(O-2018-16) COR. COPY.3

ORDINANCE NUMBER O- 20928 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 22 2018

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 3, DIVISION 4 BY AMENDING SECTIONS 123.0402 AND 123.0406; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0522 AND 131.0531; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY ADDING NEW SECTION 141.0421; ALL RELATING TO PLACEMAKING IN THE PUBLIC RIGHT-OF-WAY AND ON PRIVATE PROPERTY.

ITEM# 52 5/15/18

WHEREAS, "placemaking" is a planning concept that refers to creating spaces that serve the needs of neighborhoods by enhancing streetscapes and allowing creative uses of public rightof-way or private property, particularly of land that is unused or underused, in order to create more vibrant and livable communities; and

WHEREAS, community-based organizations operating within the City of San Diego have expressed interest in creating placemaking projects, including, for example, outdoor plazas where individuals may gather to rest and converse and landscaped areas and decorative lighting that enhance the streetscape and promote pedestrian activity; and

WHEREAS, the Economic Development Department reports that many of these organizations have indicated that they would have better success implementing such projects if the San Diego Municipal Code (Municipal Code) contained specific regulations for such projects; and WHEREAS, this ordinance establishes and clarifies the regulations and permit processing rules that apply to placemaking projects to allow for a greater degree of certainty for City staff and project applicants, and to reduce some of the cost and logistical barriers to their implementation, while maintaining the existing character of the City's communities; and

WHEREAS, a placemaking project that includes elements governed by other laws and regulations will remain subject to those laws and regulations; for example, a project that is subject to separately regulated use regulations will be required to meet those regulations and a project that encroaches into the public right-of-way will be required to meet the requirements for providing an Encroachment Maintenance and Removal Agreement in accordance with the specifications set forth in Municipal Code section 129.0715; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

§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. Projects that may qualify as *placemaking* uses include, but are not limited to, those that provide areas for pedestrians to briefly rest (*e.g.*, plazas, shade structures, and benches), promote the use of underutilized space (*e.g.*, landscaping and decorative lighting), and improve and promote pedestrian activity and other uses of the public *right-of-way* (*e.g.*, bicycle racks and refuse containers).

-PAGE 2 OF 18-

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

Section 2. That Chapter 12, Article 3, Division 4 of the San Diego Municipal Code is

amended by amending sections 123.0402 and 123.0406, to read as follows:

§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 communications 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. 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.

Section 3. That Chapter 12, Article 9, Division 7 of the San Diego Municipal Code is amended by amending section 129.0710, to read as follows:

-PAGE 3 OF 18-

§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) 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:
 - Applicants proposing a *placemaking* project in the *public right-of-way* shall demonstrate to the satisfaction of the City Manager that the project constitutes a lawful use of the *public right-of-way*.
 - (2) Written permission from the *record owner* of the property underlying the *public right-of-way* is required.
 - (3) If the *placemaking* project includes the temporary removal of one or more parking spaces to accommodate the project, the City Manager may approve the temporary removal as part of the Public Right-of-Way Permit only in accordance with the procedures described in Municipal Code section 86.0104, except that compliance with the Angle Parking Standards shall not be required unless otherwise applicable, and that, in no case shall the City Manager approve temporary removal of parking for a *placemaking*

-PAGE 4 OF 18-

project that results in temporary removal of parking on that segment of the street in excess of 25 percent of the total number of parking spaces available within that segment.

- (4) The term of the Public Right-of-Way Permit shall not exceed five years. The term shall not be limited in accordance with Municipal Code section 129.0750 and shall not be eligible for an extension of time pursuant to Municipal Code section 129.0751. 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 a new Public Right-of-Way Permit is obtained prior to its expiration.
- (5) The *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.
- (6) A *placemaking* use that contains elements governed by other laws and regulations shall also be subject to those laws and regulations.
- (7) The *placemaking* project shall not occur in an Industrial Base Zone or a Residential-Single Unit (RS) Zone.

-PAGE 5 OF 18-

- (8) The *placemaking* project shall not include commercial services, retail, or assembly and entertainment uses as *accessory uses*.
- (9) The *placemaking* project shall allow for safe and efficient visibility and circulation for motor vehicle users and other users of the *public right-of way*, including bicyclists and pedestrians, and shall not impede the safe use of parking spaces or travel lanes in the *public right-of-way*, as determined by the City Engineer.

Section 4. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is

amended by amending section 131.0222, to read as follows:

§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 131-02BUse Regulations Table for Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and	Zone Designator			Zon	es		
descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	0	P-	OC-	OR	(1)_	OF ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1	-	1-
	4th >>	1	1	1	1	2	1
Open Space through Institutional , Separately Re Institutional Uses , Major Transmission, Relay, or Communications Switching Stations [No change in			[N	o change	e in t	ext.]
Placemaking on Private Property		L	L	L]		L
Institutional, Separately Regulated Institutional Satellite Antennas through Signs, Separately Reg Uses, Theater Marquees [No change in text.]	-		[N	o change	e in t	ext.]

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

Section 5. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is

amended by amending section 131.0322, to read as follows:

§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 131-03BUse Regulations Table for Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation	Zone Designator	÷.	Zo	nes		
and descriptions of the Use Categories, Subcategories, and Separately Regulated	1st & 2nd >>	A	G	AR		
Uses]	3rd >>	1	-		1-	
	4th >>	1	2	1	2	
Open Space through Institutional , Separately Institutional Uses , Major Transmission, Relay Communications Switching Stations [No changed)	, or	[No	o chan;	ge in te	ext.]	
Placemaking on Private Property		I			Ĺ	
Institutional, Separately Regulated Institution Satellite Antennas through Signs, Separately I	S	[No	o chang	ge in te	ext.]	

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

Section 6. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is

amended by amending section 131.0422, to read as follows:

§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.]

-PAGE 7 OF 18-

Use Categories/	Zone	Zones						
Subcategories	Designator							
[See Section 131.0112 for an explanation and	1st & 2nd >>	RE-	RS-	RX-	RT	-		
descriptions of the Use	3rd >>	1-	1-	1-	1-			
Categories, Subcategories, and Separately Regulated Uses]	4th >>	1 2 3	1 2 3 4 5 6 7 8 9 10 11 12 13 14	1 2	123	4 5		
Open Space through Institut	ional,		[No change in tex	t.]				
Separately Regulated Institu	tional Uses,							
Major Transmission, Relay, o	r							
Communications Switching S	tations [No							
change in text.]			· ·					
Placemaking on Private Pr	operty	L	L	L	L			
Institutional, Separately Reg	gulated		[No change in tex	t.]				
Institutional Uses, Satellite A				-				
through Signs, Separately Re	gulated							
Signs Uses, Theater Marquee. in text.]	s [No change							

Table 131-04BUse Regulations Table for Residential Zones

.

(O-2018-16) COR. COPY.3

Use Categories/ Subcategories	Zone Designator							2	Zone	S			
[See Section 131.0112 for an explanation and	1st & 2nd >>								RM-				
descriptions of the Use	3rd >>		1-			2-			3-		4	1-	5-
Categories, Subcategories, and Separately Regulated Uses]	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Institu Separately Regulated Insti Major Transmission, Relay, Communications Switching change in text.]	tutional Uses, or						[N	o cha	inge	in text	t.]		
Placemaking on Private I	Property		L			L			L]	L	L
Institutional, Separately R Institutional Uses, Satellite through <i>Signs</i> , Separately H <i>Signs</i> Uses, Theater <i>Marque</i> in text.]	Antennas Regulated						[N	o cha	angei	in text	t.]		

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

Section 7. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is

amended by amending sections 131.0522 and 131.0531, to read as follows:

§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 131-05BUse Regulations Table for Commercial Zones

Use Categories/Subcategories	Zone						Zo	ones	\$						
	Designator														
[See Section 131.0112 for an	1													Τ	
explanation and descriptions of	1st & 2nd >>	С	$N^{(1)}$	-	Cl	R-			CC)-			CV	7-	CP-
the Use Categories,	3rd >>		1-		1-	2-	1	-	2	2-	3	-	1-		1-
Subcategories, and Separately	4th >>	12	3 4	5	1	-1	1	2	1	2	1	2	1	2	1
Regulated Uses]					_		Ĺ					_		~	<u>^</u>
Open Space through Institutional,	1				[No c	chan	ge i	n te	ext.]				
Regulated Institutional Uses, Majo															
Transmission, Relay, or Communic	1														
Switching Stations [No change in te															
Placemaking on Private Property			L		L	L	I			Ĺ	L		L		L
Institutional, Separately Regulate	I				[No c	chan	ge i	n te	ext.]				
Institutional Uses, Satellite Antenn	- 1														
Signs, Separately Regulated Signs															
Theater <i>Marquees</i> [No change in ter	xt.]														
Theater man quees [110 enange in tes															
<u>م</u>															J
Use Categories/Subcategories	Zor						Z	one	s						·
Use Categories/Subcategories [See Section 131.0112 for an	Zor Designate	or							s						
Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of	Zor Designate 1st & 2nd >	or ·>					(one	S						
Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories,	Zor Designate	or >> >>1	1-		2-		3-	CC-		4-				5-	
Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately	Zor Designato 1st & 2nd > 3rd >)r >> > 1	1- 23		2- 3 4 5	4 5	(CC-		-		6 1	2		456
Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zor Designate 1st & 2nd > 3rd > 4th >)r >> > 1					3- 6 7	CC- 89	12	234	45	6 1	2		
Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional	Zor Designato 1st & 2nd > 3rd > 4th >)r >> > 1				4 5 [No	3- 6 7	CC- 89	12	234	45	6 1	2		
Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj	Zor Designato 1st & 2nd > 3rd > 4th > 5 Separately or)r >> > 1					3- 6 7	CC- 89	12	234	45	6 1	2		
Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj Transmission, Relay, or Communic	Zor Designate 1st & 2nd > 3rd > 4th > , Separately or cations)r >> > 1					3- 6 7	CC- 89	12	234	45	6 1	2		
Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj Transmission, Relay, or Communic Switching Stations [No change in t	Zor Designato 1st & 2nd > 3rd > 4th > , Separately or cations ext.]	or >> 1 >> 1	23	12	3 4 5		3- 6 7 char	CC- 89	12	234 text	4 5	61	2	3 4	456
Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj Transmission, Relay, or Communic Switching Stations [No change in the Placemaking on Private Property	Zor Designate 1st & 2nd > 3rd > 4th > or cations ext.]	or >> 1 >> 1		12		[No	3- 6 7 char	CC-	12 in t	2 3 d text	4 5 .]	6 1	2		456
Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj Transmission, Relay, or Communic Switching Stations [No change in the Placemaking on Private Property Institutional, Separately Regulated	Zor Designate 1st & 2nd > 3rd > 4th > , Separately or eations ext.]	or >> 1 >> 1	23	12	3 4 5		3- 6 7 char	CC-	12 in t	2 3 d text	4 5 .]	61	2	3 4	456
Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj Transmission, Relay, or Communic Switching Stations [No change in the <i>Placemaking</i> on Private Property Institutional, Separately Regulated Institutional Uses, Satellite Antennet	Zor Designato 1st & 2nd > 3rd > 4th > , Separately or eations ext.] y ed nas through)r >> 1 >> 1	23	12	3 4 5	[No	3- 6 7 char	CC-	12 in t	2 3 d text	4 5 .]	61	2	3 4	456
Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj Transmission, Relay, or Communic Switching Stations [No change in the Placemaking on Private Property Institutional, Separately Regulated	Zor Designato 1st & 2nd > 3rd > 4th > , Separately or eations ext.] y ed nas through)r >> 1 >> 1	23	12	3 4 5	[No	3- 6 7 char	CC-	12 in t	2 3 d text	4 5 .]	6 1	2	3 4	456

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

20

λ.

Table 131-05CDevelopment Regulations for CN Zones

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

Footnotes for Table 131-05C

¹ through ⁴ [No change in text.]

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

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

-PAGE 11 OF 18-

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

Development Regulations	Zone Designator					Ze	ones				
[See Section	1st & 2nd >>	CR-				CO-			C	V-	CP-
131.0530 for	3rd >>	1- 2-		1-	1. 1	2-	3	3-	1	-	1-
Development	4th >>	1	1	2	1-	2-	1	2	1	2	1
Regulations of		1	L.	-		1 ~		-		-	
Commercial Zones]							l			l .	
Max Permitted Resider	ntial				[]	No chan	ige in te	ext.]			
Density ⁽¹⁾ through Lot D	imensions,		-								
Min Lot Depth (ft) [No o	change in										
text.]											
Setback Requirements	6)			1							
Setback Requireme	ents, Min				[]	No chan	ige in te	ext.]			
Front Setback (ft) th	rough Max										
Structure Height (f	t) [No change										
in text.]											
Min Lot Coverage (%) ⁽⁶	5)				[]	No chan	ige in te	ext.]			
Max Floor Area Ratio t	hrough				[]	No chan	ige in te	ext.]			
Visibility Area [See Sec	ction				-		_	-			
113.0273]											

Footnotes for Table 131-05D

. .

¹ through ⁵ [No change in text.] ⁶ *Placemaking* on private property shall not be subject to *setback* or minimum *lot coverage* regulations, in accordance with Section 141.0421.

CC Zones (c)

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

Development Regulation	Zone						
[See Section 131.0530 for Development Regulations of	Designator 1st & 2nd >>			-			
Commercial Zones]		- 1 - 1 - 1 1					
	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 Densit	ty ⁽¹⁾ through <i>Lot</i>		[No char	nge in text.]			
Dimensions, Max Lot Depth (ft) [N	o change in text.]						
Setback Requirements ⁽⁶⁾							
Setback Requirements, Min Fr	ront Setback (ft)		[No char	nge in text.]			
through Max Structure Height	(ft)						
[No change in text.]							
Min Lot Coverage (%) ⁽⁶⁾		[No change in text.]					
Max Floor Area Ratio through Vis	ibility Area [See	[No change in text.]					
Section 113.0273] [No change in ter	xt.]						

Development Regulation [See Section 131.0530 for	Zone Designator				Zones		
Development Regulations of	1 st & 2nd >>				CC		
Commercial Zones]	3rd >>	2-3-4-	5-3	3-4-5-	3-	3-	3-
	4th >>	5		6	7	8	9
Max Permitted Residential Densit	y ⁽¹⁾ through <i>Lot</i>	fan e af i		[No cł	ange in t	ext.]	
Dimensions, Max Lot Depth (ft) [No	o change in text.]						
Setback Requirements ⁽⁶⁾							
Setback Requirements, Min From	nt <i>Setback</i> (ft)			[No cl	hange in t	text.]	
through Max Structure Height (f	t)			-	-	-	
[No change in text.]							
Min Lot Coverage (%) ⁽⁶⁾		[No change in text.]					
Max Floor Area Ratio through Visi	* -	ee [No change in text.]					
Section 113.0273] [No change in tex	xt.]						

Footnotes for Table 131-05E

¹ through ⁵ [No change in text.]
⁶ *Placemaking* on private property shall not be subject to *setback* or minimum *lot coverage* regulations, in accordance with Section 141.0421.

Section 8. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is

amended by amending section 131.0622, to read as follows:

§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 131-06BUse Regulations Table for Industrial Zones

Use Categories/ Subcategories	Zone					Zo	nes				
[See Section 131.0112 for an	Designator										
explanation and descriptions of the	1st & 2nd> >		IP-			IL-		II	I-	IS-	IBT-
Use Categories, Subcategories, and Separately Regulated Uses]	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 Institutiona					[No	chang	ge in to	ext.]			
Regulated Institutional Uses, M	5										
Transmission, Relay, or Commun	nications										
Switching Stations [No change in	text.]		-	-							
Placemaking on Private Prope	rty	-	-	-	-	-	-	-	-	-	-
Institutional, Separately Regula	ated				[No	chang	ge in to	ext.]			
Institutional Uses, Satellite Ante	nnas through										
Signs, Separately Regulated Sig	gns Uses,										
Theater Marquees [No change in	text.]										

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

Section 9. That Chapter 14, Article 1, Division 4 of the San Diego Municipal Code is

amended by adding new section 141.0421, to read as follows:

§141.0421 *Placemaking* on Private Property

Placemaking on private property 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* of the property is required.

-PAGE 14 OF 18-

- (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 use.
- (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. A placemaking use that contains elements governed by other laws and regulations shall also be subject to those laws and regulations.

-PAGE 15 OF 18-

- (h) *Placemaking* on private property in Commercial Base Zones shall also be subject to the following regulations:
 - (1) The *placemaking* project shall not include retail or commercial services uses except as *accessory uses* to serve the *placemaking* use, 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 not include commercial services or assembly and
 entertainment uses as *accessory uses*.

Section 10. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 11. That prior to becoming effective, this ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, except that the provisions of this ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego

-PAGE 16 OF 18-

Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this ordinance to accept the proposed modifications, and this ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this ordinance shall take effect and be in force on the thirtieth day from and after

-PAGE 17 OF 18-

that final decision, except that the provisions of this ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

APPROVED: MARA W. ELLIOTT, City Attorney

By Deputy City Attorney

KMH:als 10/04/2017 10/12/2017 Cor. Copy 04/02/2018 Cor. Copy.2 04/16/2018 Cor. Copy.3 Or.Dept: Economic Dev't Doc. No.: 1534814_6

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of ______.

ELIZABETH S. MALAND City Clerk

KEVIN L.

Approved:

Vetoed:

(date)

KEVIN L. FAULCONER, Mayor

FAULCONER, Mayor

"The date of final passage is May 22, 2018, which represents the day this ordinance was returned to theOOffice of the City Clerk with the Mayor's signature of approval."

e s'		<u> </u>	
Passed by the Council of The City of San Di	ego on MAY 1	1 5 2018	_, by the following vote:
Councilmembers Yea Barbara Bry Z Lorie Zapf Z Chris Ward Z Myrtle Cole Mark Kersey		Not Present	Recused
Chris Cate Z Scott Sherman David Alvarez Z Georgette Gomez Z			
Date of final passage MAY 22 2018	*		
AUTHENTICATED BY:	Mayor	KEVIN L. FAUL of The City of San	CONER 1 Diego, California.
(Seal)	City Cler	ELIZABETH S. 1 k of The City of Sa	MALAND an Diego, California.
I HEREBY CERTIFY that the foreg elapsed between the day of its introduction an APR 17 2018		ge, to wit, on	welve calendar days had
I FURTHER CERTIFY that said or dispensed with by a vote of five members available to each member of the Council and	dinance was read in full j of the Council, and that a	prior to passage o written copy of t	r that such reading was
(Seal)	City Cler	ELIZABETH S. 1 k of The City of Sa	MALAND an Diego, California.
а 1940 —	By	& Ruce	, Deputy
	Office of the Cit	y Clerk, San Dieg	go, California
	Ordinance Number O-	2	0928

(O-2018-16) COR. COPY.2

STRIKEOUT ORDINANCE

OLD LANGUAGE: Struck Out NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)



DATE OF FINAL PASSAGE

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, **ARTICLE 3, DIVISION 4 BY AMENDING SECTIONS** 123.0402 AND 123.0406; AMENDING CHAPTER 12, ARTICLE 9. DIVISION 7 BY AMENDING SECTION 129.0710; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322: AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, **ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS** 131.0522 AND 131.0531; AMENDING CHAPTER 13, ARTICLE 1. DIVISION 6 BY AMENDING SECTION 131.0622; AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY ADDING NEW SECTION 141.0421; ALL RELATING TO PLACEMAKING IN THE PUBLIC RIGHT-OF-WAY AND ON PRIVATE PROPERTY.

§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.

Projects that may qualify as placemaking uses include, but are not limited to,

those that provide areas for pedestrians to briefly rest (e.g., plazas, shade

structures, and benches), promote the use of underutilized space (e.g., landscaping

and decorative lighting), and improve and promote pedestrian activity and other uses of the public *right-of-way* (*e.g.*, bicycle racks and refuse containers). *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 communications 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) Applicants proposing a *placemaking* project in the *public right-of-way* shall demonstrate to the satisfaction of the City Manager that the project constitutes a lawful use of the *public right-of-way*.
 - (2) Written permission from the *record owner* of the property underlying the *public right-of-way* is required.
 - (3) If the *placemaking* project includes the temporary removal of one or more parking spaces to accommodate the project, the City Manager may approve the temporary removal as part of the Public

<u>Right-of-Way Permit only in accordance with the procedures</u> <u>described in Municipal Code section 86.0104, except that</u> <u>compliance with the Angle Parking Standards shall not be required</u> <u>unless otherwise applicable, and that, in no case shall the City</u> <u>Manager approve temporary removal of parking for a *placemaking* <u>project that results in temporary removal of parking on that</u> <u>segment of the street in excess of 25 percent of the total number of</u> <u>parking spaces available within that segment.</u></u>

<u>The term of the Public Right-of-Way Permit shall not exceed five</u>
<u>years. The term shall not be limited in accordance with Municipal</u>
<u>Code section 129.0750 and shall not be eligible for an extension of</u>
<u>time pursuant to Municipal Code section 129.0751. At the</u>
<u>expiration of the term, the *placemaking* project shall be removed
<u>and the *permit holder* shall return the *public right-of-way* property
<u>to its original condition, to the satisfaction of the City Manager.</u>
<u>Removal shall not be required if a new Public Right-of-Way</u>
Permit is obtained prior to its expiration.
</u></u>

(4)

(5) The 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

-PAGE 4 OF 16-

free of litter, and preventing litter attributable to the *placemaking* project from occurring on adjacent properties.

(6) <u>A placemaking use that contains elements governed by other laws</u> and regulations shall also be subject to those laws and regulations.

· · ·

- (7) <u>The placemaking project shall not occur in an Industrial Base Zone</u> or a Residential-Single Unit (RS) Zone.
- (8) <u>The placemaking project shall not include commercial services</u>, retail, or assembly and entertainment uses as accessory uses.
- (9) The placemaking project shall allow for safe and efficient visibility and circulation for motor vehicle users and other users of the public right-of way, including bicyclists and pedestrians, and shall not impede the safe use of parking spaces or travel lanes in the public right-of-way, 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 131-02BUse Regulations Table for Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and	Zone Designator									
descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	0	P-	OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -			
100000 with a 1000 metal with a 1000 metal 1000 me	3rd >>	1-	2-	1-	1-		1-			
н. -	4th >>	> 1	1	- 1	1	2	1			
Open Space through Institutional , Separately R Institutional Uses , Major Transmission, Relay, or Communications Switching Stations [No change i			[N	o chang	e in 1	text.]			
Placemaking on Private Property		Ŀ	L	Ŀ]	Ĺ	L			
Institutional, Separately Regulated Institutional Satellite Antennas through Signs, Separately Reg Uses, Theater Marquees [No change in text.]			[N	o chang	e in t	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 131-03BUse Regulations Table for Agricultural Zones

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

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 131-04BUse Regulations Table for Residential Zones

Use Categories/	Zone					Zoi	nes						
Subcategories	Designator												
[See Section 131.0112 for an explanation and	1st & 2nd >>	RE-		RS	-			RX	(-		R	Γ-	
descriptions of the Use	3rd >>	1-		1-	-			1	-		1	-	
Categories, Subcategories, and Separately Regulated Uses]	4th >>	123	123456	78	9 10	111	2 13 1	4 1	2	1	2 3	4	5
Open Space through Institut	ional,			[]	lo cl	hang	ge in te	xt.]					
Separately Regulated Institu	itional Uses,												
Major Transmission, Relay, o	r												
Communications Switching S	tations [No												
change in text.]													
Placemaking on Private Pr	operty	Ŀ		Ī	≚				L		Ī	ž	
Institutional, Separately Reg	gulated			[]	lo cl	hang	ge in te	ext.]					
Institutional Uses, Satellite A	Intennas												
through Signs, Separately Re													
Signs Uses, Theater Marquee	s [No change												
in text.]													

-PAGE 8 OF 16-

(O-2018-16) COR. COPY.2

Use Categories/	Zone							7	Zones	5			
Subcategories	Designator												
[See Section 131.0112 for an explanation and	1st & 2nd >>								RM-				_
descriptions of the Use	se 3rd >>					2-			3-		4	1-	5-
Categories,	4th >>	┝╶┑											
Subcategories, and Separately Regulated	-tui	1	2	3	4	5	6	7	8	9	10	11	12
Uses]								L					
pen Space through Institutional,		[No change in text.]											
Separately Regulated Insti													
Major Transmission, Relay,													
Communications Switching	Stations [No												
change in text.]													
Placemaking on Private F	Property		Ē			Ŀ		L			Ŀ		L
Institutional, Separately R	egulated						[N	o cha	angei	in tex	t.]		
Institutional Uses, Satellite	-						-		-		-		
Antennas through Signs, Se	parately												
Regulated Signs Uses, Thea	ater Marquees												
[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 131-05BUse Regulations Table for Commercial Zones

Use Categories/Subcategories	Zone				Zones	5			
	Designator								
[See Section 131.0112 for an	1st & 2nd >>								
explanation and descriptions of	1 St & 2110	CN ⁽¹⁾ -	C	R		CO-		CV-	CP-
the Use Categories,	3rd >>	1-	1-	2-	1-	2-	3-	1-	1-
Subcategories, and Separately	4th >>	2345	1	1	1 2	1 2	12	12	1
Regulated Uses]									
Open Space through Institutional,			[[No c	hange i	n text.]		
Regulated Institutional Uses, Majo	I								
Transmission, Relay, or Communic									
Switching Stations [No change in te									
Placemaking on Private Property		<u>L</u>	<u>L</u>	L	L	L	L	L	L
Institutional, Separately Regulate	I			[No c	change i	n text.]		
Institutional Uses, Satellite Antenn									
Signs, Separately Regulated Signs									
Theater Marquees [No change in te:	xt.]								
						_			
Use Categories/Subcategories	Zon				Zone	s			
[See Section 131.0112 for an	Designato	-						-	
					CC-				
explanation and descriptions of	1 st & 2nd >								
the Use Categories,	1st & 2nd > 3rd >		2-		3-	4		5	
the Use Categories, Subcategories, and Separately	3rd >	> 1- 2	2- 3 4 5	4 5		4			
the Use Categories,		> 1- 2			3- 6 7 8 9	4	456		
the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional	3rd > 4th >	> 1- 2			3-	4	456		
the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj	3rd > 4th > or	> 1- 2			3- 6 7 8 9	4	456		
the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj Transmission, Relay, or Communic	3rd > 4th > Separately or cations	> 1- 2			3- 6 7 8 9	4	456		
the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj Transmission, Relay, or Communic Switching Stations [No change in t	3rd > 4th > 5 Separately or cations ext.]	> 1 - 2 $> 1 2 3 1 2 $	3 4 5		3- 6 7 8 9	4	456	123	456
the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj Transmission, Relay, or Communic	3rd > 4th > 5 Separately or cations ext.]	> 1 - 2 $> 1 2 3 1 2 $		[No	3- 6 7 8 9 change	$\begin{array}{c c} & 4 \\ \hline 1 & 2 & 3 \\ \hline \text{in text} \\ \hline \\ \hline \\ \hline \\ \\ \hline \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ $	4 5 6		456
the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj Transmission, Relay, or Communic Switching Stations [No change in the <u>Placemaking on Private Propert</u>] Institutional, Separately Regulated	3rd > 4th > Separately or cations ext.]	> 1 - 2 $> 1 2 3 1 2 $	3 4 5	[No	3- 6 7 8 9	$\begin{array}{c c} & 4 \\ \hline 1 & 2 & 3 \\ \hline \text{in text} \\ \hline \\ \hline \\ \hline \\ \\ \hline \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ $	4 5 6	123	456
the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj Transmission, Relay, or Communic Switching Stations [No change in to <u>Placemaking on Private Property</u> Institutional, Separately Regulate Institutional Uses, Satellite Antenn	3rd > 4th > 4th > 3rd	$ \begin{array}{c c c c c c c c c c c c c c c c c c c $	3 4 5	[No	3- 6 7 8 9 change	$\begin{array}{c c} & 4 \\ \hline 1 & 2 & 3 \\ \hline \text{in text} \\ \hline \\ \hline \\ \hline \\ \\ \hline \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ $	4 5 6	123	456
the Use Categories, Subcategories, and Separately Regulated Uses] Open Space through Institutional Regulated Institutional Uses, Maj Transmission, Relay, or Communic Switching Stations [No change in the <u>Placemaking on Private Propert</u>] Institutional, Separately Regulated	3rd > 4th > 4th > 3rd	$ \begin{array}{c c c c c c c c c c c c c c c c c c c $	3 4 5	[No	3- 6 7 8 9 change	$\begin{array}{c c} & 4 \\ \hline 1 & 2 & 3 \\ \hline \text{in text} \\ \hline \\ \hline \\ \hline \\ \\ \hline \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ $	4 5 6	123	456

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

۰,

Table 131-05CDevelopment Regulations for CN Zones

Development Regulations	Zone Designator	Zones							
[See Section 131.0530 for	1st & 2nd >>								
Development Regulations of Commercial Zones]	3rd >>	1-	1-	1-	1-	1-			
	4th >>	1	2	3	4	5			
Max Permitted Residential Den	<i>sity</i> ⁽¹⁾ through		[No	change in	text.]				
Lot Dimensions, Min Lot Depth	(ft) [No								
change in text.]						. <u> </u>			
Setback Requirements ⁽⁵⁾									
Setback Requirements, Min Fr	ront Setback		[No	change in	text.]				
(ft) through Visibility Area [Se	e Section								
113.0273] [No change in text.]									

Footnotes for Table 131-05C

¹ through ⁴ [No change in text.]

<u>⁵ Placemaking on private property shall not be subject to setback regulations, in accordance with Section 141.0421.</u>

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

Table 131-05DDevelopment Regulations for CR, CO, CV, CP Zones

Development Regulations	Zone Designator			-	Zo	ones				
[See Section	1st & 2nd >>	CR-		. C	CO-			C	V-	CP-
131.0530 for	3rd >>	1- 2-	1-	2.	-	3	-	· 1	-	1-
Development	4th >>	1	1 2	1-	2-	1	2	1	2	1
Regulations of					-		~	-		
Commercial Zones]										
Max Permitted Residen	ntial			[N	No chan	ige in te	xt.]			
Density ⁽¹⁾ through Lot D	imensions,									
Min Lot Depth (ft) [No	change in									
text.]										
Setback Requirements	<u>6)</u>									
Setback Requireme	ents, Min			[N	No chan	nge in te	xt.]			
Front Setback (ft) th	rough Max									
Structure Height (f	t) [No change									
in text.]										
Min Lot Coverage (%)	<u>5)</u>			[]	No chan	nge in te	xt.]			
Max Floor Area Ratio	through			[]	No chan	nge in te	xt.]			
Visibility Area [See See	ction									
113.0273]										

Footnotes for Table 131-05D

¹ through ⁵ [No change in text.]

⁶ <u>Placemaking on private property shall not be subject to *setback* or minimum *lot coverage* regulations, in accordance with Section 141.0421.</u>

(c) CC Zones

Table 131-05EDevelopment Regulations for CC Zones

Development Regulation [See Section 131.0530 for	Zone Designator		Z	ones		
Development Regulations of Commercial Zones]	1st & 2nd >> 3rd >> 4th >>	1-2-4-5- 1	(1-2-4-5- 2		2-3-4- 5- 4	
Max Permitted Residential Densi Dimensions, Max Lot Depth (ft) [N			[No chai	nge in text.]		
Setback Requirements (6)						
Setback Requirements, Min F through Max Structure Height [No change in text.]			[No chai	nge in text.]	380	
Min Lot Coverage (%) ⁽⁶⁾			[No chai	nge in text.]		
Max <i>Floor Area Ratio</i> through Vis Section 113.0273] [No change in te	and a first second state of the second s		[No chai	CC- 2-4-5-1-2-4-5-2-3-4 2 3 4 No change in text.] No change in text.] No change in text.] No change in text.] No change in text.]		

Development Regulation [See Section 131.0530 for	Zone Designator	20 Y									
Development Regulations of	1st & 2nd >>	> CC									
Commercial Zones]	3rd >>	2-3-4-5-	3-4-5-	3-	3-	3-					
	4th >>	5	6	7	8	9					
Max Permitted Residential Densit Dimensions, Max Lot Depth (ft) [N			[No ch	ange in t	ext.]						
Setback Requirements(6)											
Setback Requirements, Min Fro through Max Structure Height ([No change in text.]			[No ch	ange in	text.]						
Min Lot Coverage (%) ⁽⁶⁾			[No ch	ange in t	ext.]						
Max <i>Floor Area Ratio</i> through Vis Section 113.0273] [No change in te			[No ch	ange in t	ext.]						

Footnotes for Table 131-05E

¹ through ⁵ [No change in text.]

⁶ <u>Placemaking on private property shall not be subject to *setback* or minimum *lot coverage* regulations, in accordance with Section 141.0421.</u>

§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 131-06BUse Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an	Zone Designator	S.			Zones						
explanation and descriptions of	1st & 2nd>>	IP-			IL-			IH-		IS-	IBT-
he Use Categories, Subcategories, and Separately	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
Regulated Uses]	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.]						chang		I. CALL	ſ	Ĩ	
Placemaking on Private Prope	<u>rty</u>	-	• 1	-	=	Ē	Ē	=	Ē	=	=
Institutional, Separately Regula Institutional Uses, <i>Satellite</i> <u>Satel</u> through <i>Signs</i> , Separately Regul Uses, Theater <i>Marquees</i> [No char	<u>lite</u> Antennas ated Signs			11.567	[No	chang	ge in t	ext.]			

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

§141.0421 Placemaking on Private Property

Placemaking on private property 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 of the property 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 use.

- (c) <u>A Temporary Use Permit shall be obtained in accordance with Section</u> 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) <u>A placemaking project shall only occur on premises that are vacant at the</u> <u>time the Temporary Use Permit application is submitted.</u>
- (g) <u>A placemaking use that also qualifies as another separately regulated use shall also be subject to those separately regulated use regulations. A placemaking use that contains elements governed by other laws and regulations shall also be subject to those laws and regulations.</u>
- (h) <u>Placemaking on private property in Commercial Base Zones shall also be</u> subject to the following regulations:
 - (1) <u>The *placemaking* project shall not include retail or commercial</u> services uses except as *accessory uses* to serve the *placemaking*

-PAGE 15 OF 16-

use, 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) <u>Commercial Base Zone regulations for *setbacks* and minimum *lot coverage* shall not apply.</u>
- (i)
 Placemaking on private property in Open Space and Residential Base

 Zones shall not include commercial services or assembly and

entertainment uses as accessory uses.

KMH:als 10/04/2017 10/12/2017 Cor. Copy 0/02/2018 Cor. Copy.2 Or.Dept: Economic Dev't Doc. No.: 1517775_7