

AN ORDINANCE      2011-03-31-0240

**AMENDING CHAPTER 35 OF THE MUNICIPAL CODE (UNIFIED DEVELOPMENT CODE) OF THE CITY OF SAN ANTONIO, TEXAS TO IMPLEMENT THE CITY'S STRATEGIC HISTORIC PRESERVATION PLAN.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio ("City") has twenty-seven (27) historic districts; six River Improvement Overlay (RIO) Districts, over 1,200 individually designated local landmarks and more than 2,000 recorded archaeological sites; and

**WHEREAS**, Ordinance 95352 regarding the River Improvement Overlay Districts was adopted by City Council on February 21, 2002; and

**WHEREAS**, since that time, there has been significant public investment and development in the River Improvement Overlay Districts; and

**WHEREAS**, in June of 2010, city councilmembers initiated a Council Consideration Request asking Office of Historic Preservation staff, in consultation with other relevant City departments, to review and assess the current River Improvement Overlay District regulations and Viewshed Protection Overlay regulations and recommend updates where needed to best protect, preserve and enhance the San Antonio River and to protect the significant public investment in the River by ensuring quality urban design; and

**WHEREAS**, the Historic and Design Review Commission has recommended approval of these amendments; and

**WHEREAS**, the Zoning Commission has recommended approval of these amendments; **NOW THEREFORE**,

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

**SECTION 1.** The City Code of San Antonio, Texas is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

**SECTION 2.** Chapter 35 of the City Code of San Antonio, Texas is hereby amended as follows:

**Chapter 35, Article III, Section 35-311 is amended as follows:**

**Sec. 35-311. - Use Regulations.**

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TABLE 311-2 NONRESIDENTIAL USE MATRIX

PERMITTED USE	O-1 & O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
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<u>Auto</u>	<u>Parking (as primary use; surface lot or structured), see § 35-384</u>	<u>S</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	
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<u>Auto</u>	<u>Parking Lot - Commercial, subject to 35-384(b) (Parking Lots Requiring Demolition of Dwelling Units) and (d) (Surface Parking Design Standards)</u>	<u>S</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>na</u>	<u>2110</u>
<u>Auto</u>	<u>Parking Lot - Non Commercial, subject to 35-384 (b) (Parking Lots Requiring Demolition of Dwelling Units)</u>	<u>P</u>	<u>P</u>		<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>2100</u>
<u>Auto</u>	<u>Parking Garage - Commercial or Non Commercial, subject to 35-384 (c) (Parking Structure Design Standards)</u>	<u>S</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	

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**Chapter 35, Article III, Section 35-338 is amended as follows:**

**Sec. 35-338. - "RIO" River Improvement Overlay Districts.**

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**(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.
7. Batching plant.
8. Stockyard.
9. Junkyard or salvage yard.
10. Abrasive manufacturing.
11. Acetylene gas - manufacturing and 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.
- 22. In RIO 3, commercial surface parking lots as primary use.**

**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 one hundred (100) feet of the river right-of-way:

1. Parking and transient vehicle storage - related to delivery.
2. Parking and/or storage - long term.
3. Tire repair - auto and small truck.
4. Truck repair and 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 (25) feet from directly abutting the river by a permitted use and is not visible from the river or river right-of-way.
19. Commercial surface parking lots as primary use.

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**Chapter 35, Article IV, Section 35-402 is amended as follows:**

**Sec. 35-402. - Completeness Review.**

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(c) **Review Procedures.** These procedures shall be used to review any application for completeness unless a different procedure is established elsewhere in this chapter. For purposes of this subsection, the term "director" shall include any administrative official with original jurisdiction to review an application for completeness, and the phrase "appellate agency" shall include any agency, board or commission with jurisdiction to review any decision of the administrative official for completeness (see subsection (1), below).

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**~~(6) Applications Within a River Improvement Overlay Zoning District Boundary.~~**

- ~~A. Not later than five (5) working days after receipt, the applicable director shall determine, in writing, whether the application is complete. After a determination of completeness, the director shall immediately transmit the application to the river commission. The river commission shall determine if the application is to be reviewed within five (5) working days and notify the applicable director within five (5) working days of such determination. Incomplete applications will be processed in accordance with the provisions of subsections (1) through (5) and not be transmitted to the river commission until complete.~~
- ~~B. If the application is to be reviewed by the river commission, the application will not be deemed complete until the river commission has provided its recommendation to the director or thirty (30) days have elapsed at which time the application will be deemed complete and recommended for approval by the river commission.~~
- ~~C. If the river commission determines that the application will not to be reviewed by the river commission, the application will be deemed complete upon receipt of such notice by the director.~~

~~The provisions of this subsection shall not be construed as requiring an applicant to submit, with his or her initial application, the entirety of the information which the reviewing may require in order to take final action on the application. Prior to accepting an application, the applicable director shall inform the applicant of any information included in Appendix "B" that will subsequently be required from the applicant in order to complete final action on the application.~~

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**Chapter 35, Article IV, Section 35-451 is amended as follows:**

**Sec. 35-451. Certificate of Appropriateness.**

(a) Applications proposing work or changes to the exterior of a landmark, in a historic district or in a River Improvement Overlay District ~~or district designated historic~~ shall require review for appropriateness with the provisions of this article, and any adopted design guidelines. In addition, the demolition or relocation of any structure designated historic shall also require review for appropriateness in the same manner. Such applications may include, but are not limited to:

- (1) Construction and reconstruction,
- (2) Alteration, additions, restoration and rehabilitation,
- (3) Relocation,
- (4) Stabilization,
- (5) Signage,
- (6) Landscaping,
- (7) Construction or reconstruction of a parking lot,
- (8) Construction or reconstruction of an appurtenance,
- (9) Acquisition or deaccessioning of artwork,
- (10) Demolition, and
- (11) Lighting, furniture and seating plan, and awnings and umbrellas within the Riverwalk area and in the public right-of-way.

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**Chapter 35, Article IV, Section 35-491 is amended as follows:**

**Sec. 35-491. - Civil Enforcement**

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(c) Penalties.

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3) **Civil Penalties Regarding Article VI, Historic Preservation.** The civil penalties for violation of any section or other part of article VI of this chapter is as follows:

A. Any person who constructs, reconstructs, alters, restores, renovates, relocates, stabilizes, repairs or demolishes any building, object, site, or structure in violation of any section or other part of article VII shall be required to restore the building, object, site, or structure to its appearance or setting prior to the violation. In addition, the applicant shall not be entitled to have issued a permit or certificate of appropriateness for the subject property until such violation has been corrected. Any action to enforce this provision shall be brought by the City of San Antonio. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.

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**Chapter 35, Article VI, is amended as follows:**

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**DIVISION 6. - "RIO" DISTRICTS**

Sec. 35-670. - Criteria for Certificate of Appropriateness—Generally.  
Sec. 35-671. - Criteria for a Certificate of Appropriateness—New Construction, Additions and Alterations.  
Sec. 35-672. - Neighborhood Wide Design Standards.  
Sec. 35-673. - Site Design Standards.  
Sec. 35-674. - Building Design Principles.  
Sec. 35-675. - Archaeology. ~~Reserved~~  
Sec. 35-676. - Alteration, Restoration and Rehabilitation in "RIO-3".  
Sec. 35-677. - Ordinary Repair and Maintenance in "RIO-3".  
Sec. 35-678. - Signs and Billboards.  
Sec. 35-679. - Other Requirements and Regulations.  
Sec. 35-680. - Demolition of Historic Features in the River Improvement Riverwalk Overlay Districts.  
Sec. 35-681. - Signs on the Riverside of Properties abutting the River.

**Chapter 35, Article VI, Section 35-605 is amended as follows:**

**Sec. 35-605. Designation Process for Historic Districts.**

(a) Authority. The city council may designate by zoning ordinance certain areas in the City of San Antonio as historic districts and certain places, buildings, objects, sites, structures, or clusters as historic landmarks. Such districts shall bear the word "historic" (H) in their zoning designation; such landmarks shall bear the words "historic, landmark" (HL) in their zoning designation. The procedure for designation shall be subject to notice as prescribed in article IV of this chapter for a zoning amendment, and shall conform to the federal and state constitution.

(b) Processing Applications for Designation of Historic Districts. (l) Initiation. Any person owning property within the proposed area, the historic preservation officer, the historic and design review commission, the zoning commission or the city council may initiate a historic district designation by filing an application with the historic preservation officer....Requests for historic district designation shall not be processed by the office of historic preservation if ~~the owners representing at least fifty-one (51) percent of the property or fifty-one (51) percent of the property owners located within the boundaries of the proposed historic district oppose the designation in writing and present such opposition to the historic preservation officer.~~

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**Chapter 35, Article VI, Section 35-612 is amended as follows:**

## 35-612. Signs and Billboards

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### (b) Sign Definitions

(1) Sign means any object, device, display, structure, description, figure, painting, drawing, message, plaque, placard, poster, or thing or any part thereof, situated outdoors or indoors, that is designed or used to advertise, inform, identify, display, direct, or attract attention to anything by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. The foregoing enumeration of signs shall not be considered to be exclusive. The term "sign" shall include all other devices or structures as may reasonably be included under it; whether attached or unattached. The following types of signs are more specifically defined:

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~~G. Projecting sign means a sign mounted perpendicularly to a building, column, or sign standard (may also be referred to as a projecting arm sign) building-mounted sign. Freestanding projecting signs may be attached to the building wall, or a column no more than 6 feet in height (may also be referred to as a projecting arm sign).~~

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**Chapter 35, Article VI, Section 35-670 is amended as follows:**

### **Sec. 35-670. - Criteria for Certificate of Appropriateness—Generally.**

#### STATEMENT OF PURPOSE

In reviewing an application for a certificate of appropriateness for properties in the six (6) 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 (1) precious natural, cultural, and historic resource from the northern boundary near Hildebrand to the most southern corporate limits of San Antonio. A building design or alteration ~~shall should~~ recognize and acknowledge its relationship to the river in its entirety. Sensitivity in design and an overall harmonious blending cannot be overemphasized.

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#### **(b) Design Objectives for River Improvement Overlay Districts.**

- (1) Enhance the pedestrian experience with high quality streetscape designs.
- (2) Design buildings to relate to the pedestrian scale.
- (3) Low Impact Development (LID) features such as engineered swales, engineered infiltration storm sewer systems, bio-retention, and engineered wetlands are encouraged in all RIO districts. These features may be considered on-site detention features to the extent that they reduce the storm water runoff expected downstream as a result of such developments.
- (4) Encourage neighborhood and cultural tourism uses as well as infill housing and rehabilitation of existing structures.

#### **(4) A. Design Objectives for "RIO-1" River Improvement Overlay District - 1.**

- A. i. Maintain the character of existing residential neighborhoods and redevelop commercial nodes.

- \* ii. Maintain two (2) separate contexts within its boundaries: 1) residential areas and 2) newly revitalized commercial nodes.
- \* iii. Allow higher density, multi-family residential and mixed -use buildings.
- \*iv. Preserve existing neighborhoods.
- ~~B.~~ v. Encourage mixed-use redevelopment of urban character along Broadway and Avenue B.
- \* vi. Allow for neighborhood-oriented business and redevelopment of the area.
- \* vii. Redevelop Broadway and Avenue B as urban corridors with consistent street edges.
- ~~C.~~ viii. Maintain scenic open space and the natural character of the river, particularly through Brackenridge Park.
- \* ix. 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) (B.) Design Objectives for "RIO-2" River Improvement Overlay District- 2.**

- ~~A.~~ i. Encourage high-density, mixed-use developments as extensions of the downtown core.
- \* ii. Extend the urban character of downtown, as perceived from the river, throughout "RIO-2" so that it becomes a high density, mixed-use area.
- \* iii. Create a positive pedestrian experience as perceived at the street edge.
- ~~B.~~ iv. Encourage neighborhood and cultural tourism oriented uses as well as those that provide additional housing for downtown workers.
- ~~C.~~ v. Enhance the pedestrian experience with high quality streetscape designs and links to the public Riverwalk.
- \* vi. Emphasize the street edge to enhance the pedestrian • experience through continuous building walls and well-designed streetscape.
- \* vii. Link the public Riverwalk with street edges to maintain • adequate pedestrian circulation and views of both the street and the river.
- \* viii. Maximize usable open space to provide opportunities for • passive recreation and community gathering.
- ~~D.~~ ix. Enhance the pedestrian experience with high-quality building designs that include balconies facing the river and primary entrances facing the street.
- \* x. Design buildings to maintain the human scale of the environment.

- \* xi. Ensure adequate solar access.
- \* xii. Use varied materials and forms, including balconies, to provide visual interest.
- \* xiii. 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) C. Design Characteristics of "RIO-3" River Improvement Overlay District - 3.**

- A. i. 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. ii. Traditional, formal street level design precedents shall be respected, but at the river level, the more informal, handcrafted style shall be maintained.
- C. iii. 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. iv. The traditional design context of the area shall be respected at two (2) levels: the broader downtown context and the immediate block as it faces the river.
- v. In new buildings that have more than one (1) facade, such as those that face the street and the river, the commission shall consider visual compatibility with respect to each important facade.
- E. vi. The microclimate of the Riverwalk level shall be maintained and, during construction, shall be given extra protection. Downtown Operations River operations staff will be consulted to provide specific instructions for construction procedures.
- vii. Over-crowding of plant life or altering levels of light and water along the river shall not be permitted.
- viii. Enhance the pedestrian experience with high-quality building designs that include balconies facing the river and the primary entrance facing the street.
- ix. Ensure adequate solar access on the Riverwalk.

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

- A. i. Encourage urban quality mixed-use developments.
- B. ii. Preserve and enhance historic character as well as emphasize street scene.
- iii. Construct new development that complements nearby • historic King William area but does not mimic its style.
- C. iv. Encourage new development in clustered nodes.

v. Development nodes should overlook the river, or be • located at major intersections.

**{5} E. Design Objectives for "RIO-5" River Improvement Overlay District - 5.**

**A. i.** Maintain the residential character of the area while encouraging development of new mixed-use nodes that offer neighborhood shopping and services.

**B. ii.** Respect established neighborhoods in new top-of-bank riverscape designs, particularly recreational opportunities that require parking or transport of recreational equipment.

**{6} F. Design Objectives for "RIO-6" River Improvement Overlay District - 6.**

**A. i.** Maintain the historic rural Texas character while encouraging development of new and mixed-use nodes.

**B. ii.** Maintain the natural quality at the top of the riverbank using native plants and minimizing formally landscaped areas. Maintain natural character of river.

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**Chapter 35, Article VI, Section 35-672 is amended as follows:**

**Sec. 35-672. - Neighborhood Wide Design Standards.**

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(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:

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**B.** Provide a connection from the street level sidewalk to the Riverwalk at cross streets and bridges and other designated access points. This requirement may be waived if there is already a public connection from the street level to the Riverwalk.

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(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:

\* i. Broom-finished, scored, sandblasted or dyed concrete;

\* ii. Rough or honed finished stone;

\* iii. Brick or concrete pavers; or

\* iv. Other materials that meet the performance standards of the above materials.

**B.** Asphalt is permitted for pedestrian pathways that also are designated as multi-use paths ~~bike routes~~ by the City of San Antonio. The public works department will maintain the designated multi-use path ~~bike routes~~ locations.

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(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~~ are encouraged to facilitate access and reduce traffic on abutting public streets.

(1) **Curb Cuts.**

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**B.** Curb cuts may be no larger than twenty five (25) ~~thirty (30)~~ feet zero (0) inches. Continuous curb cuts are prohibited.

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(2) **Location of Parking Areas.** Automobile parking in new developments must be balanced with the requirements of active environments. Large expanses of surface parking lots have a negative impact on street activity and the pedestrian experience. New commercial and residential structures can accommodate parking needs and contribute to a pedestrian-friendly streetscape.

**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 or rear of a building.

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**C.** Parking lots should be avoided as a primary land use. Parking lots as a primary use are prohibited in RIO 3 and for all properties that fall within 100 feet of the river right of way in all RIO districts.

Description	RIO-1	RIO-2	RIO-3	RIO-4	RIO-5	RIO-6
Max. % Coverage of Lot Line*	50%	40%	N/A	40%	<del>50%</del> 40%	30%
Buffering Required?	Yes	Yes	Yes	Yes	Yes	Yes

Table 672-1

Maximum length of parking lot allowed along the property line at the street. If applicable, maximum length of parking lot allowed along the riverside 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 illustrations of bufferyards and Table 510-2 if the parking area meets one (1) of the following conditions:

A. \* Within a fifty-foot setback from the edge of the river ROW use, at a minimum, type E; or

B. \* Within a twenty-foot setback from a property line adjacent to a street use, at a minimum, type B; or

C. \* Within a twenty-foot setback 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 fifty (50) percent 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.~~

- (4) Parking Structures Shall Be Compatible With Buildings in the Surrounding Area. Parking garages should have retail space on the ground floor of a parking structure provide d the retail space has at least fifty (50) percent of its linear street frontage as display windows. Parking structures may be made visually appealing with a mural or public art component approved by the HDRC on the parking structure.

A parking garage will be considered compatible if:

A. It does not vary in height by more than thirty (30) percent from another building on the same block face; and

B. It uses materials that can be found on other buildings within the block face, or in the block face across the street.

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- (6) Parking lots, structures, and hardscape shall not drain directly into the river without installation of appropriate water quality best management practices (WQ BMPs). Acequias shall not be used for any type of drainage.

- (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:

A. \* Additional height.

B.\* Creation of a tower.

C.\* Variation in roof shape.

D.\* Change of color or materials.

E.\* Addition of a design enhancement feature such as:

i. Embellished entrance areas.

ii. Articulated corners, especially when entrance is at corner, rounded or chamfered corners ease the transitions from one street façade to the adjoining façade.

iii. Recessed or projecting balconies and entrances.

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

### **Chapter 35, Article VI, Section 35-673 is amended as follows:**

#### **Sec. 35-673. - Site Design Standards.**

- (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:

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F.

However, in those cases where the above conditions cannot be met due to the natural configuration of the river, existing street patterns, or existing buildings, the HDRC may approve a buildings mass and height as allowed by table 674-2. ~~that does not decrease the hours of sunlight currently received at the defined area.~~

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- (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.

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

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- C. Secondary entrances ~~shall~~ ~~should~~ have architectural features that are subordinate to the primary entrance in scale and detail. For purposes of this ~~division~~ ~~chapter~~ 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 ~~shall~~ ~~should~~ be considered in site designs for new development. Site plans ~~shall~~ ~~should~~ minimize the need for cut and fill. ~~It Where it does occur,~~ it should be considered as an opportunity for positive enhancements through the creative use of terraces and retaining walls.

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- (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 that are native and noninvasive species as found on the permissible plant list maintained by the Parks and Recreation Department, ~~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 four to one (4:1).

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- (5) ~~Design of Storm Water Management Facilities a Stormwater Detention Facility to be a Landscape Amenity. Where above ground storm water management facilities are~~ If a stormwater detention facility is required, such facilities shall be multi-purpose amenities. ~~create a sloping lawn (less than 3:1) or a stepped terrace as a detention area. For example, water quality features can be included as part of the site landscaping and detention facilities can be included as part of~~ Create a hardscape patio ~~that can be used as a detention pond.~~ Using a parking lot ~~or a an open concrete basin holding tank~~ as a detention pond is prohibited. (see Figure 673-3)

- (6) Walls and Fences at Detention Areas.

A.

When the topography of the site exceeds a four to one (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, from the plant list maintained by the Parks Department, ~~such as rosemary or river fern or other similar plants~~ that will drape over the edge to soften the appearance of the structure.

B.

The ~~When a fence is needed around the perimeter of the pond,~~ the use of solid board or chain link fence with or without slats is prohibited. A ~~dark vinyl coated chain link fence,~~ welded wire, tubular steel, wrought iron or garden loop is permitted.

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

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- (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.

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- (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 setbacks adjacent to the river, a minimum percentage of the open space, excluding building footprint, lease space under bridges and parking requirements, are required to be planted according to Table 673-2.

A. Planting requirements in RIO-4, RIO-5, and RIO-6 should continue the restoration landscape efforts along the River banks. Planting in these RIO districts is to be less formal so as to maintain the rural setting of the River. ~~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.~~

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- (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 northern boundary near Hildebrand to the city limits near Mission San Francisco de la Espada (Mission Espada) and therefore native and indigenous plants will vary accordingly. Landscaping ~~selections~~ should reflect the unique soil characteristics of the specific site.

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- (2) Use indigenous Species or Species Recommended by the San Antonio Department of Parks and Recreation, and the Bexar County Extension Service and noninvasive species characteristic of the specific site as found on the permissible plant list maintained by the Parks and Recreation Department or the Unified Development Code Plant List found in Appendix E.

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.

~~Extensive pruning are restricted to limited use as accent planting.~~

**C.**

In "RIO-3", plantings of tropical and semi-tropical plants with perennial background is permitted.

\*\*\*

- (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 Riverside of Properties Abutting the river. Pervious paving is encouraged where feasible and appropriate to the site.

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- (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.

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- (2) **Site Wall and Fence Materials.**

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**B.** All chain link fences are prohibited for properties abutting the river. For properties that do not abut the river chain link is only allowed in the rear yard if not readily visible from the Right of Way. Barbed wire, razor wire, and concertina are prohibited in all RIO districts, in "RIO-3". Chain link fences are also prohibited in "RIO-1" and "RIO-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", "RIO-5" and "RIO-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 Riverwalk Area of "RIO-2" and "RIO-3". The following street furnishings are prohibited within the publicly owned portion of the Riverwalk Area 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:

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**G.** Monitors (i.e., Television Screens, Computer Screens).

**H.** Speakers

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- (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 be avoided.

- (1) Site Lighting. 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.

\*\*\*

- B. Outdoor spaces adjoining and visible from the river right-of-way shall have average ambient light levels of between one (1) and three (3) foot-candles with a minimum of 0.5-foot candles and a maximum of six (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 one hundred-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 sixty-watt incandescent bulb with average ambient light levels no greater than the lumen output of a one hundred-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 ~~shall~~ should be screened from the river hike and bike pathways with a landscape buffer.

\*\*\*

- (2) Provide Lighting for Pedestrian Ways That is Low Scaled for Walking.  
A. The position of a lamp in a pedestrian-way light ~~shall~~ 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 with ~~and~~ a color rendition index (CRI) of eighty (80) or higher respectively. 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 ~~security lighting shall~~ security lighting should be shielded so that the light sources are not visible from a public way.

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

\*\*\*

- E. Seasonal decorating lights such as festoon, string or rope lights, except between November ~~26~~ 20 and January 4 ~~6~~.

- F. Flood Lamps

- (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.

Parking lot light poles are limited to 30 feet in height, shall have a 90 degree cutoff angle so as to not emit light above the horizontal plane.

(k) **Curbs and Gutters.**

(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.
- B. In order to preserve the rural character of RIO-5 and RIO-6, the HPO in coordination with public works and the development services department may waive the requirement of curbs and gutters.

(l) Access to Public Pathway Along the River.

- (1) 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.

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- C. Where the pedestrian pathway in the Riverwalk area ~~public Riverwalk path~~ is located at the top of bank and there is a two-foot or less grade change between the private property and the pathway ~~Riverwalk path~~.

\*\*\*

- (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 shall 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 shall ~~should~~ be mitigated with a landscape design that will buffer or screen it.

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- (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 shall ~~should~~ not exceed city noise regulations. ~~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.

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- C. Air intake and exhaust systems, or other mechanical equipment that generates noise, smoke or odors, shall not be located at the pedestrian level 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 ~~shall~~ 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.
- (9) Bicycle Parking. On-site bicycle parking helps promote a long term sustainable strategy for development in RIO districts. Bicycle parking shall be placed in a well lit and accessible area. UDC bicycle parking requirements in UDC 35-526 can be met through indoor bicycle storage facilities in lieu of outdoor bike rack fixtures.

**Chapter 35, Article VI, Section 35-674 is amended as follows:**

**Sec. 35-674. - Building Design Principles.**

\*\*\*

- (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 ~~is constructed~~ occurs, it ~~shall~~ 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 ~~shall~~ should appear to have a "human scale". In general, this scale can be accomplished by using familiar forms and elements interpreted in human dimensions. Exterior wall designs ~~shall~~ 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 facade components in ways that will help to establish building scale.
- A. Treatment of architectural facades ~~shall~~ should contain a discernable pattern of mass to void, or windows and doors to solid mass. Openings ~~shall~~ 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.

\*\*\*

(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 facade facing a major street shall have at least fifty (50) ~~thirty (30)~~ percent of the street level facade 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 facade faces the street or river and exceeds the maximum facade length allowed in Table 674-1 divide the facade 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 ~~674-1~~ 647-1.

Description	RIO-1	RIO-2	RIO-3	RIO-4	RIO-5	RIO-6
Maximum Facade Length	50 ft.	50 ft.	30 ft.	75 ft.	<del>100 ft.</del> <u>75ft.</u>	50 ft.

Table 674-1

\*\*\*

(6) ~~Organize the mass of the building to step back from residential uses. Where a commercial, mixed-use residential, multi-family 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 forty-five degree building envelope for a distance of fifty (50) feet measured horizontally from the building face, at which point the building massing may continue vertically to the height established in subsection 35-674(c).~~

(7) ~~Except in RIO 3, for~~ For properties greater than three (3) stories abutting the river in "RIO-2", organize the mass of the building(s) to create a courtyard or open spaces facing the river with one open side to 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 (1) 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 shall ~~should~~ be configured such that a comfortable human scale is established along the edges of properties and ~~In addition, building heights should be configured to provide views to the river and other significant landmarks are provided~~ 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 subsection 35-673(a), and massing standards subsection 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	<u>NONE</u>	7	5	4
Maximum Height in Feet	60 ft.	120 ft.	<u>NONE</u>	84 ft.	60 ft.	50 ft.

Table 674-2

- (2) Organize the mass of the building to step back from established residential neighborhoods. Where a commercial, mixed-use residential, multi-family 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 forty-five-degree building envelope for a distance of fifty (50) feet measured horizontally from the building face, at which point the building massing may continue vertically to the height established in subsection 35-674(c).
- (3) On the street-side, the building facade shall appear similar in height to those of other buildings found traditionally in the area.
- A. If fifty (50) percent of the building facades within a block face are predominantly lower than the maximum height allowed, the new building facade 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 fifty (50) percent range. However, the remainder of the building may obtain its maximum height by stepping back fifteen (15) feet from the building face.
- ~~(3)~~ (4) Designation of a development node provides for the ability to increase the building height by fifty (50) percent from the requirements set out in article VI.
- (d) Materials and Finishes. 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 shall ~~should~~ be used, especially on major structures.
- (1) Use indigenous materials and traditional building materials for primary wall surfaces. A minimum of seventy-five (75) percent 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, structural clay tile and cast stone. Concrete masonry units (CMU) are not allowed.
- B. Other new materials ~~such as EIFS~~ that convey the texture, scale, and finish similar to traditional building modular masonry materials.

\*\*\*

(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. Glass curtain wall buildings are allowed in RIO-3 as long as the river and street levels comply with 35-674 (d)(1) above.

(3) Paint or Finish Colors.

A. Use natural colors of indigenous building materials for properties that about in the areas that directly face the river Riverwalk area.

\*\*\*

(e) Facade Composition. Traditionally, many commercial and multi-family buildings in the core of San Antonio have had facade designs that are organized into three (3) 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 order to maintain the sense of scale, buildings should have the same setback as surrounding buildings so as to maintain the street-wall pattern, if clearly established.

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) ~~Street Facade. The street facade of buildings should be composed to include a base, a middle and a cap.~~

Buildings that are taller than the street- wall (60 feet) shall be articulated at the stop of the street wall or stepped back in order to maintain the rhythm of the street wall. Buildings should be composed to include a \_\_\_\_\_ base, a middle and a cap.

A. High rise buildings, more than 100 feet tall, shall terminate with a distinctive top or cap. This can be accomplished by:

i. reducing the bulk of the top 20% of the building by 10%

ii. by stepping back the top 20% of the building

iii. changing the material of the cap

B. Roof forms shall be used to conceal all mechanical equipment and to add architectural interest to the structure.

C. Roof surfaces should include strategies to reduce heat island effects such as use of green roofs, photo voltaic panels, and/or the use of roof materials with high solar reflectivity.

(2) Fenestration. Windows help provide a human scale and so shall be proportioned accordingly.

- A. Windows shall be recessed at least 2" within solid walls (not part of a curtain wall system).
  - B. Windows should relate in design and scale to the spaces behind them.
  - C. Windows shall be used in hierarchy to articulate important places on the façade and grouped to establish rhythms.
  - D. Curtain wall systems shall be designed with modulating features such as projecting horizontal and/or vertical mullions.
- (3) Entrances. Entrances shall be easy to find, be a special feature of the building, and be appropriately scaled.
- A. Entrances shall be the most prominent on the street side and less prominent on the river side.
  - B. Entrances shall be placed so as to be highly visible
  - C. The scale of the entrance is determined by the prominence of the function and or the amount of use.
  - D. Entrances shall have a change in material and/or wall plane.
  - E. Entrances should not use excessive storefront systems.

- (4) (2) Riverside facade. The riverside facade of a building shall have simpler detailing and composition than the street facade.

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(f) **Staircases.**

- (1) **Staircases to the River Level Shall be Uniquely Designed.**

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- C. Stairs shall not exceed ten (10) feet ~~to zero (0) inches~~ in width.

- (g) Awnings, Canopies and Arcades. See Figure 674-2. 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. Awnings and canopies are appropriate locations for signage. Awnings with signage shall comply with any master signage plan on file with the Historic Preservation Officer for the property. Awnings and canopies installed at street level within the public right of way require licensing with the City's Capital Improvements Management Services (CIMS) department. Canopies, balconies and awnings installed at river level within the public right of way require licensing with the City's Downtown Operations Department. (see Figure 674-2)

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

- A. The awning, arcade 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.

\*\*\*

- F. Canopies, awnings and arcades ~~shall~~ should not conflict with the building's proportions or with the shape of the openings that the awning or canopy covers.

- G. Historic canopies shall be repaired or replaced with in-kind materials.

(2) Materials and Color.

- 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.

- B. Awning color shall coordinate with the building. Natural and earth tone colors are encouraged. Fluorescent colors are not allowed. When used for signage it is appropriate to choose a dark color for the canopy and use light lettering for signage.

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**Chapter 35, Article VI, Section 35-675 is amended as follows:**

**Sec. 35-675. - Reserved Archaeology**

When an HDRC application is submitted for commercial development projects within a River Improvement Overlay district the city archeologist shall review the project application to determine if there is potential of containing intact archaeological deposits utilizing the following documents/methods:

- (1) The Texas Sites Atlas for known/recorded sites, site data in the files of the Texas Archeological Research Laboratory and the Texas Historical Commission;
- (2) USGS maps;
- (3) Soil Survey maps;
- (4) Distance to water;
- (5) Topographical data;
- (6) Predictive settlement patterns;
- (7) Archival research and Historic maps
- (8) data on file at the Office of Historic Preservation.

If after review the city archeologist determines there is potential of containing intact archaeological deposits, an archaeological survey report shall be prepared and submitted. If, after review by the city archeologist, a determination is made that the site has little to no potential of containing intact archaeological deposits, the requirement for an archaeological survey report may be waived.

Upon completion of a survey, owners of property containing inventoried archaeological sites are encouraged to educate the public regarding archaeological components of the site and shall coordinate any efforts with the Office of Historic Preservation.

**Chapter 35, Article VI, Section 35-677 is amended as follows:**

**Sec. 35-677. – Administrative Approval**

Applications for certain minor alterations, ~~ordinary~~ ordinary repairs or maintenance may be reviewed and approved administratively by the Historic Preservation Officer without review by the Historic and Design Review Commission. Those activities which constitute minor alterations, additions, repairs or maintenance include but are not limited to those listed in Section 35-611.

\*\*\*

**Chapter 35, Article VI, Section 35-678 is amended as follows:**

**Sec. 35-678. - Signs and Billboards in the RIO.**

**(a) General Provisions.**

- (1) This section governs all exterior signs and all interior signs hung within ten (10) feet of an exterior fenestration, or those signs intended to be read by exterior patrons.

A. All signage within a RIO district shall conform to all city codes and must have approval of the historic preservation officer prior to installation.

B. Permits must be obtained following approval of a certificate of appropriateness.

C. No sign shall be painted, constructed, erected, remodeled, refaced, relocated, expanded or otherwise altered until it has been approved and a permit has been obtained from the development services department in accordance with the provisions of this section and applicable city code.

D. Signs. ~~Additionally, signs,~~ visual displays or graphics shall advertise only the business on the premises unless otherwise allowed in this section.

- (2) When reviewing applications for signage the historic preservation officer and the historic and design review commission shall ~~also~~ consider the visual impact on nearby historic resources.

A. Signs should respect and respond to the environment and landmark or district character in which it is constructed.

B. Signs ~~Additionally, signs~~ should respect and respond to the river improvement overlay districts character and the historic Riverwalk.

C. The content or advertising message carried by permitted signs shall pertain to the business located on the same premises as the sign or to any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, provided that signs erected on buildings with multiple businesses within shall pertain to any such business within.

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**(c) Standards for Sign Design and Placement.**

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- (3) All graphic elements shall reinforce the architectural integrity of any building. Signs shall ~~should~~ not disfigure, damage, mar, alter, or conceal architectural features or details and shall ~~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. Review shall be guided by the building's proportion and scale when such elements are incorporated.
- (4) 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~~ or greater at the property boundary. If internal illumination is used, it ~~shall should~~ be designed to be subordinate to the overall building composition. Light fixtures should reflect the design period of the building on which they are placed. The use of ambient light from storefront or streetlights is encouraged.
- (5) Signage requests for multi-tenant buildings must complement existing signage with regards to size, number, placement and design, unless such existing signage is not in conformity with regulations in this Article. It is recommended that the building owner or their agent develop a master signage plan or signage guidelines for the total building or property. If a property has an approved master signage plan on file with the Historic Preservation Officer, then applications for signage may be approved administratively at the discretion of the Historic Preservation Officer provided that they comply with such master signage plan. Notwithstanding the above, signs may not exceed the maximum size and height limitation of signage contained in Chapter 28, Article 9.
- (d) **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. Additionally, signs shall ~~should~~ respect and respond to the character and/or period of the area in which they are being placed.
- (e) **Number and Size of Signs.**
- (1) **Number and Size.** 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 visible storefront floor space occupied by each business or service. Applicants may apply for up to three signs total with total signage ~~no bigger than 20 percent of the proposed facade it will be placed upon.~~ Total signage for all applicants shall not exceed fifty (50) square feet unless additional signs and/or additional total footage is approved. Additional square footage may be approved provided that the additional signage is in conformity with, and does not interfere with, the pedestrian experience on the River Walk. The additional square footage shall be based upon the size and scope of the site. Signs should reflect the type and speed of traffic they are meant to attract. Signs designed for pedestrians and drivers of slow moving cars should not be the same size as signs designed for highway traffic. The applicant is strongly advised to coordinate their signage plan with signage plans of other building tenants. It is also recommended that the building owner or their agent develop a master signage plan or signage guidelines for the total building or property. If a property has an approved master signage plan on file with office of historic preservation, then applications for signage may be approved administratively at the discretion of the historic preservation officer provided that they comply with such master signage plan. Notwithstanding the above, signs may not exceed the maximum size and height limitations of signage contained in Chapter 28, Article 9.

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(3) **Building Identification Signs.** An additional building identification sign may be placed on a building with multiple tenants, if the building name is not the same as the business(s) housed within and such sign is recommended for approval by the historic and design review commission. This type of sign is to identify a building as a destination, shall not exceed be larger than 32 square feet and, shall not be included in the total allowable signage area, and shall not include names of individual businesses.

(4) **Freestanding Signs.** Freestanding signs are allowed provided the sign does not interfere with pedestrian or vehicular traffic. Freestanding signs shall be perpendicular to the street, two sided and no taller than six (6) feet. Freestanding signs shall not be located in the right of way.

A. Projecting Arm Signs. Signs hung from poles are allowed. Pole height shall not exceed six (6) feet and the pole diameter shall not exceed three (3) inches. Blade signs are not allowed to project over a sidewalk or other right of way.

(f) **Allowable Signs Not Included in the Total Signage Area.**

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(2) Dates of erection, monumental citations, commemorative tablets, insignia of local, state or federal government, and like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure. ~~The maximum size of such sign shall be 32 square feet.~~ Signs approved under this category shall not be included in the total allowable signage per structure.

(3) Information signs of a public or quasi-public nature identifying or locating a hospital, public building, college, publicly owned parking area, historic area, major tourist attraction or similar public or quasi-public activity; and also including signs identifying restrooms or other facilities relating to such places or activities. Signs approved under this category shall not be included in the total allowable signage per structure.

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(g) **Pedestrian Menu Boards and Sandwich Boards.**

(1) Pedestrian menu boards shall not exceed two (2) square feet. ~~Notwithstanding provisions of Chapter 28-17, sandwich boards are permitted in historic districts, River Improvement Overlay Districts, and historic landmarks as on premise signs provided permitting requirements of Chapter 28, Section 28-17 are met.~~

(2) Permanently displayed menus may be properly installed inside the business' window or in an approved wall-mounted or freestanding display case adjacent to the business entrance.

(3) The name of the establishment may not be displayed on the menu board if the business has other signage installed on the 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.

(4) All items listed on a menu board must be placed within the border of the menu board or within the display case.

(5) There may be no more than one (1) pedestrian menu board per establishment unless there are two primary entrances to a building on different facades, in which case a pedestrian menu board for each entrance may be approved.

(h) **Sandwich Boards.**

Notwithstanding provisions of Chapter 28-17, sandwich boards are permitted in River Improvement Overlay Districts as on premise signs provided permitting requirements of Chapter 28, section 28-17 are met. A sandwich board shall:

- (1) Mean an A-frame or single panel double sided design for placement in front of the place of business.
- (2) Be no larger than 2 feet wide and 3 feet tall when extended.
- (3) Be prohibited on the pedestrian Riverwalk pathway
- (4) Count towards overall signage and must be included in any signage requests

**(i) (h) Noncommercial Speech Signs.**

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**(j) (i) Allowable Temporary Signs.** If approved, the area of temporary signs shall not be included in the general allowable area for the specified property. No more than one temporary sign will be allowed at any given time. Temporary signs may be approved administratively, shall be non-illuminated, and limited to the following types:

\*\*\*

- (4) Grand opening signs shall be permitted provided that such signs shall not be displayed for more than 10 days and the maximum size shall not exceed 32 square feet unless more is authorized.

\*\*\*

- (11) The director of downtown operations may provide written authorization for one (1) approved symbol, logo, or sign to be temporarily placed on chartered watercraft barges for special events. The sign shall not exceed eight (8) square feet.

- (12) Temporary Construction Screening shall provide for safe pedestrian access along exposed construction sites. These screens can be temporary art and use graphics to enhance the screen. Such screens shall not use chain link in RIO - 3. Temporary construction screens shall contain a project sign which shall not exceed 32 square feet. Such project sign shall include the project name, project architect, consultants, general contractor, principal use, and project start and end time.

**(k) (j) Prohibited Signs.** The following signs are prohibited:

\*\*\*

- (3) Any sign or sign spinner which advertises commercial off-premises businesses, products, activities, services, or events unless otherwise allowed in this article;

\*\*\*

- (9) Digital displays, digital and/or LED lighted signs, not to include LED light Sources that do not meet the definition of a sign, with or without rotating, flashing lettering, icons or images.

Except as provided below:

\*\*\*

- (10) Revolving signs or signs with a moving kinetic component;

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- (15) Moored balloons, wind jammers or other floating or inflated signs that are tethered to the ground or to a structure.
- (16) Any permanent or temporary sign affixed to, painted on, or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is parked so as to advertise ~~adverse~~ the business to the passing motorist or pedestrian; and whose primary purpose is to provide additional on-site signage or is to serve the function of an outdoor advertising sign. Excluded from this are vehicles or equipment that are in operating condition, currently registered and licensed to operate on public streets with a valid inspection sticker, and actively used in the daily function of the business to which such signs relate; vehicles/equipment engaged in active construction projects; vehicles or equipment offered for rent to the general public and stored on-premises and otherwise allowed under applicable city ordinance.

\*\*\*

(l) (k) Installation. Signs, posters, decals or advertisements may not be affixed, tacked, nailed, pasted, or taped to any portion of a building, object, site or structure in a manner that will cause irreversible damage or loss, or is considered inappropriate under any applicable guidelines utilized by the office of historic preservation. Signs installed on masonry structures shall be installed in the mortar, not in the masonry unit.

(m) (t) Hardship Cases.

\*\*\*

(n) (m) Nonconforming Status.

\*\*\*

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

\*\*\*

~~(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.~~

\*\*\*

## **Chapter 35, Article VI, Section 35-681 is amended as follows:**

### **Sec. 35-681. - Signs on the Riverside of Properties Abutting the River.**

\*\*\*

**(c) Standards for Signage.**

- (1) 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. The building façade shall be considered as part of an overall sign program but the sign shall be subordinate to the overall building composition.

Additionally, signs ~~shall~~ ~~should~~ respect and respond to the character and/or period of the area in which they are being placed.

- (2) 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. However, additional square footage may be approved, except in RIO 3, provided that the additional signage is in conformity, and does not interfere with, the pedestrian experience on the River Walk. The additional square footage shall be based upon the size and design scope of the site, setback from the river, and shall be appropriate for the area in which it is being placed.

\*\*\*

- (8) Pedestrian Menu Boards ~~and Sandwich Boards~~.

(A) Pedestrian menu boards shall not exceed two (2) square feet.

(B) Permanently displayed menus may be properly installed inside the business' window or in an approved wall-mounted or freestanding display case adjacent to the business entrance. ~~Notwithstanding provisions of Chapter 28-17, sandwich boards are permitted in historic districts, River Improvement Overlay Districts, and historic landmarks as on premise signs provided permitting requirements of Chapter 28, section 28-17 are met.~~

(C) The name of the establishment may not be displayed on the menu board if the business has other signage installed on the 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.

(D) All items listed on a menu board must be placed within the border of the menu board or within the display case.

(E) There may be no more than one (1) pedestrian menu board per establishment unless there are two primary entrances to a building on different facades, in which case a pedestrian menu board for each entrance may be approved.

\*\*\*

- (10) Directory Signage. Buildings with several businesses may be permitted to install directory signage in lieu of individual signs. Directory signage may not exceed eight (8) ~~three (3)~~ square feet.

\*\*\*

- (12) Projecting Arm Pole Signs. ~~Signs Blade~~ signs 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, and does not encroach upon the right of way.

\*\*\*

- (13) ~~Temporary Signs. 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, but not be limited to, real estate signage, construction signage, and special signage in lieu of permanent signage. Permanent signage shall meet all stipulations, as applicable, found in this article.~~

No more than one temporary sign is allowed at any given time. Temporary signs facing the river shall not exceed 8 square feet in RIO-3 and 24 square feet in all other RIO districts. Temporary

signage for special events shall be limited to installation 48 hours before the event and must be removed within 24 hours of completion of the event for a total of no more than 30 days.

- (14) Prohibited Signs. No billboards, junior billboards, portable signs, posters, sandwich boards or 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.

\*\*\*

**SECTION 3.** All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

**SECTION 4.** 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 the portion held to be unconstitutional or invalid or ineffective.

**SECTION 5.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

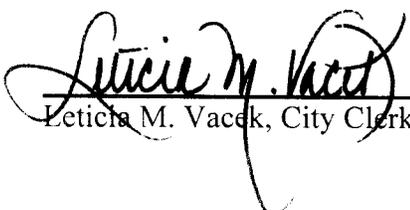
**SECTION 6.** The City Clerk is directed to publish notice of these amendments to Chapter 35, Unified Development Code of the City Code of the City of San Antonio, Texas. Publication shall be in an official newspaper of general circulation in accordance with Section 17 of the City Charter.

**SECTION 7.** This ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

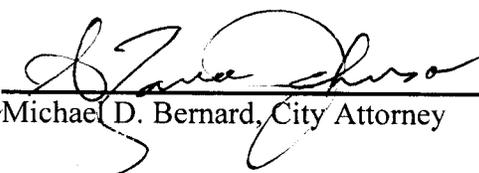
**PASSED AND APPROVED** this 31<sup>st</sup> day of March, 2011.

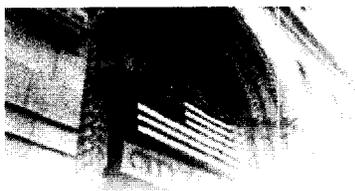
  
M A Y O R  
Julián Castro

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vacc, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
2011 Michael D. Bernard, City Attorney



Request for  
**COUNCIL**  
**ACTION**

City of San Antonio



## Agenda Voting Results - 27

<b>Name:</b>	6, 7A, 7B, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 29A, 29B, 29C, 29D, 29E, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42						
<b>Date:</b>	03/31/2011						
<b>Time:</b>	02:57:50 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance amending Chapter 35 of the City Code, Unified Development Code, with changes to various articles pertaining to the River Improvement Overlay including Article III Zoning, Article IV, Procedures; and Article VI, Historic Preservation and Urban Design, and making other non-substantive changes to the UDC for clarity and consistency. [T.C. Broadnax, Assistant City Manager; Shanon Peterson Wasielewski, Historic Preservation Officer, Office of Historic Preservation]						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				x
Jennifer V. Ramos	District 3	x					
Philip A. Cortez	District 4	x					
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				