

Ordinance No. 2020-

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5.08, SECTION 5.08.250; TITLE 6, CHAPTER 6.04, SECTION 6.04.430; TITLE 8, CHAPTER 8.04, SECTION 8.04.010; CHAPTER 8.68, SECTION 8.68.040; TITLE 13, CHAPTER 13.04, SECTION 13.04.015; TITLE 16, CHAPTER 16.20, SECTION 16.20.020; CHAPTER 16.80, SECTIONS 16.80.020, 16.80.060, 16.80.130, 16.80.135, 16.80.260, 16.80.280, 16.80.285, 16.80.350; CHAPTER 16.136, SECTION 16.136.030, CHAPTER 16.152, SECTION 16.152.040, CHAPTER 16.164, SECTION 16.164.030; AND CHAPTER 16.240, SECTION 16.240.020 OF THE STOCKTON MUNICIPAL CODE, RELATING TO URBAN AGRICULTURE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. FINDINGS AND INTENT

The City Council of the City of Stockton finds that:

- A. The current Stockton Municipal Code requires amendments to provide standards for urban agriculture.
- B. The proposed ordinance would also further:
 1. General Plan Policy CH-1.3: Encourage activities that support local agriculture, such as farmers' markets, urban farming and community gardening via the completion of the following actions:
 - a. Action CH-1.3C: Amend the Development Code to include standards for small-scale, urban local food operations.
 - b. Action CH-1.3E: Partner with nonprofits, local farmers and San Joaquin County Public Health Services to conduct public outreach and education to aid in the development of an urban agriculture ordinance.
 2. Objective 1 of the Food and Ag Plan: Local policy by creating a policy environment that supports urban agriculture.

SECTION II. AMENDMENT OF CODE

Title 5, Chapter 5.08, Section 5.08.250 of the Stockton Municipal Code is amended as follows:

- A. An itinerant merchant under this title shall be deemed to mean and include any person or persons, firm, or corporation, either principal or agent, employer or employee who engages in a temporary business in the City by selling or offering for sale goods, wares, merchandise, or things or articles of value for a period of not more than 190 days in any calendar year, and who, for the purpose of carrying on such business hires, leases, or occupies any room, building, structure or stand on any real property, or on or adjoining any street or public

place in the City. The person, firm or corporation so engaged shall not be relieved from the provisions of this section by reason of associating temporarily any local dealer, trader, merchant or auctioneer, or by reasons of conducting such temporary business in connection with or as part of any local business, or in the name of any local dealer, trader, merchant or auctioneer.

1. Community gardens consistent with Section 16.80.130 and Urban agriculture produce stands consistent with Section 16.80.285 are exempt from this provision.

B.-Every person, firm or corporation engaged in the business of an itinerant merchant shall pay a license fee of \$600.00 per year, or \$200.00 per quarter or portion thereof, or \$5.00 for a single day event, \$10.00 for a two (2) or three (3) day event and \$5.00 per day for an event lasting four (4) days or longer.

C.-Any itinerant merchant who, as a seller of any article is required to obtain a State vendor's permit, pursuant to the provisions of Revenue and Taxation Code Section 6066 et seq., shall, prior to the issuance of a permit by the City, produce satisfactory proof of possession of such a State vendor's permit.

D.-Every sale in the normal course of business of such itinerant merchant within the City shall be recorded or memorialized on sequentially numbered receipts which shall contain, at a minimum, the following information:

1. The name of the seller,
2. The date of the sale,
3. The price paid,
4. A description of the item(s) sold.

It shall be the duty of the itinerant merchant to retain such records for the period of three (3) years from the date of sale or the period prescribed by law for the retention of records for Federal income tax purposes, whichever is longer. (~~Prior code § 6-034.19~~)

SECTION III. AMENDMENT OF CODE

Title 6, Chapter 6.04, Section 6.04.430 of the Stockton Municipal Code is amended as follows:

It is unlawful for any person, firm, or corporation owning or having possession of any domestic or wild animal (excluding dogs and cats), reptile, cattle, horse, mule, goat, sheep, swine, or any fowl to permit the same to run or go upon the public or private premises of any other person, firm, or corporation; or upon any park or public street or highway within the City *except where permitted within a particular zone or district as provided in Table 2.2 of Section 16.20.020 of the Development Code of the City.* (~~Ord. 021-07 C.S. § 2; prior code § 7-131.1~~)

SECTION IV. AMENDMENT OF CODE

Title 8, Chapter 8.04, Section 8.04.010 of the Stockton Municipal Code is amended to include the definition of:

A. Definition of "Vacant lot"

1. *"Vacant lot" means any parcel of real property that is not improved with a community garden, as defined by section 16.240.020, or a completed permitted structure.*

- B. Except as amended by subsections A above, all provisions of section 8.04.010 remain unchanged and in full effect.*

SECTION V. AMENDMENT OF CODE

Title 8, Chapter 8.68, Section 8.68.040 of the Stockton Municipal Code is amended as follows:

- A. It is unlawful to keep:*
- 1. Meat, game, fish, vegetables, fruit, or other prepared food stuffs in an open receptacle less than two (2) feet above the floor.*
 - 2. ~~It is also unlawful to keep~~ Meat, vegetables, fruit, fish, dairy products, cooked meats, figs, dates, dried fruit, olives, sauerkraut, mince meat, lard, butter, butterine, candy, crackers, cakes, bread or any prepared food, exposed for sale in the open air, to the action of moisture, soot, dust and flies in the front of any shop, store, or other place. ~~(Prior code § 7-022)~~*
- B. In the case of open air uses such as farmers markets, produce stands, urban agriculture, and uses deemed similar by the Chief of Police; vegetables, fruit, figs, dates, and/or nuts are exempt from section A.2 above.*

SECTION VI. AMENDMENT OF CODE

Title 13, Chapter 13.04, Section 13.04.015 of the Stockton Municipal Code is amended as follows:

13.04.015 Mandatory water service required.

- A. Except as otherwise provided in this title, in areas in which the City provides water service it shall be mandatory for all owners, or occupants or persons in possession, charge or control of all dwellings, buildings, places and premises in the City that are connected to the City's water system to subscribe to and pay for water services provided to their respective property by the City. ~~(2019-02-05-1403 C.S. § 7)~~*
- B. Service pipes.*
- 1. No person whose water service pipe is attached directly or indirectly to a public water main shall allow any person to attach any pipe or hose connection to the plumbing on his or her lot or parcel for the purpose of providing water service to any other lot or parcel, except to provide irrigation for a community garden in accordance with Section 16.240.020.*
 - 2. No person shall receive water service on a lot or parcel by means of a pipe or hose connection to the plumbing on a different lot or parcel that is attached directly or indirectly to a public water main, except to provide irrigation for a community garden in accordance with Section 16.240.020.*
 - 3.. The department may order the disconnection of any pipe or hose connection in violation of this section, or the department may disconnect the pipe or hose connection.*

C. The Municipal Utilities Director, or designee, may authorize lots or parcels utilized for a community garden, as defined in Section 16.240.020 of this code, to use the existing water service connection of an adjoining lot or parcel to provide irrigation for the community garden if the owner of the adjoining lot or parcel consents to such use, provided that:

- 1. A backflow prevention device is installed and periodically tested in accordance with such requirements as may be specified by the director to protect the potable water supply of the city and of the adjoining lot or parcel served by the existing water service connection; and*
- 2. A water meter is installed on the existing water service connection. The owner of the adjoining lot or parcel served by the existing water service connection shall notify the director prior to the initiation of any such use, and shall be liable for all rates, charges, and fees for the water service furnished to the existing water service connection used to provide irrigation for the community garden.*

SECTION VII. AMENDMENT OF CODE

Title 16, Chapter 16.20, Section 16.20.020 of the Stockton Municipal Code is amended as follows:

A. Requirements for Primary Uses. Table 2-2 identifies the primary land uses for each zoning district, except the MX and UC zoning districts. It identifies whether the use is allowed or not allowed, and indicates which land use permit would be required, if necessary, to authorize the use. Building Permits or other permits may also be required by the Municipal Code. The land uses identified in Table 2-2 are defined in Division 8 (Glossary).

- 1. Permit Requirements for Primary Uses.** The permitting requirements identified in Table 2-2 are:
 - a. Permitted (P).** All land uses shown with a “P” in the table are allowed subject to compliance with all applicable provisions of this Development Code. Site plan review (Chapter 16.152) is required for new construction or for a change to a more intensive use, except as provided by Section 16.152.040 (Exemptions).
 - b. Land Development Permit (L).** All land uses shown as “L” in the table that require construction of new structures or improvements, the expansion of an existing facility, or a change to a more intensive use, as determined by the Director, require the approval of a land development permit (Chapter 16.136). If there will be no construction, expansion of an existing facility, or a change to a more intensive use, the use is allowed without a new land development permit.
 - c. Administrative Use Permit (A).** All land uses shown with an “A” in the tables are allowed subject to the approval of an administrative use permit (Chapter 16.172). If there is an existing use permit for the use and there will be no new construction or expansion of an existing facility, no new use permit shall be required.

- d. **Commission Use Permit (C).** All land uses shown with a “C” in the tables are allowed subject to the approval of a commission use permit (Chapter 16.172). If there is an existing use permit for the use and there will be no new construction or expansion of an existing facility, no new use permit shall be required.
- e. **Not Allowed (Empty Box in Table).** All land uses shown with an empty box in the table are not allowed in the applicable zoning district.
- f. **Not Allowed, Except Under Special Circumstances (E).** All land uses shown with an “E” on the table are not allowed in the applicable zoning district, except under the special circumstances identified in the specific use standards in Division 3.
2. **Uses With Specific Standards.** All uses, regardless of the type of permit that may be required, shall comply with all applicable provisions of this Development Code. In addition, if there is a section number in the last column of the table (“Specific Use Standards”), the use is also subject to the referenced provisions.
3. **Multiple Uses on a Single Site.** Where a proposed project includes multiple land uses, and more than one type of land use permit is required, the most restrictive land use permit shall apply for all land uses.
4. **Changes to an Approved Project.** Changes to an approved project that required a land use permit shall be subject to the requirements of Chapter 16.104 (Changes to an Approved Project).
5. **Uses Not Listed.** Land uses that are not listed in Table 2-2 are not allowed, except as otherwise provided by Section 16.08.020(E) (Rules of interpretation—Allowable uses of land).

B. Allowable Uses and Permit Requirements for the MX, UC and PT Districts.

The uses of land that may be allowed within the MX, UC and PT zoning districts and the land use permit requirements for each allowable use shall be identified in the master development plan applicable to the specific site, in compliance with Chapter 16.140 (Master Development Plans) and the Rough and Ready Island Development Plan for the Port of Stockton, CA for the PT zoning district (as applicable).

- C. **Overlay Zoning Districts.** Development located in overlay zoning districts (Aircraft Operations Overlay District, Design Review Overlay District, Channel Area Overlay District, and Magnolia Historic Overlay District) shall be in compliance with Chapter 16.28 (Overlay Zoning District Land Use and Development Standards).
- D. **Accessory Uses.** Accessory land uses are subject to the requirements of Section 16.80.020 (Accessory uses and structures).
- E. **Temporary Uses.** Temporary uses are subject to the requirements of Chapter 16.164 (Temporary Activity Permits).
- F. **Freeway and Highway Oriented Uses.** The following uses, when both located within 1,000 feet of Interstate 5, State Highway Route 4, or State Highway Route 99 and allowable through a Land Development Permit, Administrative Use Permit, or Commission Use Permit, shall be considered a Permitted (P) use:
1. Auto/Vehicle Services: Car Washes; and
 2. Auto/Vehicle Services: Fueling Stations.

The measurement of distance under this provision shall be made from the outside boundaries of the respective freeway or highway right-of-way to the property line of the proposed use. This provision excludes land zoned MX, UC and PT.

**TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS			
	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	IG	P T	P F	O S				
AGRICULTURAL AND RESOURCE-RELATED USES																			
Agricultural activities & facilities	P												P	P		A	16.80.060		
Cannabis cultivation													C	C	C		C	16.80.195	
<i>Community Gardens</i>	P	P	P	P	P	P	P	P	P				P	P		L	P	16.80.130	
Conservation areas	L	L	L	L	L			L	L	L	L	L	L	L	L	L			
<i>Market Gardens / Urban Farms</i>	L	A	A	A	P	P	P	P	P				P	P			P	16.80.135	
Mining													A	A	A	A			
<i>Urban Agriculture</i>	P	P	P	P	P	P	P	P	P				P	P			P	16.80.350	
BUSINESS AND PROFESSIONAL USES																			
Banks and financial services						P	P	P	P	P	P					P			
Business support services							P	P	P	P	P		P	P					
Offices					P	A	P	P	P	P			A	P	L			16.80.240	
INDUSTRY, MANUFACTURING & PROCESSING USES																			
Electricity generating plants/ facilities other than nuclear													C	C	P	P			16.80.170

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	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	IG	P T	P F	O S		
Electronics, equipment & appliance manufacturing												P	P	P			16.80.170
Fabric product manufacturing								P				P	P	P			16.80.170
Food and beverage product manufacturing								P				P	P	P			16.80.170
Furniture and fixtures manufacturing												P	P	P			16.80.170
Handcraft industries, small-scale manufacturing								P				P	P	P			16.80.170
Laundries and dry cleaning plants												P	P	P			16.80.170
Manufacturing																	
Light												P	P	P			16.80.170
Heavy													A	P			16.80.170
Cannabis distribution												C	C	C			16.80.195
Cannabis manufacturer (volatile and non-volatile)												C	C	C			16.80.195
Cannabis, microbusiness												C	C				16.80.195
Cannabis testing laboratory*					P	P	P	P	P			P	P				16.80.195

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	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	IG	P T	P F		O S
Auditoriums, meeting halls, and theaters						P	P	P	P	L				L		16.24.080(B)(2), 16.24.090(B), 16.24.110(D), 16.24.180(D)
Bridge clubs and nongambling board games					P	P	P	P	P	L						
Card rooms							C	C	C	L						16.80.040 16.80.270
Clubs, lodges, and private meeting halls					P	P	P	P	P	L	P		P	A		
Commercial amusement facilities						A	A	A	A	A	A					
Educational facilities																
Academic schools— Private	A	A	A	A	A		A	A	A							
Academic schools— Public	P	P	P	P										P		
Colleges and universities— Private		C			C											
Vocational and Technical Schools					P	P	P	P	P	P	P					
Equipment repair and maintenance training							P	P		A	P			L		
Specialized education and training					A	A	P	P	P	A	P		P	L		

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	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	IG	P T	P F	
Vehicle repair and maintenance training								P		A	P	P	P	L	
Truck and heavy equipment education and training											P	P	P	L	
Equestrian facilities	C									A	A		L	C	
Golf courses/country clubs	C	C	C	C	C		A	A		A		P	L	A	
Indoor recreation facilities							A	A	A	A	A		P	L	
Libraries and museums		C	C	C	P	P	P	P	P	P	P		L	A	
Live entertainment						P	P	P	P				P		16.80.180
Marinas							C	C			C		A	A	
Outdoor assembly facilities							A	A	A				L		
Outdoor commercial recreation facilities								C	C	C	C	C		A	
Parks and playgrounds	P	P	P	P	P	P	P	P					P	P	
Pool halls/billiard parlors								C	C	L					16.80.040 16.80.270
Private entertainment facilities								C	C	C		C			

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	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	IG	P T	P F		O S
Private residential recreation facilities	A	A	A	A												16.80.030 16.80.270
Recreational vehicle parks							A	A			A			L		
Religious facilities	A	A	A	A	P	P	P	P	P	P	P			L		16.80.080
Studios					P	P	P	P	P	L						

RESIDENTIAL USES

Caretaker and employee housing					P	P	P	P	P	P	P	L	L	L	L	
Dwelling group			P	P		P		P						L		
Duplexes		P	P	P				P						L		16.24.040
Mobile home parks		A	A	A			A	A								16.80.210
Multifamily dwellings			P	P	P	P	P	P						L		16.80.220
Organizational houses				A				A								
Residential care facilities																
Assisted living facilities	A		C	P	P	P	P	P						L		16.80.300
Care homes, 6 or fewer clients		P	P	P				P						P		
Family care homes, 7 or more clients	C			C				C						L		16.80.300
Senior care facilities, 7 or more clients			A	A	A			A						L		16.80.300

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	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	IG	P T	P F		O S
Rooming and boarding houses				A			A							L		
Senior residential projects			P	P	P	P	P	P						L	16.80.220	
Single-family dwellings	P	P	P	P			P							L		
Townhouses		A	P	P	P	P	P	P						L		
Triplexes			P	P			A							L		
RETAIL TRADE																
Agricultural chemical sales											A	L	P		16.36.080	
Alcoholic beverage sales																
Bars and nightclubs— On-sale						C	C	C	C						16.80.270	
Sale of alcohol—Off-sale						C	C	C	C				C	C	16.80.040	
With another use—On-sale						L	L	L	L				L	L		
Artisan shops					P	P	P	P	P	L	P					
Auto and vehicle sales— New								L		P					16.24.120 16.80.070 16.80.330	
Auto and vehicle sales— Used							L			A	L				16.24.120 16.80.070 16.80.330	
Auto and vehicle leasing/rental							A	L		A	L				16.80.070	
Auto parts sales						P	P	P	P	A						
Building material stores					A	P	L	P			P				16.80.330	

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	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	IG	P T	P F	O S	
Construction, farm & heavy equipment sales							A			A	P	P	P			16.80.330
Convenience stores						C	C	C	C							16.80.040 16.80.140 16.80.270
Furniture, furnishings, and appliance stores					C	P	P	P	P	P	P					16.80.330
Mobile home sales										A	P					16.80.330
Nurseries and garden supply stores	A				C	A	P	P	P	P	P					16.80.330
Outdoor retail sales and activities								A	A		A					16.80.260
Pet shops						P	P	P	P							
Recreational vehicle & boat sales— New/used								L		A	L					16.80.330
Restaurants					P	P	P	P	P	P			P			16.80.250
Retail stores				A	P	P	P	P	P	P	P		P			16.80.330
Secondhand stores/pawn shops								A	A	A						
Shopping centers																
Neighborhood								P	P							16.80.330
Community								P	P							16.80.330
Regional									P	P						16.80.330
Warehouse retail stores								C	C	C						16.80.330

SERVICES

Adult day care facilities					P	P	P	P	P					A	L	
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ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS	
	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	IG	P T	P F		O S
Animal services																
Kennel and boarding facilities	A				A						A	A				
Pet grooming	A				A	P	P	P	P	L						
Training facilities	A				A		L	L		L	L	L				
Veterinary clinics and animal hospitals	A				A	C	P	P	P	P	P					16.80.370
Auto/vehicle services																
Car washes							A	A	A	P	A		P			
Fueling stations						A	L	L	L	P	L		P			16.80.320 16.80.340
Inoperable vehicle storage											L	L				
Maintenance/minor repair						A	P	P	P	P	P	P	P			16.80.320
Major repair/body work										P	P	P	P			16.80.340
Parking facilities		C	C	C	A	A	P	P	P	P	P		P	L		16.64.080
Vehicle storage								L		P	P	P	P	P	L	
Cannabis retailer storefront					C	C	C	C	C		C	C				16.80.195
Child care facilities																
Child care centers	C	C	C	C	P	P	P	P	P	P			P	P		16.80.100

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	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	IG	P T	P F		O S
Large family child care homes	P	P	P	P	P	P	P	P						P		16.80.100
Small family child care homes	P	P	P	P	P	P	P	P						P		
Equipment rental								L	P	A	P		P			
Funeral facilities and services																
Cemeteries		C	C	C	C		C	C		C	C	C		C	C	
Mortuaries							C	C		C	A	A		A		
Funeral homes					A	A	A	A		A						
Health/fitness facilities						P	P	P	P	L						
Lodging facilities																
Bed and breakfast		C	C	C	P	P	P	P						A		16.80.090
Extended-stay facilities							P	P	P							
Single room occupancy facilities (SROs)							A	A								
Hotels and motels					P		P	P	P					P		
Massage establishment																16.80.190
State certified					P	P	P	P	P							
Non-certified						C	C	A	A							
Medical services																
Ambulance service					A		P	P	P	L	P		P	L		

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	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	IG	P T	P F	O S	
Clinics and laboratories					P	P	P	P	P	L			P	L		
Extended care	C	C	C	P	P		P	P						L		
Health-related					P	P	P		P					A		16.80.190
Hospitals					C		C	C						C		
Medical-related facilities					P	P	P	P	P					P		
Non-storefront cannabis retail operator permit (delivery only)					A	A	A	A	A		A	A				16.80.195
Personal services—Restricted						C	C	A	A							
Personal services—Unrestricted						P	P	P	P				P			
Personal storage facilities (mini-storage)							A		L	L	P	P	P			16.80.200
Repair services						P	P	P	P	P	P					
Sanitary services											C	A	P	L		16.36.080
Social services facilities																
Drug abuse, alcohol recovery/treatment facility					A		A	A						A		
Feeding centers								C			C	C		A		
Emergency shelters				C	C		C	C			P	P		P		16.80.155
TRANSPORTATION AND COMMUNICATION USES																

**TABLE 2-2
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LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS	
	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	IG	P T	P F		O S
Broadcasting studios						P	P	P	P	A	P	P	P	L		
Communications facilities																
Minor		E	E	E	P		P	P	P	P	P	P	P	P		Ch. 16.44
Major					A		A	A	A	A	A	P	P	A		Ch. 16.44
Transit stations and terminals							C	C			C	C	P	C		
Vehicle and freight terminals											P	P	P			
OTHER USES																
Live-work space				P	P	P	P	P	P		P					
Major impact facilities												C	C	C		
Motion picture production								P			P	P	P			
Multi-use facilities					P	P	P	P	P		A	A	P			16.80.230
Public and semipublic utility facilities	A	A	A	A	A	A	P	P	P	L	P	P	P	L		
Public institutions	C	C	C	C	C	C	C	C	C		C	C	L	L		
Signs—Off-premises							E	E	E		E	E	E	E		16.76.110

Key: P = Use permitted L = Land development permit required A = Administrative use permit required
 C = Commission use permit required E = Use not allowed, except under special circumstances
 Empty box = Use not allowed

Notes: See Section 16.20.020 for an explanation of the table and each land use permit requirement.

A use permit shall be required of any new commercial, industrial, institutional, or accessory use, or major addition that involves the

manufacture, storage, handling, or processing of hazardous materials in compliance with Section 16.36.080 (Hazardous materials).

See Division 8 for definitions of the listed land uses.

Home occupations require a home occupation permit (Chapter 16.132).

SECTION VIII. AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.020.A.3 of the Stockton Municipal Code is amended as follows:

3. Detached Structures.

a. **Coverage.** The floor area of a detached accessory structure or that portion of the detached accessory structure that is located within the setback area shall not exceed 50 percent of the required rear yard (the rear setback area) of the parcel in compliance with Table 2-3 (Zoning District Development Standards). Accessory structures shall be included in the calculation for the coverage of the entire site in compliance with Table 2-3.

b. **Height Limit.** Detached accessory structures shall not exceed a height of 15 feet, except detached tool sheds located within a required side yard, *and chicken/duck enclosures in compliance with Section 16.80.060*, which shall not exceed a height of seven (7) feet from grade. Flagpoles are limited to 15 feet within the setback area in compliance with Section 16.36.090(B)(6) (Flagpoles).

c. **Materials and Color.** Detached accessory structures shall be compatible with the materials and color of the main dwelling(s) on the property whenever feasible.

d. **Separation Requirements.** Detached accessory structures on a single parcel shall be separated from the main structure and other structures by five (5) feet or more, as required, except as allowed by the Uniform Building Code (UBC).

e. **Distance Requirements.** A detached accessory structure shall be set back at least the distance from the property line required in Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures), except for the following:

i. **Side Yard.** Accessory structures may only be allowed within one (1) required side yard, provided that side yard has at least a three (3) foot walkway between the front and rear yards that is open and unobstructed from the ground upward, in compliance with Section 16.36.110(D)(1)(b). See Figure 3-27 (Distance Requirements for Accessory Structures).

ii **Hot Tubs and Swimming Pools/Spas.** The setbacks for hot tubs and swimming pools/spas shall be measured from the property line to

the inside (water side) wall of the hot tub, swimming pool, or spa, and the hot tub, swimming pool, or spa shall be subject to the following:

(A) **Under 30 Inches.**

(1) **Above Ground.** Above ground hot tubs, pools and spas less than 30 inches above finish grade are exempt from rear and side setback requirements.

(2) **In Ground.** In ground swimming pools or other recreational pools may be located in a required side or rear yard, subject to a three (3) foot setback in compliance with Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures) and the applicable building and health codes.

(B) **30 Inches and Over.** Hot tubs and swimming pools/spas that are placed directly upon the finish grade, and which equal or exceed a height of 30 inches above the surrounding finish grade at any point, may be located in a required side or rear yard, subject to a three (3) foot setback in compliance with Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures) and the applicable building and health codes.

iii. **Equipment for Hot Tubs, Swimming Pools, and Spas.**

Equipment for hot tubs, swimming pools, and spas shall be three (3) feet from the side and rear property lines in compliance with Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures), except for equipment that is:

(A) Muffled by a sound barrier; or

(B) Less than six (6) feet in height and located adjacent to a solid fence or wall at the rear property line.

iv. **Garages/Carports.** Garages, carports, and other portable vehicle covers or shelters, permanent or temporary, shall be in compliance with Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures), except for the front yard setback of side-entry garages which shall be 15 feet. Garages and carports in multifamily projects shall not directly face an abutting public street.

v. **Landscape Ponds/Design Elements.** Landscape ponds, including pumps, and other design elements (arbors, statuary, benches, lights, etc.) may be located in a required front, side, or rear yard, subject to the applicable building and health codes.

vi. **Fences, Hedges, and Walls.** Fences, hedges, and walls shall be in compliance with Chapter 16.48 (Fences, Hedges, and Walls).

SECTION IX. AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.060 of the Stockton Municipal Code is amended as follows:

The purpose of this section is to ensure that the raising and maintenance of animals does not create an adverse impact on adjacent properties by reason of dust, noise, visual blight, odor, fumes, bright lights, or insect infestations.

A. Pre-Existing Uses. Any legally established nonconforming animal-keeping use that became nonconforming upon adoption of this Development Code, shall be allowed to continue subject to Chapter 16.228 (Nonconforming Uses, Structures, and Parcels).

B. Existing Lots of Record. Animals may be kept on legally established lots of record, even if less than the minimum lot size referenced in Table 3-14, subject to compliance with setback regulations of the underlying zoning district and the requirements of this Development Code.

C. Uses Not Allowed. Live hogs, swine, shoats, pigs, pot-bellied pigs, roosters, cockerels, and wild animals (as defined in Section 6.084.15020 of the Municipal Code) shall not be permitted within the corporate limits of the City, except as exempt under ~~Title Chapter 6.04.480~~ of the Municipal Code.

D. Allowed Uses. Animal-keeping uses allowed in Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), shall comply with the standards provided in Table 3-14, and with all other standards and requirements of this section and this Development Code and with all other applicable sections of the Municipal Code.

E. Animal-Keeping Standards. The standards in Table 3-14 shall apply to all animal-keeping uses.

**TABLE 3-14
ANIMAL-KEEPING STANDARDS**

Type of Animal	Maximum Number of Animals per Site	Minimum Lot Size	Setback from Property Lines	Zoning Districts
Aviary (raising for commercial purposes)	50 birds per acre	1/2 acre	50 feet	IL, IG
Cats or dogs	Total of 3 cats and/or dogs over the age of 4 months	None	None	All
Chinchilla, hamsters, guinea pigs, cavy and similar small animals (raising for commercial purposes)	100 per acre	1/2 acre	50 feet	IL, IG

Type of Animal		Maximum Number of Animals per Site	Minimum Lot Size	Setback from Property Lines	Zoning Districts
Small household pets (e.g., birds, domesticated rodents, homing pigeons, nonpoisonous reptiles other than snakes)		Any combination totaling 10	None	None	All
Aquariums		Unlimited	None	None	All
Poultry, fowl, (e.g. chickens, ducks) (not including roosters or cockerels)		100 animals per acre	1/2 acre	50 feet	RE, IG
	<i>Commercial / Farm</i>	<i>150 animals per acre</i>	<i>1/2 acre</i>	<i>50 feet</i>	<i>RE, IG, OS</i>
	<i>Residential (hobby)</i>	<i>4 per 5,000 square feet</i>	<i>5,000 square feet</i>	<i>5 feet</i>	<i>RL, RM, RH</i>
	<i>Market Garden / Urban Farm</i>	<i>4 per 5,000 square feet</i>	<i>5,000 square feet</i>	<i>5 feet</i>	<i>CO, CN, CD, CL, IL</i>
	<i>Subject to District approval</i>				<i>PT</i>
Dog kennels, catteries, animal shelters, and dog and cat breeding facilities.		Subject to Commission use permit	1/2 acre	50 feet	RE, IL, IG
Horses, cows, bison, or similar sized animals		1 per acre	1 acre	100 feet	RE, IG
	<i>Commercial / Farm</i>	<i>Subject to an administrative use permit</i>	<i>1 acre</i>	<i>100 feet</i>	<i>RE, IG</i>
	<i>Residential (hobby)</i>	<i>1 per 10,000 square feet</i>	<i>12,000 square feet</i>	<i>50 feet</i>	<i>RE, OS</i>
	<i>Market Garden / Urban Farm</i>	<i>1 per 10,000 square feet</i>	<i>12,000 square feet</i>	<i>50 feet</i>	<i>RE, IG, OS</i>
Sheep, goats, and similar sized		2 per acre	1 acre	50 feet	RE, IG
	<i>Commercial / Farm</i>	<i>Subject to an administrative use permit</i>	<i>1 acre</i>	<i>50 feet</i>	<i>RE, IG</i>

Type of Animal		Maximum Number of Animals per Site	Minimum Lot Size	Setback from Property Lines	Zoning Districts
animals (not including pigs)	<i>Residential (hobby)</i>	<i>5 per 10,000 square feet</i>	<i>12,000 square feet</i>	<i>50 feet</i>	<i>RE</i>
	<i>Market Garden / Urban Farm</i>	<i>5 per 10,000 square feet</i>	<i>12,000 square feet</i>	<i>50 feet</i>	<i>RE, RL, IG, OS</i>
Worm farms, fish farms, bee keeping , and similar uses		Subject to an administrative use permit	1 acre	50 feet	RE, IG
<i>Bee keeping</i>	<i>Commercial/Farm</i>	<i>Subject to an administrative use permit</i>	<i>1 acre</i>	<i>50 feet</i>	<i>RE, IG</i>
	<i>Residential (hobby)</i>	<i>2 hives</i>	<i>5,000 square feet</i>	<i>10 feet*</i>	<i>RE, RL</i>
	<i>Market Garden / Urban Farm</i>	<i>2 hives per 1/2 acre</i>	<i>1/2 acre</i>	<i>50 feet</i>	<i>RE, RL, CL, CN, IG, IL,</i>
<i>Notes:</i>	<i>* If a flyway barrier is established per Section 16.80.350, setback may be reduced to 5 feet.</i>				

*

F. Keeping of chickens/ducks - Restrictions.

1. *It is unlawful to keep, possess, or maintain chickens/ducks on any parcel of property located in the city, except in accordance with the following restrictions:*
 - a. *The maximum number of hen chickens/ducks kept on a developed lot used for residential purposes, is subject to Table 3-14.*
 - b. *All hen chickens/ducks shall be confined in a pen, coop, cage, or other enclosure when not supervised. Supervision is being physically present, or within an immediate distance, and available to respond immediately. Enclosures within residential districts shall be subject to accessory structure requirements as referenced in Section 16.80.020 of this code.*
 - i. *“Other” enclosures shall be determined on a case by case basis by the Director.*
 - c. *Pens, coops, cages, or other enclosures shall be maintained in an orderly manner and kept clean. ~~including removal of animal waste.~~*
 - d. *In addition to property line setbacks identified in Table 3-14, all hen chickens/ducks shall be kept within an enclosure that is at least 20*

feet distant from the nearest neighbors dwelling on an adjacent parcel. Enclosures shall be situated in either the side or rear yard behind a solid fence, structure, or wall. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit, as determined by the Building Official.

- e. No hen chickens/ducks shall be kept in the front yard on any developed lot used for residential purposes.*
 - f. The keeping of hen chickens/ducks is subject to Section 8.20.040 (Animal Noise).*
 - g. No hen chickens/ducks shall be slaughtered on any residentially zoned lot.*
- 2. Roosters shall not be permitted within the corporate limits of the City.*

SECTION X. AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.130 of the Stockton Municipal Code is amended as follows:

16.80.130 Community gardens.

This section provides standards for the use of public and private property for the purpose of maintaining and operating a community garden. Community gardens shall be allowed in *zoning districts identified in Table 2-2 of Section 16.20.020 any zoning district.*

A. **Standards.** The following standards apply to all community gardens:

1. **Setbacks.** Structures and sheds shall comply with the setback requirements for the applicable zoning district.
2. **Maintenance/Cleanup.** Weeds and garden refuse shall be disposed of on at least a ~~bi~~weekly basis.
3. **Garbage and compost.** *Garbage and compost receptacles must be screened from view from public streets and adjacent properties by utilizing measures such as landscaping, fencing, or storage within or behind structures. All garbage shall be removed from the site weekly. Compost piles and containers shall be setback at least 20 feet from the property line of a residentially zoned lot).*
43. **Watering.** Irrigation and any other use of water shall be conducted in compliance with any City adopted water use regulations, including but not limited to Title 13, Public Services *and Section 16.56.050.*
54. **Development.** Installation, operation, or use of structures, *fences*, sheds, irrigation systems, sanitary facilities, etc., as accessory uses, shall be in compliance with this Development Code and all local, State, and Federal codes and regulations.
65. **Separation.** A minimum separation of five (5) feet shall be maintained between the garden plots and any adjacent *developed* property *line*. This separation shall be maintained so as to be free of any weeds, garden refuse, sheds, structures, irrigation systems, or other combustible materials, and shall not be used for storage of any equipment, vehicles, or any other materials.

76. Lighting. Installation or use of any electrical or other artificial lighting structures or equipment is prohibited.

87. Management. A manager shall be designated for each community garden who shall serve as liaison between the gardeners, nearby property owners, and the City.

- i. The community garden shall be posted with name and 24-hour contact phone number of the manager. The posting shall be no less than four (4) inches by six (6) inches and shall contain, along with the name and 24-hour contact number, the words "THIS COMMUNITY GARDEN MANAGED BY [INSERT MANAGER NAME]" and "TO REPORT PROBLEMS OR CONCERNS CALL [INSERT MANAGER PHONE NUMBER] OR EMAIL [INSERT MANAGER EMAIL ADDRESS]." The posting shall be placed on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. If vandalized, the sign shall be promptly replaced. Exterior posting must be constructed of and printed with weather-resistant materials.*
- ii. Property owner permission to operate a community garden on subject property must be granted in writing and available if requested by the City.*

98. Animals. The keeping or raising of animals shall not be permitted.

109. Operation. Community gardens shall only be allowed to be tended between dawn and dusk.

11. Plots.

- i. Pathways between plots shall comply with Americans with Disabilities Act regulations.*
- ii. Plots shall be a minimum of five feet (5') from all property lines.*

12. Storage. Material and equipment storage is limited to those necessary to carry out on-site cultivation and maintenance activities and shall be screened from the street and adjacent properties by utilizing landscaping, existing building(s), fencing or storage within structures.

13. Sales. Sales on-site are limited to incidental sales of produce grown on-site and subject to the following standards:

- iii. Sales within residential zoning districts shall only occur Friday through Monday from 7:00am to 7:00pm.*
- iv. Sales within non-residential zoning districts shall not have day/hour limitation.*
- v. When not in use, produce stands must be removed from the premises or stored on-site within an enclosed structure or behind screening consisting of landscaping, fencing or wall obstructing sight from a public street or adjacent property. Community garden produce stand operations that do not comply with this standard shall be subject to a code enforcement action.*

B. Violations. It is unlawful for a property owner or any other person to establish or operate a community garden that is not in compliance with the requirements of this section. (~~Ord. 011-11 C.S. § 1, eff. 10-27-11; prior code § 16-365.100~~)

SECTION XI. AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.135 is hereby added to the Stockton Municipal Code to read as follows:

16.80.135 Market gardens / Urban farms.

This section provides standards for the use of private property for the purpose of maintaining and operating a market garden/urban farms. Market gardens/urban farms shall be allowed in zoning districts identified in Table 2-2 of Section 16.20.020.

A. Standards. *The following standards apply to all market garden/urban farms:*

- 1. Setbacks.** *Primary and accessory structures shall comply with the setback requirements of Title 16 (Development Code).*
- 2. Maintenance/Cleanup.** *Weeds and garden refuse shall be disposed of, at a minimum, on a weekly basis.*
- 3. Garbage and compost.** *Garbage and compost receptacles must be screened from view from public streets and adjacent properties by utilizing measures such as landscaping, fencing, or storage within or behind structures. All garbage shall be removed from the site weekly. Compost piles and containers shall be setback at least 20 feet from the property line of a residentially zoned lot.*
- 4. Watering.** *Irrigation and any other use of water shall be conducted in compliance with any City adopted water use regulations, including but not limited to Title 13, Public Services and Section 16.56.050.*
- 5. Development.** *Installation, operation, or use of structures, fences, sheds, irrigation systems, sanitary facilities, etc., as accessory uses, shall be in compliance with this Development Code and all local, State, and Federal codes and regulations.*
- 6. Separation.** *A minimum separation of five (5) feet shall be maintained between the garden plots and any property line. This separation shall be maintained so as to be free of any weeds, garden refuse, sheds, structures, irrigation systems, or other combustible materials, and shall not be used for storage of any equipment, vehicles, or any other materials.*
- 7. Lighting.** *All lighting should adhere to Section 16.32.070.*
- 8. Management.** *A manager shall be designated for each market garden/urban farm who shall serve as liaison between the gardeners, property owners, and the City.*
 - i.** *The market garden/urban farm shall be posted with name and 24-hour contact phone number of the manager. The posting shall be no less than four (4) inches by six (6) inches and shall contain, along with the name and 24-hour contact number, the words "THIS MARKET GARDEN/URBAN FARM MANAGED BY _____" and "TO REPORT PROBLEMS OR CONCERNS CALL _____." The posting shall be*

placed on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. If vandalized, the sign shall be promptly replaced. Exterior posting must be constructed of and printed with weather-resistant materials.

ii. Property owner permission must be granted in writing and available if requested by the City.

9. Animals. *The keeping or raising of animals shall be consistent with Section 16.80.060 of the Stockton Municipal Code.*

10. Operation. *Market garden/urban farms shall operate between the hours of 7:00am and 7:00pm.*

11. Plots.

i. Pathways between plots shall comply with Americans with Disabilities Act regulations.

ii. Pathways shall be a minimum five feet (5') from all property lines.

12. Storage. *Material and equipment storage is limited to those necessary to carry out on-site cultivation and maintenance activities and shall be screened from the street and adjacent properties by utilizing landscaping, existing building(s), fencing or storage within structures.*

13. Sales. *Sales on-site are limited to incidental sales of produce, flowers, fiber, nuts, seeds, herbs, honey and/or eggs and limited as follows:*

iii. Sales from market garden/urban farms within residential zoning districts shall occur daily from 7:00 a.m. to 7:00 p.m., unless otherwise stipulated in conditions of approval (if applicable).

iv. Portable Market garden/urban farm produce portable stands must be removed from the premises or stored inside an on-site structure during non-operating hours. Portable Market garden/urban farm produce stand operations that do not comply with this standard shall be subject to a code enforcement action.

v. Market gardens/urban farms are not exempt from Title 5, Business Licenses and Regulations, of this Code.

14. Pre-Existing Uses. *Any established nonconforming Market garden/urban farm use that became nonconforming upon adoption of this Development Code, shall be allowed to continue subject to Chapter 16.228 (Nonconforming Uses, Structures, and Parcels).*

SECTION XII. AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.260.A of the Stockton Municipal Code is amended as follows:

This section provides development and operational standards for outdoor uses, including temporary outdoor display and sales in compliance with subsection (A) of this section (Temporary outdoor displays and sales), and permanent outdoor display and sales in compliance with subsection B of this section (Permanent outdoor displays and sales). Outdoor uses on public property within the public right-of-way shall require an encroachment permit in compliance with Section 16.72.125 (Encroachment permit).

A. Temporary Outdoor Displays and Sales. Temporary outdoor displays and sales may be allowed subject to the requirements and approval of a temporary activity permit (Chapter 16.164) in compliance with the following standards:

1. **Fixed Period of Time.** The permit shall identify a fixed period of time for the display or sale, or where not identified, the display or sale shall not exceed two (2) days for a temporary event;
2. **Nuisance Factors.** Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, waste, and vibration shall be required;
3. **Operating Hours.** The permit shall regulate operating hours and days;
4. **Parking.** Adequate temporary parking facilities, pedestrian and vehicular circulation, including vehicular ingress and egress and public transportation, if applicable, shall be provided in compliance with Chapter 16.64 (Off-Street Parking and Loading Standards);
5. **Performance Bond.** Submission of a performance bond or other surety measures, satisfactory to the Director, may be required to ensure that any temporary facilities or structures used would be removed from the site within seven (7) days following the termination of the event, and to ensure that the property would be cleaned of debris and litter so as to be completely free of all evidence of the temporary activity;
6. **Sanitary Facilities.** Sanitary facilities, as identified in the permit, shall be provided;
7. **Security.** Provisions for security and safety measures, as identified in the permit, shall be provided;
8. **Setbacks.** Appropriate setbacks shall be maintained to ensure adequate separation from adjacent land uses and a safe environment for pedestrians and vehicles;
9. **Signs.** Signs may be provided in compliance with Chapter 16.76 (Sign Standards);
10. **Temporary Structures.** Regulation of temporary structures and facilities shall be required, including location, height and size, and location of equipment and open spaces, including buffer areas and other yards;
11. **Waste Collection and Disposal.** Solid, hazardous, and toxic waste collection, recycling, and/or disposal shall be provided;
12. **Other Conditions.** Any other conditions that would ensure the operation of the proposed temporary event in an orderly and efficient manner shall be required; and
13. **Point of Sale.** A point of sale agreement shall be required for the sale of all merchandise sold outdoors.
14. **Exemptions.** *Community gardens and Urban agriculture produce stands are exempt from obtaining a Temporary Activity Permit and are subject to compliance with Sections 16.80.130 (Community gardens) and 16.80.285 (Produce stands, Urban Agriculture).*

SECTION XIII. AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.280 of the Stockton Municipal Code is amended to read as follows:

16.80.280 Produce stands, *Commercial*.

This section provides development and operational standards for the establishment of produce stands to provide a method for allowing growers of produce that is grown on the site to market their goods directly to consumers and to protect and maintain public health, safety, and welfare. Produce stands do not include Christmas/holiday sales facilities, including Christmas tree lots or pumpkin patches (Section 16.80.130) and farmers' markets in compliance with Chapter 16.168 (Temporary Activity Permits).

A. Accessory Use. A produce stand shall be allowed only as an accessory use to an agricultural production use on the same or adjacent site. At least 50 percent of the area of the site shall be devoted to agricultural production. The operator of the produce stand shall be the owner or lessee of the land where the agricultural production occurs.

B. Laws and Regulations. Produce stand operations (including agricultural operations) shall be subject to the laws and regulations administered by other City departments, San Joaquin County Public Health Services, Environmental Health Department, San Joaquin County Agricultural Commissioner's Office, as well as the requirements of other applicable agencies (e.g., the San Joaquin Valley Unified Air Pollution Control District, California Department of Transportation (CalTrans), and the California Department of Food and Agriculture).

C. Application. An appropriate application shall be filed with the department as provided below.

1. **Permit Required.** A temporary activity permit in compliance with Chapter 16.168 (Temporary Activity Permits) shall be required for a produce stand, except that a Land Development Permit shall be required for any community garden with retail sales of produce grown on the site.

2. **Site Plan.** A site plan shall accompany the application showing:

- The location and dimensions of the proposed temporary structures, parking areas (with each parking space illustrated), signs, portable restroom(s), and other temporary improvements;
- Location of ingress and egress points;
- Setbacks of structures and signs from property lines; and
- A north (compass) orientation, adjacent streets, and identifying physical features where applicable.

3. **Period of Operation.** A statement of proposed days/hours of operation and the proposed beginning and ending date of the use shall be provided with the application. The time period allowed for each produce stand shall be the same as, or less than, the harvest season related to the produce grown and sold on-premises.

D. Standards.

1. Only one (1) produce stand shall be allowed per parcel.

2. The produce stand shall be set back in compliance with the regulations in the zoning district in which the use is located, except as otherwise permitted in Section 16.80.130 (Community gardens).
3. Parking shall be provided as follows:
 - a. A minimum of three (3) off-street parking spaces shall be provided;
 - b. An all-weather surface or compacted crushed rock, compacted crushed asphaltic concrete, compacted crushed Portland cement concrete or equivalent surface shall be provided for the vehicle ingress, egress, circulation, and off-street parking areas, subject to the approval of the City Engineer.
4. The surface for the produce stand site shall be constructed and maintained in a manner that prevents mud/dirt from being carried onto adjacent public streets and prevents fugitive dust generation in compliance with City standards and San Joaquin Valley Unified Air Pollution Control District, Regulation VIII—Fugitive Dust Prohibitions.
5. There shall be safe ingress and egress for the site as determined by review of the City Engineer.
6. Signs for produce stands shall be *in compliance with Chapter 16.76 (Sign Standards) approved by the Director. All signs shall be located outside of the public right-of-way.*
7. A building permit shall be required for all structures larger than 120 square feet.
8. Structures/accessory structures/appurtenances deemed by the Director to have the potential to adversely affect the life, safety, and/or welfare of the public shall not be allowed, regardless of size.
9. No permanent electrical wiring or hookups of any kind are allowed.
10. Produce stand establishment and operation shall comply with all applicable sections of the latest edition of the California Building Code and the California Fire Code (CFC), Chapter 24.
11. The parcel on which the produce stand is located shall be kept clean of trash and debris at all times.
12. The parcel on which the produce stand is located shall be completely free of all evidence of the use within seven (7) days following the termination of the use. Produce stand operations that do not comply with this standard shall be subject to a code enforcement action.
13. If restrooms are provided, they shall conform to all applicable rules, regulations, and codes of the San Joaquin County Public Health Services, Environmental Health Department, and any other requirements governing the use of these facilities.
14. Agricultural products may not be sold from a motorized vehicle.
~~(Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. § 92; prior code § 16-365.250)~~

SECTION XIV. AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.285 is hereby added to the Stockton Municipal Code to read as follows:

16.80.285 Produce stands, Urban Agriculture.

This section provides development and operational standards for produce stands when associated with an Urban Agriculture use and to provide a method for allowing growers of produce that is grown on-site to sell said produce in a form and scale that is appropriate for the urban context and to protect and maintain public health, safety, and welfare.

Urban agriculture produce stands do not include Christmas/holiday sales facilities, including Christmas tree lots or pumpkin patches (Section 16.80.130), farmers' markets in compliance with Chapter 16.168 (Temporary Activity Permits), market garden/urban farms in compliance with Section 16.80.135, and community gardens in compliance with Section 16.80.130.

A. Accessory Use. *An urban agriculture produce stand shall be allowed only as an accessory use subject to Section 16.80.020.C and the operator of the stand shall be the owner or lessee of the land where the urban agricultural production occurs.*

B. Laws and Regulations. *Urban agriculture produce stand operations (including agricultural operations) shall be subject to the laws and regulations administered by other City departments, San Joaquin County Public Health Services, Environmental Health Department, San Joaquin County Agricultural Commissioner's Office, as well as the requirements of other applicable agencies (e.g., the San Joaquin Valley Unified Air Pollution Control District, California Department of Transportation (CalTrans), and the California Department of Food and Agriculture).*

C. Operating Hours. *Urban agriculture produce stands shall only be allowed to operate between dawn and dusk.*

D. Standards.

- 1. Only one (1) urban agriculture produce stand shall be allowed per parcel.*
- 2. The urban agriculture produce stand shall be set back a minimum five feet (5') from all property lines.*
- 3. Signs for urban agriculture produce stands shall be consistent with Section 16.76.040.D.3.b. (Garage Sale Signs) of this Code. All signs shall be located outside of the public right-of-way.*
- 4. A building permit shall be required for all structures larger than 120 square feet.*
- 5. Structures/accessory structures/appurtenances not requiring a building permit and deemed by the Director to have the potential to adversely affect the life, safety, and/or welfare of the public shall not be allowed, regardless of size.*
- 6. No permanent electrical wiring or hookups of any kind are allowed.*
- 7. Urban agriculture produce stand establishment and operation shall comply with all applicable sections of the latest edition of the California Building Code and the California Fire Code (CFC), Chapter 24.*
- 8. The parcel on which the urban agriculture produce stand is located shall be kept clean of trash and debris at all times.*
- 9. When not in use and/or during non-operating hours, the urban agriculture produce stand shall be stored away from view from the public right of way and*

adjacent properties. Non-compliance with this standard shall be subject to enforcement action subject to Title 1.

10. If restrooms are provided, they shall conform to all applicable rules, regulations, and codes of the San Joaquin County Public Health Services, Environmental Health Department, and any other requirements governing the use of these facilities.

11. Agricultural products may not be sold from a motorized vehicle.

E. Exemptions.

1. Urban agriculture produce stands are exempt from obtaining a Temporary Activity Permit under Section 16.164.030.

SECTION XV. AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.350 is hereby added to the Stockton Municipal Code as follows:

16.80.350 Urban Agriculture.

This section provides standards for development and operation of Urban Agriculture land uses. Urban agriculture shall be allowed in zoning districts identified in Table 2-2 of Section 16.20.020 and shall comply with the standards in this section as well as the standards as laid out in Chapters 16.24 and 16.28.

A. Maintenance. Urban agriculture uses shall be maintained in an orderly manner, including litter removal, irrigation, weeding, pruning, pest control and removal of dead or diseased plant materials.

B. Equipment.

1. Use of mechanized farm equipment is prohibited in residential zoning districts.

2. Exceptions.

a. Heavy equipment may be used initially to prepare the land for agriculture use.

b. Landscaping equipment designed for household use is permitted.

c. Heavy equipment may be used if operating a market garden/urban farm in compliance with Section 16.80.135.

d. Equipment when not in use must be enclosed or otherwise screened from sight from a public street and adjacent parcel.

C. Structures. Structures to support urban agriculture, such as storage sheds, hoop-houses, and greenhouses, are considered accessory structures and subject to the regulations defined in section 16.80.020 (Accessory uses and structures) of this Code.

D. Aquaculture operations.

1. Aquaculture operations are allowed in the Industrial, Limited (IL) and Industrial, General (IG) zoning districts.

E. Urban Beekeeping. It is unlawful to permanently keep, have or ranch more than two beehives on a single parcel of residentially zoned property within the city, unless such parcel of property is zoned "RE" and utilized as a market garden /

urban farm. Nothing in this section shall be deemed to authorize anyone to keep, harbor or maintain any such hives in violation of any other applicable law.

- 1. Hives shall be placed in a quiet area and at least 20 feet distant from any dwelling on an adjacent parcel.*
 - 2. Where there is no fence or flyway barrier, the hive entrance shall be oriented away from building entrances and walkways, and toward the most distant property line.*
 - 3. A clear flight path shall be maintained at least ten feet from the hive entrance.*
 - 4. When colony is situated less than 10 feet from a property line, the beekeeper must establish a flyway barrier. This should be at least 6 feet tall and extend 10 feet beyond the colony on either side. It can be solid, vegetative or any combination of the two, that forces the bees to cross the property line at a height of 6 feet.*
 - 5. All colonies shall be located at least 20 feet from a public sidewalk, alley, street, or road.*
 - 6. All bee equipment and hive(s) shall be maintained in good condition.*
 - 7. A substantial barrier/fence shall be erected to prevent animals and children from coming into close contact with the hives. The barrier/fence should be at least 6 feet tall and extend 10 feet beyond the colony on either side.*
 - 8. Bees shall have access to an adequate water source at all times.*
 - 9. Urban Beekeeping Activities shall comply with the provisions in the Apiary Protection Act (Food and Agriculture Code 29000, et seq)*
- F. Urban agriculture activities shall include best practices to prevent pollutants from entering the stormwater conveyance system and shall comply with all applicable federal, state, and local laws, ordinances, or regulations, including, but not limited to, the stormwater management and discharge control code in Chapter 13.16 and the grading, erosion, and sediment control ordinance in Chapter 15.48.*

SECTION XVI. AMENDMENT OF CODE

Title 16, Chapter 16.136, Section 16.136.030 of the Stockton Municipal Code is amended as follows:

The review of projects for appropriate and efficient development and layout of a site is an integral part of the development approval process. Therefore, the following, unless exempt under Section 16.136.040 (Exemptions), shall require review and approval of a land development permit by the Director:

A. Land Development Permit Required by Applicable Zoning. Each use identified as requiring a land development permit "L" in Table 2-2, if:

- 1. Construction.** The applicant proposes to construct or erect:
 - a. A new structure or improvement, or
 - b. An enlargement of an existing structure or improvement;
- 2. Expansion.** The existing use would be expanded within the existing structure or into an additional structure; or

3. **Change of Use.** The land use would be a change to a more intensive land use, as determined by the Director.

B. Other Land Use Activities. The following land use activities shall be allowed with a land development permit:

1. **Model Homes and Temporary Tract Sales Offices.** Temporary model homes and tract sales office for a specific development project may be established within the area of an approved development project, solely for the sale of homes in that project; and
2. **Community Gardens.** *Community Gardens as identified in Table 2-2.*
3. **Market Gardens / Urban Farms.** *Market Gardens / Urban Farms as identified in Table 2-2*

SECTION XVII. AMENDMENT OF CODE

Title 16, Chapter 16.152, Section 16.152.040 of the Stockton Municipal Code is amended as follows:

A. Not Required. A site plan review shall not be required for the following:

1. **Development Permits.** Projects requiring a land development permit in compliance with Chapter 16.136 (Land Development Permit);
2. **Use Permits.** Projects requiring a use permit in compliance with Chapter 16.168 (Use Permit);
3. **Planned Development Permits.** Projects obtaining a planned development permit in compliance with Chapter 16.144 (Planned Development Permits);
4. **Exterior Improvements.** Exterior alterations, except for a change in use or a change in occupancy under the City's adopted Uniform Building Code, that do not involve a change in the foot print of the existing structure, or affect on-site parking or circulation;
5. **Fences and Walls.** Standalone fences and walls no more than six (6) feet in height that are independent of any other use or structure and not a retaining or sound wall;
6. **Interior Improvements.** Alterations, repairs, or other changes to the interior of an existing structure, except for a change in use or a change in occupancy under the City's adopted Uniform Building Code;
7. **Maintenance and Replacement.** Maintenance of a structure and its environment or replacement-in-kind that is of the exact same size and in the exact same location;
8. **Residential Developments.** A residential development containing single-family, duplex, or triplex dwelling units; and
9. **Minor Nonresidential Projects.** A nonresidential project which does not involve more than a 10 percent expansion of the existing primary structure, does not adversely impact circulation or increase the required number of parking spaces by more than 10 percent, and does not result in the need for public right-of-way dedication or improvement.

*10. **Community Gardens.** The use of private property for the purpose of maintaining and operating a community garden in compliance with Chapter 16.80.130 (Community gardens).*

B. Optional Review. Site plan review shall be available for exempt projects if requested by the applicant. ~~(Prior code § 16-555.040)~~

SECTION XVIII. AMENDMENT OF CODE

Title 16, Chapter 16.164, Section 16.164.030.A of the Stockton Municipal Code is amended as follows:

A. Activities Exempt from Temporary Activity Permit. The following temporary activities are allowed and exempt from the requirement for a temporary activity permit. Temporary activities that do not fall within the categories defined below shall comply with subsection B of this section (Activities allowed with temporary activity permit).

1. **Agricultural Activities.** The grazing of animals or the production of a crop in conjunction with an agricultural activity.
2. **Boutique Sales.** Boutique sales of products handmade at the residence by the resident(s) which occur no more than four (4) days per calendar year.
3. **Car Washes.** Car washes limited to 10 days per year for an individual location and 10 days per year for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, and the car wash shall be located on nonresidential property.
4. **Construction Yards.** An on-site contractors' construction yard, in conjunction with an approved construction project, where the yard would be located on the same site as the approved project.
5. **Emergency Facilities.** Emergency public health and safety needs/land use activities.
6. **Garage Sales on Private Property.** Garage sales on private property occurring no more than four (4) days per calendar year.
7. **Model Homes and Temporary Tract Sales Offices.** Temporary model homes and tract sales offices for a specific development project may be established, and kept until the project is sold out, within the area of an approved development project, solely for the sale of homes in that project and subject to a land development permit (Chapter 16.136).
8. **Outdoor Events and Seasonal Sales.** Special events related to an existing business with temporary outdoor display/sales of merchandise and seasonal sales lots in conjunction with an established commercial business which:
 - a. Holds a valid City business license; and
 - b. Is in compliance with Section 16.80.260 (Outdoor display and sales).
9. **Allowed Uses.** Temporary land uses in a zoning district, which allows that land use on a permanent basis in compliance with the permitting requirements in Table 2-2 (Allowable Land Uses and Permit Requirements).

10. **Signs for Subdivisions.** Temporary signs advertising subdivisions and model homes, in compliance with Section 16.76.100(l)(1) (Subdivision signs) shall be allowed subject to a land development permit (Chapter 16.136).
11. **School Events.** Events held exclusively on school grounds, and which are in conjunction with the school use.
12. **Special Events Permit.** Activities requiring a special events permits in compliance with Chapter 12.72 of the Municipal Code.
13. **Temporary Work Trailer(s).** Trailer or mobilehome as a temporary work site for employees of a business:
- a. During construction or remodeling of a permanent residential, commercial, or manufacturing structure, when a valid building permit is in force; or
 - b. It can be demonstrated that this temporary work site is a short-term necessity, while a permanent work site is being obtained.
14. **Personal Celebrations.** Noncommercial events at which people celebrate personal occasions such as birthdays, weddings, anniversaries, graduations, and similar events, provided:
- a. There is no charge for admission or use of facility;
 - b. There are no donations;
 - c. There are no public advertisements, announcement, or flyers;
 - d. It is not open to the public; and
 - e. It is subject to the noise standards (Chapter 16.60).
15. **Community Gardens.** *The production of food in a form and scale that is appropriate for the urban context in compliance with Section 16.80.130 (Community gardens).*
16. **Urban Agriculture Produce Stands.** *The production of food in a form and scale that is appropriate for the urban context, in compliance with Section 16.80.285 (Produce stands, Urban Agriculture).*
17. **Other.** Other temporary activities that the Director deems to be a suitable activity that is in compliance with this chapter.

SECTION XIX. AMENDMENT OF CODE

Title 16, Chapter 16.240, Section 16.240.020 of the Stockton Municipal Code is amended to include the following definitions and revision:

- a. *“Aquaculture” means the cultivation of marine or freshwater fish, shellfish, or plants under controlled conditions. Aquaculture includes aquaponics which integrates aquaculture with hydroponics by recycling the waste products from fish to fertilize hydroponically growing plants.*
- b. *“Beehive” means an enclosed, man-made structure in which honeybee species live and raise their young.*
- c. *“Community Garden” means an otherwise undeveloped lot divided into multiple ~~A grouping of~~ garden plots ~~on a site~~ where persons not owning or residing on the property grow ~~and harvest edible plants, fruits, vegetables, fiber, nuts, seeds, flowers and culinary herbs primarily~~ for personal consumption or use, ~~but not for sale of the growers, and that is~~*

established, operated, and maintained by a group of persons, other than the city. A community garden does not include a private garden or edible landscaping on a lot developed with one or more residences and devoted to the personal use of the occupants of the residences. Any on-site retail sales associated with a community garden will only be permitted subject to securing a Land Development Permit and complying with the Community gardens are subject to the requirements of Section 16.80.280130 (Produce stands Community gardens).

- d. *“Hydroponics” means a method of growing plants in a soil-less medium or an aquatic-based environment in which plant nutrients are distributed via water.*
- e. *“Livestock” are domesticated animals raised in an agricultural setting to produce commodities such as food, fiber, and labor. “Livestock” are defined as being useful animals; which implies a commercial purpose or being reared for financial gain. However, in recent years, livestock are also raised to promote the survival of rare breeds, leading to many charities being formed around this issue.*
- f. *“Market garden / Urban farm” means the primary use of a site for larger-scale urban agriculture uses including production (beyond that which is strictly for home consumption), distribution and marketing of food within the cores of urban areas and at their edges. Market gardens / urban farms’ purpose extends beyond home consumption and includes community supported agriculture (CSA), pick-your-own operations, family farms located in metropolitan greenbelts and related efforts such as activities offered to the public for the purpose of recreation, education or active involvement in urban agricultural operations. All activities must be related to agriculture or natural resources. Market gardens / Urban farms cultivate fruits, vegetables, flowers, fiber, nuts, seeds, culinary herbs, honey, and/or eggs for sale or donation to the public.*
- g. “Outdoor Retail Sales, Temporary” means Temporary outdoor retail operations including:
 - Christmas trees, pumpkins or the sale of other seasonal items in compliance with Section 16.80.110 (Christmas tree/holiday/sales facilities)
 - farmers’ markets
 - produce stands in compliance with Section 16.80.280 (Produce stands, *Commercial*)
 - community gardens in compliance with 16.80.130*
 - urban agriculture produce stands in compliance with Section 16.80.285*
 - semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows
 - sidewalk or parking lot sales longer than one (1) weekend
 - retail sales from individual vehicles in temporary locations outside the public right-of-way

Temporary outdoor retail sales are subject to a temporary activity permit in compliance with Chapter 16.164 (Temporary Activity Permits), unless otherwise identified *or exempt*. Does not include motorized food wagons (Section 16.80.020(B)(4)) or mobile vendors (Section 16.80.020(B)(3)).

- h. *“Private garden” means a private food-producing garden that is accessory to the primary use of the site, and which is located in the front yard, side yard, rear yard, rooftop, courtyard, balcony, fence, wall, windowsill or basement.*
 - i. *“Produce” means any food in its raw or natural state which is in such form as to indicate that is intended for consumer use with or without any or further processing.*
 - j. *“Produce Stands, commercial” means a temporary business activity that is used by commercial growers of produce that is grown on-site to market their goods directly to consumers via retail sale of ~~established and operated for a specific time, selling~~ raw, unprocessed fruits, vegetables, nuts, *flowers, fiber, seeds, culinary herbs*, and other produce in its raw or natural state, and that is accessory to an on-site or adjacent agricultural operation. Produce stands, *commercial* are subject to the requirements of Section 16.80.280 (Produce stands, *commercial*). *This use is not considered an Urban Agricultural Activity.**
 - k. *“Produce stands, urban agriculture” means a temporary produce stand that is accessory to an urban agriculture use.*
 - l. *“Urban Agriculture” means the production of food in a form and scale that is appropriate for the urban context and includes market garden; community garden; private garden; hydroponics; and urban beekeeping.*
 - m. *“Urban agriculture produce stand”; see “Produce stands, urban agriculture”.*
 - n. *“Urban beekeeping” is the practice of keeping bee colonies in urban areas. Urban beekeeping is allowed in commercial, residential (hobby), and market garden/urban farm land uses.*
 - o. *“Vacant lot” means any parcel of real property that is not improved with a community garden, or a completed permitted structure.*
- B. Except as amended by subsections a through o, above, all provisions of Section 16.240.040 remain unchanged and in full effect.

SECTION XX. SEVERABILITY

If any part of this ordinance or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are severable.

SECTION XXI: EFFECTIVE DATE

This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

ELIZA R. GARZA, CMC
City Clerk of the City of Stockton