

PLACEMAKING ORDINANCE: DRAFT STRIKEOUT

§113.0103 Definitions

Abutting property through *Permit holder* [No change in text.]

Placemaking means the temporary use of *public right-of-way* and *private property* that *activates streetscapes by enhancing the pedestrian experience and providing neighborhood-serving activities, experiences, or spaces and includes temporary, small-scale development specifically designed to support that temporary use.*

Planned Urbanized Communities through *Yard* [No change in text.]

§123.0402 When a Temporary Use Permit is Required

A Temporary Use Permit is required for the following uses:

- (a) [No change in text.]
- (b) Temporary public assembly and entertainment uses; ~~and~~
- (c) *Wireless communication facilities* under the following conditions:
 - (1) [No change in text.]
 - (2) Except on *premises* containing a residential use, where an emergency arises that is not the result of any act of the *wireless communication facility* provider and is otherwise determined by the City Manager, in his sole discretion, to be an emergency; ~~and~~
- (d) *Placemaking on private property in accordance with Section 141.0421.*

§123.0406 Expiration of a Temporary Use Permit

The City Manager shall set an expiration date for each Temporary Use Permit. ~~The expiration date shall not be later than 30 calendar days after the effective date for retail sales related to seasonal activities, temporary public assembly, and entertainment uses. The expiration date shall not exceed 180 days after the effective date for *wireless communication facilities*.~~ For retail sales related to seasonal activities, temporary public assembly, and entertainment uses, the expiration date shall not be later than 30 days after the Temporary Use Permit's effective date. For *wireless communication facilities*, the expiration date shall not be later than 180 days after the Temporary Use Permit's effective date. For *placemaking on private property*, the expiration date shall not be later than five years after the Temporary Use Permit's effective date.

§129.0710 How to Apply for a Public Right-of-Way Permit

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* is required prior to issuance of a Public Right-of-Way Permit for the following:

- (a) through (c) [No change in text.]

- (d) ~~A Neighborhood Development Permit decided in accordance with Process Two shall be required for pedestrian plaza encroachments in the *public right-of-way* which are beyond the established curb line.~~

- (d) Notwithstanding Sections 129.0710(a)-(d), a *development permit* is not required prior to issuance of a Public Right-of-Way Permit for *placemaking* in the *public right-of-way* subject to the following regulations:
 - (1) Written permission from the owner of the property underlying the *public right-of-way* is required.
 - (2) The *placemaking* project shall not include parking.
 - (3) The term of the Public right-of-Way Permit shall not exceed five years. At the expiration of the term, the *placemaking* project shall be removed and the *permit holder* shall return the *public right-of-way* property to its original condition, to the satisfaction of the City Manager. Removal shall not be required if new permits are obtained prior to their expiration.
 - (4) The *permit holder* shall be responsible for maintaining the *placemaking* project. Maintenance shall include, but not limited to, posting a name, phone number, and email address of the party responsible for the *placemaking* project in a location visible from the *public right-of-way*, keeping the *placemaking* project area free of litter, and preventing litter attributable to the *placemaking* project from occurring on adjacent properties.
 - (5) *Placemaking* in the *public right-of-way* shall not occur in Industrial Base Zones or Residential-Single Unit (RS) Zones.

- (6) Placemaking in the public right-of-way shall not include commercial services, retail, and assembly and entertainment uses, including such uses as accessory uses.
- (7) The placemaking project shall allow for safe and efficient vehicle and pedestrian visibility and circulation, as determined by the City Engineer.

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

**Table 131-02B
Use Regulations Table for Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >>	OP-	OC-	OR ⁽¹⁾ -	OF ⁽¹¹⁾ -	
3rd >>	1-	2-	1-	1-	1-	
4th >>	1	1	1	1	2	1
Open Space through Institutional, Separately Regulated Institutional Uses, Major Transmission, Relay, or Communications Switching Stations [No change in text.]	[No change in text.]					
<u>Placemaking on Private Property</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	
Institutional, Separately Regulated Institutional Uses, Satellite Antennas through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]					

Footnotes for Table 131-02B [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

**Table 131-03B
Use Regulations Table for Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG			AR
	3rd >>	1-			1-
	4th >>	1	2	1	2
Open Space through Institutional, Separately Regulated Institutional Uses, Major Transmission, Relay, or Communications Switching Stations [No change in text.]		[No change in text.]			
<i>Placemaking on Private Property</i>		<u>L</u>			<u>L</u>
Institutional, Separately Regulated Institutional Uses, Satellite Antennas through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [No change in text.]

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

**Table 131-04B
Use Regulations Table for Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-	RS-												RX-		RT-								
3rd >>	1-	1-												1-		1-									
4th >>		1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Open Space through Institutional, Separately Regulated Institutional Uses, Major Transmission, Relay, or Communications Switching Stations [No change in text.]		[No change in text.]																							
<u>Placemaking on Private Property</u>	<u>L</u>	<u>L</u>												<u>L</u>		<u>L</u>									
Institutional, Separately Regulated Institutional Uses, Satellite Antennas through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>		RM-											
3rd >>		1-			2-			3-			4-		5-	
4th >>		1	2	3	4	5	6	7	8	9	10	11	12	
Open Space through Institutional, Separately Regulated Institutional Uses, Major Transmission, Relay, or Communications Switching Stations [No change in text.]		[No change in text.]												
<u>Placemaking on Private Property</u>	<u>L</u>	<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		<u>L</u>	
Institutional, Separately Regulated Institutional Uses, Satellite Antennas through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]												

Footnotes for Table 131-04B [No change in text.]

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

**Table 131-05B
Use Regulations Table for Commercial Zones**

Use Categories/Subcategories	Zone Designator	Zones													
		CN ⁽¹⁾ -					CR-		CO-			CV-		CP-	
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	1-					1-	2-	1-	2-	3-	1-	1-		
	3rd >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1
Open Space through Institutional, Separately Regulated Institutional Uses , Major Transmission, Relay, or Communications Switching Stations [No change in text.]		[No change in text.]													
<u>Placemaking on Private Property</u>		<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Institutional, Separately Regulated Institutional Uses , <i>Satellite Antennas</i> through Signs , Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]													

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																																												
	1st & 2nd >>	CC-																																												
	3rd >>	1-			2-			3-			4-			5-																																
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6																			
Open Space through Institutional, Separately Regulated Institutional Uses, Major Transmission, Relay, or Communications Switching Stations [No change in text.]	[No change in text.]																																													
<u>Placemaking on Private Property</u>	<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>																																	
Institutional, Separately Regulated Institutional Uses, Satellite Antennas through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]																																													

Footnotes for Table 131-05B [No change in text.]

§131.0531 Development Regulations Tables for Commercial Zones

The following development regulations apply in each of the commercial zones as shown in Tables 131-05C, 131-05D, and 131-05E.

- (a) CN Zones

**Table 131-05C
Development Regulations for CN Zones**

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones																													
	1st & 2nd >>	CN-																													
	3rd >>	1-			1-			1-			1-			1-																	
	4th >>	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3															
Max Permitted Residential Density⁽¹⁾ through Lot Dimensions, Min Lot Depth (ft) [No change in text.]	[No change in text.]																														
Setback Requirements⁽⁵⁾																															
Setback Requirements, Min Front Setback (ft) through Visibility Area [See Section 113.0273] [No change in text.]	[No change in text.]																														

Footnotes for Table 131-05C

¹ through ⁴ [No change in text.]

⁵ Placemaking on private property in Commercial Base Zones shall not be subject to setback regulations, in accordance with Section 141.0421.

(b) CR, CO, CV, and CP Zones

**Table 131-05D
Development Regulations for CR, CO, CV, CP Zones**

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones									
	1st & 2nd >>	CR-		CO-					CV-		CP-
	3rd >>	1-	2-	1-		2-		3-		1-	1-
	4th >>	1		1	2	1-	2-	1	2	1	1
Max Permitted Residential Density⁽¹⁾ through Lot Dimensions, Min Lot Depth (ft) [No change in text.]		[No change in text.]									
Setback Requirements⁽⁶⁾		[No change in text.]									
Setback Requirements, Min Front Setback (ft) through Max Structure Height (ft) [No change in text.]		[No change in text.]									
Min Lot Coverage (%)⁽⁶⁾		[No change in text.]									
Max Floor Area Ratio through Visibility Area [See Section 113.0273]		[No change in text.]									

Footnotes for Table 131-05D

¹ through ⁵ [No change in text.]

⁶ Placemaking on private property in Commercial Base Zones shall not be subject to setback or minimum lot coverage regulations, in accordance with Section 141.0421.

(c) CC Zones

**Table 131-05E
Development Regulations for CC Zones**

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones															
	1st & 2nd >>	CC-															
	3rd >>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	2-	3-	4-	5-
	4th >>	1			2			3			4						
Max Permitted Residential <i>Density</i> ⁽¹⁾ through <i>Lot Dimensions</i> , Max <i>Lot Depth</i> (ft) [No change in text.]		[No change in text.]															
<i>Setback Requirements</i> ⁽⁶⁾																	
<i>Setback Requirements</i> , Min Front <i>Setback</i> (ft) through <i>Max Structure Height</i> (ft) [No change in text.]		[No change in text.]															
Min <i>Lot Coverage</i> (%) ⁽⁶⁾		[No change in text.]															
Max <i>Floor Area Ratio</i> through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]															

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones									
	1st & 2nd >>	CC									
	3rd >>	2-	3-	4-	5-	3-	4-	5-	3-	3-	3-
	4th >>	5			6			7	8	9	
Max Permitted Residential <i>Density</i> ⁽¹⁾ through <i>Lot Dimensions</i> , Max <i>Lot Depth</i> (ft) [No change in text.]		[No change in text.]									
<i>Setback Requirements</i> ⁽⁶⁾											
<i>Setback Requirements</i> , Min Front <i>Setback</i> (ft) through <i>Max Structure Height</i> (ft) [No change in text.]		[No change in text.]									
Min <i>Lot Coverage</i> (%) ⁽⁶⁾		[No change in text.]									
Max <i>Floor Area Ratio</i> through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]									

Footnotes for Table 131-05E

¹ through ⁵ [No change in text.]

⁶ Placemaking on private property in Commercial Base Zones shall not be subject to setback or minimum lot coverage regulations, in accordance with Section 141.0421.

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

**Table 131-06B
Use Regulations Table for Industrial Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>>	1	1	1	1	1	1	1	1	1	1
Open Space through Institutional, Separately Regulated Institutional Uses, Major Transmission, Relay, or Communications Switching Stations [No change in text.]	[No change in text.]										
<u>Placemaking on Private Property</u>	=	=	=	=	=	=	=	=	=	=	=
Institutional, Separately Regulated Institutional Uses, Satellite Antennas through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B [No change in text.]

§141.0421 Placemaking on Private Property

Placemaking is permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

- (a) Written permission from the record owner is required.
- (b) Off-street parking spaces are not required, but may be permitted as an accessory use to serve the placemaking use if the square footage designated for the off-street parking spaces does not exceed 25 percent of the total square footage designated for the placemaking project.
- (c) A Temporary Use Permit shall be obtained in accordance with Section 123.0402.

- (d) At the expiration of the term of the Temporary Use Permit, the *placemaking* project shall be removed and the *permit holder* shall return the *premises* to its original condition, to the satisfaction of the City Manager. Removal shall not be required if a new Temporary Use Permit is obtained prior to its expiration.
- (e) The Temporary Use Permit *permit holder* shall be responsible for maintaining the *placemaking* project. Maintenance shall include, but not be limited to, posting of the name, phone number, and email address of the party responsible for the *placemaking* project in a location visible from the *public right-of-way*, keeping the *placemaking* project area free of litter, and preventing litter attributable to the *placemaking* project from occurring on adjacent properties.
- (f) A *placemaking* project shall only occur on *premises* that are vacant at the time the Temporary Use Permit application is submitted.
- (g) A *placemaking* use that also qualifies as another separately regulated use shall also be subject to those separately regulated use regulations.
- (h) *Placemaking* on private property in Commercial Base Zones shall also be subject to the following regulations:
 - (1) Retail uses and commercial service uses shall not be permitted except as *accessory uses* to serve the *placemaking* project, and shall not operate except between the hours of 7:00 a.m. and 10:00 p.m., unless a separate Temporary Use Permit is obtained.
 - (2) Commercial Base Zone regulations for *setbacks* and minimum *lot coverage* shall not apply.
- (i) *Placemaking* on private property in Open Space and Residential Base Zones shall also be subject to the following regulations:
 - (1) Commercial services uses are prohibited.
 - (2) Assembly and entertainment uses are prohibited, including such uses as *accessory uses*.