

4-6-04

ORDINANCE NO. 25546

An ordinance amending the zoning ordinances of the City of Dallas, as amended, by establishing Historic Overlay District No. 117 (Republic Bank Tower) comprised of the following described property, to wit:

BEING a portion of Lots 3, 4, and 5 in Block B/477 of Connor and Gannon's subdivision, an addition to the City of Dallas described by plat recorded in Volume 60, Page 404 of the map records of Dallas County, Texas, and being a portion of that called 99,635 square foot tract of land described in deed to Four Point Star, L.P. recorded in Volume 2002107, Page 6743 of the deed records of Dallas County, Texas, and containing approximately 0.985 acres,

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 described herein; and

WHEREAS, the city council finds that the property described herein 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:

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SECTION 1. That the zoning ordinances of the City of Dallas are amended by establishing Historic Overlay District No. 117 on the property described in Exhibit A ("the Property"), which is attached to and made a part of this ordinance.

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

SECTION 3. 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 4. 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 5. That the director of development services shall correct Zoning District Map No. J-7 in the offices of the city secretary, the building official, and the department of development services to reflect the changes in zoning made by this ordinance.

SECTION 6. 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 7. 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.

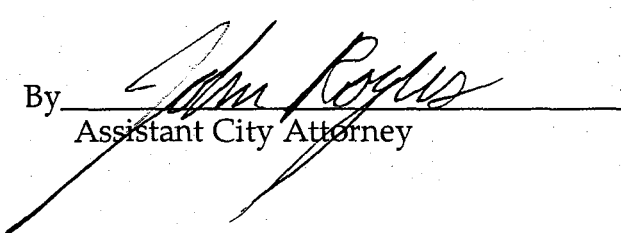
SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 9. 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

**APR 14 2004**

2023-305 (JA)

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**REPUBLIC NATIONAL BANK BUILDING "TOWER 1" SECOND FLOOR-FOOTPRINT AREA**

BEING a 0.985 of an acre parcel situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being a portion of Lots 3, 4 and 5 Block B/477 of CONNOR and GANNON'S subdivision an addition to the City of Dallas described by plat recorded in Volume 60, Page 404 of the Map Records of Dallas County, Texas and being a portion of that called 99,635 square foot tract of land described in deed to Four Point Star L.P. recorded in Volume 2002107, Page 6743, Deed Records of Dallas County, Texas, said 0.985 of an acre parcel being more particularly described as follows:

COMMENCING at the point of intersection of the southwesterly right-of-way line of St. Paul Street, (a variable width right-of-way at this point) with the southeasterly right-of-way line of Bryan Street, (a called 70-foot right-of-way) and being the most northerly corner of said 99,635 square foot tract of land;

THENCE South 45°20'00" West along the said southeasterly right-of-way line same being the northwesterly line of said 99,635 square foot tract of land, a distance of 91.65 feet to the POINT OF BEGINNING;

THENCE along the exterior footprint of the second floor of tower 1 based on the plans prepared for the Republic National Bank Building prepared by Harrison & Abramovitz dated November 1, 1951, the following;

South 44°04'20" East, a distance of 106.62 feet to a point for corner;

South 45°32'30" West, a distance of 49.00 feet to a point for corner;

South 44°29'27" East, a distance of 232.05 feet to a point for corner in the northwesterly right-of-way line of Pacific Avenue;

THENCE South 76°00'00" West along the said northwesterly right-of-way line, same being the southeasterly line of said 99,635 square foot tract of land, a distance of 143.82 feet to the point of intersection of said northwesterly right-of-way with the northeasterly right-of-way line of North Ervay Street;

THENCE North 44°54'00" West along said northeasterly right-of-way line, a distance of 265.14 feet to the point of intersection of the said northeasterly right-of-way line with the aforementioned southeasterly right-of-way line of Bryan Street;

THENCE North 45°20'00" East along said southeasterly right-of-way line, a distance of 175.60 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 0.985 of an acre of land.

NOTE: This description is not based on an actual on-the-ground survey.

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EXHIBIT B  
PRESERVATION CRITERIA  
Republic Bank Tower  
325 North St. Paul 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 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, 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.

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- 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 1954 to 1965.

## 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 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 Development Services or the Director's representative.
- 2.5 DISTRICT means Historic Overlay District No. 117, the Republic Bank Tower Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit C.
- 2.6 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.7 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.8 MAIN BUILDING means the Republic Bank Tower building, as 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 The main building is protected.
- 3.2 New driveways, sidewalks, steps, and walkways must be constructed of brush finish concrete or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, brick, exposed aggregate, outdoor carpet, and stone are not permitted.
- 3.3 Public art may be placed on public areas pursuant to a certificate of appropriateness. A license pursuant to Article VI, "License for Use of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code, as amended, must be obtained to place public art on the public sidewalk.
- 3.4 New mechanical equipment must be placed on the roof.
- 3.5 Outdoor lighting must be appropriate and enhance the structure.
- 3.6 Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
- 3.7 Fences are not permitted.

### 4. FACADES

- 4.1 Protected facades
  - a. All of the facades shown on Exhibit C 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, and module size.
  - c. Historic solid-to-void ratios of protected facades must be maintained.
  - d. Embossed aluminum panels and aluminum window components on protected facades may not be painted, except those portions of the structure that had been painted prior to the effective date of this ordinance may remain painted.
  - e. Historic marble and stone panels must be retained and maintained. Restoration of historic marble and stone panels is encouraged.
  - f. Intact historic street-level facades must be maintained.
  - g. Historic primary entrances serving historic lobbies may not be moved or eliminated. Restoration of modified historic primary entrances is encouraged.

- h. Secondary entrances serving ground-level offices and retail may be removed, added, or relocated if necessary to meet tenant needs, but all changes must be compatible with the historic street-level facade and the original building design, and must comply with the preservation criteria for doors and windows.
  - i. Existing unused vehicle service entrances may be modified for new uses, but must be compatible with the historic street-level facade and the original building historic design.
  - j. New vehicle entrances are not permitted.
- 4.2 Historic materials and detailing must be restored wherever practical.
  - 4.3 Historic materials must be repaired if possible; they may be replaced only when necessary.
  - 4.4 Paint must be removed in accordance 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, prior to refinishing.
  - 4.5 Historic color must be maintained wherever practical. Color schemes should conform to any available documentation as to historic color.
  - 4.6 Exposing and restoring historic finish materials is recommended.
  - 4.7 Cleaning of the exterior of a structure must be in accordance 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. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

## 5. FENESTRATION AND OPENINGS

- 5.1 Historic doors and windows must remain intact except where the severity of deterioration requires replacement.
- 5.2 Replacement of doors and windows which have been altered and no longer match the historic appearance is recommended.
- 5.3 Replacements doors and windows must express light configuration and material to match the historic.
- 5.4 Decorative ironwork and burglar bars are not permitted over doors or windows.
- 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 are only permitted:
- a. Where there is evidence that historic openings have been filled.
  - b. If the safety of life is threatened.
  - c. At retail storefronts to accommodate tenant needs.
  - d. At existing balconies to accommodate tenant needs.
- 5.7 New doors and windows must be compatible with historic doors and windows in materials, design, and detail, or must match the existing facade.
- 5.8 Existing street-level revolving doors and surrounds must be retained except where life-safety or accessibility codes require modification.
- 5.9 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, should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

## 6. ROOFS

- 6.1 The roof configuration must be retained.
- 6.2 Historic coping, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module, and color.
- 6.3 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. EMBELLISHMENTS AND DETAILING

- 7.1 The following architectural elements are considered important features and are protected:
- a. Windows on protected facades.
  - b. Embossed aluminum panels.
  - c. Aluminum louvers.
  - d. Historic doors and historic door surrounds.
  - e. Original marble and granite panels.
  - f. Original signs and building identifications.

- g. Ervay Street eyebrow entrance.
- h. Spire or rocket and related details attached to the building facades.

## 8. NEW CONSTRUCTION AND ADDITIONS

- 8.1 Stand-alone new construction is not permitted.
- 8.2 Vertical additions are not permitted.
- 8.3 Horizontal additions are not permitted.

## 9. SIGNS

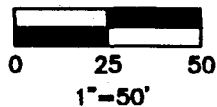
- 9.1 Signs may be erected if historically appropriate.
- 9.2 All signs must comply with the provisions of the Dallas City Code, as amended.
- 9.3 Temporary political campaign signs as defined in Chapter 15A of the Dallas City Code, as amended, and temporary real estate signs may be erected without a certificate of appropriateness.

## 10. ENFORCEMENT

- 10.1 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.
- 10.2 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.
- 10.3 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.

- 10.4 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.

NOTE: THIS IS NOT A BOUNDARY SURVEY NOR BASED ON AN ACTUAL ON-THE-GROUND SURVEY.



ST. PAUL STREET

POINT OF COMMENCING

S 50°13'00" E

358.04'

S 28°56'00" E

77.57'

**Shaded Area (Republic Center 2 & 3)  
Not Included in Nomination**

POINT OF BEGINNING

S 44°04'20" E 106.32'

S 45°32'30" W  
49.00'

S 44°29'27" E 232.05'

181.48'

PACIFIC AVENUE

175.60'

N 45°20'00" E

EXTERIOR FOOT PRINT  
TOWER 1/FLOOR 9-36

0.985 ACRES

TOWER 1 BUILDING ENVELOPE FOOTPRINT  
AT SECOND FLOOR BASED ON THE PLANS  
PREPARED FOR THE REPUBLIC NATIONAL  
BANK BUILDING PREPARED BY HARRISON  
& ABRAMOVITZ DATED NOVEMBER 1, 1951

**EXHIBIT C**

1951-1955

"TOWER 1" SECOND FLOOR FOOTPRINT  
REPUBLIC CENTER

- ▶ Protected Facade Floors 1-8
- ▶ Protected Facade Floors 9-36

N 44°54'00" W

265.14'

S 76°00'00" W

143.82'

NORTH ERVAY STREET

DATE: 09/12/03

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BRYAN STREET

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