NJH: 5-29-14
Item No. 18

AN ORDINANCE 2014-05-29-0377

AMENDING CHAPTER 35, ARTICLE III, SECTION 35-311, USE REGULATIONS, ARTICLE VI, SECTION 35-678, SIGNS AND BILLBOARDS IN THE RIO, AND APPENDIX A, DEFINITIONS TO ALLOW DIGITAL DISPLAYS IN THE RIO-3 AT A PERFORMING ARTS CENTER ZONED "D" DOWNTOWN DISTRICT

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WHEREAS, the City seeks to preserve, protect, and enhance historically, culturally, architecturally, and archaeologically significant sites and structures which impart a distinct aspect to the city; and

WHEREAS, the City promotes the economic prosperity and welfare of the community by conserving the fabric and integrity of historic neighborhoods; and

WHEREAS, the City seeks to strengthen civic pride through neighborhood preservation; and

WHEREAS, the City recognizes the importance of neighborhood involvement in the historic designation process; and

WHEREAS, the City Council has carefully reviewed and desires to adopt provisions to expand performing arts on the Riverwalk; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Article III, Section 35-311, Table 311-2 is amended by adding Performing Arts Center as follows:

	PERMITTED USE	O-1 & O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD
Recreation	Park - Public	P	P	P	P	P	P	P	S	S	S	P
Recreation	Performing Art Center - Digital Display Monitor							S				
Recreation	Recreational Facility - Community Wide					P	P	P				P

SECTION 2. Chapter 35, Article VI, Section 35-673(i), Street Furnishings is amended as follows:

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(i) **Street Furnishings.** Street furnishings are exterior amenities, including but not limited to, tables, chairs, umbrellas, landscape pots, wait stations, valet stations, bicycle racks, planters, benches, bus shelters, kiosks, waste receptacles and similar items that help to define pedestrian use areas. Handcrafted street furnishings are particularly important in San Antonio, and therefore this tradition of craftsmanship and of providing street furniture is encouraged.

(1) **Prohibited Street Furnishings in Riverwalk Area.** The following street furnishings are prohibited within the publicly owned portion of the Riverwalk area, whether or not the property is leased, and on the exterior of the riverside of buildings directly adjacent to the publicly owned portion of the river:

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G. Monitors (i.e., television screens, computer screens, digital displays, and video boards) except those permitted as part of a performing arts center digital display monitor pursuant to a specific use authorization.

H. Speakers, except those permitted as part of a performing arts center digital display monitor pursuant to a specific use authorization.

SECTION 3. Chapter 35, Article VI, Section 35-678, Signs and Billboards in the RIO is amended as follows:

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(n) **Nonconforming Status.** Any legally erected sign that ~~which~~, by reason of revisions to this chapter, no longer complies with its provisions, shall be awarded nonconforming status upon review by all necessary city departments.

(o) **Performing Arts Center Signs.** Notwithstanding any other provision of this Chapter or Chapter 28 of the City Code of the City of San Antonio, a wall sign that is a digital display monitor meeting the following parameters may be allowed in the "RIO-3" River Improvement Overlay District-3 by the City Council with a Specific Use Authorization provided that such digital display monitor meets the following standards:

1. The monitor must be situated on a performing arts center premises.
2. The monitor may only be utilized during ticketed events, either indoor or outdoor, of the performing arts center.
3. The monitor shall not be used for on-premise or off-premise advertising.
4. Sound associated with the monitor must be in compliance with the noise ordinance in the City Code.
5. The light intensity of the monitor shall not exceed:
   (a) 1,000 nits during the day; and

(b) 500 nits at night, measured from sunset until sunrise.
6. The monitor must automatically adjust the monitor's light intensity according to ambient light conditions.
7. The size of the monitor must be in compliance with the provisions of 35-678(d).
8. The monitor must comply with all condition(s) imposed by the City Council as part of the specific use authorization.

(p) ~~(o)~~ **Violations in River Improvement Overlay Districts and on the Riverwalk.**

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SECTION 4. Chapter 35, Appendix, Section 35-A101, Definition and Rules of Interpretation is amended by adding a definition for Performing Arts Center as follows:

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Perennial stream. A stream that flows throughout a majority of the year (or greater than ninety (90) percent of the time) and flows in a well-defined channel.

Performing Arts Center means a multi-use performance venue with at least 1,500 permanent seats in one or more performance spaces in a building of at least one hundred thousand (100,000) square feet. A performing arts center use may include, the provision of alcohol, a dance hall, food services, and/or live entertainment as an accessory use.

Perimeter street. A street adjoining the exterior boundaries of a subdivision plat or master development plan.

SECTION 5. This ordinance shall take effect immediately on passage by eight or more votes otherwise this ordinance shall take effect on June 8, 2014.

PASSED AND APPROVED this the 29th day of May, 2014.

M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Robert F. Greenblum, City Attorney

Agenda Item:	**18**
Date:	05/29/2014
Time:	04:42:25 PM
Vote Type:	Motion to Approve
Description:	An Ordinance amending Article III and Article VI of Chapter 35, Unified Development Code, of the City Code of San Antonio relating to regulations for performing arts centers and allowing monitors to display performances in the RIO-3 District. [Carlos Contreras, Assistant City Manager; Shanon Shea Miller, Director, Office of Historic Preservation]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor	x					
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6	x					
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x			x	