. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$200. 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 9. 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 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:
SAM A. LINDSAY, Acting City Attorney

By Chris Bowers
Assistant City Attorney

Passed APR 22 1992

Zoning File No. Z-912-166/8808-N

80145

EXHIBIT A
PRESERVATION CRITERIA
MAJESTIC THEATRE

1. Surface Materials

Reconstruction, renovation or repair of the opaque elements of the south (main) facade shall employ only rusticated Terra Cotta stone of equal texture, grain, color and module size of the existing main structure as practicable. Reconstruction, renovation or repair of the other facades shall employ only brick of equal texture, grain color and module size of the existing main structure as practicable.

2. Fenestrations and Openings

Existing openings in the protected facades shall remain intact and new openings shall not be permitted. The relationship existing between the terra cotta, brick, windows and door openings shall be preserved and maintained. The configuration and materials of the existing brass doors shall be preserved as is. The existing window configurations, dividing mullions and decorative spandrels shall be preserved as is. Reflective or tinted glass shall not be permitted in window openings.

3. Roof

The slope, configuration and surface pattern of the existing roof shall be maintained. No new vertical or horizontal extension shall be allowed and all existing extensions or railings shall be preserved. All replacements or repairs to the roof shall employ materials comparable to the existing roof in texture, design and color.

4. Embellishments and Detailing

All ornamental detailing and embellishments enumerated below shall remain intact and be preserved as is. Any reconstruction, renovation or replacement of the listed items shall be identical in composition, texture, color and size as practicable.

- A. Cornices and Molding: the three cornice lines and detailed molding under the cornices at the fourth and fifth floors.
- B. Arches: the flat arches with brackets above the fourth floor window openings.

- C. Pilaster Columns: the pilaster columns that divide the seven window bays on floors two through four and at the fifth level.
- D. Spandrels and Cartouches: the spandrels located beneath the third and fourth floor windows and the decorative cartouches attached to the spandrels.
- E. Parapet: the parapet with decorative scrolls and cartouches above the top cornice line and the thirteen ornamental flower caps on top of the parapet.
- F. Brackets: the decorative brackets located at the fourth and fifth levels the accent the two projecting facades.
- G. Marquee: the decorative marquee located at the first level above the main entrance.

5. Color

The coloring of the existing facade, including additions, extensions, alterations and repairs, shall comply with the hue, value and chroma content of the Munsell Color System as outlined in the Munsell Book of Color, Neighboring Hues Collection, 1973:

- A. Predominant Facade Material: The existing natural color of the terra cotta stone shall be preserved and remain unpainted. There will be no alterations with the exception of maintenance cleaning as necessary. The color of any additions, repairs or alterations to the theater shall coincide as nearly as practicable to a color range defined by the Munsell Color System rating.
- B. Trim and Detailing: The existing colors of all window/door frames, trim and detailing shall be preserved as is. Any painting of these elements due to repair, replacement or maintenance shall coincide as nearly as practicable to color ranges defined by the Munsell Color System rating.

6. Lighting and Landscaping

Exterior lighting and the placement and removal of trees and shrubs shall be approved by the Landmark Commission prior to commencement of work.

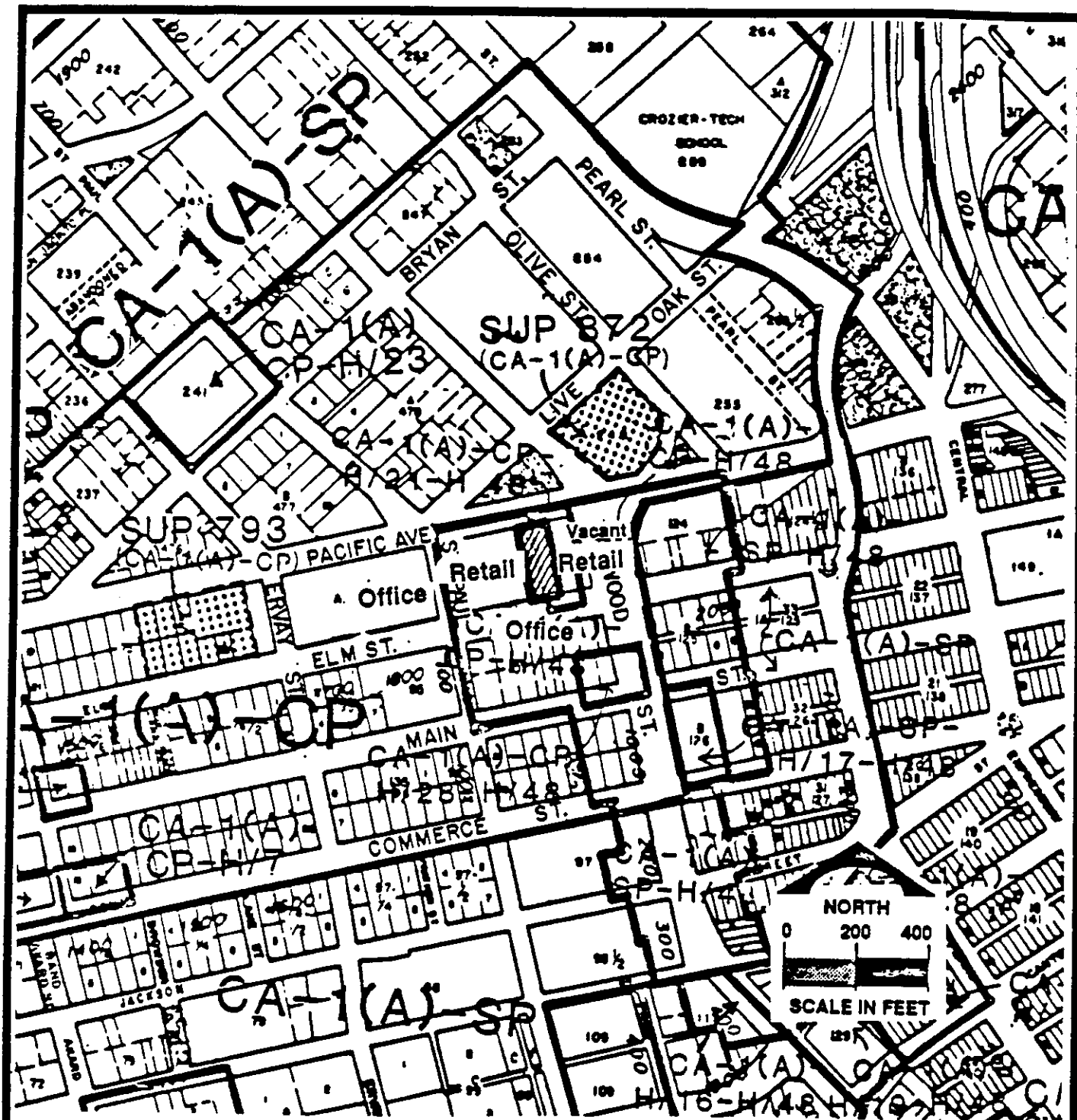
7. Public Improvements

All proposed public improvements of streets and associated Right-of-way abutting the structure shall be approved by the Landmark Commission prior to commencement of work.

8. Signs

All new signs shall be designed to be compatible with the architectural qualities of the existing main structure. All new signs shall be approved by the Landmark Commission prior to the issuance of a sign permit and shall abide by the provisions established in the Dallas Sign Ordinance section of the Development Code.

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ZONING AND LAND USE

Map No. J-7

Case No. Z912-166/8808-N