

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING NEW ARTICLE 10, DIVISION 1, SECTIONS 510.0101, 510.0102, 510.0103, 510.0104, 510.0105, 510.0106, 510.0107, 510.0108, AND 510.0109; AMENDING CHAPTER 5 BY ADDING NEW ARTICLE 10, DIVISION 2, SECTIONS 510.0201 AND 510.0202; AMENDING CHAPTER 9, ARTICLE 8, DIVISION 5 BY AMENDING SECTION 98.0502; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 BY AMENDING SECTION 126.0203; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; 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 131.0540; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510 AND 132.1515; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY DELETING SECTION 141.0301; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY DELETING SECTION 141.0603; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0525 AND 142.0555; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 152.0104; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 152.0316; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTIONS 156.0302 AND 156.0308; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 3 BY AMENDING SECTIONS 1510.0303 AND 1510.0305; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY AMENDING SECTIONS 1513.0303 AND 1513.0304;

AMENDING CHAPTER 15, ARTICLE 13, DIVISION 4 BY
AMENDING SECTION 1513.0403, ALL RELATING TO
SHORT TERM RESIDENTIAL OCCUPANCY.

Article 10: Short Term Residential Occupancy and Hosting Platforms

Division 1: Short Term Residential Occupancy

§510.0101 Purpose and Intent

It is the intent of this Article to promote and protect the public health, safety, and welfare of the citizens of San Diego by allowing and regulating *short term residential occupancy in dwelling units* through the requirements set forth in this Article. It is also the intent of this Article to ensure that *short term residential occupancy* activity facilitated by *hosting platforms* is appropriately regulated so that such activity is conducted in a lawful manner. It is also the intent that the City utilize any applicable provision in Chapter 1, Article 2 of the Municipal Code to enforce the provisions of this Article, including civil and criminal remedies and the issuance of administrative subpoenas.

§510.0102 Definitions

For the purpose of this Article, the following definitions shall apply and appear in italicized letters:

Booking service means any reservation or payment service that facilitates a transaction between a *host* and *short term rental guest* for *short term residential occupancy* for which a fee is collected or received, directly or indirectly, in connection with the reservation or payment services.

Dwelling unit means *single dwelling units* and *multiple dwelling units* as set forth in Municipal Code section 113.0103.

Home share means the *occupancy of the host's primary residence while the host is physically present and residing in the primary residence during each day of the short term residential occupancy.*

Host means a natural person who has the legal right to occupy the *dwelling unit* and to allow the *short term residential occupancy.*

Hosting platform means any person, as defined in Municipal Code section 11.0210, who provides, and collects or receives, a fee for *booking services* through which a *host* may offer *short term residential occupancy.*

Month means a period of consecutive days from the first calendar day of *occupancy* in any month to the same calendar day in the next following month, or the last day of the next month following, if no corresponding calendar day exists.

Occupancy means the use or possession, or the right to the use or possession, of a *dwelling unit* for dwelling, lodging, or sleeping purposes.

Primary residence means the *dwelling unit* in which the *host* allows *short term residential occupancy* and in which the *host* resides at least six *months* of the year. A *host* can only have one *primary residence.*

Rent means the total consideration charged for *short term residential occupancy* as shown on the guest receipt.

Short term rental guest means any person who exercises *occupancy*, or is entitled to *occupancy*, by reason of concession, permit, right of access, license, or other agreement for a period of less than one *month.*

Short term residential occupancy means the *occupancy of a dwelling unit* for less than one *month.*

Whole home means occupancy of the host's entire dwelling unit while the host is not physically present and residing in the dwelling unit during each day of the short term residential occupancy.

§510.0103 Short Term Residential Occupancy Regulated

A dwelling unit may not be used for short term residential occupancy except as set forth in this Division.

(a) Whole home requirements:

- (1) A Short Term Residential Occupancy License is required for whole home short term residential occupancy.
- (2) A three consecutive night minimum stay by the same short term rental guest is required within the Coastal Overlay Zone (described in Municipal Code section 132.0402) and Downtown Community Plan area (described on the Map on file in the office of the City Clerk as Document No. OO-_____).

(b) Home share requirements:

- (1) A Short Term Residential Occupancy License is not required for home share, except for the use of a dwelling unit with five or more bedrooms. However, if no Short Term Residential Occupancy License is required, the home share host must register the dwelling unit as a home share with the City Manager prior to the initial home share.
- (2) Home share is only allowed in the host's primary residence.

§510.0104 Issuance of a Short Term Residential Occupancy License

- (a) Only a *host* may apply for a Short Term Residential Occupancy License.
- (b) At application, the *host* must provide a Transient Occupancy Registration Certificate number for the *dwelling unit* or concurrently apply for a Transient Occupancy Registration Certificate.
- (c) Only a current water bill with the *host's* name and either a property deed or a rental/lease agreement signed by both the landlord and tenant reflecting the *host's* name as a tenant may be used to establish that a *dwelling unit* is a *host's primary residence*.
- (d) Upon receipt of a complete application, a Short Term Residential Occupancy License shall be issued by the City Manager, when the required fees have been paid, except as set forth below.
 - (1) A Short Term Residential Occupancy License shall not be processed for a *dwelling unit* with a pending enforcement action by the City for violations of this Article unless the approval is required to resolve the enforcement action.
 - (2) A Short Term Residential Occupancy License shall not be processed for a *dwelling unit* that has had a Short Term Residential Occupancy License revoked by the City within 12 months prior to the date of application.
- (e) A *host* may be issued one Short Term Residential Occupancy License, plus one additional Short Term Residential Occupancy License, if one of the *dwelling units* is the *host's primary residence*. However, within the

Mission Beach Planned District (described in Municipal Code section 1513.0102), a *host* may be issued an unlimited number of Short Term Residential Occupancy Licenses, regardless of whether any of the *dwelling units* are the *host's primary residence*.

- (f) If a lot includes a primary *dwelling unit* and a companion or junior unit as those are defined in Municipal Code section 113.0103, only the primary *dwelling unit* may be used for *short term residential occupancy*.
- (g) Short Term Residential Occupancy Licenses shall expire one year from the date the license is issued and must be applied for annually.
- (h) Short Term Residential Occupancy Licenses are non-transferrable. The City shall not accept any request to transfer ownership or location of any license or license application.

§510.0105 **When a Neighborhood Use Permit Is Required**

The use of a *dwelling unit* with five or more bedrooms for *home share* or *whole home short term residential occupancy* requires a Neighborhood Use Permit decided in accordance with Process Two, as set forth in Chapter 12, Article 6, Division 2, in addition to a Short Term Residential Occupancy License.

§510.0106 **Short Term Residential Occupancy Operating Requirements**

All *home share* or *whole home hosts* shall comply with the following:

- (a) Maintain and use the *dwelling unit* at all times for residential *occupancy* only.
- (b) Not allow the *short term residential occupancy* to create a public nuisance.
- (c) Comply with Chapter 3, Article 5, Division 1.

- (d) Provide proof of payment of the Rental Unit Business Tax to the City upon request, if applicable.
- (e) Provide notice, on a form acceptable to the City Manager, to all *short term rental guests* that advises of the following:
 - (1) The *dwelling unit* is located in a residential neighborhood and the *short term rental guests* are expected to abide by all laws, be respectful, and maintain the residential character of the neighborhood;
 - (2) The number of guest rooms and the maximum number of occupants;
 - (3) The parking limitations and rules;
 - (4) The rules for trash and recycling;
 - (5) The City noise limits pursuant to Municipal Code section 59.5.0501, Sound Level Limits, and remedies available to the City to address and enforce violations, including the issuance of individual administrative citations in an amount up to \$1000 to each *short term rental guest* and to the *host*;
 - (6) That upon a failure to vacate by the expiration of the *occupancy term*, the *short term rental guests* may be deemed trespassers and may be subjected to removal by relevant authorities; and
 - (7) That, pursuant to Municipal Code Chapter 5, Article 1, Division 10, if the police are called to address public peace, health, safety,

or general welfare issues, the *short term rental guests* may be responsible for the cost of the police response.

- (f) Ensure that the *dwelling unit* complies with current California Fire Code Regulations.
- (g) That signs on the premises promoting a business are not allowed.
- (h) Designate a local contact who shall be responsible for actively discouraging and preventing any nuisance activity at the premises, pursuant to Municipal Code Chapter 5, Public Safety, Morals, and Welfare. The *host* or designated local contact shall respond to the complainant in person or by telephone within one hour for all reported complaints, including complaints of nuisance activity associated with the *short term residential occupancy*, and shall take action to resolve the matter.
- (i) Post a notice on the premises in a location visible to the public from the sidewalk or public right-of-way, whichever is closer, that includes the Transient Occupancy Registration Certificate number, contact information, and telephone number for the *host* or the designated local contact and the City of San Diego Code Enforcement Division. The *host* shall maintain the notice in good condition while the *dwelling unit* is operated for *short term residential occupancy*.
 - (1) The notice shall be 8.5 inches by 11 inches.
 - (2) The notice shall use all capital letters in black, bold font.

- (j) Include the Transient Occupancy Registration Certificate number on all advertisements.
- (k) Provide proof of payment to the City Manager of an Affordable Housing Impact Fee as set by the City Council upon request. The Affordable Housing Impact Fee shall be collected by the *host* at the same time as the *rent* and shall be remitted to the City Manager on or before the last day of the following *month* for the previous *month*. A *host* shall report and remit the Affordable Housing Impact Fee at the same time and in the same manner as the transient occupancy tax, as set forth in Municipal Code section 35.0114 with the completion of a form approved by the City Manager. A *host* shall issue a receipt to each *short term rental guest* that shall separately states the amount of the Affordable Housing Impact Fee charged on the receipt and maintain a duplicate of such receipt in accordance with Municipal Code section 510.0107.

§510.0107 Records Maintenance and Production

- (a) For a period of three years, a *host* shall maintain the following information for each *short term residential occupancy* transaction:
 - (1) The exact address of the *dwelling unit*, including any unit numbers;
 - (2) The exact dates for which a *short term rental guest* procured *occupancy* of the *dwelling unit*, and the total number of nights by reporting period;
 - (3) A copy of the written notice provided to all *short term rental guests* as set forth in Municipal Code section 510.0106(e);

(4) The amount of gross receipts, including, but not limited to *rent*, transient occupancy tax, and Affordable Housing Impact Fee paid for each stay in a format required by the City Manager; and

(5) The Transient Occupancy Registration Certificate number for the *short term residential occupancy*.

(b) Subject to applicable law, a *host* shall deliver information set forth in Municipal Code section 510.0107(a) to the City Manager upon request. The City Manager may apply auditing procedures necessary to determine the amount of taxes and fees due to the City and to ensure compliance with this Article.

§510.0108 Enforcement of a Short Term Residential Occupancy License

In addition to the remedies in Municipal Code Chapter 1, a Short Term Residential Occupancy License may be revoked in accordance with this section 510.0108.

(a) In addition to any penalties and remedies provided by law, and any other bases for regulatory action provided by law, a Short Term Residential Occupancy License is subject to regulatory action for any of the following reasons:

(1) Non-compliance with this Division or any condition of the license;

(2) Failure to take corrective action after timely written notice of a violation; or

(3) Violation of any state or local law or regulation pertaining to the license.

- (b) Regulatory actions include any of the following, the selection of which shall be at the discretion of the City Manager without any requirement that the actions escalate in severity:
- (1) Issuance of a verbal warning;
 - (2) Issuance of a written warning;
 - (3) Issuance of a notice of violation;
 - (4) Revocation of the Short Term Residential Occupancy License.
- (c) Written notice of the regulatory actions taken pursuant to section 510.0108(b)(2) through (b)(4) shall be provided to the *host*.
- (d) The *host* may request an appeal hearing of the regulatory actions taken pursuant to section 510.0108(b)(3) through (b)(4).
- (e) The request for an appeal hearing shall be made in writing to the City Manager within ten calendar days of the receipt of the notice of regulatory action.
- (f) Upon receiving the request for a hearing, the City Manager shall set a hearing not more than ninety calendar days from the date of receipt of the request, unless a later date is agreed to by the City and the *host* in writing.
- (g) The City Manager shall provide notice to the *host* of the date, time, and place of the hearing in accordance with Municipal Code section 11.0301.
- (h) The hearing shall be conducted by a hearing officer provided by the City Manager.

- (i) The hearing officer may affirm, deny, or modify the regulatory action, and shall furnish the reason for the decision to the *host* in writing within thirty calendar days of the conclusion of the hearing.
- (j) If a third violation of any provision of Municipal Code section 510.0106 is alleged to have occurred within the previous 12 months at the *dwelling unit*, the hearing officer shall revoke the Short Term Residential Occupancy License and any Neighborhood Use Permit required pursuant to section 510.0105 upon a determination that the third violation has occurred. Notice of the alleged third violation, license revocation, and Neighborhood Use Permit revocation, if any, and conduct of the hearing on the alleged third violation and the license and any permit revocation shall be combined and the hearing shall be held in accordance with Chapter 1.

§510.0109 Administration

The City Manager may promulgate reasonable administrative guidelines, rules, interpretations, and regulations to implement and enforce the provisions of this Article.

Article 10: Short Term Residential Occupancy and Hosting Platforms

Division 2: Hosting Platforms

§510.0201 Requirements for Hosting Platforms

- (a) A *hosting platform* shall provide written notice of the transient occupancy tax requirements in Chapter 3, Article 5, Division 1, and the requirements for *short term residential occupancy* in Chapter 5, Article 10, Division 1,

to a host listing a dwelling unit through the hosting platform's service prior to any listing. A hosting platform shall also provide written notification to all hosts of any changes to such local regulations. A hosting platform's failure to provide written notification to a host under this section 510.0201(a) shall not excuse a host from complying with any local regulations. Upon request by the City Manager, a hosting platform shall provide documentation to the City Manager demonstrating that the required notification was provided to hosts.

- (b) If a hosting platform collects rent from a short term rental guest, the hosting platform shall collect all required transient occupancy taxes and the Affordable Housing Impact Fee at the same time the rent is collected, and shall remit the taxes and fees on a monthly basis to the City with the completion of a form approved by the City Manager. A hosting platform under Municipal Code section 510.0201(b) shall issue a receipt to each short term rental guest. The hosting platform shall separately state the amount of the transient occupancy tax and the Affordable Housing Impact Fee charged on the receipt and maintain a duplicate of such receipt in accordance with Municipal Code section 510.0202. A hosting platform shall maintain for a period of three years all documentation necessary to demonstrate that the proper amount of taxes and fees have been remitted to the City Manager.
- (c) A hosting platform may only collect a fee for providing booking services after the hosting platform exercises reasonable care to confirm that a

dwelling unit has a valid Short Term Residential Occupancy License issued by the City Manager, if applicable, and a Transient Occupancy Registration Certificate as set forth in Municipal Code section 35.0113. Whenever a *hosting platform* complies with the administrative guidelines promulgated by the City Manager to confirm that the *dwelling unit* has the Short Term Residential Occupancy License, if applicable, and Transient Occupancy Registration Certificate, the *hosting platform* shall be deemed to have exercised reasonable care for the purpose of Municipal Code section 510.0201(c). A *hosting platform's* failure to comply with the administrative guidelines promulgated by the City Manager creates a rebuttable presumption that the *hosting platform* did not exercise reasonable care pursuant to Municipal Code section 510.0201(c).

§510.0202 **Records Maintenance and Production**

- (a) For a period of three years, a *hosting platform* shall maintain the following information for each *short term residential occupancy* transaction:
- (1) The first and last name of the *host* who offered the *short term residential occupancy*;
 - (2) The exact street address of the *dwelling unit*, including any unit numbers;
 - (3) The dates for which a *short-term rental guest* procured *occupancy* of the *dwelling unit* using the *booking service* provided by the *hosting platform*, and the total number of room nights by reporting period by *host*;

(4) The amount of gross receipts, including but not limited to rent, transient occupancy tax, and Affordable Housing Impact Fee paid for each stay in a format required by the City Manager; and

(5) The Short Term Residential Occupancy License number, if applicable, and the Transient Occupancy Registration Certificate number for the short term residential occupancy.

(b) Subject to applicable law, a hosting platform shall deliver information set forth in Municipal Code section 510.0201(a) to the City Manager upon request. The City Manager may apply auditing procedures necessary to determine the amount of taxes and fees due to the City and to ensure compliance with this Article.

§98.0502 Establishment of the San Diego Affordable Housing Fund

(a) There is hereby established a fund to be known and denominated as the San Diego Affordable Housing Fund. The Affordable Housing Fund shall consist of funds derived from the Affordable Housing Impact Fee paid pursuant to Chapter 5, Article 10; the commercial development linkage fees paid to the City pursuant to Chapter 9, Division 6, Article 8 of the San Diego Municipal Code; revenues from the Transient Occupancy Tax as provided in Section 35.0128 of the San Diego Municipal Code; funds derived from in lieu fees paid to the City pursuant to Chapter 14, Article 2, Division 13; revenues received from the use of a shared-equity program pursuant to Section 142.1309(e) of the San Diego Municipal Code; and any other appropriations as determined from time to time by legislative

action of the City Council. The Affordable Housing Fund shall be administered by the San Diego Housing Commission pursuant to the provisions of this Division, the appropriation ordinances and Council policies applicable thereto.

(b) through (c) [No change in text.]

§113.0103 Definitions

Abutting property through *bluff edge, coastal* [No change in text.]

~~*Boarder* means an individual resident who is furnished sleeping accommodations and meals in a residential *structure*.~~

Breakaway wall through *Grubbing* [No change in text.]

Guest room means any rented or leased room that is used or designed to provide sleeping accommodations for one or more guests in *hotels, motels, bed and breakfast facilities*, private clubs, lodges, and fraternity or sorority houses.

Hardscape through *Local Coastal Program* [No change in text.]

~~*Lodger* means any person renting a room in a residential *structure* for living or sleeping purposes without having free access to and use of the rest of the *structure*.~~

Lot through *Yard* [No change in text.]

§126.0203 When a Neighborhood Use Permit Is Required

(a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13.

Artisan Food and Beverage Producer through Automobile service stations [No change in text.]

~~Bed and breakfast establishments (under circumstances described in Section 141.0603)~~

Boarding kennels/pet day care facilities through Revolving projecting signs [No change in text.]

Short term residential occupancy of a *dwelling unit* with five or more *bedrooms* pursuant to Section 510.0105.

Sidewalk cafes that deviate from the requirements of Section 141.0621(a) through *Wireless communication facilities* [No change in text.]

(b) [No change in text.]

§126.0303 When a Conditional Use Permit Is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulations Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three Agricultural equipment repair shops through Automobile service stations [No change in text.]

~~Bed and breakfast establishments (under circumstances described in Section 141.0603)~~

Child Care Centers through *Wireless communication facilities* (under circumstances described in Section 141.0420) [No change in text.]

(b) through (c) [No change in text.]

§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 Residential, <i>Single Dwelling Units</i> [No change in text.]			[No change in text.]					
Separately Regulated Residential Uses:								
<i>Boarder & Lodger Accommodations</i>			-	-	-	£	-	
<i>Companion Units</i> through Separately Regulated Commercial Services Uses , Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]			[No change in text.]					
Bed & Breakfast Establishments:								
1-2 Guest Rooms			-	-	-	£	-	
3-5 Guest Rooms			-	-	-	£	-	
6+ Guest Rooms			-	-	-	£	-	
Separately Regulated Commercial Services Uses , Boarding Kennels/Pet Day Care through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [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 Residential, <i>Single Dwelling Units</i> [No change in text.]		[No change in text.]			
Separately Regulated Residential Uses:					
<i>Boarder & Lodger Accommodations</i>		-		E	
<i>Companion Units</i> through Separately Regulated Commercial Services Uses , Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]		[No change in text.]			
Bed & Breakfast Establishments:					
1-2 Guest Rooms		-		E ⁽⁺⁾	
3-5 Guest Rooms		-		N ⁽⁺⁾	
6+ Guest Rooms		-		E ⁽⁺⁾	
Separately Regulated Commercial Services Uses , Boarding Kennels/Pet Day Care through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [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 Agriculture, Raising & Harvesting of Crops [No change in text.]	[No change in text.]																							
Raising, Maintaining & Keeping of Animals	P ⁽³⁾⁽⁹⁾ (7)	-												-		-								
Agriculture, Separately Regulated Agriculture Uses, Agricultural Equipment Repair Shops through Residential, Shopkeeper Units [No change in text.]	[No change in text.]																							
Single Dwelling Units	P	P ⁽⁹⁾⁽⁸⁾												P ⁽⁹⁾⁽⁸⁾		P ⁽⁹⁾⁽⁸⁾								
Separately Regulated Residential Uses																								
Boarder & Lodger Accommodations	L	L												L		L								
Companion Units through Separately Regulated Commercial Services Uses, Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]	[No change in text.]																							
Bed & Breakfast Establishments:																								
1-2 Guest Rooms	N	N												N		-								
3-5 Guest Rooms	N	E												E		-								
6+ Guest Rooms	E	E												-		-								
Separately Regulated Commercial Services Uses, Boarding Kennels / Pet Day Care 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 Residential, Mobilehome Parks [No change in text.]	[No change in text.]													
Multiple Dwelling Units	P ⁽⁵⁾			P ⁽⁵⁾			P ⁽⁵⁾			P ⁽⁵⁾		P		
Rooming House [See Section 131.0112(a)(3)(A)] through Shopkeeper Units [No change in text.]	[No change in text.]													
Single Dwelling Units	P ⁽¹²⁾⁽¹¹⁾			P ⁽¹²⁾⁽¹¹⁾			P ⁽¹²⁾⁽¹¹⁾			P ⁽¹²⁾⁽¹¹⁾		P ⁽¹²⁾⁽¹¹⁾		
Separately Regulated Residential Uses														
Boarder & Lodger Accommodations	L			L			L			L		L		
Companion Units through Garage, Yard, & Estate Sales [No change in text.]	[No change in text.]													
Guest Quarters	L ⁽¹⁰⁾⁽⁹⁾			-			-			-		-		
Home Occupations through Retail Sales, Building Supplies & Equipment [No change in text.]	[No change in text.]													
Food, Beverages and Groceries	-			-			P ⁽⁷⁾⁽⁶⁾			P ⁽⁷⁾⁽⁶⁾		P ⁽⁷⁾⁽⁶⁾		
Consumer Goods, Furniture, Appliances, Equipment through Pets & Pet Supplies [No change in text.]	[No change in text.]													
Sundries, Pharmaceuticals, & Convenience Sales	-			-			P ⁽⁷⁾⁽⁶⁾			P ⁽⁷⁾⁽⁶⁾		P ⁽⁷⁾⁽⁶⁾		
Wearing Apparel & Accessories through Commercial Services, Building Services [No change in text.]	[No change in text.]													
Business Support	-			-			P ⁽⁷⁾⁽⁶⁾			P ⁽⁷⁾⁽⁶⁾		P ⁽⁷⁾⁽⁶⁾		

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	
Eating & Drinking Establishments through Off-Site Services [No change in text.]	[No change in text.]													
Personal Services	-	-		P ⁽⁷⁾⁽⁶⁾			P ⁽⁷⁾⁽⁶⁾		P ⁽⁷⁾⁽⁶⁾					
Radio & Television Studios through Tasting Rooms [No change in text.]	[No change in text.]													
Visitor Accommodations	-	-		-			P ⁽⁶⁾⁽⁵⁾		P ⁽⁶⁾⁽⁵⁾					
Separately Regulated Commercial Services Uses, Adult Book Store through Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]	[No change in text.]													
Bed & Breakfast Establishments:														
1-2 Guest Rooms	L	L		L			P		P					
3-5 Guest Rooms	N	N		L			P		P					
6+ Guest Rooms	E	N		N			P		P					
Boarding Kennels/ Pet Day Care through Massage Establishments, Specialized Practice [No change in text.]	[No change in text.]													
Massage Establishments, Specialized Practice [No change in text.]	[No change in text.]													
Mobile Food Trucks	-			L ⁽¹¹⁾⁽¹⁰⁾			L ⁽¹¹⁾⁽¹⁰⁾		L ⁽¹¹⁾⁽¹⁰⁾		L ⁽¹¹⁾⁽¹⁰⁾			
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]													
Offices														
Business & Professional	-	-		P ⁽⁷⁾⁽⁶⁾			P ⁽⁷⁾⁽⁶⁾		P ⁽⁷⁾⁽⁶⁾					
Government [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	
Medical, Dental, & Health Practitioner	-			-			P ⁽⁷⁾ (6)			P ⁽⁷⁾ (6)		P ⁽⁷⁾ (6)		
Regional & Corporate Headquarters through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]													

Footnotes for Table 131-04B

¹ through ⁴ [No change in text.]

⁵ ~~Non-owner occupants must reside on the premises for at least 7 consecutive calendar days.~~

⁶5 Two *guest rooms* are permitted for visitor accommodations per the specified square footage of lot area required per ~~dwelling unit~~ dwelling unit (maximum permitted *density*), as indicated on Table 131-04G.

⁷6 See Section 131.0423.

⁸7 Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.

⁹8 A Residential High Occupancy Permit is required in accordance with Section 123.0502 for a *single dwelling unit* when the occupancy of the *dwelling unit* would consist of six or more persons eighteen years of age and older residing in the *dwelling unit* for a period of 30 or more consecutive days.

¹⁰9 A guest quarters or habitable accessory building is permitted in accordance with Section 141.0307 only as an *accessory use* to a *single dwelling unit*.

¹¹10 Mobile food trucks are permitted by right on the property of a *school*, university, hospital, religious facility, *previously conforming commercial premises* in a residential zone, or construction site. Mobile food trucks on any other *premises* are subject to the limited use regulations set forth in Section 141.0612.

¹²11 *Development* of a small *lot subdivision* is permitted in accordance with Section 143.0365.

§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 [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>>	CN ⁽¹⁾ -				CR-		CO-				CV-		CP-
3rd >>>	1-	1-	2-	1-	2-	3-	1-	1-						
4th >>>	1 2 3 4 5	1 1	1 2	1 2	1 2	1 2	1 2	1						
Open Space through Residential, Single Dwelling Units [No change in text.]	[No change in text.]													
Separately Regulated Residential Uses														
<i>Boarder & Lodger Accommodations</i>	E ⁽²⁾	E	-	E	-	-	E ⁽²⁾	-						
<i>Companion Units</i> through Separately Regulated Commercial Services Uses, Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]	[No change in text.]													
Bed & Breakfast Establishments:														
1-2 Guest Rooms	-	P	P-	-	-	-	-	P	-					
3-5 Guest Rooms	-	P	P-	-	-	-	-	P	-					
6+ Guest Rooms	-	P	P-	-	-	-	-	P	-					
Separately Regulated Commercial Services Uses, Boarding Kennels/Pet Day Care 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 >>	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	1	2	3	4	5	6													
Open Space through Residential, Single Dwelling Units [No change in text.]	[No change in text.]																																													
Separately Regulated Residential Uses																																														
<i>Boarder & Lodger Accommodations</i>	£	-			£	£	£																																							
<i>Companion Units</i> through Separately Regulated Commercial Services Uses, Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]	[No change in text.]																																													
Bed & Breakfast Establishments:																																														
1-2 Guest Rooms	£	£	£	£	£																																									
3-5 Guest Rooms	£	£	£	£	£																																									
6+ Guest Rooms	£	£	£	£	£																																									
Separately Regulated Commercial Services Uses, Boarding Kennels/Pet Day Care through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]																																													

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

§131.0540 Maximum Permitted Residential Density and Other Residential Regulations

The following regulations apply to residential *development* within commercial zones where indicated in Table 131-05B:

(a) through (d) [No change in text.]

(e) ~~Non-owner occupants must reside on the premises for a minimum of 7 consecutive calendar days.~~

§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 Residential, Single Dwelling Units [No change in text.]		[No change in text.]									
Separately Regulated Residential Uses											
<i>Boarder & Lodger Accommodations</i>		-	-	-	-	-	-	-	-	-	-
<i>Companion Units</i> through Separately Regulated Commercial Services Uses, Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]		[No change in text.]									
Bed & Breakfast Establishments:											
1-2 Guest Rooms		-	-	-	-	-	-	-	-	-	-
3-5 Guest Rooms		-	-	-	-	-	-	-	-	-	-
6+ Guest Rooms		-	-	-	-	-	-	-	-	-	-
Separately Regulated Commercial Services Uses, Boarding Kennels/Pet Day Care 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.]

§132.1510 Noise Compatibility

Noise compatibility between airport operations and proposed *development* within

Review Area 1 of this overlay zone shall be evaluated as follows:

(a) through (f) [No change in text.]

Legend for Table 132-15D

[No change in text.]

Table 132-15D**Noise Compatibility Criteria**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Residential, Single Dwelling Units [No change in text.]	[No change in text.]			
Separately Regulated Residential Uses				
<i>Boarder & Lodger Accommodations</i>	Classify with primary use			
<i>Companion Units</i> through Separately Regulated Commercial Services Uses, Sexual Encounter Establishment [No change in text.]	[No change in text.]			
Bed & Breakfast Establishments:				
1-2 Guest Rooms	P ²	P ²	-	-
3-5 Guest Rooms	P ²	P ²	-	-
6+ Guest Rooms	P ²	P ²	-	-
Boarding Kennels through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]			

Footnotes to Table 132-15D [No change in text.]

§132.1515 Safety Compatibility

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

(a) through (e) [No change in text.]

(f) Safety Compatibility Review for MCAS Miramar

(1) through (2) [No change in text.]

Legend for Table 132-15F

[No change in text.]

Table 132-15F**Safety Compatibility Criteria for MCAS Miramar**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Open Space through Residential, Single Dwelling Units [No change in text.]	[No change in text.]		
Separately Regulated Residential Uses			
<i>Boarder & Lodger Accommodations</i>	Classify with primary use		
Companion Units through Separately Regulated Commercial Services Uses , Sexual Encounter Establishment [200 sq ft per person] [No change in text.]	[No change in text.]		
Bed & Breakfast Establishments:			
1-2 Guest Rooms	-	-	P
3-5 Guest Rooms	-	-	P
6+ Guest Rooms	-	-	P
Boarding Kennels [200 sq ft per person] through Industrial, Separately Regulated Industrial Uses , Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]		

Footnotes to Table 132-15F [No change in text.]

Legend for Table 132-15G

[No change in text.]

Table 132-15G

Safety Compatibility Criteria for Brown Field and Montgomery Field

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Open Space through Residential, Single Dwelling Units [No change in text.]	[No change in text.]					
Separately Regulated Residential Uses						
<i>Boarder & Lodger Accommodations</i>	Classify with primary use					
Companion Units through Separately Regulated Commercial Services Uses , Sexual Encounter Establishment [200 sq ft per person [No change in text.]	[No change in text.]					
Bed & Breakfast Establishments:						
1-2 Guest Rooms	-	P	P	P	P	P
3-5 Guest Rooms	-	P	P	P	P	P
6+ Guest Rooms [200 sq ft per person]	-	-	L/.60	L/.60	L/.92	P
Boarding Kennels [200 sq ft per person] through Industrial, Separately Regulated Industrial Uses , Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]					

Footnotes to Table 132-15G [No change in text.]

§141.0301 Boarder and Lodger Accommodations

Boarder and lodger accommodations are 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) ~~Boarder and lodger accommodations are permitted only as an accessory use to a primary dwelling unit.~~
- (b) ~~No more than two boarders or lodgers are permitted per primary dwelling unit.~~
- (c) ~~In the RM zones and all commercial zones, boarders and lodgers must occupy the premises for a minimum of 7 consecutive calendar days. In all other zones, boarders and lodgers must occupy the premises for a minimum of 30 consecutive calendar days.~~
- (d) ~~Off-street parking shall be provided at a rate of 1 space for each 2 boarders or lodgers. Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided at a rate of 1 space for each boarder or lodger.~~

§141.0603 Bed and Breakfast Establishments

~~Bed and breakfast establishments are visitor accommodations within a residential structure where breakfast is typically provided for guests.~~

~~Bed and breakfast establishments are 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. Bed and breakfast establishments may be permitted with a Neighborhood Use Permit in the zones indicated with an “N” or with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.~~

- (a) In the RM zones, bed and breakfast establishments are subject to the following regulations.
- (1) No more than one bed and breakfast establishment is permitted on a premises.
 - (2) Only one kitchen is permitted in a newly constructed bed and breakfast establishment except that one additional kitchen may be permitted for the owner or operator that is separate from the kitchen for the bed and breakfast establishment.
 - (3) A bed and breakfast establishment that is a conversion of existing multiple dwelling units may contain the number of kitchens permitted by the applicable zone provided the existing off-street parking on the premises is not decreased.
 - (4) Off-street parking shall be provided as follows:
 - (A) One space for the operator of the establishment;
 - (B) One space per guest room for up to two guest rooms or, if located in a transit area identified in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone), one space for up to two guest rooms; and
 - (C) One half space for each additional guest room.
 - (5) Eating and drinking facilities shall be available only to the overnight guests.

- (6) For newly constructed bed and breakfast establishments, the number of exterior accesses shall not exceed the maximum number of dwelling units permitted on the *premises*.
 - (7) One *sign* is permitted on the *premises* with a maximum *sign copy area* of 12 square feet and a maximum horizontal or vertical dimension of 6 feet.
- (b) In the RE, RS, RX, OR, and AR zones, bed and breakfast establishments are subject to the following regulations:
- (1) Bed and breakfast establishments in RS and RX zones shall be limited to the conversion of existing *structures*.
 - (2) In the RS zones, bed and breakfast establishments with six or more *guest rooms* may be permitted only in *historical buildings*.
 - (3) The maximum number of *guest rooms* in the RE, OR, and AR zones is nine.
 - (4) No more than one *kitchen* is permitted in a bed and breakfast establishment.
 - (5) Off-street parking shall be provided as follows:
 - (A) Two spaces for the *single dwelling unit*;
 - (B) One space per *guest room* for up to two *guest rooms* or, if located in a *transit area* identified in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone), one space for up to two *guest rooms*; and
 - (C) One-half space for each additional *guest room*.

- (6) ~~One sign is permitted on the premises with a maximum sign copy area of 8 square feet and a maximum dimension of 4 feet in any horizontal or vertical direction.~~
- (7) ~~Eating and drinking facilities shall be available only to the overnight guests.~~
- (8) ~~The property owner or operator shall reside on the premises.~~
- (e) ~~In commercial zones, the development regulations of the zone that are applicable to visitor accommodations shall apply.~~
- (d) ~~Bed and breakfast establishments of six guest rooms or less in any residential zone for which the required Rental Unit Business Tax and the Transient Occupancy Tax were current as of May 2, 1996, and have remained current since that date, may continue to exist and operate subject to Chapter 12, Article 7 (Previously Conforming Premises and Uses) provided that the owner or operator of the bed and breakfast establishment provides evidence of payment of the required Rental Unit Business Tax and Transient Occupancy Tax to the City Manager upon request and the City Manager confirms this evidence in writing to the owner or operator. Bed and breakfast establishments continuing to exist and operate under this provision are not subject to Section 127.0102(a).~~

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and

related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related Accessory Uses

<i>Multiple Dwelling Unit Type and Related and Accessory Uses</i>	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic⁽¹⁾	<i>Transit Area or Transit Priority Area⁽²⁾</i>	Parking Impact⁽⁴⁾		
Studio up to 400 square feet through Rooming house [No change in text.]	[No change in text.]				
Boarder & Lodger Accommodations	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers except 1.0 per boarder or lodger in beach impact area	N/A	N/A
Residential care facility (6 or fewer persons) through Accessory uses (Spaces per square feet⁽⁷⁾) [No change in text.]	[No change in text.]				

Footnotes for Table 142-05C [No change in text.]

(b) through (d) [No change in text.]

§142.0555 Tandem Parking Regulations

- (a) [No change in text.]
- (b) Tandem Parking for Commercial Uses. Tandem parking for commercial uses may be approved through a Neighborhood Development Permit provided the tandem parking is limited to the following purposes:
 - (1) Assigned employee parking spaces;
 - (2) Valet parking associated with restaurant use; and
 - ~~(3) Bed and breakfast establishments.~~

§152.0104 Definitions

Artists' Studios through **Banks, Credit Unions, and Savings and Loan**

Associations [No change in text.]

~~**Bed and Breakfast Inns** – Establishments offering lodging on a less than weekly basis with incidental eating and drinking services for lodgers only. A single kitchen must serve the entire premises.~~

Building Materials and Services through **Wholesale and Warehouse** [No change in text.]

§152.0316 Redevelopment Subdistrict Permitted Land Use Categories

Six major land use categories, described in Figure 2 of the Barrio Logan Planned Districts, are permitted within the Redevelopment Subdistrict: Commercial Use, Mercado District, Commercial/Residential Mixed Use, Residential Use, Public/Quasi-Public Use, and Light Industry/Commercial Use. The permitted land use classifications within each of these six land use categories are described in Section 152.0317 (Redevelopment Subdistrict - Land Use Classifications) and in Table 152-03A.

Legend for Table 152-03A

[No change in text.]

**Table 152-03A
Permitted Land Use Categories**

Land Use Classifications	Land Use Categories					
	Commercial Use	Mercado District	Comm/Res. Mixed Use	Residential Use	Public/Quasi - Public Use	Light Industrial/Comm. Use
Residential through Visitor Accommodations [No change in text.]						
Bed & Breakfast	P	P	P	-	-	-
Commercial Services, Hotels/Motels through Parking, Accessory Uses [No change in text.]	[No change in text.]					

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

**Table 155-02C
Use Regulations Table for CU Zones**

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1-(¹)		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Residential, Single Dwelling Units [No change in text.]	[No change in text.]										
Separately Regulated Residential Uses											
<i>Boarder & Lodger Accommodations</i>	E		E			E					
<i>Companion Units</i> through Separately Regulated Commercial Services Uses, Assembly & Entertainment Uses, Including Places of Religious Assembly [No change in text.]	[No change in text.]										
Bed & Breakfast Establishments:											
1-2 Guest Rooms	N		P			P					
3-5 Guest Rooms	N		P			P					
6+ Guest Rooms	N		P			P					
Boarding Kennels/ Pet Day Care Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 155-02C [No change in text.]

§156.0302 Definitions

The following definitions apply to this Article. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. Each word or phrase that is defined in this Division or in

Chapter 11, Article 3, Division 1 of the Land Development Code appears in the text in italicized letters.

Active commercial uses through Base floor area ratio (Base FAR) [No change in text.]

~~*Bed and breakfast means a visitor serving establishment with up to twenty rooms for overnight stays that serves breakfast every morning.*~~

Blank wall through Urban open space [No change in text.]

§156.0308 Base District Use Regulations

(a) through (b) [No change in text.]

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Commercial Services, Hotels and Motels [No change in text.]	[No change in text.]														
Separately Regulated Commercial Service Uses															
Animal Hospitals & Kennels [No change in text.]	[No change in text.]														
<i>Bed & Breakfast Establishments</i>	P	P	P	P	--	P	P	--	--	P	L	--	--		CS
Child Care Facilities through Other Use Requirements, Temporary Uses and <i>Structures</i> [No change in text.]	[No change in text.]														

Footnotes for Table 156-0308-A [No change in text.]

§1510.0303 Single-Family Zone - Permitted Uses

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following uses:

(a) through (b) [No change in text.]

(c) ~~Boarder and lodger accommodations;~~ Companion units and junior units; Family day care homes; Garage, yard and estate sales; Guest quarters and habitable accessory buildings; Home occupations; Community gardens; and Temporary real estate sales offices and model homes as a limited use in accordance with the applicable regulations in Chapter 14, Article 1 (Separately Regulated Use Regulations).

(d) through (f) [No change in text.]

§1510.0305 Multi-Family Zones - Permitted Uses

(a) through (b) [No change in text.]

(c) Apartment houses designed to serve as the principal place of residence for a family or person. ~~These units should not serve transient and temporary residents in the manner of a hotel or motel.~~

(d) Accessory uses

All accessory uses shall be located in the same building complex as the permitted uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, hall, patio or similar interior area. However, neither of the foregoing regulations shall be applicable to accessory uses exclusively serving outdoor recreational

activities. The combined gross floor area of all accessory uses, excluding outdoor recreational facilities, on any premises shall occupy not more than 20 percent of the gross floor area of the permitted uses. Accessory uses may include the following:

- ~~(1)~~ ~~Not more than two lodgers or boarders per dwelling unit.~~
- ~~(2)~~(1) Recreational and health facilities which are designed, used and clearly intended for the use of occupants of residential complexes, including tennis courts, putting greens, exercise rooms and sauna and steam baths.
- ~~(3)~~(2) Communal dining facilities and snack bars in residential complexes which are designed, used and clearly intended for the convenience of the occupants and guests of the residential complex only.

(e) through (g) [No change in text.]

§1513.0303 Permitted Uses – Residential Subdistricts

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

- (a) [No change in text.]
- (b) Accessory Uses
 - (1) through (2) [No change in text.]
 - ~~(3)~~ ~~Lodgers, permitted as follows:~~

~~(A) For a single dwelling unit which is the only dwelling unit on the premises, not more than 2 lodgers with each being provided a bedroom and with more than one full bathroom facility within the dwelling unit.~~

~~(B) For duplexes and multiple dwelling units, not more than one lodger being provided with a bedroom and with more than one full bathroom facility on the premises.~~

~~(4)~~(3) [No change in text.]

§1513.0304 Property Development Regulations – Residential Subdistricts

(a) Density Regulations

One dwelling unit shall be allowed, ~~including lodging and boarding units,~~ per 1,200 square feet of lot area, except as follows:

- (1) A single R-S lot of 2,000 to 2,400 square feet shall be entitled to a maximum of 2 dwelling units;
- (2) Two contiguous R-S lots developed concurrently with common wall construction shall be entitled to a maximum of 4 dwelling units; and
- (3) Fractions of a dwelling unit shall not be rounded up when determining the total units permitted on a lot or lots.

(b) through (h) [No change in text.]

§1513.0403 Parking

(a) [No change in text.]

(b) Residential Subdistricts

- (1) Every premises used for one or more of those uses permitted in Section 1513.0303 shall be provided with a minimum of two permanently maintained off-street parking spaces ~~located on the premises as follows:~~ per dwelling unit.
 - ~~(A)~~ (A) ~~Two spaces per dwelling unit;~~ except for the following:
 - ~~(i)~~(A) In R-S Subdistricts when a unit is added to a lot with an existing single-family unit and the lot has less than 34 feet of frontage on a street or alley, then the requirement shall be 1.5 spaces per dwelling unit.
 - ~~(ii)~~(B) In the R-N Subdistrict the requirement shall be one space per dwelling unit for lots abutting Ocean Front Walk or Bayside Walk with less than 10 feet of vehicular access on a street or alley.
 - ~~(B)~~ (B) ~~One space per unit (room) of boarder or lodger.~~
 - (2) At least one space per dwelling unit ~~and one space per 2 boarding or lodging units~~ shall have direct access to a dedicated and improved street or alley.
 - (3) through (8) [No change in text.]
- (c) [No change in text.]

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