

AN ORDINANCE **95352**

AUTHORIZING MODIFICATIONS, AMENDMENTS, AND ADDITIONS TO CHAPTER 35 OF THE CITY CODE, THE UNIFIED DEVELOPMENT CODE, REGARDING THE RIVER IMPROVEMENT OVERLAY DISTRICTS; ESTABLISHING SIX UNIQUE DISTRICTS WITH SPECIFIC DESIGN STANDARDS, RESIDENTIAL AND BUSINESS USE STANDARDS AND REGULATIONS, AND ADMINISTRATION AND PROCEDURES ADDRESSING BUILDING DESIGN, BUILDING ALTERATION AND DEMOLITION, AMENITIES, PEDESTRIAN CIRCULATION, PARKING, VIEWS, SOLAR ACCESS, AESTHETICS, LANDSCAPING, LIGHTING, ART, MONUMENTS, SIGNAGE, BOAT ACCESS AND USE AND PENALTIES FOR VIOLATION FOR THE LENGTH OF THE SAN ANTONIO RIVER CORRIDOR.

* * * * *

WHEREAS, the San Antonio River and its improvements are a unique and precious natural, cultural and historic resource that provides a physical connection through San Antonio by linking a variety of neighborhoods and cultural resources; and

WHEREAS, the San Antonio River Walk is known internationally for its quaintness and charm that lends a unique and distinctive character to the central business district, making it one of the City's principal tourist attractions; and

WHEREAS, the City of San Antonio, Bexar County, and the San Antonio River Authority plan over \$140 million in improvements to beautify and encourage development along the River from the northern boundary near Hildebrand Avenue to the southern city limits south of Mission Espada; and

WHEREAS, such River and River Walk improvements, character and charm are better protected, preserved and enhanced by design regulation district overlays; and

WHEREAS, an amendment to the Unified Development Code to establish design standards to preserve the character of neighborhoods and encourage development along the San Antonio River is in the best interest of the City of San Antonio; and

WHEREAS, the Zoning Commission recommended adoption of the amendments to the City's Unified Development Code regarding the River Improvement Overlay Districts at a public hearing held January 15, 2002; and

WHEREAS, City staff has reviewed the amendments and recommends adjustments to such amendments for clarification; **NOW THEREFORE:**

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

SECTION 1. Chapter 35, Article III, Division 4 of the San Antonio City Code is hereby amended by adding a new Section 35-338, entitled "River Improvement Overlay Districts" as set out in "Attachment 1".

SECTION 2: As its subject is covered by the amendments authorized by this ordinance, Chapter 35, Article III, Division 5, Section 35-346, entitled "River Walk Districts ("RW-3")" is hereby repealed.

SECTION 3. Article VI of Chapter 35 of the San Antonio City Code is hereby amended by adding a new Division 6, entitled "River Improvement Overlay Districts" as set out in "Attachment 2".

SECTION 4. Chapter 35, Article IV, Division 5, Section 35-450 (a), of the San Antonio City Code, is hereby amended by adding the underlined text to, and deleting the lined-out text from, the existing language of that Section as follows:

(a) Area of jurisdiction

A certificate of appropriateness is required and shall be secured by a party prior to the issuance of a permit from the department of building inspections before said party will be allowed to undertake activities affecting a designated historic landmark, property within a designated historic district, a State Archaeological Landmark, a Recorded Texas Historical Landmark, a property within a National Register Historic District, property listed on the National Register of Historic Places, a National Historic Landmark, property within the River Improvement Overlay Districts ~~River Walk area~~, public property, public rights-of-way, or public art.

SECTION 5. Chapter 35, Article IV, Division 11, Section 35-491 (c) (3) (B, C and D), of the San Antonio City Code, is hereby amended by adding the underlined text to, and deleting the lined out text from, the existing language of that Section as follows:

- B. If construction, reconstruction, alteration, restoration, renovation, relocation, stabilization, or repair of a landmark or of any building, object, site or structure found to have significance or located in an historic district, or located in the River Improvement Overlay Districts ~~River Walk area~~, or on publicly-owned land, or on a public right-of-way occurs without a permit or a certificate of appropriateness, then the license of the company, individual, principal owner, or its or his successor in interest performing such construction, reconstruction, alteration, restoration, renovation, relocation, stabilization, or repair shall be revoked for a period of three (3) years.
- C. If demolition of a landmark or any building, object, site or structure found to have significance or located in an historic district, or located in the River Improvement Overlay Districts ~~River Walk area~~, or located on the publicly-owned property, or on a public right-of-way occurs without a permit or a certificate of

appropriateness, then any permits on subject property will be denied for a period of three (3) years. In addition, the applicant shall not be entitled to have issued to him by any city office a permit allowing any curb cuts on subject property for a period of three (3) years from and after the date of such demolition.

- D. If demolition of a landmark or of any building, object, site, or structure found to have significance or located in an historic district, or located in River Improvement Overlay Districts River Walk-area, or located on publicly-owned property, or on a public right-of-way occurs without a permit or a certificate of appropriateness, then the license of the company, individual, principal owner, or its or his successor in interest performing such demolition shall be revoked for a period of five (5) years.

SECTION 6. Chapter 35, Article III, Division 4, Section 35-303 (b), of the San Antonio City Code is hereby amended by appending after the last item listed of the current section the following text:

RIO-1" River Improvement Overlay District –1
RIO-2" River Improvement Overlay District –2
RIO-3" River Improvement Overlay District – 3
RIO-4" River Improvement Overlay District – 4
RIO-5" River Improvement Overlay District – 5
RIO-6" River Improvement Overlay District – 6
DN" River Improvement Overlay District – Development Node

SECTION 7. Chapter 35, Article III, Division 4, Section 35-303 (c), of the San Antonio City Code is hereby amended by deleting the lined-out text from the existing language of that section as follows:

~~RW 1" River Walk Overlay –1~~
~~RW 2" River Walk Overlay – 2~~
~~RW 3" River Walk Overlay – 3~~
~~RW 4" River Walk Overlay – 4~~
~~RW 5" River Walk Overlay – 5~~
~~RW 6" River Walk Overlay – 6~~
~~RW N" River Walk Overlay – Node~~

SECTION 8. Chapter 35, Article III, Division 4, Section 35-338 (c) (3), of the San Antonio City Code, is hereby amended to read:

(3) Nonconforming Structures and Uses
Any structure which presently exists in a River Improvement Overlay District which was lawfully authorized by ordinance or regulations existing prior to the effective date of the River Improvement Overlay Districts may continue and may be maintained, modified or repaired as authorized and in accordance with the provisions of Article VII Division 1 of this chapter (entitled "Nonconforming Uses").

SECTION 9. Chapter 35, Article III, Division 4, Section 35-338 (f), of the San Antonio City Code, is hereby amended to read:

(f) Administration

River Improvement Overlay Districts shall be governed in accordance with Division 5 of Article 4 of this chapter.

SECTION 10. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance for any reason be held illegal, inoperative, or invalid; or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective; the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without proportion held to be unconstitutional or invalid or ineffective.

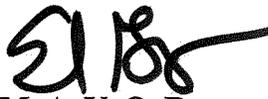
SECTION 11. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was opened to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given as required by Texas Government Code Chapter 551, and Texas Local Government Code Chapter 211.

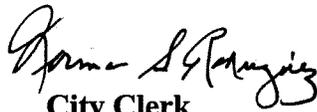
SECTION 12. The City Clerk is directed to publish notice of this ordinance in accordance with Section 17 of the City Charter.

SECTION 13. The publishers of the City Code are authorized to amend said Codes to reflect the changes adopted herein.

SECTION 14. This ordinance shall become effective thirty (30) days from the date of passage but in no case less than five (5) days from the date of publication.

PASSED AND APPROVED THIS 21st DAY OF FEBRUARY 2002


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM:


City Attorney

02-07

MEETING OF THE CITY COUNCIL

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| ALAMODOME |
| ASSET MANAGEMENT |
| AVIATION |
| CITY ATTORNEY |
| MUNICIPAL COURT |
| REAL ESTATE (FASSNIDGE) |
| REAL ESTATE (WOOD) |
| RISK MANAGEMENT |
| CITY MANAGER |
| SPECIAL PROJECTS |
| CITY PUBLIC SERVICE - GENERAL MANAGER |
| CITY PUBLIC SERVICE - MAPS AND RECORDS |
| CODE COMPLIANCE |
| COMMERCIAL RECORDER |
| COMMUNITY INITIATIVES |
| CONVENTION AND VISITORS BUREAU |
| CONVENTION CENTER EXPANSION OFFICE |
| CONVENTION FACILITIES |
| COUNCIL OFFICES |
| CULTURAL AFFAIRS |
| CUSTOMER SERVICE/311 SYSTEM |
| DEVELOPMENT SERVICES |
| HOUSE NUMBERING |
| LAND DEVELOPMENT SERVICES |
| TRAFFIC & DRAINAGE PLAN REVIEW |
| ECONOMIC DEVELOPMENT |
| ENVIRONMENTAL SERVICES |
| SOLID WASTE |
| EXTERNAL RELATIONS |
| PUBLIC INFORMATION OFFICE |
| FINANCE - DIRECTOR |
| FINANCE - ASSESSOR |
| FINANCE - CONTROLLER |
| FINANCE - GRANTS |
| FINANCE - PUBLIC UTILITIES SUPERVISOR |
| FINANCE- TREASURY |
| FIRE DEPARTMENT |
| HOUSING AND COMMUNITY DEVELOPMENT |
| HUMAN RESOURCES (PERSONNEL) |
| INFORMATION SERVICES |
| INTERNAL REVIEW |
| INTERNATIONAL AFFAIRS |
| LIBRARY |
| MANAGEMENT & BUDGET (OFFICE OF) OMB |
| MAYOR'S OFFICE |
| METROPOLITAN HEALTH DISTRICT |
| MUNICIPAL CODE CORPORATION |
| MUNICIPAL COURT |
| NEIGHBORHOOD ACTION |
| PARKS AND RECREATION |
| MARKET SQUARE |
| YOUTH INITIATIVES |
| PLANNING DEPARTMENT -NEIGHBORHOOD PLNG; |
| URBAN DESIGN/HISTORIC PRESERVATION |
| DISABILITY ACCESS OFFICE |
| POLICE DEPARTMENT |
| GROUND TRANSPORTATION |
| PUBLIC WORKS DIRECTOR |
| CAPITAL PROJECTS |
| CENTRAL MAPPING |
| ENGINEERING |
| PARKING DIVISION |
| REAL ESTATE DIVISION |
| TRAFFIC ENGINEERING |
| PURCHASING AND GENERAL SERVICES |
| SAN ANTONIO WATER SYSTEMS (SAWS) |
| VIA |

AGENDA ITEM NUMBER: 24
 DATE: FEB 21 2002
 MOTION: Moorage Very
 ORDINANCE NUMBER: 95352
 RESOLUTION NUMBER: _____
 ZONING CASE NUMBER: _____
 TRAVEL AUTHORIZATION: _____

| NAME | ROLL | AYE | NAY |
|--|--------|-----|-----|
| BOBBY PEREZ District 1 | | ✓ | |
| JOHN H. SANDERS District 2 | | ✓ | |
| ANTONIETTE "TONI" MOORHOUSE District 3 | | ✓ | |
| ENRIQUE "KIKE" MARTIN District 4 | | ✓ | |
| DAVID A. GARCIA District 5 | ABSENT | | |
| ENRIQUE M. BARRERA District 6 | | ✓ | |
| JULIAN CASTRO District 7 | | ✓ | |
| BONNIE CONNER District 8 | | ✓ | |
| CARROLL W. SCHUBERT District 9 | | ✓ | |
| DAVID CARPENTER District 10 | | ✓ | |
| EDWARD D. GARZA Mayor | | ✓ | |

Amends Chapter 35

02-07

MEETING OF THE CITY COUNCIL

Amendment 1

AGENDA ITEM NUMBER: 24
 DATE: Feb. 21, 2002
 MOTION: Pass Sanders
 ORDINANCE NUMBER: _____
 RESOLUTION NUMBER: _____
 ZONING CASE NUMBER: _____
 TRAVEL AUTHORIZATION: _____

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| ALAMODOME |
| ASSET MANAGEMENT |
| AVIATION |
| CITY ATTORNEY |
| MUNICIPAL COURT |
| REAL ESTATE (FASSNIDGE) |
| REAL ESTATE (WOOD) |
| RISK MANAGEMENT |
| CITY MANAGER |
| SPECIAL PROJECTS |
| CITY PUBLIC SERVICE – GENERAL MANAGER |
| CITY PUBLIC SERVICE – MAPS AND RECORDS |
| CODE COMPLIANCE |
| COMMERCIAL RECORDER |
| COMMUNITY INITIATIVES |
| CONVENTION AND VISITORS BUREAU |
| CONVENTION CENTER EXPANSION OFFICE |
| CONVENTION FACILITIES |
| COUNCIL OFFICES |
| CULTURAL AFFAIRS |
| CUSTOMER SERVICE/311 SYSTEM |
| DEVELOPMENT SERVICES |
| HOUSE NUMBERING |
| LAND DEVELOPMENT SERVICES |
| TRAFFIC & DRAINAGE PLAN REVIEW |
| ECONOMIC DEVELOPMENT |
| ENVIRONMENTAL SERVICES |
| SOLID WASTE |
| EXTERNAL RELATIONS |
| PUBLIC INFORMATION OFFICE |
| FINANCE - DIRECTOR |
| FINANCE – ASSESSOR |
| FINANCE – CONTROLLER |
| FINANCE – GRANTS |
| FINANCE – PUBLIC UTILITIES SUPERVISOR |
| FINANCE- TREASURY |
| FIRE DEPARTMENT |
| HOUSING AND COMMUNITY DEVELOPMENT |
| HUMAN RESOURCES (PERSONNEL) |
| INFORMATION SERVICES |
| INTERGOVERNMENTAL RELATIONS |
| INTERNAL REVIEW |
| INTERNATIONAL AFFAIRS |
| LIBRARY |
| MANAGEMENT & BUDGET (OFFICE OF OMB) |
| METROPOLITAN HEALTH DISTRICT |
| MUNICIPAL CODE CORPORATION |
| MUNICIPAL COURT |
| NEIGHBORHOOD ACTION |
| PARKS AND RECREATION |
| MARKET SQUARE |
| YOUTH INITIATIVES |
| PLANNING DEPARTMENT –NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION |
| DISABILITY ACCESS OFFICE |
| POLICE DEPARTMENT |
| GROUND TRANSPORTATION |
| PUBLIC WORKS DIRECTOR |
| CAPITAL PROJECTS |
| CENTRAL MAPPING |
| ENGINEERING |
| PARKING DIVISION |
| REAL ESTATE DIVISION |
| TRAFFIC ENGINEERING |
| PURCHASING AND GENERAL SERVICES |
| SAN ANTONIO WATER SYSTEMS (SAWS) |
| VIA |

Exclude
Language in
Page 3

| NAME | ROLL | AYE | NAY |
|-------------------------------------|------|---------------|-----|
| BOBBY PEREZ District 1 | | ✓ | |
| JOHN H. SANDERS District 2 | | ✓ | |
| TONI MOORHOUSE District 3 | | ✓ | |
| ENRIQUE "KIKE" MARTIN District 4 | | ✓ | |
| DAVID A. GARCIA District 5 | | <i>Absent</i> | |
| ENRIQUE M. BARRERA District 6 | | ✓ | |
| JULIAN CASTRO District 7 | | ✓ | |
| BONNIE CONNER District 8 | | ✓ | |
| CARROLL SCHUBERT District 9 | | ✓ | |
| DAVID CARPENTER District 10 | | ✓ | |
| ED GARZA Mayor | | ✓ | |

*Sec 3 - under non-conforming
 use - delete language at
 end of section
 'save & except 35-702 (b)(4)
 (dealing with Enlargement)
 & make language on Page 4
 direct that appeals go
 to Board of Adjustment
 not City Council*

MEETING OF THE CITY COUNCIL

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| ALAMODOME |
| ASSET MANAGEMENT |
| AVIATION |
| CITY ATTORNEY |
| MUNICIPAL COURT |
| REAL ESTATE (FASNIDGE) |
| REAL ESTATE (WOOD) |
| RISK MANAGEMENT |
| CITY MANAGER |
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| CITY PUBLIC SERVICE – GENERAL MANAGER |
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| HUMAN RESOURCES (PERSONNEL) |
| INFORMATION SERVICES |
| INTERGOVERNMENTAL RELATIONS |
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| METROPOLITAN HEALTH DISTRICT |
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| PLANNING DEPARTMENT – NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION |
| DISABILITY ACCESS OFFICE |
| POLICE DEPARTMENT |
| GROUND TRANSPORTATION |
| PUBLIC WORKS DIRECTOR |
| CAPITAL PROJECTS |
| CENTRAL MAPPING |
| ENGINEERING |
| PARKING DIVISION |
| REAL ESTATE DIVISION |
| TRAFFIC ENGINEERING |
| PURCHASING AND GENERAL SERVICES |
| SAN ANTONIO WATER SYSTEMS (SAWS) |
| VIA |

Amendment
 AGENDA ITEM NUMBER: 24
 DATE: 2/21/02
 MOTION: Conner
 ORDINANCE NUMBER: _____
 RESOLUTION NUMBER: _____
 ZONING CASE NUMBER: _____
 TRAVEL AUTHORIZATION: _____

| NAME | ROLL | AYE | NAY |
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| BOBBY PEREZ District 1 | | | |
| JOHN H. SANDERS District 2 | | | |
| TONI MOORHOUSE District 3 | | | |
| ENRIQUE "KIKE" MARTIN District 4 | | | |
| DAVID A. GARCIA District 5 | | | |
| ENRIQUE M. BARRERA District 6 | | | |
| JULIAN CASTRO District 7 | | | |
| BONNIE CONNER District 8 | | | |
| CARROLL SCHUBERT District 9 | | | |
| DAVID CARPENTER District 10 | | | |
| ED GARZA Mayor | | | |

*Since this appears to be
 referred to Board of
 Adjustment not City
 Council*

ATTACHMENT

1

The purpose of these districts is to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines for properties located near the river. The San Antonio River is a unique and precious natural, cultural and historic resource that provides a physical connection through San Antonio by linking a variety of neighborhoods, cultural sites, public parks and destinations. The districts cover a total of six geographic areas spanning the river from its northern boundary, near Hildebrand Avenue, to a southern boundary near Mission Espada and the southern City Limits.

Specific purposes of the River Improvement Overlay are as follows:

- *Protect and enhance the overall character of the San Antonio River.*
- *Protect and enhance the unique experiences along the length of the river as well as define development nodes of greater activity.*
- *Preserve and protect the distinctive historic character of the River Walk and the Hugman features.*
- *Promote the integration of the street and river levels.*
- *Prevent the negative impacts caused by incompatible and insensitive development and promote new compatible development.*
- *Maintain the openness and natural habitat of the river, access to its trails and provide safety for its users.*
- *Assure that development near the river is compatible with a future vision of a series of mixed-use neighborhoods with commercial and residential nodes that orient to the river and/or stimulate redevelopment of existing commercial corridors.*

The River Improvement Overlay implements the following policies of the Master Plan:

- *Economic Development, Policy 2b: Promote consistency in the development process.*
- *Neighborhoods, Policy 5I (2): Discourage development of parking garages adjacent to the River Walk and the City's plazas and parks.*
- *Urban Design, Policy 1b (1): Create and adopt design guidelines and standards that will enhance the quality of life in San Antonio.*
- *Urban Design, Policy 1b (6): Develop unique and specific design standards for areas throughout the City, including neighborhoods and downtown.*
- *Urban Design, Policy 1e: Apply strategies, which will result in all streetscapes being accessible, safe and stimulating.*
- *Urban Design, Policy 3b: Plan and develop a citywide system of linear parks and hike and bike trails which incorporate drainage ways and open spaces which link parks, schools, institutions, and neighborhoods.*

(a) Boundaries.

The specific boundaries of the River Improvement Overlay is shown on the City of San Antonio's Official Zoning Map. maintained in the department of planning.

(b) Zoning Classification.

(1) Overlay District.

The River Improvement Overlay is designed as an overlay to the regular zoning districts. Properties located within these overlay districts must also be designated as being within one of the regular, underlying zoning districts. ~~Authorized uses as defined in the underlying zoning shall continue to be permitted in both the regular zoning district and the overlay district.~~

(2) Zoning Designation.

The zoning designation of property located within the River Improvement Overlay shall consist of the regular zone symbol and the overlay district symbol as a suffix. The six River Improvement Overlay Districts are RIO-1, RIO-2, RIO-3, RIO-4, RIO-5 and RIO-6. For example, if a parcel is zoned C-1 and is also located within River Improvement Overlay District 2, the zoning designation of the property would be C-1 (RIO-2). A River Improvement Overlay District Development Node suffix would be (RIO-2, DN).

(3) Development Nodes.

It is the intent of this Section that a River Improvement Overlay District Development Node shall be restricted to areas lying fully within a River Improvement Overlay District that are located at 1) the intersection of a major thoroughfare and the San Antonio River or 2) the intersection of two major thoroughfares or 3) if not located at an above mentioned intersection, abut San Antonio River and be a minimum of 12 acres. Development nodes must range in size from three to twenty acres and shall be located a minimum of one half mile apart. A development node must include property located on both sides of the street and/or river. A development node must provide at least two of the following uses: office, retail and multi-family residential.

Designation of a development node provides for a minimum setback of 0 feet from all property lines including riverside and the ability to increase the building height by 50 percent from the requirements set out in Article 6.

(4) Conservation Districts.

Notwithstanding any other provision of this Ordinance, design standards specific for an established and adopted Conservation District within or overlapping a River Improvement Overlay District shall take precedent over the design standards of this ordinance if a conflict exists between the two.

(c) Uses.

(1) Prohibited Uses.

A. The following uses are prohibited within the River Improvement Overlay Districts:

1. Billboards.
2. Transmitter towers, cell towers, or any freestanding commercial antennas.
3. Truck and heavy equipment - auction.
4. Auto – Manufacture.
5. Auto and light truck auction.
6. Storage - outside.
~~Parking Structures in RIO-3~~
7. Batching plant.
8. Stockyard.
9. Junkyard or Salvage Yard.
10. Abrasive Manufacturing.
11. Acetylene Gas – Manufacturing & Storage.
12. Hazardous Materials Hauling or Storage.
13. Petro Chemicals Bulk Storage.
14. Metal Forging or Rolling Mill.
15. Packing Plant.
16. Petroleum – Manufacturing or Processing.

17. Poultry Processing.
18. Rendering Plant.
19. Sand or Gravel – Storage or Sales.
20. Vulcanizing, Recapping.
21. Wood Processing by Creosoting or Other Preservation Treatment.

B. In addition to the uses prohibited above, the following uses are prohibited within the River Improvement Overlay Districts where development is proposed on a property that directly abuts the river or on a property that falls within 100 feet of the river right-of-way:

1. Parking & Transient Vehicle Storage – Related to Delivery.
2. Parking and/or Storage – Long Term.
3. Tire Repair – Auto & Small Truck.
4. Truck Repair & Maintenance.
5. Truck Stop or Laundry.
6. Can Recycle Collection Station.
7. Dry Cleaning – Plant.
8. Laundry – Plant.
9. Flea Market – Outdoor.
10. Farm Equipment Sales, Service or Storage.
11. Oil Well Supplies and Machinery Sales
12. Oil Refining
13. Portable Building Sales.
14. Electric Repair – Heavy Equipment.
15. Manufactured Home/Oversize Vehicle Sales, Service or Storage.
16. Paper products – manufacturing.
17. Sexually-Oriented Businesses.
18. Parking structures, except where the parking structure is separated by at least twenty-five feet (25 ft) from directly abutting the river by a permitted use and is not visible from the river or river right-of way.

(2) Permitted Uses.

All other uses authorized by the underlying zoning district are permitted subject to the conditions set forth in Division 6 of Article 6 of this chapter.

(3) Nonconforming Structures and Uses.

Any structure or use which presently exists in a River Improvement Overlay District which was lawfully authorized by ordinance or regulations existing prior to the effective date of the River Improvement Overlay Districts may continue and may be maintained, modified or repaired as authorized and in accordance with the provisions of Article VII Division 1 of this chapter (entitled "Nonconforming Uses"), save and except 35-702 (b) (4) (dealing with "Enlargement"), ~~so long as no such maintenance, modification or repair shall cause the structure to be substantially reconstructed or substantially enlarged within the River Improvement Overlay Districts.~~

(d) Exception for Residential Uses.

(1) Single Family Development.

Notwithstanding any other provisions of this Ordinance, the new construction, alteration, restoration, rehabilitation, ordinary repair, maintenance or demolition of a single family development shall not be subject to § 35-338 of this Chapter except when the single family development exceeds the lesser of 5 units or 5 acres.

(2) Multi Family Development.

Notwithstanding any other provisions of this Ordinance, the new construction, alteration, restoration, rehabilitation, ordinary repair, maintenance or demolition of a multi family development shall not be subject to § 35-338 of this Chapter except when the multi family development exceeds 8 units.

(3) Mixed Residential Development.

Notwithstanding any other provisions of this Ordinance, the new construction, alteration, restoration, rehabilitation, ordinary repair, maintenance or demolition of a mixed residential development shall not be subject to § 35-338 of this Chapter except when the mixed residential development exceeds 8 units.

(e) Design Standards.

River Improvement Overlay Districts shall be governed in accordance with Division 6 of Article 6 of this chapter.

(f) Administration.

River Improvement Overlay Districts shall be governed in accordance with Division 5 of Article 4 of this chapter, with the exception of appeals of Certificates of Appropriateness, other than Ordinary Maintenance and Repair, which will go before City Council rather than the Board of Adjustment. All other procedures and criteria will remain the same.

(g) Enforcement, Violations and Penalties.

River Improvement Overlay Districts shall be governed in accordance with Division 11 of Article 4 of this chapter.

ATTACHMENT

2

35 – 670 Criteria for Certificate of Appropriateness -- Generally

In reviewing an application for a Certificate of Appropriateness for properties in the six River Improvement Overlay Districts, the HDRC shall consider the character and design objectives for each River Improvement Overlay District, as well as the design standards set forth below. The commission also shall view the River and its improvements as one precious natural, cultural, and historic resource from the headwaters northern boundary near Hildebrand to the most southern corporate limits of San Antonio. A building design or alteration should recognize and acknowledge its relationship to the River in its entirety. Sensitivity in design and an overall harmonious blending cannot be overemphasized. ~~For a description of the existing character of each River Improvement Overlay District, please refer below to the Planning Document, Volume 1, and Design Guidelines for Development of Properties along the San Antonio River.~~

(a) Policy manuals adopted.

The Planning Document, Volume 1, approved by the San Antonio River Oversight Committee in February 2000 San Antonio River Improvements Project Concept Design Guidelines, the River Walk Policy Guidelines, as amended, and the Design Guidelines for Development of Properties along the San Antonio River, prepared for the City of San Antonio, are hereby adopted as policy guides for use by the commission and property owners. Copies are available from the Historic Preservation Office.

(b) Design Objectives for River Improvement Overlay Districts

(1) Design Objectives for "RIO-1" River Overlay Improvement District – 1

- A. Maintain the character of existing residential neighborhoods and redevelop commercial nodes.
 - Maintain two separate contexts within its boundaries: 1) residential areas and 2) newly revitalized commercial nodes.
 - Allow higher density, multifamily residential and mixed-use buildings.
 - Preserve existing neighborhoods.
- B. Encourage mixed-use redevelopment of urban character along Broadway and Avenue B.
 - Allow for neighborhood-oriented business and redevelopment of the area.
 - Redevelop Broadway and Avenue B as urban corridors with consistent street edges.
- C. Maintain scenic open space and the natural character of the River, particularly through Brackenridge Park.
 - Maintain scenic open space and natural character of the River, particularly through Brackenridge Park, so that it is in character with its nearby residential neighbors; residents should be able to easily access this open space while maintaining their sense of privacy.

(2) Design Objectives for "RIO-2" River Improvement Overlay District-2

- A. Encourage high-density, mixed-use developments as extensions of the downtown core.

- Extend the urban character of downtown, as perceived from the river, throughout RIO-2 so that it becomes a high density, mixed-use area.
 - Create a positive pedestrian experience as perceived at the street edge.
- B. Encourage neighborhood and cultural tourism oriented uses as well as those that provide additional housing for downtown workers.
- C. Enhance the pedestrian experience with high quality streetscape designs and links to the public river walk.
- Emphasize the street edge to enhance the pedestrian experience through continuous building walls and well-designed streetscape.
 - Link the public River Walk with street edges to maintain adequate pedestrian circulation and views of both the street and the river.
 - Maximize usable open space to provide opportunities for passive recreation and community gathering.
- D. Enhance the pedestrian experience with high-quality building designs that include balconies facing the river and primary entrances facing the street.
- Design buildings to maintain the human scale of the environment.
 - Ensure adequate solar access.
 - Use varied materials and forms, including balconies, to provide visual interest.
 - Orient primary building entrances toward the street, but buildings should also have entrances facing the river, which are subordinate in character and scale to street entrances.

(3) Design Characteristics of "RIO-3" River Overlay Improvement District – 3

- A. The historic work of Robert Hugman, CCC and WPA construction work, Ethel Harris tile work, and work of the National Youth Administration shall be respected and preserved in all construction efforts. Adherence to the intent and spirit of those plans is essential in all construction.
- B. Traditional, formal street level design precedents shall be respected, but at the river level, the more informal, handcrafted style shall be maintained.
- C. The integrity of historic properties shall be preserved as provided for in Section 35-610. Historic differences between street level designs and river level designs shall be respected.
- D. The traditional design context of the area shall be respected at two levels: the broader downtown context and the immediate block as it faces the river.
- In new buildings that have more than one façade, such as those that face the street and the river, the commission shall consider visual compatibility with respect to each important façade.
- E. The microclimate of the river walk level shall be maintained and, during construction, shall be given extra protection. River operations staff will be consulted to provide specific instructions for construction procedures.

- Over-crowding of plant life or altering levels of light and water along the river shall not be permitted.

(4) Design Objectives for "RIO-4" River Improvement Overlay District - 4

- A. Encourage urban quality mixed-use developments.
- B. Preserve and enhance historic character as well as emphasize street scene.
 - Construct new development that complements nearby historic King William area but does not mimic its style.
- C. Encourage new development in clustered nodes.
 - Development nodes should overlook the river, or be located at major intersections.

(5) Design Objectives for "RIO-5" River Improvement Overlay District-5

- A. Maintain the residential character of the area while encouraging development of new mixed-use nodes that offer neighborhood shopping and services.
- B. Respect established neighborhoods in new top-of-bank riverscape designs, particularly recreational opportunities that require parking or transport of recreational equipment.

(6) Design Objectives for "RIO-6" River Improvement Overlay District- 6.

- A. Maintain the historic rural Texas character while encouraging development of new and mixed-use nodes.
- B. Maintain the natural quality at the top of the riverbank using native plants and minimizing formally landscaped areas. Maintain natural character of River.

35 – 671 Criteria for a Certificate of Appropriateness -- New Construction, Additions and Alterations

In considering whether to recommend approval or disapproval of an application for a certificate of appropriateness for new construction, additions or alterations in a River Improvement Overlay District, the Historic and Design Review Commission shall be guided by the compatibility standards set forth below. In making recommendations affecting new buildings or structures which will have more than one important facade, such as those which will face both a street and the San Antonio River, the Historic and Design Review Commission shall consider the visual compatibility standards below with respect to each facade.

35-672 Neighborhood Wide Design Standards

This section focuses on the urban design concepts that connect individual properties and help knit them together into the fabric of the community. These concepts include the basic

arrangement of streets and lots, view corridors and circulation patterns. The standards apply to all development in the six River Improvement Overlay Districts.

(a) Pedestrian Circulation.

Pedestrian access shall be provided among properties to integrate neighborhoods.

(1) Provide sidewalks that link with existing sidewalks on adjoining properties.

If no sidewalk currently exists on an adjoining property, the applicant will have discretion in the placement of the sidewalk provided the following criteria are met:

- A. Provide a sidewalk connection from one side of the applicant's property to the other, parallel to the public right-of way, on the street sides of the property in all River Improvement Overlay Districts except RIO-6.
- B. Provide a connection from the street level sidewalk to the river walk at cross streets and bridges. This requirement may be waived if there is already a public connection from the street level to the river walk.
- C. Criteria set forth in Section 35-506 (q) Sidewalk Standards are met. In order to preserve the rural character of RIO-6, the HPO, in coordination with the Development Services Department, may waive the requirement of sidewalks.
- D. In RIO-3, the width of the pathway along the river shall match those widths established in the historic Hugman drawings. If there are no sidewalks in the Hugman drawings, the path will not exceed 8'-0" in width.

(2) Link the various functions and spaces on a site with sidewalks in a coordinated system.

Provide pedestrian sidewalks between buildings, parking areas and built features such as outdoor plazas and courtyards. (see Figure 672-1)

(3) Paving materials.

Paving materials for pedestrian pathways shall use visually and texturally different materials than those used for parking spaces and automobile traffic.

- A. Paving materials for pedestrian pathways shall be either:
 - Broom-finished, scored, sand-blasted or dyed concrete.
 - Rough or honed finished stone.
 - Brick or concrete pavers.
 - Other materials that meet the performance standards of the above materials.
- B. Asphalt is permitted for pedestrian pathways that also are Designated Bike Routes by the City of San Antonio. The Public Works Department will maintain the designated bike route locations.

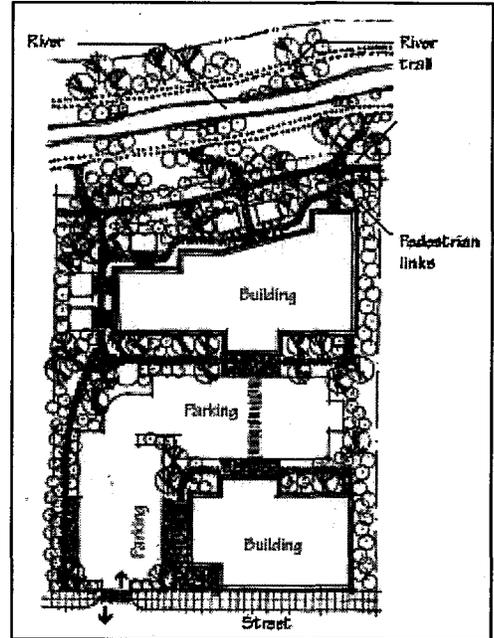


Figure 672-1

(4) Street Connections to River.

Retain the interesting and unique situations where streets dead-end at the River, creating both visual and physical access to the river for the public.

(5) In RIO-3, pedestrian access along the River Walk pathway shall not be blocked.

- A. Queuing is prohibited on the river walk pathway.
- B. Hostess stations shall be located away from the river walk pathway so as to not inhibit pedestrian flow on the river walk pathway. That is, the hostess station shall not be located in such a manner to cause a patron who has stopped at the hostess stand to be standing on the river walk pathway. Pedestrian flow shall be considered "inhibited" if a pedestrian walking along the pathway has to swerve, dodge, change direction or come to a complete stop to avoid a patron engaged at the hostess stand.
- C. Tables and chairs shall be located a sufficient distance from the river walk pathway so that normal dining and service shall not inhibit the flow of pedestrian traffic. See inhibited definition above.

(b) Automobile Access and Parking.

Automobile circulation should be efficient, and conflicts with pedestrians minimized. Entry points for automobiles should be clearly defined and connections to auto circulation on adjoining properties is encouraged to facilitate access and reduce traffic on abutting public streets.

(1) Curb Cuts.

- A. Limit curb cuts to 2 on parking areas or structures facing only one street, and one for each additional street face. The prohibition of additional curb cuts may be waived, by the HDRC, where the intent of the standards are clearly met and specific site circulation patterns require an additional curb cut, such as on long parcels or at nodes.
- B. Curb cuts may be no larger than 30' 0." Continuous curb cuts are prohibited.
- C. Sharing curb cuts between adjacent properties, such as providing cross property access easements, is permitted.

(2) Location of Parking Areas.

- A. Locate parking areas, that is any off-street, ground level surface used to park cars or any parking structure, toward the interior of the site or to the side of a building.

- B. The extent of parking area that may be located along the street edge or riverside shall be limited to a percentage of the lot line as per Table 672-1 as measured in a lineal direction parallel to the lot line. All parking within a 30 foot set back from the above mentioned lot line shall comply with the requirements of the table. Where parking is located on corner sites only one lot line has to meet the requirements of the table.

| Description | RIO-1 | RIO-2 | RIO-3 | RIO-4 | RIO-5 | RIO-6 |
|------------------------------|-------|-------|-------|-------|-------|-------|
| Max. % Coverage of Lot Line* | 50% | 40% | NA | 40% | 50% | 30% |
| Buffering Required? | Yes | Yes | Yes | Yes | Yes | Yes |

* Maximum length of parking lot allowed along the property line at the street and river side edges. If applicable, maximum length of parking lot allowed along the river side edges.

(3) Screen or buffer parking areas from view of public streets, the River or adjacent residential uses. (see Figure 672-2)

Parking lots and parking structures shall be screened with a landscape buffer as per the ~~landscape buffering standards found in chapter 35-673 (13)~~ Illustrations of Buffer Yards and Table 510-2 if the parking area meets one of the following conditions:

- within a 50 foot setback from the edge of the River ROW use, at a minimum, Type E
- within a 20 foot setback from a property line adjacent to a street use, at a minimum, Type B.
- within a 20 foot set back of commercial or industrial property that abuts a residential property use, at a minimum, Type C.

The buffering requirements can be waived in front of:

- retail space on the ground floor of a parking structure provided the retail space has at least 50% of its linear street frontage as display windows.
- A mural or public art component approved by the HDRC on the parking structure. A waiver of the landscaping buffer for billboards, advertising and signage on parking structures is expressly prohibited.

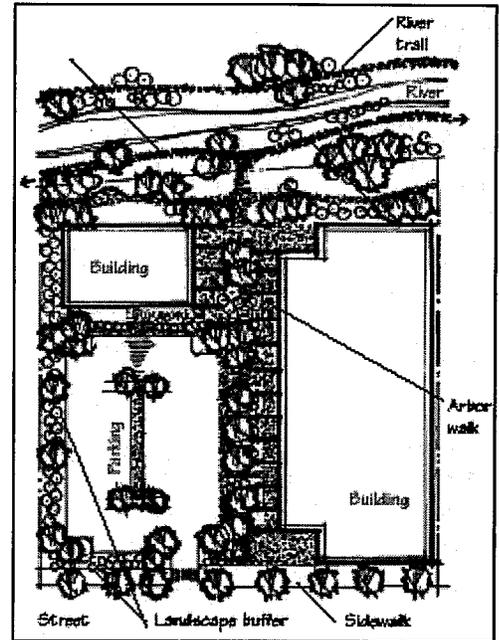


Figure 672-2

(4) Parking structures shall be compatible with buildings in the surrounding area.

A parking garage will be considered compatible if:

- A. It does not vary in height by more than 30% from another building on the same block face.
- B. It uses materials that can be found on other buildings within the block face, or in the block face across the street.

(5) Parking structures shall provide clearly defined pedestrian access.

Pedestrian entrances and exits shall be accentuated with directional signage, lighting or architectural features, so that pedestrians can readily discern the appropriate path of travel to avoid pedestrian/auto conflicts.

(6) Parking lots shall not drain directly into the river.

(c) Views.

The River's course (both natural and manmade), and San Antonio's street pattern, creates unique views of certain properties from the public ROW. These properties often occur at prominent curves in the river or where a street changes direction and a property appears to be a terminus at the end of a street.

(1) Architectural Focal Point.

When a property is situated in such a manner as to appear to be the terminus at the end of the street or at a prominent curve in the river, the building shall incorporate into its design an architectural feature that will provide a focal point at the end of the view. (see Figure 672-3) An architectural feature will be considered to be a focal point through any of the following methods, but not limited to:

- Additional height
- Creation of a tower
- Variation in roof shape
- Change of color or materials
- Addition of a design enhancement feature

Billboards, advertising and signage are expressly prohibited as appropriate focal points.

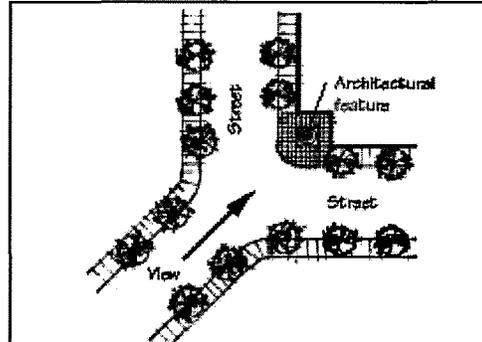


Figure 672-3

35-673 Site Design Standards

This section focuses on the design concepts for an individual site and helps create a cohesive design that recognizes the unique opportunities of developing a site near the river. These include building placement, orientation and setbacks; and the design of the outdoor space.

(a) Solar Access.

The intent of providing and maintaining solar access to the San Antonio River is to protect the River's specific ecoclimate. The River has a special microclimate of natural and planted vegetation that requires certain levels and balanced amounts of sunlight, space and water. Development must be designed to respect and protect those natural requirements, keeping them

in balance and not crowding or altering them so that vegetation does not receive more or less space and water, but particularly sunlight, than is required for normal expected growth.

(1) Building Massing to Provide Solar Access to the River.

Building massing shall be so designed as to provide direct sunlight to vegetation in the River channel as defined:

- A. The area to be measured for solar access shall be a 30-foot setback from the River's edge or from the River's edge to the building face, which ever is lesser, parallel to the River for the length of the property.
- B. The solar calculations shall be measured exclusive to the applicant's property, that is, shades and shadows of other buildings shall not be included in the calculations. The solar calculations shall only measure the impact of new construction and additions, the shading impact of historic buildings on the site, may be excluded from the calculations.
- C. The defined area shall receive a minimum of 5.5 hours of direct sunlight, measured at the winter solstice and 7.5 hours of direct sunlight, measured at the summer solstice.
- D. Those properties located on the south side of the River (whose north face is adjacent to the River), shall only be required to measure the sunlight in the 30-foot set back on the opposite bank of the River.
- E. Those properties within the River Improvement Overlay District not directly adjacent to the river are still subject to the provisions of this section. To determine the solar access effect of these buildings on the river the applicant must measure the nearest point to the river of an area defined by a 30 foot set back from the rivers edge, parallel to the river for the length of their property that would be affected by their building. For those buildings on the south side of the river, the 30-foot setback shall be measured only on the opposite bank.
- F. However, in those cases where the above conditions can not be met due to the natural configuration of the river, existing street patterns, or existing buildings, the HDRC may approve a buildings mass that does not decrease the hours of sunlight currently received at the defined area.
- G. If there is a conflict with this section and another section of the code this section shall prevail.

(2) Prohibition of structures, buildings, roofs or skywalks over the river channel.

No structure, building, roof or skywalk may be constructed over the river channel, or by-pass channel with the exception of structures for flood control purposes, open air pedestrian bridges at ground or river level, and street bridges. The river channel is the natural course of the river as modified for flood control purposes and the Pershing-Catalpa ditch

(b) Building Orientation.

Buildings should be sited to help define active spaces for area users, provide pedestrian connections between sites, help animate the street scene and define street edges. Consideration to both the street and riverside should be given. The placement of a building on a site should

therefore be considered within the context of the block, as well as how the structure will support the broader design goals for the area.

(1) Two or More Buildings on a Site.

- A. Cluster buildings to create active open spaces such as courtyards along the street and river edges. Site plazas and courtyards, if possible, so that they are shaded in the summer and are sunny in the winter.

(2) Primary and Secondary Entrances. (see Figure 673-1)

- A. Orient a building's primary entrance toward the street with subordinate entrances located on the riverside and/or the interior of the property. On a major thoroughfare street, it is acceptable to provide the primary entrance through a common courtyard and then to a street.

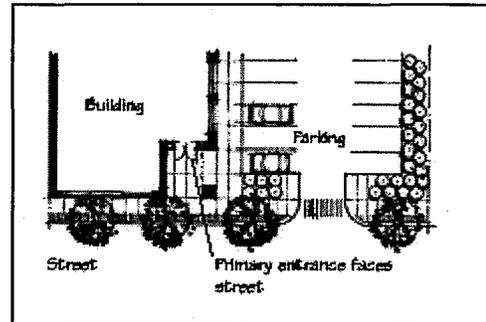


Figure 673-1

- B. The primary entrance shall be distinguished by architectural features such as, but not limited to: an entry portal; change in material or color; change in scale of other openings; addition of columns, lintels or canopies.
- C. Secondary entrances should have architectural features that are subordinate to the primary entrance in scale and detail. For purposes of this ordinance subordinate means that the entrance is smaller in height and width, and has fewer or simpler architectural elements.

(c) Topography and Drainage.

The natural contours of occasional hillsides and riverbanks contribute to the distinct character of the San Antonio River and should be considered in site designs for new development. Site plans should minimize the need for cut and fill. Where it does occur, it should be considered as an opportunity for positive enhancements through creative use of terraces and retaining walls.

(1) Visual Impacts of Cut and Fill.

Divide a grade change of more than 10 vertical feet into a series of benches and terraces. Terrace steep slopes following site contours. When creating site benches, using sloped "transitional areas" as part of the required landscaping is appropriate.

(2) Minimize the Potential for Erosion at the Riverbank.

Grade slopes at a stable angle not to exceed 4:1 and provide plant material that will stabilize the soil such as vigorous ground covers, vines or turf planting, but not limited to: Asiatic Jasmine or Coastal Bermuda, bear grass, skullcap, crossvine, or muhly grasses. Use of stabilizing materials such as geo-web or geo-grid is permitted as long as plant material is used to conceal the grid. Use of terraced walls is permitted when there is a slope of more than 4:1.

(3) Retaining Walls.

Limit the height of a retaining wall to less than 6 feet. If the retaining wall must exceed 6 feet, a series of 6-foot terrace walls is acceptable. Walls at dams and locks are excluded from this requirement. If in the opinion of the Historic Preservation Officer a higher wall is consistent with the adopted conceptual plan of the river, a higher wall (not to exceed 12 feet) is allowed. Materials used for the walls may include limestone, stucco, brick, clay, tile, timber, or textured concrete. (see Figure 673-2)

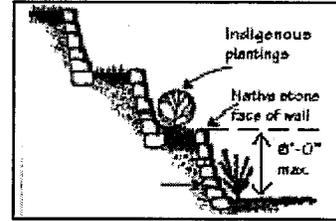


Figure 673-2

(4) Enhance or incorporate acequias into the landscape design and drainage scheme of the site.

Where archeological evidence indicates a site contains or has contained a Spanish colonial acequia, incorporate the original path of the acequia as a natural drainage way or a landscape feature of the site by including it as part of the open space plan, and a feature of the landscape design.

(5) Design a storm water detention facility to be a landscape amenity.

If a storm water detention facility is required, create a sloping lawn (less than 3:1) or a stepped terrace as a detention area. Create a hardscape patio that can be used as a detention pond. Using a parking lot or a concrete holding tank as a detention pond is prohibited. (see Figure 673-3)

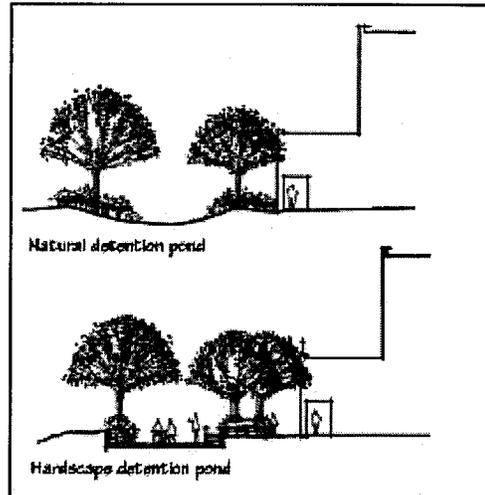


Figure 673-3

(6) Walls and Fences at Detention Areas.

- A. When the topography of the site exceeds a 4:1 slope and it becomes necessary to use a masonry wall as part of the detention area, use a textured surface and incorporate plant materials, such as rosemary or river fern or other similar plants, that will drape over the edge to soften the appearance of the structure.
- B. When a fence is needed around the perimeter of the pond, the use of solid board or chain link fence with slats is prohibited. A dark vinyl coated chain link fence, welded wire, tubular steel, wrought iron or garden loop is permitted.

(7) Roof Drainage into the River.

- A. All roof drainage and other run-off drainage shall conform to Public Works Department standards so that they drain into sewer and storm drains rather than the River. Drainage of this type shall not be piped into the River unless the outlet is below the normal waterline of the River at normal flow rates.

- B. All downspouts or gutters draining water from roofs or parapets, shall be extended underground under walks and patios to the San Antonio rivers edge or storm water detention facility so that such drainage will not erode or otherwise damage the River Walk, landscaping or river retaining walls.
- C. All piping and air-conditioning wastewater systems shall be kept in good repair. Water to be drained purposely from these systems, after being tested and adjudged free from pollution, shall be drained in the same manner prescribed in 7(A) above.

(d) Riverside Setbacks.

Riverside setbacks for both buildings and accessory structures are established to reinforce the defined character of the specific River Improvement Overlay District and help to define an edge at the river pathway that is varied according to the relationship of the river and the street. In the more urban areas, buildings should align closer to the river edge, while in more rural areas the buildings should be set farther away.

- (1) **Setback requirements are per the following Table 673-1.**

| Description | RIO-1 | RIO-2 | RIO-3 | RIO-4 | RIO-5 | RIO-6 |
|---------------------|--------|--------|-------|--------|--------|---------|
| Riverside Setback * | 20 ft. | 15 ft. | 0 ft. | 20 ft. | 50 ft. | 100 ft. |

** Along the riverside, the setback is measured from the inside edge of the riverside property line. If the property line is located below the top of bank, the setback will be measured from the top-of-bank.*

- (2) **Designation of a development node district provides for a maximum riverside setback of 0 feet**

(e) Landscape Design.

Lush and varied landscapes are part of the tradition of the San Antonio River. These design standards apply to landscaping within an individual site. Additional standards follow that provide more specific standards for the public pathway along the River and street edges.

- (1) **Provide Variety in Landscape Design.**

Provide variety in the landscape experience along the River by varying landscape designs between properties. No more than 75% of the landscape materials, including plants, shall be the same as those on adjacent properties. (see Figure 673-4)

- (2) **Planting Requirements in open space abutting the river.**

On publicly-owned land leased by the adjoining property owner, if applicable, and/or within privately owned set backs adjacent to the river, a minimum percentage of the open space, excluding building

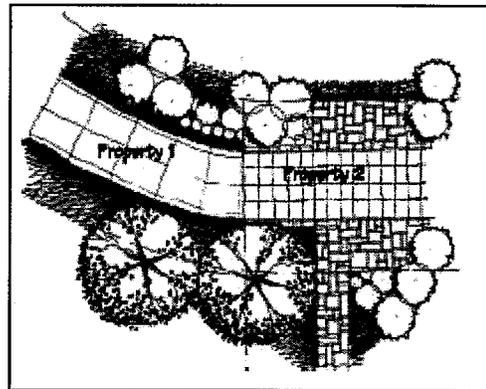


Figure 673-4

footprint, lease space under bridges and parking requirements, are required to be planted according to Table 673-2.

- A. Planting requirements shall be provided in planting beds. Plants in pots are permitted, but will not be counted toward the planting requirements set out in Table 673-2.

| Description | RIO-1 | RIO-2 | RIO-3 | RIO-4 | RIO-5 | RIO-6 |
|-------------------|-------|-------|-------|-------|-------|-------|
| Required Planting | 60% | 50% | 25% | 60% | 60% | 70% |

Table 673-2

- B. In RIO-3, if existing conditions don't meet the standards as set out in Table 673-2, the owner or lessee will not have to remove paving to add landscaping in order to meet the standards until there is a substantial remodeling of the outdoor area. Substantial remodeling will include replacement of 75% of the paving materials, or replacement of balcony and stair structures.

(f) Plant Materials.

A number of soil conditions converge in the San Antonio area to create unique vegetation ecosystems. Along the route of the San Antonio River, the soil conditions vary greatly from the headwaters northern boundary near Hildebrand to the city limits near Mission Espada and therefore native and indigenous plants will vary accordingly. Landscaping selections should reflect the unique soil characteristics of the specific site.

(1) Incorporate existing vegetation.

Extend the use of landscape materials, including plants, shrubs and trees that are used in the public areas of the river onto adjacent private areas to form a cohesive design.

(2) Use indigenous species or species recommended by the San Antonio Department of Parks and Recreation, and the Bexar County Extension Service.

- A. Drought and disease resistant plants such as, but not limited to, crepe myrtles, autumn sage, and cenizo are recommended, as well as plants native to the San Antonio area, such as mountain laurels, big bluestem grass and turk's cap.
- B. High maintenance and specialty plants such as, but not limited to, hybrid roses and azaleas or those requiring constant irrigation, special soils and extensive pruning are restricted to limited use as accent planting.
- C. In RIO-3, plantings are ~~restricted to~~ of tropical and semi-tropical plants with perennial background is permitted.

(3) Install trees to provide shade and to separate pedestrians from automobile traffic.

Install street trees along the property line or in the ROW abutting all streets according to minimum requirement standards established in Section 35-512 (b)., except where this conflicts with existing downtown Tri-Party improvements in RIO-3. In RIO-3 the owner has the option of placing trees at the property line, or along the street edge.

(g) Paving Materials.

An important San Antonio landscape tradition is the use of decorative surfaces for paving and other landscape structures. Paving materials and patterns should be carefully chosen to preserve and enhance the pedestrian experience.

(1) Vary walkway, patio and courtyard paving to add visual interest on the river side of properties abutting the river.

- A. A maximum of 600 square feet is allowed for a single paving material before the paving material must be divided or separated with a paving material that is different in texture, pattern, color or material. A separation using a different material must be a minimum of 24 inches wide, the full width of the pathway.
- B. A maximum of 100 lineal feet is allowed in a walkway before the pattern must change in districts RIO-2, RIO-3, and RIO-4. A maximum of 528 lineal feet is allowed before the pattern must change in districts RIO-1, RIO-5 and RIO-6. The change of material at 528 lineal feet will define and delineate 1/10-mile markers.
- C. In RIO-3, the River Walk pathway shall be delineated by using a separate material that is clearly distinguished from the adjacent patio paving materials. If the historic Hugman drawings indicate a sidewalk width and pattern on the site, that paving pattern and material shall be replicated.

(h) Site Walls and Fences.

Site walls and fences are used to help divide spaces, screen unsightly objects and provide privacy. However, the character of the San Antonio River is such that walls shall not be erected in such a way as to block views of the river from public spaces.

(1) Use of site walls to define outdoor spaces.

- A. Use of low scale walls (24" to 48") to divide space, create a variety in landscaping and define edges is permitted.
- B. Solid walls (up to 72") are permitted to: screen mechanical equipment, garbage receptacles and other unsightly areas; and provide privacy at the back of lots up to the front building face.

(2) Site wall and fence materials.

- A. On properties abutting the river, site walls and fence materials may be constructed of: stone, block, tile, stucco, wrought iron, tubular steel, welded wire or a combination of masonry and metal, cedar posts and welded wire or garden loop or other materials having similar characteristics. All other properties, not abutting the river may use the above listed materials plus wood fencing.
- B. All chain link fences are prohibited in RIO-3. Chain link fences are also prohibited in RIO-1 & 2, except for dark vinyl coated chain link fences used in conjunction with landscape buffering and screened with plantings. Chain link fences are permitted in RIO-4, 5 & 6, except for property directly abutting the river.

(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 River Walk Area of RIO-2 and RIO-3.

The following street furnishings are prohibited within the publicly owned portion of the River, 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:

- A. Vending Machines
- B. Automatic Teller Machines
- C. Pay phones
- D. Photo booths
- E. Automated machines such as, but not limited, to penny crunching machines, blood pressure machines, fortune-telling machines, video games, animated characters and other machines that are internally illuminated, or have moving parts, or make noise, or have flashing lights.
- F. Inanimate figures such as horses, kangaroos, bears, gorillas, mannequins or any such animal, cartoon or human figure. This section does not affect public art as defined in Appendix A of this Chapter.

(2) Street Furnishing Materials.

- A. Street furnishings shall be made of wood, metal, stone, terra cotta, cast stone, hand-sculpted concrete, or solid surfacing material, such as Corian or Surell.
- B. Inexpensive plastic resin furnishings are prohibited in RIO-3, but are permitted in all other districts.

(3) Advertising on Street Furnishings.

- A. No commercial logos, trademarks, decals, product names whether specific or generic, or names of businesses and organizations shall be allowed on street furnishings within RIO-3
- B. Product or business advertising is prohibited on all street furnishings.

(4) Street furnishings, such as tables and chairs may not be stored (other than overnight storage) in such a way as to be visible from the river pathway.

(j) Lighting.

Site lighting should be considered an integral element of the landscape design of a property. It should help define activity areas and provide interest at night. At the same time, lighting should facilitate safe and convenient circulation for pedestrians, bicyclists and motorists. Overspill of light and light pollution should avoided.

(1) Site lighting shall be shielded by permanent attachments to light fixtures so that the light sources are not visible from a public way and any offsite glare is prevented.

- A. Site lighting shall include illumination of parking areas, buildings, pedestrian routes, dining areas, design features and public ways.
- B. Outdoor spaces adjoining and visible from the River right-of-way shall have average ambient light levels of between 1 and 3 foot-candles with a minimum of 0.5-foot candles and a maximum of 6 foot-candles at any point measured on the ground plane. Interior spaces visible from the River right-of-way on the river level and ground floor level shall use light sources with no more than the equivalent lumens of a 100-watt incandescent bulb. Exterior balconies, porches and canopies adjoining and visible from the River right-of-way shall use light sources with the equivalent lumens of a 60-watt incandescent bulb with average ambient light levels no greater than the lumen out put of a 100-watt incandescent light bulb as long as average foot candle standards are not exceeded. Accent lighting of landscape or building features including specimen plants, gates, entries, water features, art work, stairs, and ramps may exceed these standards by a multiple of 2.5. Recreational fields and activity areas that require higher light levels should be screened from the River hike and bike pathways with a landscape buffer.
- C. Exterior light fixtures that use the equivalent of more than 100 watt incandescent bulbs shall not emit a significant amount of the fixture's total output above a vertical cut-off angle of 90 degrees. Any structural part of the fixture providing this cut-off angle must be permanently affixed.
- D. Lighting spillover to the publicly owned areas of the river or across property lines shall not exceed one-half of one foot-candle measured at any point ten feet beyond the property line.

(2) Provide lighting for pedestrian ways that is low scaled for walking.

- A. The position of a lamp in a pedestrian-way light should not exceed fifteen (15) feet in height above the ground.

(3) Light temperature and color.

- A. Light temperature and color shall be between 2500 °K and 3500° K and a color rendition index (CRI) of 80 or higher. This restriction is limited to all outdoor spaces adjoining and visible from the River right-of-way and from the interior spaces adjoining the River right-of-way on the river level and ground floor level. Levels shall be determined by product specifications.

(4) Minimize the visual impacts of exterior building lighting.

- A. All flood lamps should be shielded so that the light sources are not visible from a public way.
- B. Lighting (uplighting and downlighting) that is positioned to highlight a building or outdoor artwork shall be aimed at the object to be illuminated, not pointed into the sky.
- C. Fixtures shall not distract from, or obscure important architectural features of the building. Lighting fixtures shall be a subordinate feature on the building unless, they are incorporated into the over-all design scheme of the building.

(5) Prohibited Lighting on the Riverside of Properties Abutting the River.

- A. Flashing lights
- B. Rotating lights
- C. Chaser lights
- D. Exposed neon
- E. Seasonal decorating lights such as festoon, string or rope lights, except between November 26 and January 4.

(6) Minimize the visual impacts of lighting in parking areas in order to enhance the perception of the nighttime sky and to prevent glare onto adjacent properties.

- A. In order to keep parking area lighting at a human scale, the maximum height of parking lot luminaries shall be 24 feet measured from finish grade.

(k) Curbs and Gutters. and Sidewalks

(1) Construct curb and gutter along the street edge of a property.

- A. Install curbs and gutter along the street edge at the time of improving a parcel, ~~except in RIO-6. Install sidewalks near the street.~~
- B. In order to preserve the rural character of RIO-6, the HPO in coordination with the Development Services Department may waive the requirement of curbs and gutters and sidewalks.
- C. ~~If this sections conflicts with any other part of the code, this section shall prevail.~~
- D. ~~Curb, gutter and sidewalk design standards shall meet standards already established in the UDC.~~

(l) Access to Public Pathway along the River.

These requirements are specifically for those properties adjacent to the river to provide a connection to the publicly owned pathway along the river. The connections are to stimulate and

enhance urban activity, provide path connections in an urban context, enliven street activity, and protect the ambiance and character of the river area.

- (1) **A stair, ramp or elevator connecting the publicly owned pathway at the river to private property along the river is allowed by right at the following locations:**
 - A. At all street and vehicular bridge crossings over the river.
 - B. Where publicly owned streets dead end into the river.
 - C. Where the public river walk path is located at the top of bank and there is a two (2) foot or less grade change between the private property and the river walk path.
- (2) **If there is a grade change greater than two (2) feet between the private property and the publicly owned pathway at the river then the following conditions apply:**
 - A. Access to the publicly owned pathway is limited to one (1) connection per property, with the exception that connections are always allowed at street and vehicular bridge crossings. For example if one property extends the entire block face from street crossing to street crossing the owner would be allowed three (3) access points if the distance requirements were met.
 - B. The minimum distance between access points shall be ninety-five (95) feet. Only street and vehicular bridge connections are exempted. Mid block access points must meet this requirement.
 - C. Reciprocal access agreements between property owners are permitted.
- (3) **Clearly define a key pedestrian gateway into the site from the publicly owned pathway at the river with distinctive architectural or landscape elements.**
 - A. The primary gateway from a development to the publicly owned pathway at the river shall be defined by an architectural or landscape element made of stone, brick, tile, metal, rough hewn cedar or hand-formed concrete or through the use of distinctive plantings or planting beds.

(m) Buffering and Screening.

The manner in which screening and buffering elements are designed on a site greatly affects the character of the river districts. In general, parking and service areas should be screened or buffered. "Buffers" are considered to be landscaped berms, planters or planting beds; whereas, more solid "screens" include fences and walls. When site development creates an unavoidable negative visual impact on abutting properties or to the public right of way, it should be mitigated with a landscape design that will buffer or screen it.

(1) Landscape buffers shall be used in the following circumstances:

To buffer the edges of a parking lot from pedestrian ways, streets and outdoor use areas, (such as patios, and courtyards), and as an option to screening in order to buffer service areas, garbage disposal areas, mechanical equipment, storage areas, maintenance yards, equipment storage areas and other similar activities that by their nature create unsightly views from pedestrian ways, streets, public ROWs and adjoining property.

(2) Screening elements shall be used in the following circumstances:

to screen service areas, storage areas, or garbage areas from pedestrian ways.

(3) Exceptions for site constraints

Due to site constraints, in all RIOs and specifically for RIO-3 where there is less than ten (10) feet to provide for the minimum landscape berm, a screen may be used in conjunction with plantings to meet the intent of these standards. For example a low site wall may be combined with plant materials to create a buffer with a lesser cross-sectional width. (see Figure 673-8)



Figure 673-8

(4) Applicable Buffer Yard types

Table 510-2 establishes *Minimum Plant Materials Required for Each Buffer Yard Type*. ~~shall establish acceptable buffering types.~~ For purposes of this section Type C shall be the acceptable minimum type.

(5) Applicable Screening Fence and Wall Types.

Screening fences and walls shall be subject to conditions of Section 35-673 (h) Walls and Fences.

(n) Service Areas and Mechanical Equipment.

Service areas and mechanical equipment should be visually unobtrusive and should be integrated with the design of the site and building. Noise generated from mechanical equipment should not be intrusive on the pedestrian experience along the river.

(1) Locate service entrances, waste disposal areas and other similar uses adjacent to service lanes and away from major streets and the river.

- A. Position utility boxes so that they cannot be seen from the public river walk path, or from major streets, by locating them on the sides of buildings and away from pedestrian and vehicular routes. Locating them within interior building corners, at building offsets or other similar locations where the building mass acts as a shield from public view is preferred.
- B. Orient the door to a trash enclosure to face away from the street when feasible.
- C. Air intake and exhaust systems, or other mechanical equipment that generates noise, smoke or odors, shall not be located on the riverside of buildings.

(2) Screening of service entrance shall be compatible with the buildings on the block face.

- A. When it would be visible from a public way, a service area should be visually compatible with the buildings on the block face.

- B. A wall will be considered compatible if it uses the same material as other buildings on the block, or is painted a neutral color such as beige, gray or dark green or if it is in keeping with the color scheme of the adjacent building.

35-674 Building Design Principles

This section provides policies and guidelines standards for the design of commercial, multifamily developments in excess of 8 units, and single-family developments in excess of 5 units or 5 acres, institutional developments, and industrial buildings near the San Antonio River within the River Improvement Overlay Districts. In general, principles focus on promoting buildings that will be compatible in scale and appear to "fit" in the community by using materials and forms that are part of the San Antonio design traditions. The policies and standards also promote designs that enhance the streets in the area, as well as the River Walk, as places for pedestrians. As such, the policies and guidelines address only broad-scale topics and do not dictate specific design solutions, architectural styles, or details with the exception that the standards for RIO-3 contain more specific requirements.

(a) Architectural Character.

A basic objective for architectural design in the River Improvement Overlay Districts is to encourage the reuse of existing buildings and construction of new, innovative designs that enhance the area, and help to establish distinct identities for each of the zone districts. At the same time, these new buildings should reinforce established building traditions and respect the contexts of neighborhoods.

When a new building occurs, it should be designed in a manner that reinforces the basic character-defining features of the area. Such features include the way in which a building is located on its site, the manner in which it faces the street and its orientation to the river. When these design variables are arranged in a new building to be similar to those seen traditionally, visual compatibility results.

(1) New interpretations of traditional building types is permitted.

- A. A new design shall draw upon the fundamental similarities among older buildings in the general area.

(b) Mass and Scale.

A building should appear to have a "human scale". In general, this scale can be accomplished by using familiar forms and elements ~~that can be~~ interpreted in human dimensions. Exterior wall designs should help pedestrians establish a sense of scale with relation to each building. Articulating the number of floors in a building can help to establish a building's scale, for example, and prevent larger buildings from dwarfing the pedestrian.

(1) Express façade components in ways that will help to establish building scale.

- A. Treatment of architectural facades should contain a discernable pattern of mass to void, or windows and doors to solid mass. Openings should appear in a regular pattern, or be clustered to form a cohesive design. Architectural elements such as columns, lintels, sills, canopies, windows and doors should align with other architectural features on the adjacent facades.

(2) Align horizontal building elements with others in the blockface to establish building scale.

- A. Align at least one horizontal building element with another horizontal building element on the same block face. It will be considered to be within alignment if it is within three (3) feet, measured vertically, of the existing architectural element.

(3) Express the distinction between upper and lower floors in commercial and mixed-use buildings.

- A. Develop the first floor as primarily transparent. The building façade facing a major street shall have at least thirty percent (30%) of the street level façade area devoted to display windows and/or windows affording some view into the interior areas. Multi-family residential buildings with no retail or office space are exempt from this requirement.

(4) Where a building façade faces the street or river and exceeds the maximum façade length allowed in Table 674-1, divide the façade of building into modules that express traditional dimensions.

- A. The maximum length of an individual wall plane that faces a street or the River shall be as shown in Table 647-1.

| Description | RIO-1 | RIO-2 | RIO-3 | RIO-4 | RIO-5 | RIO-6 |
|-----------------------|--------|--------|--------|--------|---------|--------|
| Maximum Façade Length | 50 ft. | 50 ft. | 30 ft. | 75 ft. | 100 ft. | 50 ft. |

Table 674-1

- B. If a building wall plane facing the street or river and exceeds the length allowed in Table 674-1, employ at least two of the following techniques to reduce the perceived mass:

- Change materials with each building module to reduce its perceived mass; or
- Change the height with each building module of a wall plane. The change in height shall be at least 10 % of the vertical height; or
- Change the roof form of each building module to help express the different modules of the building mass; or
- Change the arrangement of windows and other façade articulation features, such as, columns, pilasters or strap work, which divides large planes into smaller components.

- (5) **Organize the mass of a building to provide solar access to the river.** (see Figure 674-1)
- A. One method of doing so is to step the building down toward the river to meet the solar access requirements of 35-673 (a).
 - B. Another method is to set the building back from the river a distance sufficient to meet the solar access requirements of 35-673 (a).
- (6) **Organize the mass of the building to step back from residential uses.**

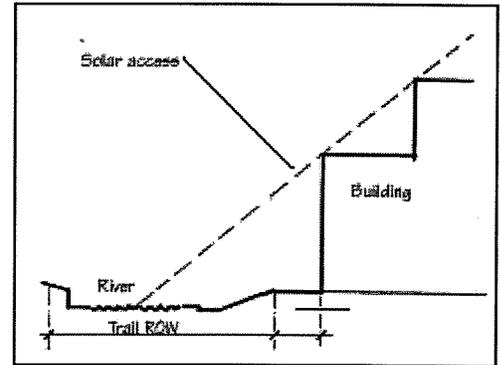


Figure 674-1

Where a commercial, mixed-use residential, multifamily or industrial use abuts a single family residential development, or is across the street from a single family residential development, the following standards shall apply:

- A. The massing of the building shall not exceed twenty-five (25) feet in height at the setback line. The building mass can continue upward within a 45 degree building envelope for a distance of 50 feet measured horizontally from the building face, at which point the building massing may continue vertically to the height established in section 35-674 (c).

(7) **For properties abutting the river in RIO-2, organize the mass of the building(s) to create courtyard or open spaces facing the river.**

- A. In order to maximize a building's frontage along the river, building masses along the river that are greater than three (3) stories shall provide a courtyard with one open side to the river.

(c) **Height.**

Building heights vary along the river corridor, from one-story houses to high-rise hotels and apartments. This diversity of building heights is expected to continue. However, within each zone, a general similarity in building heights should be encouraged in order to help establish a sense of visual continuity. In addition, building heights should be configured such that a comfortable human scale is established along the edges of properties. In addition, building heights should be configured to provide views to the river and other significant landmarks while allowing the appropriate density for an area.

(1) **The maximum building height shall be as defined in Table 674-2.**

- A. Solar access standards 35-673 (a), and massing standards 35-674 (b) also will affect building heights.

| Description | RIO-1 | RIO-2 | RIO-3 | RIO-4 | RIO-5 | RIO-6 |
|------------------------|--------|---------|-------|--------|--------|--------|
| Maximum # of Stories | 5 | 10 | | 7 | 5 | 4 |
| Maximum Height in Feet | 60 ft. | 120 ft. | | 84 ft. | 60 ft. | 50 ft. |

Table 674-2

(2) On the street-side, the building façade shall appear similar in height to those of other buildings found traditionally in the area.

- A. If 50% of the building facades within a block face are predominantly lower than the maximum height allowed, the new building façade on the street-side shall align with the average height of those lower buildings within the block face, or with a particular building that falls within the 50% range. However, the remainder of the building may obtain its maximum height by stepping back fifteen (15) feet from the building face.

(3) Designation of a development node provides for the ability to increase the building height by 50 percent from the requirements set out in Article 6.

(d) Materials and Finishes in RIO-3.

Masonry materials are well established as primary features along the river corridor and their use should be continued. Stucco that is detailed to provide a texture and pattern, which conveys a human scale, is also part of the tradition. In general, materials and finishes that provide a sense of human scale, reduce the perceived mass of a building and appear to blend with the natural setting of the river should be used, especially on major structures.

(1) Use indigenous materials and traditional building materials for primary wall surfaces. A minimum of 75% of walls visible from the public way (excluding window fenestrations) shall be composed of the following:

- A. Modular masonry materials including brick, stone, and rusticated masonry block, tile, terra-cotta and cast stone.
- B. Other new materials such as EIFS that convey the texture, scale, and finish similar to modular masonry materials.
- C. Stucco and painted concrete when detailed to express visual interest and convey a sense of scale.
- D. Painted or stained wood in a lap or shingle pattern.

(2) The following materials are not permitted as primary building materials and may be used as a secondary material only:

- A. Large expanses of high gloss or shiny metal panels.
- B. Mirror glass panels.

(3) Paint or Finish Colors.

- A. Use natural colors of indigenous building materials in the River-Walk-Area areas that directly face the river.
- B. Use matte finishes instead of high glossy finishes on wall surfaces. Wood trim and metal trim may be painted with gloss enamel.
- C. Bright colors may highlight entrances or architectural features.

(e) Façade Composition in RIO-3.

Traditionally, many commercial and multi-family buildings in the core of San Antonio have had façade designs that are organized into three distinct segments: First, a "base" exists, which establishes a scale at the street level; second a "mid-section", or shaft is used, which may include several floors. Finally a "cap" finishes the composition. The cap may take the form of an ornamental roof form or decorative molding and may also include the top floors of the building. This organization helps to give a sense of scale to a building and its use should be encouraged.

In contrast, the traditional treatment of facades along the riverside has been more modest. This treatment is largely a result of the fact that the riverside was a utilitarian edge and was not oriented to the public. Today, even though orienting buildings to the river is a high priority objective, it is appropriate that these river-oriented facades be simpler in character than those facing the street.

- (1) The street façade of buildings should be composed to include a base, a middle and a cap.**
- (2) The riverside façade of a building shall have simpler detailing and composition than the street façade.**
 - A. Architectural details such as cornices, sills, lintels, door surrounds, water tables and other similar details should use simple curves and handcrafted detailing.
 - B. Stone detailing shall be rough hewn, and chiseled faced. Smooth faced stone is not permitted as the primary building material, but can be used as accent pieces.
 - C. Facades on the riverside shall be asymmetrical, pedestrian scale, and give the appearance of the back of a building. That is, in traditional building along the river, the backs of building were designed with simpler details, and appear less formal than the street facades.

(f) Staircases in RIO-3.

- (1) Staircases to the river level shall be uniquely designed.**
 - A. Stairs shall not replicate other stairs in a single project.
 - B. Stairs shall be constructed of handcrafted materials. The applicant shall use traditional building materials found in RIO-3 staircases, especially those used by Hugman.
 - C. Stairs shall not exceed 10'-0" in width.

(g) Awnings, Canopies and Arcades.

The tradition of sheltering sidewalks with awnings, canopies and arcades on commercial and multi-family buildings is well established in San Antonio and is a practice that should be continued. They offer shade from the hot summer sun and shelter from rainstorms, thereby facilitating pedestrian activity. They also establish a sense of scale for a building, especially at the ground level. (see Figure 674-2)

(1) **Mount If awnings, arcades and canopies are to be used they should accentuate the character-defining features of a building.**

- A. The awning or canopy shall be located in relationship to the openings of a building. That is, if there are a series of awnings or canopies, they shall be located at the window or door openings. However awnings, canopies and arcades may extend the length of building to provide shade at the first floor for the pedestrian.
- B. Awnings, arcades and canopies shall be mounted to highlight architectural features such as moldings that may be found above the storefront.
- C. They should match the shape of the opening.
- D. Simple shed shapes are appropriate for rectangular openings.
- E. Odd shapes and bubble awnings are prohibited except where the shape of an opening requires a bubble awning, or historic precedent shows they have been previously used on the building.
- F. Canopies, awnings and arcades should not conflict with the building's proportions or with the shape of the openings that the awning or canopy covers.

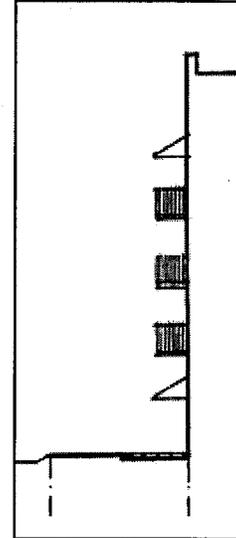


Figure 674-2

(2) **Materials.**

- A. Awnings and canopies may be constructed of metal, wood or fabric. Certain vinyl is allowed if it has the appearance of natural fiber as approved by the HDRC.

(3) **Incorporating lighting into the design of a canopy is appropriate.**

- A. Lights that illuminate the pedestrian way beneath the awning are appropriate.
- B. Lights that illuminate the storefront are appropriate.
- C. Internally illuminated awnings that glow are prohibited.

35 – 676 Alteration, Restoration and Rehabilitation in RIO-3

In considering whether to recommend approval or disapproval of an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure located in RIO-3 a River Improvement Overlay District, the Historic and Design Review Commission shall be guided by the National Park Service Guidelines in addition to any specific design guidelines included in this subdivision.

- A. Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.

- B. The distinguishing original qualities or character of a building, structure, object, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.
- C. All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance are prohibited.
- D. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- E. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure, object, or site, shall be kept where possible.
- F. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building's materials shall not be permitted.
- H. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- I. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- J. Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

35 – 677 Ordinary Repair and Maintenance in RIO-3

Those activities in RIO-3 which constitute ordinary repair and maintenance include but are not restricted to:

- A. Repair using the same material and design as the original;
- B. Repainting, using the same color;

- C. Re-roofing, using the same type and color of material; and
- D. Repair of sidewalks and driveways using the same type and color of materials.

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application.

35 – 678 Signs and Billboards

(a) General provisions.

- (1) All signage shall be subject to approval of the Historic and Design Review Commission.**

All signage within RIO-1, RIO-2, RIO-3, RIO-4, RIO-5, and RIO-6 shall conform to all city codes and must have approval of the Historic and Design Review Commission prior to installation. Permits must be obtained following the Historic and Design Review Commission's approval of a certificate application and recommendation to the Director of Planning. Signs should respect and respond to the River Improvement Overlay District character in which it is constructed.

- (2) All signage on property abutting the River shall conform in particular to Section 35-678 (p).**

All signage on the riverside of property abutting the river shall conform to all city codes, but in particular shall conform to Section 35-678 subsection (p) below. Permits must be obtained following the Historic and Design Review Commission's approval of a certificate application and recommendation to the director of planning. Signs should respect and respond to the River Improvement Overlay Districts character and the Historic River Walk, generally defined as those areas included in the Robert H. Hugman drawings, in particular.

(b) Proportion of signs.

For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings. The building facade shall be considered as part of an overall sign program but the sign shall be subordinate to the overall building composition.

(c) Number and size of signs.

- (1) Buildings housing one business.**

For buildings housing one business or service, one (1) major sign per facade per structure and two (2) minor signs shall be permitted in River Improvement Overlay Districts.

- (2) Buildings housing more than one business.**

For buildings housing more than one business or service, the building owner shall develop a master signage plan or signage guidelines for the total building or property. The Historic and Design Review Commission shall be guided in its decisions by the total number of businesses or

services per building and the percentage of floor space occupied by each business or service. No more than one (1) major and two (2) minor signs shall be permitted per business or service. Total number of signs shall be kept to a minimum and no sign shall exceed fifty (50) square feet.

(3) Square Footage of Signs.

For buildings located in the River Improvement Overlay Districts, the total area of signage shall not exceed thirty-six (36) square inches per running foot of store frontage per facade per structure and total signage shall not exceed fifty (50) square feet per facade. However, in cases where the applicant clearly demonstrates need for additional signage, the Historic and Design Review Commission, keeping in mind the facade's proportions, may approve additional signage.

(4) Number of Signs.

The number of signs on each building shall be kept to a minimum to prevent unsightly clutter and confusion. All signs, excluding incidental and special purpose signs, shall be included in the total allowable signage per facade per structure. In buildings housing more than one business, the Historic and Design Review Commission may recommend directory signage. In the cases of signs with more than one sign face, including but not restricted to double-faced signs, back-to-back signs, overhanging signs, and projecting signs, each side of the sign shall be included in total allowable signage area.

(5) Height of Signs.

The top of any sign shall not be higher than twenty feet (20') above the ground below it. Exceptions may be granted if natural or man-made features would obstruct the view of the sign or the sign cannot be seen by those intended to see it.

(6) Building Identification Signs.

Two building identification signs may be placed on a building with multiple tenants, if the building name is not the same as the business(s) housed within. This type of sign is to identify a building as a destination. Building identification signs may not exceed thirty-five (35) square feet per façade. Building identification signs located above the eighth floor may exceed the size standard by three (times). Building identification signs located above the twelfth floor may exceed the sign standard by four (times). The HDRC may recommend approval of larger building identification signs located at the tops of building over fifteen stories, taking into consideration the placement of the sign and the impact on the pedestrians at street level.

(d) Standards for sign design and placement.

In considering whether to recommend approval or disapproval of an application for a permit to construct or alter signage on a building, object, site, or structure in a River Improvement Overlay District, the Historic and Design Review Commission shall be guided by the following standards in addition to any specific design guidelines included within division 35-678.

(1) Primary sign design considerations shall be identification and legibility.

Size, scale, height, color and location of signs shall be harmonious with, and properly related to, the overall character of the district and structure. Sign materials shall be compatible with that of the building façade. Highly reflective materials that will be difficult to read are not permitted.

(2) Signs, visual displays or graphics shall advertise only the business on the premises.

(3) Directory Signs.

Directory signs which describe, point, or direct the reader to a specific place or along a specific course, such as "entrance," "exit," and "handicap access" signs, as well as government signs, shall be reviewed by the Historic and Design Review Commission but shall not be included in total allowable signage area. Emergency signs shall be exempt from Historic and Design Review Commission approval.

(4) Graphic elements shall reinforce the architectural integrity of the building.

All graphic elements shall reinforce the architectural integrity of any building. Signs should not disfigure, damage, mar, alter, or conceal architectural features or details and should be limited to sizes that are in scale with the architecture and the streetscape. Emblems and symbols of identification used as principal structural or architectural design elements on a facade shall not be included in the total allowable signage per facade per structure when approved by the Historic and Design Review Commission. The Historic and Design Review Commission shall be guided by the building's proportion and scale when such elements are incorporated.

(5) Illumination.

Graphics and signage may be illuminated by indirect, internal, or bare-bulb sources, providing that glare is not produced; by indirect light sources concealed by a hood or diffuser; by internal illumination with standard opal glass or other translucent material or with an equal or smaller light transmission factor. All illumination shall be steady and stationary. Neon lighting shall be permitted when used as an integral architectural element or artwork appropriate to the site. For purposes of this subsection, "Glare" shall mean an illumination level of at least six (6) Lux at the property boundary. If internal illumination is used, it should be designed to be subordinate to the overall building composition.

(6) Signs shall be maintained in good repair.

All signs and components thereof shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked panels, and broken or missing letters. All signs, components, supports and their surroundings shall be kept free of all sign materials, weeds, debris, trash, and other refuse. In addition, the sign owner shall comply with the provisions of this article as well as all other pertinent City Code and ordinances.

(7) Non-conforming Status.

Any legally erected sign which, by reason of revisions to this chapter, no longer complies with its provisions, shall be awarded nonconforming status.

(e) Prohibited signs.

(1) The following signs are prohibited:

Billboards, junior billboards, portable signs, advertising benches and sandwich boards shall not be permitted within River Improvement Overlay Districts. Other signs that shall not be permitted within these districts include:

- A. Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, or conceal any window opening, door, or significant architectural feature or detail of any building;

- B. Any sign which advertises commercial off-premises businesses, products, activities, services, or events;
- C. Any sign which does not identify a business or service within the River Improvement Overlay District;
- D. Any sign which is abandoned for more than six (6) months or damaged beyond fifty (50) percent of its replacement value, including parts of old or unused signs. All remnants such as supports, brackets and braces must also be removed;
- E. Any attachment to an already affixed sign which does not meet the provisions of the City Code;
- F. Roof mounted signs, except in the cases of landmark signs or unless approved by the Historic and Design Review Commission in accordance with standards set forth in subsection (b) of this section.
- G. Pole signs, as defined in Chapter 28 of the City Code.

(f) *Incidental signs.*

Allowable incidental signs, including sign designating business hours and street numbers, shall conform to standards outlined in this article and shall not be included in the total allowable per facade per structure.

(g) *Menu boards.*

Menu boards shall not exceed 360 square inches. Permanently displayed menus may be properly installed inside the business' window or in a Historic and Design Review Commission approved wall-mounted or freestanding display case adjacent to the business entrance.

(h) *Special Purpose Signs.*

All special purpose signs shall be approved by the Historic Preservation Officer and shall be removed within thirty (30) days from the date of the HPO approval unless otherwise specified by the Historic and Design Review Commission. If within the specified period the property owner feels there is a continued need for the special purpose sign, promotional sign or temporary sign, he or his representative shall schedule a hearing with the Historic and Design Review Commission to request additional display time.

(i) *Construction Signs.*

One (1) construction sign, not to exceed thirty-two (32) square feet in area, shall be allowed per construction site.

(j) *Nongovernmental Banners, Pennants and Flags.*

Excluding flags included as elements of an overall streetscape or design plan, non-governmental banners, pennants and flags are considered special purpose signs under the provisions of this

article and are appropriate for decoration only during special events or celebrations as approved by the Historic Preservation Officer. Banners may only have sponsor advertising on one third of the total number of banners, and the sponsor advertising shall not exceed one quarter of the size of the banner.

(k) Promotional Signs.

Promotional signs not exceeding six (6) square feet advertising special events or promotions may be properly placed only on the inside of windows; such signs shall be removed promptly after an event is over.

(l) Noncommercial Speech Signs.

Noncommercial speech signs including but not limited to public service announcements may be erected in River Improvement Overlay Districts following approval by the Historic and Design Review Commission provided all regulations in this article are met.

(m) Real Estate Signs.

Residential real estate signs less than six (6) square feet in area and commercial real estate signs less than twenty (20) feet in area do not require Historic and Design Review Commission approval.

(n) Temporary Signs.

Temporary signs shall be subject only to the provisions of Chapter 28 of the City Code.

(o) Installation.

Commercial signs, posters, decals or advertisements may not be tacked, nailed, pasted, or taped to any portion of a building, object, site or structure visible from the public right-of-way.

(p) Signs on the Riverside of Properties Abutting the River.

This section governs all exterior signs on the riverside of public and private property abutting the San Antonio River and its extensions, and all interior signs hung within ten feet (10') of an exterior fenestration, intended to be read by exterior patrons on the riverside of a building.

(1) Character of Signs.

Signs should respect and respond to the character of the Historic River Walk area. The display of signs and other graphics on the riverside of property abutting the River shall not be permitted except as provided for in this article. This prohibition specifically includes billboards, banners, menus, except as indicated in subsection (2)(F) below and other signs of a miscellaneous character.

(2) Standards for Signage.

- A. Proportion. For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings.
- B. Size. The maximum allowable size for any sign on the riverside of property abutting the publicly owned river walk and visible from the River Walk shall be eight (8) square feet. If a building surface is used for signage, the letters or design shall not exceed a surface area of eight (8) square feet.
- C. Roof top/parapet signs. No signs shall be displayed from the parapet or roof of any building.
- D. Signs for River Walk business only. No sign, visual display, or graphic shall be placed in the River Walk area advertises a bona fide business conducted in, or on premises adjacent to the River Walk. Only those businesses that have an entrance directly onto the River Walk may display a sign or graphic.
- E. Number of signs. Only one identification sign shall be allowed for each store, shop, restaurant, nightclub, or place of business in the River Walk area and fronting on the River Walk. In addition to a sign, establishments serving food or beverages may erect a menu board, which shall be used only for displaying menus.
- F. Illumination. Internally illuminated signs are prohibited. The light source for exterior illumination shall be steady light concealed by a hood or other acceptable method of indirect lighting. Flashing lights and exposed neon lights are prohibited.
- G. Materials. Signs may be constructed of wood, metal, glass. Lettering may be painted, stamped, etched, carved, applied metal or wood. Vinyl lettering is prohibited.
- H. Menu boards. There may be no more than one menu board per establishment. To be eligible to display a menu board, an establishment must derive seventy-five (75) percent or more of its gross revenue from the sale of food or beverages. Overall maximum size for a menu board is three hundred sixty (360) square inches. The name of the restaurant/nightclub may not be displayed on the menu board if business has another sign installed on premises. It is permissible for the name of the restaurant to be placed on the actual menu. The established logo of a business is considered a sign.
- I. Signage on umbrellas or street furniture. Advertising brand name products may not be placed on umbrellas, tables, chairs or other street furniture that are located on outdoor patio areas. Nor may logos or wording of any kind be placed on umbrellas.
- J. Directory signage. Buildings with several businesses may be permitted to install directory signage in lieu of individual signs. Directory signage may not exceed 18" x 24".

- K. Revolving signs, flashing lights, search lights and attention-getting devices, including, but not limited to, banners, festoons, paper and vinyl rope-like-banners are not permitted.
- L. Pole Signs. Blade sign hung from poles are allowed on the riverside of properties abutting the publicly owned river right of way as long as the pole height does not exceed seven (7) feet and the pole diameter does not exceed three (3) inches.
- M. Temporary signage. Temporary signage may be permitted with prior approval of the Historic Preservation Officer. Temporary is understood to mean less than thirty (30) days and shall apply to real estate signage, construction signage, and special signage in lieu of permanent signage. Permanent signage shall meet all stipulations, as applicable, of this article.
- N. Real estate signage. Real estate signs shall meet the following standards:
 - Maximum size shall be four (4) square feet.
 - Only one sign will be permitted for each building for sale or lease that is adjacent to the River Walk. The sign is permitted to remain only while that particular building is for sale or the lease space is available.
 - Certificates will not be required for real estate signage that follows the above guidelines. However, a permit from the department of development services is still required. Any variations from these standards must follow the procedures set forth in this article.
- O. Construction signs. Construction signs shall be a maximum of eight (8) square feet. The Historic Preservation Officer will permit only one sign per construction project. The sign will be permitted to remain in place for the duration of the building permit.
- P. Signs on barges. The Director of Parks and Recreations will issue permits for one approved symbol, logo, or sign to be temporarily placed on chartered barges for special events. The sign shall not exceed eight (8) square feet.

(3) Prohibited Signs.

No billboards, junior billboards, portable signs, sandwich boards and advertising benches shall be allowed on the riverside of buildings abutting the river. Any sign, visual display, or graphic which is located in the River Walk area and which is visible from the publicly owned portion of the San Antonio River channel or adjacent walkways must meet the requirements for signs, visual displays, and graphics as set out in this division. No sign, visual display or graphic shall be allowed in the River Walk area unless it is advertising or giving information concerning a business or activity that is located on the same lot as the sign, visual display or graphic.

(g) Violations in River Improvement Overlay Districts and on the River Walk.

In those instances where a sign is erected or maintained in violation of the aforementioned restrictions, the department of Development services shall notify the sign's owner, agent, operator, or lessee. If the owner, agent, operator, or lessee of the sign fails to remove the sign within three (3) days after notification, the department of building inspections may file an action in municipal court as outlined in section 28-15. In addition, nothing herein shall prevent the city attorney from seeking civil remedies.

35-679 Other Requirements and Regulations

(a) Garbage or Trash Storage.

No collections, or storage for refuse, debris or garbage produced by any residence, business or industry in the River Improvement Overlay District or elsewhere shall be allowed in a River Improvement Overlay District when such collections or storage is visible from the publicly owned river walk. No hanging of laundry, cleaning rags, mops, or similar items shall be allowed within view of the river walk.

(b) Portable Carts.

Portable vending carts may be located on leased public property or private property on the River Walk with approval from the Historic and Design Review Commission. Applications for a certificate of appropriateness must include details regarding type of cart, items to be sold, method of controlling litter, location, and other pertinent information.

(c) Boats, Barges and Water Taxis.

Any and all private boats, barges, and water taxis allowed to operate on the San Antonio River on a permanent basis will require a certificate of appropriateness from the Historic and Design Review Commission. Details regarding the size and design, type of power sources, and other pertinent information shall be presented to the Historic and Design Review Commission for their review.

(d) Monuments, Markers and Memorials.

Monuments, markers or memorial plaques are not permitted on the riverside of property abutting the river, or within the publicly owned right of way without the express written consent of the Historic and Design Review Commission. The following standards shall apply:

- A. Texas Historical markers are permitted, but must be mounted to walls or structures. Pole mounted THC markers are not permitted in RIO-3.
- B. Monuments and memorial plaques must commemorate an event or person significant to the River Walk or the history of the River Walk. To assure that the significance of an event or person has withstood the test of time, memorial plaques may only commemorate an event 10 years or older and a person 10 years or more posthumously.
- C. Memorial gifts, such as benches, fountains or art, etc. may from time to time be accepted as gifts by the City, plaques acknowledging the gift, shall be bronze and no larger than ten inches by four inches (10" x 4"). Memorial plaques for a gift of a tree or other plantings are not permitted.
- D. Placement of monuments, memorials and markers will be under the jurisdiction of the Director of Parks and Recreation, rather than the Director of Planning, after consultation with the Historic and Design Review Commission.

(e) Solicitation.

Unless specifically allowed by lease with the City of San Antonio, it shall be unlawful to: solicit alms and donations; distribute commercial and business advertising matter; and hawk, sell, or vend merchandise on public property or on the public right-of-way of the River Walk area, or outdoors on private property that is at River level and is within view of the River Walk public right-of-way.

35-680 Demolition of Historic Features in the River Walk Overlay Districts

Demolition of architectural features, artwork, furniture, and other items shown on the Robert Hugman plans as well as other historic River Walk construction dating back to Spanish Colonial times and including works by the WPA, the CCC and the National Youth Administration constitutes an irreplaceable loss to the quality, character, ambiance and atmosphere of the San Antonio River Walk in the River Improvement Overlay Districts. Accordingly, these procedures provide criteria to prevent unnecessary damage to the unique character of the City's River Walk areas and character.

(a) Applicability.

The provisions of this section apply to any application for demolition of important historic architectural features on or immediately adjacent to the River and or the River Walk in the River Improvement Overlay Districts.

(1) Items shown on the Robert Hugman Plans for the River Walk in RIO-3.

No certificate shall be issued for demolition of any items shown on the Robert Hugman Plans for the River Walk in RIO-3. This prohibition against demolition of Hugman features includes but is not limited to staircases, walkways, furniture, bridges, tile and other artwork, light fixtures, handrail ornaments, boat landings, fountains, waterways, water features, retaining walls and the overall landscaping plan for placement of planting beds. This prohibition shall also apply to earlier, hand-built river retention walls found in RIO-3 as identified in the City records and commonly known as the Tobin walls and the Stucci walls. However, appropriate penetrations of these historic retention walls will be permitted subject to Commission approval.

(2) Historic Heritage Trees

Removal or damage to heritage trees such as large Cypress trees and other, old significant trees at top of bank or along the River Walk is prohibited in all River Improvement Overlay Districts. Except where the tree is damaged due to disease, age or physical condition and must be removed for the safety reasons. Then with a recommendation from the City arborist, or the official urban forester, the Historic and Design Review Commission may grant approval for demolition.

(3) Other Items of Historic or Archaeological Interest

No certificate shall be issued for demolition of such historic and archaeological features dating from Spanish Colonial times including but not limited to acequias, dams, aqueducts, old mills, trailways, and other River related features or similar items.

(b) Unusual and compelling circumstances for demolition of the above.

The Historic and Design Review Commission may consider unusual and compelling circumstances in order to approve a certificate of appropriateness for the demolition or removal of the items listed in Section 35-680. It shall be guided in its decision by balancing the contribution of the object, site or structure to the character of the River Improvement Overlay Districts with the special merit of the proposed replacement project.

The Historic and Design Review Commission, using criteria set forth in this article, shall determine whether unusual and compelling circumstances exist and shall be guided in its recommendation in such instances by the following additional considerations:

- A. The historic or architectural significance of the object, site, or structure;
- B. The importance of the object, site, or structure to the integrity and character of the River Improvement Overlay District;
- C. The difficulty or the impossibility of reproducing such an object, site, or structure because of its design, texture, material, detail, or unique location;
- D. Whether the object, site, or structure is one of the last remaining examples of its kind in the neighborhood, the city, county, region, state, or nation;
- E. Whether reasonable measures can be taken to save the object, site, structure, or cluster from further deterioration, collapse, arson, vandalism or neglect.

(c) Penalties.

Penalties for demolition of architectural features, artwork, furniture and other items discussed in this section shall be the same as those listed in Section 35-491(c)(3).

Affidavit of Publisher

PUBLIC NOTICE

ORDINANCE NO. 95352

AN ORDINANCE AUTHORIZING MODIFICATIONS, AMENDMENTS, AND ADDITIONS TO CHAPTER 35 OF THE CITY CODE, THE UNIFIED DEVELOPMENT CODE, REGARDING THE RIVER IMPROVEMENT OVERLAY DISTRICTS, ESTABLISHING SIX UNIQUE DISTRICTS WITH SPECIFIC DESIGN STANDARDS, RESIDENTIAL AND BUSINESS USE STANDARDS AND REGULATIONS, AND ADMINISTRATION AND PROCEDURES ADDRESSING BUILDING DESIGN, BUILDING ALTERATION AND DEMOLITION, AMENITIES, PEDESTRIAN CIRCULATION, PARKING, VIEWS, SOLAR ACCESS, AESTHETICS, LANDSCAPING, LIGHTING, ART, MONUMENTS, SIGNAGE, BOAT ACCESS AND USE, AND PROVIDING CRIMINAL PENALTIES BETWEEN \$25.00 AND \$1,000.00 PER EACH VIOLATION PER DAY AND EACH DAY OF A CONTINUED VIOLATION IS CONSIDERED A SEPARATE OFFENSE.

8/26

STATE OF TEXAS
COUNTY OF BEXAR
S.A. - CITY CLERK

Before me, the undersigned authority, on this day personally appeared Helen being by me duly sworn, says on oath that she is Publisher of the Commercial newspaper of general circulation in the City of San Antonio, in the State and County of Bexar, Texas, and that the Ordinance 95352 here to attached has been published in every newspaper on the following days, to wit:

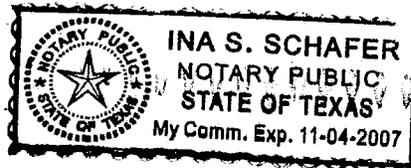
08/26/2005.

Helen J. Gutz

Sworn to and subscribed before me this 26th day of of August, 2005.

Ina S. Schafer

Notary Public in and for Bexar County, Texas.



Affidavit of Pub

STATE OF TEXAS
COUNTY OF BEXAR
S.A. - CITY CLERK

Before me, the undersigned authority, on this day being by me duly sworn, says on oath that she is Pu newspaper of general circulation in the City of San An and that the Ordinance 95352 here to attached has newspaper on the following days, to wit:

09/08/2005.

[Handwritten Signature]

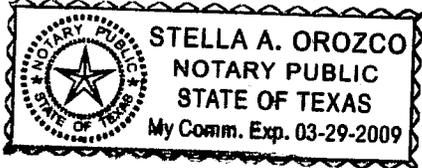
Sworn to and subscribed before me this 8th da

[Handwritten Signature]

Notary Public

PUBLIC NOTICE
AN ORDINANCE 95352
AN ORDINANCE AUTHORIZING MODIFICATIONS, AMENDMENTS, AND ADDITIONS TO CHAPTER 35 OF THE CITY CODE, THE UNIFIED DEVELOPMENT CODE, REGARDING THE RIVER IMPROVEMENT OVERLAY DISTRICTS ESTABLISHING SIX UNIQUE DISTRICTS WITH SPECIFIC DESIGN STANDARDS, RESIDENTIAL AND BUSINESS USE STANDARDS AND REGULATIONS, AND ADMINISTRATION AND PROCEDURES ADDRESSING BUILDING DESIGN, BUILDING ALTERATION AND DEMOLITION, AMENITIES, PEDESTRIAN CIRCULATION, PARKING, VIEWS, SOLAR ACCESS, AESTHETICS, LANDSCAPING, LIGHTING, ART, MONUMENTS, SIGNAGE, BOAT ACCESS AND USE; ESTABLISHING MULTIPLE PROVISIONS AUTHORIZING THE CITY ATTORNEY TO FILE A CIVIL SUIT TO ENFORCE THE PROVISIONS OF CHAPTER 35 OF THE CITY CODE. MULTIPLE PROVISIONS PROVIDING CIVIL PENALTIES FOR VIOLATION OF DESIGNATED PROVISIONS OF CHAPTER 35 OF THE CITY CODE THAT RANGE UP TO \$1,000.00 PER VIOLATION PER DAY FOR EACH DAY OF A CONTINUED VIOLATION AND/OR THOSE PENALTIES UP TO \$5,000.00 PER VIOLATION PER DAY FOR EACH DAY OF A CONTINUED VIOLATION CAUSING POLLUTION OF WATERS; A PROVISION AUTHORIZING A HOMEOWNER'S ASSOCIATION TO IMPOSE A CIVIL PENALTY INTEREST CHARGE UPON FILED LIENS; MULTIPLE PROVISIONS PROVIDING CRIMINAL PENALTIES FOR VIOLATION OF DESIGNATED PROVISIONS OF CHAPTER 35 OF THE CITY CODE, WITH A RANGE BETWEEN \$100.00 AND \$2,000.00 PER VIOLATION PER DAY; MULTIPLE PROVISIONS PROVIDING ENHANCEMENT OF CRIMINAL PENALTIES FOR SUCCES-

NATED PROVISIONS OF CHAPTER 35 OF THE CITY CODE AT A RANGE BETWEEN \$200.00 AND \$2,000.00 FOR THE SECOND CONVICTION AND A RANGE OF BETWEEN \$300.00 AND \$2,000.00 FOR THE THIRD CONVICTION AND FOR EACH SUBSEQUENT CONVICTION AFTER THE THIRD CONVICTION; MULTIPLE PROVISIONS PROVIDING CRIMINAL PENALTIES FOR VIOLATION OF DESIGNATED PROVISIONS OF CHAPTER 35 OF THE CITY CODE, BETWEEN \$25.00 AND \$1,000.00 PER VIOLATION PER DAY; A PROVISION PROVIDING CRIMINAL PENALTIES FOR VIOLATION OF THE HISTORIC PRESERVATION PROVISIONS OF CHAPTER 35 OF THE CITY CODE, WITH A RANGE UP TO \$1,000.00 PER VIOLATION PER DAY; A PROVISION PROVIDING CRIMINAL PENALTIES FOR VIOLATION OF THE TREE PRESERVATION PROVISIONS OF CHAPTER 35 OF THE CITY CODE, WITH A RANGE UP TO \$200.00 PER DAY PER VIOLATION PLUS THE REQUIREMENT TO ATTEND TRAINING SEMINARS; A PROVISION PROVIDING CRIMINAL PENALTIES FOR VIOLATION OF EDWARDS AQUIFER RECHARGE ZONE PROVISIONS OF CHAPTER 35 OF THE CITY CODE, WITH A RANGE BETWEEN \$200.00 TO \$2,000.00 PER VIOLATION PER DAY; A PROVISION PROVIDING CRIMINAL PENALTIES FOR VIOLATION OF THE SEXUALLY ORIENTED BUSINESS REGULATIONS OF CHAPTER 35 OF THE CITY CODE, WITH A RANGE UP TO \$2,000.00 PER VIOLATION PER DAY; AND MULTIPLE PROVISIONS THAT ESTABLISH EACH DAY OF VIOLATION OF A PROVISION OF CHAPTER 35 OF THE CITY CODE AS A SEPARATE OFFENSE FOR PURPOSES OF CALCULATING IMPOSITION OF CRIMINAL AND CIVIL PENALTIES.
9/8/05



| | | | |
|---------------------------|-------------|---|--|
| DO NOT TYPE IN THIS SPACE | | CITY OF SAN ANTONIO | For CMO use only |
| Approval | | Request For Ordinance/Resolution | Date Considered |
| Finance | Budget | | Consent <input type="checkbox"/> Individual <input type="checkbox"/> |
| Legal | Coordinator | | Item No. _____ |
| | | | Ord. No. _____ |

| | | |
|--|--|---|
| Date: Mon., February 11, 2002 | Department: Planning Department | Contact Person/Phone #: Ann McGlone 8316 |
| Date Council Consideration Requested: Thursday, February 14, 2002 21 | Deadline for Action: February 14, 2002 21 | Dept. Head Signature <i>Ann McGlone</i> |

SUMMARY OF ORDINANCE

Modifications and amendments to the Unified Development Code regarding the River Improvement Overlay Districts establishing design standards for the length of the San Antonio River corridor.

Council Memorandum Must be Attached To Original

Other Depts., Boards, Committees Involved (please specify):
Zoning Commission recommended approval of the ordinance on January 15, 2002

Contract signed by other party
Yes No

FISCAL DATA (If Applicable)

| | | | | | |
|--------------------|---------------------|-----|---|---|-----------------------------|
| Fund No. _____ | Amt. Expended _____ | N/A | Funds/Staffing Budgeted | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Activity No. _____ | SID No. _____ | | Positions Currently Authorized | N/A | |
| Index Code _____ | Project No. _____ | | Impact of future O & M | N/A | |
| Object Code _____ | | | If positions added, specify class and no. | | |

Comments:
FY01/02 budget provided for a Planner II for administration

Coordinator - White
Legal - Green
Budget - Canary
Finance - Pink
Originator - Gold



SAN ANTONIO CONSERVATION SOCIETY

February 21, 2002

STATEMENT

To: The Hon. Edward Garza, Mayor, and
Members, San Antonio City Council

Re: River Improvement Overlay Ordinance

The San Antonio Conservation Society is pleased to have the opportunity to support the San Antonio River Improvement Overlay Ordinance. From its founding in 1924, protecting and enhancing the character of the San Antonio River has been a major goal of the Conservation Society. The River Improvement Overlay Zoning will serve as the tool to assure that future development near the river will reflect the river's historic character while demonstrating sound, state-of-the-art urban planning and design principles.

We commend the Mayor, you, our City Council, and City Staff for moving forward on this initiative. We also want to recognize the design consultants, planning staff and the citizen advisory committee for shaping the design standards and defining the six districts. The end result clearly reflects an abundance of thoughtful input and countless hours of work—a two-year endeavor.

In the past, San Antonio turned its back to the river. Industrial plants, petroleum processing operations, rendering plants and junkyards developed within the river corridor. That was before the river became recognized as an asset, before the river became thought of as a linear park, before millions of dollars were allocated to improving aesthetics and public access for the river. Before it became a premier tourist attraction.

We clearly understand that today is about the RIO enabling ordinance only and not about the boundaries. We trust that Council's input on the boundaries of the six RIO districts will be directed to the Zoning Commission when it hears the individual districts. We have carefully reviewed this latest draft and believe that it is a good document, except for three major recent changes. First, we are against giving property owners "super-nonconforming rights." Why should the RIO districts be less restrictive than the rest of the city under the new unified development? Second, we think appeals should not go to City Council—they should be treated like all other appeals under the UDC and go to the Board of Adjustment. Third, we do not recommend that you forward this ordinance to the UDC Technical Advisory Committee. We believe that this is a clear document with clear intent and, therefore, it is not necessary for Council to require Technical Advisory Committee review.

One final item relates to a change in the language, (page 5, 35-670) from the "headwaters, "to" northern boundary near Hildebrand." We maintain that the northern boundary should remain the "headwaters."

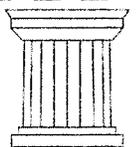
Thank you for your consideration.

Jill Harrison Souter
President

107 KING WILLIAM STREET ♦ SAN ANTONIO, TEXAS 78204-1399 ♦ 210/224-6163 ♦ FAX: 210/224-6168



The Purpose of this Society is to preserve and to encourage the preservation of historic buildings, objects, places and customs, relating to the history of Texas, its natural beauty, and all that is admirably distinctive to our State; and by such physical and cultural preservation to keep the history of Texas legible and intact to educate the public, especially the youth of today and tomorrow, with knowledge of our inherited regional values.



**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
PLANNING DEPARTMENT**

TO: Mayor Ed Garza and City Council

FROM: Emil R. Moncivais, AICP, AIA, Director, Planning Department

THROUGH: Terry M. Brechtel, City Manager

COPIES: Christopher J. Brady, Assistant City Manager; File

SUBJECT: An Ordinance to adopt the River Improvement Overlay Districts

DATE: February 21, 2002

SUMMARY AND RECOMMENDATION

The proposed River Improvement Overlay Districts will expand the existing ordinance regulating architectural changes along the River Walk as well as create architectural design standards for the River's entire length tailored to each River Improvement Overlay District (RIO-1 through RIO-6). The purpose of the Overlay Districts are to provide a framework to support economic development, protect the public investment in the San Antonio River improvements and promote good urban design, highlighting the River's cultural and historic resources.

Approval of the River Improvement Overlay Districts ordinance will amend the *Unified Development Code*. Staff recommends approval. The attachment contains the enabling ordinance text for the River Improvement Overlay Districts. Following City Council approval, the staff will initiate six, separate zoning cases, one for each RIO District.

BACKGROUND INFORMATION

In order to build on previous River-related efforts in the development of the ordinance, the Planning Department staff consulted old, existing and in-progress plans and studies including, but not limited to: the City's Master Plan, the SARA/SWA Conceptual Master Plan, the Downtown Strategic Plan and various community and neighborhood plans. The Overlay Districts were presented to the Committee of Six comprised of the Mayor, City Councilman, two County Commissioners, and 2 members of the San Antonio River Authority Board, the UDC Consultant, the River Oversight Committee, the Downtown Alliance and the Downtown Advisory Board as the ordinance was developed. Eight public meetings were held, beginning in November 2000 and concluding in January 2002. More than 390 people attended these public

meetings through more than 2,500 invitations that were mailed to property owners, neighborhood representatives and interested citizens.

POLICY ANALYSIS

The purpose of the River Improvement Overlay District is to provide a framework to support economic development as well as protect the public investments underway, proposed, and future for the River corridor. The current River Walk area serves as a great example of a location in San Antonio where design standards have had the dual benefit of encouraging development investment while protecting the public amenities.

The design standards found within the River Improvement Overlay Districts are broad-brushed and not site specific. Property owners have the ability to implement several different options when investing in their properties. Additional development incentives are available in nodes (intersection of the river and a major street).

The RIO design standards are triggered only when a property owner decides to develop their property. For example, if a property owner who owns a small commercial business in RIO-2 decided to resurface an existing parking lot or re-roof their structure, the design standards would not apply. However, if that same property owner decided to add an addition onto their existing building, the design standards would apply to the addition only. The design standards would apply to the construction of a new building on vacant land.

The RIO does not regulate single-family homes or duplexes. However, if a development of more than five single-family homes or more than eight apartments is proposed, the development would need to follow the River Improvement Overlay Districts.

The general objectives of the design standards include:

- maintaining sufficient light and air to support plant life along the River,
- establishing a safe, convenient pedestrian circulation system,
- promoting development that is "double-fronted" (facing both the River and the neighborhood),
- encouraging a mix of compatible uses that will enliven the area,
- providing a climate for investment, and
- respecting established neighborhoods.

Six different districts are proposed in order to reflect the different characters experienced as the river travels Hildebrand south to the City Limit near Mission Espada. The design standards reflect the urban design differences between the mixed-used urban areas found along the northern end of corridor to the more rural Texas character experienced at the southern end of the River corridor.

The design standards include three basic categories: Neighborhood Wide Design, Site Design and Building Design. The Neighborhood Wide Design Standards address pedestrian circulation,

parking and views. The Site Design Standards address solar access, landscape design, street furnishing and lighting. The Building Design Principles address mass, scale and height. Materials and façade composition are addressed in only RIO-3 (the downtown area). These standards are found within the existing overlay.

FISCAL IMPACT

In anticipation of the River Improvement Overlay District, the FY01/02 budget authorized a new staff position to oversee RIO implementation. This staff person is scheduled to begin work in April 2002. The Planner II's primary responsibility will be expediting the processing of RIO related requests. In past years, 93 percent of all HDRC cases are processed in two weeks. The processing fee for HDRC cases is \$0.

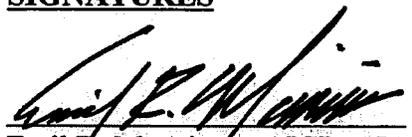
COORDINATION

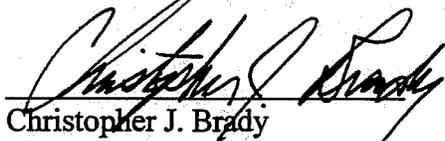
Review of the River Improvement Overlay Districts ordinance was coordinated with the Development Services, Parks & Recreation and Public Works Departments.

SUPPLEMENTARY COMMENTS

The interdepartmental comments were incorporated into the River Improvement Overlay Districts.

SIGNATURES


Emil R. Moncivais, AICP, AIA
Director, Planning Department


Christopher J. Brady
Assistant City Manager

Approved:


Terry M. Brechtel
City Manager